

Planning Applications Report

Planning Committee

1st June 2017

**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

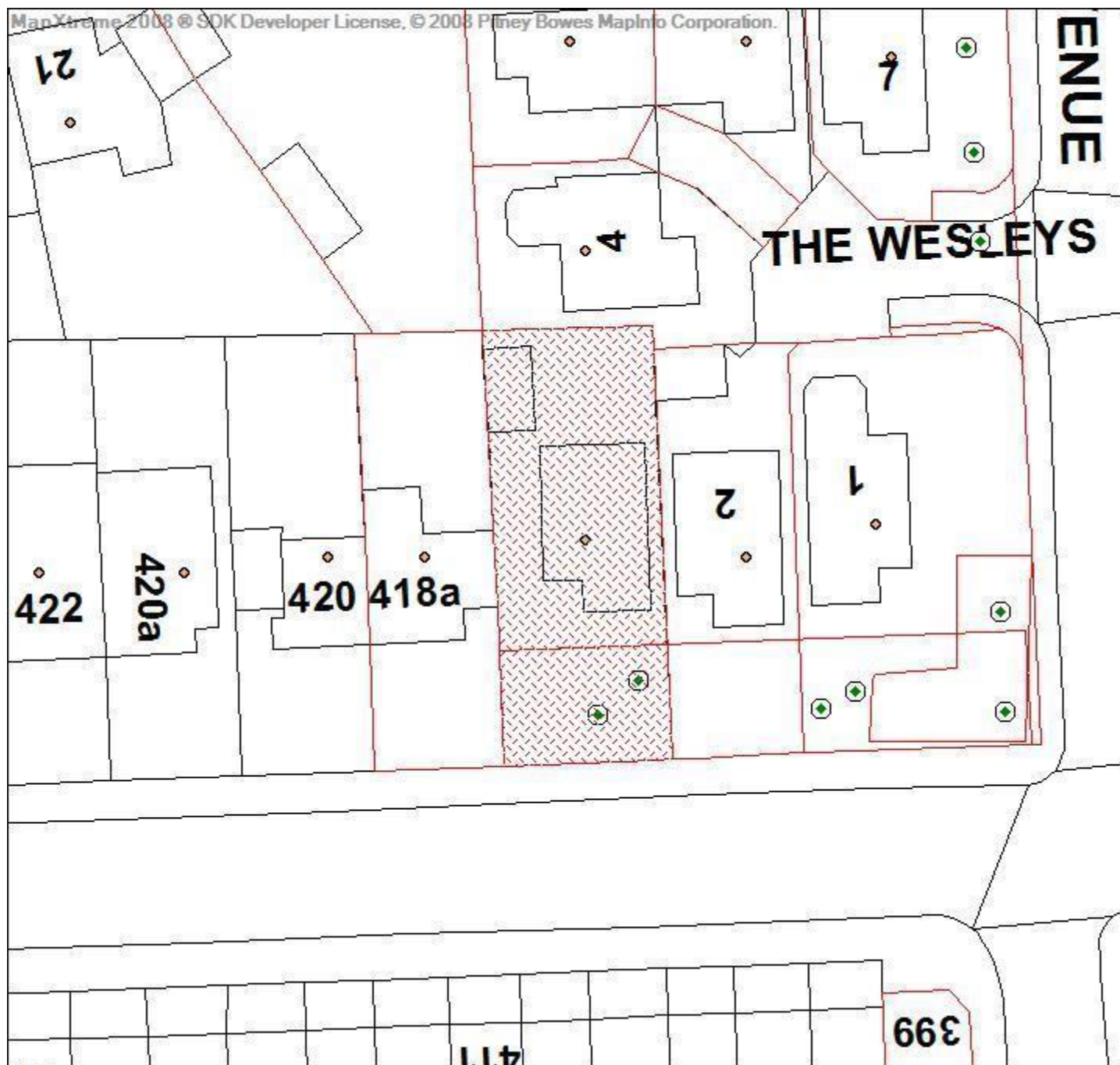
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

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Application number
00322/17



Development & Regeneration Dept
Development Management Section

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Bolton
Council

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Application Reference: 00322/17

Type of Application: TPO Application
Registration Date: 22/02/2017
Decision Due By: 18/04/2017
Responsible Officer: Stuart Cairns

Location: 3 THE WESLEYS, FARNWORTH, BOLTON, BL4 0JJ

Proposal: FELLING OF ONE ASH TREE.

Ward: Harper Green

Applicant: Mrs C Tyrer
Agent :

Officers Report

Background

At their meeting of 27th April, Members deferred the application for further consideration; in particular, so that expert arboricultural advice could be made available at the meeting.

Proposal

The applicant would like to fell one Ash tree. Their justification for this is that it is causing the residents to have a diminished quality of life, excessive shading to the properties and severe damp. The tree is subject to a Tree Preservation Order, Bolton 229 (T14)

Site Characteristics

The Ash tree (T1) is situated to the Plodder Lane side of the property on the southern aspect.

Analysis

National Planning Practice Guidance in relation to tree applications states that, when considering an application, the authority is advised to:

- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
- consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
- consider whether any requirements apply in regard to protected species;
- consider other material considerations, including development plan policies where relevant; and
- ensure that appropriate expertise informs its decision.

Authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions. However, if the authority believes that some loss or damage is foreseeable, it should not grant consent automatically. It should take this factor into account alongside other key considerations, such as the amenity value of the tree and the justification for the proposed works, before reaching its final decision.

Section 40 of the Natural Environment and Rural Communities Act (NERC) of 2006 requires all public bodies to have regard to biodiversity conservation when carrying out their functions. Section 197 of the Town & Country Planning Act 1990 places a general duty upon Local Planning Authorities to ensure the preservation of trees, where appropriate.

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should contribute to conserving and enhancing the natural environment. It also states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

Policy SO12 of Bolton's Core Strategy is as strategic policy and states that one objective of the Core Strategy is to protect and enhance Bolton's biodiversity. Policy CG1.2 of Bolton's Core Strategy states that the Council and its partners will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development. Policy RA1 relates specifically to Inner Bolton and states that the Council will ensure that development takes opportunities to improve upon the existing low levels of green infrastructure and soft landscaping in inner Bolton, using native plant species where appropriate.

The NPPF states in paragraph 109 that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

Core Strategy Policy CG1.2 safeguards and enhances biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development, and improving the quality and inter connectivity of wildlife corridors and habitats.

The Council's Trees & Woodland Manager (CT&WM) undertook a ground inspection of the Ash tree and found it to be a mature tree that has been pruned in the past with good wound occlusion forming in general. The CT&WM noted that there was no evidence of rootplate movement to suggest the stability of the tree was at risk at the time of inspection. The CT&WM also noted that the canopy was healthy and was exhibiting good bud definition and expected shoot extension for a tree of this age, form and maturity. In addition there was no externally visible evidence of fungal brackets or decay on the stem of the tree to suggest their structural integrity was being compromised at the time of inspection.

The canopy of the tree has been raised in the past and slightly reduced to remove overhang to the road and properties. Crown thinning has also been undertaken with good wound occlusion forming in general.

In respect to the points raised for the removal of the tree the CT&WM would note that the applicants have stated that the Ash tree is causing the residents to have a diminished quality of life based upon the following issues.

1. The tree causes severe damp - The CT&WM would note that in the supporting information that the applicants have submitted they have stated there is damp and green mould on the inside floor and walls of the property. However they do not state how this is related to the tree. The tree has been crown raised in the past with the lower canopy of the tree having been raised to improve air circulation around the roof lines of numbers 2 & 3 The Wesleys.

The CT&WM would note that internal damp is usually caused by one of two things: either a sudden increase in the amount of moisture entering the building, or a gradual local build-up of moisture caused by its inability to escape. It is noted that the applicant has stated that they have installed an air filter into the property which should reduce the issue. If there is water ingress into the property this may be due to a requirement for the gutters to be cleared, however it is considered that with regular maintenance blocked gutters can be avoided.

2. The tree causes excessive shading to the properties – The tree has been crown raised and thinned in the past to improve the light filtration to the properties on the underside of the canopy. It is considered that for most of the day the light filtration to the south facing windows will be restricted to the stem of the tree. It is worthy of note that the western elevation, south facing window of the applicants property will be heavily shaded during the morning hours due to the building design of the property (see attached photos). The CT&WM does not concur that the tree is blocking the street lamp as it is some distance from the tree.

There are two paved areas to the south of 2 The Wesleys, one closest to the property and one closer to the Plodder Lane highway. Whilst it is noted that there is some movement to the flags nearest the front wall and gated entrance with Plodder Lane it is considered that this could be repaired, and should not result in the loss of the tree. The CT&WM notes that there are four trees along the frontages of 1-3 The Wesleys and each tree has been pruned in the past to improve light filtration to the properties/gardens. Each tree in its own right will create some shading issues at some point during daylight hours to the properties. However the CT&WM does not consider this should form sufficient reason for the removal of a healthy tree of high visual amenity.

3. Trees branches fall off the tree – The CT&WM notes that there was no evidence of dead, dying or damaged branches that would pose a potential damage hazard to members of the public or property at the time of inspection. It is considered that regular maintenance of the tree in line with the applicants duty of care should prevent any potential damage hazards taking place and therefore this should not form a reason for the removal of the tree.
4. Berries and leaves constantly fall from the tree. It should be noted that this is a seasonal issue and a natural phenomenon and should not form reason for the removal of a healthy tree.
5. Effects of the tree roots to the area at the back of the property - Whilst the CT&WM has not seen the alleged damage to the flags at the rear of the property he would consider that if the tree is causing a change to the plane of the land that this would be evidenced by damage to the properties; none of which was evident at the time of inspection.

The applicant has not indicated on the application form (section 8 Additional Information Part 2 Alleged Damage to the property) if they consider subsidence to be an issue. The CT&WM notes that should additional evidence be supplied in respect to this issue that the Council's tree officers would be willing to consider this information further.

6. In respect to the previous drain repair issues the CT&WM notes that no evidence of this has been supplied as part of this application. However he would consider that if the repair was correctly undertaken then there should be no reason to assume that the drain would become damaged a second time.
7. In respect to the alleged damage caused by mould to the garage roof the CT&WM would consider that as the garage is some distance away from the tree it is unlikely that the tree is the sole reason for the formation of the mould.

8. Cleaning of gutters – The CT&WM notes that leaf fall into gutters can be reduced by the use of gutter guards and thus will reduce the requirement and frequency to have the gutters cleaned.
9. The Applicant cannot have Sky TV – The CT&WM notes that no evidence from the Applicant or their Sky provider in respect of this claim has been submitted for consideration.

Based upon the above information the CT&WM considers that the reason stated for the removal of the Ash tree are not justified and therefore the application is not supported.

Conclusion

It is considered the works specified within the application are in excess of good arboricultural practice. The specified works would have a detrimental impact upon the amenity and character of the area, and would be contrary to CG1.1 and CG1.2 of Bolton's Core Strategy, Safeguarding trees, woodlands and hedgerows.

It is therefore recommended that Members refuse the application to fell the Ash tree.

Representation and Consultation Annex

Representations

Elected Members:- Councillor Howarth has requested that the application be heard at Planning Committee.

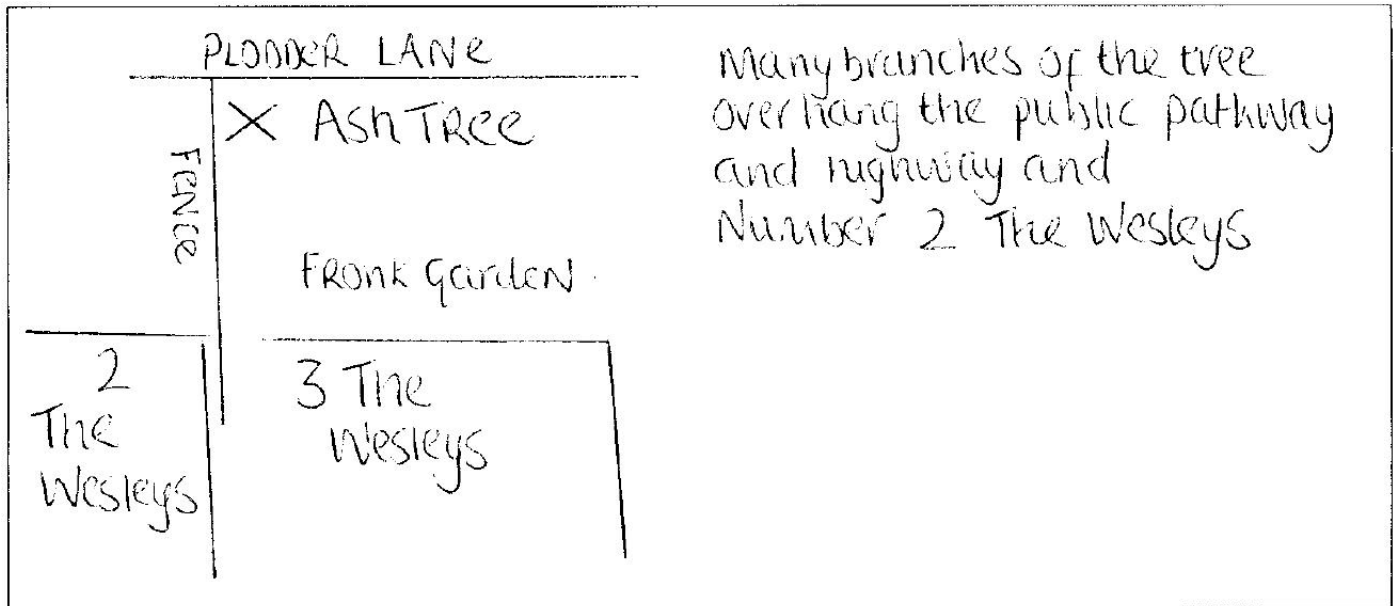
Planning History

Ref. No: 87035/11: Pruning Of One Ash Tree at 3 The Wesleys, Farnworth, Bolton, BL4 0JJ |
 Received: Wed 26 Oct 2011 | Validated: Wed 26 Oct 2011 | Status: Decided - Approved
 Ref. No: 74397/06: Pruning Of One Ash Tree at 3 The Wesleys, Farnworth, Bolton, BL4 0JJ |
 Received: Tue 30 May 2006 | Validated: Tue 30 May 2006 | Status: Decided – Approved

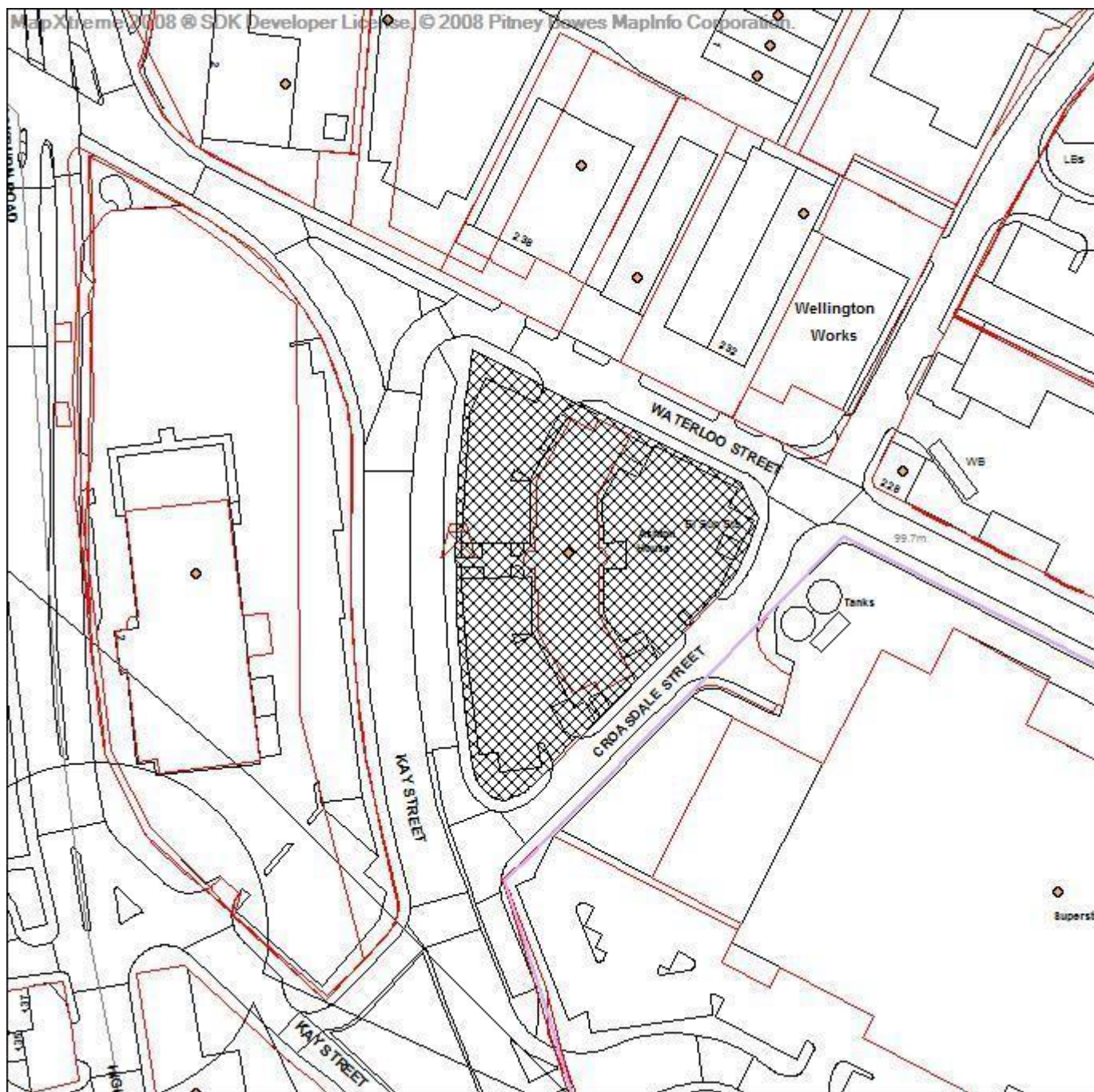
Recommendation: **Refuse**

Recommended Conditions and/or Reasons

1. The Ash tree (T1) is a healthy specimen, and its removal would be contrary to CG1.1 and CG1.2 of Bolton's Core Strategy, Safeguarding trees, woodlands and hedgerows in that it would result in the unacceptable tree loss, to the detriment of the character, appearance and amenity of the surrounding area.



Application number 00558/17



**Development & Regeneration Dept
Development Management Section**

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Bolton Council

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Date of Meeting: 01/06/2017

Application Reference: 00558/17

Type of Application: Prior Approval to School/Nurser from all

Registration Date: 24/03/2017

Decision Due By: 18/05/2017

Responsible Officer: Martin Mansell

Location: THE OLIVE SCHOOL, ASHTON HOUSE, WATERLOO STREET, BOLTON, BL1 8HT

Proposal: NOTIFICATION FOR PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM OFFICE TO STATE-FUNDED SCHOOL.

Ward: Crompton

Applicant: Education Funding Agency (EFA)

Agent : Cushman & Wakefield

Officers Report

Recommendation: Approve subject to conditions

Proposal

This is not an application for planning permission - it is an application for Prior Approval for change of use from offices (Class B1) to a state-funded school.

The Town and Country Planning (General Permitted Development) (England) Order 2015 came into force in April of that year and Class T of Part 3 of that Order introduced a permitted development right for a permanent change of use from Class B1 Offices to a state-funded school. This right is subject to the developer notifying the Council of their intention and seeking a view as to whether further information is required as to the contamination risks on the site, the noise impacts of the development and the transport and highways impacts of the development.

In support of their proposal, the Applicant has submitted an Asbestos Survey, an Environmental Noise Impact Assessment and a Transport Statement.

Members are advised that the building is already in use as a state-funded school and has been so used since September 2016. Class C of Part 4 of the General Permitted Development Order permits the use of any building as a state-funded school for one academic year, though this has since been extended to two academic years. Whilst Class T allows for permanent use as a state-funded school, the Applicant only seeks to use the building for a further period of three years as they are currently considering other sites in the Borough for a permanent home. In other words, the building is currently being used a state-funded school under permitted development and the Applicant seeks the Council's acceptance that this can be extended until 1st August 2020 and they confirm that they would accept a condition to this effect.

Members are also advised that these applications are subject to a 56-day time limitation. In order to facilitate a determination by the Council's Planning Committee, the Applicant

has agreed that this period can be extended until 7th June. However, Officers are of the opinion that the Applicant is unlikely to agree to a further extension of time - therefore, if a decision is not made at the meeting of Planning Committee on 1st June, the proposed development would be at risk of becoming permitted by default.

Site Characteristics

The site is a three storey purpose-built office block on a roughly triangular island site bounded by Kay Street, Waterloo Street and Croasdale Street. It is located approximately 0.3km north of the north-east extremity of the boundary of Bolton town centre (Topp Way, St Peters Way, Turton Street, Kay Street junction) in an area generally characterised by large scale commercial uses such as a retail park, a DIY superstore and some vehicle scrapyards. It is considered that the area is dominated by the major highway infrastructure that forms this section of the A666.

Ashton House has been operating as the Olive School since September 2016 with accommodation for 120 pupils following approval from the Secretary of State for the Department of Education for the site to operate as a state-funded school. The site has an area of 0.8ha and the building has total floorspace of 2,323 square metres. It also benefits from an unimplemented permission for use as a hotel, granted in May 2016.

Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015 - Part 3 Class T

Policy

National Planning Policy Framework - promoting sustainable transport, promoting healthy communities

Analysis

The General Permitted Development Order contains no reference to the usual Section 38 test as to whether the development is in accordance with policies in the Development Plan. It does state that the Local Planning Authority should "have regard to the National Planning Policy Framework" as if the application were a planning application - however, recent Planning Inspectorate decisions have made it clear that the NPPF is only relevant insofar as it relates to the three specific considerations of contamination risks, noise impacts and the transport and highways impacts of the development.

The sole three considerations for the application for Prior Approval are:-

- impact of contamination risks on the site
- noise impacts of the development
- transport and highways impacts of the development

Impact of Contamination Risks on the Site

The National Planning Policy Framework encourages the remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Where a site is affected by land contamination, responsibility for securing a safe development rests with the developer and/or landowner. The amendment to the General Permitted Development Order states that if the Local Planning Authority determines that the site will be contaminated land, they should refuse to grant planning permission (presumably a planning application would be required instead).

There is no planning history that would indicate that the land is at risk of contamination.

An asbestos survey has been provided which finds no evidence of the use of asbestos; in any case, this is controlled through other legislation. It is also noted that the proposal contains no intention of a requirement for groundworks such as trenches, foundations, piling, etc. with all activity limited to the existing building and site. The proposal is for a change of use of the existing building only.

There is not considered to be any impact from contamination risks.

Noise Impacts of the Development

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and reduce pollution.

The applicant has provided a professional acoustic survey, carried out by Acoustic Design Technology Limited.

The report concludes that there should be no adverse impact on the nearest noise sensitive properties at Kentford Road and Kingsdown Drive which are approximately 125 metres to the west across the A666. Other dwellings are located further from the site and are in some cases screened by the intervening buildings. Existing noise affecting the proposed teaching building has been assessed with reference to the requirements of Building Bulletin 93 with the conclusion that compliance should be achievable with a suitable arrangement of the teaching rooms. Officers accept these conclusions and consider that the acoustic requirements for protecting the occupants of a school would be similar to those of the lawful use as an office and for the permitted but unimplemented use as a hotel. It is also noted that the proposal is for three years only.

The noise impacts of the development are considered to be acceptable.

Impact on Transport and Highways

The National Planning Policy Framework recognises that the transport system needs to be balanced in favour of sustainable transport modes - though it notes that the method of achieving this will vary between urban and rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. The NPPF goes to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe - in other words, where the impacts over and above the existing situation would be severe, when other traffic generating uses are taken into account.

The application is supported by a transport statement prepared by Vectos Transport Planning Specialists.

Summary of the Applicant's Case on Transport and Highways Grounds

The Transport Statement provided by Vectos Transport Planning Specialists concludes by stating:-

- the site is accessible by sustainable modes of travel, including for pedestrians, cyclists and by bus
- there is a network of footways and controlled pedestrian crossings at the main

junctions around the site that facilitate connections with the residential areas to the north and west

- there is a good provision of bus services available within 400m of the site that serve the surrounding catchment areas. In addition, the Olive School has a 24 seater mini-bus which operates through the key catchment area of Halliwell
- the proposed car and cycle parking provision is in line with standards and the servicing activity can be accommodated on-site
- the vehicular access strategy comprises of a one-way system utilising existing junctions, with traffic entering the site from Waterloo Street and exiting onto Croasdale Street and drop-off/pick-up movements safely accommodated on-site
- the road network in the vicinity of the site has a good safety record
- the trip generation of the proposed 300 pupil school at the site will not adversely impact upon the safety and operation of the local highway network in the morning and afternoon peak periods
- the School's Framework Travel Plan will form the basis for implementing a travel plan for the Olive School, which will include providing measures to encourage use of non-car modes, to help increase travel to the site by sustainable modes

The Council's Highway Engineers' Assessment of the Applicant's Case

The site is in close proximity to the Key Route Network in the form of the A666 and therefore the Council's Highway Engineers have considered the Transport Statement in consultation with Transport for Greater Manchester. Their assessment is summarised below:-

- although Highways Officers had raised concern previously in relation to using this site for a school use owing to its proximity to the Key Route Network (KRN) and the predominately industrial use of the surrounding area, no apparent concerns have been raised with Highway Engineers relating to traffic management or congestion issues associated with the current use of Ashton House as a school
- the applicant has submitted a Transport Statement and additional information under an Addendum Report in order to substantiate what is being proposed from a transport and highways perspective. The information has been reviewed by Highway Engineers as part of the planning application process and Transport for Greater Manchester under their remit as the integrated transport authority and the sites potential impact on the Key Route Network. This document is robust in terms of potential vehicle impact and reiterates the sites accessibility to sustainable transport provision and the surrounding residential catchments, the rationale of which appears sound. School sites are notorious for generating a unique set of traffic management issues at drop-off/pick-up within their hours of operation. From experience this situation is normally short-lived, usually 15-20 minutes. The submitted transport information and amendments indicate that the level of vehicle movement associated with the school will increase owing to the increase in pupil numbers, however, the analysis of the surrounding junctions does indicate that this increase will only be marginal in relation to the observed base-line traffic flow scenario. Acting on the submitted information it does appear that the additional traffic can be accommodated without detriment to the operational capacity of the surrounding highway network and that the cumulative

impact of development could not be classed as severe which complies with the requirements of para 32 of the National Planning Policy Framework). The introduction of a robust School Travel Plan (which has been indicated as a requirement within the Transport Statement) with achievable sustainable travel targets will help to create a modal shift and help reduce traffic impact even further associated with the site

- the applicant is proposing adequate drop-off provision within the site to support the school along with 52 off-road parking spaces which complies with the Council's parking standards to support this level of use class. The applicant (according to the submitted site plan) is proposing a one-way arrangement through the site from Waterloo Street through to Croasdale Street. This vehicle circulation route will need be enforced by appropriate signage/road marking along with potential stewarding by existing school staff
- concerns had been raised previously in discussion about using Croasdale Street as an egress route from the school site. This section of highway provides an element of service vehicle access for HGV movement into the B & Q site opposite. There is no indication of the service regime for B & Q within the submitted Transport Statement, however, Highway Officers assume that it will lie outside school drop-off and pick-up times and acting on this assumption it should not pose much of an issue in terms of the operation of both facilities and potential road safety implications. There also appears to be a high level of on-street parking at this location possibly associated with commuters and surrounding businesses. From observation, this parking appears to be on both sides of the carriageway leaving enough running lane width for one vehicle. It is a recommendation that the applicant funds a review of the existing traffic regulation orders surrounding the site with the potential to introducing "school keep clear" markings and additional waiting restrictions to help access and egress while still providing an element of on-street parking at that location
- analysis of the available injury accident record over the last 5 years for the junction of Croasdale Street, Calvin Street and Waterloo Street revealed 5 slight accidents resulting in 6 casualties over that time period. The road user class was predominately car users with the main causation factor being vehicle over-shoot from Calvin Street along with right-turn accidents from Waterloo Street onto Calvin Street. The additional use of Croasdale Street for an egress point from the school site has the potential to exacerbate this accident record, to what extent Highway Engineers cannot be certain
- acting on the above comments and observations and bearing in mind the site has been as a school for the last 12 months without detriment, the Council's Highway Engineers consider that they cannot reasonably object to the proposed temporary permission being granted for a 3 year period for the site to be used as a school subject to the recommended conditions and informatives, including the conditioning of a robust School Travel Plan with achievable sustainable travel targets

Concerns raised by the Council's Asset Management and Pupil Place Planning Unit

At the time that it was originally proposed that this site be used as state-funded school under the one academic year permitted development right, the Council's Asset Management and Pupil Place Planning Unit wrote to the Department of Education, expressing their concerns about the location of this school. The Unit acknowledges that the school has operated successfully since it opened in September 2016 but would like Members to be aware of their very serious concerns:-

- Ashton House is a former office building located in a highly commercial area,

immediately neighbouring a large B & Q superstore

- the site effectively fronts a busy traffic island formed by the A666 which is the main access road out of Bolton to the south providing direct access onto the M61 and wider motorway network beyond, and Blackburn Road, which is the main route out of the town centre providing a main radial route and access to the north
- Blackburn Road forms a distinct boundary between the commercial sites and similar activities to the east (including Ashton House) and the residential area to the west
- there is very little pedestrian movement across the road network to the east of Blackburn Road as there has never been a need to prioritise such movement and instead the road layout and junction designs in this area are very much designed in favour of vehicles and the need to alleviate congestion - particularly during busy morning and late afternoon peak periods (ie the peak periods of school opening and closing times). By comparison, the areas of residential development are very much located on the west side of Blackburn Road
- given the above, the Council's Asset Management and Pupil Place Planning Unit would like to raise very serious concerns over the choice of this site for a 2 form entry primary school, on the basis that the site is considered to be inappropriate

It is also noted that an objection has been received from the operator of a nearby industrial use and their concerns are listed in the "representations" section of this report.

Conclusion

Planning Officers consider this to be in some respects a poor location for a primary school. The concerns of the Council's Asset Management and Pupil Place Planning Unit are noted and accepted to some degree. The site is located in a predominantly industrial area and the surrounding highway network is configured in a way that prioritises drivers over pedestrians. It is likely that parents will be discouraged from using sustainable transport options such as walking by the dominance of the surrounding highway network and whilst Blackburn Road is well-served by buses the actual stops are located some considerable distance from the application site. On the other hand, Planning Officers note that the proposal and its supporting Transport Statement have been carefully assessed by both the Council's Highway Engineers and Transport for Greater Manchester who consider the proposal to be acceptable in terms of its transport and highways impacts, particularly given the limited period of a further three years - one year more than the current recently amended permitted development right which applies to almost all buildings.

The Council's consideration is limited to three issues alone - contamination risks on the site, the noise impacts of the development and the transport and highways impacts of the development. Officers consider the first two impacts to be very limited and, notwithstanding the concerns raised by the objector and the Council's Asset Management and Pupil Place Planning Unit, take the view that the transport and highways impacts of the proposal are acceptable for a period of three years.

Representation and Consultation Annex

Representations

Letters:- one objection has been received from the operator of a nearby industrial use. The grounds of objection are:-

- the area is an industrial area with large articulated lorries delivering to and from the nearby B & Q and Metro Salvage with our unit located across Waterloo Street from it
- Waterloo Street a no loading road which means we have to clear the car park when we have a delivery
- what will need to be done once a permanent school is created - zigzags, speed bumps or a one way system?

Elected Members:- the application appears at Planning Committee at the request of Councillor Ismail.

Consultations

Advice was sought from the following consultees: Highway Engineers, Asset Management and Pupil Place Planning Unit, Transport for Greater Manchester,

Planning History

Planning permission was granted in 2016 for change of use from offices to hotel together with external alterations (95777/16)

Planning permission was granted in 1989 for the erection of a 3 storey office and showroom with landscaping (33675/89)

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. This permission shall be for a temporary period expiring on 1st August 2020 when the use as a school hereby approved shall be permanently discontinued.

Reason

The applicant has only applied for temporary permission.

2. Prior to the commencement of the use hereby approved, all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality where necessary with the potential to introduce school keep clear markings at the site access and egress on Waterloo Street and Croasdale Street and the introduction of additional waiting restrictions to reduce parking congestion and the highway and facilitate egress from the school.

Reason

In the interests of highway safety.

3. Before the approved use commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority specifying the provision to be made to reduce the impact of noise. The scheme shall be entirely in accordance with the recommendations of ADT Consultancy Environmental Noise Impact Assessment (ADT 2535/ENIA, 16 March 2017) and shall be implemented in full prior to the development being brought into use and retained thereafter.

Reason

To safeguard the living conditions of residents, particularly from the effects of noise.

4. Before the approved development is first brought into use no less than 52 car parking spaces shall be marked out and provided within the curtilage of the site, in accordance with the submitted site plan. 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 to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

5. Prior to the commencement of the use hereby approved, all Traffic Regulation Orders required by the Local Highway Authority to mitigate the impact of the development.

Reason

In the interests of highway safety and in order to comply with Core Strategy policies S1 and P5.

6. Before development commences details of the signing scheme within the site to enforce one-way circulation through the site from the highway (as indicated on the submitted site plan) shall be submitted to and approved by the Local Planning Authority. The approved signing scheme shall be implemented in full before the development hereby approved is first occupied or brought into use and retained thereafter.

Reason

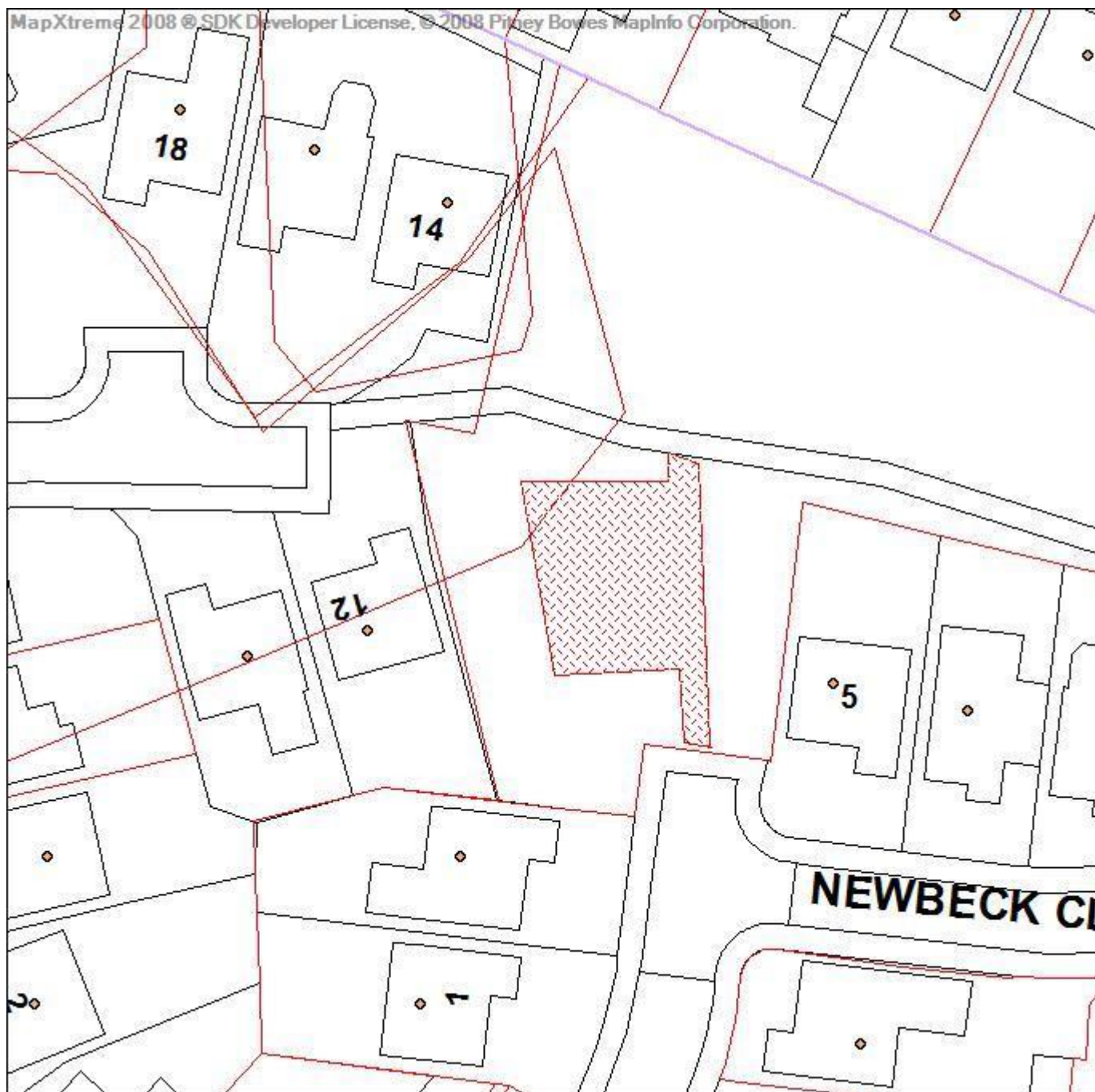
In the interests of highway safety.

7. Prior to the development hereby approved being first occupied or brought into use a scheme shall be submitted to and approved in writing by the Local Planning Authority for the vehicle circulation area (one-way) as indicated from Waterloo Street to Croasdale Street on the submitted site plan. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter and not to be used for any purpose except as a vehicle circulation area.

Reason

In the interests of highway safety.

Application number 00560/17



Development & Regeneration Dept
Development Management Section

Town Hall, Bolton, Lancashire, B
Telephone (01204) 3

Bolton Council

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Date of Meeting: 01/06/2017

Application Reference: 00560/17

Type of Application: Local Authority Applications\Development

Registration Date: 24/03/2017

Decision Due By: 18/05/2017

Responsible Officer: Kara Hamer

Location: LAND BETWEEN 3 & 5 NEWBECK CLOSE, HORWICH, BOLTON, BL6 6SN

Proposal: SITING OF PLAY EQUIPMENT ON LAND WITH PREVIOUSLY APPROVED USE AS A PLAY AREA TOGETHER WITH SITING OF 1.2M HIGH BOUNDARY FENCE WITH PEDESTRIAN GATE AND FOOTPATH

Ward: Horwich and Blackrod

Applicant: Dept of Place, Bolton Council

Agent : Dept of Place, Bolton Council

Officers Report

Recommendation: Approve subject to conditions

Proposal

The applicant seeks permission to install play equipment on land with previously approved use as a play area together with siting of 1.2m high boundary fence with pedestrian gate and footpath.

The proposed toddler play area would utilise approximately one third of the wider public open space site and comprises 4 items of equipment including; toddler swing, miniature spring seesaw, miniature roundabout and low level slide with platform and climber (1.2 metres in height). A rubber crumb safer surface would be laid in situ and a tarmacadam footpath would be laid from Newbeck Close to meet the existing footpath laid along the line of the Thirlmere Aqueduct and toward Higherbrook Close. The remaining two thirds of the wider site will remain public open space.

Site Characteristics

The site is presently public open space landscaped with grass and lies between 3 and 5 Newbeck Close. The site is surrounded by new build residential dwellings to all sides.

The application site is located at the south west corner of the wider site. The site slopes upwards to the north and the Thirlmere Aqueduct easement runs through the site. A pedestrian footpath lies above the line of the Aqueduct. There are no trees on the site.

There is a children's play area sited off Greenwood Avenue approx 50m (in a straight line) to the north of the proposal.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Accessibility; S1 Safe; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * principle of additional children's play provision;
- * impact on the character and appearance of the area;
- * impact on the living conditions of local residents;
- * impact on highway safety;
- * other issues raised by local residents.

Principle of Additional Children's Play Provision

Core Strategy Policy CG1.3 seeks to safeguard/enhance a range of open spaces including parks, gardens and playing fields with an aim to improve the quality and multi - functional benefits of these assets.

The site was designated a play area under Planning Application ref; 49577/96 which is the original application for details of the siting, design, external appearance, means of access and landscaping for the erection of two hundred and seventy one dwellings. The site forms part of a Section 106 Agreement with the developer of 'The Meadows' housing estate Jones Homes. The Applicant is the Council's Department of Place (Landscape Development and Design) whom submit that Ward Councillors have requested that the designated play area is progressed as the Public Open Space is due to be transferred to the Council.

The proposed toddler play area is intended to provide a local facility which will be used by local residents. It is considered that the construction of the proposed toddler play area would complement the existing general recreational use of the site and would improve the quality of the site and would provide multi-functional benefits for the younger children in the area in terms of development of a range of skills including play, physical skills and interactive relationships with their peers.

Officers consider that the proposal fully complies with policy.

Impact on the Character and Appearance of the Area

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 states that the Council will conserve and enhance the character of the existing landscape and physical environment and 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.

The application site is characterised by grass and shrubbery planted at the perimeter. Whilst the siting of play equipment and ancillary fencing and gates would change the current views of the site, the wider site is a recognised area for recreation and open space. It is common place for these areas to have play equipment located within them. Furthermore, the site forms a small part of a larger area of recreational open space and as such would not greatly effect the overall character of the area.

Some local residents have commented that the proposal would result in a deterioration in the quality of the land and the character of the area. Whilst this particular site would change, this needs to be considered in the context of the site as a whole. If maintained by the Council the use of the site as a play area would ensure the character and appearance of the area is maintained.

Officers consider that the proposal would be in character with the wider area and that the proposal would comply with policy CG3 of the Core Strategy.

Impact on the Living Conditions of Local Residents

Core Strategy Policy CG4 seeks to ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.

The wider recreational open space site is surrounded by dwellings to all sides. Residential properties on Newbeck Close (nos 3 and 5) and Higherbrook Close (nos 12 and 14) are located immediately adjacent to the site.

Residents from 3 and 5 Newbeck Close and 14 Higherbrook Close have raised objections to the proposal on a range of issues including the proposal would result in vandalism and anti-social behaviour especially at night. Officer's note that no lighting would be provided within the scheme, therefore the use of the site at night would not be encouraged. Furthermore, it should be noted that the site is currently an established area of recreational open space with some recreation and play activity currently taking place. It is considered that the introduction of a play area for toddlers hosting 4 small items of play equipment is unlikely to result in a significant increase in noise and activity in and around the site to the detriment of the local residents. There are properties surrounding the site and so there is good natural observation of the site which will aid preventing anti-social behaviour.

It is therefore considered that the proposal complies with policy.

Impact on Highway Safety

Core Strategy Policy P5 seeks to ensure that new development proposals take into account accessibility by different forms of transport prioritizing pedestrians, cyclists and public transport users over motorised vehicle users. Furthermore, Policy S1 seeks to ensure that the Council and its partners promote road safety in the design of new development.

No car parking provision is provided within this application. The proposed toddler play

area is intended to provide a local facility which will be used by local residents. Due to the availability of other sites in the Horwich area and the limited play offer of the proposed site it is considered that visitors from beyond the immediate local residential area would be rare. Whilst it is appreciated that some visitors to the site may use cars it is considered that this would be a relatively rare occurrence.

It is considered that, due to the nature of the use and the predominantly local residents who would use the play area, it is unlikely that the proposal would result in problems of on street car parking. Furthermore, to provide off road car parking in this location would only serve to potentially increase unsustainable car use and also potentially be detrimental to the overall recreational open space site itself.

Other Issues Raised by Local Residents

Local residents have raised a number of issues, some not material planning considerations, which will be now considered in more detail:

- the proposal is a waste of Council monies - Officers note that the opportunity to implement this scheme has arisen due to s.106 monies being secured through the residential development 'The Meadows' to provide for open space provision and maintenance. This money cannot be allocated for other uses and would assist in meeting the Council's aim of providing local residents with a high quality play area which is required
- vandalism caused to existing sites - Officers are advised that all Council controlled play areas are regularly monitored and maintained

Other Matters

The Council's Drainage Team have been consulted and have raised no objection to the proposal.

Local finance considerations

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

The proposal would consist of the provision of an equipped toddler play area on an existing area of allocated recreational open space utilising s.106 monies which can only be used for the provision of play areas or other forms of recreational open space. It is considered that the proposal would complement and improve the overall character and offer of the wider recreational allocation of the site. It is considered that the introduction of a play area for toddlers hosting 4 small items of play equipment is unlikely to result in a significant increase in noise and activity in and around the site to the detriment of the local residents. In addition, the proposal would satisfy a local need and as a result it is expected that the majority of play area users would walk to the site rather than drive.

It is therefore considered that the proposal complies with policy and is recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- 10 letters have been received from nearby residents objecting to the proposal on the grounds of:-

- juvenile anti-social behaviour
- excess traffic (vehicles or people)
- excess noise pollution
- extensive littering
- lack of parking
- loss of green, open space
- will attract drug users
- waste of public funding
- there are other play areas nearby on Greenwood Avenue, Station Park and Higherbrook
- better sites are available within Horwich
- impact on wildlife habitat
- loss of privacy
- limited pre school apparatus only suits a minority
- not in keeping with the layout of the area

Points have been addressed in the main body of the report.

Town Council:- Horwich Town Council resolved to recommend approval of this application at their meeting of 20th April 2017 and noted in the minutes that (at the time of the meeting) "there had been 3 objections on grounds of impact on living conditions of neighbours (noise and disturbance), child safety concerns, increase in anti social behaviour, loss of green field, increase in traffic, waste of public money/already have a play area. It was noted that the application was for provision of a small toddler play area containing four small pieces of play equipment. As part of the original S106 Agreement the site was originally identified on plans within the Meadows development for a play area. Members welcomed the use of green space for the benefit of small children and were of the opinion that it would not cause either disturbance or nuisance to neighbouring properties".

Elected Members:- Councillor Pickup has registered support for the proposal noting that "as ward councillor, I wholeheartedly support the above application. Prior to The Meadows estate being built, a condition of planning permission for the site was that a childrens' play area would be provided within the site. The estate is now well established & has recently been passed over to the local authority. There are some 200 homes on the estate, many of whom house families with young children, with no play area within walking distance from their homes. A play area at this location would be highly appropriate, being at a central point and providing easy access to all homes on the estate for such children to enjoy the facilities. In conclusion, I fully support the application to erect a play area at this location, which would enhance the lives of many of the children living on The Meadows estate"

Consultations

Advice was sought from the following consultees: Drainage and Bridge Maintenance, GM Police.

Planning History

49577/96 - original application for details of the siting, design, external appearance, means of access and landscaping for the erection of two hundred and seventy one dwellings - approved April 1998.

50290/97 - details of the landscaping for the erection of sports village - approved July 1997.

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

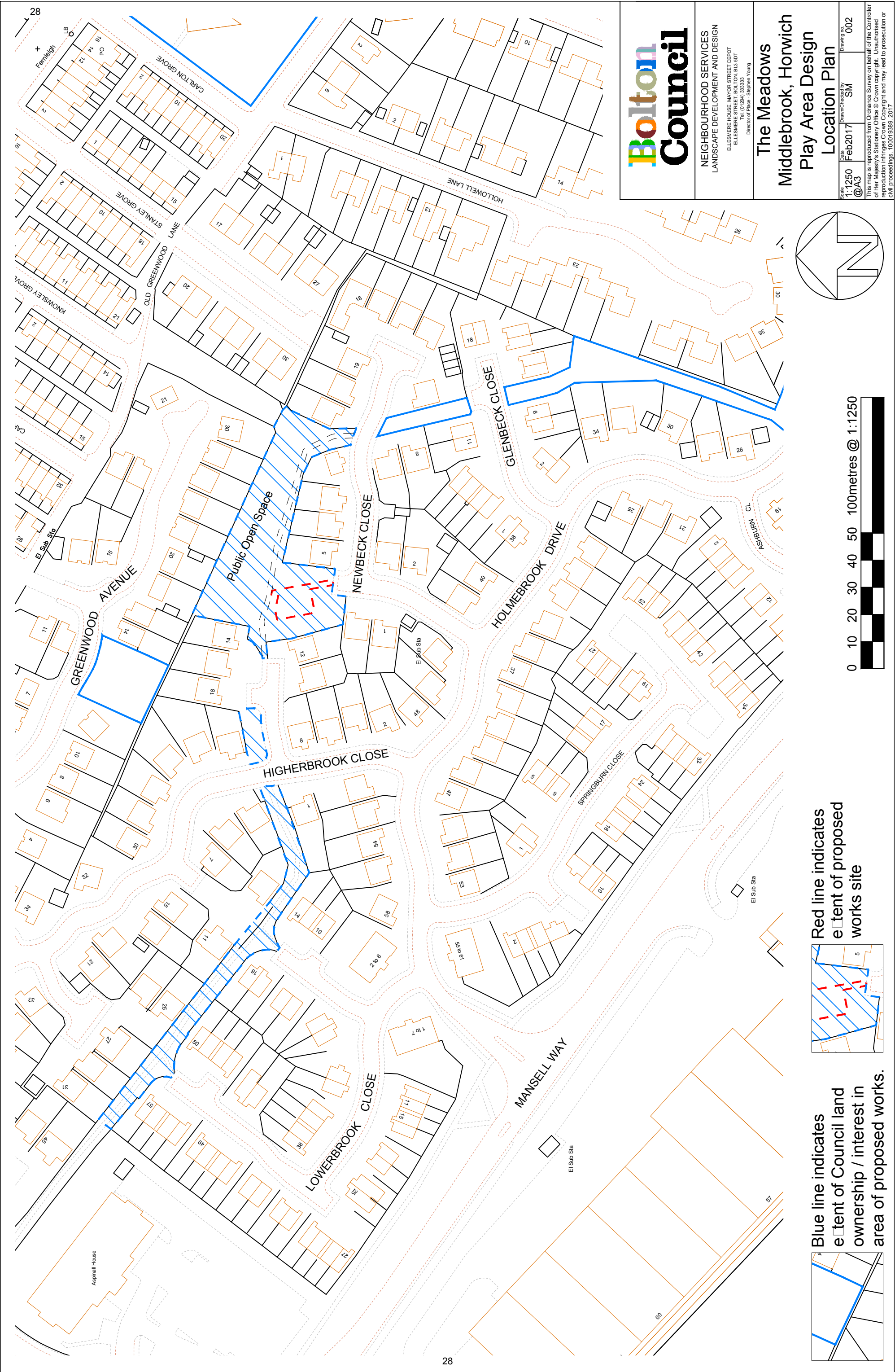
Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

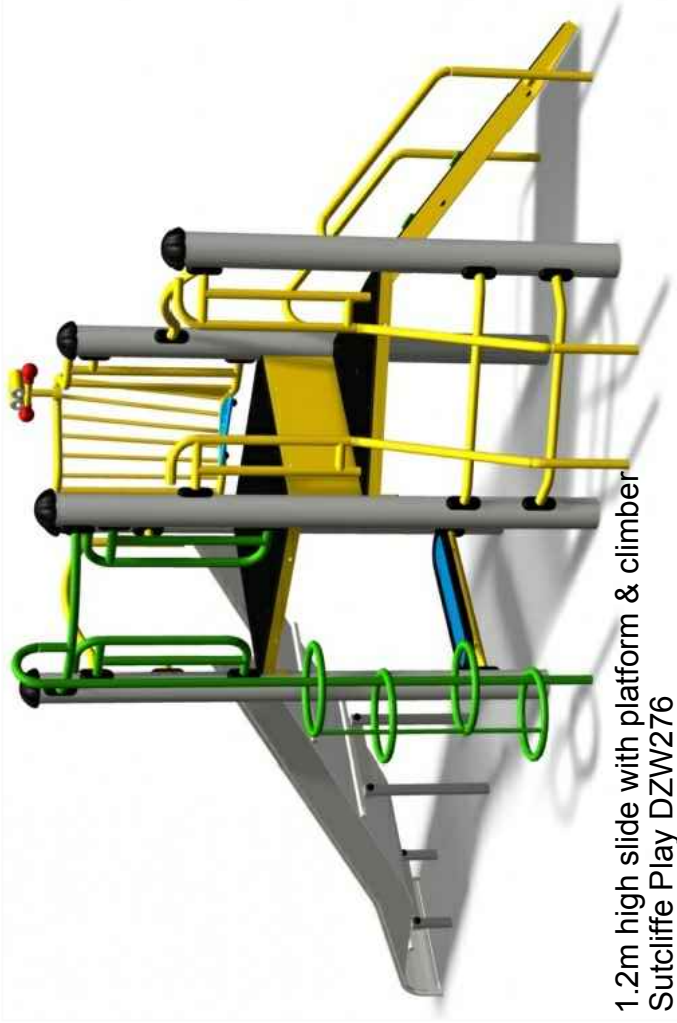
2. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Location Plan, 002, Feb 2017
Site Plan, 003, Feb 2017
Further Information, 004, Feb 2017
Further Information, 005, Feb 2017

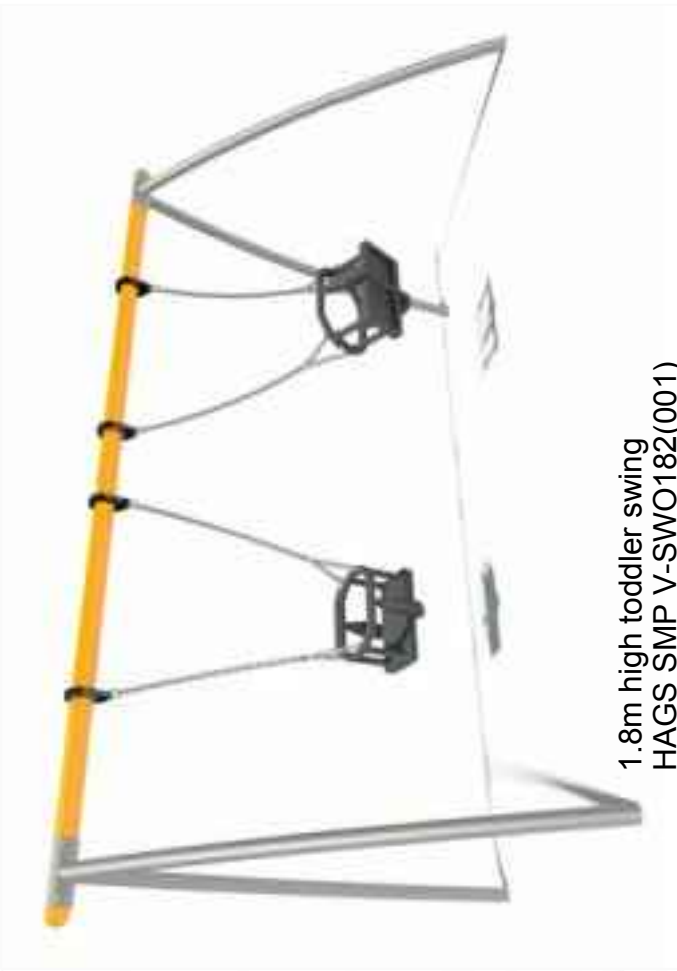
Reason

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

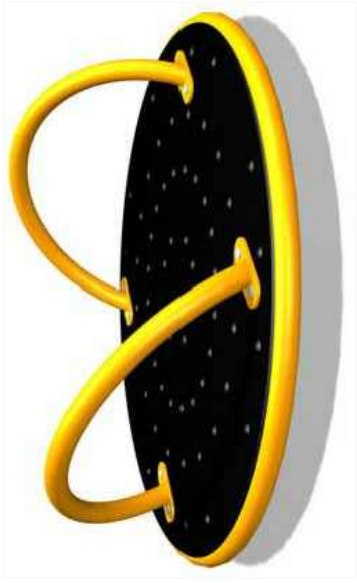




1.2m high slide with platform & climber
Sutcliffe Play DZW276

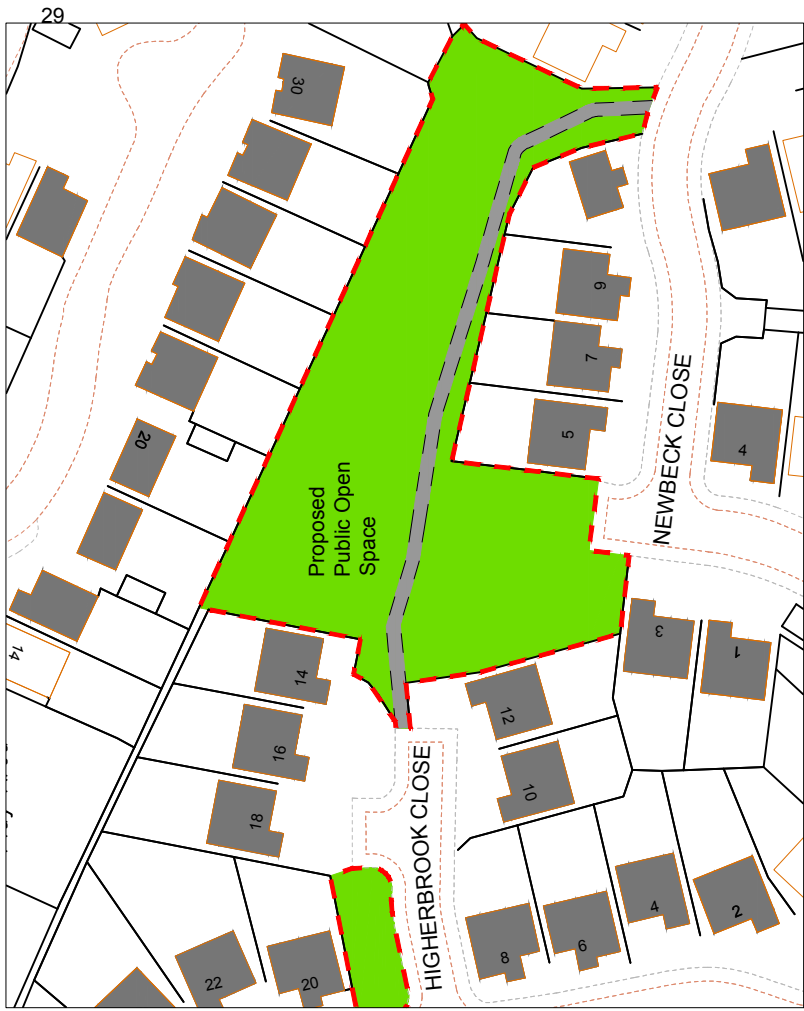
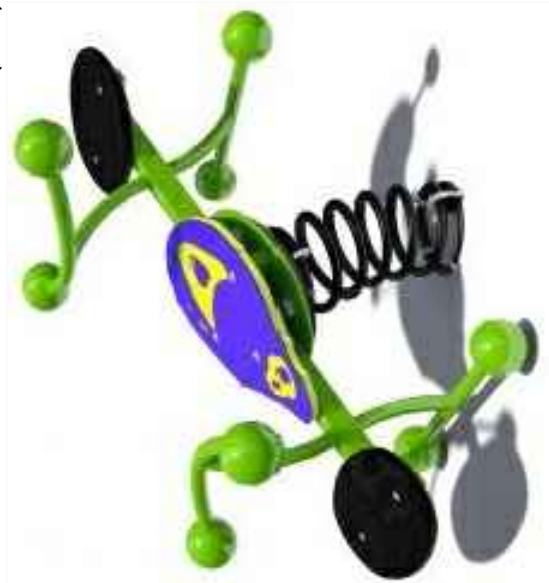


1.8m high toddler swing
HAGS SMP V-SWO182(001)

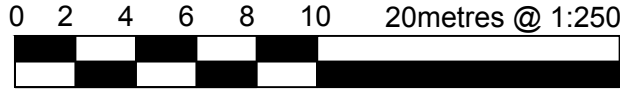
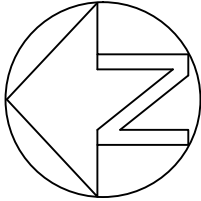


1m diameter butterfly roundabout
Sutcliffe Play SWD160

0.6m high mini spring seesaw
HAGS SMP X-ROK(002)



Site Plan 1:1000



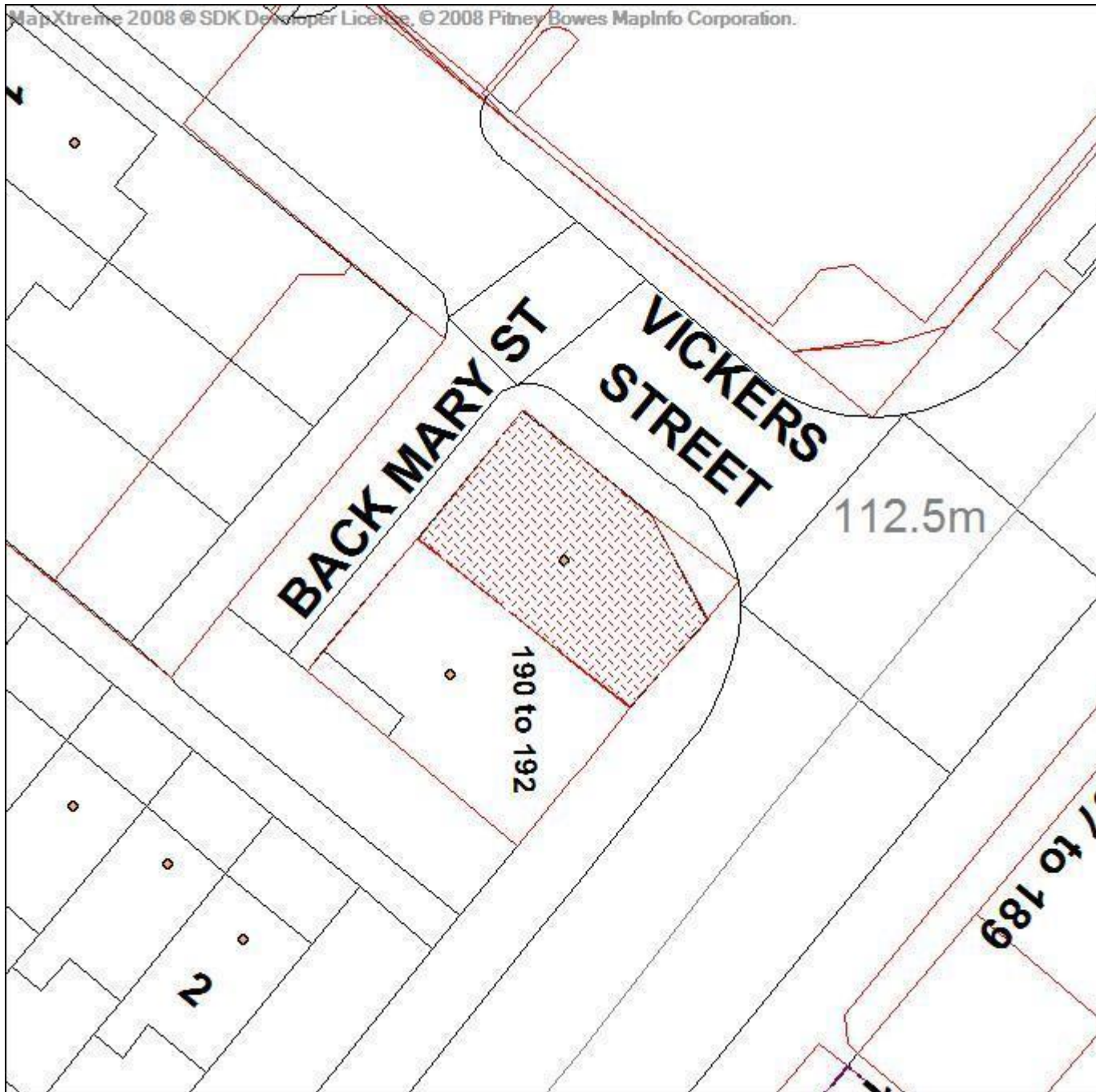
Bolton
Council

NEIGHBOURHOOD SERVICES
LANDSCAPE DEVELOPMENT AND DESIGN
ELLESMEERE HOUSE MAYOR STREET DEPOT
ELLESMEERE STREET, BOLTON, BL3 5DT
Tel: (01204) 333333
Director of Place - Stephen Young

The Meadows
Middlebrook, Horwich
Play Area Design
Site Plan

Scale 1:250 @A3	Date Feb 2017	Drawn/Checked by SM	Drawing no. 003
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Application number
00594/17



Development & Regeneration Dept
Development Management Section

Town Hall, Bolton, Lancashire, B
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Date of Meeting: 01/06/2017

Application Reference: 00594/17

Type of Application: Full Planning Application

Registration Date: 29/03/2017

Decision Due By: 23/05/2017

Responsible Officer: Paul Bridge

Location: LAND ADJ 192 DERBY STREET, BOLTON, BL3 6JN

Proposal: ERECTION OF A SINGLE STOREY RETAIL UNIT (CLASS A1)

Ward: Rumworth

Applicant: Mr MISTRY

Agent : RA Design & Project Management Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

Planning permission is sought for the erection of a single storey retail unit (Class A1). The proposal would have an inverted 'P-shaped' design and would adjoin the side elevation of the adjacent building at 190-192 Derby Street. The front elevation would incorporate a chamfered edge towards the junction of Derby Street and Vickers Street in order to avoid encroachment on to the highway. It would be constructed from brick and tile and would incorporate a large element of glazing with the front and side elevations. Parking (for one vehicle) and bin storage would be provided within the rear yard area.

The proposal would potentially employ four full time staff and the hours of opening would be 8am to 6pm Mondays to Saturdays, 10am to 7pm Sundays and Bank Holidays.

Site Characteristics

The application site includes open and disused land at the corner of Derby Street and Vickers Street and is located within the allocated Daubhill Local Shopping Centre. Derby Street is a busy arterial route which leads to the town centre. The site is immediately adjacent to a two storey, double-fronted brick built detached property occupied by "Motor Clinic" on the ground floor and with two flats on the first floor.

To the north east lies a Lidl store on a slightly lower level, accessed from Vickers Street. The plot faces various retail outlets on the opposite side of Derby Street whilst the rear of the site is overlooked by the rear elevations of the residential dwellings of Vickers Close. The immediate vicinity is therefore one of mixed commercial and residential units.

Policy

National Planning Policy Framework - building a strong and competitive economy, ensuring the vitality of town centres, promoting sustainable transport, requiring good design, promoting healthy communities

Core Strategy Policies P5 Transport, S1 Crime and Road Safety, CG3 Design and the Built Environment, CG4 Compatible Uses, RA1 Inner Bolton

SPD General Design Principles

Analysis

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

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

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

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

The main impacts of the proposal are:-

- principle of the proposed development
- impact on the character and appearance of the area
- impact on highway safety
- impact on neighbouring properties

Principle of Development

The site is currently vacant and undeveloped and is located within Daubhill Local Shopping Centre. The proposal would create a new retail unit which in turn would have a positive impact on economic development in accordance with the NPPF.

In terms of this application it is considered that the relevant policies of the Core Strategy together with the relevant SPDs can be afforded due weight for the purposes of decision making as they are consistent with the policies contained in the NPPF. Therefore the main planning issues relating to this application are the impacts of the proposed development on the amenity of the area and the occupiers of surrounding properties and the viability and vitality of the local town centre.

Impact on the Character and Appearance of the Area

The National Planning Policy Framework recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including replacing poor design with better design. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Core Strategy Policy CG3 seeks to ensure that development proposals display innovative,

sustainable design that contributes to good urban design, respects and enhances local distinctiveness, and has regard to the overall built character and landscape quality of the area. Proposals should also be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment including hard and soft landscaping and boundary treatment. Historical associations should be retained where possible.

The proposal would comprise a single storey building located on a corner plot. It would be constructed out of red brick and grey tiles which are considered to be appropriate in this location and would be sympathetic and consistent with the materials used in the adjoining and adjacent properties in this densely-populated urban area. The front elevation would incorporate a large display window and entrance door. The design and scale of the proposal is also considered to be acceptable in this location.

It is therefore considered that the proposal would not have a detrimental impact on the street scene and that it would sit well within this mixed use urban area. The proposal is therefore in accordance with Policy CG3 of the adopted Core Strategy.

Impact on Highway Safety

Policy S1 requires road safety be taken into account in the design of new development.

The Applicant has provided one parking space within the curtilage of the site. In addition, it is noted that the site is located in a densely populated area where the majority of the surrounding flats and terraced properties have no specific car parking allocated to them. The site is also considered to be located in a highly sustainable location close to a number of bus routes and within walking distance of Bolton Town Centre.

The Council's Highway Engineers have been consulted and have no objections to the proposal. The proposal is therefore considered to comply with policies S1 and P5 of the adopted Core Strategy.

Impact on Neighbouring Properties

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and reduce pollution.

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.

One objection has been received and is concerned that the proposal will have a detrimental impact on the adjacent commercial premises at 190-192 Derby Street.

A previous application (94857/15) for the erection of a two storey building attached to 192 Derby Street accommodating a retail outlet at ground floor and a two bedroomed residential flat at first floor was refused by the Council in a decision dated 28th July 2016. The reason for refusal was:-

"The proposal would, by virtue of its size and siting impact detrimentally on the outlook and living conditions of neighbouring residents at 190/192 Derby Street and is contrary to Policy CG4 of Bolton's Core Strategy and Supplementary Planning Document - General

Design Principles”.

The Applicant submitted an appeal to the Planning Inspectorate though the appeal was subsequently dismissed.

In an attempt to overcome the Council’s previous reason for refusal and the decision of the Planning Inspectorate to dismiss the appeal, the Applicant has reduced the size of the proposal from a two storey building to a single storey building.

There are two residential flats located at first floor level above no. 190-192 Derby Street. The Applicant, in reducing the size of the building to a single storey building has alleviated the impact of the proposal on the principal habitable room window in the side gable end that serves the lounge and dining area of the flat above 190a Derby Street. In doing so, the Applicant has overcome the main issue which the Planning Inspectorate identified in their appeal decision, which was *“the effect of the proposal upon the living conditions of the occupiers of the existing adjacent first floor flat (190a Derby Street) in respect of outlook and light”*.

Notwithstanding the above, an objection has been received on behalf of the occupier of the commercial premises adjacent at 190-192 Derby Street on the grounds of the potential impact of the proposal on the ground floor window in the side gable end of 190-192 Derby Street which serves the “Motor Clinic”.

It is noted that the Planning Inspector's decision states in ‘other matters’ that *“as part of my site visit, I was able to see that the ground floor gable window of the Motor Clinic served part of the sales area of the shop. Whilst there is some light penetration from shop front windows, the building is quite deep and hence the ground floor gable window provides a reasonable level of additional natural light into the rear part of the sales area. The proposal would result in the loss of light penetration from this window and this adds to the harm that I have identified in respect of the main issue”*.

The case officer has therefore given weight to the Planning Inspector's findings and decision in making a recommendation.

The proposal would result in the total loss of light penetration through the window located in the side elevation at ground floor level and which serves Motor Clinic. No. 190-192 Derby Street is a commercial property and light and outlook is currently provided by two large glazed windows in the main front elevation of the building and the small window (the subject of the objection) in the side elevation. At the time of the case officer's visit, the window in the side elevation had an external security cage installed and also a number of products located internally on the window ledge which partially restricted the light being allowed through this window. Notwithstanding this, the window still allowed an amount of light to the rear part of the sales area. Officers are therefore mindful that the approval of this proposal would obliterate the light currently being afforded to the occupiers of the premises by this window.

NPPF paragraph 14 indicates that for decision-making, the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, then the presumption in favour of sustainable development means that planning permission should be granted unless

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or

- specific policies in the Framework indicate development should be restricted, as explained by example in footnote 9 of the NPPF

NPPF paragraph 19 states that "the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

The Inspector considered that the main issue was the impact of the proposal on the living conditions of the occupiers of the flats above. The impact of the previous proposal on the window the subject of the objection was only considered to add to the harm that he had identified in respect of this main issue. Officers have therefore given limited weight in respect of this element of the Planning Inspector's decision.

One of the NPPF's core planning principles is to seek a good level of amenity for all existing and future occupants of land and buildings. Officers have considered the effect on the occupiers of 190-192 Derby Street and accepted that an approval would result in the total loss of light provided by this window to the rear sales area of the premises. However, Officers consider that the two large windows in the main front elevation of the premises provide a sufficient and adequate amount of light to penetrate and serve the premises.

Furthermore, the site is located in a sustainable location along a main arterial route in and out of Bolton Town Centre and within the defined Daubhill Local Shopping Centre. The proposal would bring forward a new retail unit within the allocated centre and also potentially employ four full time employees, which would add to the vitality and viability of the centre. The economic benefits of the development are considered to be both significant and tangible and to weigh significantly in favour of the application.

The adverse impacts of the proposed development have been considered, assessed and weighed against the benefits of the scheme. Although the development would result in harm due to the loss of light afforded by the window in the side gable end and into the ground floor retail use at 190-192 Derby Street, it is not considered that this adverse impact would significantly and demonstrably outweigh the benefits of the proposed development. The proposal is therefore considered to be in accordance with Core Strategy Policy CG4 and the General Design Principles SPD.

Local finance considerations

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

It is considered that the proposal would not have any unacceptable impact on highway safety and the character and appearance of the immediate and wider surrounding area. The harm resulting from the proposal has been considered against the benefits of the development and it is considered that the economic benefits of the proposal significantly outweigh any harm identified. The proposed development would not affect the windows of the upper residential element of the neighbouring property - only the ground floor retail use - and it must be noted that this part of the neighbouring property benefits from large elements of frontage glazing in common with many other typical similar retail uses. Members are therefore recommended to approve the proposal.

Representation and Consultation Annex

Representations

Letters:- One letter of objection has been received and is detailed in the main body of this report.

Elected Members:- The applicant is the son of Councillor Mistry.

Consultations

Advice was sought from the following consultees: Highways, Design for Security, Economic Strategy and Strategic Development Unit.

Planning History

94857/15. Erection of a two storey building, attached to 192 Derby Street, accommodating a retail outlet at ground floor and a two bedroomed residential flat at first floor. Refused 28th July 2016. Planning Appeal – Dismissed 17th November 2016

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

RAD/859/17/2/RevA - Proposed Shop and Dwelling dated March 2017

Reason

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

3. Prior to the commencement of development the details of the type and colour of materials to be used for the external walls, windows, doors and roof to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with policy CG3 of Bolton's Core Strategy.

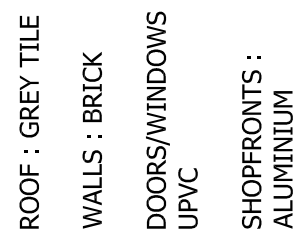
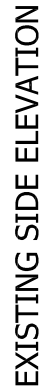
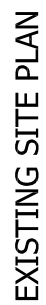
4. The premises subject of this consent shall not be open for trade outside the following hours:-

08:00am - 18:00pm Mondays – Saturdays

10:00am - 17:00pm Sundays and Bank Holidays.

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 Core Strategy policy CG4.



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Figured dimensions take precedence over scaled measurements from the drawing. All dimensions to be checked by Contractor and discrepancies clarified with the Client prior to commencement.

The whole of the works to comply with current Building Regulations. No work to commence without Building Regulations approval.

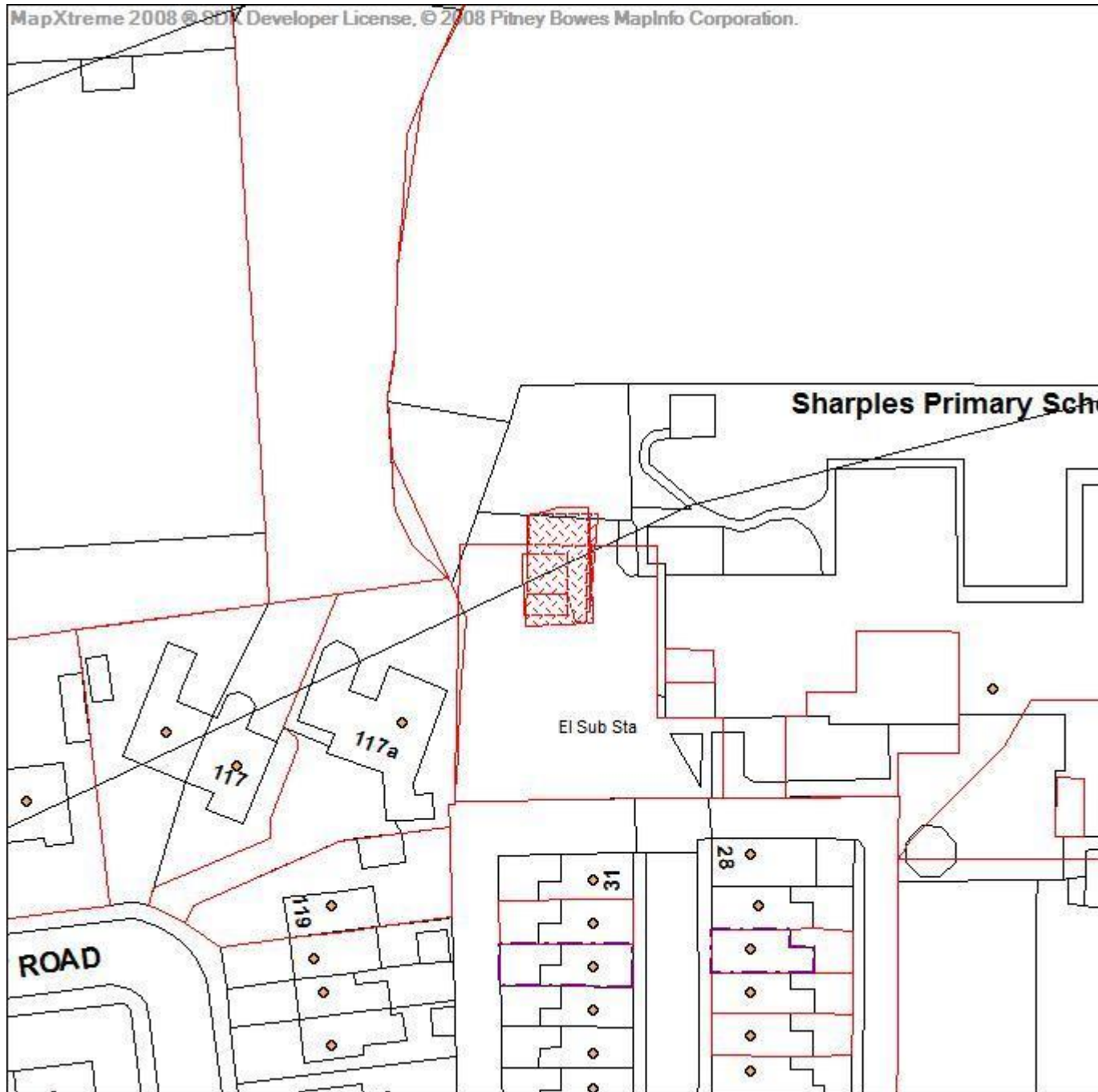
Project	LAND ADJACENT 192 DERBY ST BOLTON BL3 6JN	Client	MR. M. MISTRY
		Drawn	RA
Title	PROPOSED SHOP AND DWELLING	Date	MARCH 2017
		Scale	1:100
		Drawing Number	RAD/859/177/RevA

RAD

The White House,
42-44 Chorley New Road,
Bolton
BL1 4AP

Tel : 01204 322196
Fax : 01204 214110
Mob: 07790 361104
Email: info@radesignprojects.co.uk

Application number 00596/17



**Development & Regeneration Dept
Development Management Section**

Town Hall, Bolton, Lancashire, B
Telephone (01204) 3

Bolton Council

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Date of Meeting: 01/06/2017

Application Reference: 00596/17

Type of Application: Full Planning Application

Registration Date: 30/03/2017

Decision Due By: 24/05/2017

Responsible Officer: Paul Bridge

Location: SHARPLES PRIMARY SCHOOL, HUGH LUPUS STREET, BOLTON, BL1 8RU

Proposal: SITING OF ONE MODULAR UNIT TO PROVIDE ADDITIONAL TEACHING SPACE

Ward: Astley Bridge

Applicant: Sharples Primary School

Agent :

Officers Report

Recommendation: Approve subject to conditions

Proposal

Planning permission is sought for the siting of one modular unit to provide additional teaching space.

The proposed modular unit would be sited to the west of the main school building. It would create extra space for the school to provide specific intervention work for the pupils to support their learning. The proposal would not result in the increase in the number of pupils at the school.

It would be 9.5 metres in width, approximately 6.1 metres in length and 3 metres in height. The proposed external materials would be a goosewing grey steel body, corner post and skirting with merlin grey fascias and doors and white windows.

A new pathway leading from the existing hardstanding would be constructed to provide level access to the modular unit. The proposal would not result in the loss of any car parking provision within the site.

The application appears on the agenda for Planning Committee as it is an application involving land in the Council's control.

Site Characteristics

The application site forms part of a complex of buildings which make up Sharples Country Primary School. The site comprises the main school building, associated car parking and playing field. Both vehicular and pedestrian access to the school would remain as existing.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies:

CG3 The Built Environment, CG4 Compatible Uses, S1 Safe Bolton, P5 Accessibility, OA5 North Bolton, SC2 Cultural and Community Facilities.

Analysis

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

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

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

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

The main impacts of the proposal are:-

- principle of the development
- impact on surrounding residential and visual amenity
- impact on highways

Principle of the Development

The site is unallocated within the Allocations Plan and is occupied by Sharples County Primary School. The proposed development would not alter the principal use of the site. The proposed modular teaching unit would seek to improve the facilities and provide essential facilities required by the school.

The proposed development would be sited on an existing area of land to the west of the main school building. The proposed development constitutes the improvement of an existing school and seeks to provide improved facilities for the school and wider community. The principle of the proposed development is considered to be acceptable and is in accordance with Policy SC2 of the Core Strategy and the aims and objectives of the NPPF.

Impact on Surrounding Residential and Visual Amenity.

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness and will require development to be compatible with the surrounding area. Policy CG4 states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.

The proposed development would provide extra teaching space for the school to provide specific intervention work for the pupils to support their learning. The development would be set in from the site boundaries and would be a sufficient distance away from the nearest adjacent residential dwelling at 117a Hill Cot Road to prevent any unacceptable impact in terms of noise and disturbance.

The proposed building would satisfy an operational requirement for the school. It is considered that the appearance of the building, being temporary in its design, would not

be deemed acceptable as a permanent building on the site. Therefore a condition has been attached which provides a temporary consent for three years, at which point the Local Planning Authority can review the situation. Subject to the above condition, the proposal is considered acceptable in this location and would not have a significant detrimental impact on the amenity neighbouring residents or the visual amenity of the area.

Impact on Highways

Policy P5 of the Core Strategy states that the Council will [amongst other things] take into account servicing arrangements and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.

The proposed development seeks consent for a modular unit to provide improved facilities for the school. The existing pedestrian and vehicular access and parking arrangements serving the site would remain unchanged. There would not be an increase in pupil numbers at the school as the modular unit would provide extra space for the school to provide specific intervention work for the pupils to support their learning.

In view of this, the proposal would not have any unacceptable impact on highway safety or parking provision within the site. The development presents no unacceptable highway issues and is considered to be in accordance with policies P5 and S1 of the adopted Core Strategy.

Other Issues

A small section of the site where the proposed modular unit would be located is in an area defined by the Coal Authority as high risk. However as the proposal is a temporary structure with no significant ground works, a Coal Mining Risk Assessment is not considered to be required in this case.

Local finance considerations

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

The proposal overall would make a small but valuable contribution to the continuing planned improvement to the Borough's shared community facilities and would provide a much needed facility for the primary school. It is considered that the proposed development is in accordance with local and national planning policies and the application is therefore recommended for approval.

Representation and Consultation Annex

Representations

Letters: - one comment has been received from a neighbouring resident questioning whether there will be the need for additional parking and whether or not pupil numbers would increase as they consider that there are already problems with parking within the immediate area

Planning History

None relevant.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The building hereby permitted shall be removed within 3 years from the date of this decision and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be submitted within 6 months of the expiry date of this consent.

Reason

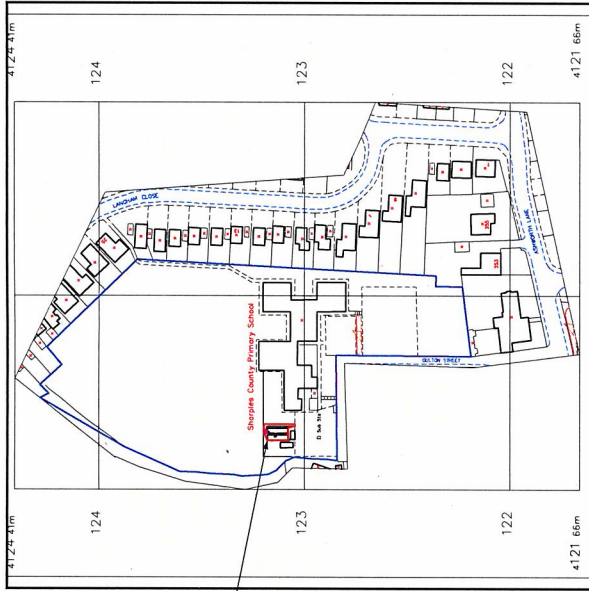
The temporary nature of the modular unit results in a design that would not be deemed acceptable as a permanent building within the site. A temporary permission will enable the Local Planning Authority to review the matter, in the interests of visual amenity over a period of time.

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

Location Plan received 30th March 2017
18452B - Elevation and Floor Plan dated 09.01.2017

Reason

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



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LOCATION PLAN
 scale 1:1250

The proposed building is shown in red.
 The existing building is shown in blue.
 The proposed building is shown in red.
 The existing building is shown in blue.



Proposed location of
 single storey
 Portakabin Building.

Sharples County Primary School

Existing
 Fenceline

Proposed
 location of
 single storey
 Portakabin
 Building.

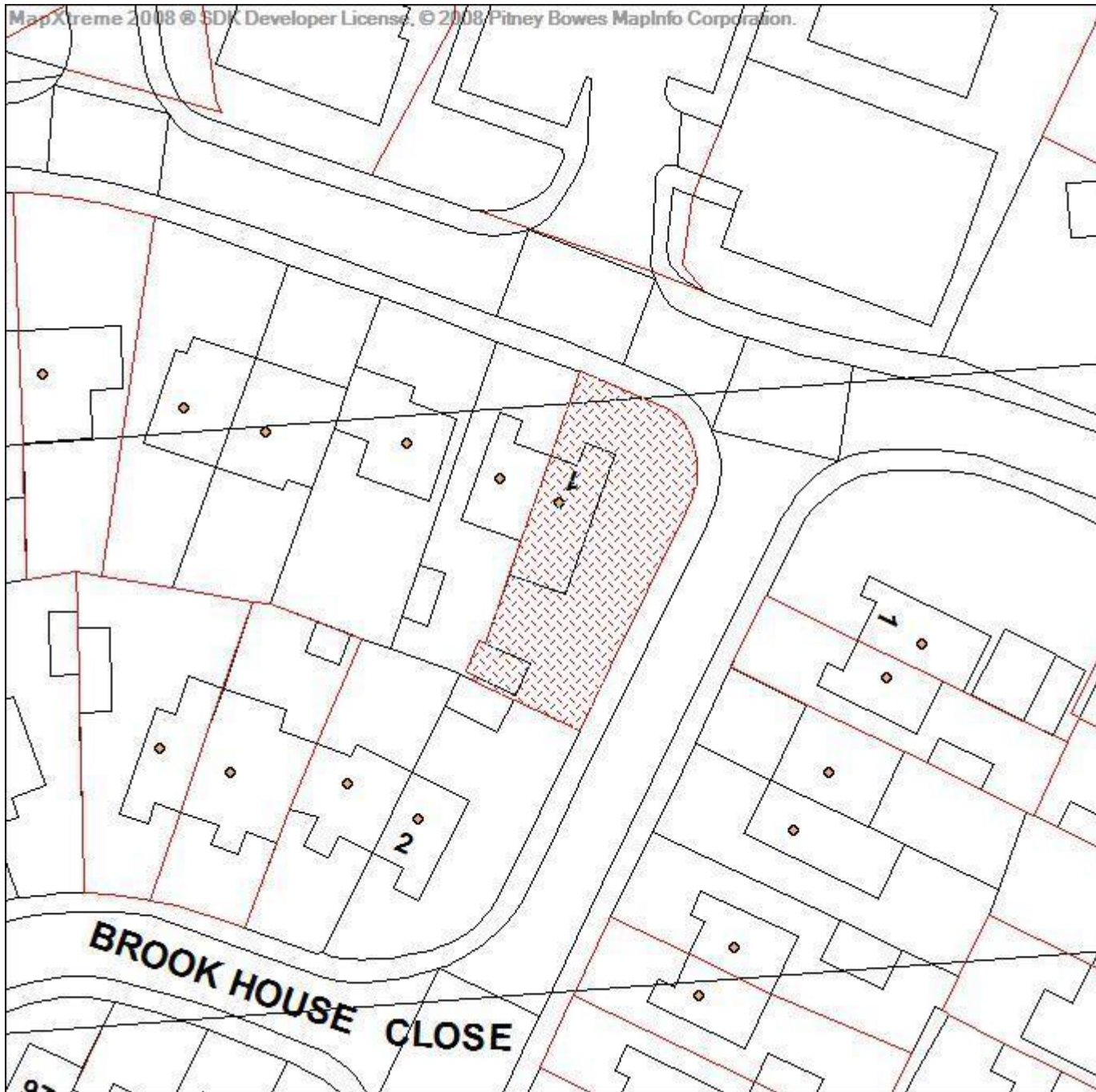
New
 Pathway to
 existing
 hardstanding

Bin Storage

Storage
 Container

El Sub Sta

Application number 00745/17



Development & Regeneration Dept
Development Management Section

Town Hall, Bolton, Lancashire, B
Telephone (01204) 3

Bolton Council

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Date of Meeting: 01/06/2017

Application Reference: 00745/17

Type of Application: Full Planning Application
Registration Date: 19/04/2017
Decision Due By: 13/06/2017
Responsible Officer: Lauren Kaye

Location: 1 HARWOOD VALE, BOLTON, BL2 3QU

Proposal: ERECTION OF SINGLE STOREY EXTENSION AT FRONT AND TWO STOREY EXTENSION AT SIDE

Ward: Bradshaw

Applicant: Mr Allen
Agent : Hindley Designs Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

This application seeks permission for the erection of a single storey extension at the front and a two storey extension at side to a semi-detached dwelling house at 1 Harwood Vale.

The single storey front extension would project 1.5 metres and measure 6.4 metres wide. It would feature a mono-pitched roof measuring 2.3 metres to the eaves and 3.4 metres to the ridge. This would provide a hallway and an extension to the proposed playroom.

The proposed two storey side extension would project 4.2 metres and measure 7.7 metres long. The proposed roof would be incorporated into the existing main roof matching the height of the existing eaves and ridge along with a small gable to the front. This would provide a playroom, cloakroom and kitchen to the ground floor and two bedrooms and an ensuite to the first floor. The proposed extensions would be built in matching materials to the existing house using similar brick work and roof tiles.

Members are advised that the application appears at Planning Committee because the Applicant is employed as a Principal Development Officer in the Development Management Section.

Site Characteristics

This is a semi-detached property sited at the entrance of Harwood Vale. The area is characterised as residential made up of a mixture of detached and semi-detached properties with Harwood Vale Court to the north which provides flats to older people.

The property has a garage to the rear and to the front and side there is a driveway for two/three vehicles. There is mature hedging and fencing along the common boundaries.

There is a consistent building line which follows the road round and form of development,

however it appears that a number of the neighbouring properties along Harwood Vale and Brook House Close have altered these features including front and side extensions.

Policy

National Planning Policy Framework (NPPF)

Core Strategies Policies: P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses; OA5 North Bolton.

SPD House Extensions

PCPN2 Space Around Dwellings

Analysis

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

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

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

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

The main impacts of the proposal are:-

- * impact on the character and appearance of the dwelling and the surrounding area
- * impact on the amenity of neighbouring residents
- * impact on the road network

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

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

SPD House Extensions provides general advice on house extensions and offers guidance relating to the effect of extensions on the appearance of the dwelling itself and the effect of extensions on the street scene and the character and appearance of the area.

Paragraph 5.3 of the SPD House Extensions states that front extensions can unduly impact on the existing street scene. However, if carefully designed to reflect and respect the appearance of the host building whilst also appearing subordinate to it, extensions to the front of dwellings may be acceptable, particularly where they can be justified in respect of creating variety and continuity with the street scene.

The proposed front extension is minor in scale and is single storey appearing subordinate to the existing property. A number semi-detached neighbouring properties benefit from a similar design along the front of the properties. The proposed is also considered to add character to the existing property enhancing the simple style and would not impact on the street scene.

Paragraph 5.4 continues that 'particularly if the character of the surrounding area is one of semi-detached and detached properties, two storey extensions that come up to the party boundary with the adjacent property can alter the character of the area by creating a terraced effect. For this reason, as well as to allow for proper maintenance, two storey side extension should normally provide a minimum distance of 1 metre to the property boundary. Where this distance cannot be achieved, however, the terracing effect can be countered'.

The application property is sited on a corner plot and the proposed two storey side extension would be approximately 3.3 metres from the side boundary along the highway. As a result, there is no concern of a terracing effect as there is a visual separation of the remaining curtilage and highway between the application property and neighbouring properties to the south east. A small gable end will be a welcomed addition to the proposed roof adding character to the simple style of the property. External materials and the proposed roof are to match the existing. There will be two windows in the side elevation serving the cloakroom at ground floor level and the ensuite at first floor which will be conditioned to be obscured.

The proposed extensions are well designed, in proportion and in keeping with the scale and design of the existing property. Therefore it would not negatively affect the visual appearance of the street scene or the character and appearance of the area complying with policy.

Impact on the Amenity of Neighbouring Residents

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 House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on neighbouring properties, particularly in relation to natural light, privacy and overlooking.

It is considered that the proposal would not affect the outlook and living conditions of the residents of the neighbouring properties by virtue that:-

- the adjoining property, no. 3 Harwood Vale is sited away from the proposed two storey side extension. The proposed front extension is sited away from the boundary and will not impact any main room windows.
- the neighbouring properties no. 1 and no. 3 Brook House Close are sited over 20 metres from the proposed two storey side extension containing no main room windows. SPD House Extensions states that between a neighbouring elevation which contains a main room window and a facing wall of a two storey extension which does not, the minimum standard would be 13.5 metres which is therefore considered acceptable regarding the proposal.
- the neighbouring properties to the rear, no. 2 and no. 4 Brook House Close are sited

over 23 metres from the proposed two storey extension, main bedroom window to main bedroom window. SPD House Extensions states that between facing walls on the neighbouring house and the extension (whether single or two storey) which both contain main room windows, the minimum standard would be 21 metres. It is therefore considered to be acceptable in line with the interface distances recommended in SPD House Extensions.

- the neighbouring property, no. 5 Brook House Close is sited over 19 metres from the proposed two storey extension and no. 7 Brook House Close is sited over 22 metres. Taking into consideration the SPD House Extensions, this is considered acceptable.
- Harwood Vale Court is sited over 35 metres from the proposed extensions and it is considered that they would not be impacted.

It is therefore considered that the proposal will not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

Impact on the Road Network

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] 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.

SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on highway safety.

Highways Engineers have been consulted and consider that there appears to be ample off-road parking provision associated with the property to support the level of development proposed and therefore raise no objection.

It is therefore considered that the proposal complies with policies P5 and S1.2 of the Core Strategy and Supplementary Planning Document - House Extensions 2012.

Conclusion

The proposal is consistent with the guidelines contained in SPD House Extensions (2012). Similarly, the proposal is consistent with Bolton's Core Strategy (2011) by reason of its scale and massing and is reflective of the design and appearance of the host dwelling.

It is therefore recommended that Members approve the application.

Representation and Consultation Annex

Representations

Letters:- None

Petitions:- None

Elected Members:- None

Consultations

Highways

Planning History

Planning consent was granted in 2005 for demolition of existing porch and erection of a front porch and two storey side extension (71271/05)

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. Before the first occupation of the extension hereby permitted the ensuite window facing no.1 and no. 3 Brook House Close shall be fitted with obscure glazing whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely obscure) and shall be permanently retained in that condition thereafter.

Reason

To protect the privacy, outlook and living conditions of neighbouring occupiers and in order to comply with Core Strategy policy CG4.

3. Before the approved is first brought into use no less than 3 car parking spaces must be provided within the curtilage of the site, in accordance with Drawing Ref: Site Plan scanned on 18th April 2017. 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 to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

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

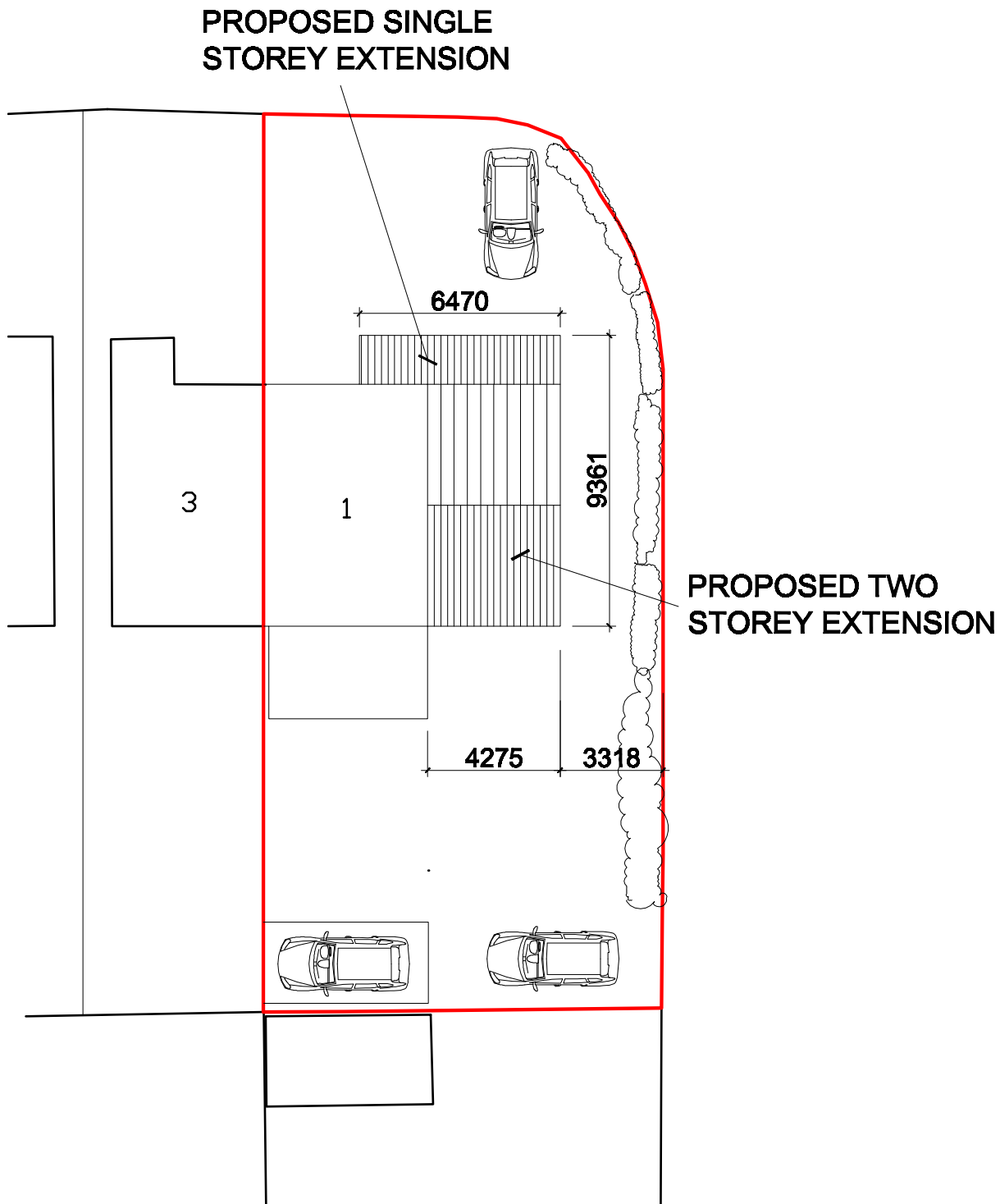
Proposed Ground Floor Plan - Drawing number 4 scanned on 18th April 2017

Proposed First Floor Plan - Drawing number 5 scanned on 18th April 2017

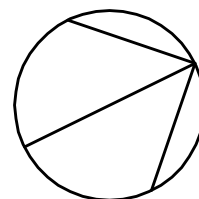
Proposed Elevations - Drawing number 6 scanned on 18th April 2017

Reason

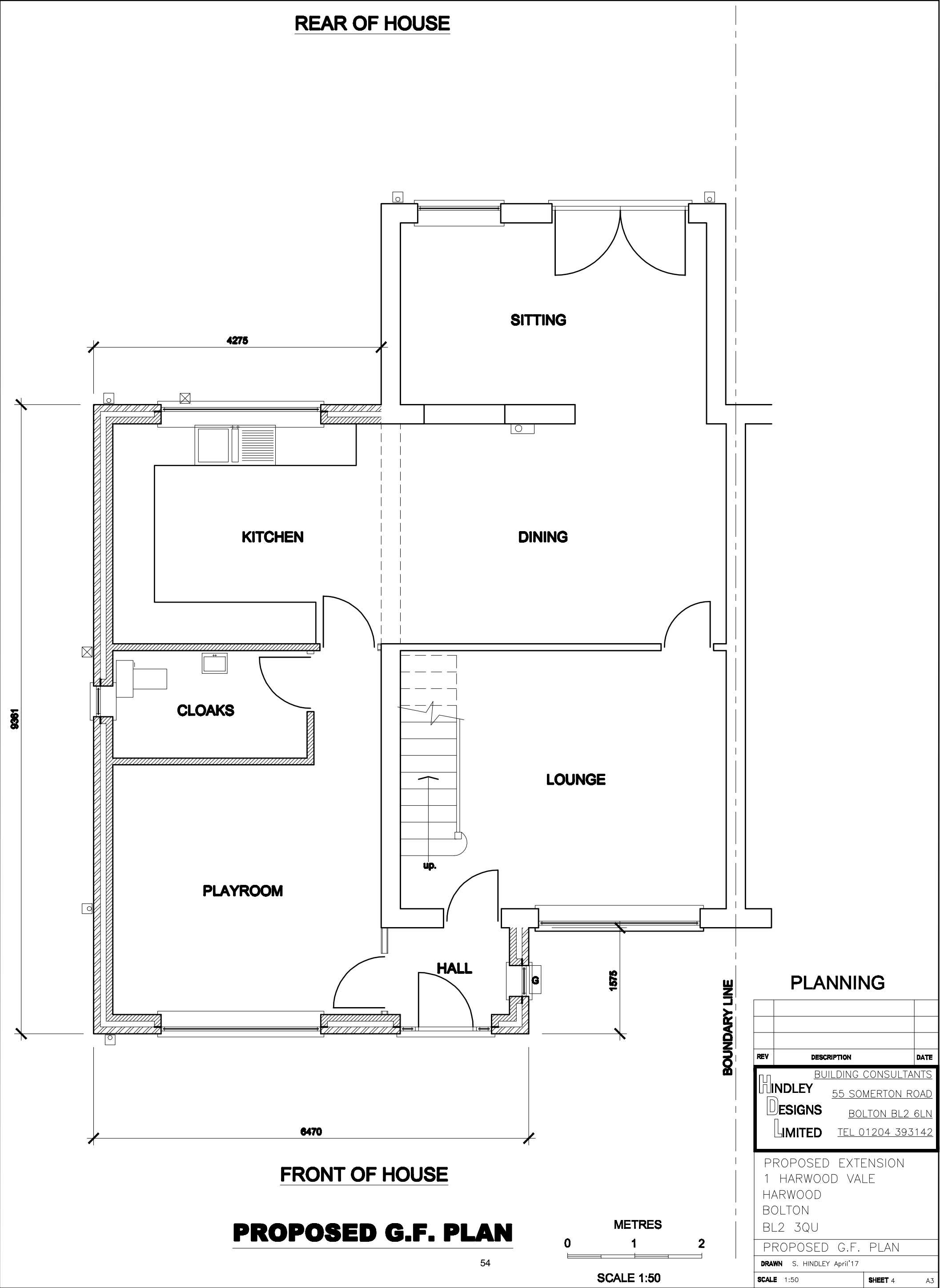
For the avoidance of doubt and in the interests of proper planning.



**SITE PLAN
1 HARWOOD VALE
HARWOOD
BOLTON
BL2 3QU**



1:200





FRONT OF HOUSE

PROPOSED 1st.F. PLAN

METRES

0 **1** **2**

SCALE 1:50

PLANNING

REV	DESCRIPTION	DATE
<div> <div> HINDLEY DESIGNS LIMITED </div> <div> BUILDING CONSULTANTS 55 SOMERTON ROAD BOLTON BL2 6LN TEL 01204 393142 </div> </div>		

PROPOSED EXTENSION
1 HARWOOD VALE
HARWOOD
BOLTON
BL2 3QU

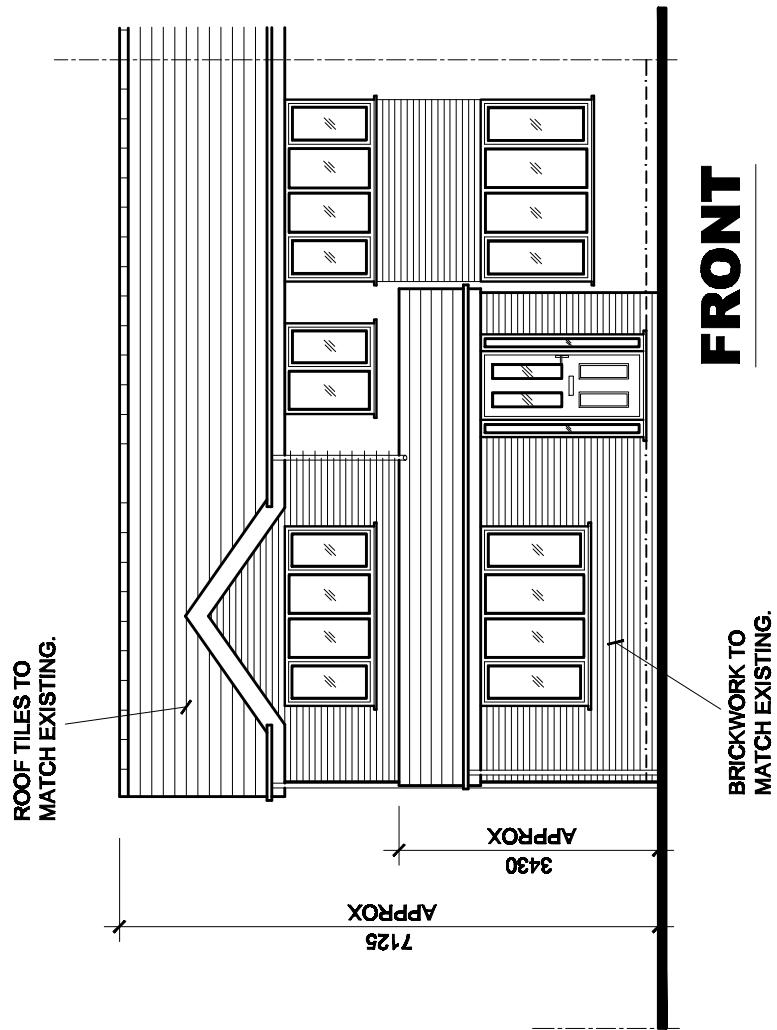
PROPOSED 1st.F. PLAN

DRAWN S. HINDLEY April'17

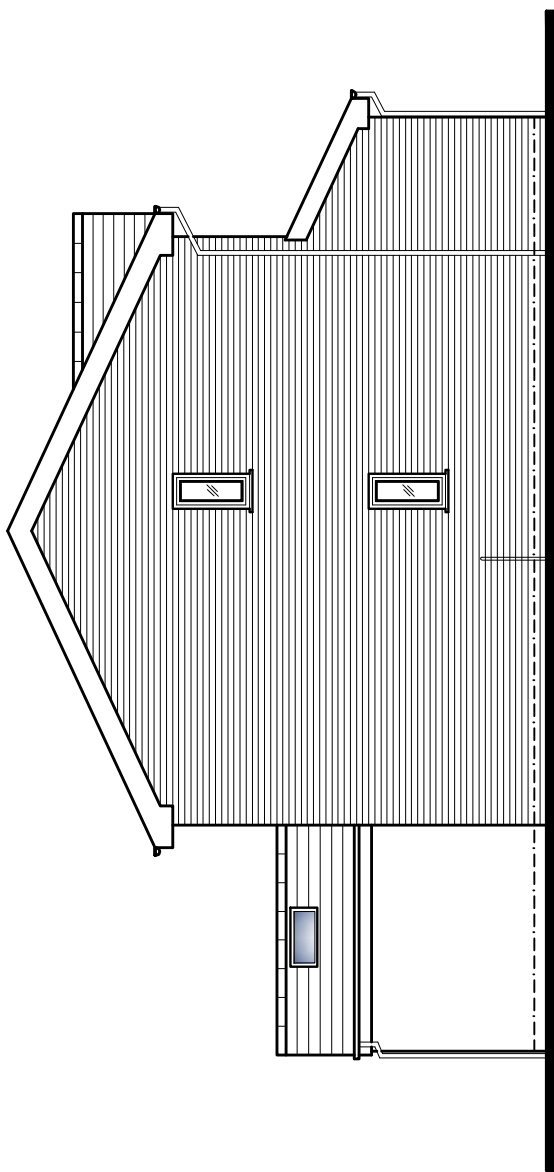
SCALE 1:50

SHEET 5

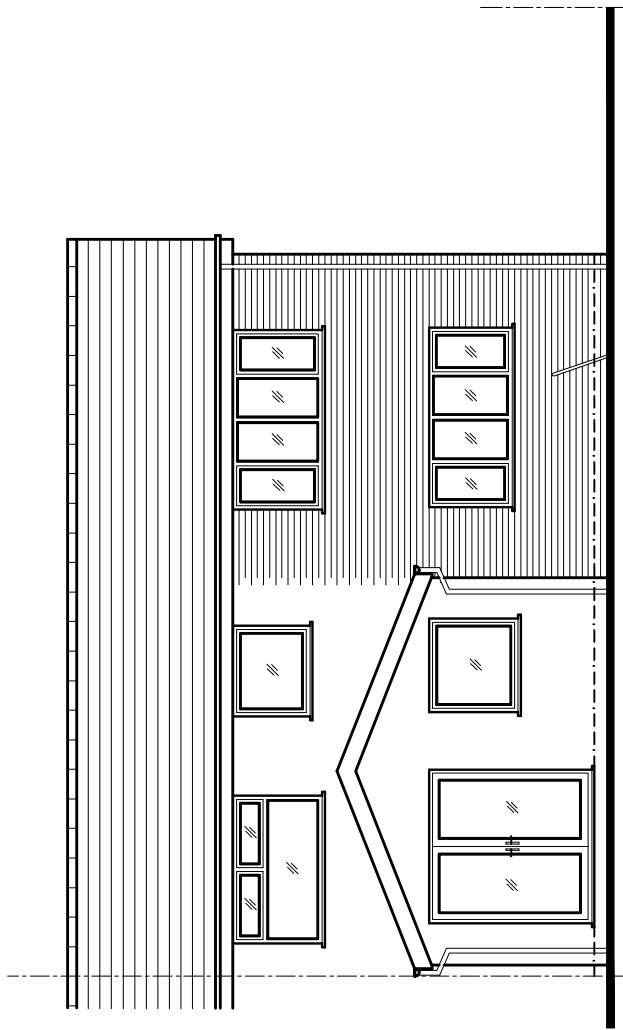
A3



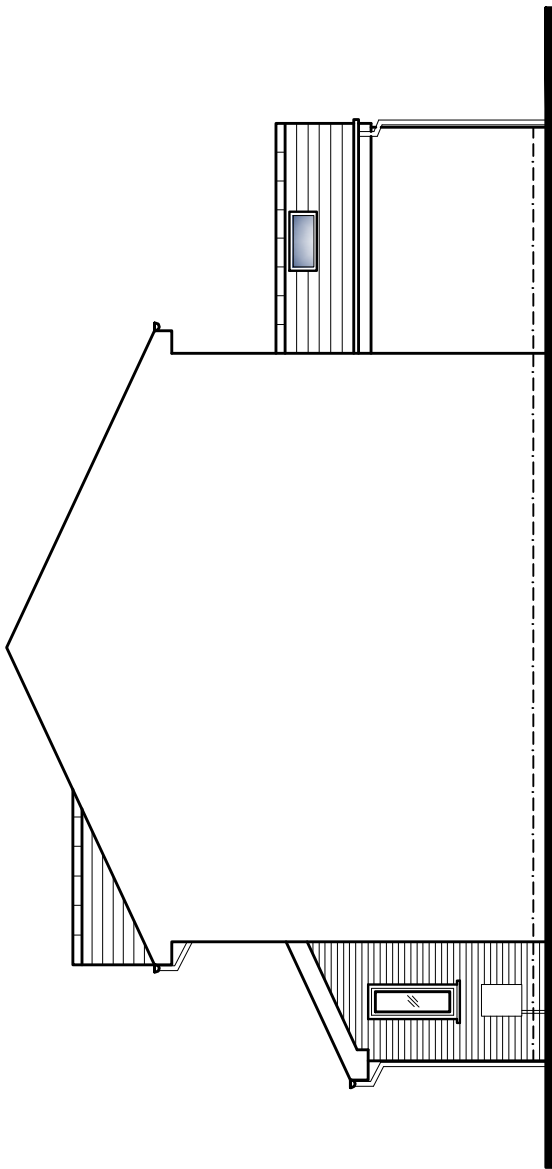
FRONT



SIDE



REAR



EDIS

PROPOSED ELEVATIONS

A vertical scale bar labeled "METRES" with markings at 0, 1, and 2.

SCALE 1:100

PLANNING

REV	DESCRIPTION	DATE

PROPOSED EXTENSION
1 HARWOOD VALE
HARWOOD
BOLTON
BL2 3QU

DRAWN S. HINDLEY April'17

SCALE 1:100	SHEET 6	A3
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