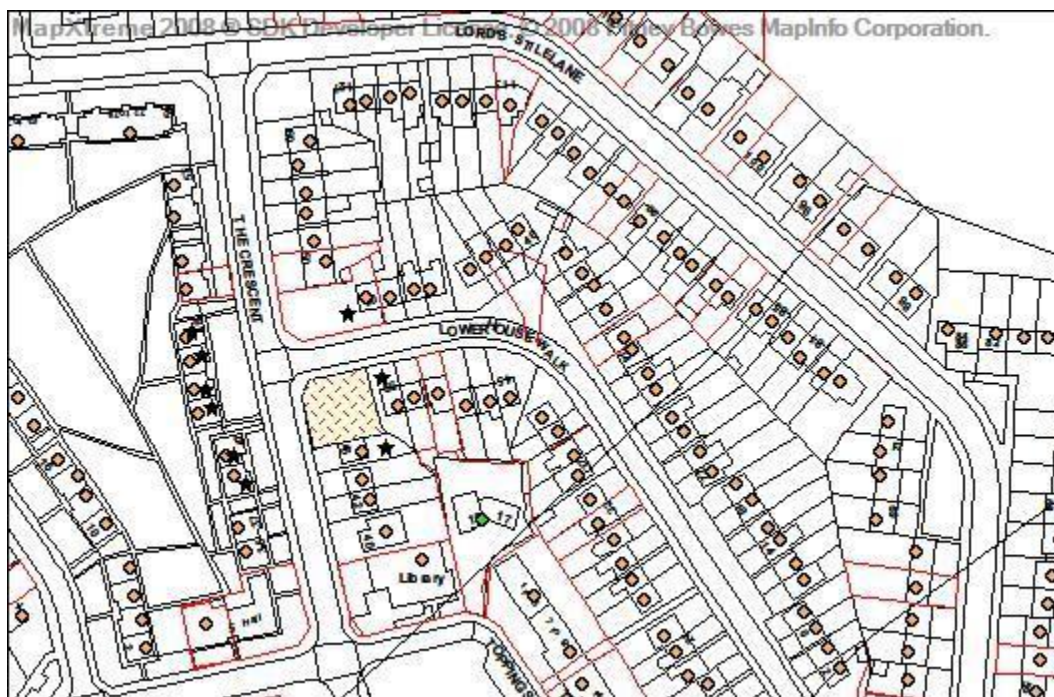


Application number 07688/20



Directorate of Place
Development Management Section

Town Hall, Bolton, Lancashire, BL1 1RU
Telephone (01204) 333 333

Bolton Council

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Date of Meeting:

Application Reference: 07688/20

Type of Application: Full Planning Application
Registration Date: 20/01/2020
Decision Due By: 15/03/2020
Responsible Officer: Lauren Kaye

Location: 48 THE CRESCENT, BROMLEY CROSS, BOLTON, BL7 9JR

Proposal: ERECTION OF TWO STOREY DWELLING ATTACHED TO SIDE OF EXISTING DWELLING

Ward: Bromley Cross

Applicant: Mrs S Marriot
Agent : Mr N Butterworth

Officers Report

Recommendation: Approve subject to conditions

PLANNING CONTROL SECTION

PLANNING OFFICERS REPORT FOR DELEGATED DETERMINATION

Proposal

The applicant proposes the erection of one dwelling. The proposed two storey dwelling would be attached to the semi-detached property no. 48 The Crescent to create a 3 bedroomed property. The proposed new dwelling would align with the front elevation of no. 48 The Crescent and the side elevation with the front of no. 55 Lower House Walk. It would link at first floor with no. 48 The Crescent benefiting from a walkway access to the rear of no. 48 at ground floor level.

Site Characteristics

The application site is characterised by a semi-detached property with a large front/side garden. The application site is located on the corner of The Crescent and Lower House Walk. The properties along The Crescent and Lower House Walk vary in form including bungalows and two storey semi-detached and terraced/townhouse rows of a similar architectural style.

Policy

The Development Plan

Core Strategy: P5 Accessibility and Transport, S1 Safe Bolton, CG3 Built Environment, CG4 Compatible Uses, OA5 North Bolton, SC1 Housing, S1 Access and Appendix 3 - Parking Standards.

Other material considerations

National Planning Policy Framework (NPPF).

SPD General Design Principles

SPD Accessibility, Transport and Road Safety

Analysis

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise.

Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission.

Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission.

It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.

The main impacts of the proposal are:-

- * principle of residential development
- * impact on the character and appearance of the area
- * impact on the neighbouring amenity
- * impact on highway safety
- * impact on land contamination/pollution

Principle of Residential Development

National policy on residential development is contained in the National Planning Policy Framework. In order to promote more sustainable patterns of development, NPPF makes it clear that the focus for additional housing should be on existing towns and urban areas. It is important that new housing is located where it is accessible to jobs, shops and services by modes of transport other than the car. The inefficient use of land should be avoided and to this end maximum use should be made of previously developed land. This is consistent with advice contained within Core Strategy policy SC1 - Housing.

Section 2 of the National Planning Policy Framework 2019 recognises the role of the planning system in providing the supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Section 11 of the NPPF encourages the effective use of land by reusing land that has been previously developed while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The application site is previously development land located within an urban residential area. The site is considered to be sustainably located by virtue of its close proximity to a number of bus routes and is within walking distance of other amenities. The dwelling would have a road frontage, 2 parking spaces and adequate private amenity space at the side/rear. The proposed dwelling is considered to be appropriately designed with regards to the surrounding area.

Paragraph 123 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

It is acknowledged that the Council is not able to demonstrate a 5-year supply of deliverable housing sites. This represents a housing shortfall. In this circumstance paragraph 11 of the NPPF indicates that the policies that are most important for determining the application should be regarded as out-of-date and that there is a 'tilted balance' in favour of granting permission. The proposed development of 1 dwelling to the housing undersupply/delivery position would be a positive albeit small social and economic contribution and therefore moderate weight can be given to this benefit.

Furthermore, Core Strategy Policy OA5 of the Core Strategy states that the Council and its partners will concentrate sites for new housing within the existing urban area.

Taking these factors into account and giving due weight to the fact that the siting, scale, and design of the proposed dwelling will be appropriate within the surrounding residential context, the proposal is considered to constitute a sustainable form of development in a sustainable location for the purposes of the NPPF and therefore the principle of the proposed development is considered to be acceptable, in accordance with the NPPF and Core Strategy policy SC1.

Impact on the Character and Appearance of the Area

The NPPF states that the creation of high quality buildings and places is fundamental to what the

planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Core Strategy policy CG3 seeks to ensure that development proposals contribute to good urban design, conserve and enhance local distinctiveness and have regard to the overall built character and landscape quality of the area. Furthermore, development should be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.

Policy OA5 of the Core Strategy relates specifically to development in North Bolton and states that the Council will conserve and enhance the character of the existing physical environment, and will require special attention to be given to the massing and materials used in new development.

The proposed dwelling is of a simple design which is considered to be appropriate within its context. The area consists of a mix of properties including bungalows, semi-detached and terraced/townhouse properties arranged in a typical layout. The front building line would sit inline with those on The Crescent, with the side elevation sitting approximately 1.9m in front of the building line of nearest property on Lower House Walk reflecting the staggered relationship of the rows on this road due to the curve of the road. External materials and roof tiles to match those of the existing no. 48 The Crescent which would be compatible with the existing built form within the street scene. There are a number of examples of terraced/townhouse rows on The Crescent and Lower House Walk therefore the additional dwelling would not appear disproportionate within the street scene and would be a sympathetic addition to the property in terms of scale and design and would not appear as over dominant and obtrusive.

The impact on the character and appearance of the area is considered to be acceptable and adheres to the advice contained within the NPPF 2018 and policies CG3 and OA5 of the Core Strategy.

Impact on the Neighbouring Amenity

Core Strategy policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.

The General Design Principles SPD, section 3 sets out recommended interface distances aimed at ensuring that the spaces around new dwellings are related to the character of the existing area. It also states that new developments should not have an overbearing or overly dominant effect on adjoining dwellings, or on other sensitive uses. Given the nature of much suburban development it is likely that some overlooking from upstairs rear windows into and across neighbouring garden or other amenity space will inevitably occur.

The neighbouring properties to the front of the dwelling, no. 39, 41, 43, 45, 47 and 49 The Crescent are all bungalows and benefit from main room windows within the front elevations. As recommended within the General Design Principles SPD, between elevations containing main room windows (single or two storey) the recommended interface distance is 21 metres. The interface distance between the main room windows in the front elevation of the proposed dwelling and these neighbouring properties vary between 22.6 metres and 34 metres therefore it is considered that this is sufficient and is considered acceptable in relation to these neighbouring properties.

The proposed dwelling benefits from a main room window within the side elevation due to its position within a corner plot. The interface distance between this main room window and the neighbouring

main room window at no. 60 Lower House Walk is 23 metres which is considered acceptable. It is also considered that the proposed dwelling would not impact on any main room windows of the adjoining no. 46 and 48 The Crescent due to the layout of the proposal. The neighbouring property to the rear is sited on a right angle and as a result, the rear elevation of the proposed dwelling is facing the side elevation of this neighbouring property. Neither elevations contain main room windows and therefore it is considered acceptable.

With regards to the amenity of the future occupiers of the property, the General Designs Principles SPD states that new properties should have at least 50m² private amenity space, this has been met by the applicant. It is noted that the private amenity space to the rear of no. 48 The Crescent will fall below 50m² however it would not be dissimilar to other neighbouring properties within the surrounding area and is therefore considered acceptable.

Officers note that with regards to the internal layout of the proposed, each habitable room would be provided with a least one window that would provide an adequate level of light and outlook and complies with the National Space Standards.

In terms of potential noise generation, it is not considered that a new dwelling in this location is likely to result in any significant increase in noise generation. The new dwelling would be built to modern building regulations standards which includes noise attenuation within the fabric of the building.

It is considered that the proposed new house would not have detrimental impact on the living conditions of neighbouring residents or the existing occupants of no. 48 and would comply with Core Strategy policy CG4 and OA5 and guidance contained within General Design Principles SPD.

Impact on Highway Safety

Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, to improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety. The Council has also adopted the Accessibility, Transport and Road Safety SPD which requires new development to reduce the need to travel by car, and encourage people who live, work and visit to walk, cycle and use public transport.

The application proposes two car parking spaces which meets the Council's parking provision requirement for the level of development. The Highways department was consulted and provided the following comments:

According to the submitted plans, the proposed parking for the new property will be closer to the junction of Lower House Walk. It would be a requirement that the boundary treatment at the junction is reduced in height to a 1.0m above footway level in order provide adequate visibility of a vehicle negotiating through the junction for a vehicle reversing from the end parking space. Subject to this recommendation being adhered too, the Local Highway Authority has no objections to what is being proposed under this application.

It is considered that the proposal complies with the above policies.

Impact on Land Contamination/Pollution

Policy CG4.3 of the Core Strategy states that development proposals on land that is (or suspected to be) affected by contamination of ground instability must include an assessment of the extent of the issues and any possible risks. Development will only be permitted where the land is, or is made, suitable for the proposed use.

Paragraphs 178 and 179 of the NPPF states where a site is affected by contamination or land stability, the responsibility for securing the safe development rests with the developer and/or landowner.

The Council's Pollution Control officers raised no objections and given that the site is already in residential use it has been recommended, in this instance, that a Preliminary Risk Assessment is conditioned. This should determine the nature and extent of any contamination affecting the site and the potential for off-site migration and if a further site investigation is required to ensure that the proposal is capable of being safely developed subject to site remediation.

In view of the above and subject to planning condition, it is considered that the proposal complies with Policy CG4.3 of the Core Strategy.

Conclusion

It is considered that the proposed development would be in a highly sustainable location and would contribute positively to housing numbers within Bolton without having a significant impact on the character and appearance of the area, the amenity of neighbours or future residents and the highway network. The proposal complies with policy and is recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- None received.

Petitions:- None received.

Elected Members:- None received.

Consultations

Advice was sought from the following consultees: Pollution Control, Highways.

Planning History

None.

DATE 14.04.2020

OFFICER Lauren Kaye

PRINCIPAL PLANNING OFFICER MD

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall commence unless and until: -

i) A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;

ii) Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, an agreed detailed site investigation and risk assessment examining identified potential pollutant linkages in the Preliminary Risk Assessment shall be presented and approved by the Local Planning Authority. This shall include include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.

iii) Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The approved remedial works shall be incorporated into the development during the course of construction and completed prior to occupation of the development or the development being first brought into use;

iii) Any additional or unforeseen contamination encountered during development of each phase shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority; and

Upon completion of any approved remediation schemes, and prior to occupation of the development:

iv) A completion report for that phase of development demonstrating that the scheme has been

appropriately implemented for the relevant phase and the phase is suitable for its intended end use shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment and following LCRM guidelines and to safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

Reason for Pre-Commencement Condition:

Any works on site could affect contamination which may be present and hinder the effective remediation of any contamination causing a risk to the health of future occupiers and harm to the environment, hence the initial investigation must be carried out prior to the commencement of any works on site.

3. Prior to the commencement of development full details of the highway works at no.48 The Crescent and the new development comprising of the extension and additional vehicle access crossing (VAC) to facilitate access to the amended parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document "Accessibility, Transport and Road Safety".

Reason for pre-commencement condition

To ensure that sufficient parking provisions are provided within the site before the loss of the existing parking due to the approved works.

4. No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the Local Planning Authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material.

Prior to the development being first brought into use or occupied a verification report including soil descriptions, laboratory certificates and photographs shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the site is safe for use and in order to comply with Core Strategy policy CG4.

5. Before the approved development is first brought into use no less than 2 car parking spaces in accordance approved plan (drawing ref **Proposed Plans & Elevations - Drawing number 2B, Date drawn 12.03.20**). Such spaces shall be made available for the parking of cars at all times (the premises are in use).

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and in order to comply with Bolton's Core Strategy policies S1, P5 and Appendix 3

6. Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced, drained and lit shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

Reason

To encourage drivers to make use of the parking and circulation area(s) provided and in order to comply with Core Strategy policies S1 and P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

7. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref: **Proposed Plans & Elevations - Drawing number 2B, Date drawn 12.03.20.**

Reason

For the avoidance of doubt as to what is permitted and in order to comply with Bolton's Core Strategy policy CG3

8. The passageway shown on the approved drawing ref: **Proposed Plans & Elevations - Drawing number 2B, Date drawn 12.03.20** shall be made available at all times for rear access to no. 48 The Crescent and retained thereafter.

Reason

To allow no. 48 The Crescent access to store refuse bins to the rear of the property on non-collection days.

9. The curtilage of the property is being treated for planning purposes as that defined on the approved drawing ref: **Proposed Plans & Elevations - Drawing number 2B, Date drawn 12.03.20.**

Reason

For the avoidance of doubt as to what is permitted.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions (other than those expressly authorised by this permission) shall be constructed on the rear elevation.

Reason

To safeguard the neighbouring residents at no. 48 The Crescent as the plot size is limited and any extension to the rear would result in an unsatisfactory scheme.

11. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Proposed Plans & Elevations - Drawing number 2B, Date drawn 12.03.20

Reason

For the avoidance of doubt and in the interests of proper planning.