

PLANNING COMMITTEE
Schedule of Supplementary Information

Thursday 9th of December 2021

Members are advised of the enclosed information that was either received or requested after the production of the planning applications report

**Bolton
Council**

09775/20

| Ward | Location |
|------|--|
| LLDL | LAND AT MYTHAM ROAD, PRESTOLEE ROAD, BOSCOW ROAD, HALL LANE AND NEWBURY ROAD, LITTLE LEVER |

Housing Land Supply Update

Members will note that the Five-Year Housing Land and Housing Delivery Test December 2021 Position Statement is attached at item 8 of the agenda. This estimates that the current supply of deliverable sites in the borough is at 4.8 years (though likely to drop over coming weeks), whereas the officer's report refers to a 3.3 to 3.7 year supply.

The 3.3 to 3.7 year supply within the officer's report is based on published evidence: 3.3 years within the last appeal decision and 3.7 years within the Housing Delivery Test Action Plan 2020 (latest figures are 3.9 years within the last Authority Monitoring report).

As stated within the Position Statement, even with a 4.8 year supply there is still a presumption in favour of sustainable development as the supply is under 5 years. The Statement also suggests that a supply of at least 5.5 years would be required for the LPA to sufficiently demonstrate a deliverable 5-year supply (taking into account completions and schemes falling away).

Officers do not consider that the estimated 4.8 year housing supply changes the conclusion of the officer's report, as the Council is still not able to demonstrate a 5-year supply, however this does show an improving picture in terms of housing supply in the borough. The weight given by officers to the benefits and impacts of the development remain the same as reported to Members.

Response to P4 Planning Letter in Response to Officer's Report

Members attention is drawn to the letter from the Agent P4 Planning which was emailed to all members of the Planning Committee this week, and is also contained within this document. Below is Officer's response to the points raised:

Para 20 – Officers agree the sites are linked by the canal (as stated at para 21 of the Officer's report) however they are sited 1.4km away from each other and are not therefore adjoining or next to each other geographically.

Para 25 – the description of the site is correct in that the land was used for the grazing of horses, irrespective of whether the owners of the horses had permission to do so.

Para 27 – Parts of the red edge site are within Floodzone 3 (as detailed in the submitted Planning Statement), however as detailed in para 27 of the Officer's report the proposed built form will be outside of Flood Zone 3.

Para 32 – The paragraph is intended to give Members a history of the canal. For clarification, the breaches referred to occurred at other sections of the canal not in the ownership of the Applicant. The stretch of canal subject to the application was breached only once (in 1936) although it was repaired in 1881 with railway sleepers.

Para 39 – Officers agree, it is also their understanding that the previously consented residential development at the former Creams Mill site did not come forward due to issues of viability.

Para 72 – Officer’s highlight the failure to consider the different parts of the application sites independently and thus take into consideration the unique landscape quality and views of each site. This does not relate to the view points used for the LVIA.

Para 78+79 – Officers disagree with this assessment. From site visits, the Mytham Road site is clearly visible from sections of the towpath.

Para 84 – no comment.

Para 90 – although there may be no formal right of way along Mytham Road, this is currently a well used route by Members of the public accessing the canal towpath from the residential areas around Mytham Road.

Para 101 – noted.

Para 106 – Bury Council responded as a consultee to the planning application asking for biodiversity net gain to be taken into consideration, highlighting the land to the south of the application site which falls within Bury’s jurisdiction as being Green Belt, wildlife link/corridor, river valley and Flood Zone 2. Further letters were submitted to the Applicant from Bury and Salford Councils stating support for the proposed canal works.

Para 107 – noted. Although this comment was raised by the Canal and Rivers Trust and Manchester Bolton and Bury Canal Society, not Officers.

Para 109 – noted.

Para 134 – 24% biodiversity net gain is acknowledged, which comes primarily from the creation of standing water habitat. This biodiversity value of this will be dependent on the future use and management of the canal.

Para 138 – noted.

Para 147 – noted.

Para 188 – information about space standards is noted. Members will recall similar information was provided for the Grizedale application which went before the November planning committee.

Other Harm Identified (bridge) – information about the state of the current bridge is noted.

Bolton’s Five Year Housing Land Supply Position

As stated above, the most recent figures for the Council’s 5-year housing land supply is 4.8 years. It is acknowledged that this is below the 5.5 years required in order to redress the persistent undersupply in the Borough; however it is clearly moving in the right direction. It is evident that the strategies put forward in the Action Plan are assisting in the delivery of housing in the Borough and with an improving situation Officers consider that limited weight to be attributed to the proposed housing provision within the Green Belt.

Recent Appeal Decisions

Officer’s have reviewed the Colney Heath appeal decision, which allowed a housing development on an unallocated site within the Green Belt, providing both affordable and

market housing as well as self-build units. Members will be aware that each application is dealt with on its own merits and each site and local authority has unique circumstances to deal with. In the case of Colney Heath, the fundamental issues were that application site straddled two local authority areas, both of which had a chronic and long term undersupply of housing provision (around 2.5 years supply), long term undersupply of affordable housing and an under provision of self-build. Of the two authorities, one had a Development Plan dating back to 1994 and thus the plan-led system was severely undermined in this area. These factors strongly contributed to the Inspector's decision and the weight given to housing within the Green Belt.

Letters of Representation

The Applicant has provided a further 55 letters of support for the application proposal.

A further letter of objection has been received from a local resident on behalf of a number of families on Mytham Road with learning difficulties/additional needs. They raise concern about increased traffic on Mytham Road, lack of consultation from Watson Homes, and concern about road safety from the increased traffic on Mytham Road (from construction and the residential scheme).

Ms Jodie Turton
Planning and Development
Bolton Metropolitan Borough Council
Town Hall
Bolton
BL1 1RU

Date: 7 December 2021
Ref: 094-001

Dear Jodie,

Creams Mill and Hall Lane, Little Lever (LPA Ref: 09775/20)

Following on from the publication of the committee report on 1 December 2021, we have now had opportunity to review and write to provide our comments. We request that this letter be included on the 9 December Planning Committee ‘late list’ and should be read alongside the committee report by members.

Very Special Circumstances

The NPPF requires very special circumstances to justify any development in the Green Belt (aside from a small number of exceptions). The very special circumstances for this proposal are substantial and should be given great weight in the consideration of this application:

- the contribution of both market and affordable housing (61% affordable housing – nearly double the development plan requirement),
- the opportunity to repair the breach and restore the canal (a long-term aim of Bolton Council and the Canal and River Trust),
- the socio-economic benefits of the development (as identified by Hatch in the planning submission),
- the environmental benefits (through the retention of trees, new planting throughout and ecological mitigation).

While the weight given to the scheme’s very special circumstances is with the decision maker, we do not consider that the weight given to the VSCs in the committee report are fair.

Recent appeal decisions, such as that at Colney Heath, have demonstrated that fewer very special circumstances were required to justify development in the Green Belt.

Furthermore, following advice from leading Counsel, the weight attached to the Colney Heath appeal decisions, regarding the significance of the Council's lack of a five year housing land supply SHOULD be given great weight in the determination of this application.

Our responses to specific committee report paragraphs

We have set out and addressed factual inaccuracies within the report to provide clarity to members:

- **Paragraph 20** – the sites are linked via the canal and public rights of way, so dispute that these sites are not geographical linked.
- **Paragraph 25** – the owner of the horses did not have permission to graze horses on this land and were trespassing.
- **Paragraph 27** – no part of the site will be built on Flood Zone 3. This is an improvement to the previously consented scheme (97139/16) which had residential units built on Flood Zone 3.
- **Paragraph 32** – only one breach occurred on this stretch of the canal, all other breaches are outside of the application site and are not relevant.
- **Paragraph 39** – the previously consented scheme has never been brought forward due to viability. Creams Mill needs significantly more development



beyond the existing allocation/planning permission to deliver the housing allocation.

- **Paragraph 55** - on the LUC assessment of Hall Lane BT41, this fails to consider the wider context of the site, such as the canal, steep topography by the canal basin and Moses Gate Country Park's ability to also reduce ribbon development.
- **Before Paragraph 72** – all the LVIA views were agreed with the council prior to the preparation of the report.
- **Paragraph 78 + 79** – the development cannot be seen from the towpath due to the existing tree cover and landscaping, as well as the additional trees and landscaping proposed. Any perceived harm is then offset by a canal that is in water.

Paragraph 84 – *‘the severity of the slope and materials would look engineered’*. A canal is an engineered waterway. There are already significant areas of the remaining canal that are ‘engineered’ so this will look no different.

- **Paragraph 90** – there is no right of way down Mytham Road into the site, it is not a public footpath. The proposals will open up the site to the public, with the development providing a new public route to the canal towpath, linking with existing public rights of way.
- **Paragraph 101** – the canal works beyond Creams Mill/Hall Lane can only receive funding if planning permission is granted for the works at Creams Mill/Hall Lane, which would repair the breach. The repair to the breach is the catalyst for the wider canal regeneration. Watson’s site is integral part of the jigsaw for the wider reinstatement of the Manchester Bolton and Bury Canal.
- **Paragraph 106** – Watsons meet regularly with partners from Salford, Bury and Bolton Councils, the CR&T, MBB Canal Society and local councillors to discuss the canal and the wider restoration. A letter of commitment has been provided by all parties, confirming the restoration of the canal as well as letters of support from Salford and Bury Councils.
- **Paragraph 107** – canal barges can still use the canal, even at 3m. A canal barge is approximately 2m wide.
- **Paragraph 109** – We disagree with the historic value placed on the dry section of the canal. It is not nationally or locally listed.



- **Paragraph 134** – there is biodiversity net gain of 24% across the development sites.
- **Paragraph 138** – the quality of trees is not referred to when discussing their removal at Hall Lane. Most of the trees to be removed are category C and U (low or poor condition) and are blighted with ash dieback. Approximate breakdown of planting will include:
 - 189 no. mature trees
 - 352 linear metres of new mixed native hedgerow (1,760 no. whip plants)
 - 373 linear metres of monoculture native hedgerow (1,957 no. whip plants)
 - 488 m² of new woodland shrub planting (499 plants)
 - 2,319 m² of wildflower meadow

Any remaining trees can be protected via a Tree Protection Order to prevent any further removal by future residents, if considered necessary.

- **Paragraph 147** – there were limited trees in this area as late as the 1970s, Creams Mill has many self-seeded trees that are of low or poor quality (most are category C and U). The replacement planting for the Creams Mill and the woodland walk area would be higher quality, with approximate breakdown of planting below:
 - 426 no. mature trees
 - 684 linear metres of new mixed native hedgerow comprising of 3,420 no. whip plants (Creams Mill site only)
 - 309 linear metres of monoculture native hedge comprising 1,682 no. whip plants (Creams Mill site only)
 - 2,477 m² of new woodland planting (7,435 no. plants)
 - 16,881 m² of wildflower meadow

- **Paragraph 188** – Homes England and RSL funding only requires 85% NDSS standards, this should be a material consideration. There is no adopted policy relating to NDSS. However, all of the properties exceed the 85% target.

- **Other Harm Identified** – the new bridge replaces the existing bridge which is currently propped up on metal posts. It is not suitable for retention as it cannot carry the weight of a refuse vehicle and will eventually need replacing in any event.

Notable omissions and other comments



The report omits several key benefits and facts which should be taken into consideration in the determination of the application:

- No other opportunity to fund the works to repair the breach.
- Hall Lane is in private ownership with no public rights of way through it.
- 4000 new trees are a significant benefit. There is a 10:1 planting to removal ratio.
- The delivery of 61% affordable homes should be more than a 'moderate' benefit given the significant shortfall within Bolton, with demand far outstripping supply. This is twice the Council's affordable housing policy requirement.

- The letters of support for the canal restoration from Bury and Salford Councils are not mentioned.
- The Inland Waterways Association have highlighted four case studies in England and Wales (including one at the Rochdale Canal). where canal restoration had positive impacts for local communities including driving tourism, enhancing heritage and ecological habitats and creating community spaces. Further details can be found through this link (<https://waterways.org.uk/campaigns/listing/500-miles-of-waterway-still-to-restore>).
- Limited information on energy and sustainability – EV charging, PV panels, ASHP. The scheme’s high-quality build will help reduce fuel poverty, which should be taken seriously given the current energy prices.
- The development exceeds the Future Homes standard in terms of its sustainability credentials and build method, which doesn’t apply until 2025.

Bolton’s Five Year Housing Land Supply Position.

The Council’s housing land supply of 3.3 years should be given significant weight. The applicant has sought legal advice from Counsel regarding this point, with respect to the Colney Heath appeal decisions as detailed below:

- The Inspector for the appeals decision at Colney Heath (APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926) gave very substantial weight to the provision of both the market and affordable housing proposed, and stated that these equated to very special circumstances in their own right. This should be the case with Creams Mill/Hall Lane.
- Persistent under delivery of housing should be identified and that Bolton’s Housing Delivery Test Action Plan 2020 has acknowledged challenges with delivering housing, including ‘heavy reliance’ of brownfield sites and the significant expenditure required to deliver infrastructure and remediation. Whilst part of Creams Mill is a brownfield site, for viability reasons, it has not come forward. Without additional development, this allocated housing site, will remain undeveloped. The Council currently include this site within their five year housing land supply and are reliant upon it coming forward to meet their housing need.
- The Colney Heath Inspector references an appeal decision at Millfield Lane, York (APP/C2741/W/19/3227359), where the Inspector allowed an appeal

against the non-determination of an application for 266 dwellings and associated development in the Green Belt. The Inspector concluded the provision of 266 market and affordable homes delivered in the short to medium term weighed 'significantly in support of the proposal'.

- The Inspector gave little weight to a Written Ministerial Statement (WMS) from 2015 which indicated that unmet need is unlikely to be considered 'very special circumstances' that clearly outweigh harm to the Green Belt and any other harm. This 2015 WMS was not translated to the National Planning Policy Framework and the associated guidance has been removed from the Planning Practice Guidance and should not therefore be applied to decision making.

Next steps

Please confirm that this letter will be issued on the late list. We propose to issue to all members in tandem for their information ahead of the committee meeting as these points should be considered upon review of the committee report. This is alongside the committee briefing note, a frequently asked questions document and CGIs of the canal works.

Should you have any queries on the above, please do not hesitate to get in contact.

Yours sincerely,

Gillian Worden
Director

cc: Iain Watson – Watson
Rob Watson – Watson

Little Lever Ward Councillor Hornby

Cllr Hornby has asked for the following to be included on the List of Supplementary Information:

My main concerns and comments are as follows:

The application is a significant application which has supporters and objectors with pluses and minuses in significant numbers. I have read at great length the application and have followed it from its early stages through to this final stage which is before the Planning Committee today.

This application is a huge application which would if approved have a great impact on the community and has 4 sections to it. I would therefore ask that the normal 3 minutes that objectors and supporters speak on this application be increased in order that all relevant concerns be addressed. I have emailed the Chairman to request this.

The application is broken up as follows

- Creams Paper Mill which is Brown field site.
- The Rear of Cedar Avenue, which is Green Belt,
- Land at Hall Lane which is Green Belt
- The Breach in the Bury to Bolton Canal that is situated close to Creams Site and the Award-Winning Meccano Bridge built from Section S106 money from the Cricketers View Planning application.

Regarding the Creams Paper Mill site this being a brown field site it would be difficult to rule against building on this as it is within policy and a previous application to the site was approved a few years ago.

The Rear of Cedar Avenue and Hall Lane is Green Belt and would be lost forever, residents are concerned that if the application is approved that the special circumstances being used by the developer which is to fix the breach in the Bury to Bolton Canal would not be met. This is something which over many years developers have come back to the Planning Committee to address when the developer says the cost of the build makes it not viable to do the agreed S106 agreement.

If this Planning Committee is considering approving the application, I would ask that a bond be put with Bolton Council to fix the breach which can be given back once the breach is complete or however this committee feels appropriate or maybe in consultation with the Chair and Vice Chair and Ward Members.

With regards to the Highways comments, I asked some months ago that the traffic survey used for this application should be data from before Covid as recent data of traffic levels would not give a true reflection. I have concerns that the survey was done in September 2020 and does not give a true reflection of traffic in the area.

I would also ask that the entrance to the development off Mytham Road be checked to see if it is wide enough to take the proposed traffic and if full consideration has

been given to the traffic impact on Mytham Road considering we have our largest 2 form entry Primary School and a Nursery along this road.

Finally, I refer to the entrance to the Hall Lane site on a previous application being submitted in 2009/10 Highways Officers said that an entrance to the Hall Lane site was not possible and would be dangerous, could I ask what has changed since this application that makes it appropriate for an entrance onto the Hall Lane site now.

CGI images submitted by the applicant



10023/20

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| Ward | Location |
| HALL | 172 ST GEORGES ROAD, BOLTON, BL1 2NZ |

The Agent submitted a further visual of the proposed development from an aerial view to enable the development to be seen in context with the surrounding area.



10173/21

| Ward | Location |
|------|---------------------------------------|
| HELO | 284 & 286 WIGAN ROAD, BOLTON, BL3 5QT |

The agent recently submitted some further information regarding this which made some further amendments to the proposed plan (Rev F). These have been summarised below:

Entrance security

The applicant has stated that he has obtained a security contract arrangement with Leisureguard Security Ltd for security to the premises.

Officer comment: No details of this contract have been provided however if appropriate it is considered that the arrangements could be secured by condition.

Trees

The applicant has stated that he is willing to prune the trees in the alleyway at the rear of the building.

Officer comment: Normally works to trees within a conservation area require permission however the council's tree officer has been consulted and due to the proximity of the tree to buildings and the likelihood they will cause future damage he has confirmed he has no objection to this.

Clearance of alleyway to rear

The applicant has offered at his own cost to clear the alleyway of all the debris and overgrowth for the benefits of all residents – its currently a mess and it will aid removal of bins for everyone.

Officer comment: This is welcomed however as the land is not within the applicant's ownership this could not be conditioned.

Cycle Rack

A cycle rack has been added to the yard of Unit No 1 for use of the tenants

Officer comment: This is welcomed and can be conditioned.

Front Curtilage

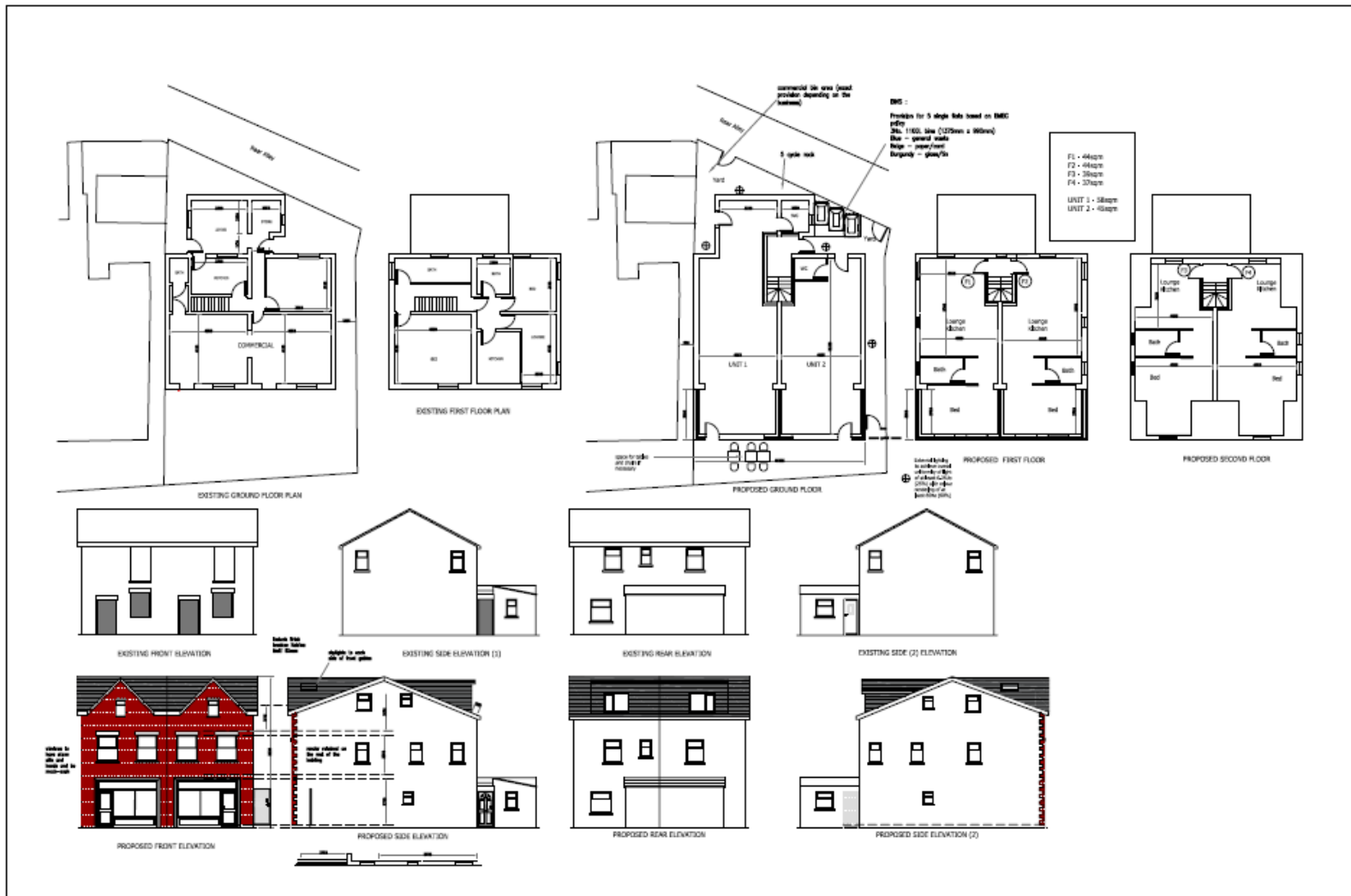
The applicant has amended the plan to show how tables and chair could be accommodated within the remaining front curtilage, should the retail units be used in future as a café.

Officer comment: From the information provided it is accepted that a small number of chairs and tables could be accommodated in the remaining front curtilage.

Additional Fenestration

Additional windows have been added in the gable walls and also in the roof to allow more light to the internal rooms.

Officer comment: the position of the windows is acceptable and are considered to be represent a small improvement to the previously submitted scheme.



| NO. | REVISION | DATE |
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The drawings shall be prepared in accordance with the British Standards for architectural drawings. All dimensions and measurements shall be taken from the finished work unless otherwise stated. The client shall be responsible for the accuracy of the information provided. The architect shall not be responsible for the accuracy of the information provided by the client. The architect shall not be responsible for the accuracy of the information provided by the client. The architect shall not be responsible for the accuracy of the information provided by the client.

Notes:

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Project

294-296 WIGAN RD
SOL-TON
BL3 5QT

Client Mr, Mrs, N/A

Phase RA

Date NOVEMBER 2022

Scale 1:100 @ A2 / 1:200 @ A3

Author RAD/2022/001/haw

1950/21

| Ward | Location |
|------|--------------------------------|
| HELO | LAND OFF ARMADALE ROAD, BOLTON |

Members will note that the Five Year Housing Land and Housing Delivery Test December 2021 Position Statement is attached at item 8 of the agenda. This estimates that the current supply of deliverable sites in the borough is at 4.8 years (though likely to drop over coming weeks), whereas the officer's report refers to a 3.3 to 3.9 year supply.

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Officers do not consider that the estimated 4.8 year housing supply changes the conclusion of the officer's report, as the Council is still not able to demonstrate a 5-year supply and Policies OA4.1 and CG6AP remain out-of-date and carry limited weight in the tilted balance exercise. The weight given by officers to the benefits and impacts of the development remain the same as reported to Members.

95081/15

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| Ward | Location |
| RUMW | UNITS 1 AND 3, ST PAUL'S MILL, BARBARA STREET, BOLTON, BL3 6UQ |

One additional objection letter has been circulated by a local resident directly to Planning Committee members which reiterates the concerns detailed within the representations section of the Officers report. The key additional concern / detail is as follows:

- No resolution has been found to address the traffic problems for the whole site;
- Confirms that no weddings have been taking place for the last 18 months;
- Concern that the existing garages and units which form part of the Steps Hall create a lot of traffic with cars spilling over into the adjoining streets and back streets;
- Results in problems with waste collections and potential problems if emergency vehicles have to access the area;
- Reference to fireworks being set off when the venue was in operation;
- Also there were no stewards working to direct traffic when the venue was open and the area was gridlocked when the Goshia Mosque also had a wedding on at the same time;

They conclude that the owner has not worked towards resolving the parking problems. Parking permits are considered by the resident as a potential solution with the caveat that residents would need to agree together with the alleygating of back streets in the area.

A number of photos were also provided which show the problems of car parking in the local area and the use of fireworks.

Officers comment – the potential for the provision of a residents only parking scheme and alleygating provision are detailed within the Officers report (paragraphs 28-33 and 36 – 43). The current issues as detailed by the objector raise the concern, also expressed by Officers, (paragraph 49) that the existing use of the mill car park does place restrictions on the availability of off-road parking for users of the Steps venue.