

Planning Applications Report

**Planning Committee
23rd March 2023**

**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

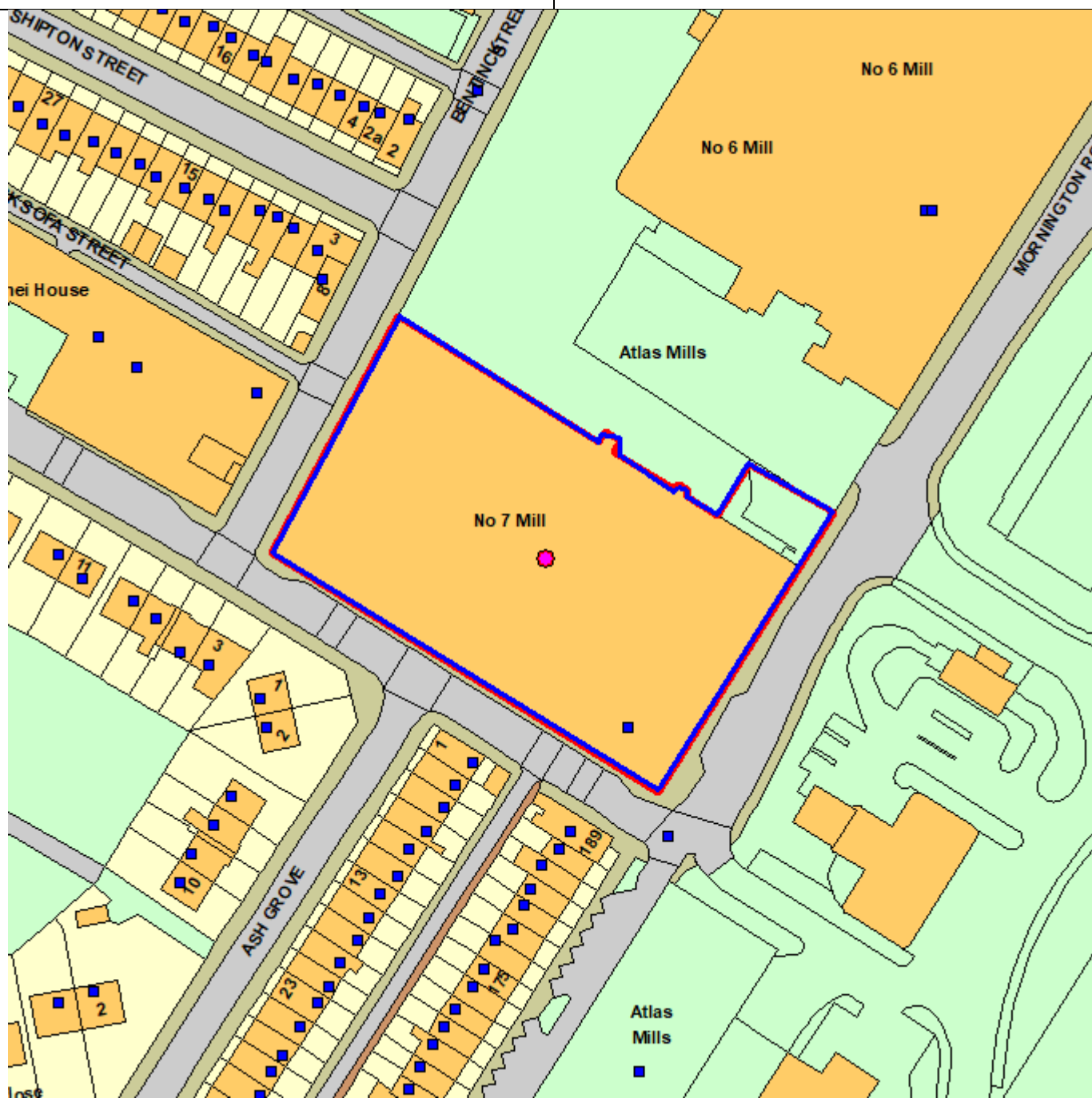
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

Application Number 14441/22

Directorate of Place
Development Management Section

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



Bolton
Council

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Date of Meeting: 23 March 2023

Application Reference: 14441/22

Type Of Application
Registration Date
Decision Due Date
Responsible Officer
Authorising Officer

Full Planning Permission
22 August 2022
26 March 2023
Mubeen Patel

Location

ATLAS MILLS NO 7 BENTINCK STREET BL1 4QE

Proposal

PART RETROSPECTIVE APPLICATION TO RETAIN THE SUBDIVISION OF ATLAS MILL NO.7 INTO 12NO. STORAGE UNITS (B8), 1NO. WORKSHOP UNITS CLASS B2, AND 1NO. GYM UNIT CLASS E(D), NEW VEHICULAR ACCESSES ON SOFA STREET AND MORNINGTON ROAD AND PEDESTRIAN ACCESS/EXIT ONTO BENTINCK STREET, ON-SITE CAR PARKING, ASSOCIATED BIN STORE TO EACH UNIT, AND EXTRACTOR FLUE TO WORKSHOP UNIT

Ward

Smithhills

Applicant: Amco Exchange Ltd

Agent: Mr Muthahar Khan

OFFICER'S REPORT

Recommendation: Approve subject to conditions

Executive summary

- This application is before Members at the request of Councillor Roger Hayes.
- 14 letters of objection from four residential properties have been received.
- The application is for the subdivision of the mill including a workshop unit and a gym unit, external alterations to the building by way of vehicular and pedestrian access points, an extractor flue, and the provision of a 7-space car park.
- For the reasons discussed within this report, and with the use of planning conditions, officers consider that the proposed subdivision of the mill and the proposed external alterations would secure appropriate living conditions for the surrounding neighbouring residents having particular regard to noise nuisance, disturbance, and highways impacts.
- It is considered that the proposed development when taken as a whole does comply with the Council's Core Strategy, and the National Planning Policy Framework, and Members are recommended to grant planning permission.

Proposal

1. The application proposes the subdivision of Atlas Mill No. 7 into 12no storage units (class B8), 1No Industrial unit (Class B2, and 1No gym unit (class E(d)) together with new vehicular accesses onto Sofa Street and Mornington Road, and a pedestrian access/exit onto Bentinck Street. Parking for 7 cars off Mornington Road is also proposed. A bin store to each unit would be provided internally. The workshop unit would be fitted with an extractor fan with its associated flue located on the roof of the mill building.

2. The floor plans submitted show the proposed ground floor provides 2 large storage Units (Units A and B), whilst the first floor would provide 10 storage units, a workshop (unit 4) facing the Sofa Street elevation, and a gym (unit 5) along the north eastern rear elevation of the building.
3. It is noted that the application is made part in retrospect, and that a number of units have already been 'let' to businesses, including the workshop unit (Apex Windows), the gym (Kool Kats Fitness), and more than half of the storage units.
4. The application form submitted states there would be 8 employees in total.
5. The proposed opening/closing times for the workshop (Apex Windows) are Monday - Fri 09:00 – 17:00, Saturdays 10:00 – 17:00, closed on Sundays.
6. The opening/closing times for the gym are Mon - Fri 09:30 – 21:30, Saturdays 09:30 – 18:00, and Sundays 10:00 – 16:00.
7. A separate application for Advertisement Consent relating to the proposed units has also been submitted, this is being considered under application reference 14442/22.
8. A Planning Statement, Transport Statement, Noise Impact Assessment, and Noise Management Plan have been submitted to justify the proposal.

Site Characteristics

9. Atlas Mills comprise a distinctive cluster of former red brick mill buildings. Atlas Mill No.7 varies in height from approximately 5 metres at Bentinck Street to 12 metres at Mornington Road given land level changes through the site. Prior to this application there were two pre-existing loading bays in operation with lawful access taken from Sofa Street and Mornington Road respectively.
10. The character of the surrounding area is mixed with other industrial and commercial uses lying to the north and north west, residential streets to the south west and north west and the Morrison's Supermarket to the east.

Preliminary Matters

11. The former mill building was being used for the storage of paper products as one large unit (B8 Use) until more recently where it has been divided into smaller units and 'let' to different businesses and individuals, the subject of this application. It should be noted that the Councils Enforcement Team and Planning have both investigated breaches in planning control at the site. A number of complaints have been received from neighbouring residents relating to noise, traffic and general nuisance by reason of the subdivision of the mill. This application is therefore submitted to regularise the development at the site.
12. It is understood and acknowledged that the units were subdivided during the pandemic, and complaints/objections received by the Council relate to a wide-ranging number of issues due to the uses/operations at the site. It is considered that some of these issues are attended to at this 'Preliminary Matters' stage in order to provide a more holistic and understanding approach to the matters considered in the 'Analysis' Section of the report.

Enforcement

Unit 2

13. A number of complaints received by the subdivision of the building were in relation to Unit 2 of the mill which is located on the corner of Bentinck Street and Sofa Street. It was established that a material change of use of the Unit from Class B8 to Class B2 (motor vehicle repair facility) had unlawfully taken place without the benefit of planning permission, including the erection and installation of a flue and supporting equipment, located on top of the mill roof.
14. The motor vehicle repair facility was unacceptable because of the nuisance by virtue of noise and odours which were having a detrimental impact on the nearby residential properties on Sofa Street. The flue affixed on top of the mill roof, by virtue of its size, design, materials and siting, presented a strident and incongruous feature within the street scene and had a detrimental impact on the visual amenity and character of the area. No planning application for the use and external alterations had been submitted.
15. An Enforcement Notice was therefore issued by the Council on 29th September 2021 which required to permanently cease the use of the unit for the repair of motor vehicles and dismantle and permanently remove from the land the flue affixed to the top of the mill roof complete with all fixtures and fittings.
16. A site visit made by planning and enforcement officers on 15th September 2022 established that the motor vehicle repair operators had now vacated the unit, and business from the site was no longer in operation. The contentious flue above the spray booth had also been removed in line with the conditions of the Enforcement Notice. The mills management agent ensures that the unit once completely cleared internally would be 'Let' for a storage use (B8). In any case, a planning application would be required if another 'use' was to occupy the unit and where planning policy, guidance, and all material considerations would be taken into account in the decision making process.

Unit A – Ground floor

17. Concerns were raised by local residents that this unit apart from being used for the storage of tyres was using a small portion of the space to change tyres for customers (public) which required planning permission. However, after warnings from planning enforcement that the operators cease the unlawful use or submit a planning application, they ceased the selling and changing of tyres to the public. A joint site visit by Planning and Enforcement Officers on 15th September 2022 evidenced that there were no unlawful uses taking place at this unit. The machines used to change tyres were present on site, however these were huddled together, were not plugged in, and there were no signs of compressors on site for their operation. The mills managing agent also made clear to the occupiers that the unit could only be used for storage. No further complaints relating to this matter have been received since.

Subdivision of the Mill

18. The Council through various channels including planning, planning enforcement, highways, Environmental Health, and Streetcare has received multiple complaints from neighbouring residential occupiers relating to the subdivision of the mill into smaller units. The complaints

relate to intensification of the building, parking issues surrounding the mill, highways impact through deliveries, and general noise nuisance including during the evenings and at night.

19. The 1990 Planning Act section 55(2)(f) implies that subdivisions within uses defined in the Use Classes Order do not constitute a material change of use, and this was confirmed by now cancelled Circular 03/2005 which stated that planning permission is not required for the sub-division (without physical works amounting to development) of premises other than dwellinghouses, provided that both the existing and proposed uses fall within the same use class. It is also noted that intensification of a use within a class in the Order has been held by the courts as not to constitute development unless and until its effect is to take the use outside of that class altogether - a material change of use. Therefore, in this instance, a material change of use by the subdivision of the mill into smaller units of occupation of storage use (B8) and the produced intensification from those units does not require a formal planning application to be submitted and is Permitted Development as part of the historic storage use of the site. Although it is acknowledged that this planning application has provided details and considered the mill and its uses as a whole, the applicants found that this was necessary to clear any ambiguity regarding the use of the mill given the many complaints they were facing.
20. Keeping in mind the above, the planning department does not have any control over those units of the mill subdivided to be used as storage (B8). As such, the units in storage use, being Permitted Development under The 1990 Planning Act section 55(2)(f), have no restrictions in place for their hours of operation, delivery times, noise generated, pre - existing delivery positions etc, and are not relevant and therefore cannot be considered under this planning application.
21. Neighbouring occupiers who in the past have objected to this issue have already been responded to of when their complaints are not material planning considerations.

Implementation of previous permission

22. Questions have been raised relating to a previous application approved for the mill in April 2005 (**Ref no: [69578/04](#)**) for the '*Partial demolition of mill, change of use of land to form extension to the existing E.B.M. Builders yard, closure of existing sofa street loading bay and formation of new vehicular access onto Bentinck Street*', and whether this approval was implemented. If this permission was implemented then the conditions and restrictions as part of the approval would then be relevant to this proposal which includes but not limited to, the hours of operation, closure of loading bays, parking/turning of vehicles.
23. In response to the above, the Council considers that the above proposal was not implemented. The building is not demolished, and the previous approved use never commenced. It is noted that the Sofa Street loading bay has been blocked up, however there is no evidence of when this occurred and whether this was in compliance with the 2005 permission. Nevertheless, the closure of the loading bay in itself would not require the benefit of planning permission.
24. Taking the above into account, sufficient work was not completed within the five year time period of that decision to demonstrate the implementation of the consent. As such the conditions and restriction as part of the 2005 approval are not material in the consideration of this application.

Previously refused Application and enforcement action

25. This application has been submitted in response to a recently refused application at the site for similar uses and changes. The application was for the '*Retention of subdivision of atlas mill no 7 into 11no storage units (class b8), 2no workshop units (class e(g)(iii)) and 1no gym unit (class e(d)) together with new vehicular accesses onto Sofa Street and Mornington Road and a bin store to each unit (part retrospective)*'(ref 11997/21). The application was refused on 06.04.2022 for the following two reasons;
1. The proposed development would have an unacceptable effect on the living conditions of the occupiers of neighbouring residential properties having particular regard to noise and disturbance. It would be in conflict with Policy CG4 of the Core Strategy which seeks to ensure that proposals do not lead to an unacceptable impact on neighbouring land uses, including through an increase in noise. The development would fail to create a place with a high standard of amenity for future users, contrary to the requirements set out in paragraph 130 of the National Planning Policy Framework.
 2. The proposal makes insufficient provision for car parking, and there is insufficient information available within the submission to understand the detriment/severity to road safety and congestion on the surrounding highways. The proposal would therefore potentially lead to additional parking demand on already congested surrounding streets to the detriment of residential amenity. It is therefore considered that the proposal does not accord with Policy P5 and S1 of the Core Strategy and the NPPF.
26. Neighbouring residential occupiers since the refusal have questioned why enforcement action has not been undertaken on the unlawful uses at the site. In response, it should be acknowledged that enforcement action from officers needs to be necessary and justified, and which takes considerable investigation and time to execute. Nevertheless, and in response, action was undertaken on Unit 2 of the mill and the car repair garage has now vacated which was one of the main reasons behind the refusal of the last application. The tyre storage unit at ground floor has also ceased providing services to the public after warnings from planning enforcement.
27. In addition, the applicants have been in constant contact with the planning department and as promised by them have now submitted a comprehensive application to overcome the above two reasons for refusal reducing the need to take formal enforcement action.

Mill Audit

28. An Audit of the different uses at the mill was conducted on 15th September 2022 by Planning and Enforcement officers due to the various complaints of unlawful activities at the site. This was also done to ensure that the plans and details submitted as part of this application correlated to the actual operations taking place on site. The information collated is provided below (the numbering of each unit has been taken from the proposed floor plans);

- **Unit 1a** - Used to store household furniture at the time of audit;
- **Unit 1** - Used for the storage of Industrial rubber hoses;
- **Unit 2** – Vacant – (Please see Enforcement section above);
- **Unit 3** - Used for the storage of banqueting, wedding and stage access;
- **Unit 4** - Occupied by Apex windows and doors, a manufacturing company;
- **Unit 5** - Used as a gym;
- **Unit 6** - Used for the storage lounge wear and accessories sold online;
- **Unit 7** - Used for the storage of rungs, carpets duvets etc;
- **Unit 8** - Used for the storage of vaping products, e-liquids etc;
- **Unit 9** - Vacant at the time of audit;
- **Units 10 & 11** - Both units used for the storage of rungs, carpets duvets and accessories etc;
- **Unit A** (Ground Floor) - Used for the storage of tyres;
- **Unit B** (Ground Floor) – Vacant at the time of audit.

29. The results of the Audit evidence that most units are in storage use, they are therefore Permitted Development as discussed in the 'Subdivision of the Mill' section above. As such, the only two units that require planning permission to operate are units 4 (Apex Windows) and 5 (Gym). The assessment of these uses is discussed in the 'Analysis' section below.

Policy

30. Core Strategy Policies CG3, The Built Environment, CG4 Compatible Uses, Inner Bolton RA1, Farnworth RA2.
31. National Planning Policy Framework.

Analysis

32. 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.

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

34. The main impacts of the proposal are:-

- * Principle of the development
- * impact on the character and appearance of the area
- * impact on residential amenity
- * impact on the road network

Principle of the development

35. The proposal is for the conversion of part of an old industrial mill which has previously been used for storage (B8) to smaller units comprising businesses in more than one use class. Only two of the units (4 & 5) would fall outside of the B8 Storage Use and which require planning permission under this proposal.
36. Policy RA1 of Boltons Core Strategy states that the Council will regenerate mills and other older industrial premises in the area with a mixture of new build and refurbishment for primarily employment uses, with supporting residential and mixed uses.
37. Given the above, the principle of the site for employment use would help regenerate this older industrial property and result in occupation of the site rather than it falling into disrepair. A single tenant maybe difficult to obtain for a large substantial building and its available floor space.
38. In addition, the site is located a short walking distance from regular bus services from Chorley Old Road operating into Horwich and Bolton town centres and other areas of the Borough. It is therefore considered that the site is well located in terms of access, providing employment for local residents, and close to shops and services. The site is therefore positioned in a sustainable location.
39. Therefore, the proposal would make efficient use of the land within the defined urban area and would contribute to providing employment in a sustainable location. The principle of the development is therefore acceptable and in accordance with the adopted Core Strategy and the aims of the NPPF.

Impact on the Character and Appearance of the Area

40. 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.
41. The existing mill building has a negative impact on the character of the area and the amenities of surrounding residential properties. It exhibits high blank elevations to Bentinck Street, Sofa Street and Mornington Road and contains a number of boarded or otherwise infilled windows. Its scale and massing are overly dominant to properties on Sofa Street.
42. The plans submitted show dedicated bin storage areas would be provided internally for each unit. This is considered acceptable where they would be stored away from public vantage points.

43. A new extractor would be positioned on the roof of unit 4. Given its position and design, it would not be viewed from public vantage points and is considered acceptable visually.
44. It is considered that the proposed external alterations along each of the elevations of the mill building by way of new pedestrian and vehicular openings would be minor additions given the large scale of the building. The proposed openings are not considered to result in a detrimental impact to the character and appearance of the area. However, no details of gates, doors or shutters have been provided as part of this proposal. Therefore, subject to a condition for those details to be provided and approved by the Council, the proposed design and appearance would be in accordance with Policy CG3 of Bolton's Core Strategy and the NPPF.

Impact on Residential Amenity

45. Policy CG4 of the Core Strategy states that the Council will ensure new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and that development should not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.
46. The Planning Practice Guidance (PPG) advises that the 'subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected'. A Noise Impact Assessment was submitted with this application.
47. Paragraph 130 f) of the Framework requires developments to ensure a high standard of amenity for existing and future users. Moreover, paragraph 185 of the Framework, requires that decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions, and avoid noise giving rise to significant adverse impacts on health and the quality of life.
48. The application building was previously used for the storage of paper products. An application was then made in 2004 (Ref. 69578/04) for the 'partial demolition of Atlas Mill No. 7 and change of use of the land to form an extension to the existing E.B.M. builder's yard, and the closure of existing Sofa Street loading bay and formation of new vehicular access onto Bentinck Street'. Although this application was approved, the development did not materialise.
49. Unlike the industrial and commercial buildings to the north and east, the application building, and the roller shutter doors as existing and proposed, would be located close to the dwellings and gardens associated with dwellings on Bentinck Street, Sofa Street, Ash Grove and Mornington Road.

Unit 4 (Apex Windows)

50. The noisiest unit of the mill currently is Unit 4 which is occupied by Apex Windows, a door and window manufacturing company. As part of the manufacturing process power tools are used, and by reason of the positioning of the unit close to one of the main external loading bays facing Sofa Street, noise is emanated when the loading bay shutter door is opened/left open. This has led to the majority of complaints from those neighbours living across the road on Sofa Street.

51. Essentially there are two roller shutter doors which lead to this unit, the external roller shutter door on Sofa Street as mentioned, and the internal shutter door along the loading bay exclusively to this particular unit. It was established at the officers site visit that the internal shutter door to unit 4 was being left open to provide air circulation and ventilation to the unit, whilst the external shutter would be opened for deliveries to the mill as a whole etc, and this is when the most noticeable noise reaches the nearby residential receptors.
52. In order to mitigate against this noise but also provide a suitable environment for those working within the unit, a number of measures have been introduced and proposed as part of this application. A Noise Impact Assessment from a suitably qualified professional has also been submitted which has been assessed by the Councils Environmental Health section. The Assessment has considered the noise from power tools when in operation, and the background noise levels taken from the other side of Sofa Street near to the closest residential receptor. The results show that when taking into consideration road noise from large vehicles which frequent Sofa Street there was some noise emanated from Unit 4 above that of background noise levels, however, the report concluded that this was not significant and was a low impact given the context of the site.
53. Nevertheless, to mitigate against this harm measures have been proposed by the submission of a Noise Management Plan for Unit 4 which include;
- Hours of opening limited to Monday – Friday: 09.00 – 17.00, Saturday: 10.00 – 17:00.
 - The internal roller shutter door of unit 4 to be kept closed other than when deliveries, loading and unloading are taking place; and
 - Deliveries are only to be taken during working hours.
54. In addition to the above, the applicants have invested and installed an acoustic roller shutter door to unit 4 in order to avoid and further reduce and minimise noise issues.
55. Furthermore, to reduce the requirement to open the internal shutter door and provide suitable ventilation, a new extractor has been proposed, which would maintain suitable conditions for employees inside the unit as the doors would remain closed most times. The extractor would be positioned on the roof of the mill building, away from residential dwellings. Details of the specific extractor have been provided, and in terms of noise from the extractor, no objections are raised by the Environmental Health officer.
56. Although some objections received point to the external shutter door being left open as the reason for harmful noise, it should be noted that this is a historic loading bay and has always been in operation. The loading bay is also used by many of the other units within the mill building. The Authority cannot therefore reasonably condition restrictions to its use as this door does not solely relate to unit 4. Therefore, the Authority have no control over this external roller shutter door under this proposal and cannot therefore recommend conditions. Nevertheless, an Informative would be added to any approval advising that this door should remain closed when the loading bay is not in use.
57. An Air Quality Impact Assessment was also submitted with the application. The report concludes that the proposals have the potential to cause air quality impacts at sensitive

locations. Therefore, an assessment was undertaken in order to determine baseline conditions and consider potential effects as a result of the development.

58. The Air Quality Assessment found that any potential impacts would be when the mill uses are in operation and may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. These were assessed against screening criteria and guidance. However, it was concluded that due to the low number of additional vehicle trips associated with the proposed land use when compared with the permitted, road traffic exhaust impacts were predicted to be not significant. The Councils Environmental Health Officer has also raised no objections and agrees with the Air Quality Assessment submitted.
59. Given the above, and subject to the above-mentioned noise mitigation measures to be conditioned as part of any approval, the noise generated externally from unit 4 would be significantly reduced and would retain a suitable environment for even the closest neighbouring residential occupiers. In addition, the proposed hours of operation would ensure that there would be no disturbance to occupants from this unit early in the morning and during the night. The Councils Environmental Health section agree and are satisfied with the proposed Noise Management Plan and have raised no objections.

Unit 5 (Kool Katz Gym)

60. Unit 5 is located in the middle section of the mill building with its windows positioned along the north eastern elevation facing the adjacent mill building to the north. Pedestrian/customer entrance/exit to the gym would mainly be from the proposed new opening along Bentinck Street. The officers site visit established that this was a small gym with boxing bags, yoga equipment and some weights. Objections have been raised relating to the gym potentially using its area for boxing/MMA events which could lead to parking and noise issues. However, there was no evidence on site to suggest this was taking place, and this is not what has been applied for. The website for the gym advertises the gym as 'Kool Katz Fitness offers a range of activities, including yoga classes and self-defence classes', this coincides with the officer's findings.
61. Given the size of the gym, which is considered to be small, its positioning within the mill where it is far removed from residential dwellings and where noise from music etc would find difficult to break out, the proposed use as a gym within this building is considered acceptable and would not harm the amenity of neighbouring residential occupiers. A condition would be attached to any approval to limit the hours of operation to those proposed. Additionally, the size of the unit would be self-limiting where the comings and goings from the gym would not detrimentally harm the amenity of neighbouring occupiers.

Impact from Proposed External Alterations

62. The plans show a pedestrian access would be created from the proposed car park into the north eastern elevation of the building. Also, a new vehicular entry gate would be erected for the car park. Both these alterations would be towards Mornington Road where there are no residential properties or sensitive receptors that could be affected by their use.
63. A loading bay along Sofa Street opposite Back Mornington Road which was bricked up in the recent past is proposed to be opened up again as part of this proposal and would provide a loading bay for the ground floor units of the building. This is considered to require planning

permission as it would materially change the character of the area. The floor plans also show that bins would also be collected from this proposed loading bay for the ground floor units.

64. Given that this is a 'new' loading bay, and that unrestricted use would spread the noise of deliveries from one source to two sources along Sofa Street and therefore a wider area affecting more residential occupiers, it is considered a condition would be attached limiting the use of the loading bay to 'Monday - Fri 09:00 – 17:00, Saturdays 10:00 – 17:00', except for bin collection which occurs less frequently than deliveries, for a shorter period of time, and where it is already collected from the existing bay along Sofa Street, as such the noise generated from the infrequent bin collection would not be much greater than the existing collection point from Sofa Street and is not considered necessary to restrict collection.
65. It is noted that a loading bay along Bentinck Street which was 'boarded up' for security reasons has recently been unblocked, this does not require planning approval, therefore this loading bay is historic and it would be unreasonable to condition restrictions. It is noted that the loading bay has been slightly enlarged to include the (albeit very small) area which was bricked up above the boarded area. This is a small change and does not negate its previous use as loading bay and is acceptable. The loading bay was probably enlarged for 4x4 vehicles to enter as part of the previous unlawful use of Unit 2 as a car repair garage. Nonetheless In both cases HGV vehicles would still be required to park on the highway when delivering through this loading bay.
66. However, adjacent this loading bay a new pedestrian access/exit has been created for employees of the units and users of the proposed gym. It is not considered that a pedestrian access would create any more noise/nuisance than the unrestricted use of the adjacent loading bay. Objections received state that this new pedestrian access is being used for deliveries, although this may be case this would not be much different to the existing loading bay taking deliveries given their close proximity. Given an access/exit door is what has been proposed, a condition would be attached for the access/exit door to only be used by pedestrians.

Conclusions - Impact on Residential Amenity

67. In conclusion, on the basis of the evidence and information provided in relation to noise, and by virtue of the steps already taken by the applicant and conditions to be attached to any approval, it is considered that the proposal would secure appropriate living conditions for neighbouring residents. As such, the development would have an acceptable impact on the living conditions of the occupiers of neighbouring residential properties having particular regard to noise and disturbance.
68. The proposal would therefore adhere with Policy CG4 of the Core Strategy which seeks to ensure that proposals do not lead to an unacceptable impact on neighbouring land uses, including through an increase in noise and the requirements set out in paragraph 130 of the National Planning Policy Framework.

Impact on The Road Network

69. Policy P5 of the Core Strategy seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport

needs of people with disabilities. Policy S1 seeks to promote road safety. The Council has also adopted the Accessibility, Transport and Road Safety SPD.

70. Atlas Mill Number 7 benefits from an historical industrial use with no apparent off-road parking provision to support the premises. The Council's Highways engineer has been consulted who advises that the highways surrounding the site suffer from high on-street parking demand associated with existing businesses and residential properties served from that location.
71. The plans submitted show 7 dedicated spaces would be provided for the mill off Mornington Road. Acting on the recommendations on previously considered applications, the applicant has submitted a Transport Statement (TS) from a suitably qualified professional as part of the planning process in order to help justify this development proposal from a transport/highways perspective.
72. The Council's Highways officer states that the TS appears to be robust in its assessment and is plausible and justifiable regarding development impact and the rationale used in its preparation. It gives an indication that although the surrounding highways are well used for on-street parking there are areas available to support additional on-street parking demand to support additional development if required. In addition, the TS quantifies the existing injury accident record on the surrounding highways over the last available 5 year period which is negligible to warrant additional concerns.
73. Although the TS assesses the proposed uses at the site as a whole which would have a requirement for 59 spaces as part of the Council's current maximum parking standards, it should be noted that the TS has taken into account the site as a whole in terms of traffic impact/parking demand. As explained above, most of the uses are permitted development apart from the gym and the window/door manufacturing company, and therefore on that basis the content within the Transport Statement would be robust.
74. It should be noted, that the previous historic mill use would have required 58 spaces as part of the Council's current parking Standards, as such the proposed 7 off-road parking spaces proposed would provide a betterment to a certain extent of the current situation. Furthermore, The TS reiterates the site's accessibility to sustainable modes of transportation and the surrounding residential catchment areas and demographic in terms of transport/highways considerations.
75. The TS even when considering all the uses as a whole concludes that the submitted transport work/on-site observations revealed that the traffic impact/parking demand above the existing use associated with the premises should be accommodated at that location with minimal additional detriment to road safety, residential amenity and operational capacity and could not be considered severe.
76. Taking the above into account, the historic uses already at the site, and that this proposal/assessment only considers the impact of the gym and the window/door company, there are no justifiable reasons for the refusal of this application on highways grounds. The Council's Highways officer also offers no objections.

77. Objections received from neighbours state that HGVs are parked centrally on the highway when unloading given there is nowhere to park. However, it is observed that there are dedicated loading bays along Sofa Street, but it was evident during the officers site visit that cars were being parked in these restricted areas which made deliveries and general function of the highway difficult.
78. Therefore, although this proposal is only taking into consideration the impacts of units 4 & 5, the contents of the submitted Transport Statement would still be pertinent. As such sufficient information has been provided within the submission to understand any possible implications to road safety and congestion on the surrounding highways. Given the details, the proposal is not considered to lead to severe additional parking demand on surrounding streets to the detriment of residential amenity. It is therefore considered that the proposal is in accord with Policy P5 and S1 of the Core Strategy and the NPPF.

Conclusion

79. On the basis of the information and evidence provided as part of this proposal in relation to noise and highways impacts, and by the use of planning conditions, the proposal would secure appropriate living conditions for neighbouring residents. As such, the development would have an acceptable effect on the living conditions of the occupiers of neighbouring residential properties having particular regard to noise and disturbance.
80. Furthermore, sufficient information is provided to understand any detriment/severity to road safety and congestion on the surrounding highways. The Councils highways officer has not raised any objections. The proposal would not lead to severe additional parking demand on the surrounding streets to the detriment of residential amenity.

Representation and Consultation Annex

Representations

Letters:- The Council has received 14 letters of objection which are from four residential properties, their concerns are provided below. An officer response is provided where an objection has not been covered in the 'Analysis' Section of the report;

- Ground floor being used as tyre fitting business not storage. The tyre company sells directly to the public and operating without planning permission;
- HGV trucks mount the curb on Sofa Street due to unloading taking place on Bentinck Street; **Officer Response –** *The HGV trucks mounting the curb is not a material planning consideration of this application. Some of the loading bays of the mill are historic where planning currently has no control over them.*
- Vehicles parked all day in front of our bedroom windows reducing privacy; **Officer Response –** *The overlooking from HGV vehicles into bedrooms which is not development is not a material planning consideration.*
- Bin collection is on Fridays between 5:30am and 6:30am; **Officer Response –** *Bin Collection is already undertaken at the site. The proposed bin storage areas and collection points within the building are acceptable. Given bin collection is done only once a week and the operation is for a short period, the noise created from this is not considered a material planning consideration.*
- Not enough parking;
- These are not local businesses; **Officer Response –** *There is no specific requirement for the businesses to be only from the Bolton area.*
- Employees travel from Manchester in cars;
- The area is not a commercialised area, its more residential;
- Bentinck street is used as an overflow car parking area for nearby flats;
- The number of people employed is much higher; **Officer Response –** *At the time of the audit there were approximately 7 people working at the site. Given the uses within the mill, the number of employees is not considered to be substantially higher.*
- Residents have nowhere to park;
- There have been accidents in the past year due to unloading on the corner of Bentinck Street;
- The majority of units are not occupied, traffic will increase when all units are occupied;
- Shutter door for window company is left open;
- The hours of operation for the gym will impact on the amenity of residents with cars arriving and leaving, loud music;
- No difference from the last application;
- Conflict with local and national planning policy;
- This is not a small gym, it provides fight clubs and cage fighting nights, it's not a small gym;
- Tyres being stored at the mill would be a fire and toxic hazard facing a petrol station; **Officer Response –** *Consideration is given to the planning merits of the case, this would be a separate issue.*
- Pedestrian access on Bentinck street used as a loading Bay;
- Relentless with shutters going up from 5:00 to 6:00 AM and go down at 11:00 PM;
- Deliveries block the street;
- My drive gets blocked constantly; **Officer Response –** *Unthoughtful parking is not a material planning consideration of this application.*
- Lights in winter shine into our room; **Officer Response –** *The lights installed on the building do not require planning permission and are not a material planning consideration of this application.*

- Bin storage needs to be inside the mill.
- There are power tools and grinding noise from the mill;
- Screeching noise from Sofa Street shutter door; **Officer Response** – *This external shutter door is historic, and the planning department has no control over the noise it generates.*
- Trucks unloading on pavement; **Officer Response** – *People/individuals unloading onto a pavement is not a material planning consideration of this application.*
- The owners are advertising the units as industrial with 24 hour access contrary to details within the application; **Officer Response** – *The owners/occupiers should adhere to the planning permissions granted and the conditions attached to those permissions. The 'Audit' established that there were no unlawful activities outside of those proposed as part of this application.*
- The access on Sofa Street is also used by pedestrians;
- Double yellow lines are located all around the mill;
- The parking report is incorrect and should be disregarded - **Officer Response** – *This has been conducted by a suitably qualified professional.*

Petitions:- None

Elected Members: - Cllr Roger Hayes - The application should be considered by the Planning Committee because of the impact they would have on the local residents;

- The previous use of the mill was storage and distribution (class B8) as one unit. The subdivision has created at least 13 such units. This will inevitably mean more comings and goings of people and vehicles than existed previously;
- Time limits need to be provided to restrict the businesses opening to protect the amenity of local residents as recommended by Environmental Health;
- There are many cases of local roads being completely blocked while large vehicles unload and load. The loading bays are insufficient for large vehicles. there must be a limitation on size and/or weight of vehicles collecting and delivering at the site.
- By its hours and management, the window manufacturing business has already caused detriment to the amenity of residents. Granting this change of use to one unit could realistically be said to set a precedent for all other units.
- Also it is likely that light industrial units are likely to require more employee parking provision than would be necessary for storage and distribution.
- Proposed off street parking provision is totally inadequate;
- The change of use of one unit to a gymnasium (class E(d)), I am concerned that the hours proposed would impact on local residential amenity and that visitors would generate more on-street parking in an already crowded area.

Consultations

Advice was sought from the following consultees: Environmental Health, Highways Engineer, Greater Manchester Police – Design for Security and the Greater Manchester Archaeological Advisory Service.

Planning History

App ref: - 11997/21 - Retention of subdivision of Atlas Mill No 7 into 11no storage units (class B8), 2no workshop units (class e(g)(iii)) and 1no gym unit (class e(d)) together with new vehicular accesses onto Sofa Street and Morningson Road and a bin store to each unit (part retrospective) – Refused

App ref: - 12282/21 - Display of internally illuminated fascia signs— Refused

App ref: [12539/21](#) - Change of use from general industrial (class b2) to car repair centre (class b2) - Refused

App ref: [12282/21](#) - proposals: Display of 8no internally illuminated fascia signs - Refused

App ref: [10284/21](#) - proposals: Display of 10no internally illuminated fascia signs for business identification purposes – Withdrawn.

App ref: [10283/21](#) - proposals: Retrospective application for vehicular access onto sofa street and Mornington Road, sub-division of unit a, change of use of unit 5 to gym (class e (d)), unit 3 to a church (class f1(f)) and adjacent land to parking area – Withdrawn.

Ref no: [88151/12](#) - Outline application for demolition of existing building and erection of 42 dwellings (design, access, siting, scale & appearance only)

Ref no: [74873/06](#) - Demolition of part of building, surrounding brickwork made good and formation of new entrance to shop - Approved

Ref no: [69578/04](#) - Partial demolition of atlas mill no. 7. change of use of land to form extension to existing E.B.M. builders yard. closure of existing sofa street loading bay and formation of new vehicular access onto Bentinck Street - Approved

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

Subject to the following conditions, which have been imposed for the reasons stated:-

- 1 The premises at Unit at No.4 used as a Workshop as shown on the proposed floor plans hereby approved shall not be open outside the following hours: -

09:00 - 17:00 Mondays - Fridays

10:00 - 17:00 Saturdays

The unit shall not be open on Sundays or 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.

- 2 The premises at Unit at No.4 used as a Workshop, as shown on the proposed floor plans hereby approved shall have no deliveries taken or dispatched from the premises outside the following hours: -

09:00 - 17:00 Mondays - Fridays

10:00 - 17:00 Saturdays

No deliveries shall take place on Sundays or 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.

- 3 The internal roller shutter between the loading bay and Unit 4 used as a Workshop shall be kept closed at all times except for access and egress including deliveries. Power tools shall not be used when the roller shutter door is open.

Reason:

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

- 4 The proposed loading bay along Sofa Street hereby approved shall only be used between the hours of;

- Monday - Fri 09:00 - 17:00,
- Saturdays 10:00 - 17:00.

The loading bay shall only be used outside of these hours for bin collection.

Reason:

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

- 5 The access/exit door along Bentinck Street hereby approved shall only be used by pedestrians and bin collection and not for the loading and unloading of goods.

Reason:

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

- 6 Notwithstanding any description of materials in the application, no further external alterations to the building shall take place until samples or full details of materials to be used for the gate along Mornington Street, loading bay along Sofa Street and opening along the north eastern elevation of the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. 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.

- 7 The premises at Unit at No.5 used as a Gym, as shown on the proposed floor plans hereby approved shall only be open between the hours of;

Mon - Fri 09:30 - 21:30,
Saturdays 09:30 - 18:00, and
Sundays 10:00 - 16:00.

Reason:

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

- 8 Within 3 months of the date of this decision, a scheme detailing how the proposed parking area to be used by vehicles is to be laid out, constructed, surfaced, drained and lit shall be

submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 6 months thereafter and made available for the use of vehicles at all times the development is in use.

Reason;

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

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

- Location Plan & As Previous GF Plan - PL_001
- GA Proposed Site Plan - PL_007
- GA Proposed First Floor Plan - PL_006 received 17th Jan 20223.
- GA Proposed FF Bin Collection - PL_010
- GA Proposed GF Bin Collection - PL_009
- GA Proposed Elevations - PL_008

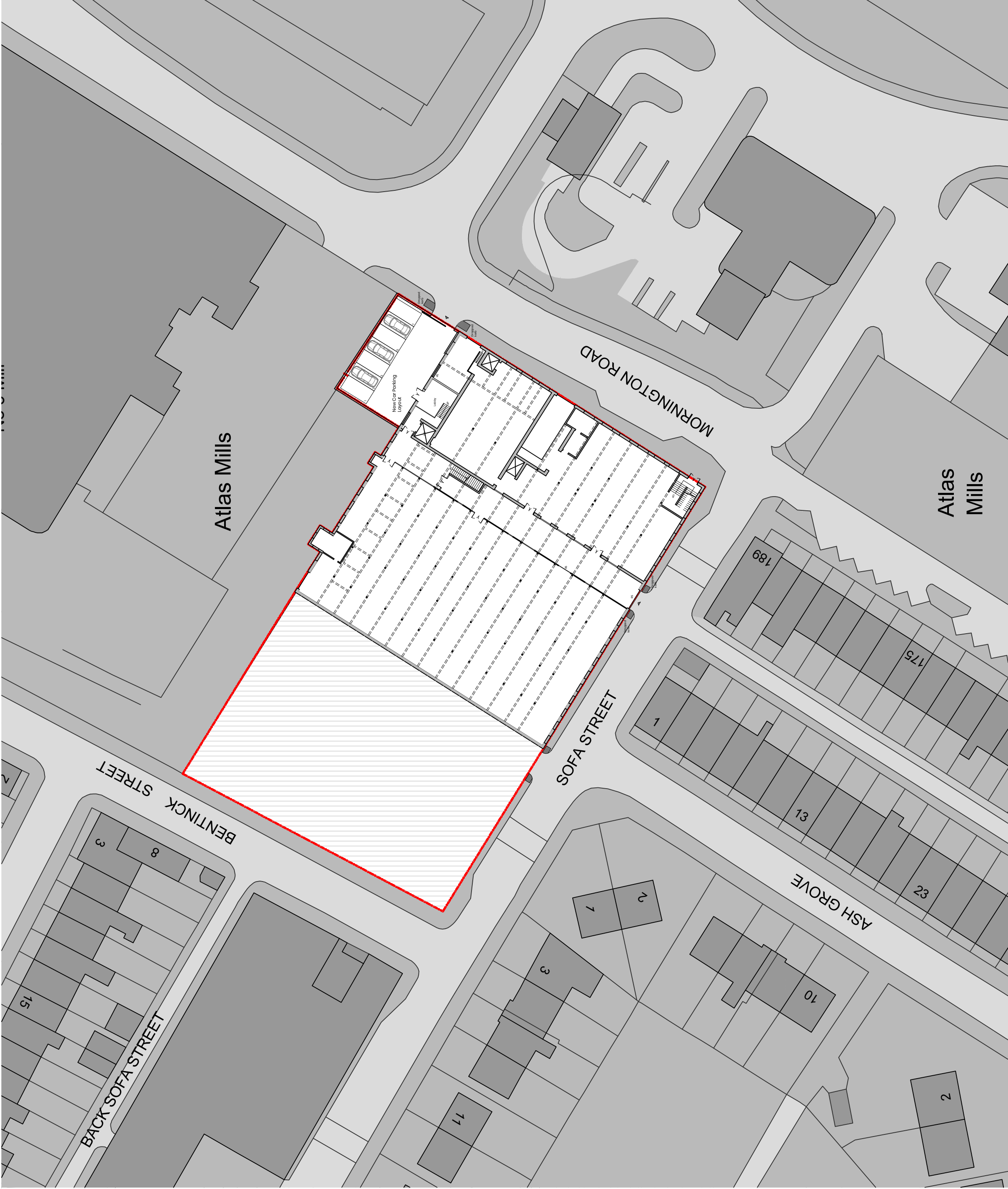
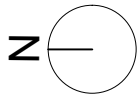
Reason

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

- 10 Unit No.5 as shown on the plans hereby approved shall be used as a Gym and for no other purpose including any other purposes in Class E of the Town and Country Planning (Use Classes) Order 1987 (England) (As amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason

For the avoidance of doubt as to what is permitted.

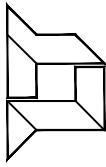


Proposed Site Plan (Ground Floor): 1/500

General Notes:

All site dimensions shall be verified by the Contractor on site prior to commencing any works.
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Rev	Description	Date	Dr by	App by

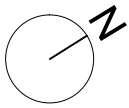


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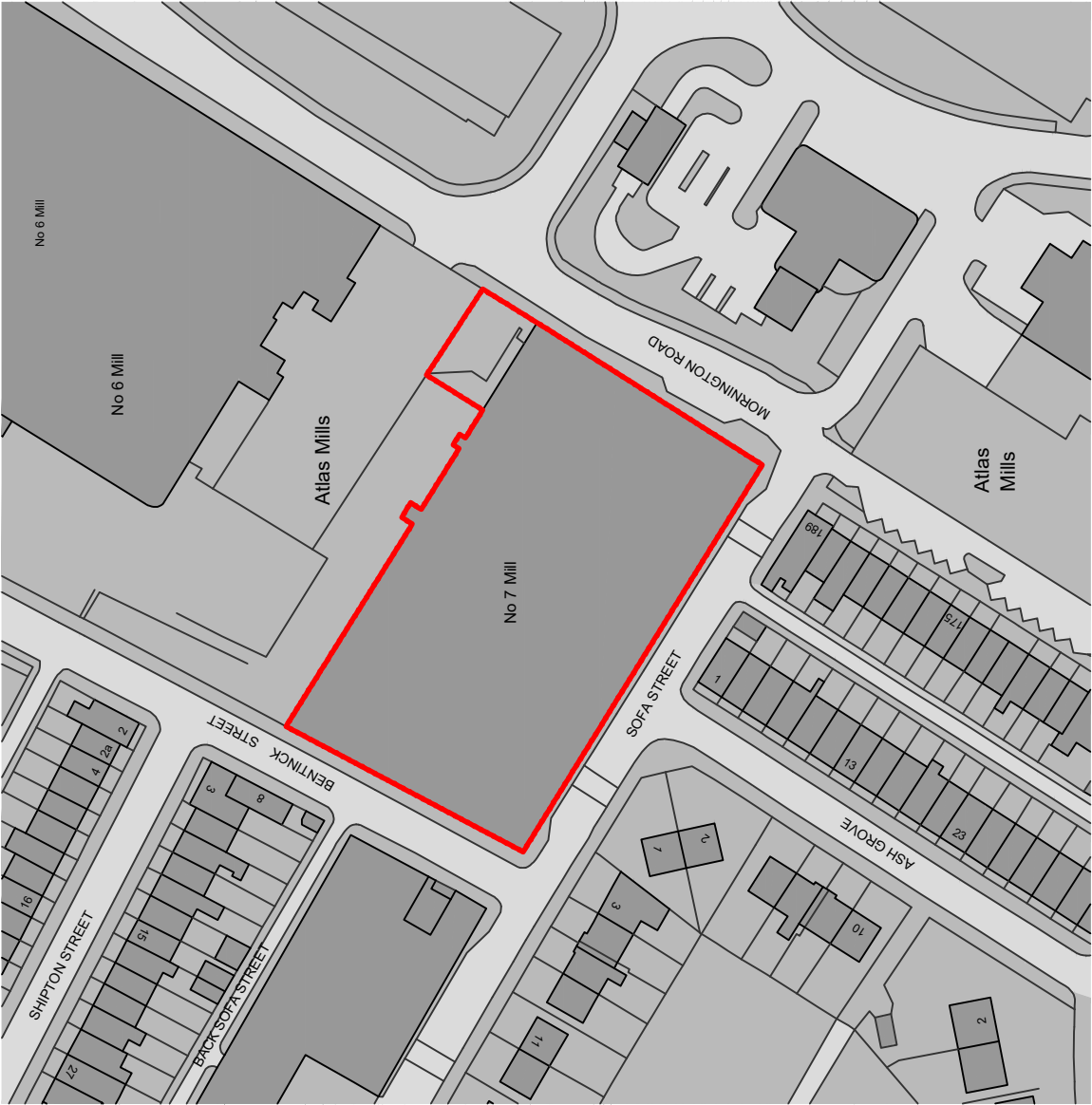
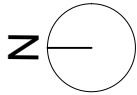
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Amco		1:500 @ A2	
project		drawing number	
ATLAS MILL No. 7		PL_007	PLANNING
drawing		project number	issue status
GA Proposed Site Plan		202201	-
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LEGEND

- Application Boundary
- Ownership Boundary

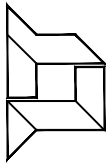


Location Plan: 1/1250

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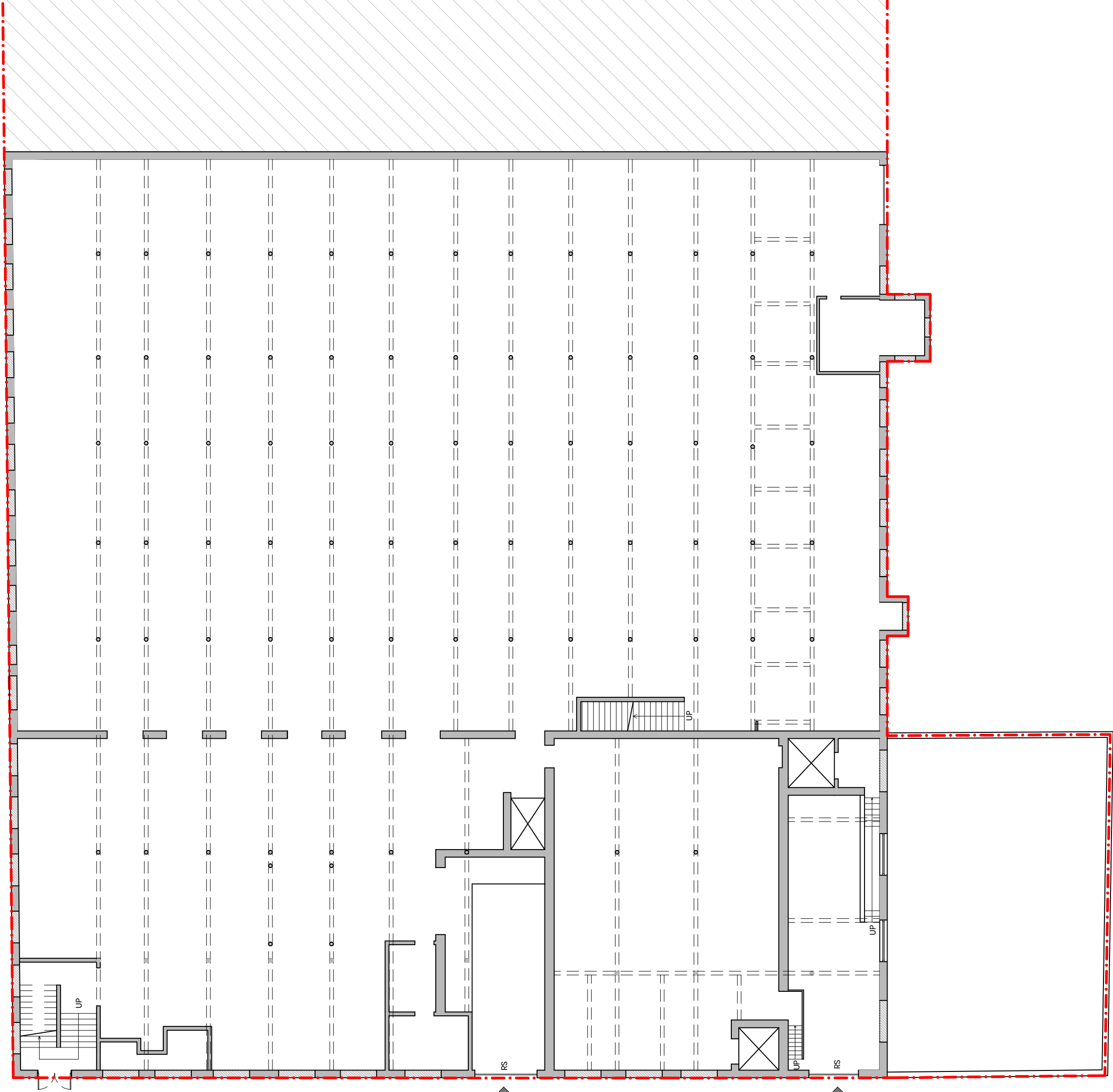
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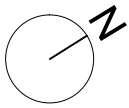
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client name		AMCO	
project		ATLAS MILL No. 7	
drawing		Location Plan & As Previous GF Plan	
project number	202001	scale	As indicated @ A2
drawing number	PL_001	rev	-
		issue status	PLANNING
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As Previous (Assumed) Ground Floor Plan: 1/200



SOFA STREET

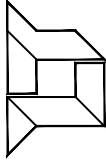
MORNINGTON ROAD



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Rev	Description	Date	Dr by	App by

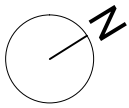


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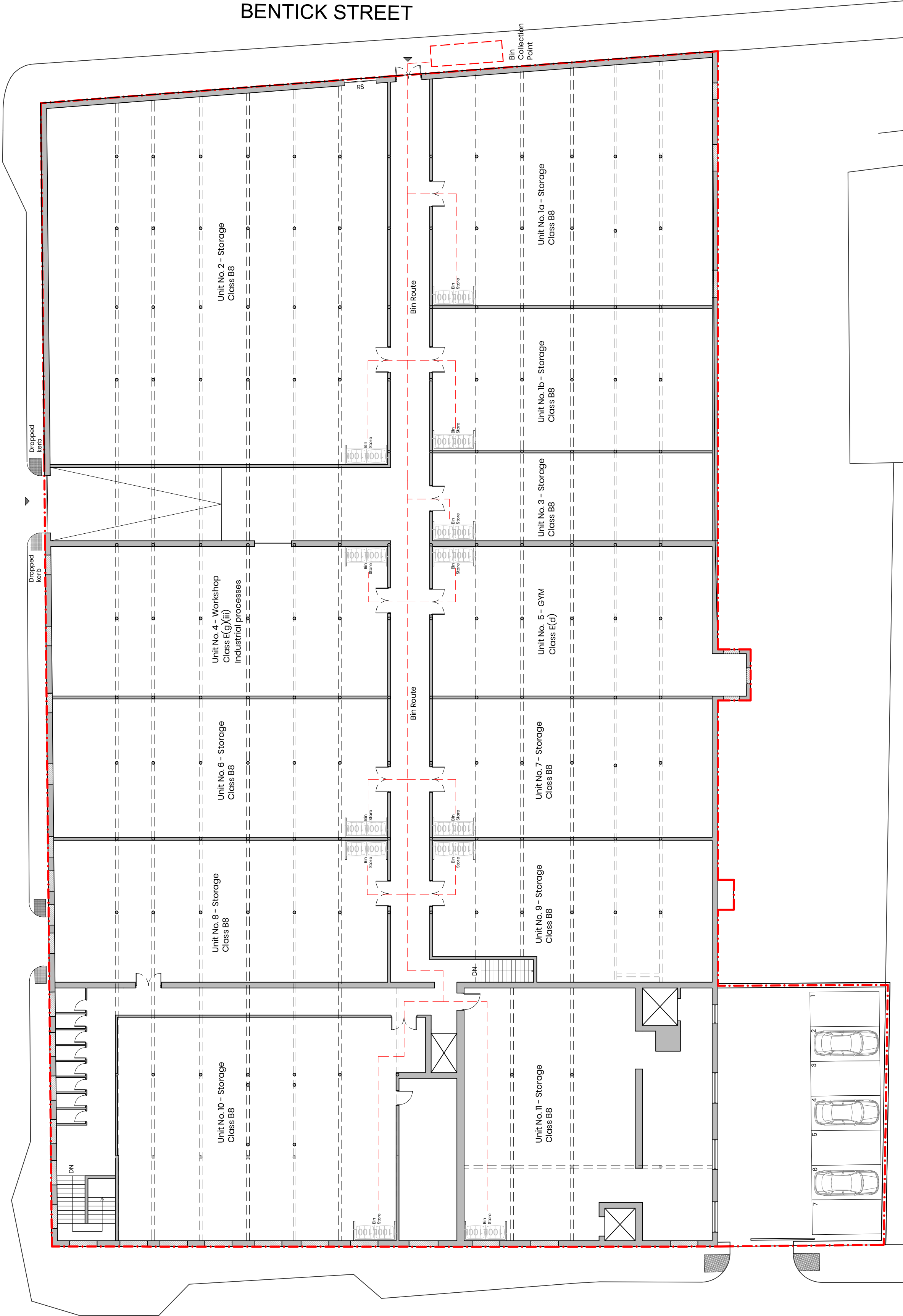
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project	ATLAS MILL No. 7		
drawing	GA Proposed GF Bin Collection		
project number	202101	scale	1200 @ A2
drawing number	PL_009	rev	-
issue status	PLANNING		
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SOFA STREET

MORNINGTON ROAD

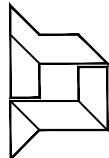
BENTICK STREET



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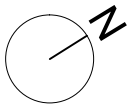
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client name		Amco	
project		ATLAS MILL No. 7	
drawing		GA Proposed FF Bin Collection	
project number	202001	scale	1200 @ A2
drawing number	PL_000	rev	-
		issue status	PLANNING
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Proposed First Floor Bin Collection: 1/200



SOFA STREET

BENTINCK STREET

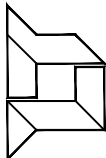
MORNINGTON ROAD



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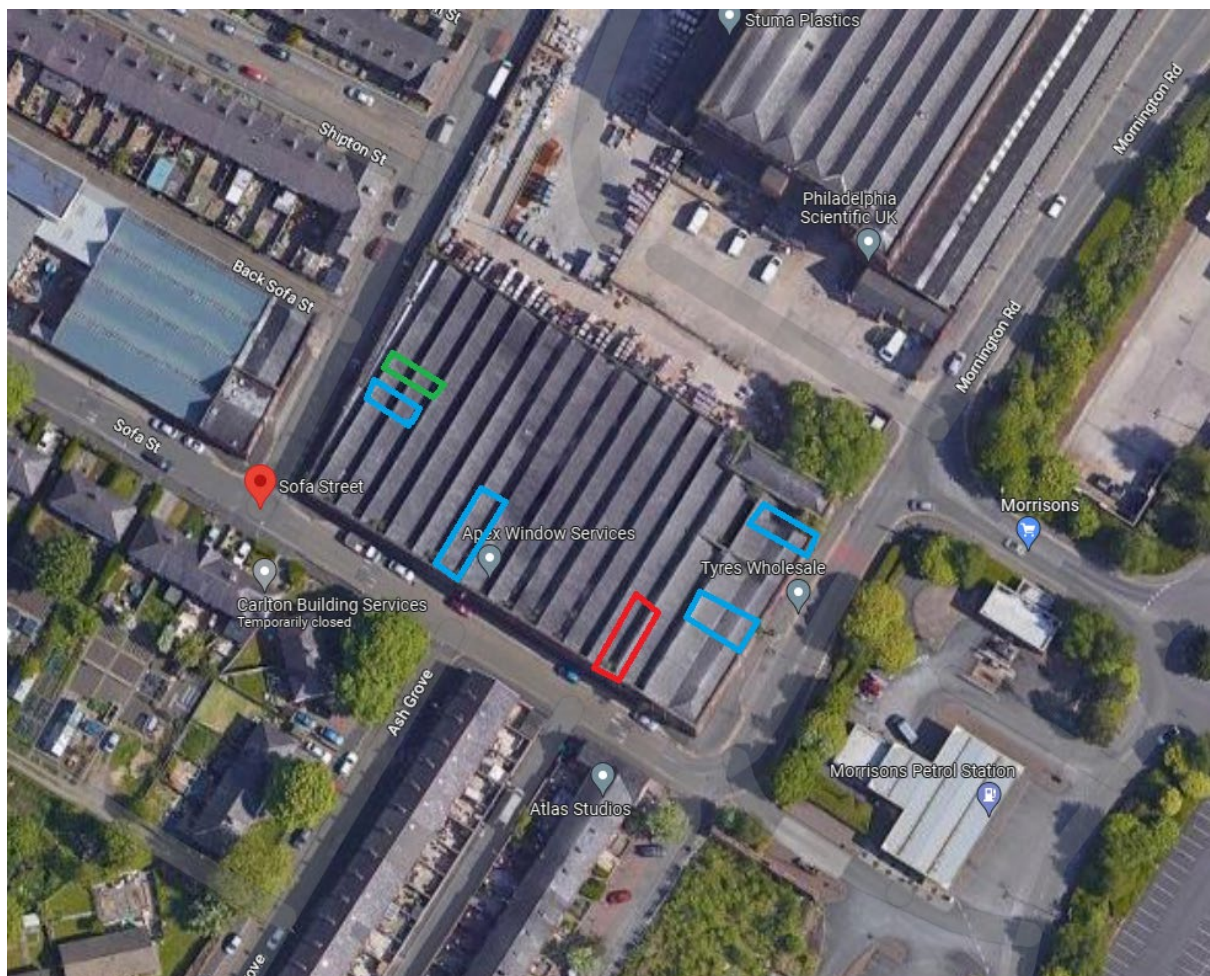


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client name	Amco		
project	ATLAS MILL No. 7		
drawing	GA Proposed First Floor Plan		
project number	202101	scale	1200 @ A2
drawing number	PL_006	rev	-
issue status	PLANNING		
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Proposed First Floor Plan: 1/200



Pre-existing Historic Loading bays

Proposed 'New' Loading Bay

Proposed New Pedestrian Access