

Planning Applications Report

Planning Committee

10th January 2019

**Bolton
Council**

Bolton Council has approved a Guide to Good Practice for Members and Officers Involved in the Planning Process. Appendix 1 of the Guide sets down guidance on what should be included in Officer Reports to Committee on planning applications. This Report is written in accordance with that guidance. Copies of the Guide to Good Practice are available at www.bolton.gov.uk

Bolton Council also has a Statement of Community Involvement. As part of this statement, neighbour notification letters will have been sent to all owners and occupiers whose premises adjoin the site of these applications. In residential areas, or in areas where there are dwellings in the vicinity of these sites, letters will also have been sent to all owners and occupiers of residential land or premises, which directly overlook a proposed development. Copies of the Statement of Community Involvement are available at www.bolton.gov.uk

The plans in the report are for location only and are not to scale. The application site will generally be in the centre of the plan edged with a bold line.

The following abbreviations are used within this report: -

CS	The adopted Core Strategy 2011
AP	The adopted Allocations Plan 2014
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PCPN	A Bolton Council Planning Control Policy Note
PPG	Department of Communities and Local Government Planning Policy Guidance Note
MPG	Department of Communities and Local Government Minerals Planning Guidance Note
SPG	Bolton Council Supplementary Planning Guidance
SPD	Bolton Council Supplementary Planning Document
PPS	Department of Communities and Local Government Planning Policy Statement
TPO	Tree Preservation Order
EA	Environment Agency
SBI	Site of Biological Importance
SSSI	Site of Special Scientific Interest
GMEU	The Greater Manchester Ecology Unit

The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

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Application number 04322/18



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: 10/01/2019

Application Reference: 04322/18

Type of Application: Full Planning Application

Registration Date: 13/08/2018

Decision Due By: 07/10/2018

Responsible Officer: Beth Bradburn

**Location: LAND AT JUNCTION OF KING STREET & ALBERT ROAD,
FARNWORTH, BOLTON, BL4**

**Proposal: ERECTION OF RESTAURANT INCLUDING DRIVE-THROUGH
FACILITY TOGETHER WITH CAR PARKING AND NEW ACCESS**

Ward: Farnworth

Applicant: Kentucky Fried Chicken (Great Britain) Limited

Agent : SSA Planning Limited

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. The application seeks permission for the erection of a drive-through restaurant ('KFC') together with car parking to include 36 car parking spaces, including 2 no. disabled parking spaces, 1 no. large order bay and 2 no. staff parking bays, 6 no. cycle parking spaces, bin storage, and hard and soft landscaping on land at the Corner of King Street and Albert Road, Farnworth. The application site is 0.28 hectares and the customer dining area will be 93.5 square metres in area.
2. Staff numbers are proposed to be 20 full time and 20 part time posts. Opening hours are 09:00 and 23:30 Sunday to Thursday and between 09.00 and 24:00 Friday to Saturday.
3. The restaurant will be located at the northern end of the site, with its long northern elevation aligned with King Street and main customer elevation facing towards the junction. The front two-fifths of the building will comprise of a customer dining area, with a kitchen and external yard to the rear to receive deliveries and screen plant.
4. The drive-through lane with staff parking bays will run between the restaurant and King Street and wrap around between the rear elevation and the former unemployment centre. The lane will again wrap around between the car park and long southern elevation with a special order bay before it emerges into the car park.
5. The proposed building would be single storey and modern in design. The building would host a restaurant seating area, food preparation areas, customer toilets, office, store room, staff room, staff toilet, chiller/freezer and enclosed storage yard.
6. The existing vehicular access would be upgraded to provide suitable radii and pedestrian access

will be available directly from the Albert Road footway. A pedestrian access will also be created to King Street directly adjacent to the main customer elevation. Clearly marked pedestrian crossings would be provided to the car park and drive-through lane.

7. A dedicated delivery bay would be provided at the northern end of the car park, access to which for the largest likely service vehicles has been tracked as part of the preparation of the Transport Statement and reported therein. Safe and level access for staff from the bay to the yard has been provided via a marked crossing of the drive-through lane.
8. An application seeking Advertising Consent for the signage associated with the development has been submitted under the reference: 04323/18, which is to be determined under delegated powers.
9. Whilst only two objections have been received for this application, the Council's Constitution currently requires that all Council applications be presented to Planning Committee (Council is the landowner).

Site Characteristics

10. The 0.28 hectare application site is located in Farnworth Local Town Centre as defined within Bolton's Allocation Plan and comprises of three parcels of land, a wedge-shaped overgrown site of a former Salvation Army citadel fronting north to King Street, the site of a former clinic fronting west to A575 Albert Road and a car park on the corner of the traffic-light controlled junction of the two. Together, the latter two parcels form a rectangular plot.
11. There is currently a two metre high red brick wall and steel palisade fence to the rear and a timber knee rail bounds the former clinic site, with the rest of the site being open. A vehicular access with kerb radii runs from Albert Road and between the surfaced car park and the site of the former clinic to reach the overgrown plot beyond.
12. To the east is an unemployment office on King Street, to the south is the forecourt of a motor sales and repair garage on the corner of King Street and Brackley Street. To the west, across Albert Road are two storey semi-detached houses on Albert Grove and to the north across King Street is a builders' merchants.
13. The site benefits from a dual frontage and good visibility from both King Street and Albert Road, the site is relatively flat and the existing vehicular and pedestrian access points represent opportunities to create an accessible and attractive facility.
14. Bus services are located on Albert Road adjacent to and opposite the site which run to Bolton, Bury and Manchester.

Policy

15. Core Strategy Objectives: SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety
16. Core Strategy Policies: CG3 The Built Environment; CG4 Compatible Uses; RA2 Farnworth; S1 Safe Bolton; P5 Transport and Accessibility; P2 Retail and Leisure; CG1 Cleaner and Greener Bolton; H1 Healthy Bolton; CG2 Sustainable Design and Construction.
17. Bolton Allocations Plan: P2 Farnworth Local Town Centre, P7AP Strategic Route Network.
18. Supplementary Planning Documents: SPD Location of Restaurants, Cafés, Public Houses, Bars

and Hot Food Takeaways in Urban Areas; SPD General Design Principles; SPD Accessibility, Transport and Safety.

19. National Planning Policy Framework - Building a strong and competitive economy, Ensuring the vitality of town centres, Promoting sustainable transport, Promoting healthy communities

Analysis

20. 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.

21. The main impacts of the proposal are:-

- * principle of the proposed development
- * impact on the character and appearance of the area
- * impact on the amenity of neighbouring residents
- * impact on the highway and highway safety
- * impact on landscape features
- * land contamination
- * pollution
- * drainage/flood risk
- * other matters

Principle of the Proposed Development

22. Policy RA2 of the Core Strategy states that the council and its partners will continue to regenerate Farnworth town centre with a mix of retailing, leisure, employment.
23. The application site is located in Farnworth Local Shopping Centre as defined within Bolton's Allocation Plan. The proposal is a drive-through 'KFC' restaurant and is to be located on previously developed site (brownfield) comprising of three parcels of land, formally the site of Salvation Army citadel fronting north to King Street, and a clinic and a car park fronting Albert Road.
24. The use of the site for a restaurant/drive-through (A3) purposes would be a main town centre use as defined in the NPPF Annex 2. Local, district or town centres are where local and national planning policies seek to direct such main town centre uses; the proposal would therefore assist in enhancing the vitality or viability of Farnworth Local Shopping Centre.
25. The application site is sited well away from a secondary school site (not within 400m), there is no proliferation of A5 uses (the relevant SPD only considers the proliferation of A5 uses) or adjacent/adjoining residential uses, thus the proposal complies with the relevant SPD (Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas).
26. The proposed development is therefore considered to accord with the general principles set out in the NPPF within urban areas. Having regard to the above, the use of the brownfield site for an A3 use premises is considered to accord with policy RA2 of the Core Strategy, SPD (Location of

Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas) and the policies within the NPPF 2018.

Impact on the Character and Appearance of the Area

27. Policy CG3 of the Core Strategy states that the Council will expect development proposals to contribute to good urban design, conserve and enhance local distinctiveness and be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy RA2 specifically relates to development in Farnworth and states that the Council will require development to enhance the townscape through the use of excellent quality design.
28. There is shrubbery located to the north and west with grass verges and small trees sited to the rear of the site boundary, although the application proposal would result in the loss of this vegetation, it currently adds little value to the character area.
29. The proposed building would occupy the north east area of the site on a west to east alignment and the application site would be sited approximately 15 metres away from the nearest residential semi-detached dwellings located on Albert Road. The restaurant/pedestrian entrance is towards the west, whilst the vehicle route loops (clockwise) around the north and north-east elevations facing King Street. The majority of vehicle parking spaces (33 in total) are sited to the south/south east of the site, whilst 2 disabled spaces are sited to the west adjacent Albert Road. The proposed development will utilise the existing access provided from Albert Road. An outdoor seating area and 3 bicycle stands would be sited near the pedestrian entrance.
30. The proposed building is single storey and of a modern, high quality design with differing elevations. The building would be characterised by a sloping roof (upwards towards Albert Road), downlighting would be sited within the roof overhang around glazed areas. The western elevation would be mostly glazed. The north, east and south elevations would be mixed glazing, timber cladding, and composite cladding in signal white. All material details have been provided and annotated on the proposed elevations plan and are considered to be acceptable.
31. The design of the single storey restaurant reflects the character of the existing industrial and retail buildings located to the north and east of the site. There are residential dwellings sited on the opposite side of Albert Road are approximately 15 metres away, however the application site is located within Farnworth Local Shopping Area with the immediate parcels of land to the north, east and south comprising of mixed use facilities including industrial, commercial, retail and leisure. Therefore, despite residential properties being sited close by, due the location of the restaurant and nature of the immediate area, it would considered to be in keeping with the character of the vicinity and would not overwhelm the nearby residences. Furthermore, as the existing application site currently comprises of formally occupied plots which now currently appear as un-kept and overgrown, it is considered that the proposed development would improve the appearance of the site and contribute to the wider area.
32. Hard landscaping will utilise materials that distinguish pedestrian from vehicular routes, create attractive outside seating areas and include low-spill building and site lighting. Incidental soft landscape will be provided to the car park and along the boundary with King Street. Planter boxes will be provided to hard-surfaced areas and timber knee rails would be located to the perimeter of the site. The Council's Landscape Officers have been consulted and have noted that the timber knee rail would appear too rustic in appearance for this location; it is recommended that a steel, powder-coated black or dark grey knee rail be installed instead.
33. It was further noted that the only soft landscaping proposed is grass or some small, low zinc

effect planters with 'herbs' -from the AEL website. The Landscape Officer does not considered that plastic plants are acceptable as far as a landscape scheme is concerned.

34. The narrow/small areas of turf proposed around the site may be difficult to maintain and in places, between parking bays, may become worn in a short amount of time.
35. Since a tree and other vegetation are lost from the back of the site, it is recommended that at least 3 clear stem fastigiated trees are planted as part of the scheme. It is not considered that this would inhibit the safety of the site if a slim line species with a clear stem and with small leaves is planted. Gingko biloba Mayfield (or Gingko biloba Lakeview) are also recommended.
36. Further to the Landscape Officers comments, a condition will be imposed requesting for a further detailed landscape plan to be submitted as part of the scheme, prior to the development being first brought into use.
37. For the reasons discussed above, it is considered that the design of the development has been carefully considered and would respect the character and appearance of the local area, subject to the recommended landscape condition, and therefore the development would be compliant with Policies CG3 and RA2 of Bolton's Core Strategy.

Impact on the Amenity of Neighbouring Residents

38. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. SPD General Design Principles sets out the Council's recommended interface distances between dwellings.
39. The proposed site is in very close proximity to an Air Quality Management Area and there are sensitive receptors nearby. The development could potentially lead to an increase in traffic which could increase pollution in the area and adversely impact on those receptors including the amenity of nearby residents. However, as stated within the 'Impact on Highways' section of this report, the Council's Highways Engineers have stated that the proposal *"will potentially generate limited traffic onto the surrounding highway network"*. Furthermore, an Air Quality Assessment has been submitted. The Council's Pollution Control Officers have reviewed the Air Quality Assessment and have requested that, prior to commencement of the development, a plan detailing how fugitive dust and noise emissions are to be mitigated against during the construction phase together with the proposed working hours shall be submitted to and approved in writing by the Local Planning Authority.
40. A Construction Management Plan has been subsequently submitted by the applicant, however at the time of writing this report the plan had not yet been reviewed by the Council's Pollution Control Officers. Officers' comments concerning the Construction Management Plan will be reported directly to the meeting, along with any necessary planning condition relating to the plan.
41. As previously mentioned the semi-detached houses on the opposite side of Albert Road would be sited approximately 15 metres away from the application site. Delivery and servicing access would take place to the north end of the customer car parking area. The relevant SPD (Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas) states that, *"where there is residential accommodation within 50 metres of any part of the application site, applications will be subject to a condition limiting their opening hours to between 09:00 and 23:30 Sunday to Thursday and between 09:00 and 24:00 Friday to Saturday."* The opening hours are proposed as 09:00 - 23:30 Sunday to Thursday and 09:00 - 24:00 Friday to Saturday,

which would meet the requirements as set out within the SPD (Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas) and are therefore considered to be acceptable.

42. As previously noted, the site is located on a section of land bounded by Albert Road and King Street which are busy network routes; residential properties located along Albert Road would already experience some levels of noise generated by vehicular movement. There are also existing mixed use developments to the north of the site, further contributing the existing levels of noise within the area. The proposed layout of the development incorporates a yard enclosing plant and recycling provision, and a surfaced, demarcated and sunlit outdoor seating area, which would provide some acoustic protection.
43. Details for the mechanical ventilation and extraction systems have also been submitted. The Council's Pollution Control Officers have reviewed the information and has deemed the proposed extraction equipment to be acceptable.
44. A Noise Impact Assessment has also been submitted. Pollution Control Officers have reviewed the submitted information and have recommended that the hours of delivery are limited to 07:00 - 21:00 based on the existing busy network route of Albert Road and the proximity to neighbouring residential dwellings. It was also recommended that the rating level (LAeqT), as determined by BS4142:2014 Methods for Rating and Assessing Industrial and Commercial sound, from all sources associated with the development, when operating simultaneously or individually, shall not exceed the background sound levels (LA90) that are specified in table 12 of the report by Nova Acoustics_ ref:2989KF, when measured 4m from the boundary of any noise sensitive receptors.
45. Due to the nature of the development being a drive-through restaurant ('KFC'), it is likely to generate an increase in disturbance due to the increase in comings and goings. However, appropriate measures can be imposed to mitigate and minimise the impact onto nearby residential properties. Subject to the compliance of the submitted extraction details, and the approval of the Construction Management Plan, the proposal would not be considered to unduly affect the living conditions of the neighbouring residents facing the site, compliant with policy CG4 of Bolton's Core Strategy.

Impact on the Highway

46. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3), and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 states that the Council will promote road safety in the design of new development.
47. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. The Council has also adopted the Accessibility, Transport and Road Safety SPD which notes that the provision of a safe, high quality transport network is vital to the economic prosperity of the borough and the ability of residents to safely access potential new jobs being created together with health, education, community facilities and housing. The SPD also seeks to ensure that the use of transport does not adversely affect the climate and therefore 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.
48. Paragraph 109 of the NPPF states that development should only be prevented or refused on

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

49. The applicant's transport consultant (Crofts) has submitted a Transport Statement (TS) as part of the planning application process in order to substantiate the development proposal from a transport/highways perspective. The Council's Highways Engineers have reviewed this document as part of the consultation process. The document is considered robust in terms of its content demonstrating potential traffic impact on the surrounding highway network and the site's accessibility to sustainable transport provision and the surrounding residential catchments and town centre areas. The TS works on the rationale that the location of the proposed development would facilitate a high percentage of diverted/linked trips that are already on the highway network which is considered a sound approach. According to the TRICCS data within the TS, the development proposal will potentially generate limited traffic onto the surrounding highway network within the peak operational periods of traffic flow (60 additional two-way trips or 1 additional two-way trip every minute). This level of impact is unlikely to have a detrimental impact on the operational capacity of the highway network surrounding the site posing minimal additional road safety implications and would be compliant with the requirements indicated in national planning guidance (Para. 109 of NPPF).
50. This development proposal would utilise an existing access point from the highway network (Albert Road) which would be improved as part of this application. This access served a number of extant use-classes at that location and a public-car park (16 spaces). Although this development proposal would lead to an intensification of use through this existing access point, acting on the information within the TS and the rationale used in its approach, Engineers believe this additional traffic should be accommodated without detriment. The lining for the existing signalised junction from Albert Road/King Street already accommodates a right-turn lane/keep-clear markings which would be utilised to facilitate access/egress from the site.
51. The number of off-road parking spaces proposed within the site curtilage is compliant with the Council's parking standards for the level of use proposed under this application. Engineers consider that the drive-through appears of sufficient length in order to accommodate the stacking of vehicles clear of the highway reducing any potential concerns about queuing onto the network at that location.
52. The submitted tracking analysis within the TS demonstrates accessibility/manoeuvrability for the maximum size of service vehicles that would visit the premises along with the ability to enter/leave the site in forward gear. Highways Engineers have requested that a Delivery Management Strategy be submitted to indicate frequency of deliveries outside of the peak operational periods of the surrounding highway network. However, given the information that has been submitted, the need for this condition and the wording are being discussed by the Agent and Highways Engineers. The outcome of this discussion will be report to Members at the meeting.
53. Acting on the above comments/observations, the Council's Highways Engineers have raised no objection to the proposed development, subject to the suggested conditions.
54. It is therefore considered, subject to the conditions requested by the Council's Highways Engineers, that the proposed development would not jeopardise highway safety or have a severe impact on the road network, and is compliant with Policies P5 and S1.2 of Bolton's Core Strategy.

Impact on Design for Security

55. Policy S1 of the Core Strategy states that the Council will aim to ensure that the design of new development will take into account the need to reduce crime and the fear of crime.
56. Paragraph 91 of the NPPF also states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas
57. Greater Manchester Police, Design for Security were consulted and requested a full crime impact statement due to the size and nature of the proposal. Following this response, a Crime Impact Statement was submitted which outlined the information below.
58. Dwellings across Albert Road provide natural surveillance, being oriented towards the site, and have well-defined gardens with off-street parking, providing defensible space within which vehicles can be kept safe. The road is busy with reasonable footfall and a transparent bus shelter located outside the site, intervisible to it.
59. King Street contains commercial buildings with few windows or evening activity, so that static natural surveillance from this direction is poor. The adjoining offices and car park are currently vacant, and whilst high walls to the car park limit use as an escape route, they do provide a secluded area with little or no surveillance.
60. The motor sales and garage forecourt to the corner of Brackley Street and Albert Road to the south contains possible targets and hiding opportunities, but the wall to most of its boundary with the application site limits its potential as a corner cut-through. CCTV appears to operate at the site, providing surveillance and deterrent.
61. The dual frontage and good visibility from both King Street and Albert Road, both busy with traffic well into the evening and with reasonable footfall mean that the site benefits from transient natural surveillance and the transparent bus shelter immediately outside the site will both benefit from and provide further natural surveillance. Full-height glazing to the customer area will ensure good natural surveillance of the car park, cycle parking and footways around the junction of King Street and Albert Road.
62. Following the receipt of the Crime Impact Assessment, Greater Manchester Police Design for Security Officers were re-consulted and raised no objection, noting that the proposed development should be built to Secured by Design standard (which would be an informative of the planning decision notice should the application be approved). The proposal is therefore considered to adhere to Policy S1 of the Core Strategy as well as the National Planning Policy Framework.

Land Contamination

63. Policy CG4.3 of the Core Strategy, in line with the NPPF, requires all new development to ensure any risk of contamination is identified and adequately managed. Paragraphs 178 to 179 of the NPPF state that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location and that adequate site investigation information, prepared by a competent person, is presented with applications.
64. The development proposal and the Preliminary Risk Assessment submitted under this application

has been reviewed by the Council's Pollution Control Officers. Officers have raised no objections to the proposed use subject to the further site investigation to address the nature, degree and distribution of land contamination on site (this shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, property and/or the wider environment).

65. It is therefore considered, subject to the recommended condition, that the application site would be suitable for the proposed use, compliant with Policy CG4.3 of the Core Strategy.

Impact on Land Drainage

66. Policy CG1 states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.
67. The proposed site lies within a Flood Risk Buffer Zone. The Council's Drainage and Flood Risk department were consulted and noted that the application is designated as a brownfield site requiring a 50% reduction in surface water run-off as per Bolton Council's Local Development Framework - Core Strategy - Policy CG2.2. The updated Flood Map for Surface Water (uFMfSW) maps produced by the Environment Agency predicts surface water flooding during a 1 in 100 year event for the location where the development is proposed (NB no allowance for climate change has been factored into the 1 in 100 year event). Consequently, the owner may consider implementing flood resilience measures to protect the building from any future flooding and if applicable, proposed floor levels should be set no lower than the existing. Floor levels within the building should be set 300mm above the known or modelled 1 in 100 annual probability flood level.
68. United Utilities were also consulted and recommended that in accordance with national guidance the site should be drained on a separate system with foul water draining to the public sewer and surface water drainage in the most suitable way, thus prior to the commencement of development a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved by the local authority.
69. Subject to the necessary conditions, the proposal is considered to be in accordance with both Policy CG1 of the Core Strategy and the National Planning Policy Framework.

Other Matters

70. The application site is located within an area defined by the Coal Authority as High Risk and therefore a coal mining risk assessment and desk study appraisal have been included in the submission of this report. The Coal Authority have reviewed the submitted documents which indicate that the application site is subject to likely historic unrecorded coal mine workings at shallow depth. The Coal Authority concurs with the recommendations of the Desk Study Appraisal including a Mining Risk assessment, that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
71. The Coal Authority recommends a planning condition is imposed should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works

identified by the site investigation are undertaken prior to commencement of the development which include:

72. The undertaking of an appropriate scheme of intrusive site investigations;

73. The submission of a report of findings arising from the intrusive site investigations;

- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

75. Further to these comments, the Applicant submitted further information regarding the intrusive site investigation works. The Coal Authority has however commented that their initial comments are still relevant and that they still recommend a pre-commencement site investigation condition.

76. The Coal Authority therefore has no objection to the proposed development subject to the recommended condition.

Value Added to the Development

77. Slight alterations to the design had been made to remove minor details that were provided on the original elevations plans.

Conclusion

78. For the reasons discussed above it is considered that the proposed drive-through restaurant would not harm the character and appearance of the area, would not result in adverse environmental impacts, would not unduly impact on the amenity of neighbouring residents, would not jeopardise highway safety or have a severe impact on the local road network, and would not increase the risk of flooding, thus complying with policies S1, P5, CG4, CG3, CG1 and RA2 of Bolton's Core Strategy and the guidance contained within SPD "Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas" and the NPPF.

79. Members are therefore recommended to approve this application subject to conditions.

Representation and Consultation Annex

Representations

Letters:- 2 letters have been received from nearby residents objecting to the proposal on the following grounds:

Impact on amenity

- The restaurant would be in direct view from the houses facing the application site on Albert Road.

Officer's comments: The proposed restaurant would be sited approximately 15 metres away the nearest residential properties, although this is close the application site is located within located within Farnworth Local Town Centre with other mixed use developments in close proximity. It is therefore not considered that the proposed development is unacceptable within its location and due to the nature of the locality, it would not have a further detrimental impact on the neighbouring properties.

Parking/Highways Concerns

- Increased traffic volumes
- Increased competition for parking

Officer's comments: Highways Engineers have reviewed the Transport Statement submitted alongside this application and conclude that the development proposal will potentially generate limited traffic onto the surrounding highway network within the peak operational periods of traffic flow. This level of impact will potentially not have a detrimental impact on the operational capacity of the highway network surrounding the site. Furthermore, the development is compliant with the Council's parking standards for the proposed level of A3 use.

Odour

Officer's comments: Details for the mechanical ventilation and extraction systems have been submitted. The Council's Pollution Control Officers have reviewed the information and has deemed the proposed extraction equipment to be acceptable.

Air Pollution

Officer's comments: The proposed site is in very close proximity to an Air Quality Management Area and there are sensitive receptors nearby. The development could potentially lead to an increase in traffic which could increase pollution in the area and adversely impact on those receptors including the amenity of nearby residents. However, as stated within the 'Impact on Highways' section of the report, the Highways Authority has stated that the proposal *"will potentially generate limited traffic onto the surrounding highway network"*. An Air Quality Assessment has also been submitted. The Pollution Control Officer has reviewed the Air Quality Assessment and has requested that prior to commencement, a plan detailing how fugitive dust and noise emissions are to be mitigated against during the construction phase together with the proposed working hours shall be submitted to and approved in writing by the Local Planning Authority.

Noise

Officer's comments: A Noise Impact Assessment has been submitted and the hours of delivery have been limited to 07:00- 21:00 based on the existing busy network route of Albert Road and the proximity to neighbouring residential dwellings. Furthermore, as previously addressed within the report, all sources associated with the development, when operating simultaneously or individually, shall not exceed the background sound levels (LA90) that are specified in table 12 of the report by

Nova Acoustics_ref:2989KF, when measured 4m from the boundary of any noise sensitive receptors.

Other concerns

- Impact on local health, especially children.

Officer's comments: The application site is well away from a secondary school site (not within 400m) which is compliant with the Council's local guidance for A3/A5 uses. Furthermore the Head of Service for Public Health has been consulted and stated that they have no grounds to oppose the proposal.

- The proposed use is not suitable within a residential area.

Officer's comments: Although there are residential properties close by, the site lies within Farnworth Local Shopping Centre, therefore its location is considered acceptable.

- High numbers of advertisements which would impact on amenity.

Officer's comments: The adverts proposed under this application will be assessed under the Advertisement Consent application 04323/18.

- Increase in litter and vermin.

Officer's comments: Numerous bins are proposed to the front of the building and within the car park to encourage customers to responsibly dispose of their litter.

- The proposal is not needed.

Officer's comments: The need for the proposal is not a material planning consideration. It is for the applicant to decide whether the proposed business would be viable/succeed. Officers do not considered that the proposal would lead to a proliferation of such uses (A3 restaurant) within the vicinity.

Elected Members:- None.

Consultations

Advice was sought from the following consultees: The Council's Highways Engineers, Landscape Officers, Corporate Property Estate Services, Pollution Control Officers, Design for Security GM Police and the Council's Public Health Consultant, United Utilities and Flood Risk.

Planning History

An application for the siting of illuminated and non-illuminated fascia, hoarding and totem signs is currently under consideration under the application 04323/18.

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. Prior to the commencement of development the following information shall be submitted in writing and written permission shall be granted by the Local Planning Authority at each of the following stages:
- i) The requirements as part of this condition shall have regard to the preliminary risk assessment that has been submitted to and approved by the Local Planning Authority, namely the DESK STUDY APPRAISAL (Revision 1, dated December 2018 (ref:CCL03133.CH68) by Crossfield Consulting.
 - ii) The PROPOSED RATIONALE FOR PHASE II ENVIRONMENTAL INVESTIGATION by Crossfield consulting dated December 2018 (ref: CCL03133) has been submitted to and approved by the Local Planning Authority. This includes an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration. Provision of a comprehensive site investigation and risk assessment examining identified potential pollutant linkages in the Preliminary Risk Assessment should be presented and approved by the Local Planning Authority.
 - iii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.
 - iv) Any additional or unforeseen contamination encountered during development 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.
 - v) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

3. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 10 l/s.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of Policy CG2 of Bolton's Core Strategy and the policies within the NPPF and NPPG.

4. Prior to commencement of development:

(i) a scheme detailing intrusive site investigation works shall be submitted to the Local Planning Authority and approved in writing. The investigation works shall establish the exact nature of coal

mining legacy issues on and within the site.

(ii) the results of the intrusive site investigations, as above

(iii) together with the details of any proposed remedial works to treat any areas of shallow mine workings and / or any other necessary mitigation measures shall be submitted to the Local Planning Authority and approved in writing.

The approved remedial works shall be undertaken prior to commencement of the development hereby approved.

Prior to first use/occupation of the development hereby approved:

(iv) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

5. Prior to the commencement of construction, a plan detailing how fugitive dust and noise emissions are to be mitigated against during the construction phase together with the proposed working hours shall be submitted to and approved in writing by the local planning authority.

Reason

To safeguard the amenity and character of the area and to safeguard the living conditions of nearby residents particularly with regard to dust and/or noise disturbance during construction and to comply with policy CG4 of Bolton Core Strategy.

6. Before the approved/permitted development is first brought into use no less than 36 car parking spaces shall be provided within the curtilage of the site, in accordance with details in accordance approved plan (**Proposed Site Layout Plan Drawing. 0000/2018/F121 REV A, Dated 25/06/2018**). 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

7. 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'.

8. Before the development hereby approved is first brought into use, a scheme shall be submitted to and approved in writing with the Local Planning Authority for external lighting/floodlighting. The lighting shall be designed to an illumination value of no more than 5 lux at the nearest residential property. The beam angle of any lights directed towards any potential observer should be kept below 70 degrees. Spill shields should also be fitted. The approved scheme shall be implemented in full

before the development is first brought into use and retained thereafter.

Reason

To safeguard the character and appearance of the locality and to prevent light pollution and in order to comply with policy CG4 of Bolton's Core Strategy.

9. Before the development is first brought into use a detailed scheme shall be submitted to and approved by the Local Planning Authority showing the design and size of a facility to store refuse and waste materials. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter. Also any refuse collection shall not be before 08:00 or after 18:00 Monday to Friday, nor before 09:00 or after 18:00 on Saturdays with no collections on Sundays or Bank Holidays.

Reason

To ensure satisfactory provision is made for the storage of waste materials and in order to comply with Bolton's Core Strategy policy CG4.

10. Notwithstanding any details submitted under this application, a landscape scheme shall be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved scheme shall be implemented in full accordance with the phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The scheme shall include the following details:

- Location and species of [at least three] trees
- Specification and location of boundary treatments

Reason

To reflect and soften the setting of the development within the landscape and in order to comply with Core Strategy policies CG1 and CG3.

11. The approved scheme shall be carried out in complete accordance with the details included in the document 'The scheme Mechanical ventilation & Environmental Control Equipment by Ashworth ref 0000, dated 21 November 2018' for the installation of extraction equipment.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and in order to comply with Bolton's Core Strategy policies CG3 and CG4.

12. The rating level (LAeqT), as determined by BS4142:2014 Methods for Rating and Assessing Industrial and Commercial sound, from all sources associated with the development, when operating simultaneously or individually, shall not exceed the background sound levels (LA90) that are specified in table 12 of the report by Nova Acoustics_ref:2989KF, when measured 4m from the boundary of any noise sensitive receptors.

Reason

To minimise the impact of noise on the general and residential amenity from the increase and alteration of commercial and/or industrial uses in the area, and to comply with Policy CG4 of Bolton's Core Strategy.

13. Foul and surface water shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution, and to comply with

Policies CG1.5 and CG2 of Bolton's Core Strategy.

14. The premises subject of this consent shall not be open for trade outside the following hours:-

09:00 - 23:30 Sunday to Thursday
09:00 - 24:00 Friday to Saturday

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and in order to comply with Bolton's Core Strategy Policies CG3 and CG4.

15. No deliveries shall be taken or dispatched from the premises outside the following hours:-

07:00 - 21:00 Monday to Sunday

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and in order to comply with Bolton's Core Strategy policies CG3 and CG4

16. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref: Proposed External Elevations Drawing no. CG211 Revision B, submitted 12th October 2018.

Reason

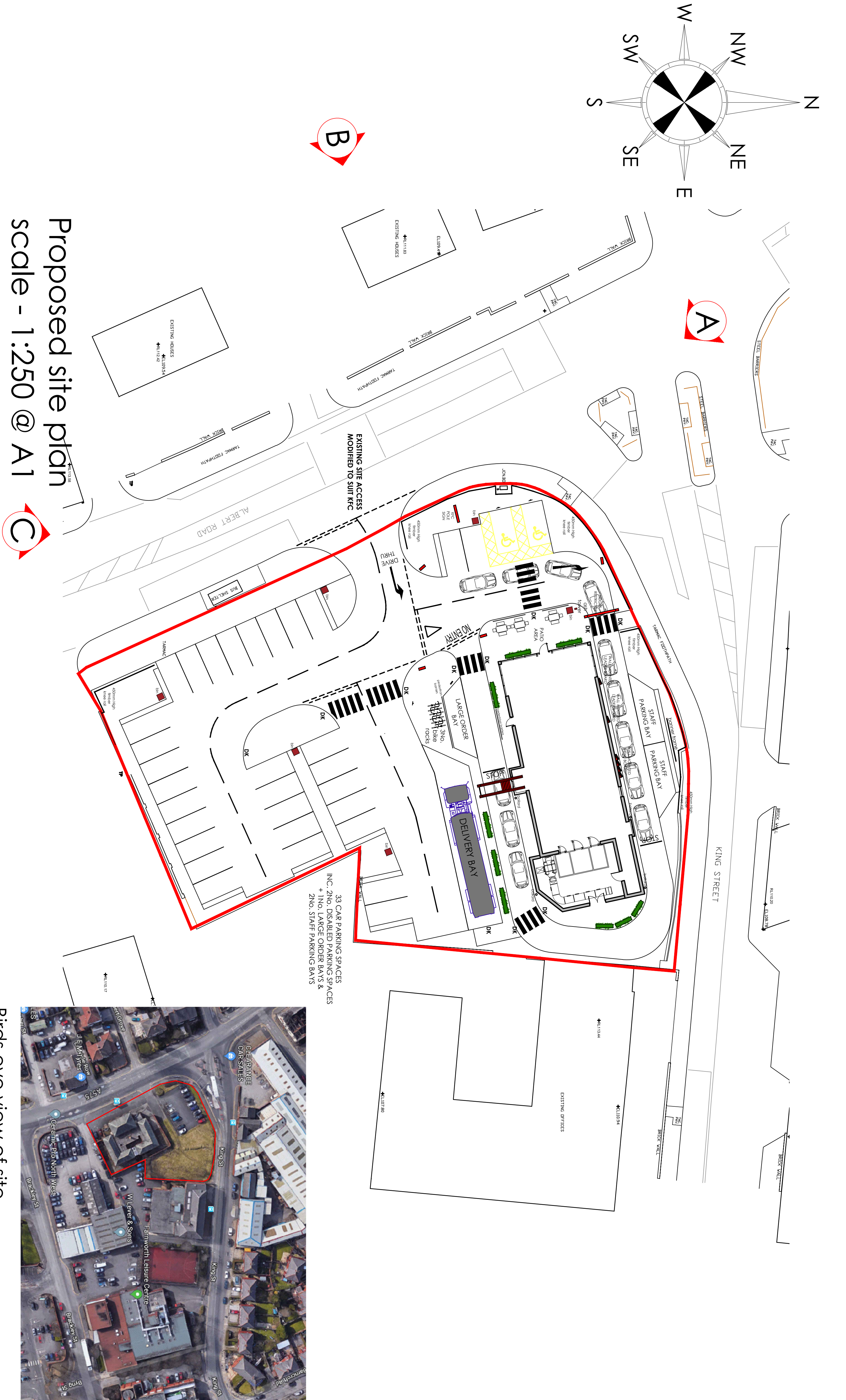
For the avoidance of doubt as to what is permitted and in order to comply with Bolton's Core Strategy policy CG3.

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

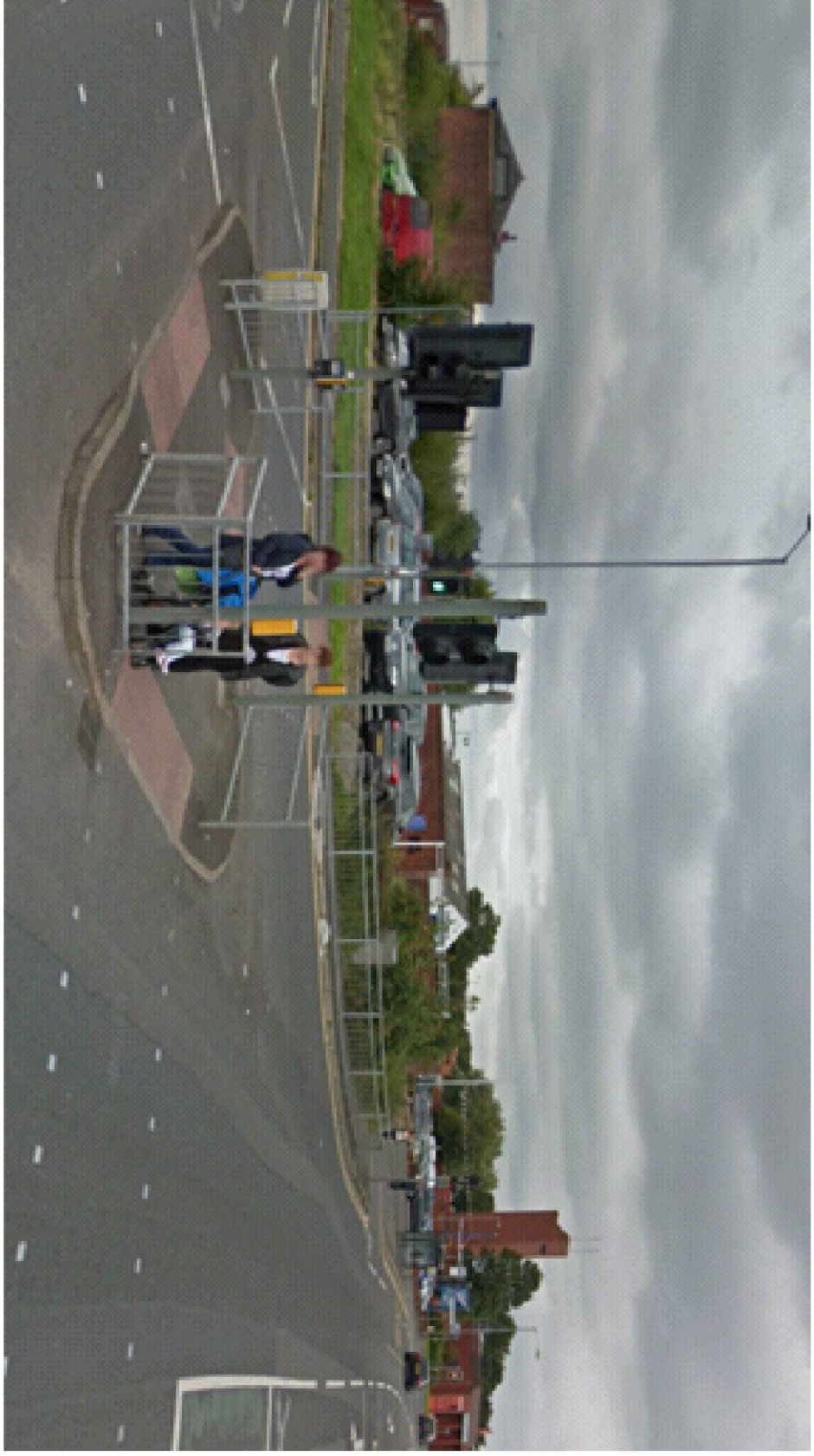
Proposed Site Layout Plan Drawing. 0000/2018/F121 Revision A, Dated 25/06/2018
Proposed External Alterations 0000/2018/CG211 Revision B, Dated 25/06/2018
Proposed Roof Plan 0000/2018/G130 Revision A, Dated 25/06/2018
Proposed General Arrangement 0000/2018/G100 Revision A, Dated 25/06/2018
Swept Path Analysis, drawing no. 2320-SP04, Dated July 2018

Reason

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



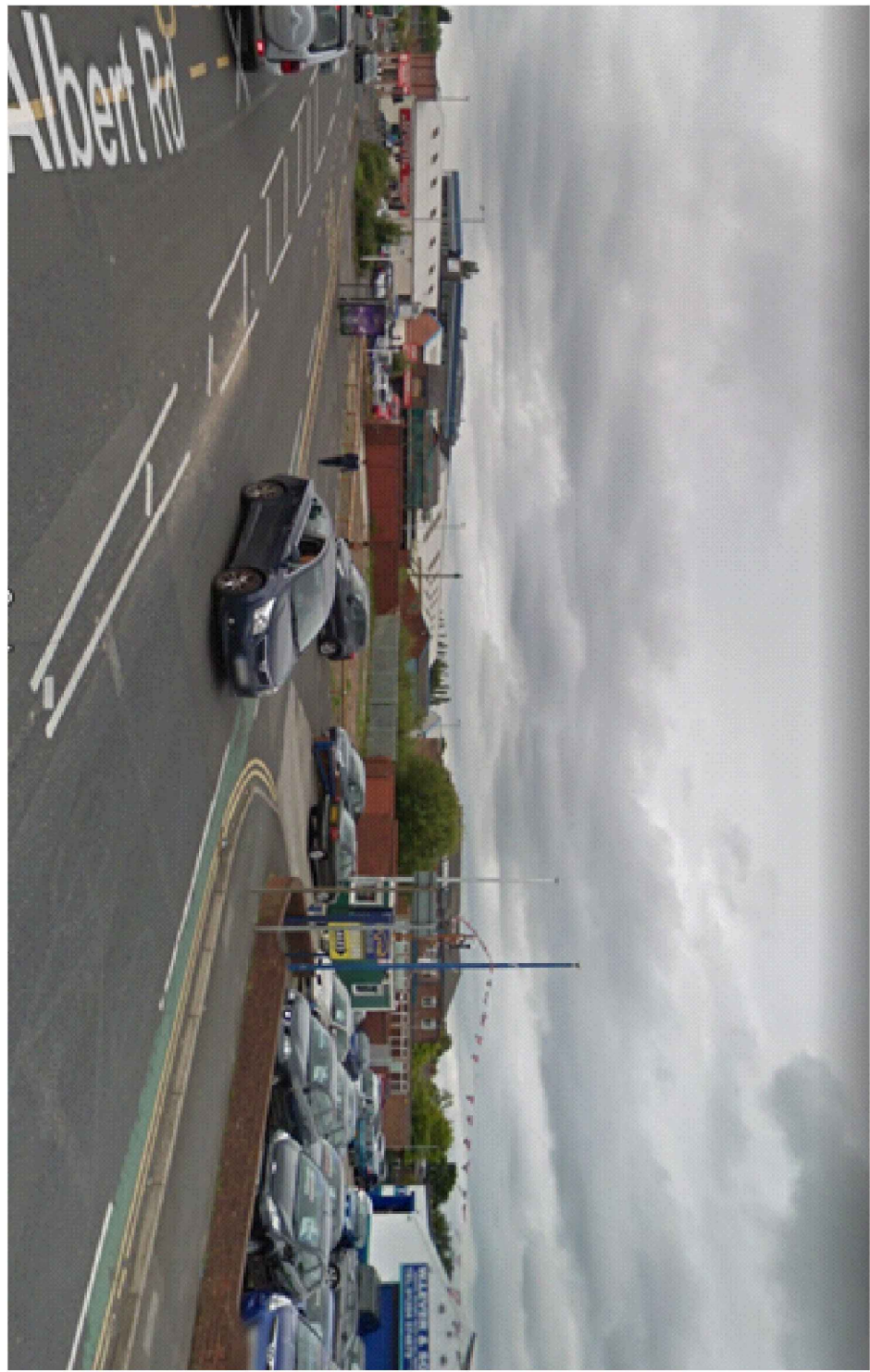
Proposed site plan
scale - 1:250 @ A1



existing site view A



existing site view B



existing site view C

Birds eye view of site



NEW STORE OPENING

store address
FARNWORTH
ALBERT ROAD
BOLTON
BL4 9HZ

drawing title
PROPOSED
SITE LAYOUT PLAN

drawn by	checked	date
JL	----	25/06/18
store no.	scale	
0000	1:250 @ A1	

KFC drawing no.	FB ref.	revision
0000/2018/F121	2018/69	A

KFC SITE DESIGN SIGNOFF	
Name / Title	
Signature	
Date	

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designer's property and may not be used or reproduced - only
under contract.

ALL DIMENSIONS TO BE CHECKED ON SITE.
DO NOT SCALE FROM THIS DRAWING EXCEPT FOR THE
PURPOSES OF LOCAL AUTHORITY PLANNING.

rev	date	description
A	19-9-18	Site plan amended to show latest building footprint and updated to reflect hard and soft landscaping plan.

rev	date	description
A	19-9-18	Building footprint altered to reflect latest building design.

Frank Belshaw
Building Surveyors Limited



wheateley springs barn, wheateley lane road,
barrowford, nelson, lancashire, BB9 6QS.
tel no. (01282) 699668 fax no. (01282) 602447.



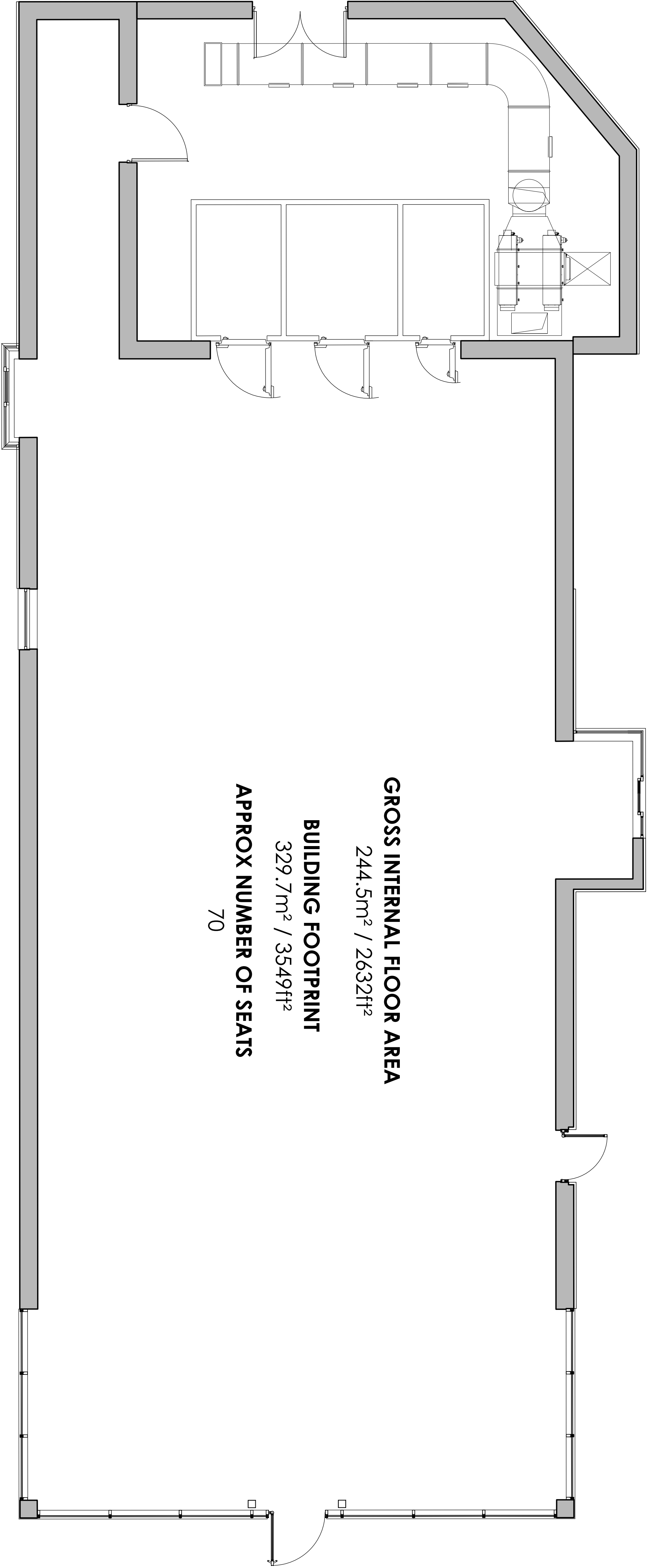
NEW STORE OPENING

store address
FARMWORTH
ALBERT ROAD
BOLTON
BL4 9HZ

drawing title
PROPOSED
GENERAL ARRANGMENT

drawn by	checked	date
JL	----	25/06/18
store no.	scale	
0000	1:50 @ A1	

KFC drawing no.	FB ref.	revision
0000/2018/G100	2018/68	A



GROSS INTERNAL FLOOR AREA
244.5m² / 2632ft²

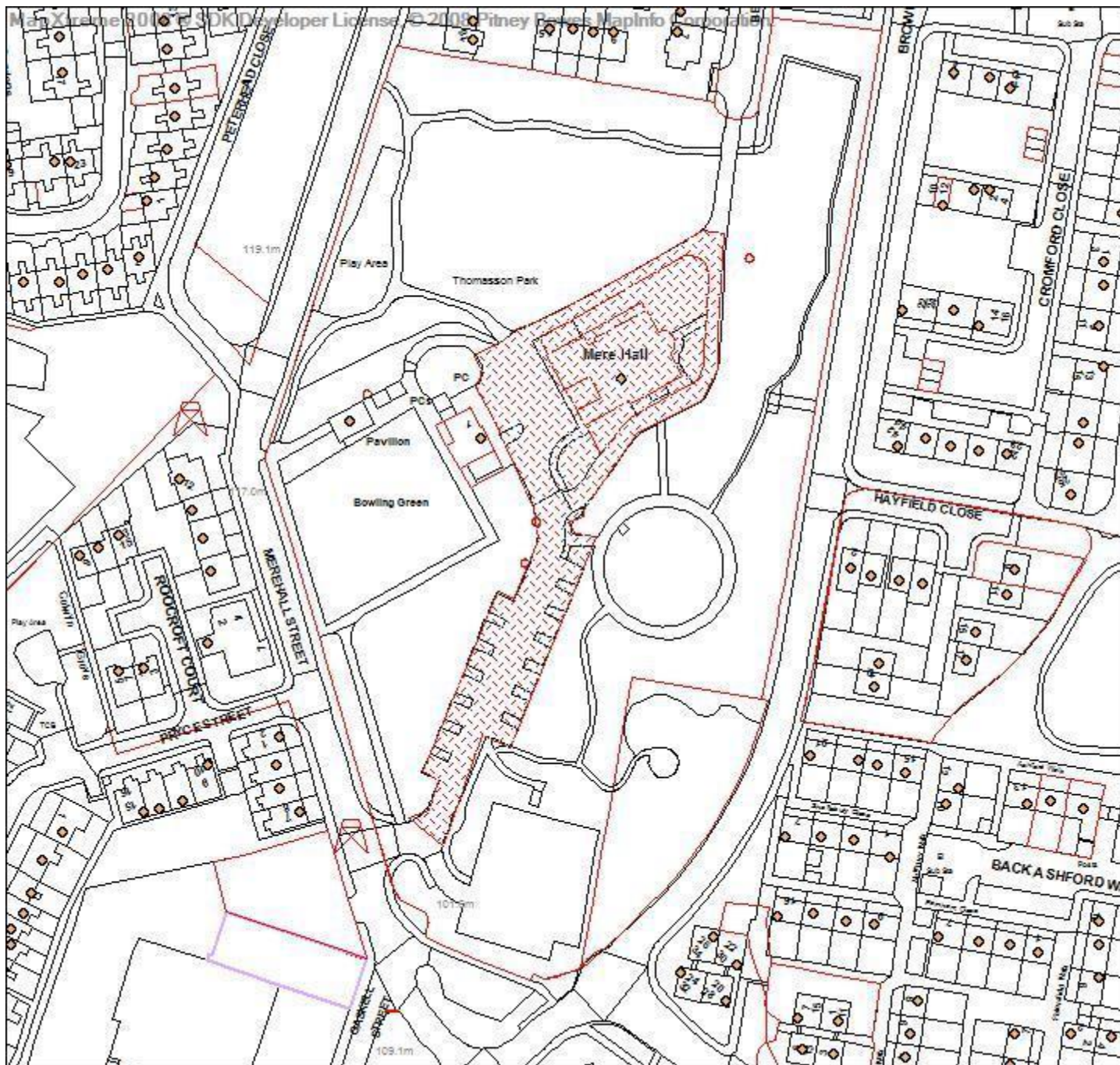
BUILDING FOOTPRINT
329.7m² / 3549ft²

APPROX NUMBER OF SEATS
70

proposed ground floor general arrangement

scale - 1:50 @ A1 / 1:100 @ A3

Application number 04931/18



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: 10/01/2019

Application Reference: 04931/18

Type of Application: Local Authority Applications\Development

Registration Date: 23/11/2018

Decision Due By: 17/01/2019

Responsible Officer: Martin Mansell

Location: MERE HALL, MEREHALL STREET, BOLTON, BL1 2QT

Proposal: CHANGE OF USE TO MUSIC AND PERFORMANCE EDUCATION CENTRE TOGETHER WITH EXTERNAL ALTERATIONS

Ward: Halliwell

Applicant: Bolton Council

Agent : Design Surveying Partnership Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Consent is sought to change the use of Mere Hall to a music and performance education centre, operated by Bolton Music Service.
2. Bolton Music Service currently operate from accommodation at Ladybridge High School. As part of the school expansion programme, Ladybridge High School requires the Music Service to vacate their current space within the school by late 2018 to enable the expansion works to be completed. It is proposed, therefore, to relocate the Music Service into Mere Hall. Bolton Music Service covers Bolton and Blackburn with Darwen and they state that they work with all sectors of the local community to increase access to quality music making, to raise standards of music education across all schools and academies and to provide exciting musical pathways for children through tuition and music ensembles. Across a range of sites they teach approximately 8,000 children weekly to play a musical instrument, teaching the music curriculum in over a third of local primary schools and running 45 weekly out-of-school bands, choirs and orchestras, including the recently launched T-Rock for budding rock musicians. Many of their students come through the Music Service and then go on to play in regional ensembles like the Halle Youth Orchestra and the Greater Manchester Youth Brass Band and in national groups like the National Youth Choir/ Brass Band / Orchestra. They pride themselves in looking after the needs of each child and providing the specialist tuition required for each child to realise their potential.
3. Mere Hall was previously occupied by the Registrar Service; however, since their relocation to Bolton Town Hall, the building has been left vacant.
4. Mere Hall continues to remain an unoccupied vacant building and requires urgent building fabric and infrastructure works to bring the building back into use. Whilst the building has remained vacant it has been subject to vandalism with damage to the lead flashing and York stone paving.

Capital investment is therefore required to bring the building back into use and will include the required internal remodeling and adjustments to meet the Music Service's future needs. The plans show the ground floor used for rehearsals and administrative functions with the first floor used for rehearsal, performance and for staff and toilet facilities.

5. Some minor external works are also proposed:-

- renewal of two defective flat roof coverings to porches
- replacement of defective non original modern windows with new timber double glazed units to match existing
- patch renewal of defective external pointing to brickwork
- redecoration of all previously painted surfaces to match existing
- roof repairs in materials to match original

6. An application for Listed Building Consent (04932/18) has also been submitted for internal and external works and appears elsewhere on the agenda.

7. Members are advised that whilst no objections have been received nor have any concerns been raised by statutory or other consultees, the Council's Constitution currently requires that all Council applications be presented to Planning Committee.

Site Characteristics

8. Mere Hall, together with the surrounding Thomasson Park, is a special and unusual site - essentially a Victorian mansion and its landscaped grounds, surrounded on all sides by the mostly social housing of the Brownlow Fold area. Nelson Mill, a former textile mill now in mixed use, lies to the south west fronting Gaskell Street. The application site is occupied by the main building, Mere Hall and a smaller two-storey outbuilding. There are substantial car parking areas within the grounds. The buildings are situated in an elevated position and access to the site is gained from Merehall Street via a long driveway. The site is bounded by Merehall Street and Yarrow Place to the west and south west and Brownlow Way to the east.

9. The building is Grade II Listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest and its entry on the National Heritage List for England states:-

"Mansion, once a museum later nursery school. 1837, built for Benjamin Dobson, an engineer, and converted to museum in 1890. Brick with stone dressings and hipped slate roofs. Exterior: 2 storeys. Entrance front a 3-window range, with coupled Doric columns to portico porch, and side lights to doorway. 20-pane floor length sash windows each side of doorway, the upper windows blind. Lower wing probably a later addition to the left, with 2 tripartite sash windows to first floor in return, and single 12-pane sash window below. Parallel rear range also a 3-window range, with blind upper windows and sashes below. 2-window range similarly detailed slightly recessed to the right, linked to separate wing to right, which has tripartite sash window on each floor; this wing possibly extended to rear to provide service accommodation, late C19. Garden front a 5-window range with central full-height bow window with floor length sashes. Upper windows blind. Full-height angle pilasters and stone string courses to each principal elevation. Interior: not inspected"

10. The house was left to the town of Bolton in 1890 by its then owner, JP Thomasson, and adapted for use as a museum by the town; however, as set out above, its last use was by Bolton Council's Registrar Service following a £1 million refurbishment in 1996.

Policy

11. Core Strategy Objectives SO2 Access to Education, SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO16 Community Cohesion and Access
12. Core Strategy Policies A1 Achieving Bolton, P5 Transport, S1 Crime and Road Safety, CG3 Design, CG4 Compatible Uses, SC2 Cultural and Community Facilities, RA1 Inner Bolton
13. National Planning Policy Framework - building a strong and competitive economy, promoting sustainable transport, promoting healthy communities

Analysis

14. 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.
15. The main impacts of the proposal are:-
 - * impact on nearby uses
 - * impact on the road network
 - * impact on the heritage asset and its setting
 - * impact on community provision

Impact on Nearby Uses

16. Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account.
17. Paragraph 180 of the National Planning Policy Framework (July 2018) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
18. Mere Hall is set in generous grounds with the closest residential properties Cromford Close to the east being some 50 metres away, separated by Brownlow Way which links Chorley Old Road with Halliwell Road and carries substantial traffic. It is also noted that the houses of Cromford Close do not present their principal elevations to the site. To the north, the residential properties of Stowell Court are approximately 60 metres away, separated by the grounds of Mere Hall. To the south-west, the properties at Roocroft Court and Merehall Street are approximately 100 metres from the building.
19. Hours proposed are from 8am until 9pm each day and these would be limited by a condition. It is noted that no concerns have been received from nearby consulted residential properties. Whilst music is capable of being a nuisance, depending on the individual attitude of the listener, it is

not considered that Bolton Music Service are likely to generate significant noise whilst carrying out their activities at this site, certainly no greater impact than a wedding venue. The benefits of reducing the likelihood of anti-social behaviour at this site by way of occupancy must also be taken into account.

20. The use as a music and performance education centre is considered to be appropriate for this site and therefore the proposal is considered to comply with Policy CG4 of Bolton's Core Strategy.

Impact on the Road Network

23. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account, amongst other things, accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3), and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 states that the Council will promote road safety in the design of new development.
24. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, 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 notes that the provision of a safe, high quality transport network is vital to the economic prosperity of the borough and the ability of residents to safely access potential new jobs being created together with health, education, community facilities and housing. The SPD also seeks to ensure that the use of transport does not adversely affect the climate and therefore 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.
25. Section 10 of the Accessibility, Transport and Road Safety concerns parking. Paragraph 10.2 states that the Council will not require a developer to provide more spaces than they themselves wish, but the Council will look for the applicant to demonstrate the accessibility of the site where less provision has been proposed. Para. 10.8 states that the Council will normally permit development where the proposed development is not likely to lead to a perpetuation or an intensification of on-street parking in a location where parking is likely to be detrimental to highway safety, on a classified road, on a Key Route, in a traffic sensitive location, near to a busy junction or place of limited visibility or where two-way traffic would be impeded.
26. The "Promoting Sustainable Transport" section of the NPPF states that transport issues should be considered from the earliest stages development proposals, so that, the potential impacts of development on transport networks can be addressed.
27. The proposed use is not considered to be likely to give rise to significant changes in the nature of vehicular or other movements over and above the existing lawful use as wedding venue with the administrative function of the registration of births, marriages and death. It is also noted that the Council's Highway Engineers do not raise objection, based on the previous use of the premises, the level of associated parking provision and the sites sustainable location.
28. The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1 and the Accessibility, Transport and Road Safety SPD.

Impact on the Heritage Asset and its Setting

29. Policy CG3.4 of the Core Strategy states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings.
30. Section 2 of SPD 'General Design Principles' sets out the Council's aim to protect listed buildings, including protection from inappropriate alteration.
31. Section 16 of the NPPF concerns conserving and enhancing the historic environment. It states (para. 193) that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para. 194 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of Grade II listed buildings should be exceptional.
32. Paragraph 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
33. The external works proposed are considered to be very minor in terms of their heritage impact, consisting of the renewal of two flat roof coverings, replacement of defective modern windows with new timber double glazed units of an appropriate design and some limited repairs.
34. The works proposed are considered to be in the interests of good conservation management. The continuing vacancy of the building puts it at risk and it is considered that occupancy for a suitable use will ensure its future stewardship. The impact on the heritage asset and its setting is considered to be beneficial.

Impact on Community Provision

35. The Core Strategy notes that improving colleges and schools will be central to Bolton's future success. Plans for reorganisation of Bolton's schools note that any new school sites that are required in the future will be in locations that are accessible to the local community that they serve. It also notes that a well-educated and trained workforce will make a major contribution to Bolton's future economic success. Objective SO2 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, provide everyone in Bolton with the chance to learn, by transforming Bolton's schools and colleges with new buildings and improved services.
36. Policy A1 of Bolton's Core Strategy is part of the "Achieving Bolton" Sustainable Community Strategy theme and states that the Council will support the development of facilities for education in accessible locations along transport corridors and in renewal areas.
37. Objective SO16 seeks to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities. Policy SC2 of the Core Strategy states that the Council will ensure that community facilities are located in the neighbourhoods that they serve.
38. The benefits that Bolton Music Service deliver are increasing access to and improving the standards of music making. It is considered that the proposed use would be located within the community that it serves and would make a significant and positive benefit to community

provision.

Local finance considerations

39. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. There are not considered to be any local financial considerations in this case.

Conclusion

40. This is a vacant listed building with little prospect of being occupied for another use. The proposed development would deliver community benefits and no harm has been identified to outweigh this. The application is therefore recommended for approval.

Representation and Consultation Annex

Representations

Letters:- none

Consultations

Advice was sought from the following consultees: Highway Engineers, Pollution Control

Planning History

Planning permission was granted in 1995 for the change of use and conversion of Mere Hall to accommodate the Council's Registrars' operation together with alterations to vehicular access and car parking (47358/95).

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 operations (including the teaching, practice or performance of music) shall be carried out on the premises outside the hours of 0800 to 2100.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and in order to comply with Bolton's Core Strategy policies CG3 and CG4.

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

1399/P11 rev A - proposed elevations
1399/T04 rev B - proposed ground floor
1399/T06 rev A - proposed basement
1399/T05 rev A - proposed first floor
1399/T09 rev A - proposed staff room
1399/T07 rev A - proposed roof plan
1399/T08 rev A - proposed window schedule

Reason

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



ELEVATION TO BE
FULLY REDECORATED
TO MATCH EXISTING

EXTERNAL DOORS TO
BE RETAINED AS
EXISTING WITH NEW
PAINT DECORATION

AREAS OF DEFECTIVE MORTAR POINTING TO ALL ELEVATIONS TO BE CAREFULLY RAKED OUT AND REPOINTED IN NEW LIME MORTAR TO MATCH EXISTING

NORTH ELEVATION



WINDOWS TO BE
RENEWED IN NEW
TIMBER FRAMED
DOUBLE GLAZED
UNITS TO FULLY
MATCH EXISTING

ELEVATION TO BE FULLY REDECORATED TO MATCH EXISTING

SOUTH ELEVATION




ELEVATION TO BE FULLY REDECORATED TO MATCH EXISTING

EAST ELEVATION



WINDOWS TO BE
RENEWED IN NEW
TIMBER FRAMED
DOUBLE GLAZED
UNITS TO FULLY
MATCH EXISTING

WEST ELEVATION

A	NORTH ELEVATION EXTERNAL DOORS RETAINED AS EXISTING (PAPER SIZE REDUCED TO A2)	21.11.18	
	REVISION	DATE	
Design Surveying Partnership Ltd 33 Market Street Farnworth Bolton BL4 7NS Registered Office: T: 01204 223705 E: info@dsapartnership.com F: 01204 223701 W: www.dsapartnership.com			
 CHARTERED SURVEYORS			
CLIENT: BOLTON MBC			
PROJECT TITLE: MERE HALL			
DRAWING TITLE: ELEVATIONS & EXTERNAL DOORS			
DRAWN BY:	AU	DATE:	05.10.18
APPROVED BY:	SF	DATE:	11.10.18
SCALE:	AS SHOWN		
DRAWING NUMBER:	1399/P11	REV:	A

NEW FLOOR FINISHES:
(Prepare substrate and lay new coverings in accordance with the project NBS).

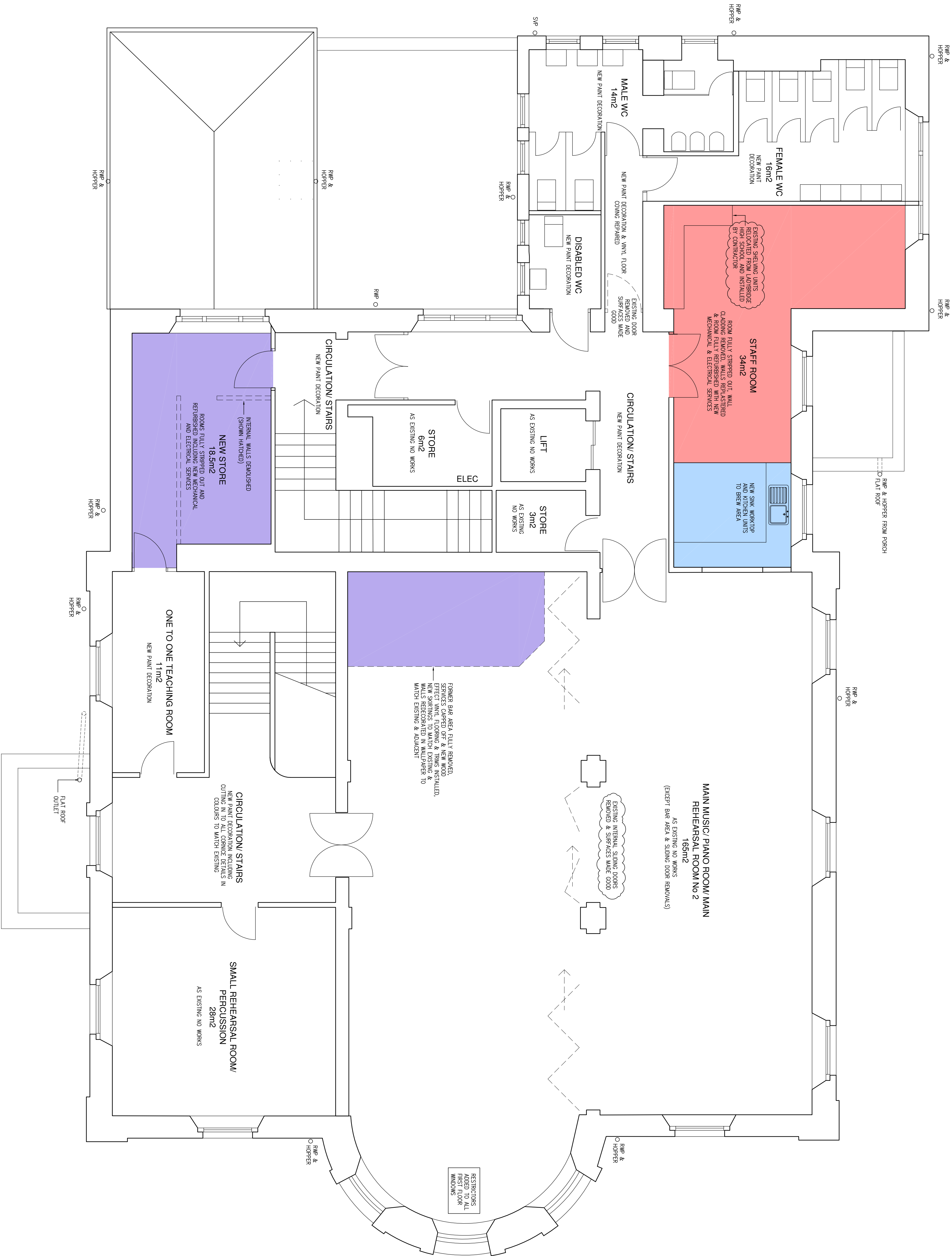
	Fornio Coral Duo Barrier Matt
	CFS Compilation Plus Carpet Tiles
	Polyflor Forest FX PUR
	Polyflor Polysele Astral PUR (Non Slip)

WALL FINISHES:

EGGSHELL PAINT: Prepare walls and apply paint finish in accordance with the project NBS (Crown Trade Clean Extreme Durable Acrylic Eggshell - Colour Generally: 'Blank Canvas')

SKIRTINGS:

MDP: 225x15mm Softwood 'Trous Skirtings with gloss paint finish' (Crown Trade Full Gloss - Colour: 'TEA')
VINYL: Polyflor as main floor site covered with Epecta CT capping strip to plastered walls (colour to match floor) . All in accordance with the project NBS.



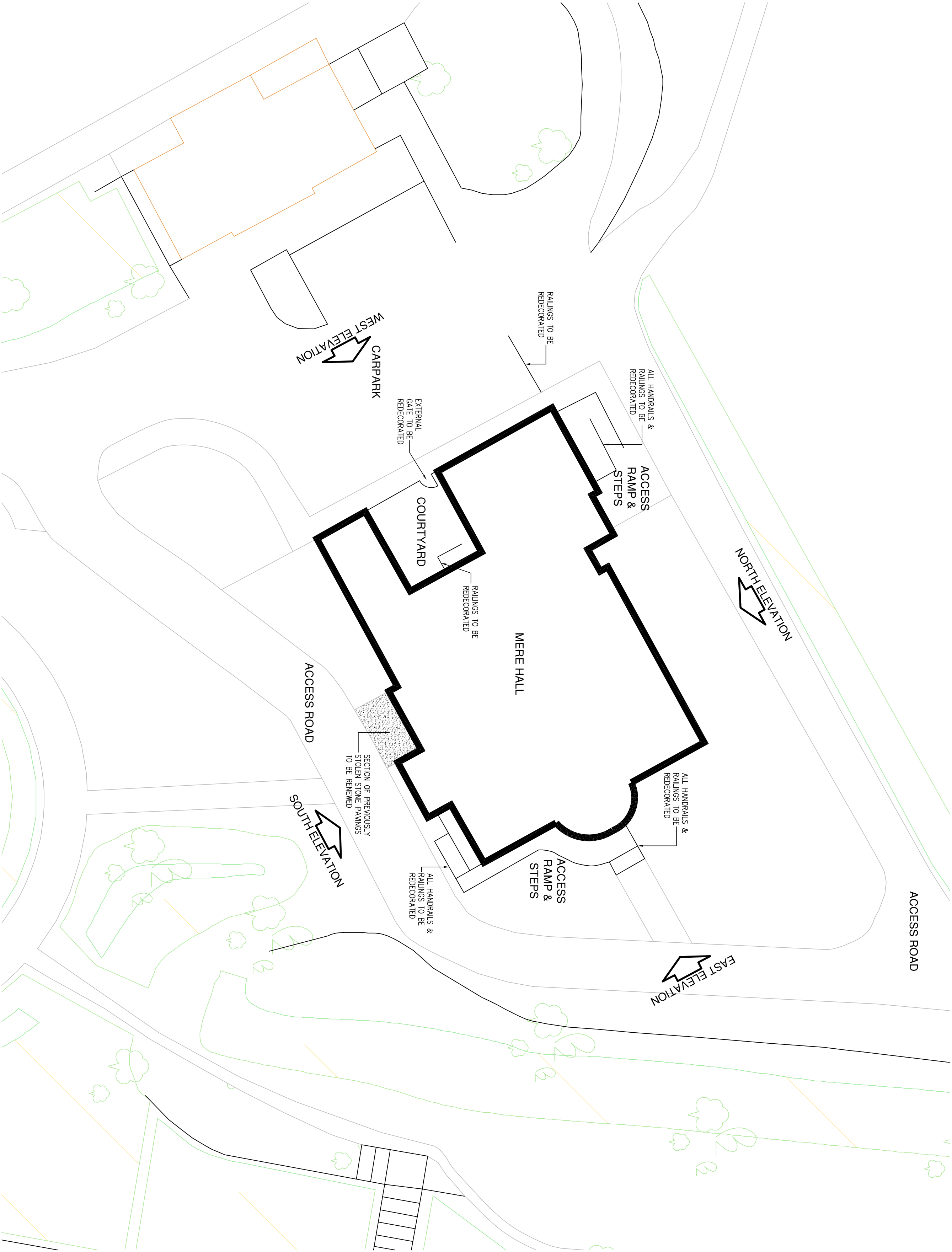
PROPOSED FIRST FLOOR PLAN @ 1:50

A	TENDER DOCUMENTS AMENDED AS	06.09.18	
REVISION	CLIENT INSTRUCTIONS	DATE	
CLIENT: BOLTON MBC			
PROJECT TITLE: MERE HALL			
DRAWING TITLE: PROPOSED FIRST FLOOR PLAN			
DRAWN BY:	AU	DATE:	20.07.18
APPROVED BY:	SF	DATE:	25.07.18
SCALE:	AS SHOWN		A1
DRAWING NUMBER:	1399/T05	REV:	A
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dsp
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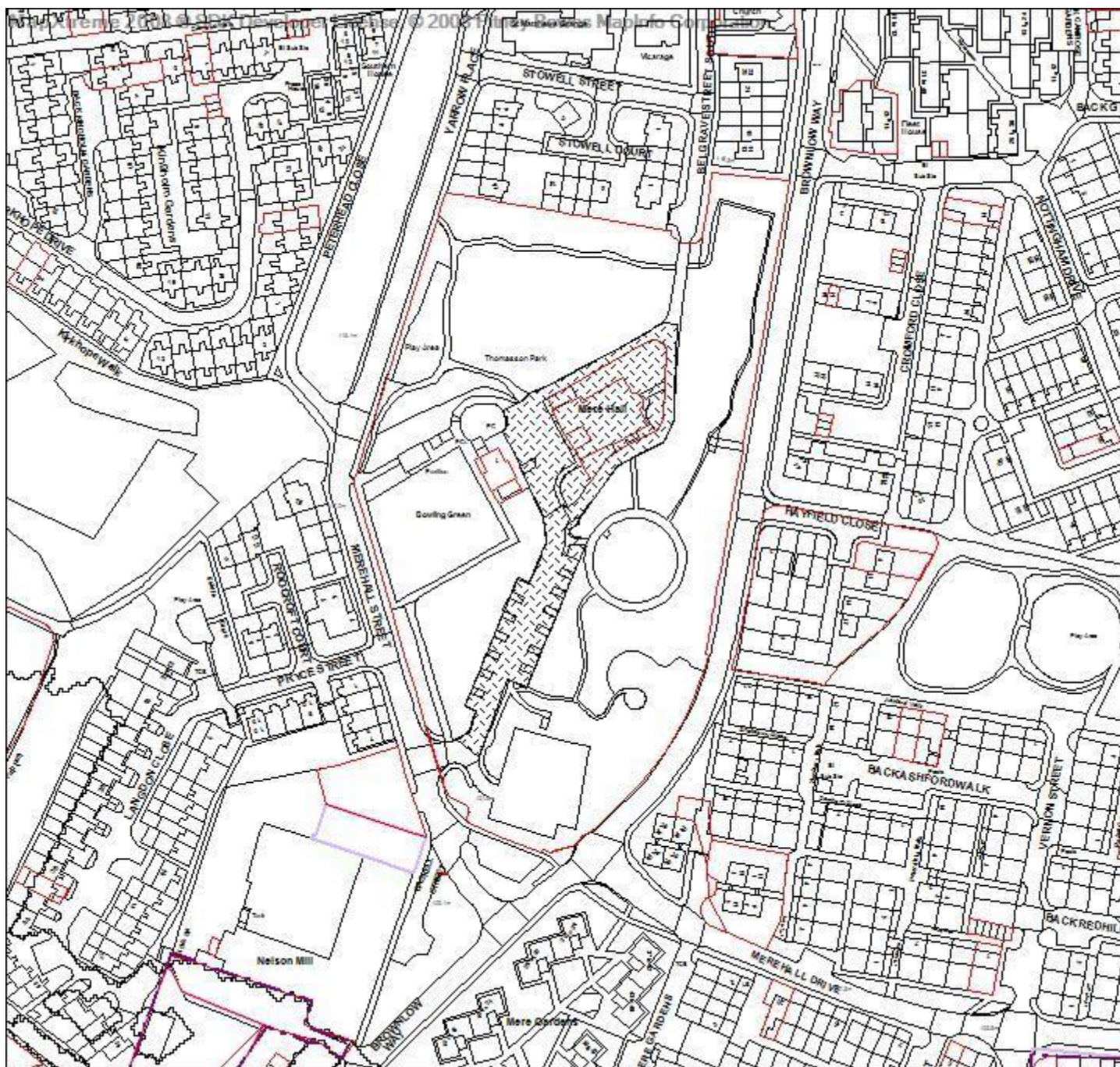
Design Surveying Partnership Ltd
30 Market Street, B4 7NS
t: 0121 2297200
e: info@sparsurveyors.com
w: www.sparsurveyors.com

Registered Office:
1, 01204 237201
www.dsparsurveyors.com



A	TENDER DOCUMENTS AMENDED AS CLIENT INSTRUCTIONS	06.09.18
REVISION	DATE	
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Application number 04932/18



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: 10/01/2019

Application Reference: 04932/18

Type of Application: Listed Building Consent
Registration Date: 23/11/2018
Decision Due By: 17/01/2019
Responsible Officer: Martin Mansell

Location: MERE HALL, MEREHALL STREET, BOLTON, BL1 2QT

Proposal: LISTED BUILDING CONSENT FOR INTERNAL REFURBISHMENT WORKS TO INCLUDE REMOVAL OF NON ORIGINAL MODERN PARTITION WALLS, ERECTION OF STUD PARTITION INTERNAL WALLS, RENEWAL OF NON ORIGINAL DEFECTIVE FINISHES, PROVISION OF ACCESSIBLE WC TO GROUND FLOOR, STRIP OUT OF KITCHEN TO FIRST FLOOR AND REFURBISHMENT INTO STAFF ROOM AND REMOVAL OF BAR AREA TO FIRST FLOOR MAIN ROOM TOGETHER WITH EXTERNAL REFURBISHMENT WORKS TO INCLUDE RENEWAL OF 2NO. DEFECTIVE FLAT ROOF COVERINGS TO PORCHES, RENEWAL OF DEFECTIVE NON ORIGINAL MODERN WINDOWS WITH NEW TIMBER DOUBLE GLAZED UNITS TO MATCH EXISTING, PATCH RENEWAL OF DEFECTIVE EXTERNAL POINTING TO BRICKWORK, RE-DECORATION AND ROOF REPAIRS IN MATERIALS TO MATCH ORIGINAL

Ward: Halliwell

Applicant: Bolton Council

Agent : Design Surveying Partnership Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Listed Building Consent is sought for minor internal and external alterations to Mere Hall in order to facilitate its use as a music and performance education centre, operated by Bolton Music Service.
2. Mere Hall was previously occupied by the Registrar Service; however, since their relocation to Bolton Town Hall, the building has been left vacant.
3. Mere Hall continues to remain an unoccupied vacant building and requires urgent building fabric and infrastructure works to bring the building back into use. Whilst the building has remained vacant it has been subject to vandalism with damage to the lead flashing and York stone paving. Capital investment is therefore required to bring the building back into use and will include the

required internal remodeling and adjustments to meet the Music Service's future needs.

4. The internal works proposed comprise:-

- removal of non-original modern partition walls
- erection of new stud partition internal walls
- renewal of non-original defective finishes
- provision of a new accessible WC to the ground floor
- strip out of modern kitchen to first floor and refurbishment into new Staff Room
- removal of modern bar area to first floor main room

5. The external works proposed comprise:-

- renewal of two defective flat roof coverings to porches
- replacement of defective non original modern windows with new timber double glazed units to match existing
- patch renewal of defective external pointing to brickwork
- redecoration of all previously painted surfaces to match existing
- roof repairs in materials to match original

6. An application for change of use to a music and performance education centre has also been submitted and appears elsewhere on the agenda (04931/18).

7. Members are advised that whilst no objections have been received nor have any concerns been raised by statutory or other consultees, the Council's Constitution currently requires that all Council applications be presented to Planning Committee.

Site Characteristics

8. Mere Hall, together with the surrounding Thomasson Park, is a special and unusual site - essentially a Victorian mansion and its landscaped grounds, surrounded on all sides by the mostly social housing of the Brownlow Fold area. Nelson Mill, a former textile mill now in mixed use, lies to the south west fronting Gaskell Street. The application site is occupied by the main building, Mere Hall and a smaller two-storey outbuilding. There are substantial car parking areas within the grounds. The buildings are situated in an elevated position and access to the site is gained from Merehall Street via a long driveway. The site is bounded by Merehall Street and Yarrow Place to the west and south west and Brownlow Way to the east.

9. The building is Grade II Listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest and its entry on the National Heritage List for England states:-

"Mansion, once a museum later nursery school. 1837, built for Benjamin Dobson, an engineer, and converted to museum in 1890. Brick with stone dressings and hipped slate roofs. Exterior: 2 storeys. Entrance front a 3-window range, with coupled Doric columns to portico porch, and side lights to doorway. 20-pane floor length sash windows each side of doorway, the upper windows blind. Lower wing probably a later addition to the left, with 2 tripartite sash windows to first floor in return, and single 12-pane sash window below. Parallel rear range also a 3-window range, with blind upper windows and sashes below. 2-window range similarly detailed slightly recessed to the right, linked to separate wing to right, which has tripartite sash window on each floor; this wing possibly extended to rear to provide service accommodation, late C19. Garden front a 5-window range with central full-height bow window with floor length sashes. Upper windows blind. Full-height angle pilasters and stone string courses to each principal elevation. Interior:

not inspected"

10. The house was left to the town of Bolton in 1890 by its then owner, JP Thomasson, and adapted for use as a museum by the town; however, as set out above, its last use was by Bolton Council's Registrar Service following a £1 million refurbishment in 1996

Policy

11. Core Strategy Objectives SO11 Built Heritage
12. Core Strategy Policies CG3 Conserving and Enhancing the Heritage Significance of Heritage Assets; RA1 Inner Bolton
13. National Planning Policy Framework - Conserving and Enhancing the Historic Environment
14. National Planning Practice Guidance - Conserving and Enhancing the Historic Environment

Analysis

15. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities that in the exercise of their powers with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In the case of Listed Building Consents, there is no statutory requirement to have regard to the provisions of the Development Plan. In consideration of applications for listed building consent the local planning authority must therefore consider Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the National Planning Policy Framework.
16. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
17. The main impact of the proposal is:-

* impact on the character, appearance and fabric of the listed building and its setting

Impact on the Character, Appearance and Fabric of the Listed Building and its Setting

18. Policy CG3.4 of the Core Strategy states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings.
19. Section 2 of SPD 'General Design Principles' sets out the Council's aim to protect listed buildings, including protection from inappropriate alteration.
20. Section 16 of the NPPF concerns conserving and enhancing the historic environment. It states (para. 193) that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para. 194 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings should be exceptional

21. Paragraph 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
22. The external works proposed are considered to be very minor in terms of their heritage impact, consisting of the renewal of two flat roof coverings, replacement of defective modern windows with new oak-framed white-painted double-glazed units of an appropriate design and some limited repairs.
23. The internal works are considered to be acceptable as they consist mainly of the removal of existing modern partitions that were likely to have been put in place in order to facilitate the use as the Registrars. The internal layout will not change dramatically as the larger room will remain intact. The wall finishes are considered to be appropriate and the works to the kitchen and toilets are relatively minor. The removal of the bar is considered to be acceptable as this was installed in the mid 1990s.
24. The works proposed are considered to be in the interests of good conservation management. The continuing vacancy of the building puts it at risk and it is considered that occupancy for a suitable use will ensure its future stewardship. The impact on the heritage asset and its setting is considered to be beneficial.

Conclusion

25. The proposed works are considered to be minor in nature and are not considered to have a detrimental impact on the character, fabric and appearance of the host listed building and its setting. The proposal is considered to comply with policies CG3 and RA1 of Bolton's Core Strategy and the NPPF (with particular reference to Section 126. In addition the proposal is considered to comply with Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 16(2) and 66(1) (regarding listed buildings and their settings).

Representation and Consultation Annex

Representations

Letters:- none

Consultations

Advice was sought from the following consultees: none

Planning History

Planning permission was granted in 1995 for the change of use and conversion of Mere Hall to accommodate the Council's Registrars' operation together with alterations to vehicular access and car parking (47358/95).

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason

Required to be imposed pursuant to Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

1399/P11 rev A - proposed elevations

1399/T04 rev B - proposed ground floor

1399/T06 rev A - proposed basement

1399/T05 rev A - proposed first floor

1399/T09 rev A - proposed staff room

1399/T07 rev A - proposed roof plan

1399/T08 rev A - proposed window schedule

Reason

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



ELEVATION TO BE
FULLY REDECORATED
TO MATCH EXISTING

EXTERNAL DOORS TO
BE RETAINED AS
EXISTING WITH NEW
PAINT DECORATION

AREAS OF DEFECTIVE MORTAR
POINTING TO ALL ELEVATIONS
TO BE CAREFULLY RAKED OUT
AND REPOINTED IN NEW LIME
MORTAR TO MATCH EXISTING

NORTH ELEVATION



WINDOWS TO BE
RENEWED IN NEW
TIMBER FRAMED
DOUBLE GLAZED
UNITS TO FULLY
MATCH EXISTING

ELEVATION TO BE FULLY REDECORATED TO MATCH EXISTING

SOUTH ELEVATION



ELEVATION TO BE FULLY REDECORATED TO MATCH EXISTING

EAST ELEVATION



WINDOWS TO BE
RENEWED IN NEW
TIMBER FRAMED
DOUBLE GLAZED
UNITS TO FULLY
MATCH EXISTING

WEST ELEVATION

A	NORTH ELEVATION EXTERNAL DOORS RETAINED AS EXISTING (PAPER SIZE REDUCED TO A2)	21.11.18
	REVISION	DATE

42

dsp
DESIGN SURVEYING PARTNERSHIP LTD
93 MARKET STREET | FARNWORTH
BOLTON | BL4 7NS
T: 01204 227025
F: 01204 227501
E: info@dsurveyingpartnership.com

CLIENT:

BOLTON MBC

PROJECT TITLE:

MERE HALL

DRAWING TITLE:

ELEVATIONS & EXTERNAL DOORS

DRAWN BY:	AU	DATE:	05.10.18
APPROVED BY:	SF	DATE:	11.10.18
SCALE:	AS SHOWN		A2
DRAWING NUMBER:	1399/P11	REV:	A

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NEW FLOOR FINISHES:
(Prepare substrate and lay new coverings in accordance with the project NBS).

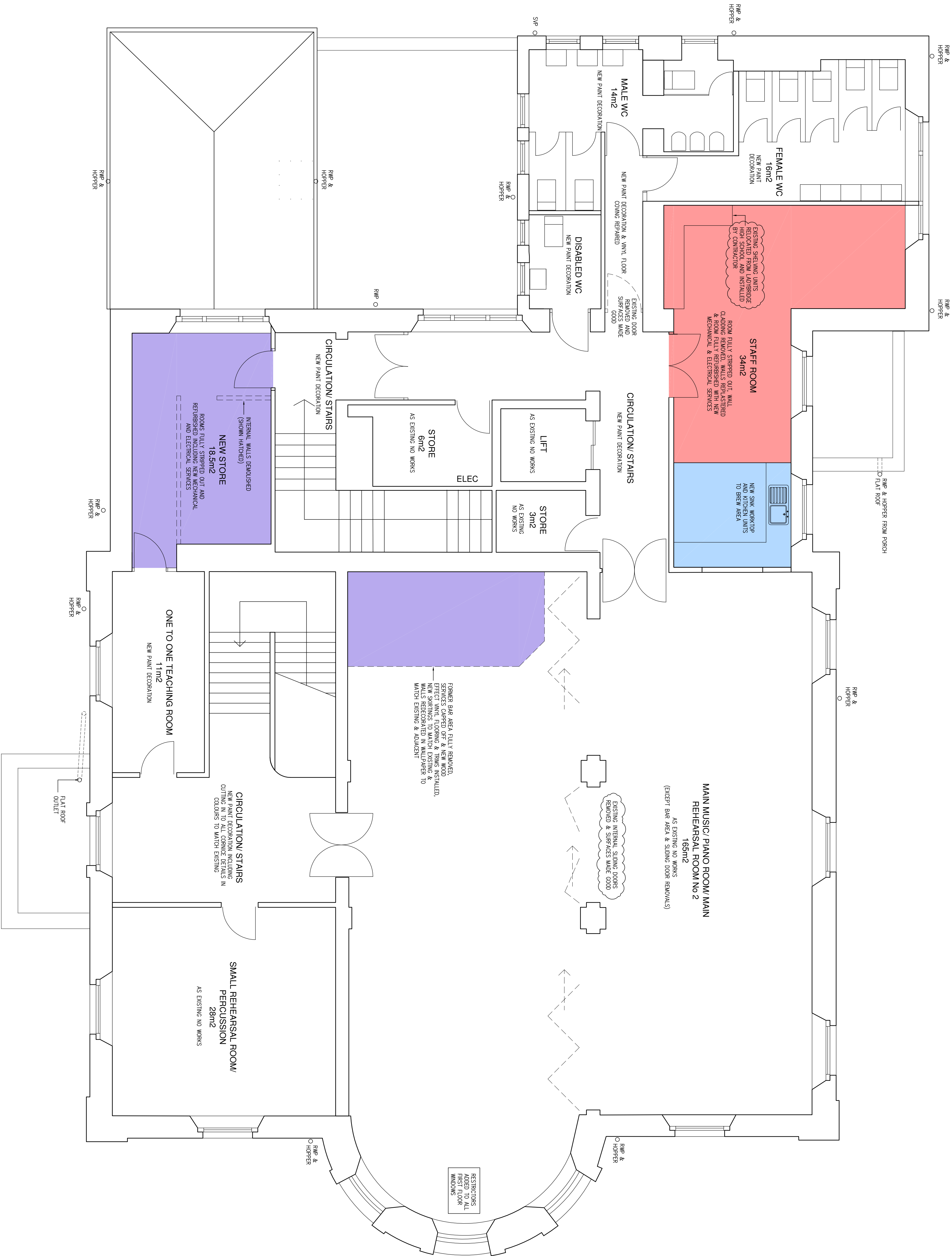
	Fornio Coral Duo Barrier Matt
	CFS Compilation Plus Carpet Tiles
	Polyflor Forest FX PUR
	Polyflor Polysele Astral PUR (Non Slip)

WALL FINISHES:

EGGSHELL PAINT: Prepare walls and apply paint finish in accordance with the project NBS (Crown Trade Clean Extreme Durable Acrylic Eggshell - Colour Generally: 'Blank Canvas')

SKIRTINGS:

MDP: 225x15mm Softwood 'Trous Skirtings with gloss paint finish' (Crown Trade Full Gloss - Colour: 'TEA')
VINYL: Polyflor as main floor site covered with Efecta CT capping strip to plastered walls (colour to match floor) . All in accordance with the project NBS.



PROPOSED FIRST FLOOR PLAN @ 1:50

A	TENDER DOCUMENTS AMENDED AS	06.09.18	
REVISION	CLIENT INSTRUCTIONS	DATE	
CLIENT: BOLTON MBC			
PROJECT TITLE: MERE HALL			
DRAWING TITLE: PROPOSED FIRST FLOOR PLAN			
DRAWN BY:	AU	DATE:	20.07.18
APPROVED BY:	SF	DATE:	25.07.18
SCALE:	AS SHOWN		A1
DRAWING NUMBER:	1399/T05	REV:	A
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NEW FLOOR FINISHES:
(Prepare substrate and lay new coverings in accordance with the project NBS).

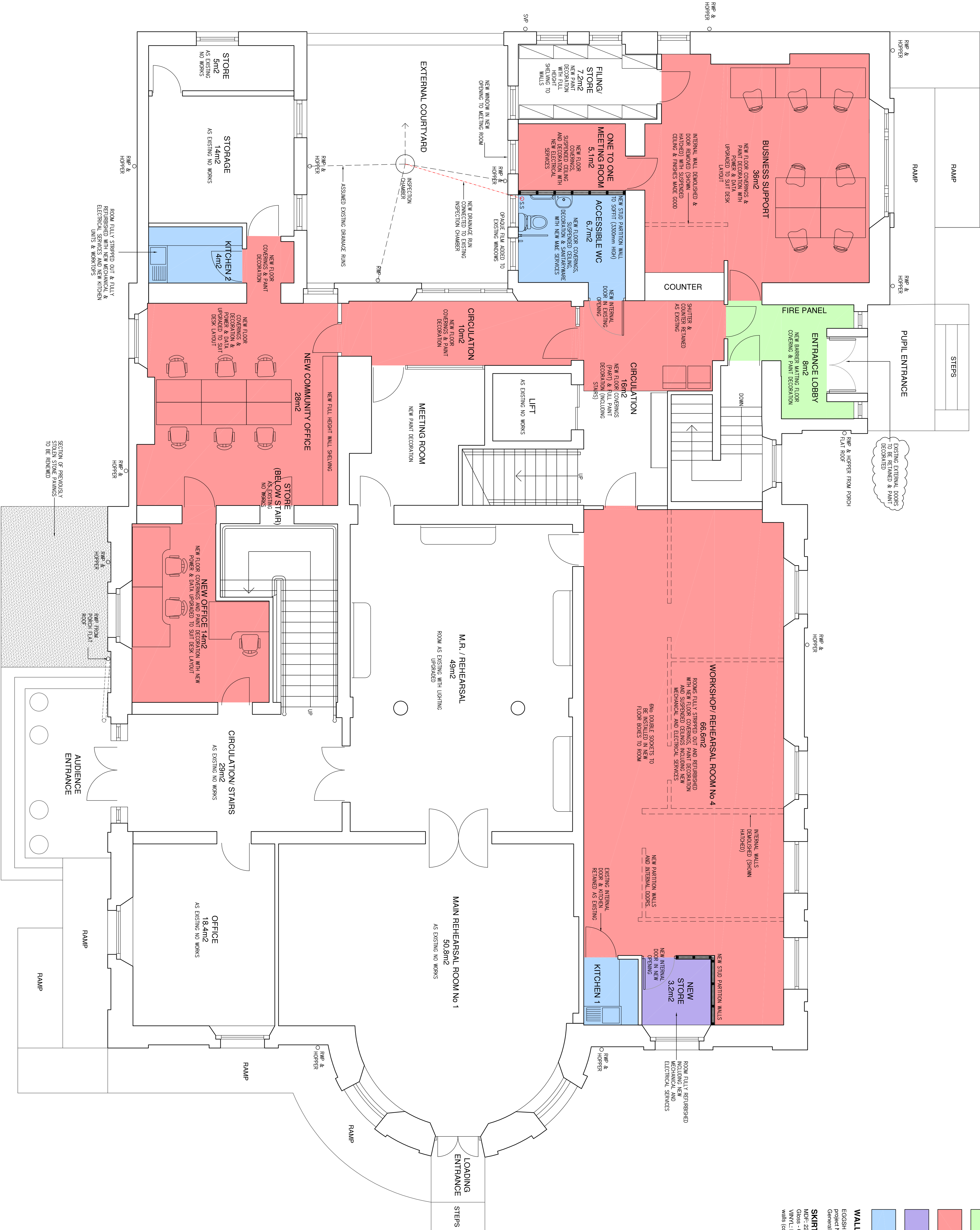
	Fornio Coral Duo Barrier Matt
	CFS Compilation Plus Carpet Tiles
	Polyflor Forest FX PUR
	Polyflor Polysafe Astral PUR (Non Slip)

WALL FINISHES:

EGGSHELL PAINT: Prepare walls and apply paint finish in accordance with the project NBS (Crown Trade Clean Extreme Durable Acrylic Eggshell - Colour Generally: 'Blank Canvas')

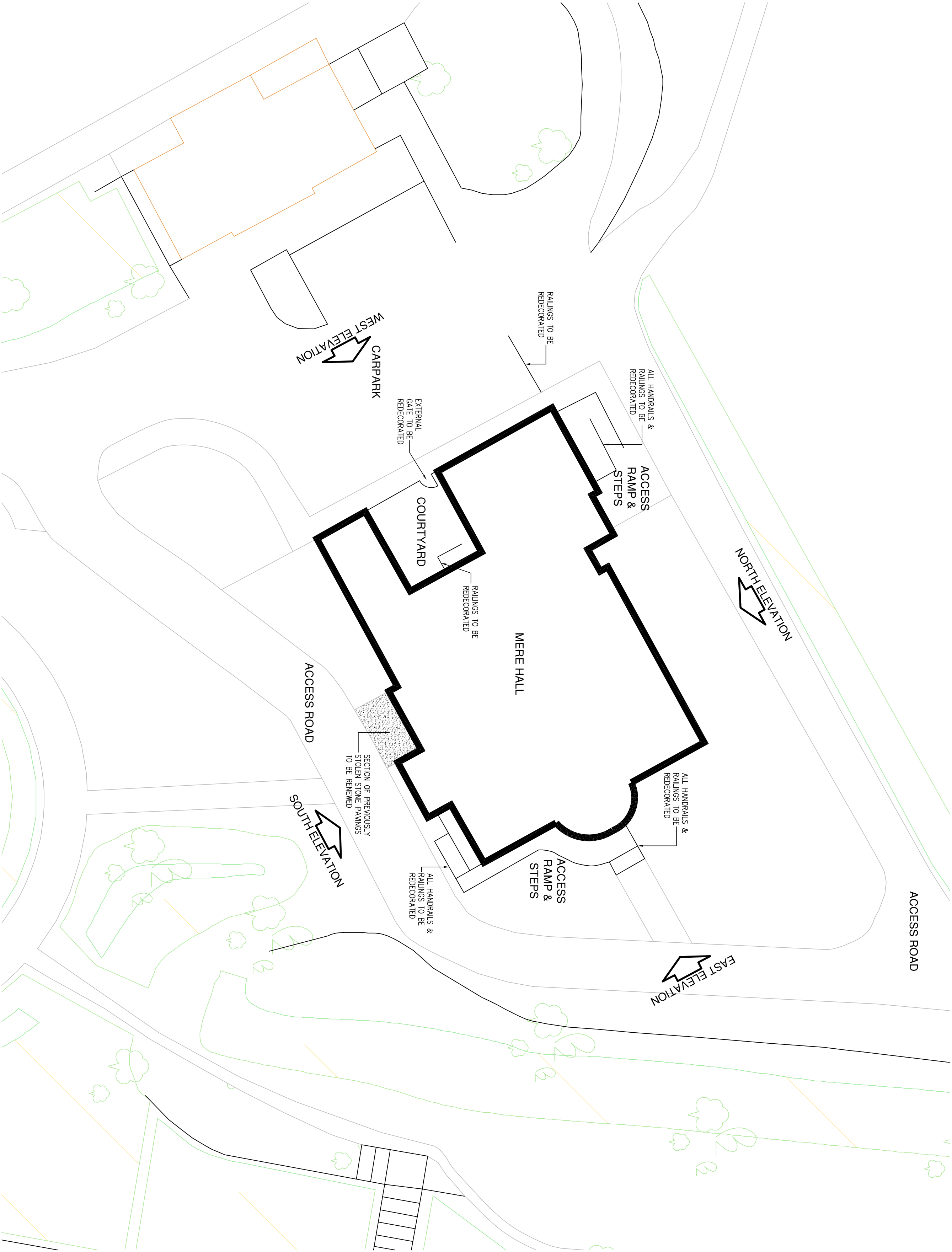
SKIRTINGS:

MDF: 225x18mm Softwood 'Torus Skirtings with gloss paint finish' (Crown Trade Full Gloss - Colour: 'TBA')
VINYL: Polyflor as main floor site covered with Ectra CT capping strip to plastered walls (colour to match floor) . All in accordance with the project NBS.



PROPOSED GROUND FLOOR PLAN @ 1:50

	B	NORTH ELEVATION EXTERNAL DOORS RETAINED AS EXISTING	21.11.18
	A	TENDER DOCUMENTS AMENDED AS CLIENT INSTRUCTIONS	06.09.18
		REVISION	DATE
CLIENT:	dsp CHARTERED SURVEYORS		
PROJECT TITLE:	BOLTON MBC		
PROJECT TITLE:	MERE HALL		
DRAWING TITLE:	PROPOSED GROUND FLOOR PLAN		
DRAWN BY:	AU	DATE:	20.07.18
APPROVED BY:	SF	DATE:	25.07.18
SCALE:	AS SHOWN		A1
DRAWING NUMBER:	1399/T04	REV:	B
NOTES:			
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SITE PLAN @ 1:200

A	TENDER DOCUMENTS AMENDED AS CLIENT INSTRUCTIONS	06.09.18
REVISION	DATE	
<div><div><div><div><div><div></div></div></div><div><div><div></div><div><div>dsp</div></div></div><div><div>CHARTERED SURVEYORS</div></div></div><div><div>Design Surveying Partnership Ltd</div><div>Registered Office: 93 Market Street Farnworth Bolton BL4 7NS</div><div><div>E: info@dspartnership.com</div><div>T: 01204 237025</div><div>F: 01204 237201</div><div>W: www.dspartnership.com</div></div></div></div></div></div>		
CLIENT: BOLTON MBC		
PROJECT TITLE: MERE HALL		
DRAWING TITLE: EXTERNAL WORKS SITE PLAN		
DRAWN BY:	AU	DATE: 20.07.18
APPROVED BY:	SF	DATE: 25.07.18
SCALE:	AS SHOWN	A2
DRAWING NUMBER:	1399/TT10	REV: A
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Application number 04290/18



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: 10/01/2019

Application Reference: 04290/18

Type of Application: Full Planning Application
Registration Date: 08/08/2018
Decision Due By: 06/11/2018
Responsible Officer: Helen Williams

Location: THORN LEA, 364 CHORLEY NEW ROAD, BOLTON, BL1 5AD

Proposal: DEMOLITION OF GARAGE AND CONVERSION AND
EXTENSION OF DWELLING TO FORM 9No. APARTMENTS
TOGETHER WITH ASSOCIATED PARKING AND
LANDSCAPING.

Ward: Heaton and Lostock

Applicant: Mr R Townsend
Agent : Urban Vision NW Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Permission is sought for the demolition of an existing single storey rear extension to the property, the erection of a two storey rear and side extension and the conversion of the extended property into nine apartments (eight two bedroom and one one bedroom apartments).
2. The existing vehicular access (driveway) into the application site would be retained, off Thorn Lea Close (a gated, private road), with an new access point being created off the private road to access the proposed 'grasscreted' car park at the front of the site.
3. The proposed two storey extension would wrap around the western side of the property (at first floor level over the single storey utility room and coal store) and to the rear (northern side). The extension would project approximately 6 metres further to the rear than the existing single storey extension and would be the whole width of the existing property. The extension would be finished with a sand cement render on a stone plinth to match the existing front elevation of the property. A natural slate roof is also proposed, again to match the existing roof.
4. No trees are proposed to be felled to accommodate the development.
5. The application was originally submitted to accommodate 11 apartments within the extended property. Following discussions with officers the applicant has reduced their proposal by reducing the number of apartments proposed from 11 to 9 and reducing the scale of the two storey extension.

Site Characteristics

6. The application site measures 0.34 hectares and comprises the large, detached, two storey dwelling of Thorn Lea and its residential curtilage. The dwelling is sited centrally within the site.
7. The dwelling dates from around 1870 (mid-Victorian) and is Classical in style. It is constructed from red brick, with the front elevation having been rendered in white. There is a two storey square bay window on the left hand side of the front elevation and a canted, single storey, stone bay window on the right hand side. The property has a single storey brick built extension to the side and rear at its north western corner.
8. The application property has large front and rear lawned gardens. There are dense mature trees along the western, southern and eastern boundaries of the site which are protected under a Tree Preservation Order (Bolton (Heaton) 1960).
9. Thorn Lea is accessed from Chorley New Road off Thorn Lea Close, a private gated road to the east of the application site. Thorn Lea Close also serves the four large red brick dwellings of 2 to 8 Thorn Lea Close, which are sited to the east and north of the application site (and were built within original grounds of Thorn Lea in the early 1970s).
10. To the west of the site runs Clarebank, a narrow road that serves the three dwellings on Clarebank and which will serve the three dwellings approved on the former Hetlands site.
11. The application site is located with Chorley New Road Conservation Area.

Policy

12. Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1 Greener Bolton; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA4 West Bolton.
13. SPD General Design Principles; SPD Accessibility, Transport and Road Safety.
14. National Planning Policy Framework (NPPF)
15. Chorley New Road Conservation Area Appraisal

Analysis

16. 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.
17. The main impacts of the proposal are:-
 - * impact on the character and appearance of the building and surrounding area
 - * impact on biodiversity
 - * impact on the highway
 - * impact on the amenity of neighbouring residents
 - * impact on flood risk

Impact on the Character and Appearance of the Building and Surrounding Area

18. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Historical associations should be retained where possible. Policy CG3.4 states that the council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings.
19. Policy OA4 relates specifically to developments in West Bolton and states that the Council will conserve and enhance the character of the existing physical environment, especially the conservation areas at Deane and Chorley New Road, ensure that development has particular regard to the overall density, plot sizes, massing and materials of the surroundings - these features should be retained where possible, and ensure that development respects the large amount of open space and lower density development in West Bolton.
20. The application site is located within Chorley New Road Conservation Area. Chorley New Conservation Area is characterised by large properties in spacious plots set among areas of native woodland and mature landscaping. In spite of the demolition of many of the original mansions and houses, and the redevelopment of their landscape grounds with housing estates, Chorley New Road has retained much of the character of a well to do 19th and early 20th century residential suburb. The area consists predominantly of residential buildings.
21. The application property, Thorn Lea, is a large mid-Victorian era detached dwelling. It is referred to in the Council's Chorley New Road Conservation Area Appraisal as being a building that makes an important contribution to the character of the conservation area and one that merits retention and special care when repairs or alterations are being carried out.
22. The proposed development would involve the demolition of an existing single storey garage attached to the rear of the property and the erection of a large two storey extension at the rear, which would be continued at first floor level over the existing single storey side element (which accommodates a utility room and former coal store). The proposed extension would increase the footprint of the building by approximately 80% and would result in the building becoming a two storey building throughout.
23. The front and side elevations of the original dwellinghouse would not be altered by proposal (either by the extension or by the internal alterations proposed to accommodate the apartments). It is considered that the main architectural value of Thorn Lea is on its front elevation, where the attractive bay windows, entrance door and overhanging timber eaves are located. The two chimneys would also be retained.
24. The character and appearance of the original dwelling would inevitably be altered by the scale, siting and design of the proposed extension. The applicant has however worked with the local planning authority through the application process to amend their scheme, which has resulted in the scale of the rear extension being reduced, the design of the fenestration being amended, and the design of the extension becoming more symmetrical. The applicant is proposing that the extension be finished in the same sand cement render as the front elevation of the dwelling, with natural slate roof tiles to match the existing building. Should the application be approved, officers recommend a condition to ensure that all new windows are white timber framed sliding sash, to respect those in the original dwelling.

25. Despite the scale of the extension is not considered that the proposal would have a harmful impact on the character and appearance of the area. Owing to the dense mature trees along the front and western side boundaries of the application site there are only limited and obscured views into the site from Chorley New Road and Clarebank. The existing dwelling is only glimpsed through the tree screening during summer months from Clarebank and from the gated access at Thorn Lea Close. Outside views of the proposed extended property would therefore continue to be limited, as no trees are proposed to be lost.
26. The application plot is large at 0.34 hectares and therefore has the capacity to accommodate the extended property whilst retaining a large rear garden area.
27. The majority of the large front lawn would however be lost to accommodate the proposed parking area for the nine apartments. Whilst the applicant is proposing 'grasscrete' in this area (grids to allow grass to grow through) the parking of vehicles in this area would have an affect on the setting of the building, however these vehicles would again be screened from view to some extent by the protected trees around the site.
28. Paragraph 193 of the National Planning Policy Framework (NPPF) states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
29. In this instance Chorley New Road Conservation Area is the designated heritage asset. The conservation area covers a large area, extending from New Hall Lane to Victoria Road/Beaumont Road and therefore the application site is only a very small part of it. For the reasons discussed it is considered that the proposed development would lead to less than substantial harm to the significance of Chorley New Road Conservation Area.
30. Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits of the proposal are that eight additional dwellings would be provided on the site: Bolton currently does not have a five year supply of housing and therefore development of brownfield sites within the existing urban area should be supported where appropriate. The proposal would retain the original two storey part of the Victorian dwelling, and the use of the building as residential accommodation would be continued. It is also considered that approving a viable development on the site could help to safeguard the original building from any future pressures of demolition.
31. It is considered that the less than substantial harm to the significance of Chorley New Road Conservation Area, identified by officers, would be outweighed by the public benefits of the proposal, and the development would therefore be compliant with Policies CG3 and OA4 of Bolton's Core Strategy.

Impact on Biodiversity

32. Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development, and improving the quality and interconnectivity of wildlife corridors and habitats.

Trees

33. The trees within and adjoining the site are protected under a Tree Preservation Order (Bolton (Heaton) 1960). The applicant has submitted an arboricultural impact assessment with their application and has amended their plans throughout the application process to take into account concerns raised by the Council's Tree Officers.
34. No trees are proposed to be felled. Additional planting is also proposed to the frontage of the site.
35. The north western corner of the rear extension is proposed to be constructed with a piled foundation, to protect a Beech tree to the west on Clarebank. Details of how this would be constructed have been submitted by the applicant and accepted by the Council's Tree Officer.
36. Additional information is however still required regarding the construction of the north eastern corner of the extension (which the Tree Officer considered would have a low impact on trees), along with further details of how the proposed parking area and the proposed routes of services would safeguard trees. A planning condition requesting these details prior to the commencement of development is therefore suggested.

Bats and nesting birds

37. As the development includes the demolition of part of the existing building the applicant has submitted a survey and assessment in respect of bats and nesting birds. The survey found that there was no current or historic evidence of roosting bats either in the building or on the site and no active bird nests were found. The Council's Wildlife Officer has assessed the report and raises no concern.
38. As the proposed development would not result in the loss of any trees and there is no evidence of bats or nesting birds on the site it is considered that the proposal complies with Policy CG1.2 of the Core Strategy.

Impact on the Highway

39. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements and parking (in accordance with the parking standards set out in appendix 3). Policy S1.2 states that the Council will promote road safety in the design of new development.
40. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
41. Vehicular access into the development is proposed from the existing access/driveway into Thorn Lea. This is from Thorn Lea Close, a private gated cul-de-sac which is accessed off Chorley New Road. The Council's Highways Engineers have not raised any objection to the use of this existing access and it is considered that a development of eight additional residential units on the site would only have a negligible impact on the highway network at this location. Furthermore, no objections have been raised with regard to highway safety as a result of additional vehicles using Thorn Lea Close.
42. Residents at Thorn Lea Close have suggested in their representations that the development could instead be accessed from Clarebank rather than Thorn Lea Close. Officers do not consider that this alternative is necessary (given no concerns have been raised by the Council's Highways Engineers) and furthermore, perhaps more importantly, a new access onto Clarebank would very

likely result in the loss of protected trees, which officers would be unlikely to support on amenity grounds.

43. A parking area is proposed to the front of the application property, within the current garden area. The applicant has indicated that this would allow for the parking of 15 vehicles. The submitted plans also shows there is potential for vehicles to park along the existing driveway to the eastern side of the building. The car parking area is deliberately not being formally marked out as the proposed 'grasscrete' surfacing of the area is intended to appear as a grassed area when not in use: the presence of lines demarcating the parking spaces would not help achieve this design aim.
44. Appendix 3 of the Core Strategy sets out the Council's maximum parking spaces for development. For two to three bedroom dwellings a maximum of two parking spaces are required. These are however *maximum* standards not minimum. Looking at the proposed layout of the car park and driveway there appears to be adequate space for the parking of 18 vehicles (which would be the maximum requirement for the nine apartments). Furthermore it is acknowledged that the application site is located within a sustainable location, on a bus route and on a main road to Bolton town centre. It is therefore considered that the proposed parking arrangements are acceptable.
45. Highways Engineers advised that the bin store should be located as close as possible to the highway limit. The bin storage area is proposed to the south east corner of the car parking area (to be screened by new planting), therefore close to the site's entrance with Thorn Lea Close and the closest location possible to the highway.
46. It is considered that the proposed development would not impact detrimentally on highway safety or the road network and therefore would be compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

47. Policy CG4 of the Core Strategy states that the Council will ensure that new 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. SPD General Design Principles sets out the Council's recommended interface distances between dwellings.
48. It is not considered that the siting or scale of the proposed extension would have any undue affect on the amenity of any neighbouring resident given the distance it would be away from all neighbouring properties (for example, the extension would be over 30 metres away from the front of 4 Thorn Lea Close and over 24 metres at a 45 degree angle from the rear of 380 Chorley New Road). Furthermore there is dense tree screening around the site.
49. Concerns have been raised by neighbouring residents about an increase in noise from the development. Whilst there would be increased vehicle movements in and out of the site it is not considered, given the distances involved between the building and the neighbouring dwellings, the residential nature of the development and the location of the bin store, that the development would give rise to undue harm by reason of noise and disturbance.
50. It is therefore considered that the proposed development complies with Policy CG4 of the Core Strategy.

Impact on Flood Risk

51. Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk. Policy CG2.2c states that the Council will ensure that all proposals for 5 or more residential units demonstrate the sustainable management of surface water run-off from developments. On brownfield sites the rate of run-off should be 50% less than conditions before development.
52. As the application was submitted as a major development (over 10 residential units) a flood risk assessment was submitted alongside a proposed drainage scheme. The site already has an existing connection to the combined sewer and the applicant intends to use this connection for the extended development. The applicant would therefore require permission from United Utilities to do so.
53. With regards to ensuring that the rate of surface water run-off is 50% less than the current development, a sustainable drainage condition is suggested.
54. It is considered that, subject to the recommended condition, the proposed development would not result in the increase of flooding and therefore complies with Policies CG1.5 and CG2.2c of the Core Strategy.

Other matters

55. As the application proposal has been amended, reducing the number of apartments proposed from 11 to 9, there is not a requirement for the applicant to submit a crime impact assessment with the proposal (as the proposal is no longer classed as a major development). The applicant is however advised that the development should be carried out to the Secured by Design standards, and an informative note advising the applicant of this will be attached to the decision notice should the application be approved.

Local finance considerations

56. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The following is considered to be a local financial consideration in this case:
57. New Homes Bonus for the nine proposed dwellings – this is not a material planning consideration.

Conclusion

58. For the reasons discussed above it is considered that the proposed development would not unduly harm the character and appearance of the existing building or the surrounding area, would not harm biodiversity, would not impact detrimentally on highway safety or the road network, would not unduly harm the amenity of neighbouring residents, and would not impact on flooding. It is considered that the proposed development would accord with the Council's development plan and Members are therefore recommended to approve this application, subject to the recommended conditions.

Representation and Consultation Annex

Representations

Letters:- Four letters of objection have been received from the four properties on Thorn Lea Close. These raise the following concerns:

- * Impact on the character and appearance of the conservation area. The building makes an important contribution to the character of the conservation area and this proposal would materially alter the house;
- * It would be out of character with Thorn Lea Close;
- * It would represent an overdevelopment of the site. It would be of a higher density than the rest of the gated development at Thorn Lea Close. Over-utilisation of the original single family dwelling;
- * Additional vehicles coming and going;
- * Pedestrian safety (children) owing to the increase in traffic;
- * Likely that heavier duty security gates at the access of Thorn Lea Close will be required owing to the increase in movements;
- * Loss of privacy and seclusion;
- * Insufficient car parking provision;
- * Thorn Lea Close is a private road and is not suitable for heavy construction vehicles (*officer comment: this would be a private matter*);
- * The development should have a separate entrance from Clare Bank;
- * Concerns about how refuse bins will be collected;
- * Affect on surface water;
- * Increase in noise;
- * Construction disturbance and how materials and plant for the construction period will be stored (blocking access) (*officer comment: as some disturbance during construction is inevitable it can only be given limited planning weight*);
- * As the flats will be let, do not know what kind of people will be living there. Concerns about the safety of their children. More people will know the code for the security gates (*officer comment: the 'type' of resident who could potentially live at this private residential development is not considered to be a material planning consideration*).

Elected Members:- Cllr. Galloway has requested that the application be determined at Committee for the following reasons:

- * The proposed large extension represents a big change to one of the buildings of note in the Chorley New Road Conservation Area and therefore requires more scrutiny;
- * Alternatively the property could be sold as a family home or split into around 4 or 5 apartments;
- * Do not believe that the proposal preserves or enhances the conservation area.

Consultations

Advice was sought from the following consultees: Tree Officers, Highways Engineers, Drainage Officers, Landscape Officer, Wildlife Officer, Economic Strategy Officers, Strategic Development Unit, Greater Manchester Police and Bolton District Civic Trust.

Planning History

The only planning history relates to tree pruning and felling applications 90781/13, 52351/98, 52350/98 and 44431/93.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of two 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. Prior to the commencement of development of any works on site, the developer shall submit a method statement detailing how the following elements of the site will be constructed without causing harm or damage to the protected trees found on the site to the Local Planning Authority. The specified areas are:

- * North eastern part of the rear extension
- * New tarmac area at the entrance to the car parking area
- * Proposed car parking area
- * Proposed services including surface water and foul water systems

No development or site clearance shall take place until the Local Planning Authority has agreed the measures in writing, and these measures shall then be implemented fully in accordance with the approved details.

Reason

To ensure the safe development of the site and favourable retention of trees and in order to comply with Bolton's Core Strategy policies CG1 and CG3.

3. No demolition, development or stripping of soil shall be started until:

1. The trees within or overhanging the site which are to be retained or are subject of a Tree Preservation Order (TPO) have been surrounded by fences of the type and in the location shown on drawing 1114/TPP/001 Rev 1 within the Arboricultural Impact Assessment and Arboricultural Method Statement (received 24 Oct 2018).
2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).
3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

To protect the health and appearance of the tree(s) and in order to comply with Bolton's Core Strategy policies CG1 and CG3.

4. Prior to commencement of development a site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority, to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken in accordance with Model Procedures for the Management of Land Contamination (CLR 11) and a written report of the findings must be produced. The written report shall include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to human health, property or the environment;
 - (iii) an appraisal of remedial options and proposal for a preferred option. This should include details of testing methodology for any soil or soil forming materials to be brought onto site.

Prior to first use/occupation of the development hereby approved:

(iv) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were

completed in accordance with those agreed by the LPA.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

5. Prior to the commencement of any groundworks surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:
- 1) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
 - 2) Include a timetable for its implementation, and
 - 3) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To ensure the site provides satisfactory means of surface water drainage and to comply with policies CG1.5 and CG2.2 of Bolton's Core Strategy.

6. Prior to any doors or windows being installed, a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The windows are to be white painted timber sliding sash windows to match the existing windows. The approved scheme shall be implemented in full before the development is first occupied and retained thereafter.

Reason

To ensure the development reflects local distinctiveness in order to comply with policies CG3 and OA4 of Bolton's Core Strategy.

7. Notwithstanding the submitted landscaping plan, trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape and in order to comply with Core Strategy policies CG1 and CG3.

8. Prior to the development hereby approved being first occupied, a scheme detailing how the part of the site to be used for the parking vehicles is 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, to safeguard the character and appearance of the area and in order to comply with Core Strategy policies S1, P5 and CG3 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

9. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref: 0.3E.

Reason

For the avoidance of doubt as to what is permitted and in order to comply with Bolton's Core Strategy policies CG3 and OA4.

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

0.3E; Floor Plans and Elevations; dated Nov 17

0.4C; Site Plan; dated Nov 17

180015 Rev G; Landscaping and Site Layout; received 20 Dec 2018

Reason


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

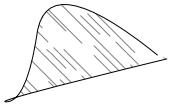
LEGEND

 drivegrid to be laid as shown to manufacturers specification as suitable for laying under trees

 carpinus and ligustrum planted as shown

 1-sorbus commixta dodong

 or acer griseum or acer davidii

 new tarmac area to access proposed parking area and recycling area

CLIENT

Mr and Mrs R Townsend
Thornlea
Chorley New Road
Bolton

SCALE 1:500

PREPARED BY

Judithe Harrison

DRAWING NUMBER

180015 revg



large twin stemmed faqus
to be crown thinned by 20% - Bolton
Trees recommended

the remainder of trees on this
private road merit examination and
a selective removal/replacement
programme developping. this would
make the road much more attractive
to enter and visually more impactful
from the Southern aspect - TBD

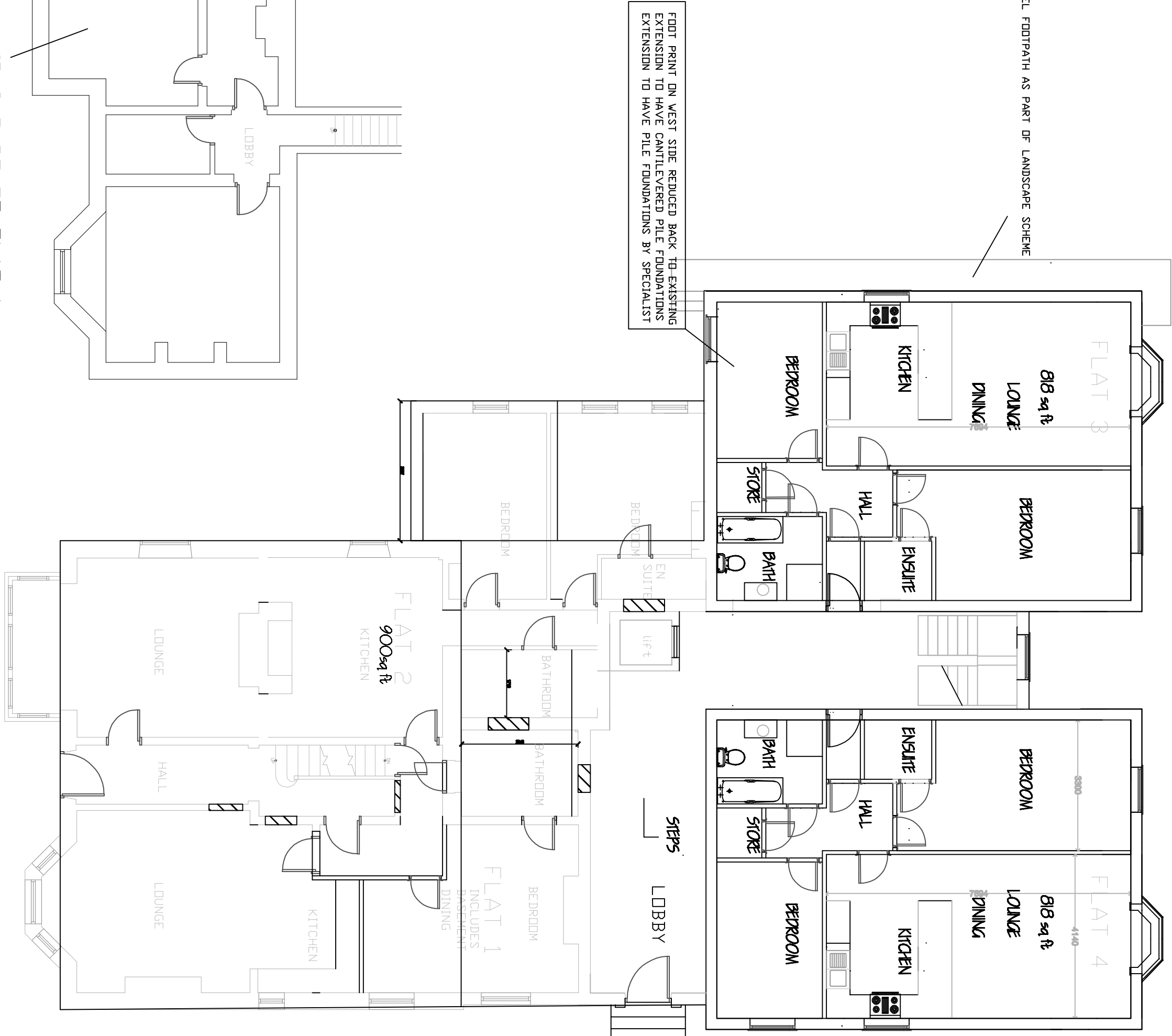
Planting on the South parallel to Chorley New Road
TO BE SUPPLEMENTED BY suitable hedging eg ligustrum and carpinus
with shade edge loving trees interspersed. Some selective pruning will be
necessary before any planting takes place.



ES station - similar to this

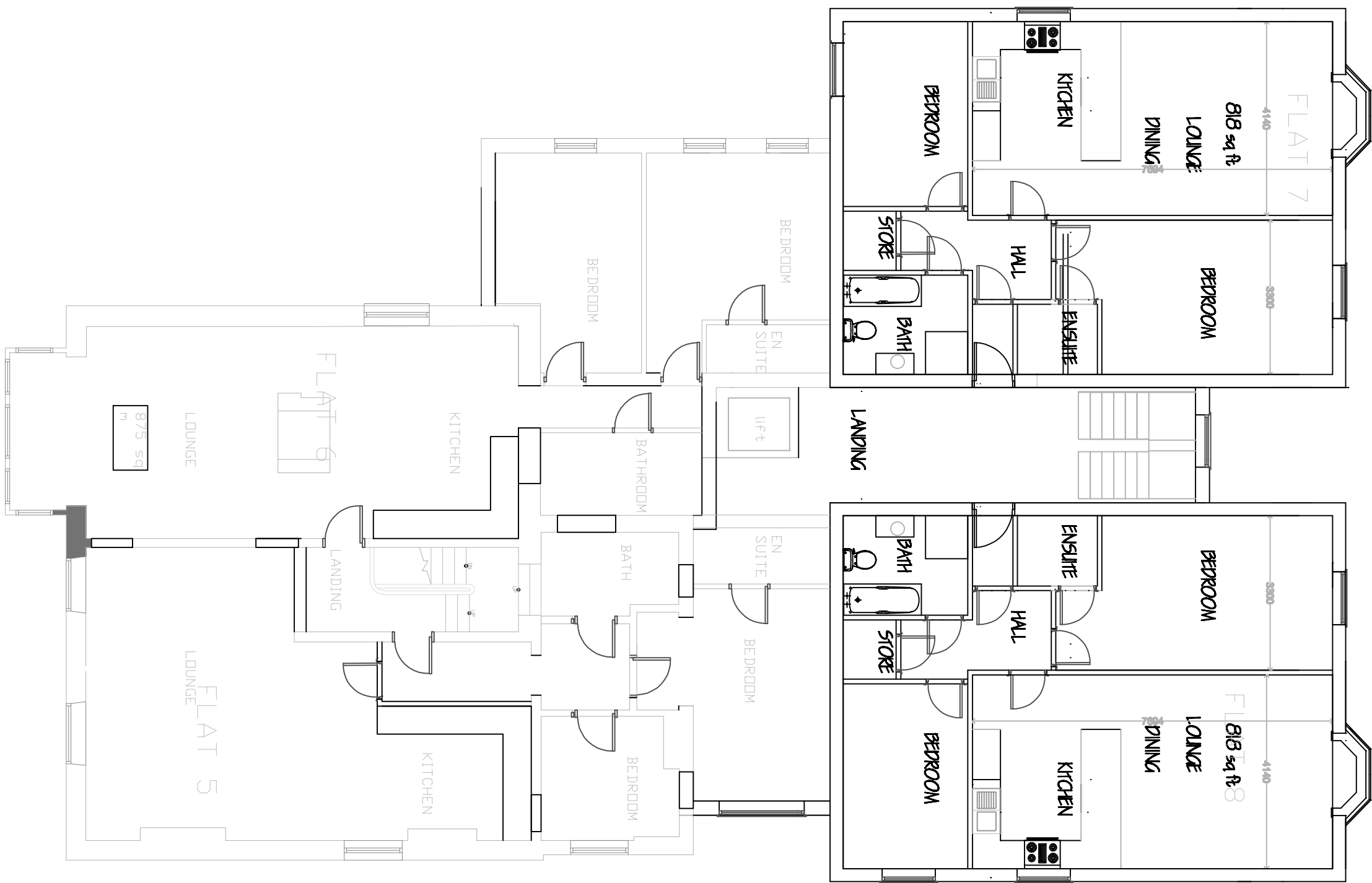
THORN LEA PROPOSALS

GRAVEL FOOTPATH AS PART OF LANDSCAPE SCHEME



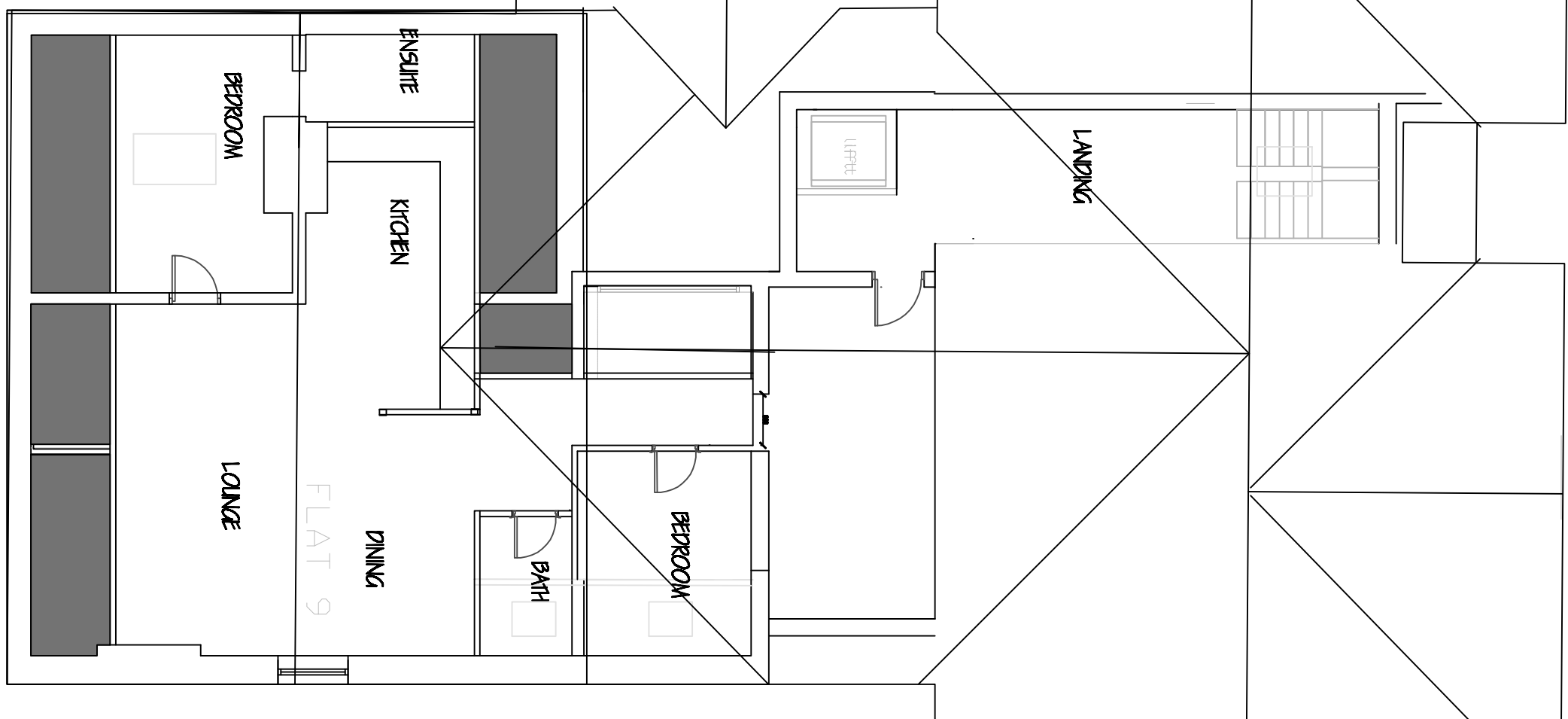
BASEMENT FORMS PART OF FLAT 1
BASEMENT FLOOR PLAN

GROUND FLOOR PLAN



FIRST FLOOR PLAN

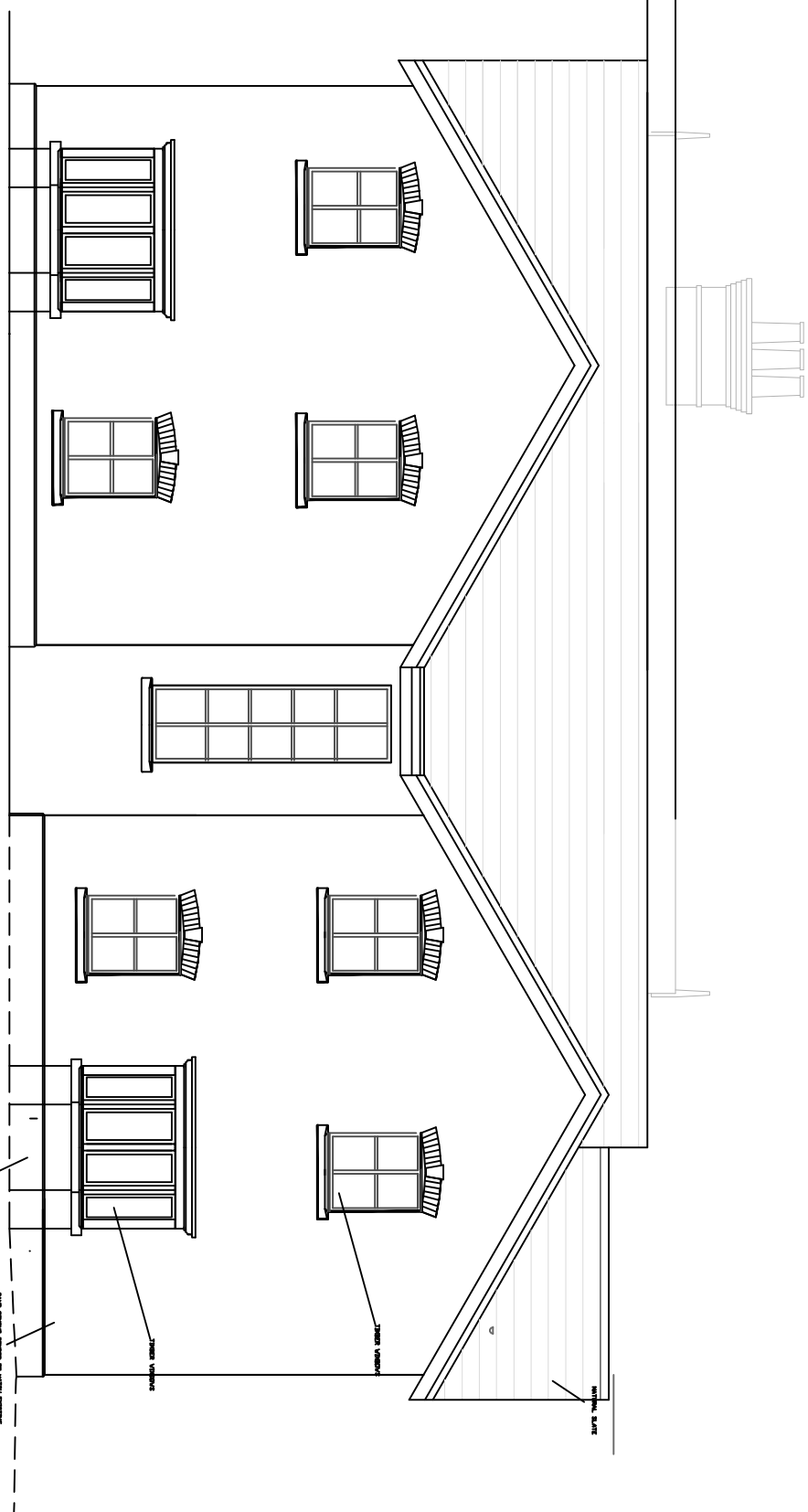
SECOND FLOOR PLAN



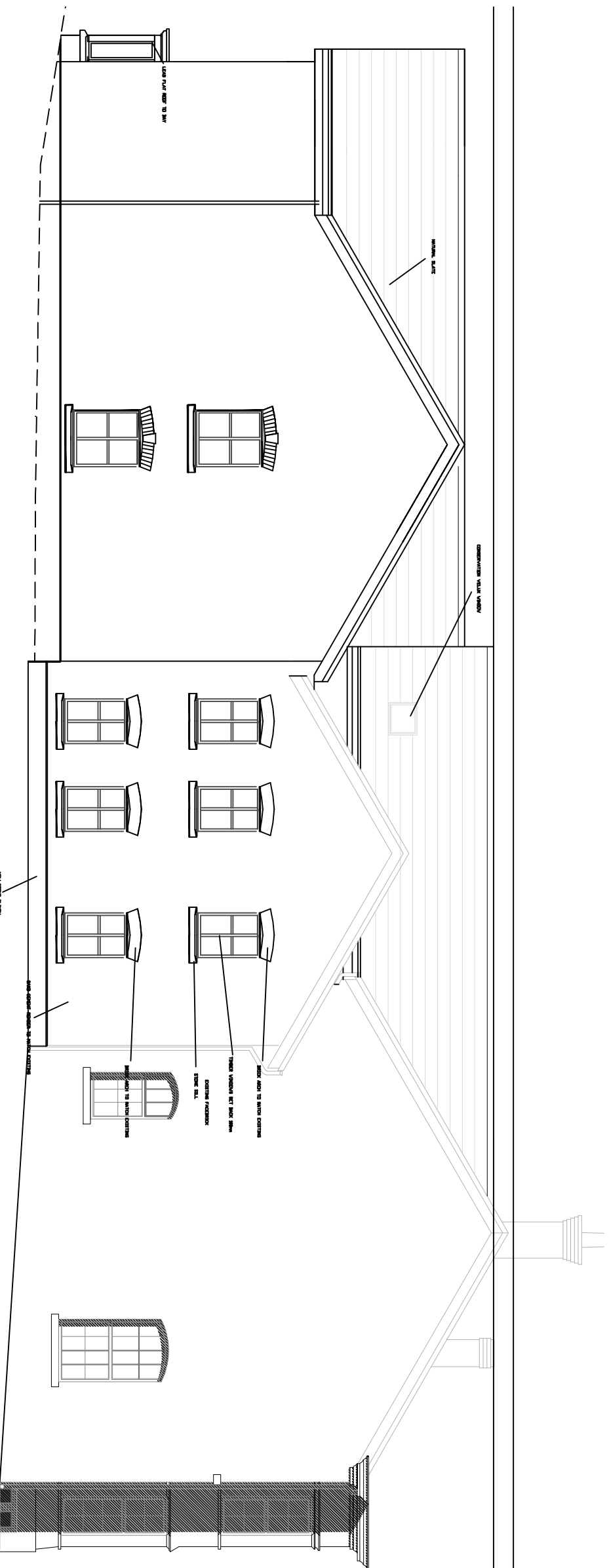
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



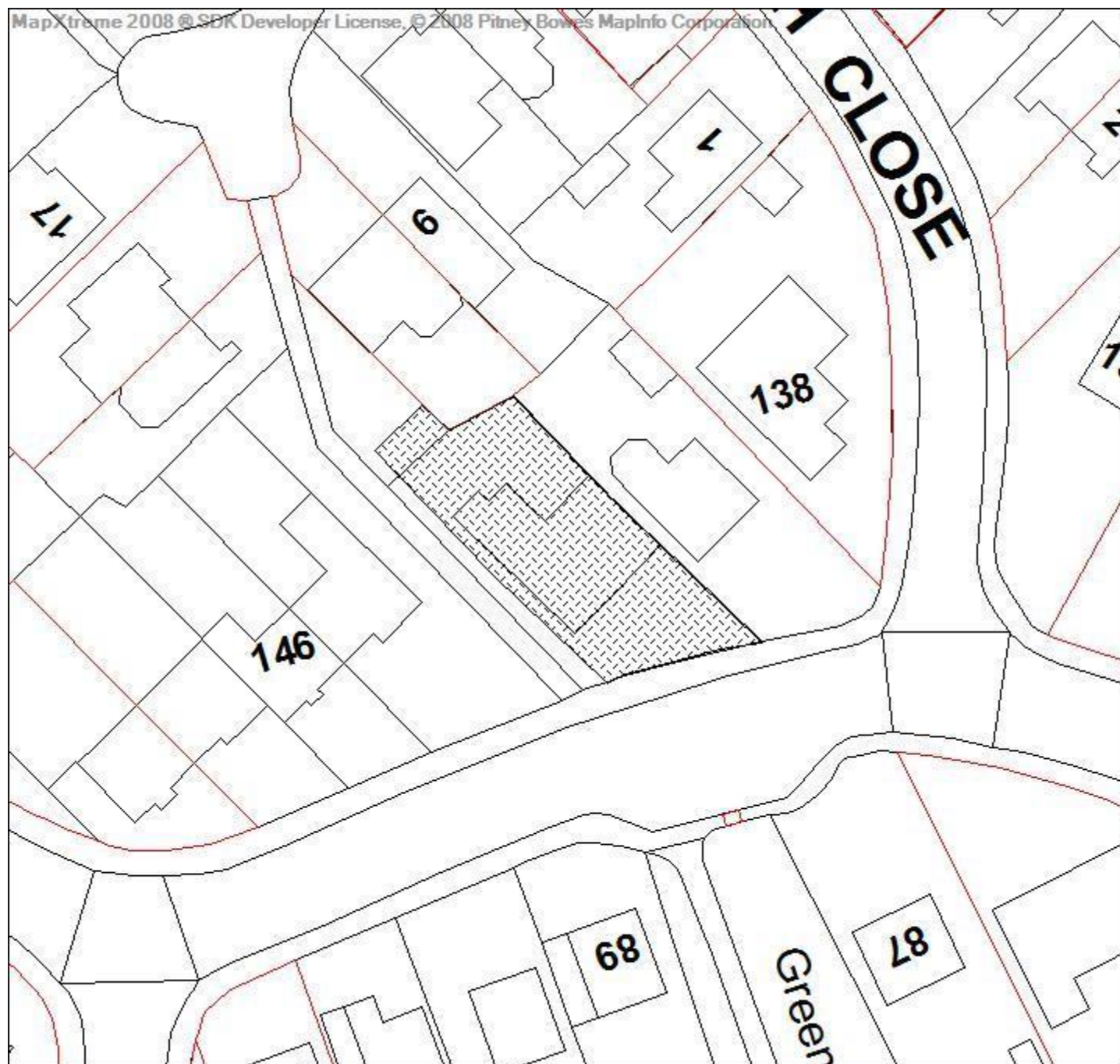
FURTHER AMENDMENTS 12/18
REMOVE TWO FIRST FLOOR FLATS 11/18
AMENDMENTS TO PLANS/ ELEV 10/18
REVISIONS
SCALE DATE DRAWN CHECKED
1/100 NOV 17 ASC

CLIENT

TITLE
PROPOSAL'S RESIDENTIAL DEVELOPMENT ON LAND
THORN LEA CHORLEY NEW ROAD HEATON
PROPOSED APARTMENTS
5 No. from existing house (1 in roof)
6 No. new at rear (25 storey)

DRAWING No. 0.3E

Application number
04855/18



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: 10/01/2019

Application Reference: 04855/18

Type of Application: Full Planning Application

Registration Date: 29/10/2018

Decision Due By: 23/12/2018

**Responsible
Officer: Kara Hamer**

Location: 142 GREENBARN WAY, BLACKROD, BOLTON, BL6 5TF

Proposal: CHANGE OF USE OF LAND AT THE REAR TO CREATE
ENLARGED GARDEN AREA TOGETHER WITH ERECTION OF
FENCING TO CONNECT TO EXISTING GARDEN

Ward: Horwich and Blackrod

Applicant: Mr Ramsdale
Agent :

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Permission is sought for the change of use of land at the rear of the application dwelling to create an enlarged domestic garden area together with the erection of fencing to connect to the existing garden.
2. The application is before Committee as the land in question is currently owned by the Council.

Site Characteristics

3. The land subject of this application measures 14.58 sq. metres and is presently open (mowed grass). A footpath lies to the west and north which connects Cranleigh Close to Greenbarn Way. The rear garden plot of 11 Cranleigh Close lies to the east and the application dwelling lies to the south.
4. The immediate surrounding area is characterised entirely by residential uses.

Policy

5. Core Strategy Policies: CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.
6. SPD General Design Principles; SPD House Extensions; SPD Accessibility, Transport and Safety.
7. National Planning Policy Framework (NPPF)

Analysis

8. 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.

9. The main impacts of the proposal are:-

* Impact on the Character and Appearance of the Area

* Impact on the Amenity of Neighbouring Uses

Impact on the Character and Appearance of the Area

10. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA1 of the Core Strategy states that the Council will conserve and enhance the character of the existing landscape and physical environment, and will ensure that development in Horwich and Blackrod respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

11. The proposal to extend the domestic garden area encompassing the subject property is considered entirely acceptable, given the minor scale of the subject land (approximately 3 metres long by 6 metres wide), the immediate surrounding area is characterised entirely by residential uses and because a good size of open land, in even and mirrored proportions, will remain to both sides of the footpath. The extended garden area would be fenced by timber fence panels and concrete posts to match those existing (approximately 1.8 metres in height).

12. The proposal is therefore considered to comply with Core Strategy policies CG3 and OA1.

Impact on the Amenity of Neighbouring Uses

13. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. SPD General Design Principles sets out the Council's advisory interface standards between dwellings.

14. The proposal is not considered to impact detrimentally on neighbouring uses. A footpath lies to the north and west and the proposed would not encroach upon the path. The rear garden plot of 11 Cranleigh Close lies to the east and the application dwelling lies to the south.

15. It is therefore considered that the proposal complies with Core Strategy policy CG4.

Conclusion

16. Given the above detail the proposal is considered to comply with aforementioned local and national planning policies. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- None.

Petitions:- None.

Blackrod Town Council:- 3rd December 2018 Meeting - no papers were available to view on line due to the portal not being available. Councillors requested that the planning application be deferred until access to the portal can be obtained and the planning submission given consideration.

The application will be before Blackrod Town Council again at their 7th January meeting. Any comments from this meeting will be reported to Members via the Schedule of Supplementary Information.

Elected Members:- None.

Consultations

Advice was sought from the following consultees: None.

Planning History

None relevant to the application.

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. The domestic curtilage of the property is being treated for planning purposes as that defined by the red edge on the approved drawing ref: **Amended Site Plan submitted 8.11.18.**

Reason

For the avoidance of doubt as to what is permitted.

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

Amended Site Plan submitted 8.11.18.

Plan Image 1, 15.10.18

Plan Image 2, 15.10.18

Reason

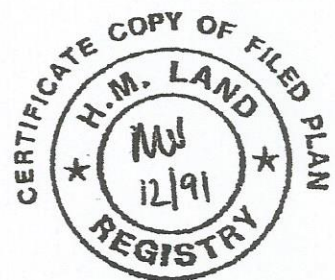
For the avoidance of doubt and in the interests of proper planning.

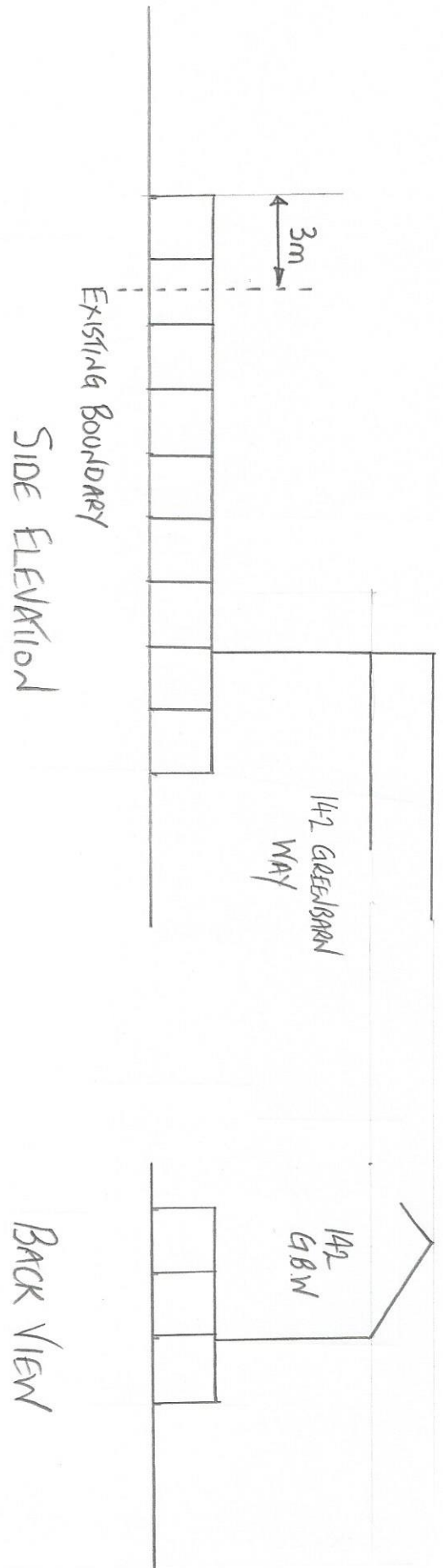


142 GREENBARN WAY, BLACKROD

EXTENDED VIEW AFTER POSSIBLE

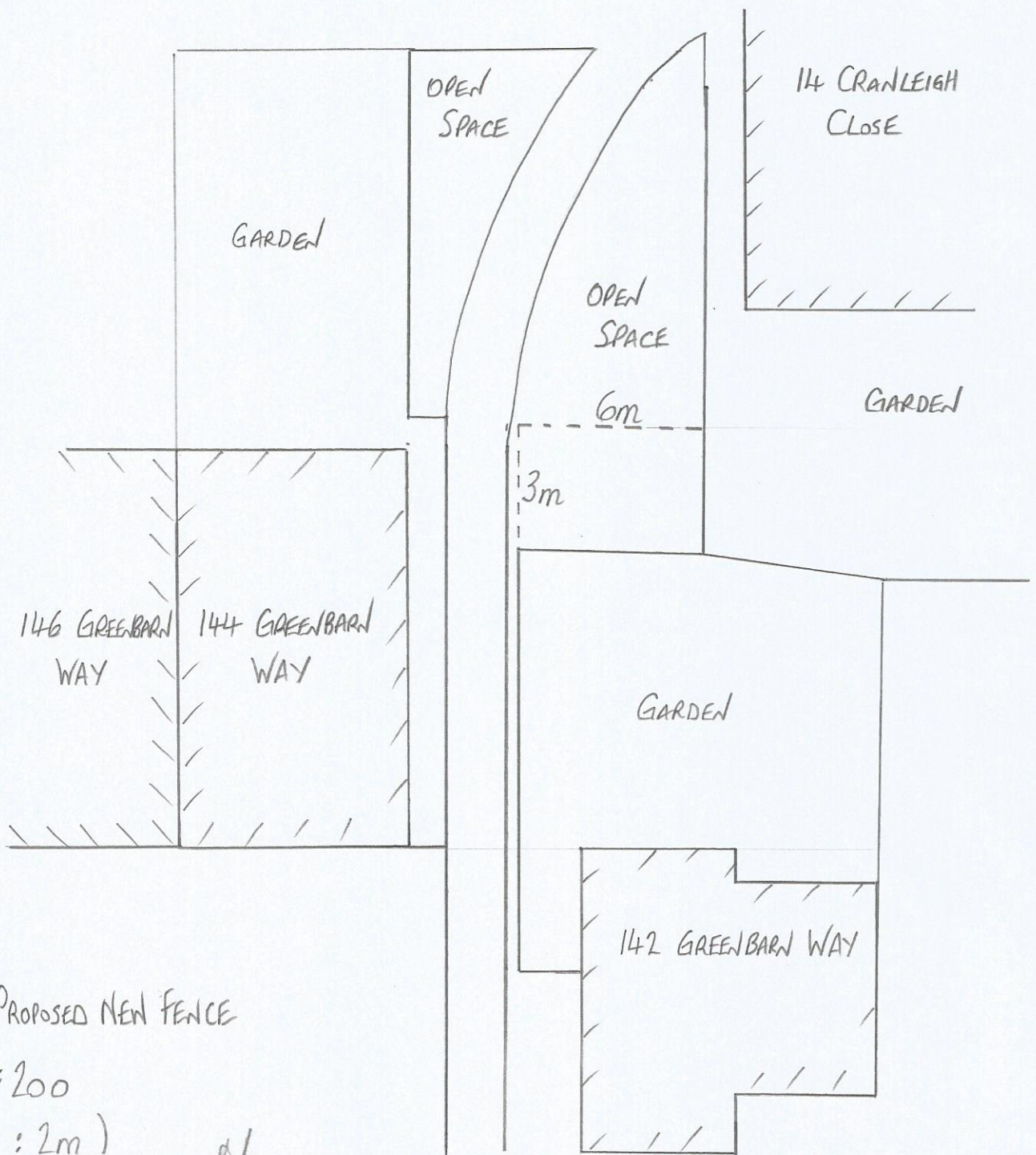
FENCE MOVE PP 07387255v1 ILX.





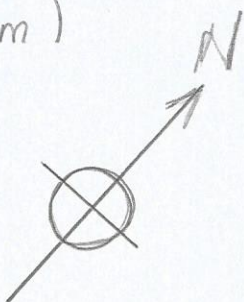
PLAN IMAGE 02

15 - OCTOBER - 2018



----- PROPOSED NEW FENCE

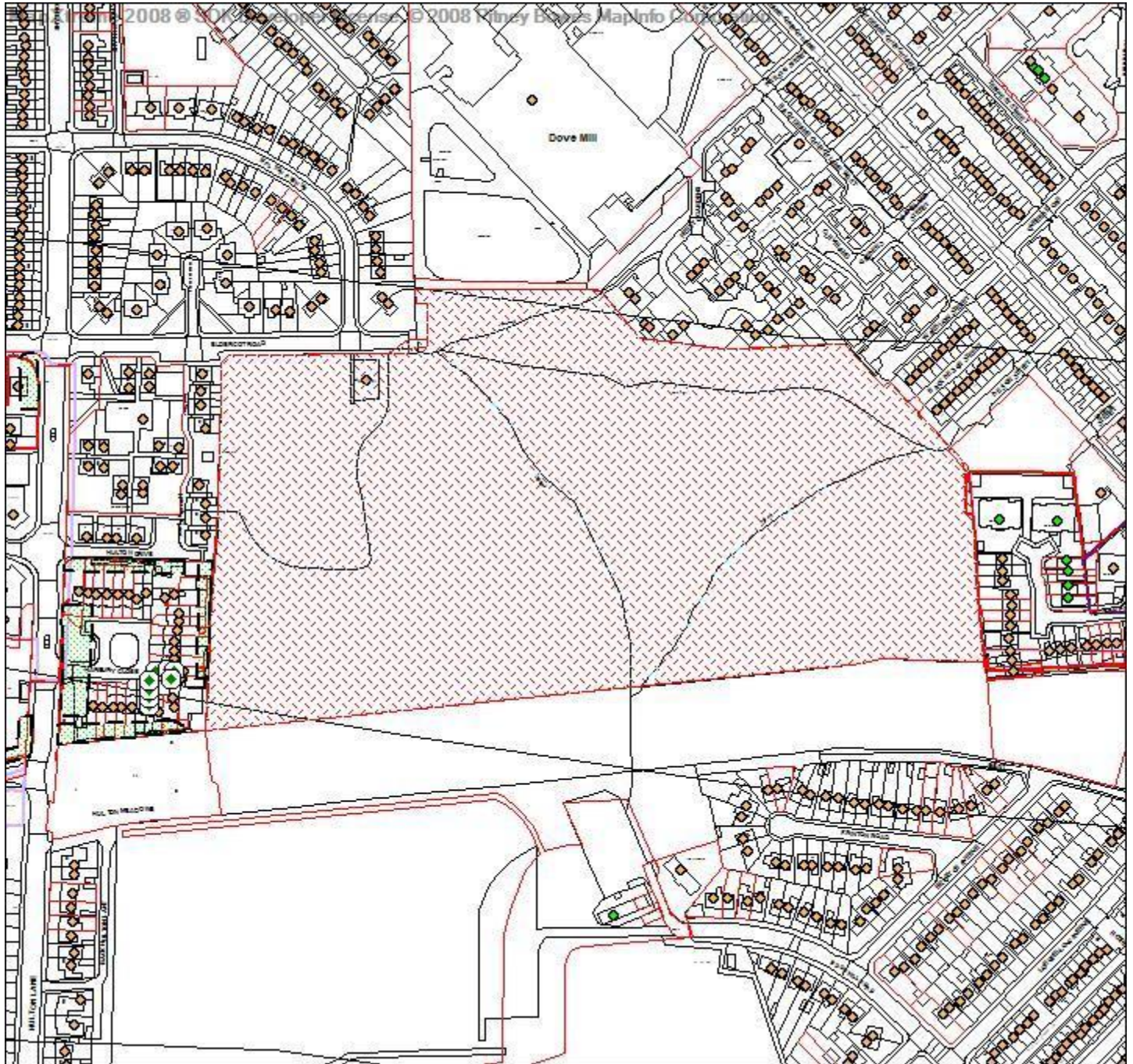
SCALE 1:200
(1cm : 2m)



PLAN IMAGE 01

15-OCTOBER-2018

Application number
04527/18



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: 10/01/2019

Application Reference: 04527/18

Type of Application: Full Planning Application
Registration Date: 05/09/2018
Decision Due By: 04/12/2018
Responsible Officer: Alex Allen

Location: LAND AT ELDERCOT ROAD, BOLTON

Proposal: ERECTION OF 234 DWELLINGS, RELOCATION OF ROUNDERS PITCH TOGETHER WITH NEW VEHICULAR AND PEDESTRIAN ACCESS FROM ELDERCOT ROAD AND ASSOCIATED WORKS.

Ward: Hulton

Applicant: MCI Developments Limited, Your Housing Group and Eden Land (Bolton) Limited
Agent : Lichfields

Officers Report

Recommendation: Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.

Background

1. The applicant originally sought full planning permission for the erection of 250 dwellings, relocation of the existing rounder's pitch and the retention and refurbishment of the existing pavilion together with a new vehicular and pedestrian access from Eldercot Road and other associated works. Throughout the determination period of the application amended plans have been received which have adjusted the size and configuration of the replacement rounder's pitches and ancillary training area together with changes to the siting and design of a number of plots to improve the overall design and layout.
2. The amendments have resulted in a reduction of the number of dwellings provided on site from 250, originally to 240 dwellings and more recently to 234 dwellings together with a larger and reconfigured area for replacement pitches and ancillary recreation.

Proposal

3. The key aspects of the proposal are as follows:

- Siting of replacement rounder's pitches in the northern part of the site to the east and south east of the retained clubhouse. The replacement recreation facility would be a total area of 9,200 sq. metres split into an area of 8,300 sq. m of laid out pitches (rounder's) and an informal area of 900 sq.m.
- 234 new dwellings with a mix of mews and semi-detached properties which are accessed

- from Eldercot Road with an emergency access point to/from Wardlow Street;
 - Pedestrian access to the land to the south would be sited between Plots 26 and 27 (SW corner of the site) and between Plots 71 and 72 located along the southern boundary of the site.
 - The new residential properties would in the main overlook the proposed replacement pitches.
 - Ecological enhancements along the southern edge of the replacement pitches to mitigate against the loss of one pond located within the existing informal open space/field;
 - Provision of a minimum of 50% of the units for affordable housing;
 - Based on the site viability provision of a total off site contribution of £212, 579.
4. The applicant has submitted an updated Delivery Statement which explains based on the track record of the applicants, MCI Development and Your Housing Group, the development is expected to be completed within 5 years.

Site Characteristics

5. The site is approximately 6.45 hectares in size is broadly rectangular in size and made up of two constituent parts (i) the existing rounder's pitches located in the north west corner of the site and (ii) a relatively large area of grassland which has a number of desire lines located through the site. Adjacent to the rounder's pitches is a single storey brick building which is used as a club house for the rounder's team and as a changing and community facility.
6. The site is located within the urban area of Bolton in a mixed use area, with Dove Mill and associated structures e.g. Mill pond to the north, residential development in the form of semi detached and terraced properties to the north east (Presto Gardens, Wardlow Street, Cleveland Gardens and Back Design Street), three storey apartment buildings to the east located on Hudson Close, to the south by a disused railway line, south of the former railway line by the Hulton Lane playing fields, to the west by the rear gardens of Harbury Close and to the north west by Eldercot Road.
7. The site is located off Eldercot Road. The wider highway network is accessed by using Hulton Lane which runs in a north/south direction which provides a link to the strategic highway network, either Wigan Road to the north or St Helens Road to the south.

Policy

8. Bolton's Development Plan:

- Core Strategy Policies: H1.2 Health Contributions; A1.4 Education Contributions; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; RA1 Inner Bolton; IPC1 Infrastructure and Planning Contributions.

9. Other material planning considerations:

- Supplementary Planning Documents: Accessibility, Transport and Safety; Affordable Housing; Infrastructure and Planning Contributions; General Design Principles.
- Bolton's Authority Monitoring Report 2016/17: Volume 2 Housing Land Requirements and Supply Briefing Note (AMR)
- National Planning Policy Framework (NPPF) 2018: Achieving sustainable development

- Achieving sustainable development (paragraphs 7-14), Development contributions (paragraph 34) - reference to plans setting out the contributions expected in association with particular sites and types of development; Determining applications (paragraphs 47-51); Planning conditions and obligations (paragraph 54-57); Delivering a sufficient supply of homes (paragraph 59-76); Promoting healthy and safe communities including Open space and recreation (paragraphs 91-101); Promoting sustainable transport (paragraphs 102-111); Making effective use of land (paragraphs 117-123) - Achieving well-designed places (paragraphs 124-131); Meeting the challenge of climate change, flooding and coastal change (paragraphs 148-165); Conserving and enhancing the natural environment (paragraphs 170-183). Annex 1 - Implementation.
- National Planning Policy Guidance
- A Sporting Future for the Playing Fields of England (Sport England Planning Policy Statement).

Analysis

10. 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.

11. The main impacts of the proposal are:-

- * loss of recreational land/informal open space;
- * impact on Bolton's supply of housing;
- * impact on the highway;
- * impact on the character and appearance of the area;
- * impact on the living conditions of neighbouring residents;
- * impact on flooding and drainage;
- * impact on biodiversity;
- * impact on sustainability;
- * impact on local infrastructure.

Impact on loss of recreational land/informal open space

12. Strategic Objective 11 of the Core Strategy seeks to conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings. Policy OA4 of Bolton's Core Strategy states that the Council will conserve and enhance the character of the existing physical environment and ensure that development respects the large amounts of open space and lower density development in West Bolton.

13. The whole of the application site is allocated as a recreational site within the Council's adopted Allocations Plan. The formal recreational use of the site is primarily the provision of two rounder's pitches which are located in the north west corner of the site adjacent to Eldercot Road.

14. Strategic Objective 15 of the Core Strategy is, "To focus new housing in the existing urban area, especially in Bolton town centre, council-owned housing areas and in mixed-use developments

on existing older industrial sites". The application proposal would focus new housing in the existing urban area, however, this would be to the detriment of an existing area allocated area of recreational open space

15. Paragraph 3.11 of the Core Strategy sets out a spatial vision for Bolton and explains the high quality visual environments of the outer areas of the borough will be protected and enhanced. There will continue to be smaller scale developments within the urban area for a range of uses where the character of the area and the existing infrastructure allows it. Paragraph 5.23 details the planning strategy within the area designated as Inner Bolton which includes the application site and is characterised as an area which is mainly built up, but there are also areas of open space, including Queens Park. CS policy RA1.5 requires the Council and its partners to develop new housing throughout the area on a combination of brownfield sites and on a limited number of greenfield sites in existing housing areas. Reference is also made to the need for development to take opportunities to improve on existing low levels of green infrastructure in the area (RA1.15)
16. Core Strategy policy CG1.3 seeks to safeguard parks, gardens, allotments, civic spaces, cemeteries and playing fields and improve the quality and multi-functional benefits of these assets. Core Strategy policy CG1.4 seeks to allow some development on informal green spaces in the urban area, providing that it allows for the improvement of remaining green spaces and helps to meet the strategic objectives for housing.
17. Paragraph 96 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well being of communities. Specifically with regard to existing open space, sports and recreational buildings and land including playing fields, should not be built on unless:
 - i. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - ii. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - iii. the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss of the current or former use.
18. Guidance contained within Paragraph 91 of the NPPF states planning policies and decisions can play an important role in facilitating social interaction and creating healthy and inclusive communities.
19. Core Strategy policy CG1.3 and CG1.4 are consistent with guidance within the NPPF. In relation to recreational land and the NPPF provides more detailed circumstances where the development of recreational land would be acceptable.

Allocated Recreational land/open space

Formal recreational land / rounder's pitches/facility

20. The existing rounder's pitches used for matchplay is 6,594 sq. metres with an additional 1, 303 sq metres used as a training area for the Club members (although not currently maintained). The facility also includes an existing single storey pavilion.
21. The proposed replacement of rounder's pitches has evolved both in siting and size from the original submission of a replacement rounder's pitch from 6,380 sq. metres in size to the current proposition which is a proposed area for matchplay of 8,300 square metres of laid out pitches

together with an informal area of 900 sq.metres.

22. The applicant is also proposing the following additional benefits for the Club which would be secured by way of a legal agreement. The Heads of Terms are as follows:
- Transfer of freehold title/land (Sports area and pavilion) to the current occupier / Wally's;
 - Commitment that Wally's remain in situ on their existing pitches until the new pitches are available for use;
 - Capital payment to Wally's of £25,000 to enable them to upgrade the existing pavilion;
 - Maintenance of the new pitches by the developer for a period of 2 seasons post hand over;
 - Commitment to provide the Council with the same s.106 contributions as previously agreed.
23. It is envisaged that the phasing of the development would be secured through a suitably worded condition which would ensure that the current rounder's pitches remain in use unless and until the new replacement facility is suitable for use.
24. The changes proposed have been as a result of the applicant responding to the holding objection by Sport England. Sport England objections can be summarised as follows:
- It is important that both the quantitative and qualitative elements of the replacement pitches/facility match or are better than the existing provision;
 - If an area of 7,897 sq. metres which has a usable training area then the quantitative element of the NPPF policy would be met;
 - Concern regarding ball strike from use of the rounder's pitch. Preference would be for ball stop fencing along all edges of the pitches;
 - Ability to review the height of the ball stop fencing after a set period;
 - Clarification from the applicants agronomist that the existing sewer and drains would not constrain the construction or use of the pitch;
 - Subject to confirmation that the LPA would condition site remediation that the pitch specification could be conditioned.
 - Potential for a requirement to provide a replacement rugby pitch within the site.
25. The applicant has clarified that the former rugby pitch has not been in use at least since the 1990's.
26. In terms of the former rugby pitches the site was reviewed by the Planning Inspector as part of an assessment of the old Unitary Development Plan site allocations / proposals plan in 2002. At the time the Inspector commented that the rugby pitches had not been used for some time. Therefore, Officers consider that it is not necessary for the former rugby pitches to be re-provided on this site.
27. There remain some reservations about the requirement for ball stop fencing along all edges of the proposed replacement pitch.
28. Subject to confirmation from Sport England, it is considered that the proposal would meet the requirements of Paragraph 97 (b) of the NPPF in that the revised proposal would represent a quantitative replacement for the existing facility. Subject to the provision of pitch specifications and site remediation through planning conditions it is considered that the proposal would also represent a qualitative improvement on the existing rounder's facility. This would also include

improvements to the pavilion and also result in the Club being provided with the freehold ownership of the new facility.

29. In conclusion, Officers consider that the proposal would safeguard and enhance the formal recreational use of the site, albeit via a replacement facility and thus be in compliance with Core Strategy policy CG1.3 and paragraph 97 of NPPF.

Informal open space

30. As briefly described above the whole of the application site is an allocated recreation site. However, only a relatively small proportion of the land is currently used for recreational purposes. The remaining part of the site is currently used for informal recreational activity as identified by a number of local residents who have commented that the site is used for a range of informal uses including walking, children's play including riding bikes, flying kites, exploration of local wildlife e.g. pond dipping and use as a cut through to surrounding facilities and houses.
31. Whilst some parts of the site on the periphery e.g. at the southern end of Wardlow Street within the site have been used for varying amounts of fly tipping, it is clear from the officers site visit that there are clear design lines across the site which facilitate access to the Hulton Lane Playing Fields to the south and also promote the use of the wider site for recreational purposes.
32. For the purposes of Core Strategy policy CG1.3 it is considered that the remaining area of open space would not comprise of either a park, garden, allotment, civic space or cemeteries. Therefore, Core Strategy policy CG1.3 does not apply to the wider area.
33. As detailed above, Core Strategy policy CG1.4 enables some development on informal green spaces in the urban area, provided that it allows for the improvement of remaining green spaces and helps to meet the strategic objectives for housing.
34. The Strategic Objectives for housing are detailed within Strategic Objective SO14, SO15 and SO16 together with Core Strategy policy SC1. Strategic Objectives SO14-16 and CS policy SC1 seek to (i) to provide sufficient housing to meet the Borough's Housing requirements, (ii) to provide new housing in the existing urban area and (iii) also to provide affordable housing on new developments. As the application site is a Greenfield site the expectation would be to provide 35% of the total development as affordable housing.
35. As detailed within paragraph 4.52 of the Core Strategy the aim is to provide additional housing predominantly in Bolton town centre, renewal areas and at Horwich Loco Works. It is clear that the development of green fields sites within the urban area, outside existing Transforming Estate area, are unlikely to be developed.
36. The Transforming Estates programme was aimed at providing new housing on Council owned sites, as part of an integrated approach of transforming the physical environment and fostering community and economic regeneration.
37. Officers note that the application is not in Council ownership. However, Officers consider that the development has the potential to provide a large quantity of affordable housing together with making a significant contribution to providing additional housing.
38. In addition, whilst the proposed development would remove a large area of informal open space within the Hulton ward it would also provide mitigation as detailed within paragraph x of this report to improve an area of existing public open space for the benefit of local residents.

39. This monetary contribution is considered necessary in order to justify compliance with Core Strategy CG1.4. The contribution level was capped to a level with the sites viability in mind.
40. As the proposal now provides both new housing, a large proportion of affordable housing together with mitigation for loss of the area of informal open space it is considered that the proposal complies with Core Strategy policy CG1.4.
41. In conclusion, subject to the receipt of updated comments from Sport England, Officers consider that the proposal complies with both policies CG1.3 and CG1.4.

Impact on Bolton's Supply of Housing

42. As discussed above, officers consider that the proposed residential development of the application site does accord with Core Strategy policy CG1.3 and CG1.4. Section 38 of the Planning and Compulsory Purchase Act 2004 and section 70 of the Town and Country Planning Act 1990 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with development plan policies should be refused unless material considerations justify granting permission.
43. The weight that can be attributed to the provision of additional new housing depends on whether the Council can demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the National Planning Policy Framework (NPPF) states relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that the development is viable.
44. The Council cannot demonstrate a five-year supply of deliverable housing sites. Bolton's Authority Monitoring Report 2016/17: Volume 2 Housing Land Requirements and Supply Briefing Note (AMR) sets out the housing land position in Bolton at 1 April 2017, as well as providing information on new planning permission, dwelling completions and allocated development land in the borough.
45. This latest AMR reports that there has been a continued under-delivery of new housing against the Core Strategy targets, which has resulted in a rise in the five-year housing land requirement and the need to apply a 20% uplift to that increased requirement (a 20% buffer in the supply calculations). In this latest monitoring year the five-year supply 2017-22 has been calculated against a range of requirements including the Core Strategy requirement, DCLG draft standard methodology and the draft Greater Manchester Spatial Framework (GMSF). The calculations find that the Council has an under-supply ranging between 1,638 to 3,178 dwellings, which is the equivalent of a 2.6 to 3.4 year supply, and therefore well short of the required 5 years.
46. Given that the Council cannot demonstrate a five-year supply of deliverable housing sites in the borough it is accepted, in the context of paragraph 11 of the NPPF, that the development plan policies for the supply of housing should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.
47. As the development plan policies for the supply of housing are not considered up-to-date, paragraph 11 of the NPPF should be invoked. This states (for decision-taking) that where there are no development plan policies or the policies which are most important for determining the

application are out-of-date, permission should be granted unless, "...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole..."

48. This report will therefore now consider if there are any adverse impacts associated with the proposed development. The report will conclude with whether Officers consider those adverse impacts significantly and demonstrably outweigh the benefits associated with the development, when assessed against the policies of the NPPF when taken as a whole.

Impact on the highway network

49. Core Strategy Strategic Objective 6 seeks to ensure that transport infrastructure supports all the aspects of the spatial vision, and that new development is in accessible locations and makes the best use of existing infrastructure. Strategic Objective 9 aims to improve road safety by ensuring that neighbourhoods are attractive and well designed.
50. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account:
- Accessibility by different types of transport, prioritising pedestrians, cyclists, public transport users over other motorised vehicle users.
 - The design of developments to enable accessibility by public transport.
 - Freight movement for industrial and storage uses.
 - Servicing arrangements.
 - Parking, including parking for cycles and powered two-wheelers, in accordance with the parking standards set out in Appendix 3.
 - The transport needs of people with disabilities.
 - The requirement for a Transport Assessment and Travel Plan with major trip generating developments.
51. Policy S1.2 of the Core Strategy states that the Council will promote road safety in the design of new development.
52. Guidance contained within the Council's Accessibility, Transport and Road Safety SPD covers a range of highways related matters including provision of facilities for people with disabilities, provision for pedestrians, cyclists, public transport and car parking. In addition the SPD provides guidance on highway design, Transport Assessments/Statements, Travel Plans, Infrastructure provision and the means for securing such provision.
53. Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
54. The applicant submitted a Transport Statement with the initial planning submission. The Council's Highways Engineers and Transport for Greater Manchester assessed the submission

and recommended that the applicant undertake a further modelling/assessment on the impact of the proposals on a number of key junctions. Officers from TfGM concluded the following:

- St Helens Road/Hulton Lane junction - this junction is currently operating at practical capacity during the AM peak. The junction will exceed practical capacity with high levels of queuing and congestion for base levels. The addition of the development traffic will result in this junction experiencing further congestion and delay;
- Wigan Road/Hulton Lane junction - the junction is currently operating within practical capacity. For base scenarios the junction will operate at practical capacity with high levels of queuing and delay for base scenarios. Levels of queuing and delay will result when development traffic is added.

55. Officers from TfGM conclude that they do not agree with the Transport Assessment which states the impact of the development would be minimal. A small reduction in capacity can result in a significant increase in delay. As a result they recommend mitigation measures are required to offset the harm. Potential mitigation measures include the upgrade and revalidation of MOVA at the above two junctions. This has been costed at £5,000.
56. The Council's Highways Engineers have also raised concerns over the visibility from Eldercot Road onto Hulton Lane as parked vehicles currently obstruct visibility onto Hulton Lane. This would be dealt with the imposition of a traffic regulation order at this junction.
57. The applicant has agreed to provide this money to mitigate against the impact on the highway network and to deliver the highway improvement/white lining scheme at the Hulton Lane / Eldercot Road junction.
58. The Council's Highways Engineers have confirmed that as the two closest junctions are currently nearing practical capacity the increase in vehicle movements from the proposed development would result in additional queuing / waiting time at these two junctions. However, the increase is modest and would not substantiate a refusal of planning permission as the impact is not considered to be severe.

Impact on the living conditions of neighbouring / future residents

59. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and that it does not generate unacceptable nuisance, odours, fumes, noise or light pollution.
60. A number of local residents have raised concerns over the impact of the proposed residential development on their living conditions including loss of light and privacy. Concern has also been raised by local residents and ward councillors over the suitability of the site for residential development given the historic land use of the site which has the potential for contamination and gassing issues.
61. In relation to historic coal mining activity and the previous land use of the site, the applicant submitted a Site Investigation and a Proposed Investigation and Outline Remediation Strategy which investigates the suitability of the site for residential development. As part of the consultation process officers consulted with both Environmental Health officers and officers from the Coal Authority.
62. The submitted report confirms that the site was historically subject to coal mining, clay extraction and latterly backfilled with domestic waste in the 1960's. The report established that there were

a number of sources of contamination within the soil, further testing was required regarding elevated levels of contamination together with methane and carbon dioxide gases emanating from the gas monitoring wells. The origins of the gas are likely to be the deep made ground/household landfill waste placed on the site between 1965 and 1968. The waste was found upto 21 metres deep in the centre of the site. In addition, the former railway line which runs along the southern boundary of the site was also backfilled with household, industrial, commercial and special waste.

63. The applicant has concluded that the site is capable of redevelopment subject to further gas monitoring and gas protection measures together with clean soil (top and sub soil) to a depth of 600 mm underlain by a geotextile separator layer.
64. The Council's Environmental Health officer have confirmed that the site can be redeveloped for residential purposes in a safe manner subject to further detailed information. This would be secured by way of a suitably worded planning condition.
65. The Coal Authority, the statutory consultee with regarding to areas previously mined / with the potential for coal mining activity were consulted on the proposal. They state that the site is located within a Development High Risk Area and that within the site and the surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application. The Coal Authority records indicate the presence of historic unrecorded shallow coal mine workings throughout the site together with five recorded mine entries (adits) and a thick coal seam (Arley) outcrops at or close to the surface of the northern part of the site. The site has also been previously worked (opencast mine operation).
66. The Coal Authority concur with the information within the applicants submission which requires further survey work to be completed (including gas monitoring). They conclude that sufficient information has been submitted at the detailed stage to demonstrate that the site can be made safe or stable for the proposed development. The Coal Authority therefore have no objections to the proposed development.
67. In addition, the Environment Agency have commented that they have reviewed the submitted reports and consider that the previous use of the site presents a high risk of contamination to controlled waters which could be mobilised during construction. The site is a sensitive location as it is located on a Secondary A Aquifer.
68. The Environment Agency confirm that they are confident that the risk can be suitably managed and that further investigation can be provided prior to the commencement of development. They recommend a number of planning conditions and informatives.
69. Therefore, in respect of land stability/contamination and gassing issues it is considered that the applicant has provided sufficient detail to confirm that the development could be safely constructed and occupied.
70. The proposed layout has been amended to ensure that the relationship between existing and proposed dwellings meets the requirements of the General Design Principles SPD. There are a number of locations within the proposed development where the guidelines are not strictly adhered to. However, these are only relatively minor and relate to new properties and future residents who when moving in will have an appreciation of the proximity of distances from adjoining houses.
71. It is considered that the proposal would respect the living conditions of existing residents which

adjoining the site.

72. The proposal would comply with Core Strategy CG4.

Impact on flooding and drainage

73. Strategic Objective 13 aims to reduce the likelihood and manage the impacts of flooding in Bolton, and to minimise potential flooding to areas downstream.
74. Core Strategy policy CG1.5 seeks to ensure that the Council and its partners will seek to reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.
75. Policy contained within the NPPF (paragraphs 155 to 165) seeks to ensure that inappropriate development in areas at risk of flooding should be avoided, directing development away from areas at a highest risk. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it is demonstrated that the most vulnerable development is located in the lowest flood risk areas and that development is flood resilient and resistant.
76. Officers consider that both Core Strategy policy SO1 and CG1 are consistent with the NPPF and can be given substantial weight.
77. Officers note that the Council's Drainage/Flood Risk team, the Environment Agency and United Utilities have been consulted on the proposed development.
78. Officers from the Environment Agency and United Utilities have raised no objections to the proposal subject to the submission of detailed drainage proposals which would be submitted prior to the commencement of development.
79. The Council's Drainage team have requested clarification on a number of points including whether United Utilities have approved a drainage scheme for the proposed development. It is not considered that the Drainage team's comments are a fundamental concern, especially given the Environment Agency's and United Utilities comments on the scheme.
80. It is considered that, subject to a planning condition the proposal would comply with Core Strategy policy CG1.5.

Impact on biodiversity/ecology

81. The aim of Core Strategy Strategic Objective 12 is to protect and enhance Bolton's biodiversity. Core Strategy policy CG1.1 seeks to ensure that the Council and its partners will safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value or its contribution to green infrastructure, reducing flood risk and combating climate change.
82. Guidance contained within NPPF states that in order to achieve sustainable development the planning system has three key roles. The third (environmental) role places a requirement for the planning system to contribute to protecting and enhancing our natural, built and historic environment, helping to improve biodiversity as an integral part of ensuring the planning system contributes to achieving sustainable development (Paragraph 8).

83. Paragraph 175 of NPPF provides guiding principles for Local Planning Authorities when determining planning applications including:
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused; and
 - planning permission should be refused for development resulting in significant harm to biodiversity where it cannot be avoided.
84. Officers consider that Core Strategy Strategic Objective 12 and Core Strategy policy CG1.1 are consistent with the NPPF and can be given significant weight. Additionally, the relevant sections of the NPPF provide a more detailed consideration of biodiversity and ecological matters and should be taken into account.
85. In addition, a number of local residents have raised concern over the potential loss of this open space which is home to 30 species of flowers, 18 different types of grasses together with 27 species of birds. The site also may have the potential for Great Crested Newts to be present together with the scrape located within the site having the potential as a stopping off point for migratory birds.
86. The applicant submitted a Preliminary Ecological Appraisal (February 2018) which provided guidance on the existing habitat quality and the protection of native species. In addition, the applicant submitted a Great Crested Newt Impact Assessment. The GCN assessment sought to establish the suitability of the site for GCN's and to assess the likely impact of the development and how this can be mitigated.
87. The study identified two flooded depressions within the site (one being permanent and the other ephemeral). Waterbody 1 within the site has the potential to provide suitable breeding habitat for GCNs together with the semi improved grassland, scrub and tall ruderal habitats providing good quality foraging and commuting opportunities for GCNs. There are two waterbodies to the north. All ponds and aquatic features on site and within 250 metres of the site were assessed for their suitability to support GCNs. Waterbodies 1 and 3 were tested for environmental DNA to determine the presence or absence of GCN. The results came back negative for both waterbodies.
88. The preliminary Ecological Appraisal proposes a number of mitigation measures which would need to be secured by condition for inclusion in any future reserved matters submission. These are as follows:
- Replacement pond within the site with the size of the pond being of equal size to Pond 1 together with the planting of landscaping to compensate for the loss of aquatic habitat;
 - Submission of a Landscape and Ecological Management Plan (LEMP) for the site - secure how habitats on site should be protected, enhanced, established and managed;
 - Enhancements such as bird and bat boxes in the new development;
 - Creation of a hibernacula for amphibians prior to draining of Pond 1 with any common amphibians found to be translocated to it.
89. The Council's Greenspace officer was satisfied with the mitigation and enhancement measures contained within the submitted appraisal recommending the incorporation of these measures

into a Landscape and Ecological Management Plan

90. Officers from the Greater Manchester Ecology Unit (GMEU) have commented that the site is not of overall substantive statutory ecological importance and that there is low potential for the site to support protected species. It is concluded that other amphibians were present within the site. However, Great Crested Newts were not found within the development. GMEU officers recommend a proportionate response to require Reasonable Avoidance measures for the avoidance of harm to GCN's (by way of a planning condition), together with the provision of a replacement pond to compensate for the loss of a pond.
91. In addition, GMEU officers confirm that the site does support valuable habitats including ephemeral ponds, trees and marshy grassland. They also stated that the proposed development offers little in the way of greenspace provision within the development. GMEU officers recommend that a contribution is provided for improvements to other greenspace.
92. It is noted that the proposed site layout does show water bodies located adjacent to the southern perimeter of the replacement rounder's pitches. A detailed scheme would need to be secured by a planning condition.
93. The applicant has agreed to provide mitigation detailed within paragraph 88 of this report together with RAMs for GCN's as required.
94. Whilst the proposal would result in the loss of a number of trees the applicant has sought to retain trees where possible, amended the layout to ensure the development would not be detrimental to trees adjacent to the site and also provided a detailed landscape scheme.
95. The Council's Trees and Woodland manager and Landscape and Regeneration Manager have confirmed that they previous layout and replacement tree/landscape scheme to be acceptable. As the amended scheme has changed amended comments from the Trees and Woodland and Landscape Managers will be reported by way of the Supplementary Information List.
96. Subject to detailed submission mitigation by planning condition it is considered that the proposal would comply with CS policy CG1 and with guidance contained within the NPPF.

Impact on sustainability

97. Core Strategy policy CG2 seeks to ensure that new development contributes to the delivery of sustainable development by way of ensuring new dwellings are (i) constructed to sustainable construction standards (Code for Sustainable Homes), (ii) incorporate reductions in CO2 emissions either by way of a fabric first approach or by the use of renewable energy sources within developments and (iii) for previously developed sites - reduce surface water run-off by 50%.

98. Item (i) has been superseded by the requirements of the Building Regulations system. It is envisaged that the later two items would be secured using appropriately worded conditions for the proposed development.

99. Subject to compliance with the two conditions it is considered that the proposal would comply with policy.

Impact on local infrastructure

100. Policy IPC1 of the Core Strategy states that the Council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that

development. In doing so, the Council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development. In determining planning applications the Council will apply a threshold of 15 dwellings in assessing whether planning contributions will be required from proposed housing developments.

101. Policy IPC1 continues that for new residential development specific contributions will be sought for:

- Affordable housing
- Open space provision and maintenance
- Health and well-being
- Education
- Community facilities

102. Policy IPC1 also states that for all types of development, including housing, contributions will be sought for additional types of infrastructure necessary to remedy site specific deficiencies that arise from development or any other mitigation or compensatory measures required. This may include, where relevant, off - site access and transport.

103. SPD "Affordable Housing" (adopted February 2013) provides further detail to the policies in the Core Strategy that concern affordable housing, and deals specifically with the provision of affordable housing through Bolton's planning processes, with a focus on new supply. The SPD sets out the Council's policy on achieving affordable housing. SPD "Infrastructure and Planning Contributions" (adopted July 2016) provides further detail on policies in the Core Strategy that concern planning contributions. The SPD contains information on when planning obligations may be needed and covers matters including when contributions may be needed, the type and scale of contributions, the circumstances when financial rather than direct provision will be required, how financial contributions will be calculated, and the form and timing of legal agreements.

104. Based on the provisions of CS policy IPC1, guidance within the approved SPD's and consultee responses the following Section 106 Agreement contributions would be required for the proposed development:

- **Education provision (off site contribution)** - £677,973.52 for the provision of an additional 55 primary school places within the South Primary School planning area and the provision of a contribution towards Secondary School places of £707,642.48 for a total of 44 secondary pupils (total of £1,385,616);
- **Affordable housing provision (on site provision)** - provision of 35% of the units as affordable housing. 26% of the total number of units to be social rented dwellings with the remaining 9% of the total number of units being shared ownership units;
- **Public Open Space provision (off site contribution)** £292,968;
- **Public health contribution** - no comments received back from the local PCT.
- **Public art contribution** – on site provision to equate to a value of £299,194.
- **Public Open Space** - improvements to offset loss of informal open space on the development site £55,000.
- **Highways contribution (off site)** - £5,000 to enable revalidation of MOVA and the upgrade of controller systems for the junctions of Wigan Road / Hulton Lane and St Helens Road / Hulton Lane.

105. The applicant submitted a viability study for the proposal which provided for 240 dwellings. This information has been rigorously assessed by the Council's viability consultant. They have concluded a contribution of £212,579 is justified based on a profit margin of 10%. Since the

assessment, the applicant submitted a development for 234 dwellings. No viability study has been re-provided. However, the applicant has confirmed that they are willing to maintain the level of contributions. The Council's viability consultant has confirmed that this approach is acceptable.

106. Members will note that the previous outline application was also verified by the Council's viability consultant. At that stage it was noted that the proposed development was very close to becoming viable. However, it was not viable enough to justify the provision of meeting the s.106 requirements as outlined above, apart from a contribution of £55,000 to mitigate against the loss of the informal amenity area and monies to refurbish the existing pavilion.

107. The Council's viability consultant has commented that with regard to the new application the applicant is now able to offer a substantial amount of affordable housing together with an enhanced level of other s.106 contributions. This is due to the development model for this site which is a partnership between MCI Developments and a registered social landlord, Your Housing Group. In effect the developer has pre sold the units to Your Housing Group which results in the developer being able to sustain a lower profit margin and a lower value for the purchase of the houses.

108. The contributions which the proposed development would make are as follows:

- **Affordable housing** - a minimum of 50% (117 units) of on site to be provided and managed by Your Housing Group – a mix of rented and shared ownership units;
- **Education** – Primary School contribution = £70,671.25
- Secondary School contribution = £73,763.31
- **Public Open Space including mitigation for loss of informal open space** = £33,951.68
- **Highways** = £5,000
- **Public art** = £29,192.76.

109. The Council's Strategic Housing Officer has also commented that there remains to be strong need and demand for affordable housing in the local area (Deane/Daubhill) and also Borough wide. According to the Council's Choice Based Lettings database in the local area between April 2017 and April 2018 17 properties were advertised through the CBL scheme with an average of 218 expressions of interest to rent each property.

110. The benefits of the development proposal are therefore the enhanced offer of affordable housing which is a minimum of 15% additional affordable housing than would be provided on site if the scheme was being developed out for a standard residential development. However, it is clear from the viability consultant's comments and as evidenced under the original outline application, that a standard housing development on this site would not be viable. Under this scenario only the provision of a modest sum of money to mitigate against the loss of informal open space would be available.

111. In addition, it is noted that the applicant is offering 50% provision of affordable housing on this site this could not be recalculated to perhaps provide for example an enhanced contribution for education at the expense of affordable housing.

Value Added to the Development

112. For housing developments: the applicant has concluded within their Planning Statement that the proposed development would sustain on-site construction jobs and support off-site jobs in

construction related industries over the period of the build. This equates to additional GVA. The construction project would also provide for training facilities in the form of apprenticeships. New residents will also provide for additional expenditure in the local area together with the contributions to Bolton Council through the New Homes Bonus and Council tax receipts. The proposal would support economic growth.

Local finance considerations

113. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. There are not considered to be any local financial considerations in this case.

114. New Homes Bonus for up to 250 dwellings – this is not a material planning consideration.

Conclusion/ the "tilted balance"

115. Given that the Council cannot demonstrate a five-year supply of deliverable housing sites in the borough it is accepted, in the context of paragraph 47 of the NPPF, that the development plan policies for the supply of housing should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

116. Paragraph 11 of the NPPF should therefore be invoked, which states (for decision-taking) where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, "...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole..."

117. Provided that there is regard to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case. The Council acknowledges that the development plan policies for the supply of housing are out-of-date and therefore they should be given less weight than if they were up-to-date. The Council believes that Policy CG1.3 of the Core Strategy and Plan should continue to be given significant weight in the determination of planning applications where residential development is proposed. The Council's strategic objective (Strategic Objective 15 of the Core Strategy) of focusing new housing in the existing urban area is still considered to be an important consideration.

118. There are a number of benefits associated with the proposal, which are material in the determination of this application.

119. A key emphasis within the NPPF is boosting the supply of housing, therefore the benefits of the proposed 234 houses are acknowledged. The applicant has submitted a Delivery Statement which concludes that the development would be completed within a period of 5 years from approval. The applicant, MCI Developments have a track record in delivering family homes across the North West, Yorkshire and Midland developing over 500 new homes per annum. In addition, Your Housing Group are a Registered Social Landlord with 28,000 homes across the north west. Subject to an approval and condition discharge development is scheduled for February / March 2019.

120. Other material considerations that carry weight in favour of the proposed development are:

- the proposed development would generate jobs and investment in the area, initially through the construction phase and then through local trading in shops and services.
- the proposal would, result in positive ecological enhancements to the site.
- the provision of a minimum of 117 new affordable homes would also be a significant

- benefit in meeting affordable housing need in the local area
- provision of a replacement rounder's pitch which is larger in size than the existing facility but with enhanced drainage and pitch specification and represents a qualitative and quantitative enhancement;
- monies to enable the Club to refurbish the existing sports pavilion;
- freehold ownership of the land which the replacements pitches and existing pavilion are sited on that would enable the club to apply for further sports grants in the future.

121. Officers consider that there would be some harm associated with the proposed development, which also must be given weight in the planning balance.

122. Due to the viability constraints of the development it would only be able to sustain limited additional s.106 contributions of £212,596. This would be an improvement on the s.106 contributions offered as part of the outline planning application. However, it is clear that the off-site contributions to sustain increases in pupil numbers at local primary and secondary schools and to improve existing public open space within the area would not meet the required levels to mitigate against the impact of the proposed development.

123. Furthermore, the proposal would result in the loss of a large area of informal open space which is used by local residents for a wide range of uses, the loss of trees and existing habitats which are provided within the existing site.

124. The proposal would not therefore not wholly meet the NPPF's requirement to provide accessible local services which are sufficient to meet the needs of either existing or proposed new residents nor support the community's needs and support its health, social and cultural well-being.

125. Officers consider that the significant benefits of the proposed development would not be outweighed by the harm caused to the loss of public open space, modest harm to the free flow of traffic in the local area and the lack of provision of s.106 contributions for additional school places.

126. The proposal is therefore recommended for approval for the reasons detailed above. Members are requested to delegate the decision to the Director for Place to enable the s.106 agreement to be signed after which the application can be formally determined.

Representation and Consultation Annex

Representations

Letters:- a total of 287 individual letters have been received (some from the same person / address) raising the following concerns:

- Area cannot cope with another 250 houses in terms of traffic, school places, shortage of dentists, waiting time to see a doctor;
- Loss of wildlife which live within the site / use the site;
- The site is home to Great Crested Newts, deer and bats;
- Increased overlooking from new houses to existing properties. Cars, wildlife. Would be overlooked by new housing.
- Loss of a view - this is not a material planning consideration
- Reduction in the value of house – this is not a material planning consideration.
- Enjoyed relatives playing rounders on the pitch. It is a community area. The building of houses would destroy the community.
- Proposed pitch would not be sufficient as a replacement pitch;
- Concerns re: white lining of Hulton Lane - ability of residents to park outside their homes. TA is based on theoretical vehicular movements not on reality. Eldercot Road flats park outside their homes. Requirement for a risk assessment for reversing out of their spaces. Does the developer have s.38 funding. No consultation on these changes.
- Concern regarding the suitability of the site given its historic land use, perceived lack of testing the land regarding stability and pollution issues from historic landfill material in terms of gas generation and impact on drainage / water;
- Impact of contamination and toxic gases on the development e.g. foundations.
- Should build on previously developed land rather than one of the few remaining green spaces which is a valued asset in the local area;
- There is no need for additional housing;
- Wider field is used for a wide range of uses including football, cycling, running, walking dogs and pond dipping;
- Field used as a cut through for local residents;
- Eldercot Road is not suitable for additional traffic;
- Existing public transport cannot cope with the additional demand placed on it by the proposed new residents;
- The proposal would not protect or enhance open space in the urban area
- Extensive tree loss – c .220 trees;
- A detailed drainage scheme is required;
- Additional traffic will result in air quality / pollution issues;
- Loss of open space will have a negative impact on residents health as they will have more limitations on where they can exercise.
- The site contravenes the Open Spaces Act 1906 as the site is Council owned and would have needed to be maintained by the Council.
- The acceptance by Wally's of the new facilities has no bearing on the local opposition to the proposed development.

A total of 434 Circular Style letters have been received raising the following concerns:

- Uphold the Sport England objection – loss of rounders use of pitch;
- Local children use field;
- Problem of accessibility with one road in/ out of Eldercot Road;
- Extra congestion increases air pollution;
- Local schools are oversubscribed;

- Access to open space by local residents has a positive impact / well being.

Petitions:- A total of 4 petitions have been received with a total 1,205 signatures. This includes a petition from the Presto Gardens residents (14 people), Bolton Sports Federation/Ladies Rounders League (116) and two other larger petitions which also objected to the proposed development totalling some 1075 signatures/names. Specific concerns were raised by the residents of Presto Gardens as to the proximity of the new houses to their properties and loss of light / right to light.

Elected Members:- Cllr Hewitt has objected to the proposals due to the development having a detrimental impact on the character / nature of the area, loss of green land in an urban setting, the social cost of the development outweighs the gain, concerns regarding loss of the rounders pitches and stability issues.

Cllr Shaikh has expressed specific concern about the pressure which would be placed on local infrastructure by the development (doctors, schools and dentists).

Yasmin Quereshi MP has also expressed her concerns regarding the development mirroring the issues raised by local residents.

Consultations

Advice was sought from the following consultees: Trees and Woodland officer, Coal Authority, Pollution Control, Drainage / Flood Risk officers, Design for Security (Greater Manchester Police), Strategic Development Unit, Economic Strategy, Landscape Development and Design, Highways Engineers, Environment Agency, Sport England, Greenspace Management, Housing Strategy and Partnership, Asset Management and Planning Unit, Primary Care NHS Bolton, Council's Viability consultant and the Greater Manchester Ecology Unit.

The Local Planning Authority have publicised the application by way of a number of site notices which were erected adjacent to the site in a number of locations together with a press notice in the Bolton News. This is in addition to the neighbour notification letters which were sent out to all the adjoining neighbouring properties. This complies with the national and local requirements in respect of consultation and the neighbour notification requirements.

Planning History

Planning permission was refused under delegated powers in July 2018 for an application which sought outline planning permission for the erection of up to 250 dwellings including a new access of Eldercot Road along with the resiting of the existing rounder's pitch and refurbishment of the existing pavilion (Ref: 03053/18).

This application was refused planning permission for the following reasons:

- * The proposal would be contrary to the development plan policies CG1.3 and CG1.4 resulting in the potential loss of an open space recreation site, the loss of this large area of informal open space together with the non provision of any s.106 contributions to mitigate against the additional pressures placed on local infrastructure, including school place provision, primary health care facilities and affordable housing by the development. Whilst the Council's housing policies (Core Strategy Policy SC1) are considered to be out of date, no evidence has been submitted to demonstrate that the site would contribute to the five year housing supply. It is also considered (by applying the "tilted balance" of paragraph 14 of the National Planning Policy Framework) that the adverse impacts of the development (included reason 2 of this decision) would significantly and demonstrably

outweigh the benefits of the proposed development. The proposal would therefore not constitute sustainable development contrary to guidance contained within paragraph 7 of the NPPF.

- * The proposed residential development has not provided sufficient information to justify that adequate replacement recreation facility including retained clubhouse could be provided within the application site to off set the loss of the existing recreation facility. The proposal fails to comply with Core Strategy policy CG1.3 and guidance contained within paragraph 74 of the NPPF.

Recommendation: Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.

Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of two 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. Prior to the commencement of any groundworks surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

- 1) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
- 2) Include a timetable for its implementation, and
- 3) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason

To ensure the site provides satisfactory means of surface water drainage and to comply with policies CG1.5 and CG2.2 of Bolton's Core Strategy.

3. Prior to the commencement of any above ground works full details of the highway works at Eldercot Road comprising the repair/reinstatement of footway/carriage way surfaces arising from the construction phases of development.

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".

4. Prior to the commencement of any above ground works full details of the highway works at ****location**** comprising ****[list works]**** 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".

5. Before the approved development is commenced details of the existing and proposed ground levels within the site and on adjoining land including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason

To safeguard the visual appearance and or character of the area and in order to comply with Core Strategy policies CG3 and CG4.

6. No demolition, development or stripping of soil shall be started until:

1. The trees within or overhanging the site which are to be retained have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).
3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

To protect the health and appearance of the tree(s) and in order to comply with Bolton's Core Strategy policies CG1 and CG3

7. The existing rounder's pitches and ancillary training area as shown on the approved Drawing No. shall remain available for use unless and until the replacement rounder's pitches and ancillary training area as shown on Drawing No. Proposed Sports Area Rev A) dated Dec 18 are available for use including having been constructed to the approved specification contained within Condition No. 8.

Reason

To ensure compliance with Core Strategy policy CG1 and guidance contained within paragraph 97 of the NPPF to ensure that the existing sports pitches are replaced with a satisfactory replacement prior to the residential development of the existing sports pitches.

8. Prior to the commencement of development a detailed specification for the drainage and construction of the replacement sports pitches and ancillary training / recreation area as shown on the approved Drawing Ref: Proposed Sports Area Rev. A dated Dec 18. will be submitted to approved by the Local Planning Authority and Sport England. Prior development of the existing rounder's pitches and ancillary training area a verification report will be submitted to and approved in writing by the Local Planning Authority and Sport England that the approved specification and drainage scheme has been implemented in full.

Reason

To provide a replacement sports pitches which is of equivalent or better quality than the existing provision prior to development occurring on the existing provision in accordance with guidance contained within paragraph 97 of the NPPF.

9. No works shall take place including soil stripping and vegetation clearance until a written scheme detailing Reasonable Avoidance Measures to be taken to protect reptiles and amphibians has been submitted to and approved in writing by the local planning authority. The approved scheme shall include but not be limited to, provision for the supervision of all works on the site by a suitably qualified ecologist. Development shall be carried out in accordance with the approved scheme.

Reason

In order to comply with Core Strategy policy CG1 to protect reptiles and amphibians during the construction process.

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) delivery, demolition and construction working hours.
- ix) construction vehicle routing and access.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

To ensure that during the construction of the development hereby approved the impact on adjoining residential properties is minimised in accordance with Core Strategy policy CG4.

11. Prior to commencement of development a site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority, to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken in accordance with Model Procedures for the Management of Land Contamination (CLR 11) and a written report of the findings must be produced. The written report shall include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to human health, property or the environment;
 - (iii) an appraisal of remedial options and proposal for a preferred option. This should include details of testing methodology for any soil or soil forming materials to be brought onto site.

Prior to first use/occupation of the development hereby approved:

(iv) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

12. Before the approved/permitted development is first brought into use no less than ** car parking spaces with minimum dimensions of ** metres by ** metres shall be (marked out and**) provided within the curtilage of the site, [**Delete as appropriate**] in accordance with details to be submitted to and approved by the Local Planning Authority **OR** in accordance approved plan (drawing ref....). 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

13. 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'.

14. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape and in order to comply with Core Strategy policies CG1 and CG3.

15. Prior to the development being first occupied or brought into use, details (including a brick or masonry specification and colour scheme) of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

16. Prior to occupation of the first dwelling, an energy assessment of the approved development shall be submitted to the Local Planning Authority. The submission shall include a scheme which details how either (i) renewable energy technology or (ii) an alternative scheme e.g. enhanced insulation shall reduce CO2 emissions of predicted energy use of the development by at least 10%. The approved scheme shall be carried out in full in accordance with the approved detail, subject to any approved phasing scheme and retained in working order thereafter.

Reason

To maximise the sustainability of the development hereby approved and to comply with Core

Strategy policy CG2.1 (b).

17. No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with Drawing No. **INSERT REF**

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'.

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

Proposed Site Layout Rev. M dated Dec 18;
Proposed Sports Area Rev. A dated Dec 18;
Proposed Sub Station dated Dec 18;
Materials Distribution Plan dated Rev. C;
Boundary Treatments Rev B dated Nov 18;
Boundary Treatments Plan Rev. F dated Dec 18;
Eldercot Rd/2/3B4PT3 - Terrace of 3 Floor Plans and Elevations dated July 18;
Eldercot Rd/2B4PT3 - House Type 70 Floor Plans and Elevations dated July 18;
Eldercot Rd/2/3B4P 70 - House Type 70 Terrace of 4 Floor Plans and Elevations dated July 18;
Eldercot Rd/2B4P 70 - House Type 70 Floor Plans and Elevations (semi detached) dated July 18;
Eldercot Rd/3B4P77 - House Type 77 Floor Plans and Elevations dated July 18;
Eldercot Rd/3B5P - House type 85 Floor Plans and Elevations dated July 18;
Eldercot Rd/4B6P 95 - House type 95 Floor Plans and Elevations dated July 18.

Reason

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

19. Foul and surface water shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

20. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref: Materials Distribution Plan Rev. C.

Reason

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

DECIDED PLANNING APPEALS from 01/12/2018 to 31/12/2018

03334/18 **37 PARK STREET, FARNWORTH, BOLTON, BL4 7RE**

CHANGE OF USE FROM RESIDENTIAL DWELLING (CLASS C3) TO 8NO. BEDROOM, 12 PERSON HOUSE OF MULTIPLE OCCUPANCY (SUI GENERIS) TOGETHER WITH THE INSERTION OF THREE ROOF LIGHTS AND THE DEMOLITION OF A LEAN-TO EXTENSION AT THE SIDE OF THE PROPERTY.

Decision date: **02-Aug-2018**

Decision: **Refused**

Decision level: **Delegated**

Appeal decision date: **12-Dec-2018**

Appeal decision: **Dismissed**

Appeal ref: **APP/N4205/W/18/3209296**

	Dismissed	Total
Total	1	1