

Planning Applications Report

Planning Committee

14th November 2019

**Bolton
Council**

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

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

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

The following abbreviations are used within this report: -

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

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

www.bolton.gov.uk/planapps

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Application number 06545/19



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Development Management Section

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Bolton Council

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Date of Meeting: 14/11/2019

Application Reference: 06545/19

Type of Application: Full Planning Application
Registration Date: 22/07/2019
Decision Due By: 15/09/2019
Responsible Officer: Helen Williams

Location: BRIERFIELDS, 721 BLACKBURN ROAD, BOLTON, BL1 7JJ

Proposal: DEMOLITION OF FORMER PUBLIC HOUSE

Ward: Astley Bridge

Applicant: Masjid-e-Salaam Trust
Agent : Bradshaw Gass and Hope LLP

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Planning permission is sought for the demolition of the former Brierfield Public House (former Brierfield Hotel before that).
2. The applicant has stated that it is intended to demolish the building to allow for the site to be redeveloped.
3. Although potential future plans for the site have been mentioned within the application submission (referred to by the applicant as a "new Islamic community facility incorporating a madrasah and prayer hall/mosque"), this development is not applied for within this current application. Only the impacts of the proposed demolition of the former Brierfield building can therefore be considered within the determination of this application.
4. Whilst the proposed demolition of buildings that are not listed or in a conservation area usually do not require planning permission (only the prior approval of the local planning authority), public houses and other drinking establishments falling within the A4 or AA use classes no longer benefit from the same permitted development rights as other buildings (since 2017). Planning permission is therefore required for the proposed demolition of any public house.
5. The application is before Committee owing to the number of objections received.

Site Characteristics

6. The building subject to this application is the late Victorian (c.1900) built Brierfield building. The building has built as a dwelling but was converted in to the 20th century into a hotel and public house. It is a detached building comprising three storeys and a basement. The building has been extended to the side and rear.

7. It is understood that the public house use ceased on 6th February 2016. The building now stands vacant and in a deteriorating condition. The application site is fenced off.
8. The building is not listed, nor is it located within a conservation area.
9. The trees to the front (east) of the site and behind the Brierfield building are protected under Bolton (Eagley and Sharples) 1958 Tree Preservation Order (TPO). A new TPO (719 and 721 Blackburn Road, Bolton) 2019, again covering these trees as well as further trees within the site, has recently been made by the Council but has not yet been confirmed.
10. The surrounding area is predominantly residential in character. To the south of the application site is 717-719 Blackburn Road, which was last used as a children's nursery but has now closed (and has been fenced off). Also to the south are residential dwellings on Bar Lane. To the north are residential dwellings on Thorndyke Avenue and the Grade II listed dwelling at 733 Blackburn Road. To the north east of the site and on the opposite side of Blackburn Road is the Grade II listed Holden Mill (now converted into residential apartments). To the rear (west) of the application site is Astley Bridge Bowling Green.
11. Blackburn Road (A666) is a main thoroughfare through Bolton.

Policy

Development Plan

12. Core Strategy Policies: CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; OA5 North Bolton.

Other material considerations

13. National Planning Policy Framework (NPPF)

Analysis

14. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.

15. The main impacts of the proposal are:-

- * principle of the loss of the building
- * impact on trees
- * impact on biodiversity
- * impact on the character and appearance of the area
- * impact on the setting of the adjacent listed buildings
- * impact on the amenity of neighbouring residents

Principle of the Loss of the Building

16. Policy CG3 of the Core Strategy states [amongst other things] that the Council will conserve and enhance local distinctiveness, require development to be compatible with the surrounding area, seek to retain historical associations where possible, and conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and

buildings of archaeological, historic, cultural and architectural interest and their setting.

17. Policy OA5 relates specifically to developments in North Bolton and states [amongst other things] that the Council will conserve and enhance the character of the existing physical environment.
18. The former Brierfield public house is not a listed building, nor is it located within a conservation area. The building is also not included within the Council's List of Assets of Community Value (17 July 2019). If the lawful planning use of the building was anything other than a drinking establishment (A4 or AA Use Class) there would not have been a need for the applicant to apply for planning permission for the building's demolition (only to apply to the local planning authority for a determination as to whether the prior approval of the authority would be required).
19. A Heritage Statement and Structural Report have been submitted with the application.
20. The Brierfield is a large former dwelling built around 1900. The dwelling has originally home to Ada Alice Mather, the daughter of William Mather, a textile factory manager. The Brierfield was built in the Old England revival style of domestic architecture, which became popular in garden city and early suburban developments throughout the 19th and 20th centuries. The building comprises brick elevations with mock half-timbering, stained glass windows and a mix of slate and tiled roof slopes. A number of extensions have been added at various times in the 20th century.
21. The building was later converted into a hotel and public house. It is understood that the public house use ceased on 6th February 2016. The building now stands vacant and in a deteriorating condition (as evidenced by the findings within the Structural Report).
22. The Council's Conservation and Design Officer has been consulted on the proposal. They agree with the assertions in the Heritage Statement that the building has some aesthetic heritage value as a large impressive dwelling, which is consistent with the growth of the suburban middle class in this part of North Bolton. The Conservation and Design Officer state they also agree, however, that the building lacks age and rarity, and its architectural quality has been eroded by later extensions and its poor condition. The officer comments that whilst the building could have been eligible to be included within a Local List when it was in use as a public house, it now has limited inherent significance in its current condition, with many of its original features having been lost or damaged, and it is noted that it would be unviable to re-use the building.
23. The Council's Conservation and Design Officer conclude that whilst the loss of the Brierfield is regrettable, the building's heritage significance is limited and therefore its loss cannot be resisted.
24. Officers recommend that a photographic record of the building (both external and internal) be made prior to its demolition. This record would then be made publicly available on the Council's Planning website for future reference.

Impact on Trees

25. Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development.
26. The trees to the front (east) of the site and behind the Brierfield building are protected under Bolton (Eagley and Sharples) 1958 Tree Preservation Order (TPO). A new TPO (719 and 721 Blackburn Road, Bolton) 2019, again covering these trees as well as further trees within the site,

has recently been made by the Council but has not yet been confirmed.

27. One tree, a Cherry tree, is proposed to be removed to allow for demolition of the Brierfield building. The Council's Tree Officers have confirmed that this tree is of poor form and therefore do not object to its loss.
28. The submitted Arboricultural Method Statement also considers a potential future development on the site, however this is not to be assessed within this application for demolition, only the proposed loss of the Cherry tree.
29. The Council's Tree Officers raise no objection to the proposed demolition of the Brierfield, subject to pre-commencement conditions requiring a method statement to set out a timetable for the works and confirmation of the appointment of a suitably qualified arboriculturist and protective fencing around the protected trees on the site.
30. It is therefore considered, subject to the recommended conditions, that the proposed demolition of the Brierfield would not lead to the unacceptable loss of trees, compliant with Policy CG1.2 of the Core Strategy.

Impact on Biodiversity

31. Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity from adverse development, and improving the quality and interconnectivity of wildlife corridors and habitats.
32. An Ecological Appraisal has been submitted with the application. This finds that the building has moderate potential for roosting bats. The report recommends that, in order to establish whether or not bats are using the buildings, that further emergence/return surveys should be undertaken. These surveys are therefore required by condition prior to demolition.
33. Should the application be approved, the applicant would be made aware via an informative note that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds whilst they are breeding (between the months of March and August).
34. Issues concerning the removal of Japanese knotweed (identified on the site), any required mitigation for the loss of habitat on the site and opportunities for biodiversity enhance would need to be addressed during the determination of any subsequent application for the redevelopment of the application site.
35. It is therefore considered, subject to the condition requiring a further bat survey of the building, that the proposed demolition would not harm the biodiversity of the site, compliant with Policy CG1.2 of the Core Strategy.

Impact on the Character and Appearance of the Area

36. Policy CG3 of the Core Strategy states [amongst other things] 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. Policy OA5 relates specifically to developments in North Bolton and states [amongst other things] that the Council will conserve and enhance the character of the existing physical environment.
37. As discussed above, the proposed development would comprise the loss of the former Brierfield public house building and one Cherry tree.

38. The loss of the Cherry tree would have a very limited effect on the character and appearance of the site and the street scene given the number of protected trees that are to be retained on the site following demolition.
39. The loss of the building would have an impact on the visual character of the area, as there would be an empty plot within an area characterised by built development fronting onto Blackburn Road. However the protected trees around the site would continue to provide screening. Demolition material would be removed from the site (as per suggested condition 3).
40. It is considered, whilst the loss of the Brierfield building is regrettable, that an empty plot following its demolition would not harm the character and appearance of the area, compliant with Policies CG3 and OA5 of the Core Strategy.

Impact on the Setting of the Adjacent Listed Buildings

41. Policy CG3.4 of the Core Strategy states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their setting.
42. Paragraph 194 of the National Planning Policy Framework (NPPF) states that any harm to, or loss of, significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 200 states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.
43. To the north of the application site is the Grade II listed dwelling at 733 Blackburn Road. To the north east of the site and on the opposite side of Blackburn Road is the Grade II listed Holden Mill (now converted into residential apartments).
44. The Brierfield pre-dates Holden Mill and the Council's Conservation and Design Officer considers that there is no clear association between the two buildings. 733 Blackburn Road appears to have been built as a gate lodge to the former dwelling "Thorndykes" which was sited on the eastern side of Ivy Bank Road. It is likely that no. 733 was built in a style to mirror the main house.
45. It is therefore believed that the Brierfield has no historic associated with the two adjacent listed buildings.
46. It is considered that the loss of the Brierfield building and the presence of an empty plot (surrounded by protected trees) would only have a limited impact on the setting of the adjacent listed buildings.

Impact on the Amenity of Neighbouring Residents

47. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.
48. The surrounding area is predominantly residential in character.
49. The applicant has stated that all demolition works will be carried out in accordance with British Standard BS6187 using operatives appropriately skilled in demolition work.

50. A Demolition Method Statement would be required by way of a pre-commencement condition, which would ensure that adequate mitigation measures are in place during demolition works, to reduce any potential impacts on amenity of neighbouring residents. This method statement would include [amongst other things] measures to be taken to control dust, dirt and noise.
51. Any disturbance to neighbours would be temporary, given the demolition of the building would only take a certain amount of time.
52. It is therefore considered that the proposed demolition of the building should not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

Local finance considerations

53. 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

54. For the reasons discussed above, whilst the loss of the former Brierfield public house would be regrettable, it is not considered that the proposed demolition of the building (which is not a designated heritage asset, within a conservation area or on the Council's List of Assets of Community Value) would harm the character and appearance of the area, harm the setting of the adjacent listed building, result in the unacceptable loss of trees, harm biodiversity or unduly harm the amenity of neighbouring residents.
55. Members are therefore recommended to approve this application, subject to the recommended conditions.

Representation and Consultation Annex

Representations

Letters:- 152 letters of objection have been received. These raise the following concerns:

- * Loss of an historic building; Cannot afford to lose any more of our local history; The building is too important to lose;
- * The building was part of the community before it closed;
- * The building adds character to the area; It is a notable building and local landmark; It is an integral part of the area; It is attractive/aesthetically pleasing;
- * Demolition of a listed building (Officer comment: the building is not listed);
- * Harm to a conservation area (Officer comment: the application site is not located within a conservation area);
- * The building should be restored instead; It is structurally sound;
- * The applicant's statement that there has been no interest in keeping the building as a public house or restaurant is incorrect;
- * Impact on bats and wildlife; The building accommodates bats;
- * Loss of trees; Lack of a tree survey;
- * Dust, dirt, noise and traffic of demolition vehicles;
- * The Council should make the owners restore the building;
- * The building has been deliberately left to deteriorate; The owners have not sufficiently stopped the building from being vandalised.

Other matters raised relate to the potential future development of the site (such as concerns about an increase in traffic and congestion, increase in on-street parking, highway and pedestrian safety, design of a new building, impact on the character and appearance of the area). As this current planning application only relates to the demolition of a building (and not the erection of any new development) these concerns cannot be treated as material considerations in the determination of this application. They would be matters instead for any subsequent planning application for the site.

Petitions:- A petition from Astley Bridge Bowling Green containing approximately 117 signatures has been received, objecting on the grounds that the building fits aesthetically into the area and as the building has been purposely left to deteriorate over the past years.

Consultations

Advice was sought from the following consultees: Design and Conservation Officer, Tree Officers, Greenspace Officers and Pollution Control Officers.

Planning History

A single storey extension and external shelter at rear, erection of retractable canopies to front, new external framework to existing flue and extension of disabled access were approved in November 2006 (75533/06).

Permission was granted in November 1997 for the erection of a separate porch and sanitary accommodation for the restaurant at the rear/side (51517/97).

A front porch and external terracing to the public house were granted permission in November 1995 (47714/95).

A front porch to the hotel was approved in January 1989 (32870/88).

A single storey extension at the rear of the hotel to form an extended beer cellar was granted

permission in September 1982 (19519/82).

A single storey extension at the front of the hotel to provide additional seating accommodation for the restaurant was approved in June 1981 (17164/81).

A single storey rear extension to provide an enlarged kitchen was granted in January 1980 (12984/79).

Various signage for the public house/hotel was approved under applications 78060/07, 76431/07, 48044/95, 33130/89

Building Control history

A Section 80 Notice (informing the local authority of an intention to demolish) has been submitted to the Council. The Council issued a Section 81 Notice (local authority's power to serve notice about demolition) on the 2nd July 2018. The applicant can however not demolish the building until planning permission has been granted.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

2. No demolition shall commence unless and until an external and internal photographic record of the building has been undertaken and submitted to the local planning authority.

Reason

To record and advance understanding of a non-designated heritage assets impacted on by the development and to make information publicly accessible, and to comply with policy CG3 of Bolton's Core Strategy.

Reason for pre-commencement condition: A historical record needs to be taken before the building is demolished.

3. Prior to commencement of any demolition on site, a Demolition Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials;
- iv. The erection and maintenance of security hoardings or fencing;
- v. Wheel washing facilities;
- vi. Measures to control the emission of dust and dirt during demolition;
- vii. Noise emission suppression measures;
- viii. A scheme for recycling/disposing of waste resulting from demolition.

Reason

To ensure the safe development of the site and preserve the local amenity, and to comply with policies CG3 and CG4 of Bolton's Core Strategy.

Reason for pre-commencement condition: These details are required prior to any demolition on site, to ensure that the demolition is carried out in a way not to harm local and residential amenity.

4. Prior to the commencement of demolition bat emergence/return surveys shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures recommended within these surveys should be implemented in full and retained thereafter.

Reason

To safeguard the habitats of protected species and to comply with policy CG1 of Bolton's Core Strategy.

Reason for pre-commencement condition: Any works on site could harm protected species that crosses the site if not properly managed so details of the matters set out above must be submitted and agreed in advance of works starting.

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

- * A timetable of works, agreeing roles, responsibilities and duties in relation to tree protection.
- * Appointment of a suitably qualified arboriculturist to monitor and report on any tree related development issues in respect of the protection and retention of the trees on the site.

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

Reason

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

Reason for Pre-Commencement Condition: Tree protection measures must be implemented prior to the commencement of works to protect the health and appearance of the tree(s) during the construction phase.

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

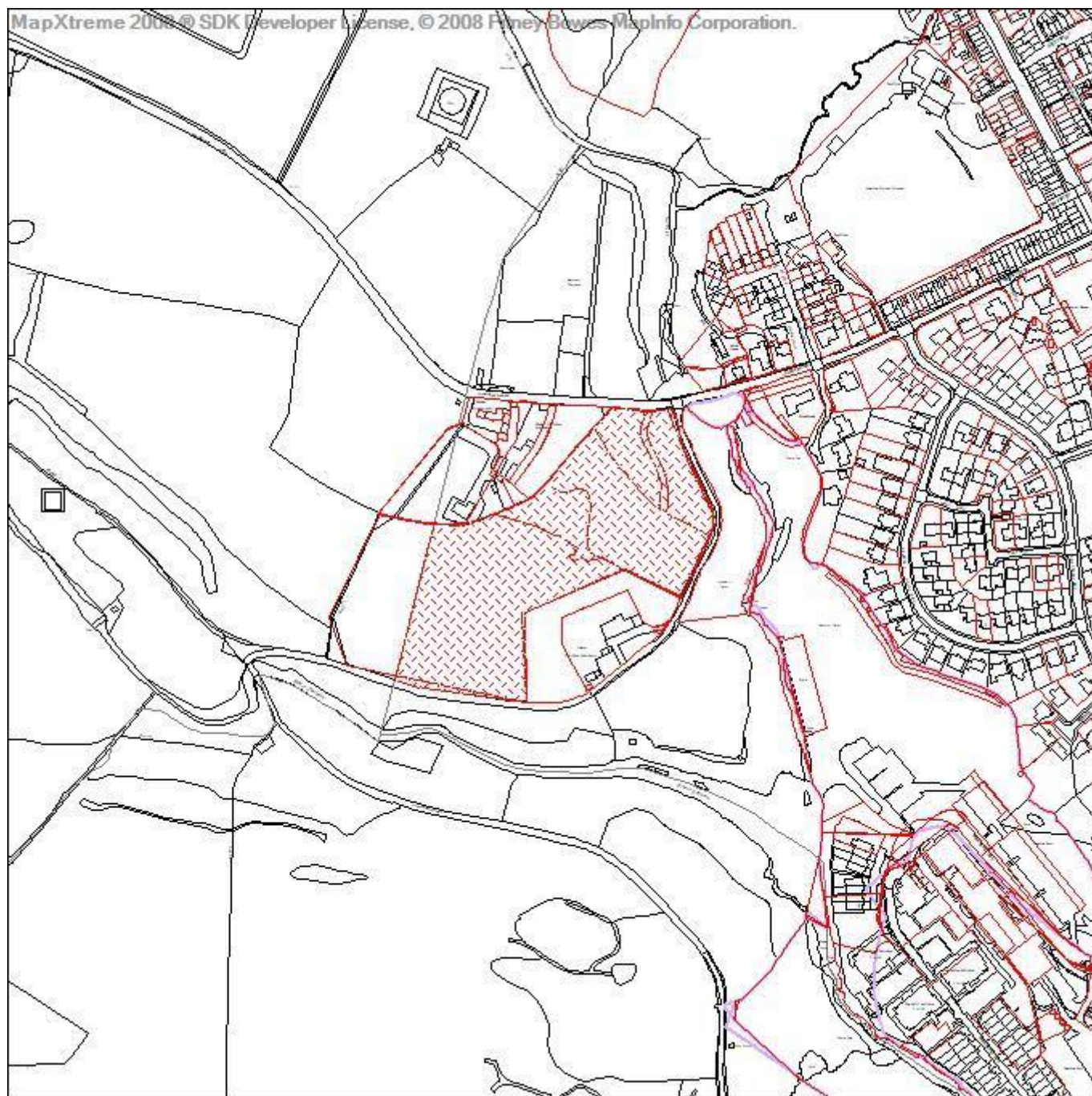
1. The trees and hedgerows within or overhanging the site which are to be retained/or are subject of a Tree Preservation Order (TPO) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).

Reason

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

Reason for Pre-Commencement Condition: Tree protection measures must be implemented prior to the commencement of works to protect the health and appearance of the tree(s) during the construction phase.

Application number
06257/19



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Date of Meeting: 14/11/2019

Application Reference: 06257/19

Type of Application: Full Planning Application
Registration Date: 12/07/2019
Decision Due By: 05/09/2019
Responsible Officer: Franc Genley

**Location: HIGHER CRITCHLEY FOLD BARN, LONGWORTH ROAD,
EGERTON, BOLTON, BL7 9PU**

**Proposal: ERECTION OF DWELLING AND STABLES WITH ASSOCIATED
ACCESS AND LANDSCAPING TOGETHER WITH CHANGE OF USE
OF LAND TO OUTDOOR LEARNING AREA AND WILDLIFE
TRUST AREA.**

Ward: Bromley Cross

Applicant: Mr D Norris
Agent : The Intelligent Design Centre

Officers Report

Recommendation: Refuse

Executive Summary

- The proposal is for the erection of a new dwelling, with stables, together with a change of use of land to an outdoor learning area, with Wildlife Trust zone.
- The site sits within the Green Belt as designated by the Allocations Plan policy CG7AP.
- The application is almost exactly the same as the previous planning application (04798/18), refused at Committee in March 2019. This application is currently under appeal with the Planning Inspectorate.
- Although the proposal would satisfy less strategic policies, the proposal remains contrary to Allocations Plan policy CG7AP and section 13 of the National Planning Policy Framework.

Proposal

1. Planning permission is sought for the erection of a detached zero-carbon residential dwelling together with the change of use of part of the site from grazing land to an outdoor learning area (OLA) and Wildlife Trust area. Although the description of this repeat submission adds the Wildlife Trust element to the development description, it was depicted on drawings accompanying the previous submission (04798/18), but was not detailed in that proposal description.
2. Despite the National Planning Policy Framework having been updated twice since the previous submission the applicant's supporting information for this application still makes reference to NPPF paragraphs 55 and 56 in respect of Green Belt policy. The latest version of the NPPF was published in February 2019, four months before this current proposal was submitted and the paragraph relevant to the development of isolated homes in the countryside is now no.79.

Unless indicated otherwise, the paragraph numbers referred to in this report pertain to the 2019 version of the NPPF.

3. The applicant submits that the proposed dwelling, within the Green Belt, would meet the criteria within paragraph 55 (now numbered 79, as above) of the National Planning Policy Framework (NPPF), in that it would be of an exceptional quality and of an innovative design (meeting all four of the criteria within the paragraph): "a paragraph 79 house".
4. The dwelling would have a bespoke design and would be incorporated into the existing contoured landscape. The proposal includes associated parking, driveway and landscaping including the creation of ponds. Access to the site would be via Longworth Road. A portion of the site (hatched in green on drawing ref: 15068-35) would be used as an outdoor learning area by a local school, with a wildlife area also demarcated.
5. The proposed building and stables would be constructed of the following materials:
 - Zinc metal
 - Hardwood timber
 - Natural Stone
6. This proposal is the fifth planning application submission on the site. This application is a repeat submission of the previous application (04798/18) that was considered at Committee in March and refused in April 2019. During the lifetime of the previous application the proposal was considered before an independent design review panel (Places Matter) and the scheme was revised several times in light of the comments received at each stage. Comments from the panel have been included in the application submission. A 3D model and design boards have previously been seen by the Planning Department to aid in the decision-making process.
7. The only changes to this application when compared to the previous submission comprises a Legal Opinion from a Solicitor on the applicant's behalf discussing 'how to interpret paragraph 79', and a signed Unilateral Undertaking relating to the use of the OLA and wildlife area.
8. This application is before Members of the Planning Committee as it is considered that the proposed scheme constitutes exceptional or unusual circumstances and is an application that should be determined by Members.
9. Members will be aware that the applicant has appealed to the Planning Inspectorate against the Council's refusal of the previous application and requested the Informal Hearing process.

Site Characteristics

10. The applicant owns an area of grazing land to the south of Longworth Road. The site that is subject to this application is within this wider plot with access taken from Longworth Road. An area of land at the south west is within the boundary of Blackburn-with-Darwen Council.
11. The site is currently undeveloped grazing land and is open in appearance. The site is bound to the north by Longworth Road and Delph Reservoir, to the east by woodland and a residential dwelling (Lower Critchley Fold Farm), to the south by Belmont or Eagley Brook and Dunscar Golf Club and to the west by the residential dwellings at Higher Critchley Fold and Higher Critchley Barn.
12. A public footpath runs to the east and south of the site (Turton Egerton 058). This footpath is outside of the site and remains unaffected by the proposal.

13. The site is located within the Green Belt.

Policy

14. Core Strategy Policies: P5 Accessibility and Transport; S1 Safe Bolton; CG1.1 Biodiversity in Rural Areas; CG1.5 Reduce Risk of Flooding; CG1.7 Maximise Renewable Energy; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA5 North Bolton.

15. Allocations Plan Policies: CG7AP Green Belt and P8AP Public Rights of Way

16. Supplementary Planning Documents: Accessibility, Transport and Safety and General Design Principles

17. National Planning Policy Framework (NPPF)
National Planning Policy Guidance

18. A Landscape Character Appraisal of Bolton

Analysis

19. 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.

20. It is considered that the main issues in the determination of this application are:

- Impact on the Green Belt
- Landscaping
- Impact upon Residential Amenity
- Impact upon Parking and Highways
- Impact on Flood Risk and Drainage
- Ecology and Nature

Impact on the Green Belt

Whether the proposed development would constitute inappropriate development

21. The site is located within the Green Belt as identified within the Council's development plan. Bolton's Allocations Plan policy CG7AP and the National Planning Policy Framework (NPPF) provide the policy framework from which planning applications in the Green Belt are determined. The NPPF attaches great importance to the Green Belt and identifies its fundamental aim as being, to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 133). Paragraph 134 of the Framework indicates that the Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban

land.

22. As with previous Green Belt policy, "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances" (paragraph 143). Paragraph 144 indicates that, "local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" and that, "very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations".
23. The construction of new buildings in the Green Belt would normally constitute inappropriate development; paragraph 145 of the Framework identifies exceptions to this:
- a. buildings for agriculture and forestry;
 - b. provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserves the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e. limited infilling in villages;
 - f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g. limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
24. Policy CG7AP of Bolton's Allocation Plan seeks to ensure that development within the Green Belt maintains the openness of the Green Belt. It states that other than in very special circumstances, inappropriate development will not be permitted within the Green Belt. In order to justify 'inappropriate development' in the Green Belt there must be circumstances which can reasonably be described not merely as special, but as very special and the harm to the Green Belt by reason of inappropriateness and any other harm must be clearly outweighed by other considerations. Those other considerations must be capable of being so described, whether they are very special in the context of the application.
25. Policy CG7AP of the Council's Allocations Plan reiterates the advice contained within the relevant paragraphs of the NPPF.
26. New dwellings within the Green Belt are not listed in either the NPPF or the Council's Core Strategy and Allocations Plan as an exception to inappropriate development within the Green Belt.
27. The proposed dwelling is considered inappropriate development, which is by definition harmful to the Green Belt and substantial weight has to be given to this. The next question to be answered is whether there are very special circumstances to justify inappropriate development within the Green Belt.

Whether there are very special circumstances that clearly outweigh the harm to the Green Belt

28. Paragraph 144 of the NPPF states that when considering planning applications substantial weight should be given to any harm to the Green Belt and very special circumstances "will not exist" unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly "outweighed by other considerations". The degree of weight to be accorded to each very special circumstance is a matter for the judgement of the decision taker, in this case the Planning Committee, acting reasonably.

Paragraph 79

29. The applicant has put forward a case that the scheme would promote sustainable development in a rural area, satisfying paragraph 79 of the NPPF which seeks to avoid the development of new isolated homes in the countryside unless the proposal meets one or more of the circumstances listed within the paragraph. One circumstance listed is:

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

30. Appeal decision ref: APP/D0840/A/14/2221558 provides clarification on the determination of an isolated dwelling in the countryside with the inspector stating:

"it seems to me that the bullet point list set out in paragraph 55 does not automatically confer an acceptance in principle. It simply provides examples of situations where special circumstances might apply. It is for the decision maker to consider, in each individual case, whether the circumstances are sufficiently exceptional or unique as to warrant their description as being "special".*

*Paragraph 55 in the NPPF 2012, now paragraph 79 in the NPPF 2018.

31. It is recognised that there could be a case that paragraph 79 of the Framework is relevant to the proposal insofar as the site is outside of the defined urban area, is rural in nature and paragraph 79 does not specifically exclude the Green Belt. However, during consideration of a previous application on this site for this development (reference 02566/17), in the Schedule of Supplementary Information reported to Committee (31st May 2018), the applicant submitted information to suggest that he does not consider the site to be 'isolated' as it is not unduly detached from the urban area for the following reasons:

- there are regular bus services 400-600m away;
- train services just over a mile away;
- local services and shops nearby.

32. If this is the case, then paragraph 79 would not apply at all. Notwithstanding this, as the previous applications have been assessed as being paragraph 79 dwelling (or paragraph 55 as it was at that time), the criteria of paragraph 79 will again be addressed.

33. The application site is an irregular shaped piece of land with land levels increasing away from Longworth Road to the top of a small hillock; the land then slopes in a southerly direction down towards the valley. The site is currently undeveloped grazing land and is generally open in appearance. The small hillock partially screens the site beyond towards the valley when viewed from Longworth Road.

34. The proposed dwelling incorporates high quality design and the applicant states that the dwelling could not be replicated on any other site. The proposed house is designed to be carbon neutral. To achieve this, the dwelling would be built against the existing hillside, to maximise thermal

mass and reduce heat loss/gain. In addition, the dwelling would feature the following sustainable elements:

- Solar thermal photovoltaic panels
- Ground source heat pump
- Air source heat pump
- Biomass boiler
- Controlled ventilation MHRV
- Rainwater management
- Natural pool water filtering

35. The proposed dwelling would be of a contemporary design. The applicant, in support of the proposal, has advised that the development would be an exceptional, custom-built dwelling which would fulfil the role of sustainable development and would not, due to its siting and design, be detrimental to the appearance of the site and wider surrounding area. The agent states that the design is not only 'zero-carbon' but the building method, Insulated Concrete Formwork (ICF), will be one of only four in the Borough. This being the case, it is considered that as these methods have been used elsewhere within the Borough they would not satisfy the innovative or outstanding category of Paragraph 79.
36. Officers have no reason to conclude that the proposed dwelling would not achieve its design objective of using a combination of available technologies to create a zero-carbon dwelling. However, the building would use materials and employ technologies that are now well-established and have been used in combination with others. A number of dwellings have been built to this zero-carbon standard within Bolton, thus it is not considered that the dwelling would represent innovative design.
37. Officers accept that the scheme is a genuine effort to create a well-designed dwelling which has undergone a well-considered and thoughtful approach to create a contemporary dwelling with high-quality architectural features. The proposal has been taken before an independent design review panel who have provided comments on each of the iterations of the scheme as it has been developed. The design review panel conclusions, submitted with the application, state that the design of the building is a modern interpretation of a traditional farmstead. The main living areas are akin to the outbuildings and barns found on nearby farms and the central atrium area is an interpretation of the traditional farm courtyard often found amongst the outbuildings and barns, etc. It is acknowledged that the comments from the design review panel were positive and indicated that the panel were content that the development design progressed in a positive direction with each iteration considered to be an improvement on the last.
38. Whilst it is clear that the design review panel are confident that the scheme represents high quality architecture and are positive about the proposal, they do not confirm, in their professional opinion and experience, that the design is outstanding or exceptional in its nature. Furthermore, the panel state the sustainable technology proposed is not new or innovative. Officers have seen no evidence that the panel consider the proposed dwelling to be "truly outstanding" or "innovative" (the words used within paragraph 79 of the NPPF).
39. The agent has referred to the approval of an application for a new dwelling in the Green Belt, reference 91189/13, which was for its time considered to be of an innovative and exceptional design. The agent has created a summary explaining why he feels there are notable differences between the 2013 approval and that currently proposed. These comments have been noted but the differences highlighted do not take away from the fact that the current proposal, while recognised as being of high quality architecture, is not representative of cutting edge technology and innovative building methods today. Thus, it is considered that while well thought out, the

proposal does not represent a unique, innovative and exceptional proposal as a whole.

40. When considering whether the development significantly enhances its immediate setting and is sensitive to the defining characteristics of the local area, due to the natural hillock on the site, where the land slopes from one level to another, the bespoke dwelling would be incorporated to some extent into the existing landscape. The main bulk of the proposed dwelling's accommodation would be at ground floor level with the first floor being kept to a minimum. There would be views of part of the roof of the proposed dwelling from Longworth Road. Longworth Road is not the only public vantage point here; a Defined Public Right of Way bounds the site from Longworth Road, heading south and towards the west and there will be much more prominent views of the dwelling from the south, looking up towards Longworth Road.
41. The agent states that the development would cover less than 5% of the applicant's land but it must be noted that openness of the Green Belt is epitomised by the lack of development, not by developments that are unobtrusive, camouflaged or screened in some way.
42. On the one hand, improvements would be made to the appearance of the site by the significant natural landscaping of the site. On the other hand, the proposal would introduce inappropriate development, as defined by paragraph 145 of the NPPF, with a residential development that has the potential to bring with it cars and other domestic paraphernalia and would involve a significant quantum of built development. By the very nature of the development, the site would appear less open than at present.
43. The Local Planning Authority can reasonably conclude that the proposal would be neither exceptional nor innovative and would not be exemplar of regional or national significance and whilst the proposal could improve the appearance of the area in general terms, it would nevertheless detract from the area's character as an area of open land close to the wider built up area of Bolton.
44. The considering under Paragraph 79 of the Framework is only one consideration of "very special circumstances".
45. An area has been defined as an Outdoor Learning Area (OLA) and is intended to be offered up to the local community and would allow a local primary school and after school groups to enhance their curriculum. The OLA, which is proposed within the front portion of the site towards Longworth Road, would feature food growing areas, outdoor classroom seating, informal play areas with stone steps and a wildlife pond. The OLA is a commendable proposal of benefit to a small section of the local community.
46. Another element of the development that has been put forward to represent a very special circumstance is the designation of an area to be set aside for the Wildlife Trust to use as a breeding ground for Lapwings. The applicant has been in discussions with the Wildlife Trust regarding the planting plan and transplanting mature trees from the nearby clough, which the trust manages, to enhance the ecological value of the site. In their letter of support the Wildlife Trust are very positive about the scheme, however the Wildlife Trust are not assessing the application on its planning merits against planning policy.
47. The benefits of offering this land to the community and for Lapwing conservation have been fully considered but these must be weighed against the harm arising from the inappropriateness of introducing a substantial dwelling in the Green Belt. Officers do not see why the OLA and Lapwing conservation area could not be proposed without the dwelling and assessed on their own merits. Nonetheless, despite the positive benefits of the OLA, significant landscaping

proposals and biodiversity enhancements, it is not considered that these benefits outweigh the harm to the openness and purposes of the Green Belt.

48. Given the location of the site within the Green Belt and next to Longworth Clough Nature Reserve it is considered the use of the land for an OLA by a local primary school and after school groups would have a limited impact on the openness of the Green Belt or the purposes of including land within it. It is noted that permitted development rights would allow for the forestation of the land without the need for planning permission. On its own, the proposal for the OLA would not permanently alter the openness of the Green Belt. The applicant states that the facilities shown on the proposed plans are all the school would require. Should additional facilities or buildings be required on the site, planning permission would be required. Whilst this change of use of land, taken on its own, is considered acceptable, this element of the proposal is not considered to constitute very special circumstances to justify the erection of a new dwelling within the Green Belt.

Lack of a five-year supply of deliverable housing land

49. The Council has accepted that it cannot demonstrate a five-year supply of deliverable housing sites.
50. Guidance contained within Planning Policy Guidance states that the contribution of a development proposal towards unmet housing need in itself is unlikely to comprise a very special circumstance. Officers consider that this matter carries very limited weight in the planning balance of the determination of this application, given that the proposal would only deliver one dwelling.
51. In conclusion, the proposal amounts to inappropriate development in the Green Belt. The potential benefits of the scheme are not matters that could only apply on this site and so Officers do not consider them to be 'very special', nor do they outweigh the harm to the Green Belt (as identified above). The lack of harm with regard to some other issues, such as the OLA and landscaping, is not considered to outweigh the harm of the proposal as a whole. The scheme is contrary to CG7AP of the Bolton's Allocations Plan and Green Belt guidance contained within the NPPF.
52. It is also concluded that the proposal does not satisfy the criteria of NPPF paragraph 79, even if the dwelling were considered to be an isolated home in the countryside.

Landscaping

53. Policy CG3 of the Bolton Core Strategy states that the Council expects development proposals to contribute to good urban design, respect and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area. Policy CG3.7 states that the Council will maintain and respect the landscape character of the surrounding countryside and its distinctiveness. any soft landscaping and landscape enhancement scheme should enhance biodiversity and be compatible with the nearby landscape character types identified by the Landscape Character Assessment.
54. The proposal would introduce new landscaping across the site with most of the tree planting contained to the perimeter of the site. No trees are proposed to be felled to accommodate the proposal. The site is an irregular shaped parcel of Green Belt land currently used for grazing.
55. The character of the site is one which has been used for grazing. It is contained within the Green Belt and is formed of grassland and the wooded clough area to the south. The Landscape Character Appraisal of Bolton was published in 2001. This land is allocated as being within a

landscape character area, defined as the 'Upland Moorland Hills' designation.

56. The document also goes on to state that the key landscape features are:
- Glaciated rounded hills, generally lower in altitude and less severe than the highest moorland plateaux.
 - Valuable mosaic of upland habitats including blanket bog, heather moorland, wet heath and acid grassland.
 - Important archaeological landscape.
 - A sense of wildness created by the altitude and long, wide views.
 - Accessible recreational resource for the surrounding urban areas with a number of recreational facilities and an extensive rights of way network.
 - Close relationship with the adjacent urban areas providing the landscape backdrop for surrounding towns.
 - Features typically associated with overgrazing on the lower slopes including moor-edge farms, access tracks and moor gates.
 - A loss of traditional field boundaries and their replacement with post and wire fencing.
 - Pockmarking of the moors with quarry faces.
 - Intrusive features including transmission masts, overhead power lines and quarries.
57. Whilst this document was written in 2001, it remains an accurate reflection of the overall character of the application site and wider area. The proposed development would not physically alter the shape of the application site, however it would introduce a number of new trees and reinforcement planting would be provided, along with the creation of meadow land and a number of ponds. As a result of the planting strategy, it is likely that close views of the development (with time) would be partially screened, with limited glimpses through from the front of the site. Due to the levels of the land, from the rear the development would however be highly visible from the golf course and land to the southern side of the valley.
58. The solid structures of the proposed development would form a strong physical presence and appearance, including the stable block with associated equipment, which would change the character of the rural fields in which they would be located despite the proposed landscaping.
59. The Council's Landscape team commented on the application and raised some initial concerns. The applicant has sought to address these and has provided a landscape masterplan and design and innovation statement. The layout and planting areas indicated in the masterplan are considered sufficient. Should the application be approved by Members a detailed planting plan, specification and schedule should be secured by way of condition.

Impact on Residential Amenity

60. 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.
61. Given the site's location in respect of the nearest residential dwelling, which is located approximately 65 metres away, it is not considered that the proposed dwelling would result in an unacceptable impact on neighbouring residents, in accordance with policy CG4. Additionally, there is some screening along the southern boundary of the site with significant landscaping including the planting of mature trees proposed.

Impact on Parking and Highways

62. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility, servicing arrangements and parking. Policy S1.2

states that the Council will promote road safety in the design of new development.

63. Access to the dwelling is proposed via a driveway off Longworth Road to the north of the application site. There is sufficient on-site parking proposed in relation to the dwelling. The proposed OLA would also be accessed via Longworth Road. It is not expected that the use of the OLA would lead to significant trip generation, nor a great influx of vehicles accessing the site at one time. There is sufficient space within the site to safely park and manoeuvre a mini bus which is the expected form of travel to this area. Information has been provided indicating the visibility splays at the access onto Longworth Road, which appear well above the requirements for the speed limit of the road.
64. Highways Engineers raise no objection to the proposal and the development complies with Policies P5 and S1.2 of the Core Strategy.

Impact on Flood Risk and Drainage

65. Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.
66. The Council's Drainage Officers have raised no objection to the proposed development. However a condition to secure details of the implementation, maintenance and management of the proposed sustainable drainage scheme is considered necessary to satisfy the requirements of the NPPF.

Ecology and Nature

67. Policy CG1.1 of the Core Strategy states that the Council will safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value.
68. The proposed development is located directly adjacent to the Longworth Clough Site of Biological Importance. The Council's Greenspace Officers have requested that the development curb excessive lighting in this otherwise dark rural location for biodiversity reasons. In order to address this aspect if approval is recommended, a planning condition should be attached requiring all outdoor lighting to be submitted for subsequent approval and removal of permitted development rights in respect of other sundry lighting to the proposed house and curtilage. Subject to this matter being conditioned, the Council's Greenspace Officers raise no objection, stating that the proposal would not cause significant impact upon the biodiversity of the area. The Design and Innovation Statement (October 2018) and the Landscape Masterplan (Dwg.15068-25-A) provide for enhancement and development of habitats in accordance with the Council's Strategic Objective 12 and policy CG1.2.
69. The Greater Manchester Ecology Unit comment that the scheme appears very similar to the recent application for the site (App 04798/18). Given the ecological status of the site has not significantly changed since consideration of that application the GMEU comments are very similar to the ones made in respect of that previous application. Although the application site is not itself of substantive wildlife value it lies adjacent to Longworth Clough Site of Biological Importance (SBI), close to the West Pennine Moors Site of Special Scientific Interest (SSSI) and close to an upland nature reserve managed by the Lancashire Wildlife Trust. The SSSI has been designated in part because it supports important upland habitats and upland bird species, and the nature reserve is managed in part to encourage marshy grassland and upland bird interest. The site does support wet grassland which contributes to the overall upland context of the area.

GMEU consider that this context has been taken into account in the overall design of the development, with an area of 3.5 acres within the application boundary set aside to be managed for Lapwings to complement the Wildlife Trust Reserve and the SSSI. Documents submitted with the application indicate that the Lancashire Wildlife Trust has had an involvement with the design of the scheme and will be responsible for advising on the management of part of the site. In addition, an Outdoor Learning Area for a nearby school is proposed along with indicative landscaping.

70. If approval is to be recommended, fully detailed Landscape Plans for any of the land within the curtilage of the development and the OLA will need to be secured by way of planning conditions to detail and planting plans, species, densities and features, and guarantee implementation on site. Subject to such conditions, GMEU conclude that if the plans are approved and implemented as described the development would likely result in a net gain for biodiversity.
71. Natural England have raised no objection to the proposal and confirmed that the West Pennine Moors SSSI does not represent a constraint for this site.
72. It is therefore considered that the proposal would comply with policy CG1.1 of the Core Strategy.

Other Matters

73. The applicant has submitted a draft signed Unilateral Undertaking with this application to secure the perpetual use of the OLA and wildlife areas. This document would address the advice given to the applicant by Officers during the previous application where only a restrictive covenant was proposed.
74. The absence of a Unilateral Undertaking and the provisions it could secure were not a material reason for refusal on the previous application. The Unilateral Undertaking sets out positive guarantees regarding access to the OLA and Lapwing area. However, these aspects are not in themselves matters that make the proposals an 'appropriate development' within the Green Belt.

Value Added to the Development

75. The previous applications have been amended following presentation to the independent design review panel at Places Matter. No further changes since the previous application have been identified.

Local finance considerations

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

Conclusion

78. Paragraph 30 of this Committee report refers to the Appeal Decision [APP/D0840/A/14/2221558] which states that even if a development proposal is considered to include truly 'innovative and outstanding qualities', "*It is for the decision maker to consider, in each individual case, whether the circumstances are sufficiently exceptional or unique as to warrant their description as being 'special'.*". The Council, as the decision maker has made this assessment and refused the same scheme earlier in 2019, which is now the subject of a Planning Appeal. A fresh assessment has been made of this repeat submission, and the accompanying legal opinion. The Council has again concluded that the qualities of the scheme do not comprise 'very special circumstances' as

expressed by para 143 of the NPPF that would clearly outweigh the harm to Green Belt.

79. The proposed development represents inappropriate development within the Green Belt. The proposed development is considered to be harmful to the openness and purposes of the Green Belt in this location and the circumstances put forward by the applicant do not clearly outweigh this harm (paragraph 144 of the NPPF). The application is contrary to Policy CG7AP of Bolton's Allocations Plan and the guidance contained within section 13 (Proposals affecting the Green Belt) of the NPPF.
80. The applicant is currently contesting the Council's earlier refusal by way of an Appeal with the Planning Inspectorate, comprising the Informal Hearing procedure. In the absence of any significant material differences between this submission and the case at appeal, it is considered that the appeal process remains the only manner in which the Council's earlier decision can be independently scrutinised by a higher decision taker (the Planning Inspectorate).
81. Given that the Planning Inspectorate has yet to consider the matter through the Informal Hearing process, or return a decision, Members are recommended to refuse this repeat application.

Representation and Consultation Annex

Representations

Egerton Community Primary School have written to advise that they support the development of an Outdoor Learning Area for the local community. They consider that this will be a beautiful resource for children from local schools and Early Years provisions to access. While they understand the applicant's vision is for Egerton CP School to have sole use of this development, they have confirmed that they are not at liberty to sign any form of lease agreement. Notwithstanding this, they support this project as a local school and hope it becomes a valuable resource for local community groups.

Consultations

Advice was sought from the following consultees: Highway Engineers, Economic Strategy, Strategic Development Unit, Public Rights of Way Officer, Landscape Officers, Greater Manchester Ecology Unit, Natural England, Greenspace Management, Drainage, Ramblers Association, Open Spaces Society, Peak and Northern Footpaths Society, Design for Security, Blackburn-with Darwen Council, Lancashire Wildlife Trust and Egerton Community Primary School.

Planning History

04798/18 Erection of dwelling and stables with associated access and landscaping together with change of use of land to outdoor learning area – Refused 11.03.2019 (Appeal pending, Full PINS Reference APP/N4205/W/19/3229616)

96247/16 Erection of Zero Carbon Dwelling – Refused 27.05.2016

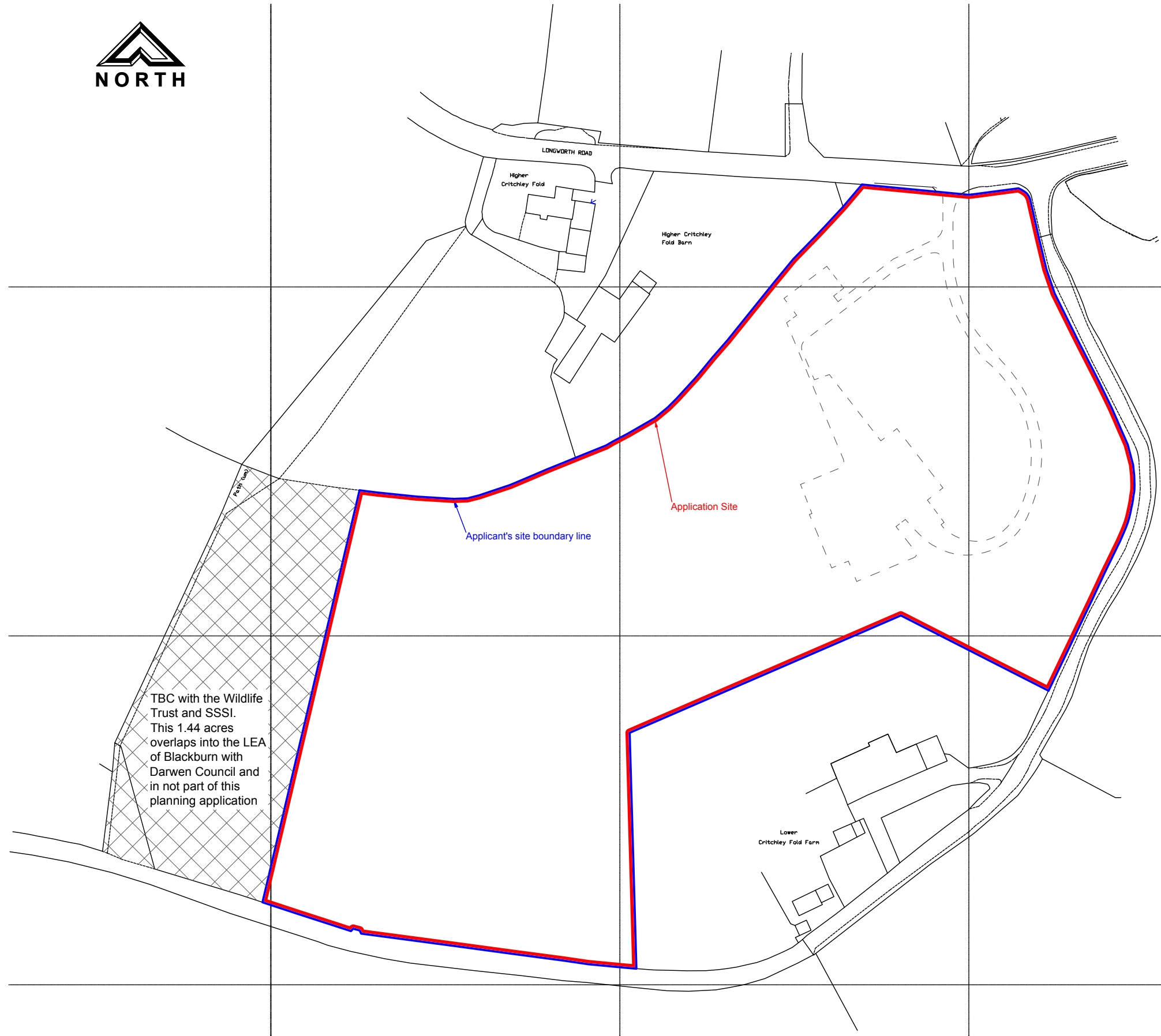
98123/16 Erection of detached dwelling and stable block together with new access, community based food growth plots, wild flower meadow with service zone - Withdrawn 26.04.17

02566/17 Erection of a dwelling with associated access and landscaping including creation of ponds, erection of stable block and change of use of land to an outdoor learning area - Withdrawn 28.06.18

Recommendation: Refuse

Recommended Conditions and/or Reasons

The proposed development, by virtue of its use, siting, size and design, represents inappropriate development within the Green Belt and the very special circumstances put forward by the applicant do not clearly outweigh the harm that would be caused to the purposes and openness of the Green Belt in this location, contrary to Policy CG7AP of Bolton's Core Strategy and the guidance contained within section 13 of the National Planning Policy Guidance.



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E	19.10.18	DW	Alterations for October planning resubmission
D	31/01/18	MZ	Alterations asked from the planner
C	18/01/18	MZ	Alterations for planning resubmission
Rev	Date	Drawn by	Comments

Client

Mr D Norris

Project

New Residence
Middle Critchley Fold

Drawing	Location Plan
Date	January 2018
Drawn by	JP/MZ
Scales	1:1250 @ A3

Job No - Dwg No - Rev

15068 - LP - F



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Client

Proler

Drawing

Proposed Site Plan

Date _____

January 2018

Job No - Dwg No - Rev

15068 - 11 - B



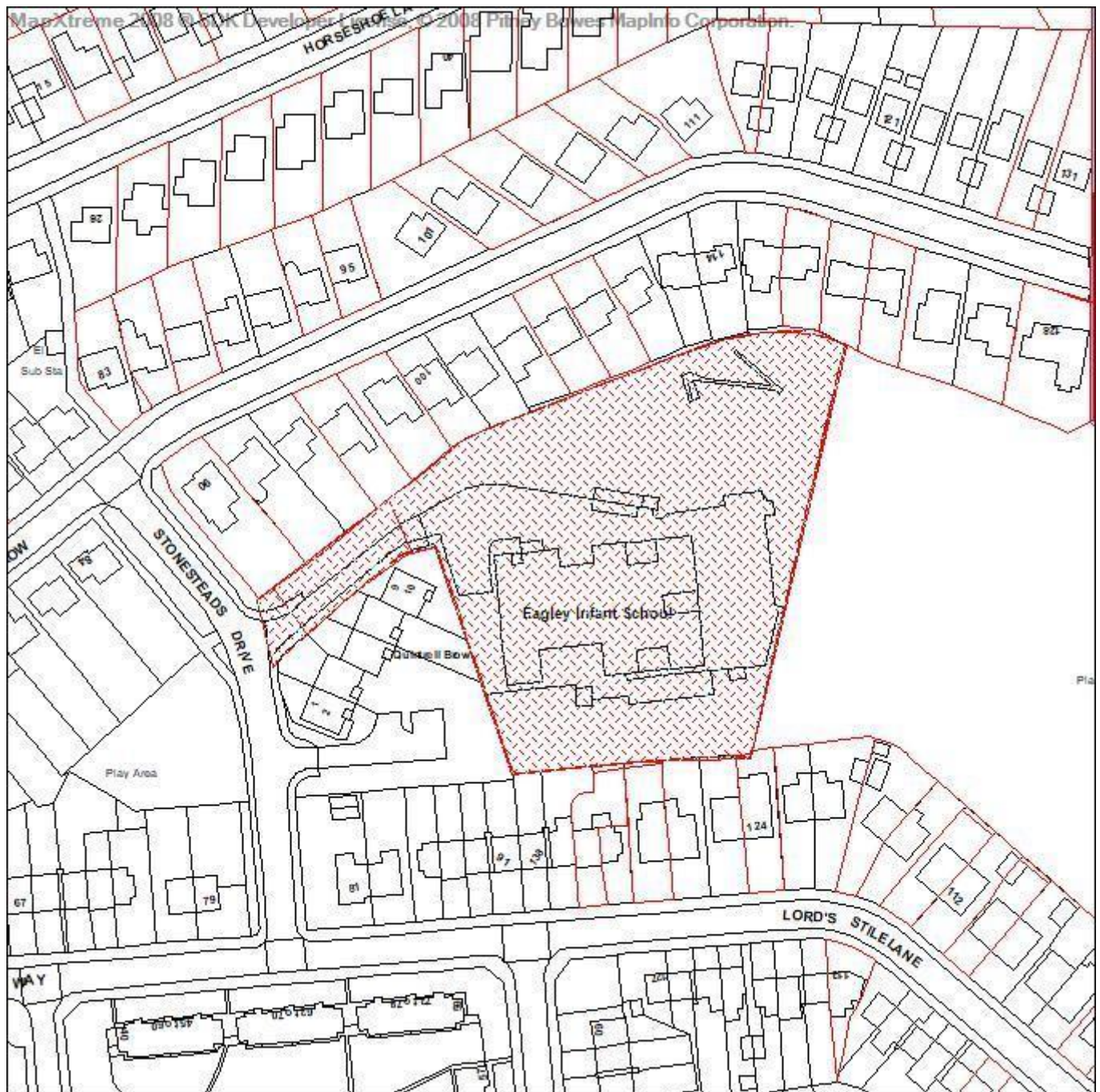
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Application number 06878/19



Directorate of Place
Development Management Section

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Bolton Council

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Date of Meeting: 14/11/2019

Application Reference: 06878/19

Type of Application: Full Planning Application
Registration Date: 23/09/2019
Decision Due By: 17/11/2019
Responsible Officer: Lauren Kaye

Location: EAGLEY INFANT SCHOOL, STONESTEADS DRIVE, BROMLEY CROSS, BOLTON, BL7 9LN

Proposal: ERECTION OF SINGLE STOREY EXTENSION TO FORM NEW COMMUNITY ROOM WITH LOBBY AND EXTERNAL ENTRANCE CANOPY

Ward: Bromley Cross

Applicant: Eagley Infant School
Agent : Lancaster Maloney

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- The proposal is a modest single storey infill extension to form a new community room with lobby and external entrance canopy in character with the existing building.
- The extension would not be increasing pupil numbers.
- The school site is Council owned.
- There are no objections from Highways.
- One objection has been received from a local resident.
- The proposal is recommended for approval subject to planning conditions.

Proposal

1. This is a Council application. Permission is sought for the erection of a single storey extension to form a new community room with lobby and external entrance canopy to the north elevation of the school.

Site Characteristics

2. The application site consists of a single storey primary school, a car park to the north of the school building and a number of outdoor play areas. The main vehicular and pedestrian entrances are off Stonestead Drive which lies to the west of the site.
3. The application site is located between residential properties to the north (Ramwells Brow), west (Quintrell Brow) and south (Lord's Stile Lane) and playing fields to the east (Council owned land).

Policy

4. Core Strategy Policies: CG3 The Built Environment; CG4 Compatible Uses; P5 Transport and

Accessibility; S1.2 Road Safety; OA5 North Bolton.

Other material planning considerations:

5. Supplementary Planning Document: General Design Principles; Accessibility, Transport and Safety.
6. National Planning Policy Framework (NPPF)

Analysis

7. 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.

8. The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on the amenity of neighbouring residents
- * impact on highways

Impact on the Character and Appearance of the Area

9. 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.
10. 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, will ensure regard is had to the character of farm complexes, folds, vernacular cottages and the wider open landscape and will require special attention to be given to the massing and materials used in new development.
11. The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
12. The proposed single storey extension to the north elevation would measure 3.9m in depth and 7 metres wide and the proposed roof would be incorporated into the existing roof of the school. As the extension is an infill within the north elevation of the school and the proposed materials are to match the existing, it is considered that the proposed extension would not alter the overall appearance of the school and would not unduly affect the character and appearance of the host building or surrounding area.
13. The application also proposes an external entrance canopy to the north elevation of the proposed extension projecting 1.9 metres, measuring 7 metres wide and measuring 3.2 metres maximum in height. The materials to be used would be a powder coated steel frame and opal

polycarbonate roof.

14. Within the wider area, the location of the proposed extension and canopy would not be visible from the nearest highway, Stonesteads Drive and would be screened by neighbouring properties and screening along the boundary of the school site. The proposed works would be visible from the rear of the neighbouring properties along Ramwells Brow over 38 metres from the school.
15. It is considered that the proposal is in keeping with the school building and school site and would not harm the immediate surrounding area and therefore the proposal accords with policies CG3 and OA5 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

16. Policy CG4 of the Core Strategy seeks to ensure that the Council will ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Development should not generate unacceptable nuisance, odours, fumes, noise or light pollution.
17. The proposed extension would not introduce any windows that would directly face or overlook the neighbouring residents to the west, no. 1-10 Quintrell Brow which are sited over 28 metres from the proposal. Similarly, the neighbouring properties to the north, no. 90 - 120 Ramwells Brow are sited over 38 metres from the proposal.
18. Given the limited size of the extension and canopy and that they are located well within the school site, it is considered that the development would not have an unacceptable impact on the amenity of neighbouring residents in accordance with CG4 of the Core Strategy.

Impact on Highways

19. Core Strategy policies P5 and S1 seek to ensure that Council and its partners will ensure that new developments take into account the requirements for accessibility by different modes of transport, including parking and servicing arrangements. In addition, there is a requirement that road safety is promoted in the design of new development.
20. Bolton Council's Highways Engineers have raised no objections to the proposal.
21. Officers considered that the size of the proposed extension/community facility will be minimal in comparison to the existing school. The level of associated traffic impact should be minimal and there should be sufficient off-road parking to support although the proposal is within walking distance to the surrounding residential catchment area.
22. The proposal complies with policies P5 and S1 of the Core Strategy.

Local finance considerations

23. 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

24. It is considered that the proposal complies with policy as detailed above and Members are therefore recommended to approve the application.

Representation and Consultation Annex

Representations

Letters:- One objection letter has been received raising the following concerns:

- neighbours have been complaining to the school in regards to a tree within the school boundary which is in need of pollarding due to overhanging neighbouring properties. This has been refused due to lack of funding in their budget, yet they can build an extension. (*Officer comment: this is not a material planning consideration*).
- the school has livestock on the land without any thought for their surrounding neighbourhood. (*Officer comment: this is not a material planning consideration in the determination of this application*).
- do not understand the requirement for the extension as the school is not taking on more children and therefore does not need a bigger footprint. If they are increasing pupil numbers, the local authorities will need to address the inevitable increase in the volume of traffic (*Officer comment: the application will not result in the increase in pupil numbers*).
- if the work goes ahead, the contractors will only add to the congestion and ongoing traffic issues that local residents deal with on a weekday basis (*Officer comment: any impact would be temporary, whilst the extension is being constructed*).

Consultations

Advice was sought from the following consultees: Highways

Planning History

57015/00 - ERECTION OF EXTENSION TO PROVIDE TOILET AND THERAPY ACCOMMODATION FOR CHILDREN WITH A DISABILITY. – AC

58863/01 - ERECTION OF A 2.4 METRE HIGH PALISADE FENCE TO EASTERN BOUNDARY, 2 METRE HIGH ROUND TOP FENCING TO SOUTHERN BOUNDARY AND 2.4 METRE HIGH ROUND TOP FENCING TO WESTERN BOUNDARY. – AC

63482/02 - ERECTION OF CONCRETE PANEL GARAGE – AC

68272/04 - ERECTION OF SINGLE STOREY COURTYARD EXTENSION TO FORM COMMUNITY ROOM, RECEPTION AND W.C. – AC

81895/09 - INSTALLATION OF TWO 5 METRES HIGH GALVANISED LAMP STANDS TO REAR PLAYGROUND. – AC

84086/10 - ERECTION OF 2.4 METRES HIGH PALISADE FENCING TO MATCH EXISTING FENCING. – AC

90655/13 - PROPOSED INFILL OF ALCOVE ACCESS ENTRANCE TO FORM COMMUNITY ROOM AND KITCHEN. – AC

91992/14 - RETENTION OF CLIMBING FRAME AT THE REAR OF SCHOOL – A

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. Notwithstanding the submitted details, the external surfaces of the extension hereby permitted shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter.

Reason

To ensure the development fits in visually with the existing building and safeguards the character and visual appearance of the locality and in order to comply with Core Strategy policy CG3.

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

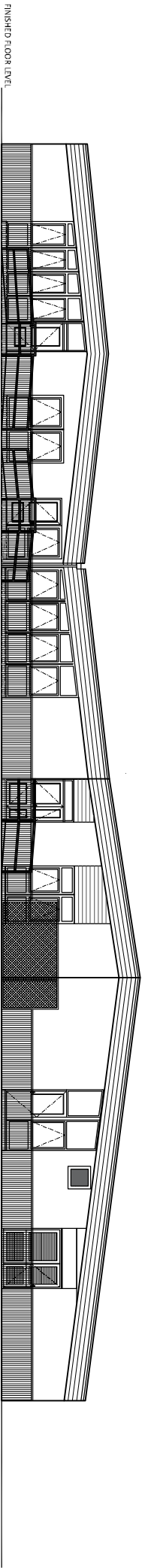
Existing & Proposed Layout Plans - Drawing number 1905-05 P03, Date drawn 04.09.19

Existing & Proposed Elevations - Drawing number 1905-05 P04, Date drawn 04.09.19

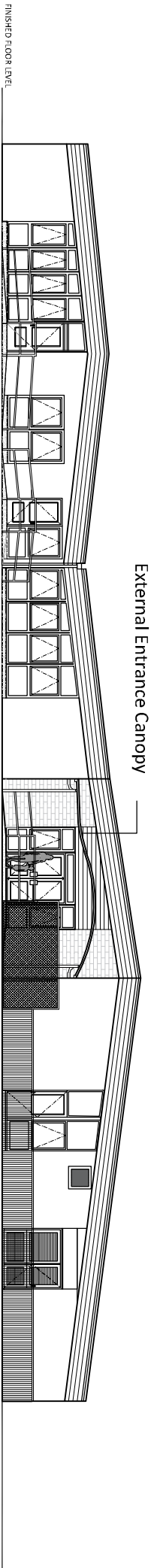
Reason

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

NOTES

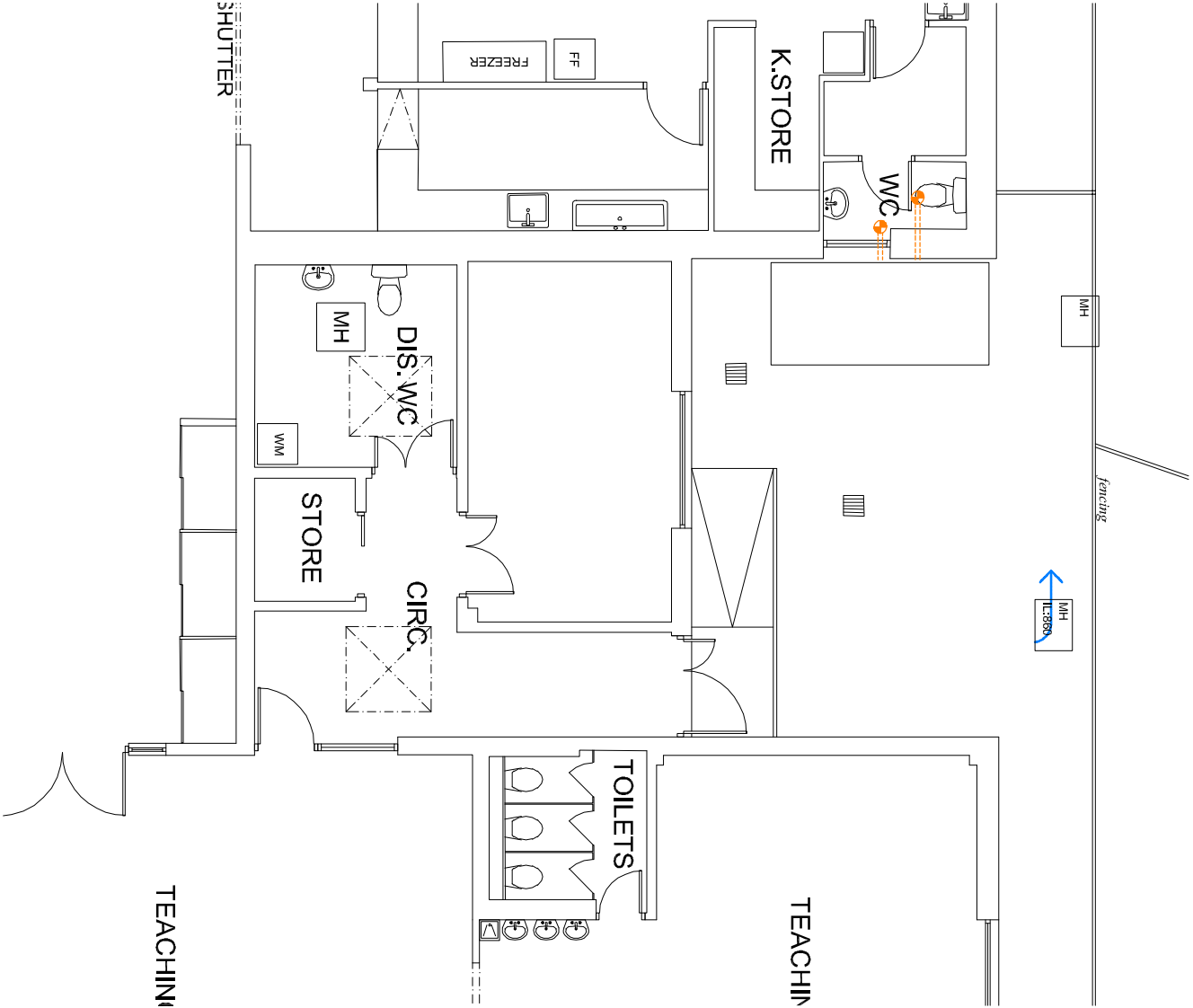


Existing Layout Plan (1:200)

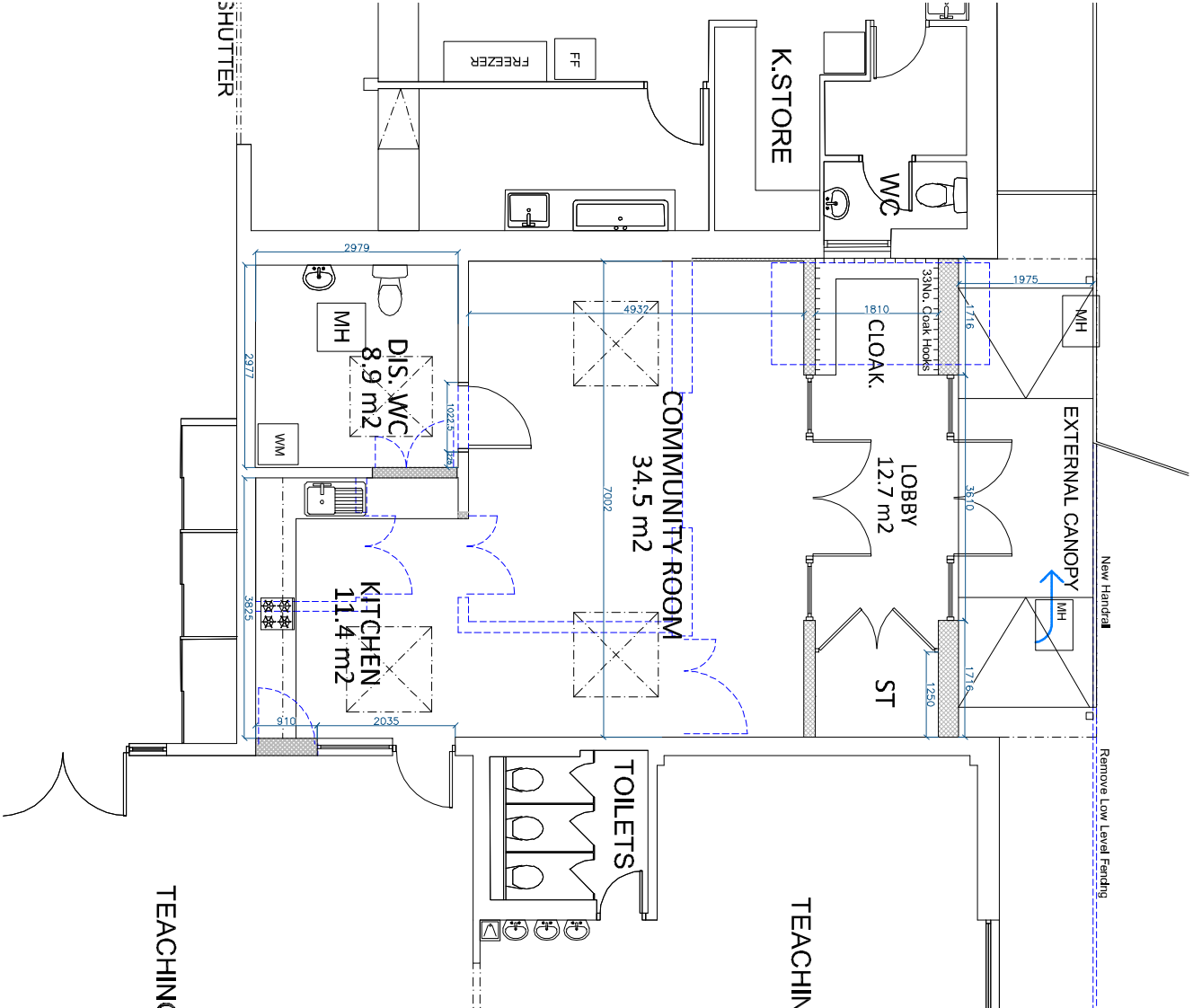


Proposed Layout Plan (1:200)

NOTES



Existing Layout Plan (1:100)



Proposed Layout Plan (1:100)

Drawing Title

Existing & Proposed Layout Plans

Scale

Scale	Drawn by	Date
1:100@A3	JS	04.09.19

Job no.

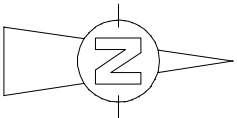
Job no.	Drawing no.	Revision no.
1905-05	P03	

lancastermaloney

Lancaster Maloney Limited Registered Office:
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Regent Road, Bolton BL7 9LN
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E-mail: enquiries@lancastermaloney.co.uk www.lancastermaloney.co.uk

NOTES

- Site Boundary
- Building outline
- Denotes positions of proposed extension



Rev	Date	Comments	By
-----	------	----------	----

STATUS
PLANNING

Client
Eagley Infant School
Bolton
BL7 9LN

Project Title
New Community Room Extension

Drawing Title
Location Plan

Scale	Drawn by	Date
1:2500@A3	JS	04.09.19
Job no.	Drawing no.	Revision no.
1905-05	P01	



Location Plan (1:2500)

Application number 06569/19



Directorate of Place
Development Management Section

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



Date of Meeting: 14/11/2019

Application Reference: 06569/19

Type of Application: Full Planning Application

Registration Date: 05/08/2019

Decision Due By: 29/09/2019

Responsible Officer: Beth Bradburn

Location: ROBIN HOOD INN, 370-374 HALLIWELL ROAD, BOLTON, BL1 8AP

Proposal: CHANGE OF USE OF GROUND FLOOR FROM GYM (CLASS D2) TO CAFE (CLASS A3)

Ward: Crompton

Applicant: Mr S Munshi

Agent : Foxx Ltd.

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- The premises was the former Robin Hood Pub, however its most recent use was a gymnasium and community centre for young people.
- This application proposes to change the use of the ground floor to a Cafe (A3 use).
- There is one existing flat above and a residential property adjacent.
- The proposal is contrary to paragraph 10a of the SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban areas; however the material considerations set out in the report below mean the recommendation is one of approval.
- The site is very close to but lies just outside of Halliwell Local Shopping Area.
- 6 objections have been received on the grounds of proliferation of such uses, noise, litter and parking

Proposal

1. The application seeks to convert the ground floor of the former Robin Hood pub which was most recently used as a gymnasium and community centre for young people to a café (A3).
2. The ground floor would be reconfigured as to accommodate the main eating area, a kitchen/store and W/C. The bin store would be located in the rear yard area.
3. The Applicant envisages that the use would provide full time employment for seven people. The

site would accommodate 4 parking spaces for staff.

4. The application relates to the ground floor only. The upper floor would remain in residential use as per planning approval 86625/11 and separate to the A3 use.
5. No significant concerns been raised by statutory consultees, however the Council's Constitution currently requires that applications that are contrary to policy in the form of Supplementary Planning Documents be determined at Committee. In this case the proposal is contrary to paragraph 10a of the SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban areas. Furthermore, six objections have been received.

Site Characteristics

6. The site is occupied by a two-storey former public house of a distinctive appearance. Planning permission was granted in 2011 for the change of use of the building to a restaurant with a flat over. In 2014, planning permission was granted for the change of use of the former public house to a gym.
7. The area is mixed in character with two residential cottages adjacent, however the majority of the premises in the immediate vicinity are commercial, including A1, A4 and A5 uses.
8. Although the site is located within a predominantly commercial area, the site lies just outside of Halliwell Road Local Shopping Area.

Policy

9. The Development Plan

Core Strategy Policies: CG3 - The Built Environment, CG4 - Compatible Uses, P5 – Accessibility, RA1 - Inner Bolton, S1 – Safe and SC1 - Housing.

10. Other material considerations

Supplementary Planning Documents: General Design Principles SPD, SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas

Analysis

11. 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.

12. The main impacts of the proposal are:-

- * impact on character and appearance
- * impact on living conditions
- * impact on the vitality and viability of the local shopping centre
- * impact on highway safety

Impact on Character and Appearance

13. 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.

14. Bolton Council's General Design Principles SPD provides guidance on new shop fronts. The guidance states that all design proposals should correspond to the scale and proportions of the rest of the building and integrate well into the street scene.
15. No alterations would be made to the external elevations and any signage would be subject to a separate application for advertisement consent.
16. The site is located adjacent to a residential property, however the area around the application site is mixed with various uses including retail, cafes, takeaways and a public house. Therefore, although the proposal is located outside of an allocated local shopping area, it would be consistent with the other uses within the surrounding vicinity, in accordance with Policy CG3 of the Core Strategy.

Impact on Living Conditions

17. Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Policy CG4 also seeks to ensure that development should not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.
18. The SPD Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas states that *the Council considers that there is the potential for impacts to the amenity (living conditions) of nearby residential properties from A3, A4 and A5 uses. These impacts can be in the form of noise and general disturbance, cooking odours and the creation of litter. All of these impacts can be compounded by the fact that many such uses operate outside of normal retail hours.*
19. The SPD then specifically states: *Within groups of shops applications for restaurants, cafes, public houses, bars and hot food takeaways will normally be approved, subject to the following restrictions:*

These uses will not be acceptable where there is a residential property adjacent to the site concerned; and where there is residential accommodation within 50 metres of any part of the application site, applications will be subject to a condition limiting their opening hours to between 09:00 and 23:30 Sunday to Thursday and between 09:00 and 24:00 Friday to Saturday.
20. A self contained residential flat would be retained above the A3 use and would not be ancillary to the use. There is also a stone cottage, no. 376 Halliwell Road adjoining the application building therefore the proposed use is contrary to the SPD. Despite this, the applicant has provided an acoustic insulation drawing of the ceiling and information of the structure of the party wall between no. 376 Halliwell Road to justify the proposals departure from the SPD. This information has been discussed with the Bolton Councils Buildings Control Team who are content that the ceiling will be constructed in accordance with line with guidance in Section 5 of Building Regulations 2010, Approved Document E. Furthermore, given that the party wall comprises a "double wall"- the original stone cottage construction plus the brick cavity wall construction, (including the 225 mm thick inner leaf), this is considered to be sufficient to protect the adjoining property from unacceptable levels of noise. A condition will also be imposed stating that prior to first use, acoustic insulation shall be installed to the floor(s)/ceiling(s) between Ground Floor and First Floor in line with guidance in Section 5 of Building Regulations 2010, Approved Document E.

21. Taking into consideration the recent appeal and committee decisions where A3 uses were proposed adjacent to residential, the use is considered to be acceptable in principle, provided that adequate measures to control noise from the extraction equipment and acoustic insulation was installed. These recent applications were however in allocated shopping areas. This application site lies outside of any designated shopping area, furthermore, objections have been received concerning the potential increase in noise and its effect on amenity. The Council's Environmental Health department have reviewed this application and have stated the hours of operation should be limited to 08:00 – 22:00 Mondays – Saturday and 09:00-21:00 Sundays and Bank Holidays. Hours of delivery will also be restricted. Therefore, despite the proposal being contrary to the SPD, given the recent committee and appeal decisions for similar proposals, as well as the proposed acoustic insulation measures to be implemented, the proposal would be considered to be acceptable.
22. Furthermore, the site is located on Halliwell Road, surrounded by mixed use developments, therefore it is considered that the nearby residents would also experience large volumes of traffic and increased noise levels that are higher than a predominantly residential area. The former use for as a public house for many decades needs also to be taken into account, as does the Government's generally permissive approach to A3 uses, as evidenced by the flexible permitted development rights granted by the revised General Permitted Development Order.
23. The proposed use would utilise the existing extraction system and it will be conditioned for these extraction details to be submitted prior to first use of the development. The proposed flue would be located to the rear.
24. Taking the above assessment into consideration, it is considered that the proposed change of use is in accordance with Policy CG4 of the adopted Core Strategy.

Impact on Highway Safety

25. Policy S1 of the Core Strategy aims to promote road safety in the design of new proposals. No visitor parking is proposed for the A3 use.
26. It is apparent from the submitted information that owing to the constraints of the existing premises, the Council's parking standards cannot be met to support this level of A3 use-class (restaurants: 1 per 7 sqm of public floor area, based on 182 sqm on the application form there would be a requirement for 26 spaces which is obviously unachievable and unrealistic and is more than would have been required for its extant D2 use-class). The highways surrounding the site are well used in terms of on-street parking owing to the terraced residential nature of the surrounding properties and the level of businesses at that location in the same position in terms of parking. There is a concern that this proposed use-class could potentially lead to additional parking on the surrounding highways to the detriment of residential amenity.
27. The Council's Highway Engineers recommend that the applicant provides additional information in the form of a parking accumulation study to demonstrate that sufficient parking provision will be available within proximity (on-street) to support the change of use. This document could justify the site's accessibility to sustainable transport provision.
28. A Transport Statement was subsequently submitted and reviewed by the Highway Engineers who were content with its rationale. Engineers note that the premises are highly accessible to sustainable transport modes and that there will be sufficient on-street parking capacity on the

surrounding highways in order to support this change of use. Acting on this additional information, the Local Highway Authority cannot reasonably object to what is being proposed under this application.

Conclusion

29. Further to the above assessment, it is considered that the proposed alterations and use would accord with the policy CG3 – ‘The Built Environment’, Policy CG4 Compatible Uses, Policy RA1 Inner Bolton of the Core Strategy, the guidance General Design Principles SPD and the guidance of the National Planning Policy Framework. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters/petitions:- six letters of objections were received on the following grounds:

- Accumulation of A3 uses on Halliwell Road that are late night opening

Officer’s comments: The Council’s SPD only has concerns regarding the accumulation of takeaways (A5 uses) outside of designated shopping areas. The proposed use is for an A3 restaurant/café and as the area is a mix of commercial uses, it is considered to be acceptable in principle in this area

- Lack of parking
- Increase in noise levels

Officer’s comments: This has been thoroughly assessed in the relevant sections of the report.

- Problems with litter
- Loitering outside

Officer’s comments: The applicant has confirmed that the proposed use will be a restaurant only where food will be consumed on the premises and not taken away. It is therefore not envisaged that litter or loitering would be an issue.

Elected Members:-none received

Consultations

Advice was sought from the following consultees: Environmental Health, Highways

Planning History

86825/11: change of use of pub to ground floor restaurant and self contained first floor flat, approved

89838/13: change of use from drinking establishment to child care, ground floor only, refused

91581/14: change of use from drinking establishment to community gym/education/training room, approved

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 use shall not commence until the floor(s)/ceiling(s) between Ground Floor and First Floor of the premises is accoustically insulated in line with guidance in Section 5 of Building Regulations 2000 and retained thereafter.

Reason

To safeguard the living conditions of occupiers from noise pollution in order to comply with Bolton's Core Strategy policy CG4

Reason for pre-commencement condition

The approved use could affect amenity and the living conditions of adjoining residential properties particularly with regards to noise, disturbance, hence approved accoustic insulation must be implemented prior to commencement.

3. Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 14 days of the use commencing and retained thereafter.

The requirements of the scheme shall be in line with EMAQ "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" 2018.

Reason

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

Reason for pre-commencement condition

The use of the extraction flue could affect amenity and character of the area and the living conditions of nearby residents particularly with regard to noise, vibration and odour disturbance, hence details of an extraction flue must be agreed with the LPA prior to commencement

4. Before the approved development commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority specifying the provision to be made to control [internally generated] noise emanating from the site. The approved scheme shall be implemented in full prior to the development being brought into use or first occupied, whichever is sooner and retained thereafter.

Reason

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

Reason for pre-commencement condition

The approved use could affect amenity and the living conditions of adjoining residential properties particularly with regards to noise, disturbance, hence mitigation measures/scheme to control the internally generated noise must be implemented prior to commencement.

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

09:00 - 18:00 Mondays – Fridays

08:00 - 13:00 Saturdays

No operations 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 and in order to comply with Bolton's Core Strategy policies CG3 and CG4

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

08:00 - 22:00 Monday - Saturdays

09:00 - 21:00 Sunday 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 Bolton's Core Strategy policies CG3 and CG4.

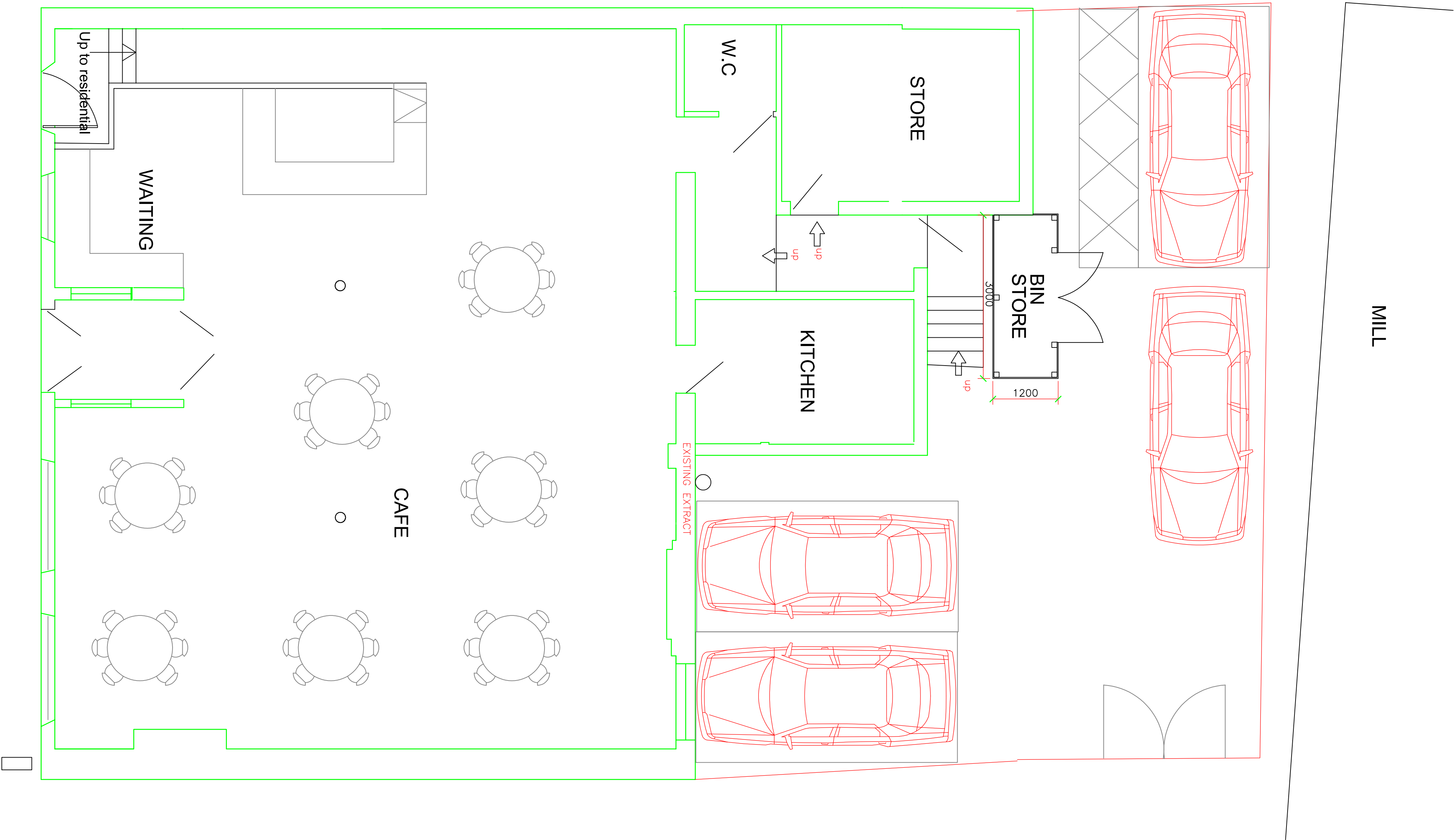
7. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Layout and Bin Store, Drawing no. 3, Dated October 2019

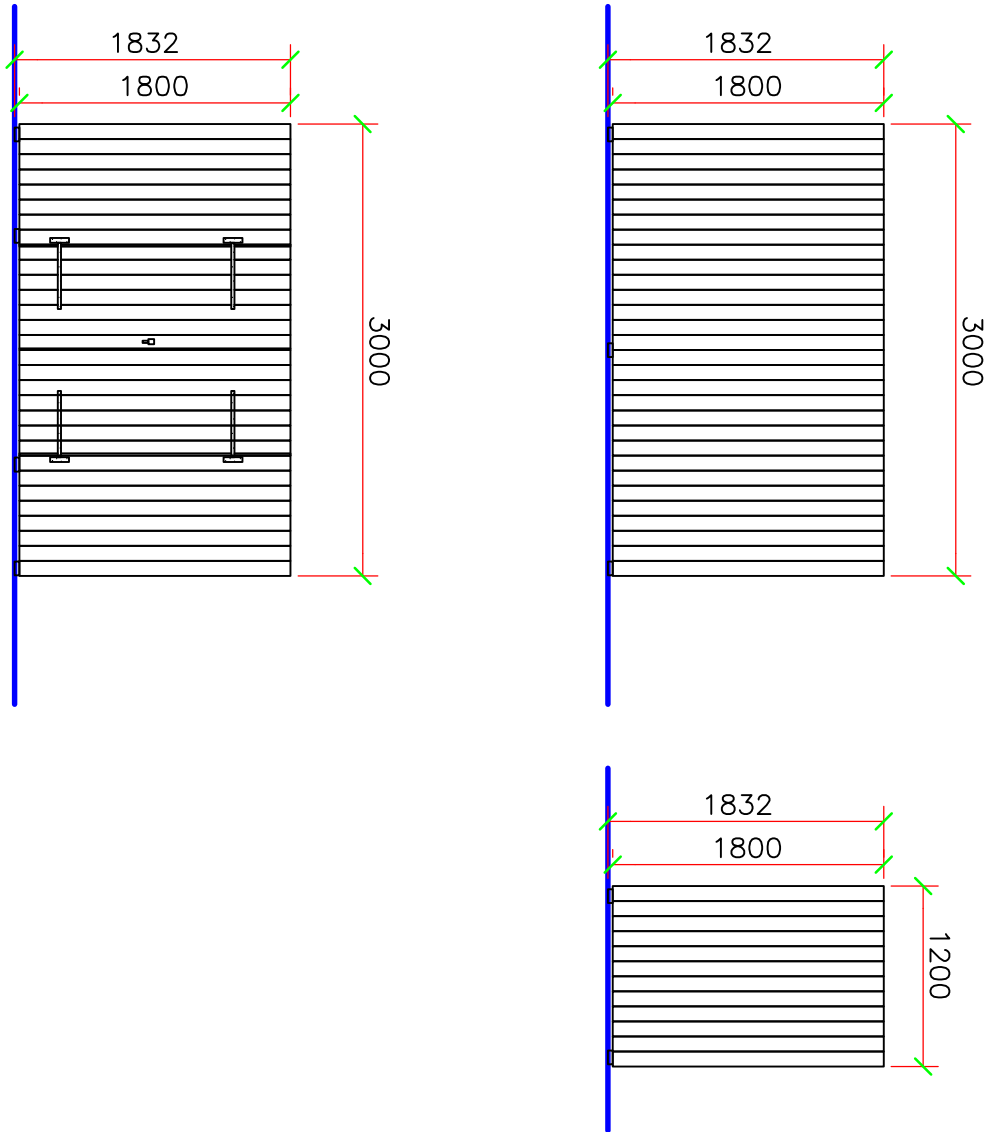
Change of use, Drawing no. 1A, Dated June 2019

Reason

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



BIN STORE ELEVATIONS



REVISIONS

CLIENT:

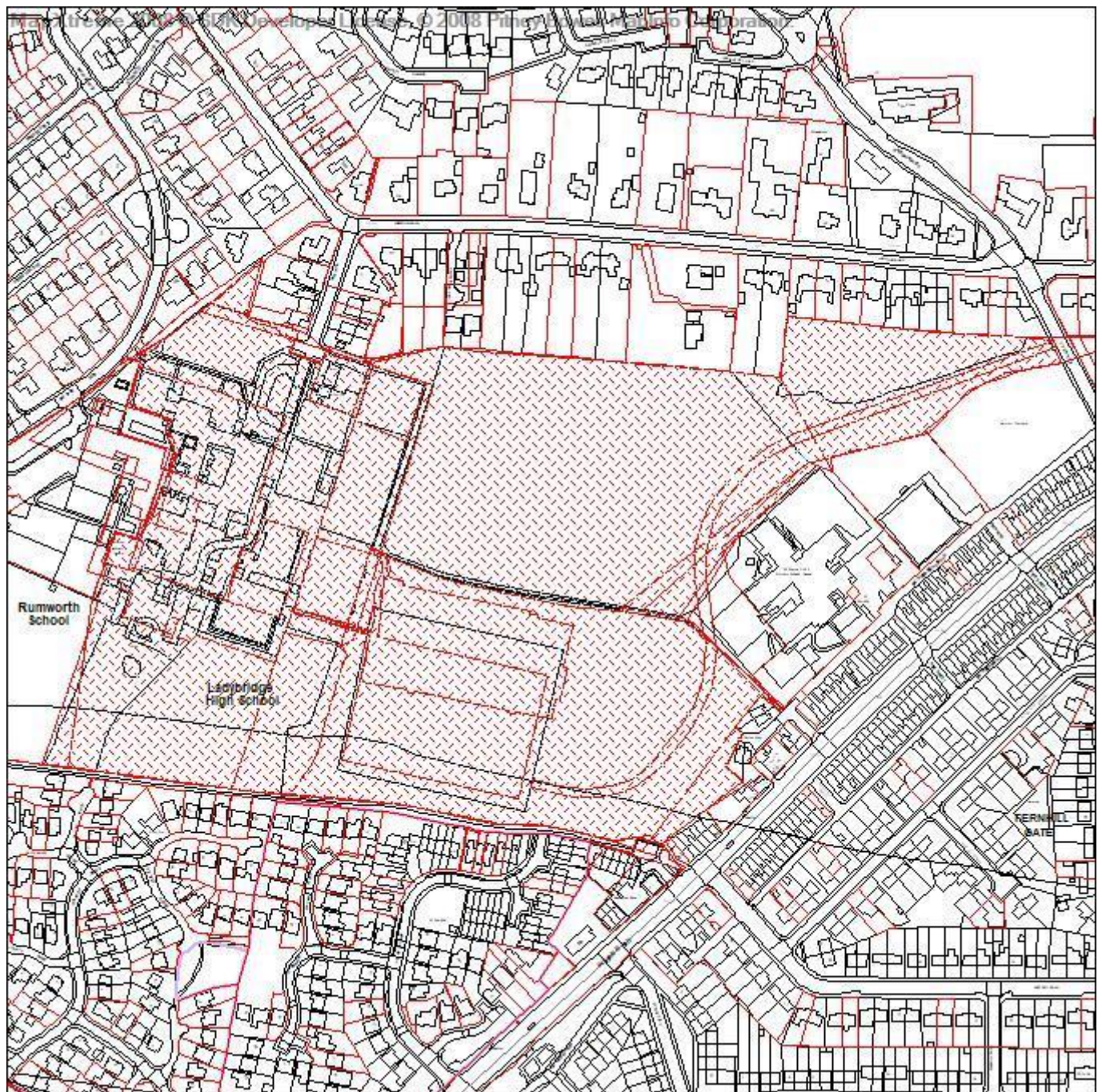
DRAWING TITLE:
LAYOUT AND BIN STORE

Foxx Limited.
Consulting Civil & Structural Engineers,
66-70 Park Hill Street, Bolton, BL1 4AR,
Tel: (01204) 362300
Fax: (01204) 399200
Email: info@foxxx.co.uk

SCALE: 1:50
DATE: OCT 2019
DRAWN: N.T.
CHECKED: N.T.

CONTRACT No: F7275
DRAWING No: 3

Application number 06692/19



**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: 14/11/2019

Application Reference: 06692/19

Type of Application: Full Planning Application
Registration Date: 27/08/2019
Decision Due By: 21/10/2019
Responsible Officer: Kara Hamer

Location: LADYBRIDGE HIGH SCHOOL, NEW YORK, BOLTON, BL3 4NG

Proposal: ERECTION OF 8NO. TEMPORARY SINGLE MODULE PORTABLE CLASSROOMS

Ward: Heaton and Lostock

Applicant: Bolton Metropolitan Borough Council
Agent : Good & Tillotson Architects

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- This is a relatively minor proposal that seeks temporary consent for the siting of 8no. single module portable classrooms until the middle of February. The cabins are in situ.
- The cabins are needed to provide temporary accommodation whilst the former Music Service Building is being refurbished.
- The school are increasing their pupil numbers to meet ongoing demand for school places and require the accommodation for class bases.
- There are no objections; however, the Council's constitution currently requires all Council applications to be determined by Planning Committee.

Proposal

1. Permission is sought for the temporary siting of 8no. portacabins to provide classroom space whilst the former Music Service Building is being refurbished. The portacabins measure (approximately) 14.5 metres by 4 metres (largest cabin). The portacabins would be sited around the existing tennis courts/Multi Use Games Area on the eastern perimeter of the built up area of the wider school site.

Site Characteristics

2. The site is a well established school facility for Ladybridge High School, Rumworth Primary School, Ladybridge Community Leisure Centre and previously Bolton Music Centre. There are extensive fields to the south of the site. Dwellings line the circumference of the fields and have views across the site.

Policy

3. Core Strategy Policies: CG1.3 Playing Fields; CG3 The Built Environment; CG4 Compatible Uses; P5 Transport and Accessibility; S1 Safe Bolton; OA4 West Bolton.

4. National Planning Policy Framework (NPPF)

Analysis

5. 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.
6. The main impacts of the proposal are:-
- * impact on the character and appearance of the area
 - * impact on residential amenity
 - * impact on the tennis courts/Multi Use Games area

Impact on character and appearance of the area

7. Core Strategy policies CG3.2 and CG3.3 require proposals to respect and enhance local distinctiveness, being compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape treatment, including hard/soft landscaping and boundary treatment. OA4.4 aims to conserve and enhance the character of the existing physical environment, especially the conservation areas at Deane and Chorley New Road, and the historic registered Hulton Park. Policy OA4.5 ensures that development in West Bolton has particular regard to the overall density, plot sizes, massing and materials of the surroundings – these features should be retained where possible.
8. The portacabins by design are not in keeping with either the character of the wider area nor that of the main school site and buildings. Space on the school site is at a premium due to demand and evidently the school, by virtue of the proposed siting of the portacabins and current alteration works does require the additional accommodation. However, this form of development is only temporary. As a positive the portacabins would not be visible from the highway. Residents of Junction Road, backing onto the school site, would have some/limited views from the end of the rear garden plots of the portcabins as would residents backing onto Greenhill Lane, New York (no 23) and Bryony Gardens (no 3).
9. The proposal does not comply with Core Strategy policies CG3 and OA4 with regards to their design, however in this instance, officers recommend a temporary siting of the 8no. portacabins until the end of the academic year (August 2020) to enable the school to complete refurbishment works.

Impact on residential amenity

10. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security and should not generate unacceptable nuisance, odours, fumes, noise or light pollution.
11. The nearest residential property at 23 New York is 35 metres in interface distance from the rear/corner of the house to the application site. The siting of the portacabins would create physical changes, but it is considered this is not unreasonable given the temporary nature of the proposal and any ill effects in terms of amenity are considered to be minimum due to the

disturbance already established in the immediate area due to the existing school use.

Impact on the tennis courts/Multi Use Games Area

12. Policy CG1.3 of the Core Strategy states that the Council will safeguard and enhance parks, gardens, allotments, civic spaces, cemeteries and playing fields and improve the quality and multi-functional benefits of these assets.
13. Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on.
14. Sport England have been consulted and have raised a holding objection. Sport England considers that the application site (a tennis court) constitutes a "playing field" as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Sport England have stated in their response that they consider the application, as submitted, contains insufficient information to enable them to assess the proposal.
15. Sport England have asked for further information regarding the proposed duration of the temporary period, how users will be able to safely access the grass pitches and artificial grass pitch at the school during the temporary period, and where and how the activities carried out on the tennis courts and Multi Use Games Area affected by the classrooms will be accommodated.
16. The applicant has responded as follows:
 - * The temporary classrooms will be hired until the middle of February, subject to the completion of the building works;
 - * There will be safe access routes to the grass pitches and artificial pitch. The applicant has submitted a plan to indicate this, and this is attached to this report;
 - * During the duration of the temporary classrooms the activities on the tennis courts can alternatively be carried out on the artificial pitch, grass pitch and sports centre, which are part of the school site.
17. It is anticipated that further to this additional information being provided to Sport England, their objection would be removed prior to the Planning Committee meeting. Details will therefore be provided within the Late List and reported at the Committee meeting.

Conclusion

18. For the reasons discussed above, the proposed temporary siting of 8no. portacabins is recommended for approval, subject to the recommended conditions.

Representation and Consultation Annex

Representations

Letters: None received.

Consultations

Advice was sought from the following consultees: The Council's Asset Management Unit and Sport England.

Planning History

Various permissions to extend and refurbish the school, refs. 93286/14, 92920/14, 92468/14, 92271/14.

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 permission for the siting of 8 no. portcabins shall be for a temporary period expiring on 31st August 2020 when the use of the land for the siting of the 8 no. portcabins hereby approved shall be discontinued and removed, and the land reinstated to a tennis court/multi use games area on or before the expiry date.

Reason

The portcabins are temporary and mobile structures which the Local Planning Authority would not normally grant permanent consent for, and to comply with policies CG1.3 and CG3 of Bolton's Core Strategy.

3. The temporary siting and use of the 8 no. portacabins hereby approved shall be for school classroom accommodation (D1 use) in association with Ladybridge High School.

Reason

In light of the applicants circumstances where development would not normally be permitted.

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

**Plan and Elevations - Portakabin Type 1 Titan TN154 Variation 2,
1880-GTA-XX-XX-DR-A-0105, 06.08.19**

**Plan and Elevations - Portakabin Type 2 Titan TN124, 1880-GTA-XX-XX-DR-A-0106,
06.08.19**

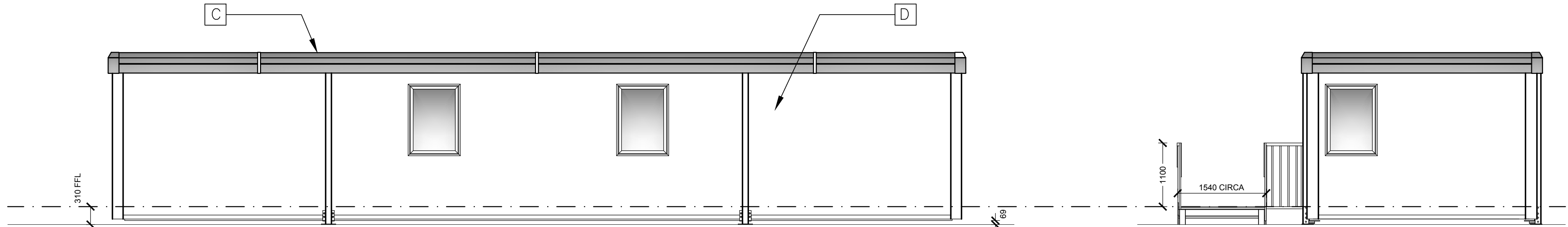
**Plan and Elevations - Portakabin Type 1 Titan TN154 Variation 1,
1880-GTA-XX-XX-DR-A-0104, 06.08.19**

Proposed Site Plan, 1880-GTA-XX-XX-DR-A-0103, 06.08.19

Site Location Plan, 1880-GTA-XX-XX-DR-A-0101 Rev A, 14.06.19

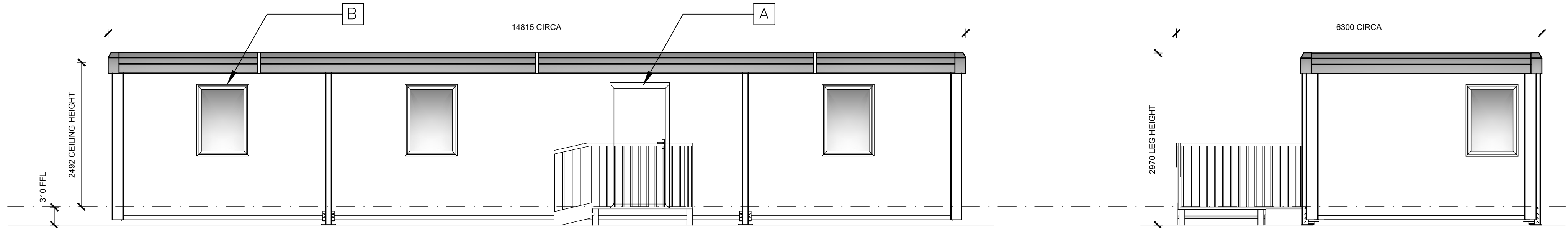
Reason

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



Elevation C - (Scale - 1:50)

Elevation B - (Scale - 1:50)



Elevation A - (Scale - 1:50)

Elevation D - (Scale - 1:50)

FOUNDATIONS

Simple foundations or level handstandings are required to be capable of taking the foundation design load at each Lodastrut leg position of 69 kN, which includes the dead weight of the unit, imposed floor load of 3 kN/m2, imposed roof load of 0.75 kN/m2 and wind loads based on a basic wind speed of 25 m/s (BS 6399:part 2:1997)

It is recommended that professional advice is obtained for the design.

Foundations shall be constructed with level tops with a tolerance of ± 3 mm.

On sloping sites the top level of the foundations must ensure a clearance between the ground and the underside of the building.

All Lodastrut legs should be fully retracted onto the safety stops with the leg pins fitted through the outer legs and secured by pulling the chain tight and securing to the hook adjacent to each leg.

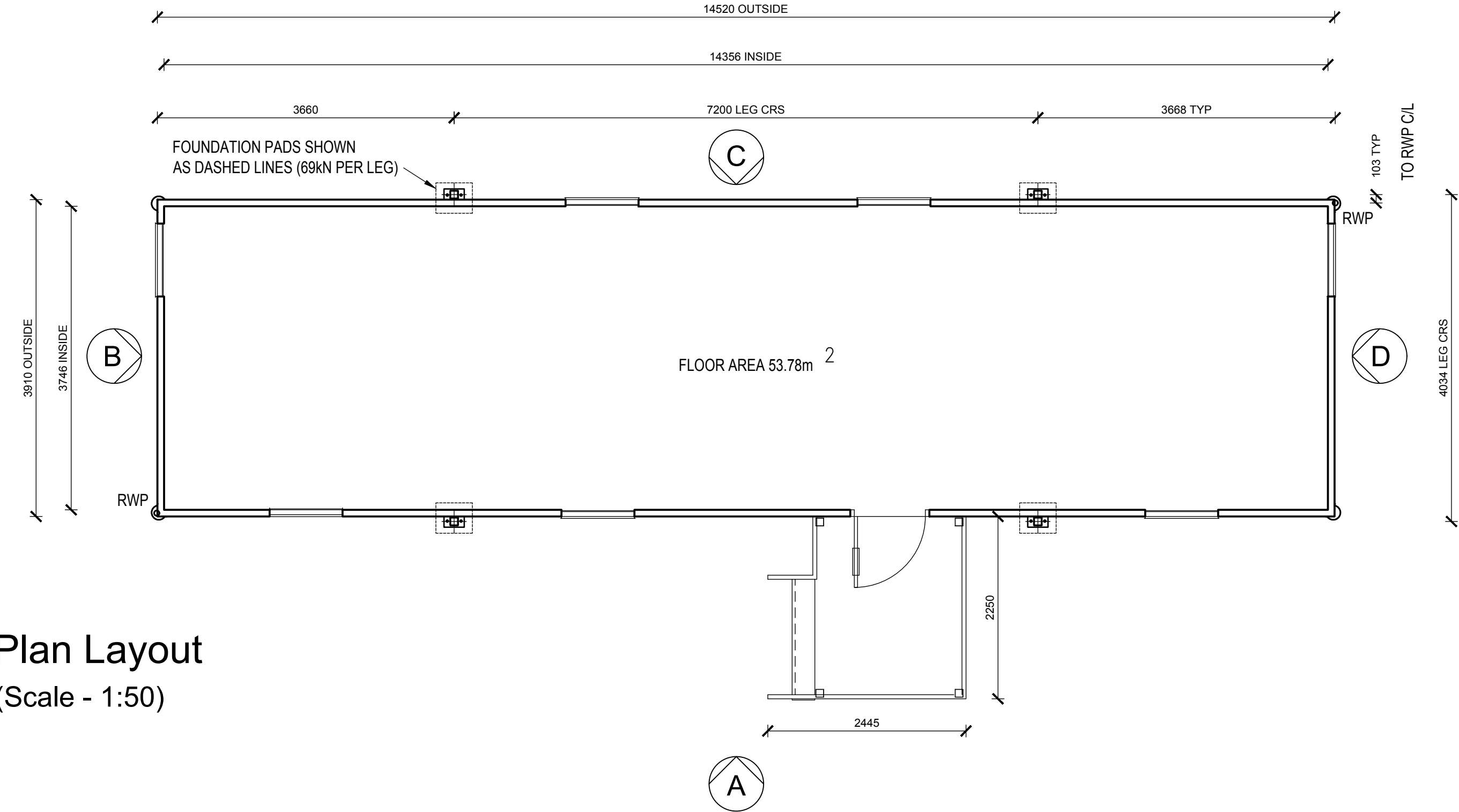
All buildings are to be anchored to the foundations, unless it can be established that no climatic or other forces are likely to be applied so as to exceed the intrinsic stability of the building in its unloaded state.

It is recommended that the buildings are secured via the leg baseplate using M20 anchor bolts.

Foundation point load - 69kN

STANDARD COLOURS

- External:
- Walls and wall trims
 - Corner trims
 - Roof
 - Lodastrut legs
 - Doors
 - Fascia
 - Windows
- Goosewing grey BS ref 10 A 05
 - Silver
 - White nearest BS ref 00 E 05
 - Grey BS 4800 ref 10 A 05
 - Goosewing grey nearest BS ref 10 A 05
 - Grey RAL 7042
 - Blue foil wrapped ref. Renolit - Werke GmbH 515005-167



Plan Layout
(Scale - 1:50)

TN154 VARIATION 1

NOTES:
Copyright in all documents prepared by the architect and any works executed from these documents and drawings, shall unless otherwise agreed, remain the property of the architect and must not be reproduced by, lent or disclosed to, a third party without the written consent of Good and Tillotson.

DO NOT SCALE OFF THIS DRAWING.
All dimensions to be checked on site and any discrepancies to be referred to the architect before proceeding.

ALL LEVELS TO BE CHECKED ON SITE.
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect before proceeding.

All component sizes and references to be checked prior to the ordering of materials.

Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.

All relevant boundary positions are to be checked prior to proceeding.

MATERIALS

A	STEEL DOOR GOOSEWING GREY NEAREST BS ref 10 A 05
B	PVCU FRAMED WINDOWS, BLUE FOIL WRAPPED ref. RENOLIT - WERKE GMBH 515005-167
C	ALUMINIUM ZINC FLAT ROOF, ALUMINIUM FASCIA POWDER COATED WHITE NEAREST BS ref 00 E 50
D	PLASTISOL COATED COMPOSITE WALL GOOSEWING GREY BS ref 10 A 50

Rev	Revision	Int.	Date
Client:			
Robertsons Construction North West			
Project:			
Ladybridge School - Temporary Classrooms			
Location:			
Bolton Road, Westhoughton, Bolton, BL5 3DN			
Good & Tillotson Chartered Architects			
2 The Studios, 318 Chorley Old Road, Bolton, BL1 4JU			
Tel: 01204 497700			
Email : info@goodandtillotson.co.uk			
Web: www.goodandtillotson.co.uk			
Drawing Title:			

Plan and Elevations - Portakabin Type 1
Titan TN154 Variation 1.

G&T Job No:	Scale:	Drawn:	Checked:	Date:		
1880	1:50@A1	JP	KC	06.08.19		
Drawing Purpose:			Status:	Revision:		
FOR PLANNING			S4	-		
BIM Project:	Origin:	Zone:	Level:	Type:	Role:	Dwg No:
1880-GTA-XX-XX-DR-A-0104						



Temporary
Classroom
Location

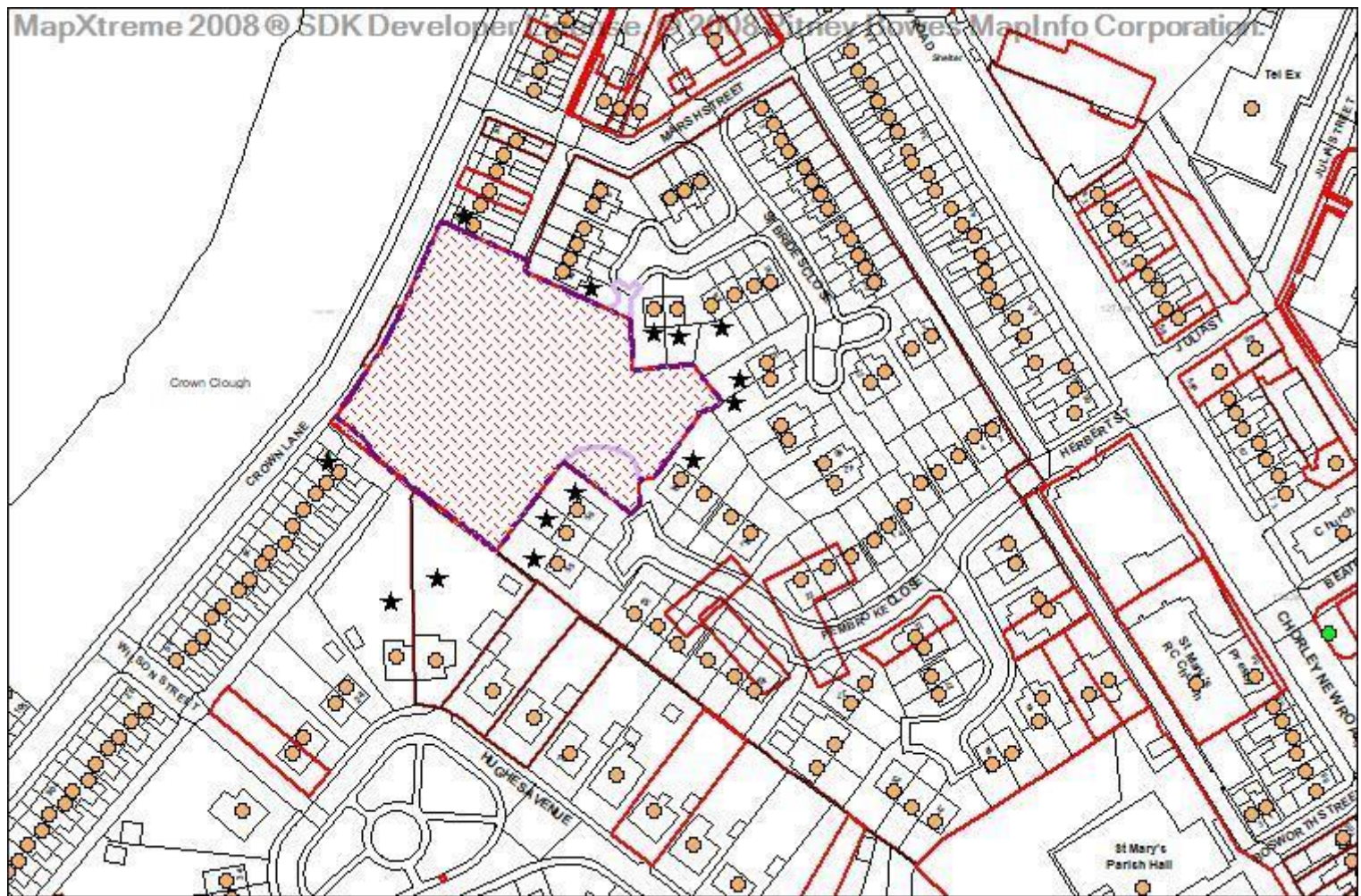
Alternative Provision For Activities
And Community Use.

Alternative
Provision For
Activities
And Community
Use.

Alternative Provision For Activities
And Community Use.



Application number
06618/19



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: 14/11/2019

Application Reference: 06618/19

Type of Application: Full Planning Application

Registration Date: 01/08/2019

Decision Due By: 25/09/2019

**Responsible
Officer: Kara Hamer**

**Location: LAND BETWEEN 46 & 62 CROWN LANE, HORWICH, BOLTON,
BL6**

**Proposal: ERECTION OF RETAINING WALL, RESITING OF PLOT 5 AND
APPROVAL OF PROPOSED LEVELS IN RELATION TO PLANNING
APPROVAL REFERENCE 02573/17**

Ward: Horwich and Blackrod

Applicant: Oaktree (Construction, Design and Management) Ltd

Agent : PAB Architects Ltd

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- Application 02573/17 approved the residential development of the site for 9 stone faced detached dwellings
- Levels were conditioned for LPA approval pre commencement;
- The applicant is seeking to amend levels on site which includes the creation , the original application did not seek permission for retaining walls
- The greatest level difference would be between Plots 4, 5, 6 ,7 at the north of the site and the owner/occupiers of No. 18 and No. 32 St. Brides Close. The level difference would be 1.5m;
- The applicant has sought to provide screen fencing of 1.8m atop a 1.0m retaining wall (2.8m height in total) to effectively screen / minimise direct views between each the proposed dwellings and existing dwellings. Screen planting is also proposed to assist with screening the dwellings. The planting would soften the overall development
- A submitted section drawing usefully illustrates the eye line of persons stood in gardens either side of boundaries.
- The proposal would safeguard the living conditions of existing and future residents, be compatible with the surrounding area and not jeopardise highway safety.

Proposal

1. Finished levels for this site were conditioned for approval by the Local Planning Authority under application (reference 02573/17). Due to the levels within the site and to achieve satisfactory surface water drainage from the site it is necessary for the applicant to alter the levels within the site. This generally means reducing levels in and around the southern part of the site and consequential levels increases in the northern part of the site. This cut and fill exercise requires the provision of a number of retaining structures on the northern and southern parts of the site.

2. As the original permission did not give consent for the installation of retaining structure the applicant has sought full planning permission for the installation of the proposed retaining structures together. The applicant has worked with the Local Planning Authority and revised plans have been submitted to further reduce the proposed finished ground level and increase the height of the fence screening and introduce additional planting screening. In addition plot 5 has been moved forwards within the site and away the closest existing neighbouring dwellings.
3. Materials/works proposed comprise precast concrete retaining wall units placed within steel column kingposts anchored into the ground at 5m centres and drains behind and 1.8m high close boarded timber fence for screening to plots 4, 5, 6 and 7. Stone faced retaining walls with mild steel guarding atop (wall and guarding to 1.1m) are proposed to plots 1, 2 and 3.
4. Members should be aware that the levels visible on site at present do not reflect the proposed finished levels as temporary piling terraces have been created for the operation of piling rigs and at the Council's request some levelling has taken place to reduce these terraces.
5. Extensive pre application advice has been provided by the Local Planning Authority and Officers consider that this proposal represents the best option available. Reducing the levels further would involve considerable traffic movement, dust and cost, affecting not only the site and developer but the Horwich area generally and would also require a separate pumping station to manage drainage.

Site Characteristics

6. The application site was an area of informal green space that was left undeveloped when the houses on St. Bride's Close and Pembroke Close were built in the 1990s. The site is privately owned by the applicant. It was the intention at the time of the St. Bride's/Pemberton development that the site would be transferred to Council ownership as public open space. However contamination on the site was found and the transfer of land to the Council was not progressed (the site is an historic landfill/infilled quarry).
7. The application site is bounded on its north, east and south sides by residential properties. Bordering the frontage of the site to the north and south are the stone fronted, two storey, bay windowed terraced dwellings on Crown Lane. To the north east are the two storey, red brick dwellings on St. Bride's Close and to the south east are the red brick bungalows on Pembroke Close. To the south of the site are also the long gardens of 20 and 22 Hughes Avenue. To the west (across Crown Lane) is Crown Clough, which is at a much lower ground level than the road.
8. Prior to site preparation works, the grassed site increased in level from Crown Lane to the south. A footpath accessed from Crown Lane circled the raised mound and there were benches to the north and south sides of the path. Trees and shrubs border all sides of the site. At the time of the Planning Officers site visit the site was secured with temporary/portable mesh site fencing preventing access, was roughly level (central mound reduced) and topped with hardcore.
9. Crown Lane (B5238) is a main road running south from Horwich town centre. Horwich town centre is only approximately 150 metres away from the application site. Blackrod Station (to the south west) is approximately 1 kilometre away from the site.

Policy

Development Plan

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

Material considerations

11. National Planning Policy Framework

12. Supplementary Planning Documents: Accessibility, Transport and Road Safety (SPD) and the General Design Principles SPD.

Analysis

13. 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.

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

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

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

17. The main impacts of the proposal are:-

- impact on the character and appearance of the area
- impact on the highway
- impact on residential amenity

Impact on the Character and Appearance of the Area

18. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and 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.

19. The applicant has submitted topographical surveys and proposed site sections to illustrate the proposed finished ground levels and proposed walls and fencing. The plans illustrate materials and finished heights as well as eye levels from persons stood either side of shared boundaries. Materials/works proposed comprise precast concrete retaining wall units placed within steel column kingposts and 1.8m high close boarded timber fence for screening to plots 4, 5, 6 and 7. Given the raised levels of these plots the fences would provide privacy screening for adjacent properties and future occupiers of the new houses. For these plot the proposed walls would be towards the rear of the plot where levels fall away. Drainage measures are indicated on the proposed plans

20. Stone faced retaining walls with mild steel guarding atop are proposed to plots 1, 2 and 3. For these plot the proposed walls would be close to the new dwelling and gardens are elevated.

21. Officers note that the engineering solution proposed for each plot is individual to that plot. Officers recommend conditioning facing materials for LPA approval in relation to the proposed

retaining structures. The retaining structures visual appearance would be improved as a result. Heights/levels/finished floor levels and planting scheme are conditions which remain undischarged on the original approving application.

22. Plot 5 would be moved forward under this proposal increasing the interface to dwellings on St Brides Close to 27.5m (to no 32). It is considered that the new siting is an improvement on the previous configuration as the proposal brings the house inwards to the approved cul de sac and improves the approved build line.
23. It is considered that the proposed retaining structures would have regard to the overall built character of the site, would not be directly viewed from within or outside the development site and the proposed boundary treatment would be compatible with the character and appearance of a new residential layout/estate. Furthermore, the proposed levels respect the existing varied levels present on surrounding residential streets.
24. Officers consider that the proposals are compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Highway

25. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account accessibility by different types of transport, servicing arrangements and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.
26. Highways Engineers have been consulted and comment that "the proposed retaining structures will lie clear of the public highway limit. Acting on this, no objections on highway grounds to what is being proposed under this application".
27. It is therefore considered that the proposed retaining walls would not jeopardise highway safety or impact upon the highway, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on Residential Amenity

28. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution. SPD General Design Principles sets out the Council's minimum interface distances between new and existing dwellings.

Plots 4, 5, 6, 7

29. Surrounding dwellings most impacted by the proposal include No. 30 and No. 59 Pembroke Close.
30. In respect of No. 30 Pembroke Close this property has side to side configuration with Plot 4, the garden level for plot 4 falls away towards the boundary, there is a level difference of 1m between these dwellings with Plot 4 being higher. The patio area for Plot 4 would look towards the end of the rear garden of 30 (not the rear elevation of 30), fencing of 1.8m would sit atop the 1m retaining wall on the boundary providing screening (total height 2.8m). The section drawing submitted illustrates that it is not possible to see from the patio of plot 4 into the garden of no 30.
31. No 59 Pembroke Close has a side to side configuration with Plot 4, trees and timber fencing screen the side boundary and there is no patio/seating on the sides of these dwellings.
32. No's 18, 20 and 32 St Brides Close - No. 18 has side to rear configuration with plots 7 and 6. The

patio of plots 7 and 6 would be 1.15m and 1.5m (respectively) higher than the rear/side plot of No. 18, screen fencing of 1.8m would sit atop the 1m retaining wall on the boundaries with both plots (total height 2.8m) - the section drawing submitted illustrates that it is not possible to see from the patio of plots 7 and 6 into the garden of no 18.

33. With regard to No 20 and 22 (semi detached properties) they have a side to rear configuration with plot 5. Plot 5 has been moved forward with this application removing direct interface. The patio of plot 5 would be 1.35m higher than the rear plot of no 20, fencing of 1.8m would sit atop the 1m retaining wall on the rear boundary (total height 2.8m) and fencing of 1.8m would be sited within the side garden of this plot - the section drawing submitted illustrates that it is not possible to see from the patio of plot 5 into the garden of no 20. No 22 has a similar configuration but sits further away from plot 5.
34. No 32 is directly behind plot 5, on a rear to rear configuration, the interface distance has been increased within this application to 27.5m. Differences in levels are proposed as 1.5m, as with other neighbours fencing of 1.8m would sit atop the 1m retaining wall on the rear boundary (total height 2.8m) and fencing of 1.8m would be sited within the side garden of this plot - the section drawing submitted illustrates that it is not possible to see from the patio of plot 5 into the garden of no 32.

Plots 1, 2, 3

35. Surrounding dwellings most impacted by the proposal include 22 Hill Cottage and 20 Sunnybank. The interface distances are in excess of 40m between these two properties and Plot 2 (where interface would be direct). In terms of 62 Crown Lane, this property has a side elevation which interfaces with the side of Plot 2. Interface distances are previously approved. Plot 1 sits approx 2.2m above road level as does 62. Existing retaining walls provide separation. An existing 1.8m fence screens 62 from the application site. The level at the boundary would not change.
36. Officers note that under Permitted Development fencing of 2.0m can be erected on boundaries that are not adjacent the highway.
37. A condition to restrict finished site levels and fence heights is suggested to ensure that the proposed development is neighbourly to the adjoining existing dwellings.
38. It is not considered that the proposed development would unduly harm the privacy of neighbouring residents and therefore it is considered to comply with Policy CG4 of the Core Strategy.
39. Officers consider that through the amendment to the proposed layout through the adjustments to Plot 5 the layout as proposed represents an improvement on originally approved layout. It is not considered that the proposal would have an overbearing impact on existing residents.
40. Therefore, it is considered that by the provision of retaining walls and the addition of boundary treatment which is slightly higher than standard would ensure that the privacy and overall living conditions of both existing and future occupants would not be compromised. The proposal complies with Core Strategy policy CG4 and guidelines within the General Design Principles SPD.

Conclusion

41. For the reasons discussed above it is considered that the proposed development would be compatible with the character and appearance of the area, would not jeopardise highway safety and would not unduly harm the amenity of neighbouring residents. It is considered therefore that the proposal complies with aforementioned local and national planning policies.

Representation and Consultation Annex

Representations

Letters:- four letters of objection have been received from neighbouring residents on St. Brides Close and Crown Lane. These letters raise the following concerns:

- 42. land fill site - was never meant to be built on; *Officer comment - not a material planning consideration, the principle for residential development was established under application 02573/17*
- methane gas present; *Officer comment - not a material planning consideration, contamination conditions were included in approving application 02573/17*
- developers have caused muddy conditions for adjacent residents of St Brides Close; *Officer Comment - this is a civil matter between the property owners and the developer.*
- the site has been increased in height by 14ft - light taken off adjacent residents of St Brides Close - will increase electric/gas costs;

Councillor Wright has objected and requested that the application be decided by Planning Committee, on the following grounds:

- the developer has not dug down deep enough;
- * the proposed retaining wall is to be built around the edge of the site because the houses are too tall;
- the proposed wall at 1m from neighbouring fences will cause weeds to grow and rainwater to collect;
- the proposed walls/fences would be higher than the existing;
- the properties are to be built from stone - surrounding houses are brick. *Officer comment - not a material planning consideration, the retaining wall is the subject of this application, for reference the neighbouring terraces (either side the site) are faced in stone.*

Points without Officer comment have been addressed in the main body of the report.

Horwich Town Council:- voted to object to the proposal at their meeting of 22/08/19 on the grounds of "the development of the site has not been carried out in accordance with the original application as the site is now elevated & not compliant with the original cut & fill requirement". *Officer comment - not a material planning consideration.*

Consultations

Advice was sought from the following consultees: The Council's Highways Engineers, Landscape Development and Design Officers and Greater Manchester Police's Architectural Liaison Officers.

Planning History

Planning permission was granted for the erection of nine dwellings with associated access and landscape (Ref: 02573/17) in March 2018.

Outline permission for the residential development of the site for 12no. dwellings (access and layout details only) was approved at Planning Committee in June 2014 (91732/14).

Permission was granted in December 1994 for the erection of 23 bungalows and 61 houses, the construction of access roads, footpaths and footways and public open space (45770/94). The application site was intended to be the public open space within the development, however the site was left privately owned (rather than taken over by the Council) when contamination was found.

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. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples or full details of materials to be used externally on the retaining walls and fencing 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.

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

Proposed Site Layout, 1782-PL-03 Rev G, November 2017
General Arrangement Site Sections, 1782-PL-12 Rev D, November 2017

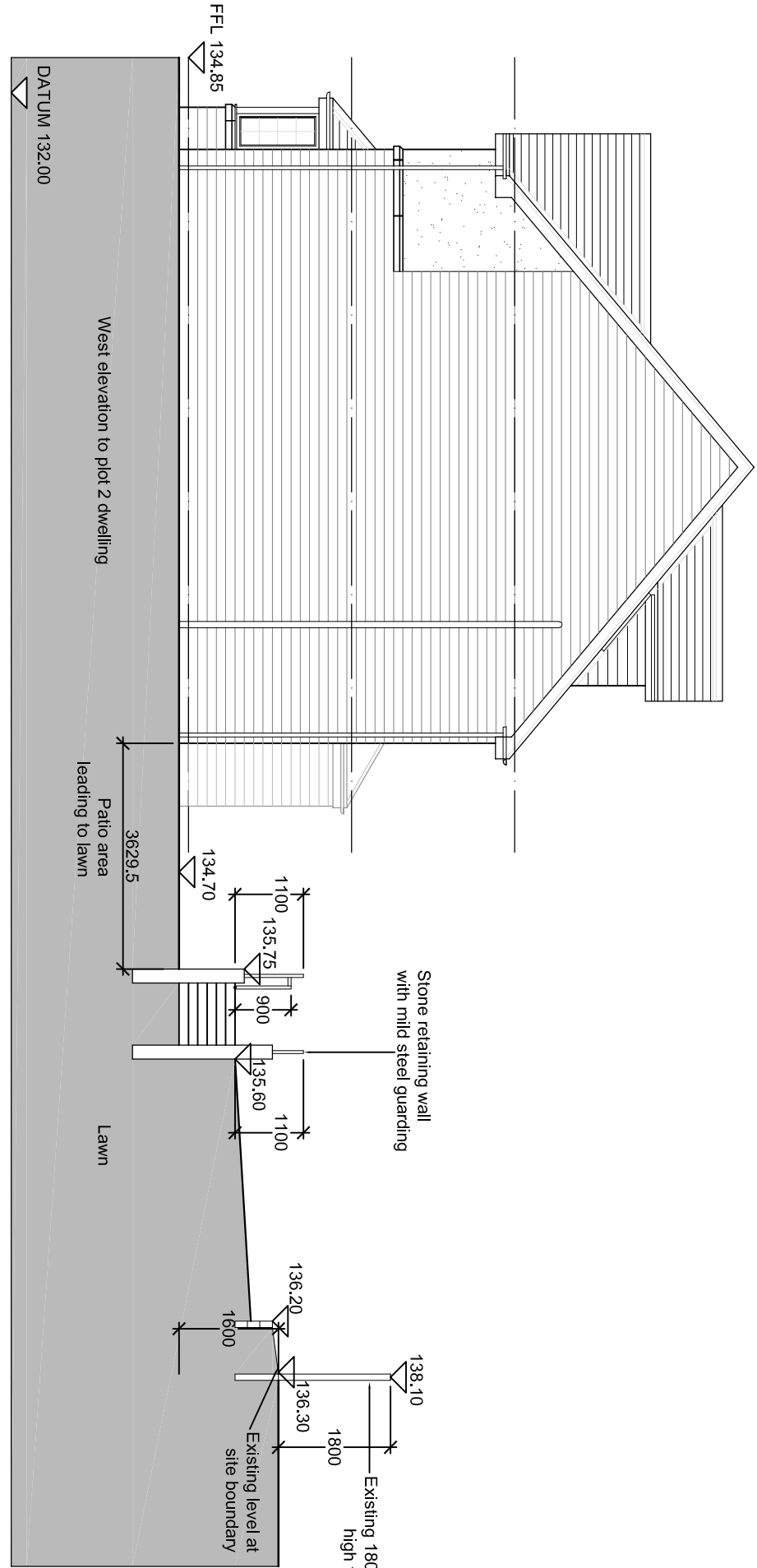
Reason

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

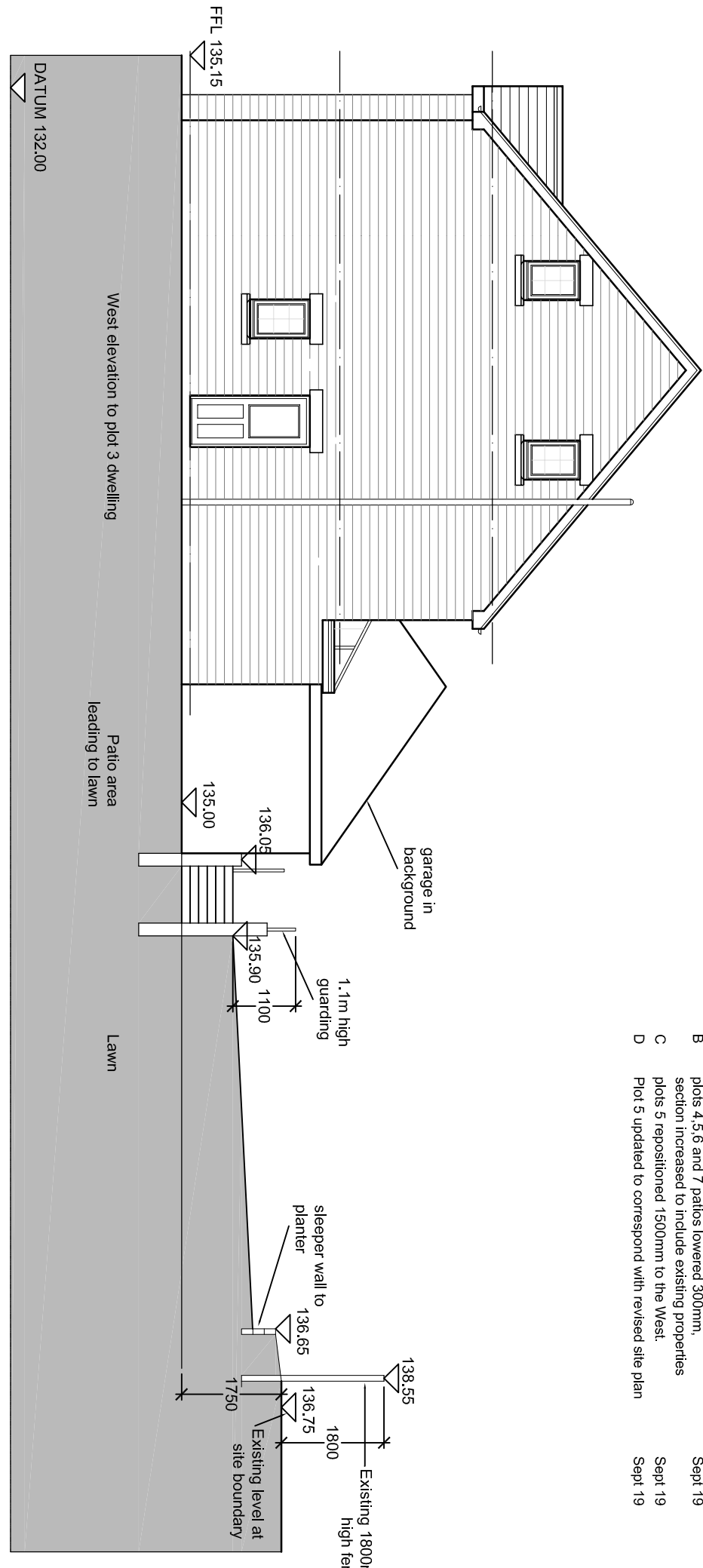
Revised Section note	Date	Prepared/Checked
A Notes added	July 19	
B plots 4,5,6 and 7 walls lowered 300mm.	Sept 19	
C plots 4,5,6 and 7 walls lowered 300mm.	Sept 19	
D Plot 5 updated to correspond with revised site plan	Sept 19	



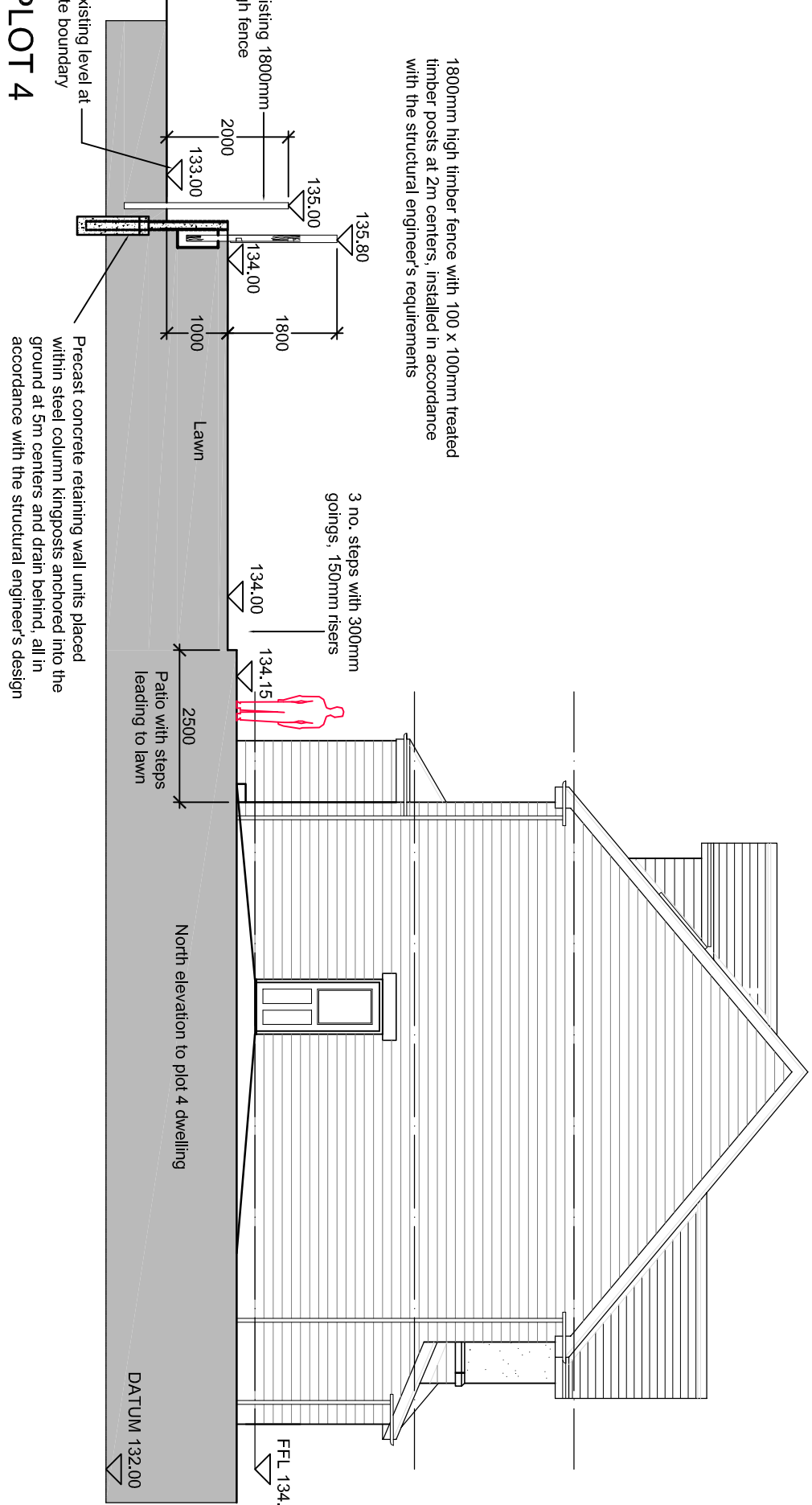
PLOT 1



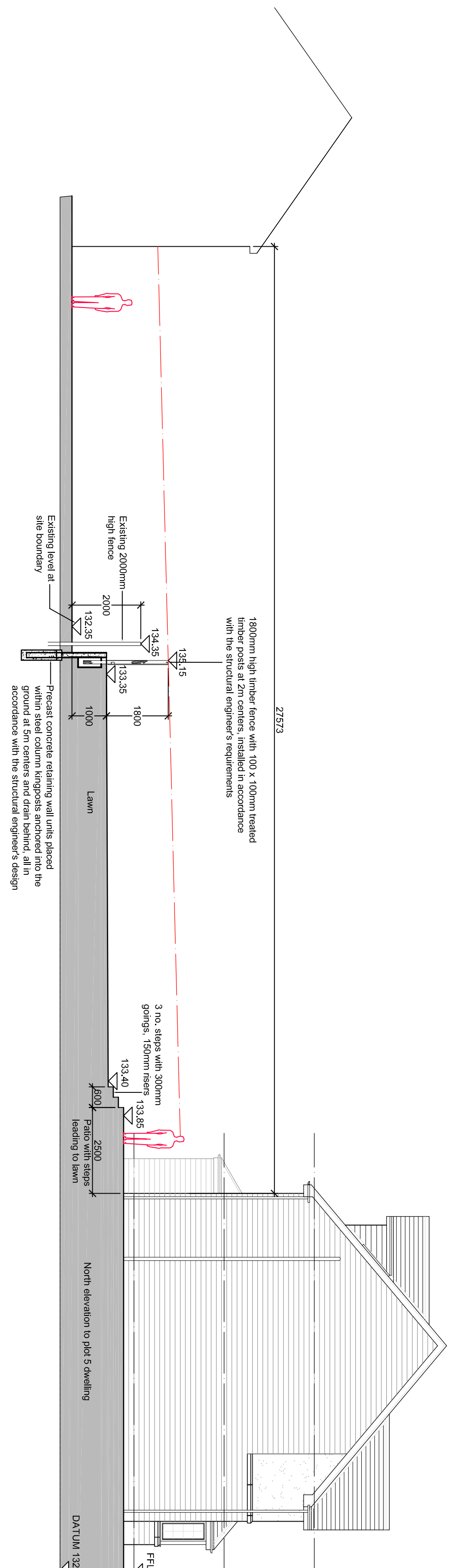
PLOT 2



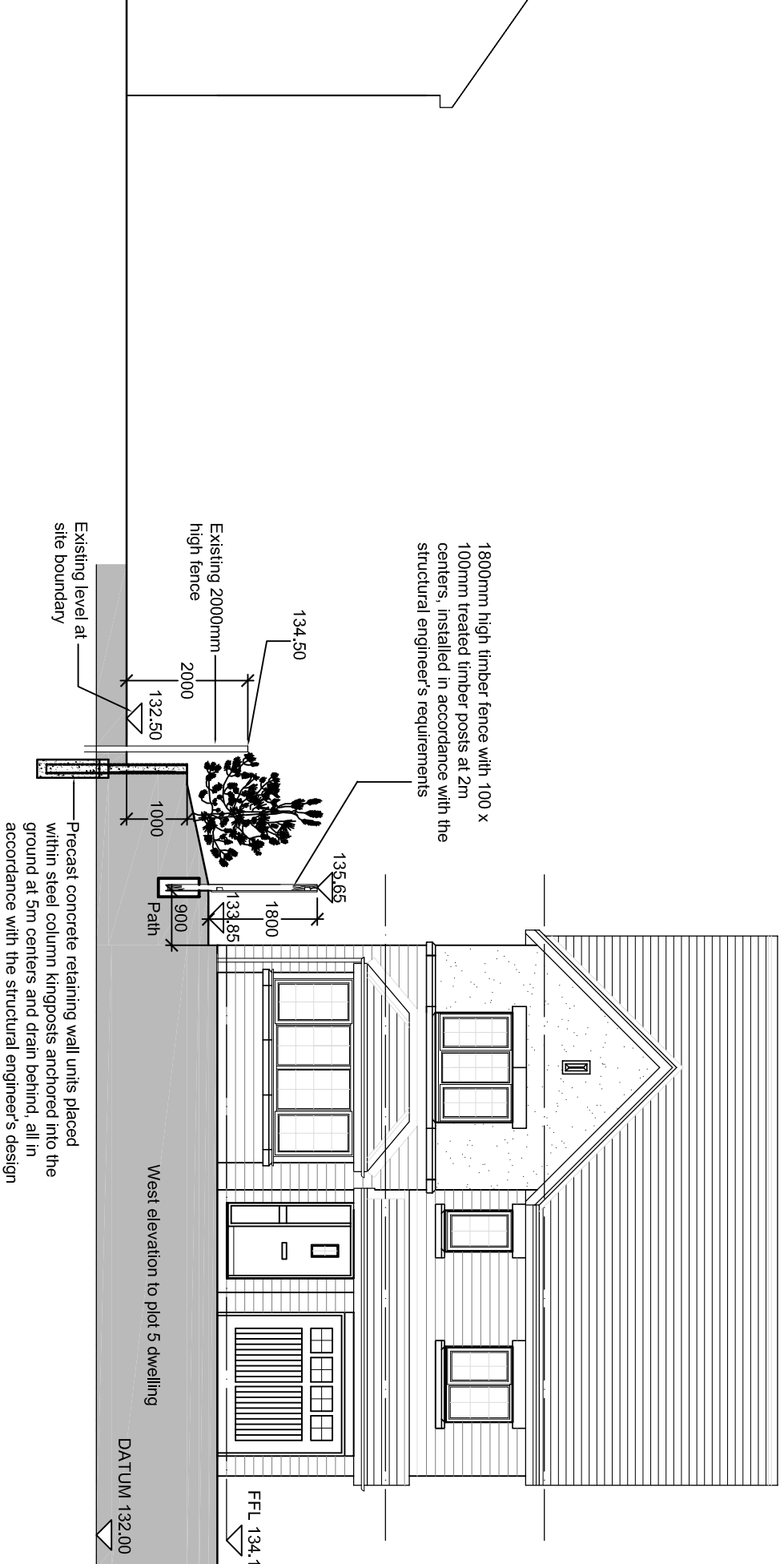
PLOT 3



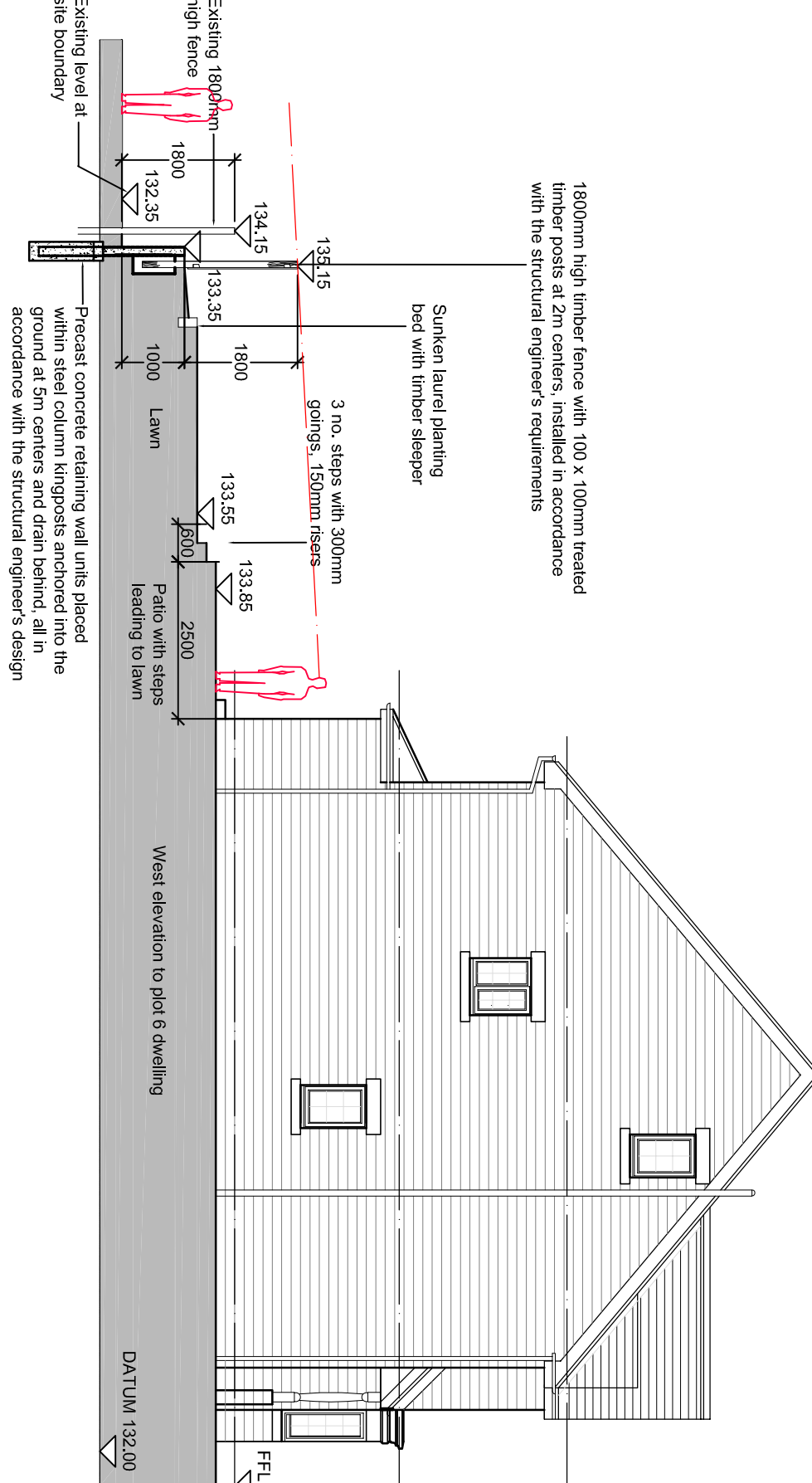
PLOT 4



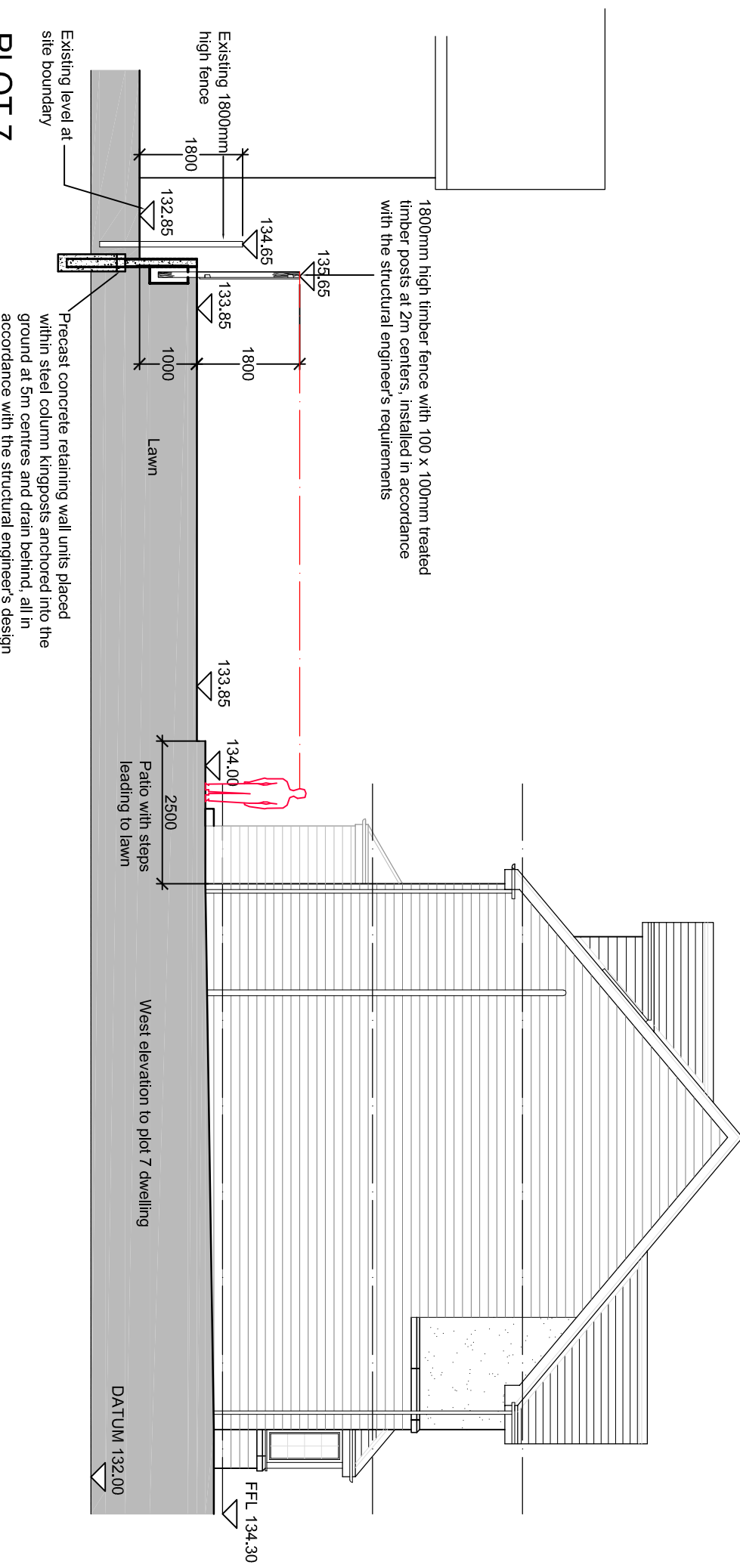
PLOT 5 - SECTION A



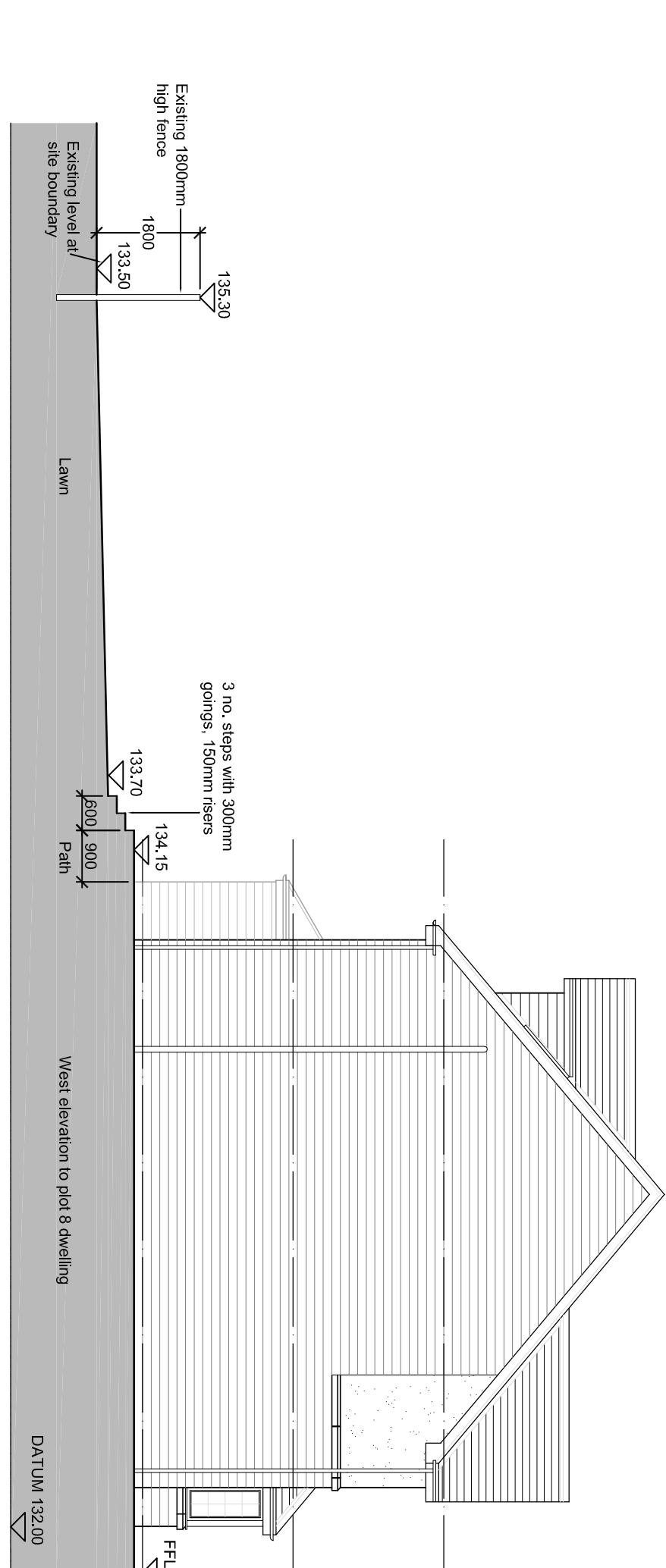
PLOT 5 - SECTION B



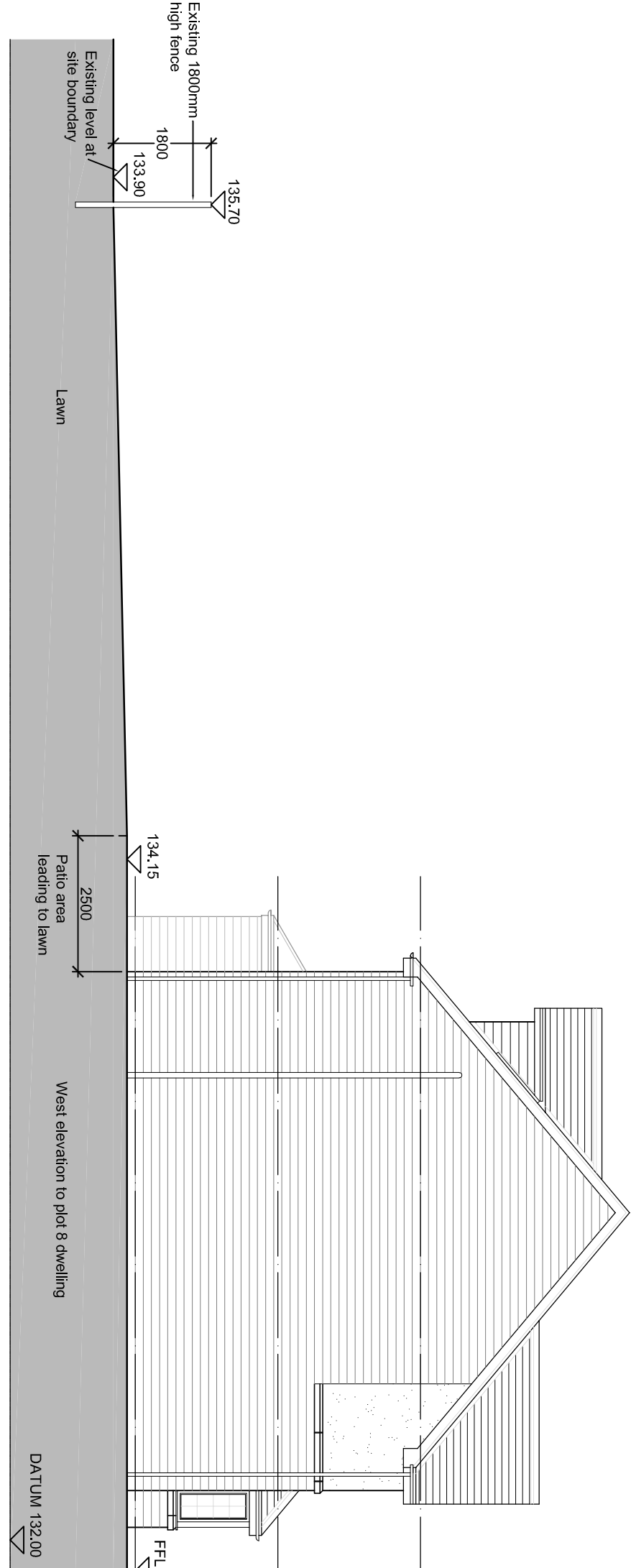
PLOT 6



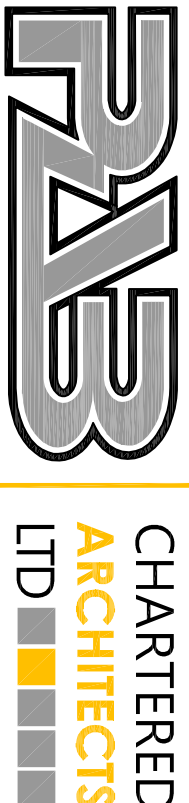
PLOT 7



PLOT 8 - SECTION B



PLOT 8 - SECTION A



PROJECT: HOUSING DEVELOPMENT
HORSWICH

CLIENT: OAKTREE DEVELOPMENTS LTD

DATE: JULY 2019

SCALE: 1:100 @ A1

GENERAL ARRANGEMENT SITE SECTIONS

Reference: D

Reproduction: Studio No. 1, Penny St, Leigh, Lancashire, W19 4JF
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Email: info@pabarchitects.co.uk / www.pabarchitects.co.uk

