

Planning Applications Report

Planning Committee

26th July 2018

**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

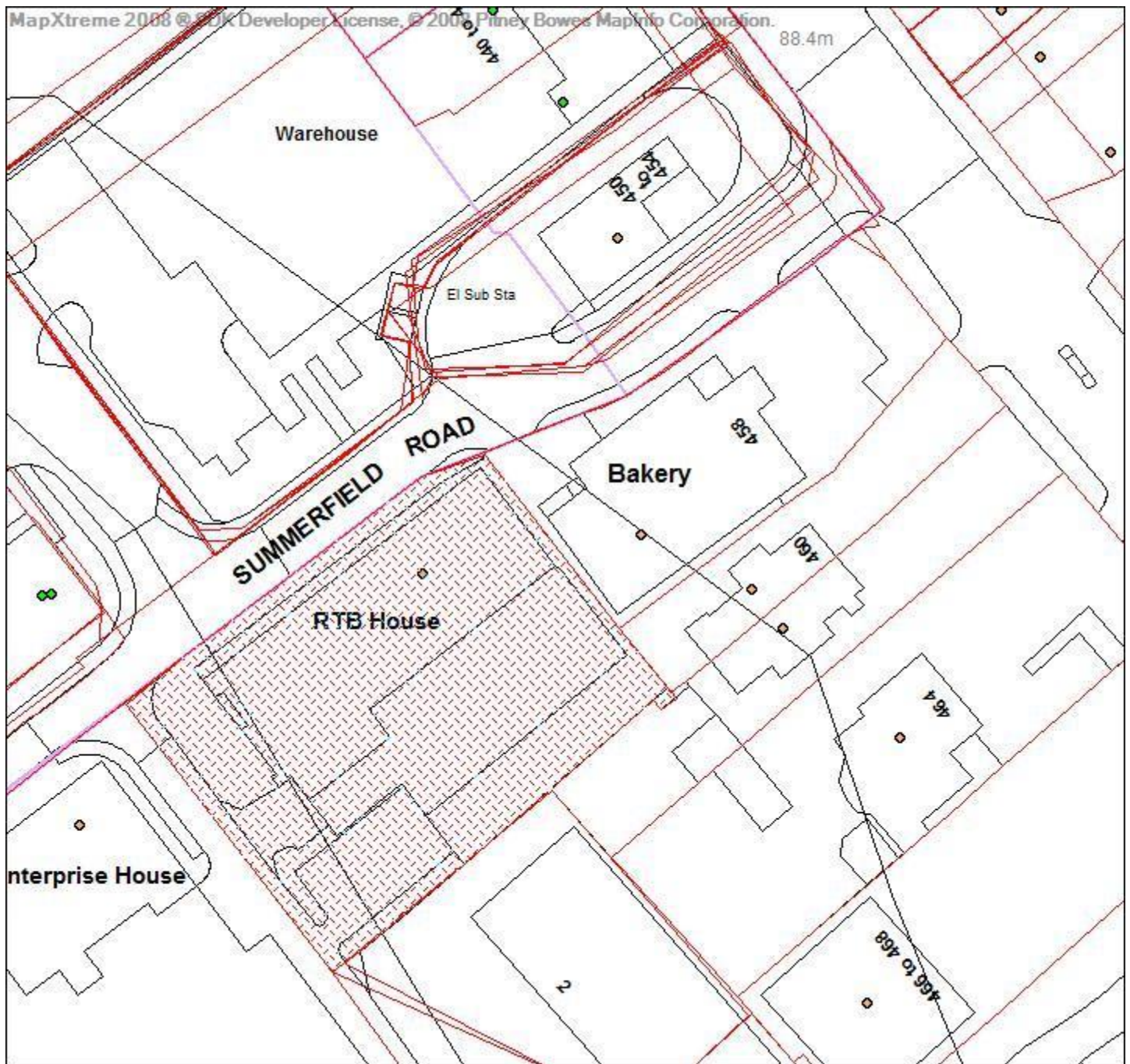
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

INDEX

Ref. No	Page No	Ward	Location
02910/18	<u>4</u>	GRLE	RTB HOUSE, SUMMERFIELD ROAD, BOLTON, BL3 2NQ
03148/18	<u>13</u>	FARN	STORES 1 AND 2, FARNWORTH INDOOR MARKET, KING STREET, FARNWORTH, BOLTON, BL4 7AS
03334/18	<u>27</u>	FARN	37 PARK STREET, FARNWORTH, BOLTON, BL4 7RE
03383/18	<u>38</u>	TOHA	41 PORTUGAL STREET, BOLTON, BL2 1AP
03687/18	<u>45</u>	GRLE	CLARENDON PRIMARY SCHOOL, RECREATION STREET, BOLTON, BL3 6SN

Application number 02910/18



Directorate of Place
Development Management Section

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Bolton Council

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Date of Meeting: 26/07/2018

Application Reference: 02910/18

Type of Application: Full Planning Application

Registration Date: 16/02/2018

Decision Due By: 12/04/2018

Responsible Officer: Martin Mansell

Location: RTB HOUSE, SUMMERFIELD ROAD, BOLTON, BL3 2NQ

Proposal: CHANGE OF USE FROM INDUSTRIAL UNIT (CLASS B2) TO COMMUNITY HUB (CLASS D2)

Ward: Great Lever

Applicant: Be the Best Community CIC

Agent : Lambert Smith Hampton

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Consent is sought to change the use of this vacant former business / industrial unit to a community and youth centre. The premises were last used as an office base for a debt collection agency but have been vacant for approximately 10 years.
2. The Applicant, "Be The Best" Community Interest Company would like to use the building as a "community hub" - young people would use the building as both a drop in centre to obtain support and encouragement, and also as a location in which to attend organised events and activities such as classes and performances in drama, dance and media studies. The building would also contain an area for indoor games and activities and would on occasions be used for training activities.
3. "Be The Best" seek to ensure that young people in Bolton (ages 12-25) can live in a strong and vibrant community. Its programme and activities are aimed at training young people, providing new skills and building confidence. This is achieved through a combination of sports, music and dance.
4. It is envisaged that the centre will be open as follows:-
Monday – Thursday 1000 - 2200
Friday – Saturday 0900 - 2300
Sunday 1000 - 2000
5. It is anticipated that approximately 60 young people will visit the centre throughout the week to engage in different classes and activities.

Site Characteristics

6. The site is an unremarkable building located on a small industrial estate accessed from Manchester Road via Summerfield Road, between the Burnden area of Manchester Road and the railway line to the west. Nearby uses are mixed but are all non-residential including the Carr Pasties site and an office development to the north. Residential properties are located further away such as on Mayfield Avenue, in the Weston Street area or across the railway line.
7. The building has a gross internal floorspace of just over 1,000 square metres. The site is allocated in the development plan as an employment area that should be reserved as such.

Policy

8. Core Strategy Objectives - SO1 Access to Health, Sport, Recreation. Walking and Cycling, SO2 Access to Education, SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO16 Community Cohesion and Access
9. Core Strategy Policies - P1 Employment Sites, P5 Transport, S1 Crime and Road Safety, CG4 Compatible Uses, SC2 Cultural and Community Facilities and RA1 Inner Bolton.
10. National Planning Policy Framework - building a strong and competitive economy, promoting sustainable transport, promoting healthy communities

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 Economic Development and Employment
- * impact on Nearby Uses
- * impact on the Road Network
- * impact on Community Provision

Impact on Economic Development and Employment

13. The Council has adopted the Sustainable Community Strategy which identifies two main aims - to narrow the gap between the most and the least well off and to ensure economic prosperity. The Core Strategy is consistent with this, seeking a prosperous Bolton by making sure that jobs are provided in accessible locations in a range of different sectors.
14. Policy RA1 relates specifically to Inner Bolton and states that the Council will continue to focus jobs in modern employment areas in The Valley, locate new employment-related development on undeveloped sites in the Valley and surrounding area, regenerate mills and other older industrial premises in the area with a mixture of new build and refurbishment for primarily employment uses, with supporting residential and mixed uses.
15. The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should

proactively drive and support sustainable economic development to deliver the infrastructure, business and industrial units and thriving local places that the country needs. In the section "Building a Strong, Competitive Economy" it states that significant weight should be placed on the need to support economic growth through the planning system.

16. The site is allocated in the development plan as the Mayfield Avenue Protected Employment Area and is therefore subject to Policy P1 of the Core Strategy, which states that the Council will safeguard existing employment sites where they are compatible with residential amenity and contribute to the sustainability of communities in which they are situated. However, paragraph 22 of the National Planning Policy Framework makes it clear that:-
17. "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."
18. The building itself is located sufficiently distant from nearby residential properties to ensure that it is unlikely to be incompatible with residential amenity. In terms of the "contribution to the sustainability of communities" test set out within Policy P5 of the Core Strategy, it is difficult to see how it can make any contribution to this in terms of its current use class, given that it has been vacant for approximately 10 years. Furthermore, as the NPPF makes clear, land should not be protected for employment uses where there is no reasonable prospect of one coming forward - it is difficult to see how demand could change in the near future, given the long-term vacant of this property.
19. Bearing in mind that this property has been vacant for a significant period of time, it is difficult to see how its use for a purpose different from the plan allocation could have any significant detrimental impact on economic development and employment.

Impact on Nearby Uses

20. Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account.
21. The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and reduce pollution.
22. The building is located on an industrial site and is capable of being used for a range of employment uses, including noise generating uses, without harm to living conditions. Against this position, it is difficult to see how the use proposed could have any noticeable impact on the living conditions of the residents of Mayfield Avenue, given the distance between them. Furthermore, the use is unlikely to have any real impact on the surrounding industrial and commercial uses.
23. The proposal is considered to comply with Policy CG4 of Bolton's Core Strategy.

Impact on the Road Network

24. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3), and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 states that the Council will promote road safety in the design of new development.
25. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety. The Council has also adopted the Accessibility, Transport and Road Safety SPD which notes that the provision of a safe, high quality transport network is vital to the economic prosperity of the borough and the ability of residents to safely access potential new jobs being created together with health, education, community facilities and housing. The SPD also seeks to ensure that the use of transport does not adversely affect the climate and therefore requires new development to reduce the need to travel by car, and encourage people who live, work and visit to walk, cycle and use public transport.
26. Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
27. A parking layout has been submitted, demonstrating that the site is capable of providing a total of 33 car parking spaces. The Council's parking standards would set a maximum of 40 spaces of a development of this type - clearly the 33 spaces proposed would result in a shortfall of 7 against the standards but it must be noted that these are maximum standards, not minimum, and also the site is well located to excellent public transport links via Manchester Road.
28. The proposed use is not considered to be likely to give rise to significant changes in the nature of vehicular or other movements over and above the existing lawful use. It is also noted that the Council's Highway Engineers do not raise objection. The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1 and the Accessibility, Transport and Road Safety SPD.

Impact on Community Provision

29. "Healthy" is one of the six themes of Bolton's Sustainable Community Strategy, the other five being Achieving, Prosperous, Safe, Cleaner & Greener and Strong & Confident. Policy SO1 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, maximise access to health facilities. Policy H1 states that the Council and its partners will support the development of new health facilities in accessible town centre locations, and in renewal areas.
30. Policy SO14 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, provide housing that meets the needs of everybody. Policy SO16 seeks to develop mixed

communities which encourage community cohesion and ensure access for all to community and cultural facilities. Policy SC2 of the Core Strategy states that the Council will ensure that community facilities are located in the neighbourhoods that they serve.

31. The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
32. It goes on to state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. Planning policies and decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity; safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
33. The proposed use is capable of making a significant and positive contribution to the community provision available in the south of Bolton. However, the Applicant has not been able to demonstrate much in the way of a track record of delivering community benefits thus far. That said, the decision to be made is not whether the Applicant is the right person to be running this community hub, but instead it is the case should be judged on whether or not this is the correct use for the site in land use planning terms.
34. The site currently makes no positive contribution to economic development and employment. It has the potential to make a positive contribution to community provision.

Value Added to the Development

35. The Applicant was asked to provide a detailed parking plan and to provide further information on their policies relating to safeguarding, which they have done.

Local finance considerations

36. 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

37. The site is allocated for employment purposes; however, the NPPF is clear that Local Planning Authorities should not seek to reserve such land and buildings when there is no reasonable prospect of them being occupied for the allocated use. In this instance, bearing in mind the long term vacancy of the building, there is not considered to be a reasonable prospect of it being occupied for the allocated use in the near future - therefore, the application has been considered on its merits. It is considered that the 33 spaces are sufficient for this site and this use. Whilst the Applicant has been unable to demonstrate any significant track record of delivering community benefits, it is considered that the use of the property by a community group has the potential to deliver more benefits to Bolton than the allocated use.

Representation and Consultation Annex

Representations

No objections have been received from any consultee or neighbours.

Elected Members:- Councillor Murray has commented (see consultation section below).

Consultations

Advice was sought from the following consultees: The application appears on the agenda at the request of Councillor Murray who raises concerns over the loss of part of an employment allocation and considers that this is a poor location for in terms of accessibility by children.

Planning History

Consent was refused in January 2018 due to a lack of justification for a non-employment uses and a lack of information relating to parking provision (02499/17)

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

2. Before the approved/permitted development is first brought into use no less than 33 car parking spaces with minimum dimensions of 2.4 metres by 4.8 metres shall be marked out and provided within the curtilage of the site, in accordance with dwg. ref. 2169.01. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and in order to comply with Bolton's Core Strategy policies S1, P5 and Appendix 3

3. Before the commencement of the use hereby permitted, details of on-site cycle parking for 10 cycles within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented in full before the development hereby approved is first occupied or brought into use and retained thereafter.

Reason

To encourage cycle use and provide adequate facilities for cyclists and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document "Accessibility, Transport and Road Safety" and as suggested by the Appellant in their statement of case.

4. The premises shall be used as a community hub and for no other purpose including any other purposes in Class D2 of the Town and Country Planning (Use Classes) Order 1987 (England) (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason

The use of the premises for any of the leisure uses within Class D2 would be unacceptable at this site due to its out-of-centre location.

5. Within 6 months of the development being brought into use, a Green Travel Plan shall be submitted to and approved by the Local Planning Authority.

Reason

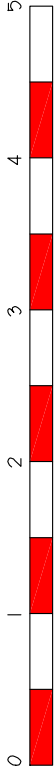
In the interests of sustainability and encouraging reduced car travel to the site, consistent with Policies P5 and S1 of Bolton's Core Strategy.

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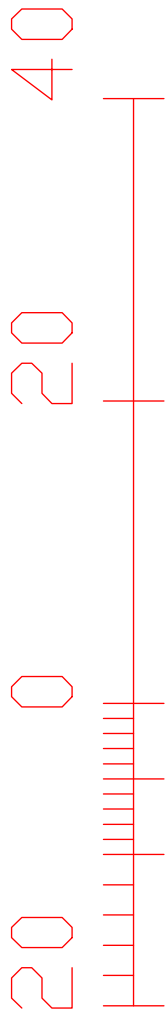
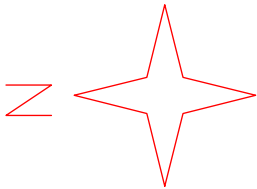
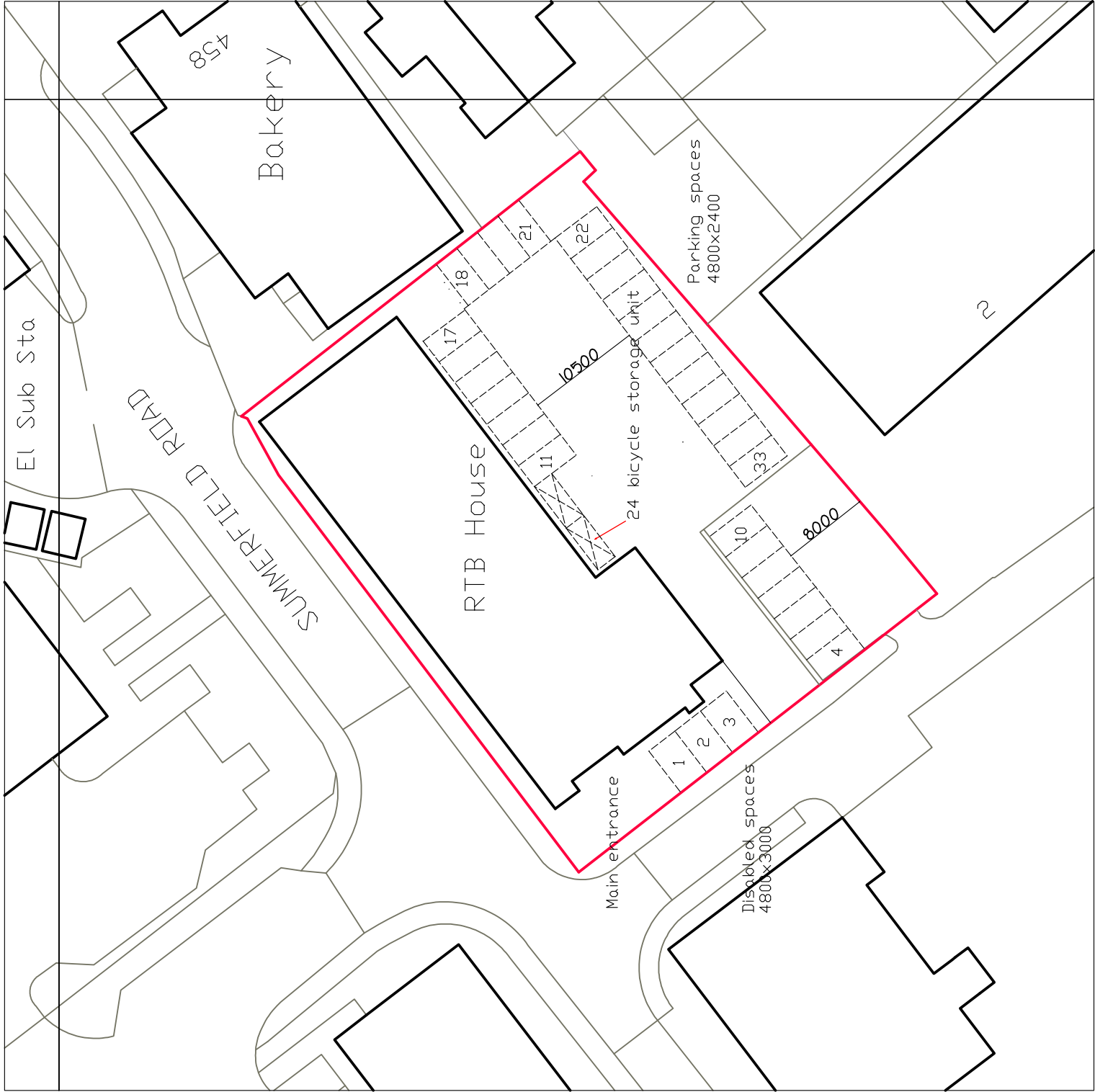
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1:50



Metres

PROJECT		CLIENT		TITLE	
CHANGE OF USE OF RTB HOUSE, SUMMERFIELD ROAD, BOLTON, BL3 2NQ.		BE THE BEST COMMUNITY C.I.C.		PROPOSED PARKING LAYOUT	
DATE	SCALE	DRAWN BY	DRAWING NO.	REVISION	
June 2018	1: 500 @ A3	mbjp	2169.01		
		Malcolm B. J. Percy, 5, Chorley Green Farm Barns, Nantwich Road, Chorley, Cheshire, CW5 8JR. E-mail : malcolmpercy@hotmail.com Mobile : 07802 663325		BUILDING DESIGN AND PLANNING Consultancy	
					

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Date of Meeting: 26/07/2018

Application Reference: 03148/18

Type of Application: Full Planning Application
Registration Date: 23/03/2018
Decision Due By: 17/05/2018
Responsible Officer: Martin Mansell

Location: STORES 1 AND 2, FARNWORTH INDOOR MARKET, KING STREET, FARNWORTH, BOLTON, BL4 7AS

Proposal: CHANGE OF USE FROM RETAIL (CLASS A1) TO GYMNASIUM (CLASS D2)

Ward: Farnworth

Applicant: Mr M Biggar
Agent : Ronson Building Design

Officers Report

Recommendation: Approve subject to conditions

Background

1. This application was deferred at the last meeting to give the Applicant the opportunity to consider whether 24-hour opening was essential to the operation of their business, and if so, to provide further information and evidence to demonstrate that this would not impact unacceptably on the living conditions of nearby residents.
2. The Applicant has considered their position and would accept a condition limiting the hours from 0600 to midnight Monday to Saturday and from 0700 to midnight on Sundays, with the opportunity to apply to relax these limitations once the business has had sufficient time to establish itself and to demonstrate that it can operate without harm to living conditions. They have also provided a timetable of their formal classes which would run from 0700 to 2015 during the week and from 0930 to 1105 at weekends. A condition has been added to limit the use of amplified music to a reasonable period.
3. Planning Officers previously considered the unrestricted hours to be acceptable within a town centre location and therefore consider the more limited hours to be acceptable. The proposed

hours do slightly encroach into the typical night time hours of 2300 - 0700 and it is noted that the residential properties of 1-11 Cross Street do directly face the site, in particular an area of the site that is allocated for parking for the gym use. However, another area of parking for gym uses is allocated closer to the entrance and it is considered that any visitors to the site at atypical hours are likely to be low in number and would be much more likely to park closer to the entrance and would therefore not have a detrimental impact on the living conditions enjoyed at the residential properties on Cross Street.

Proposal

4. Members may recall the consideration of a previous application at this site in October 2016 (97240/16) - an application to convert part of the former Hitchens building, now Farnworth Indoor Market, to an indoor trampoline use. That application was deferred for further information relating to :-

- a proper parking layout that takes into account the turning area required by the previous approval at this site
- information on other premises and business that make use of this car park and how this is managed
- details of other nearby parking provision should be provided together with information on how this is managed (i.e. is it free? Is it time limited? Is it for customers of that site only)
- details of how the security of existing stalls would be maintained if the trampoline use were to be open later than the stalls – i.e. what is to prevent evening visitors to the trampoline use gaining access to the stock of the existing stalls?

5. However, that application was withdrawn by the Applicant in January 2017. The current application can be seen in some ways as being a resubmission of the withdrawn application; however, there are some important differences:-

the proposal is now for a gymnasium rather than for an indoor trampoline use

- the gym would be open to the public for longer hours than the 1100 - 2200 use originally proposed
- a detailed parking layout has been provided
- the gymnasium would be entirely separated from the indoor market, with its own dedicated access door from the car park

6. The application proposes to change the use of two vacant units sited within Farnworth Indoor Market to an indoor gymnasium, Class D2. The market itself provides 1,850 sqm of floor space with the allocation proposed as follows:-

- 1000 sqm to retail space
- 850 sqm to the new gymnasium use

7. Opening times are proposed as being 0600 to midnight Monday to Saturday and from 0700 to midnight on Sundays. The Applicant envisages providing 10 full time and 5 part time jobs at the site. No significant external alterations to the fabric of the building are proposed.

8. There will be 32 dedicated spaces within the site, to be controlled by an electronic license plate input system to link with the Landlord Management Company. Spaces in the remainder of the car park would be allocated to the other units of the small retail park, together with the remaining units within the indoor market.

Site Characteristics

9. The application site forms part of Farnworth's indoor market and is sited within the Local Shopping Centre, off King Street, Farnworth. The immediate vicinity is a small retail area with a carpet store and 'Wobbly Bob's' indoor play area to the rear. To the front is Farnworth Bus Station with the wider area being the commercial centre of Farnworth. The specific units are currently vacant with the remainder of the market being occupied by individual retail units.
10. Parking exists to the side and rear of the building and is utilised by several commercial outlets and for general public parking.

Policy

11. National Planning Policy Framework, Core Strategy Strategic Objective 1 - Healthy Bolton, Core Strategy policies: H1 Health, S1 Safe, CG3 The Built Environment, CG4 Compatible Uses, RA2 Farnworth, Appendix 3 Car Parking Standards, SPD: Transport, Accessibility and Safety

Analysis

12. 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.

13. The main impacts of the proposal are:-

- * principle of the change of use;
- * impact on the character and appearance of the area;
- * impact on the highway safety;
- * impact on adjoining land uses;

Principle of the Change of Use

14. The proposed use of the unit as Class D2 (leisure) constitutes a "main town centre use", as prescribed within Annex 2 of the National Planning Policy Framework (NPPF). The application site is located within Farnworth Town Centre and therefore it is considered that the proposed use is an appropriate use and in accordance with section 2 of the NPPF, which seeks to ensure the vitality of town centres.
15. Core Strategy Objective 1 seeks to maximise access to sporting and recreation facilities whilst policy H1 supports the development of new health facilities and opportunities that encourage a healthy lifestyle such as physical recreation activities in accessible town centre locations. In addition, policy RA2 seeks the continuing regeneration of Farnworth town centre with a mix of retailing, leisure, employment, public service and housing uses.
16. The site is located within Farnworth town centre, in a highly accessible location adjacent to the bus station. It is considered that the locality will benefit greatly from a modern leisure and recreational facility by providing employment for 15 full-time and part time positions. The proposals will therefore create future employment opportunities.
17. The proposal details that 1000 sqm of retail space will remain within the market, with no loss of stalls and will in fact be utilising vacant floor space.

18. It is noted that gymnasium uses are becoming increasingly popular. Core Strategy Strategic Objective 1 actively encourages the creation of sporting and health facilities for a range of ages to promote health and wellbeing, with the specific Farnworth area policy encouraging a mix of uses within Farnworth Town Centre.
19. It is considered that the proposal has numerous benefits including additional employment together with the introduction of a new recreational facility and will aid in the overall regeneration of Farnworth attracting new visitors and boosting its economy. The principle of the change of use is therefore considered to be acceptable.

Impact on the Character and Appearance of the Area

20. Core Strategy policy CG3 seeks to ensure new development proposals are compatible with the surrounding area.
21. The overall external appearance of the property will not be changed, other than the creation of an access door on the rear elevation. However the proposal is considered to enhance the character and appearance of the area by the re-use of these currently vacant units.
22. It is therefore considered that the proposal would remain compatible with the surrounding area and consistent with policy CG3 of the Core Strategy and SPD General Design Principles.

Impact on Highway Safety

23. Core Strategy policies P5 and S1.2, as well as Appendix 3, seek to ensure adequate curtilage car parking and servicing is provided within the site in order to have no detriment to highway safety. For an indoor D2 recreation facility the requisite would be 1 car space per 25 m² of floor space which equates to approximately 34 spaces.
24. The site has an extensive public car park serving the surrounding units. The more detailed parking layout, as requested by Members, shows areas of the car park clearly allocated for the surrounding uses including 32 for the gymnasium together with areas for units 1a to 1c, units D1 and D2 and the remaining indoor market units. The site is considered to be in an extremely sustainable location and so visitors to the gym would not be reliant upon the car to access it. An internal bike store is also proposed.
25. The Council's Highway Engineers have responded as follows:-

"The proposal is for the conversion of part of the existing A1 use at that location to 850m² of D2 use (Assembly/Leisure). Looking at the Council's maximum parking standards for this use class (1 per 25sqm) there would be a requirement for 34 parking spaces to support this level of development. The applicant has provided information indicating sufficient parking provision within the red-edge of the application site. Although there is parking associated with King Street Retail Park this is well used by the associated businesses and the surrounding area. I am assuming that there will be sufficient available in order to support this change of use although the surrounding area has additional overspill parking provision if required. The site is highly accessible to sustainable modes of transportation and the town centre area. Acting on the above comments/observations, the Highways Authority cannot reasonably object to what is being proposed under this application."
26. It is important to note that the National Planning Policy Framework states at paragraph 32 that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". In practice, this means that unless a Local Planning Authority is confident that the impact on the highway will be significantly worse than

the existing situation - i.e. that 850 square metres of gymnasium are likely to have a severe impact when compared to 850 square metres of indoor market - then the proposal should not be resisted on those grounds.

27. Taking this technical analysis into account, the proposal is considered to comply with Core Strategy policies S1, P5 and Appendix 3.

Impact on Adjoining Land Uses

28. 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.
29. Objections have been raised with regards to current anti-social behaviour on the site. However this is a matter for the owner to provide the security required when the Market is closed. The addition of this proposal may actively discourage the gathering of youths that are not attending the facility, as the site will be occupied outside of normal trading hours providing general surveillance.
30. The proposed use is self contained and as stated above has adequate car parking. Therefore, it is considered that the proposal would have no adverse impacts on the adjoining land uses. The proposal is considered to comply with Policy CG4.

Financial benefits of the proposal

31. 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

- 32 This proposal is considered to demonstrate a national trend of former retail areas starting to focus on other uses such as leisure. It can be seen in the introduction of a cinema and food & beverage uses to Bolton town centre's Market Place site together with the introduction of trampoline and other similar uses at the large retail park formerly containing Toys R Us. Town centres are undergoing a dramatic transformation in terms of how they are used and seeking to protect all retail uses is considered to be problematic.
33. The issue of job loss has been raised - however, the planning system does not seek to protect the individual jobs or individual people but instead to promote the increase of the total number of jobs. A 24 hours is considered to be acceptable within a town centre location - the vast number of uses within Farnworth town centre will have no planning restriction on their operation. It is unlikely that great numbers of people will seek to make use of the gym outside of typical hours. The issue of parking has been assessed and found to be acceptable following the submission of a proper parking layout. A proliferation of gyms is not considered to represent a valid reason for refusal.
34. For the reasons discussed above the proposal is considered to comply with national and local planning policies and is considered to be acceptable. Members are recommended to approve the application.

Representation and Consultation Annex

Representations

Letters:- one objection has been received from a tenant of the indoor market. The grounds of objection are as follows:-

- the planned dividing wall goes right through the cafe so the cafe will be closed at the loss of 4 jobs. An additional 9 stall holders have been given notice their stalls are to close and are not being offered alternative so these people will lose their livelihood. In an area where unemployment is already high especially for more mature persons, these people will have very little prospect of finding new employment or premises (*Officer's note: this is considered in paragraph 33 of the report*)
- the gym being 24hr hours will cause disruption and noise to neighboring residents. The lighting in the carpark will attract youths to hang around late at night. Anti social behavior and vandalism are already an issue. (*Officer's note: this is considered in paragraph 29 of the report and the Applicant has agreed to reduce the proposed hours*)
- parking spaces at peak times can often be difficult to find and the large delivery vans for the two premises opposite the rear take up a significant number of spaces (*Officer's note: this is considered in the highway safety section of the report*)
- Farnworth is lacking in affordable retail premises for small business. Change of use and making the retail space 50% smaller would have a significant detrimental effect on the variety of shops in the town, something that is already a major complaint by Farnworth residents (*Officer's note: this is considered in paragraph 33 of the report*)
- there are already a number of gyms in the area, the council leisure centre is only up the road, all of which are underused. Retail space is benefits the community as a whole and this space should remain a retail unit (*Officer's note: "leisure" is defined as a town centre use within the National Planning Policy Framework. It is not necessary for an applicant to demonstrate the need for a town centre use within a town centre*)

Elected Members:- As Members visited the site in October 2016 and subsequently deferred the application for further information prior to it being withdrawn, it is considered to be appropriate to present this case to Members again

Consultations

Advice was sought from the following consultees: Highways, Planning Strategy, GMP, REDD

Planning History

Previously withdrawn application for change of use to indoor trampoline (97240/16)

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Before the approved/permitted development is first brought into use car parking spaces shall be marked out and provided within the curtilage of the site for the existing and proposed uses in

accordance with approved plan **Parking site plan - Dwg 01 rev A 14/3/2018**. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and in order to comply with Bolton's Core Strategy policies S1, P5 and Appendix 3

3. The premises subject of this consent shall not be used by members of the public outside the following hours:-

0600-midnight Mondays – Saturdays

0700-midnight Sundays

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.

4. The premises shall be used as a gymnasium and for no other purpose (including any other purposes in Class D2 of the Town and Country Planning (Use Classes) Order 1987 (England) (As amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason

For the avoidance of doubt as to what is permitted.

5. There shall be no amplified music played at the premises except between the hours of 0800 and 2030 Monday to Friday and from 0900 to 2030 on Saturdays and Sundays.

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.

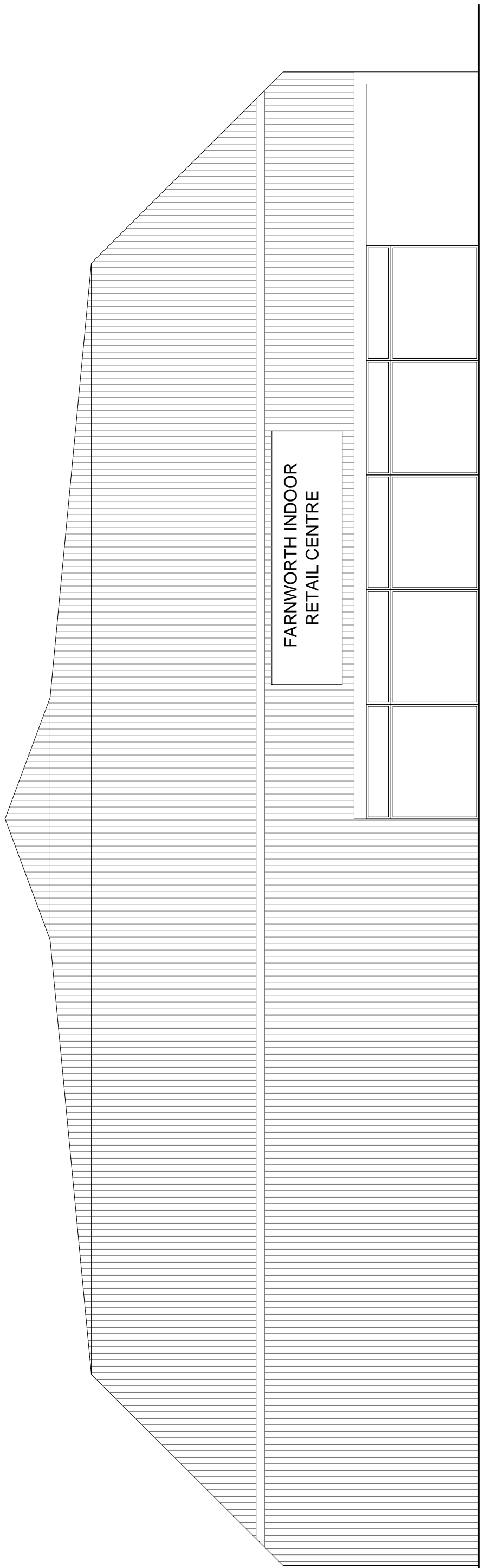
6. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Parking site plan - Dwg 01 rev A 14/3/2018
Proposed plans - Dwg No's 05 + 06 - dated 14/03/18

Reason

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

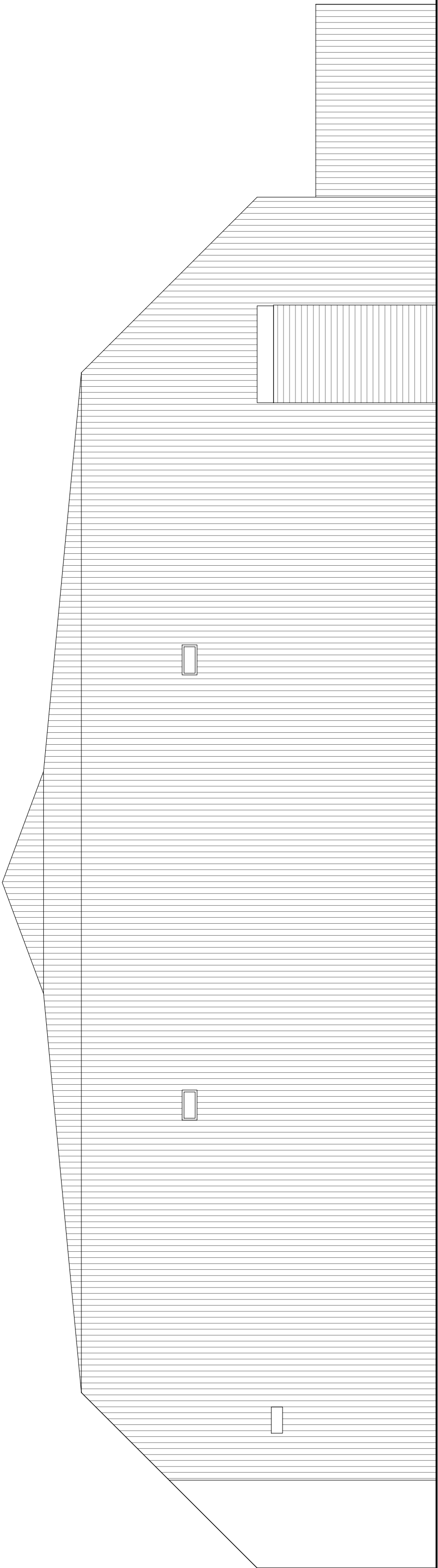
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This drawing is to be used in conjunction with the information provided on the drawings and must be checked and verified on site before construction. Any errors or omissions are the responsibility of the client and not the responsibility of any discrepancy.



Front Elevation



Side Elevation



Rear Elevation

Rev	Date	Description
1	14.03.2017	Initial Design
2	14.03.2017	Revised Design
3	14.03.2017	Final Design
4	14.03.2017	Final Design
5	14.03.2017	Final Design
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9	14.03.2017	Final Design
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Mr Matt Biggar

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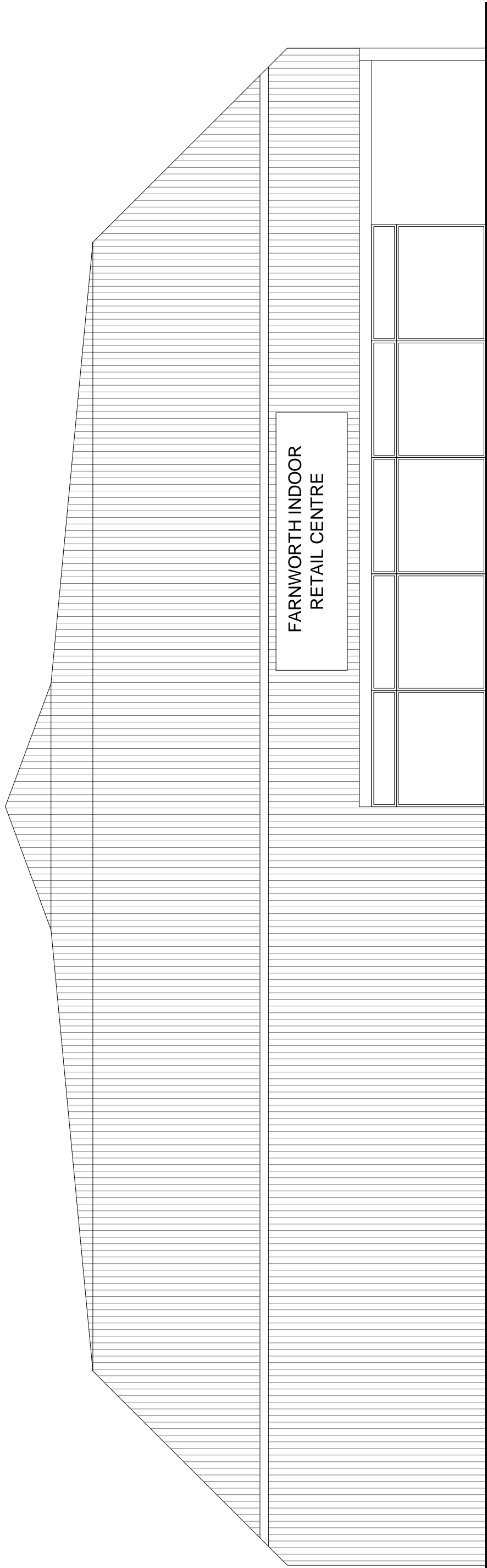
Mr Matt Biggar



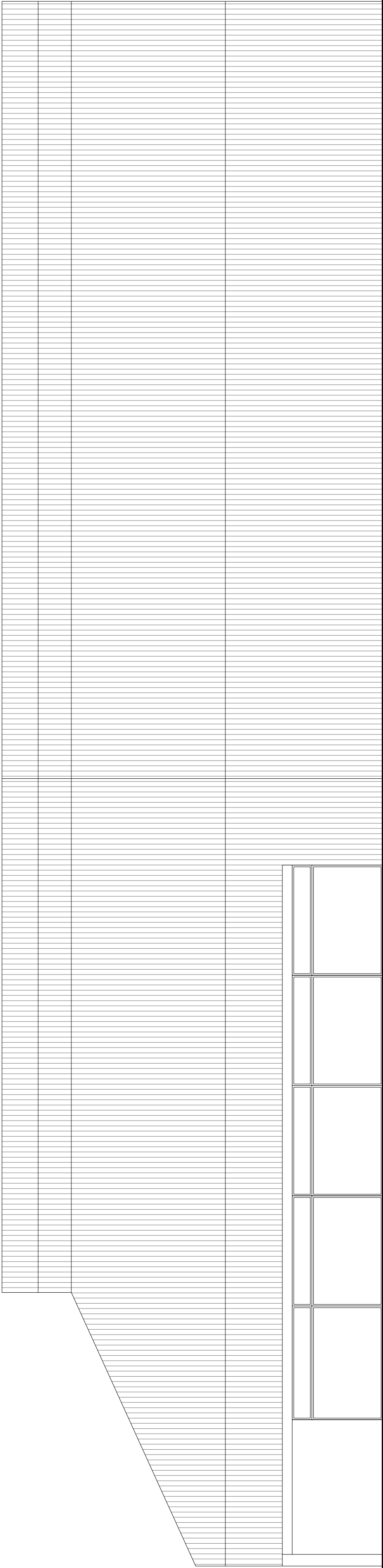
Ground Floor Plan 1:100

Order #	Date	Description
Information provided for: INFORMATION PURPOSES ONLY		
Client:	Mr Matt Biggar	
Project:	Kings Gym Farmworth Indoor Market Belton BL4 7AZ	
Customer Order Ref:	Proposed Plan	
Project No:	05	Date: 14-03-2018
Drawing No:	01	Scale: 1:100 @A1

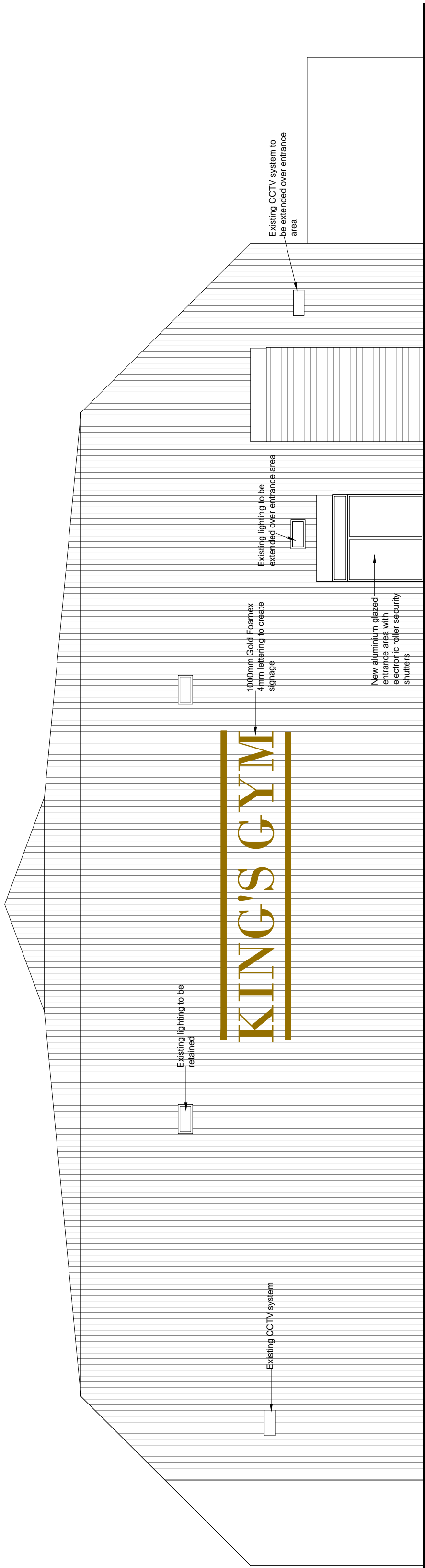
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Front Elevation



Side Elevation

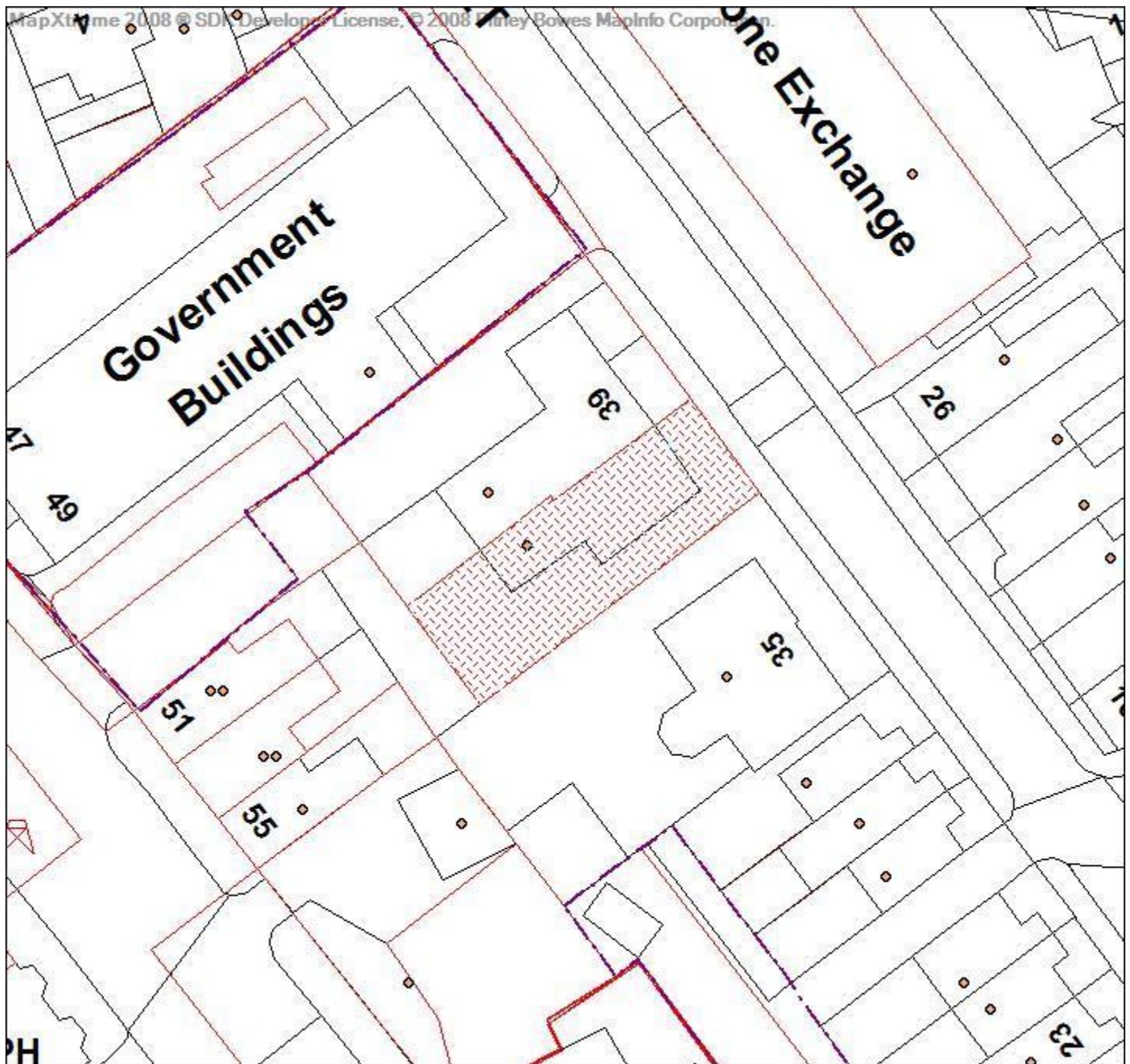


Rear Elevation

Rev	Date	Description
1	14.03.2011	Information purposes only
Information purposes only		
Mr Matt Biggar		
Mr Matt Biggar		
Farnworth Indoor Market		
Bottom BL 4 7AZ		
Proposed Elevations		
1	05	14.03.2011
1	05	14.03.2011



**Application number
03334/18**



**Directorate of Place
Development Management Section**

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

**Bolton
Council**

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Date of Meeting: 26/07/2018

Application Reference: 03334/18

Type of Application: Full Planning Application

Registration Date: 11/04/2018

Decision Due By: 05/06/2018

Responsible Officer: Amy Smith

Location: 37 PARK STREET, FARNWORTH, BOLTON, BL4 7RE

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

Ward: Farnworth

Applicant: Aquge Sulis Investments Ltd

Agent : DnA Group

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Planning permission is sought for the change of use of an existing residential dwelling (C3) to a house in multiple occupation (HMO) with 8 bedrooms for occupancy by 12 residents (Sui Generis). To facilitate the change, three roof lights will be inserted; two on the front roof plane and one additional roof light on the rear roof plane. An existing single storey lean-to extension on the side elevation will be demolished.
2. The property will accommodate a bedroom in the basement, two bedrooms and a shared kitchen/diner at ground floor, three bedrooms at first floor and two bedrooms in the roof space. Each bedroom will be served by an en-suite.

Site Characteristics

3. The application relates to a two-storey, semi-detached residential dwelling with accommodation in the basement and the roof space. The property is served by garden space to the front and rear, currently hard surfaced and enclosed by boundary fencing. The wider area comprises a mix of uses; Park Street is predominantly residential in nature featuring a variety of house types, styles and sizes. There are a number of commercial properties on the street at each end. The wider area is more mixed in nature as the site adjoins the boundary of Farnworth Local Town Centre, as defined in Bolton's adopted Allocations Plan, and backs on to properties on Market Street.

Policy

4. National Planning Policy Framework (NPPF).

5. Core Strategy Policies: P5 Transport and Accessibility; S1 Safety; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; RA2 Farnworth;
6. Supplementary Planning Documents: Accessibility, Transport and Road Safety and General Design Principles.

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 housing provision
- * impact on the character of the area
- * impact on the amenity of neighbours and future occupiers
- * impact on crime and anti-social behaviour
- * impact on the highway network

Impact on Housing Provision

9. The NPPF recognises the role of the planning system in providing a supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should proactively drive and support sustainable economic development to deliver the homes and thriving local places that the country needs whilst encouraging the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value.
10. Policies SO14, SO15 and SO16 of Bolton's Core Strategy are strategic objectives within the "Strong and Confident Bolton" theme and seek to provide housing that meets the needs of everybody, reflecting the needs of an ageing population and a growth in the number of households, focus new housing in the existing urban area, council-owned housing areas and in mixed-use developments on existing older industrial sites and to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.
11. Policy RA2 relates specifically to Farnworth and states that development should make efficient use of land in this area due to existing higher levels of development density, requiring development to provide adequate privacy and amenity space and conform to the overall spatial approach.
12. One of the government's strategic housing policy objectives is to create sustainable, inclusive, mixed communities in all areas. They are also clear that local policies should be informed by a robust, shared evidence base particularly with regard to housing need and demand. Furthermore, sustainable development has become a primary focus of national guidance which

has significant implications for all aspects of new development but particularly accessibility, parking and the effective and efficient use of land. Guidance is clear that the conversion of existing housing can provide an important source of new housing.

13. The NPPF features no specific guidance on the subject of houses in multiple occupation, although the general guidance at paragraph 50, on the need for authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, is relevant.
14. Whilst a large family dwelling will be lost as a result of the conversion, a form of lower cost housing will be provided which will meet a particular need, thereby making a small but positive contribution to the number of households and mix of housing available over the plan period.

Impact on the Character of the Area

15. To facilitate the change of use, the existing dilapidated lean-to extension at the side of the dwelling will be demolished. The lean-to is scarcely visible from the street and it makes no positive contribution to the host building or the wider area; its loss is not opposed. Three roof lights will be inserted into the roof planes; two on the front and one additional roof light to the rear, adjacent to an existing roof light. The roof lights are of an appropriate alignment and proportion and will not detract from the character of the host building. Due to the height of the building, the roof lights will not be a prominent feature.
16. Policy RA2 states that development will conserve and enhance the distinctive character of the existing physical environment. That said, Park Street has no overriding character given the variety of dwelling types and differing architectural styles of dwellings. It is not considered that the physical alterations will have a detrimental impact on the character of the area.

Impact on the Amenity of Neighbours and Future Occupiers

17. Core Strategy Policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. In terms of the impact on neighbours, it is recognised that as a dwellinghouse, the majority of the windows in the side elevation would have previously served habitable rooms, except for a bathroom, and so the introduction of bedrooms with side facing windows will not result in a greater impact on the privacy enjoyed by the neighbours to the side and rear than previously existed. The current boundary treatment, which is formed of a part retaining wall and part 1.8m high fence, will provide an element of screening between the facing windows at ground floor level. As a result, it is not considered that there will be a greater impact on the amenity of neighbours than currently exists. It is considered that noise would not be significantly different to that associated with a typical large family dwelling. The likely comings and goings may be more intense but not to the extent that it would cause harm to neighbouring residential amenity. It is recognised that the dwelling could be occupied a very large family.
18. For future occupiers, each bedroom within the ground and upper floors will have at least one window that will provide an adequate level of light and outlook. The bedroom within the basement will be served by a light well of suitable depth and width to afford an adequate level of light to this room. The communal kitchen and dining area will be on the ground floor, utilising large windows for light, outlook and ventilation. This shared kitchen and dining area is approximately 24sqm in floor space which is considered acceptable, especially in addition to the individual bedrooms which range from 11sqm to 17sqm. Occupiers will also have the use of a communal kitchen/dining area. All bedrooms will be served by an en-suite bathroom.
19. According to the Council's Standards for houses in multiple occupation the following space

- standards are required to be met –
 - Single occupancy bedroom (with no separate living room) – 10.22sqm
 - Double occupancy bedroom (with no separate living room) – 15sqm
 - Combined kitchen/dining room for 10-12 occupants – 19.5sqm
20. Rooms 1, 2, 3 and 6 are intended for double occupancy and exceed 15sqm in area, except for Room 2 which is 15sqm. Rooms 4, 5, 7 and 8 are intended for single occupancy and all exceed 10.22sqm in area. The combined kitchen/diner will exceed 19.5sqm, thereby complying with the standard for a HMO with between 10 and 12 people living in it. On this basis, it is considered that future occupants of the proposed HMO will be provided with a satisfactory level of light and outlook.
21. The General Design SPD outlines amenity space standards for flat and bedsit developments. It advises of either 5sqm balcony space per bedsit or 18sqm adequately screened communal amenity space per bedsit, whilst this control note specifically relates to the conversion of dwellings into bedsits, the principle of this policy can be applied. Policy CG4.1 refers to protecting amenity, privacy, safety and security. The privately screened garden area to the side and rear of the building measures approximately 115sqm which breaks down to 14sqm of space per bedroom. Given that the nature of a HMO is shared living accommodation, the private garden area is considered appropriate for the size of the HMO and will afford occupiers an adequate level of private external amenity space.
22. The proposal has been reviewed by the Council's Housing Standards Officers who have advised that the proposed layout of the property is such that it meets the Council's HMO standards and would be likely to be granted a HMO License, subject to a number of matters relating to the layout and provision of goods within the kitchen.
23. There is an adequate level of space around the dwellings to accommodate a suitably sized bin store. A condition has been attached requiring details of the siting and proposed bin shelter to be agreed prior to occupation of the dwellings.

Impact on Crime and Anti-Social Behaviour

24. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are therefore material considerations that a local authority should take into account when exercising its planning functions under Town and Country Planning legislation. The National Planning Policy Framework states that planning decisions should aim to ensure that developments should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
25. Bolton's Core Strategy notes that the town's recorded crime levels are reducing but perception of crime remains high. The Core Strategy's most important direct contribution to reducing crime and the fear of crime is through the design of new development. A contributory factor to improving safety is to create and sustain a sense of place that enables people to identify with their surroundings or locality. This can be achieved through appropriate layout, high quality architecture, good lighting and landscape design. In considering design, the Council takes into account national advice as currently set out in the Government publication "Safer Places – the Planning System and Crime Prevention."
26. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks, amongst other things, to reduce crime and the fear of crime, by ensuring that neighbourhoods are attractive and

well-designed. Policy S1 is part of the "Safe Bolton" Sustainable Community Strategy theme and states that the Council and its partners will ensure that the design of new development takes into account the need to reduce crime and the fear of crime. Policy CG4 of Bolton's Core Strategy seeks to ensure that new development protects, amongst other things, safety and security.

27. Crime and anti-social behaviour often figure higher in the concerns of neighbours in the determination of applications for new HMOs but the planning appeal record has generally found that such concerns are not based in fact.
28. Only minor external changes are proposed which will have no impact on the opportunities for crime or the fear of crime. It is noted that the site and all access points benefit from good natural surveillance due to its location surrounded by residential properties. The impact on crime and anti-social behaviour is considered to be acceptable.
29. A number of the objectors raise concern in relation to the people who will reside in the HMO. The LPA has no control over who the future residents may be, in the same way there is no control over who resides in a dwellinghouse.

Impact on the Highway Network

30. Paragraph 32 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
31. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety. The Council has also adopted the Accessibility, Transport and Road Safety SPD which requires new development to reduce the need to travel by car, and encourage people who live, work and visit to walk, cycle and use public transport.
32. Objections have been received on the basis that there will be an increase in traffic exacerbating existing parking problems on the street. For HMO uses it is often the case that residents have a low level of car ownership. In addition, it is recognised that dwelling may lawfully be occupied by a large single household which may give rise to even greater parking requirements than a multiple occupation use. On appeal, inspectors have accepted that greatly reduced or nil parking requirements for HMOs are acceptable given the likely demand based on an evaluation of the particular case - proximity to public transport, shops etc being important factors as well as capacity on and off site and roadside parking controls operating.
33. The Council Highway Engineers note that there is no off road car parking provision associated with the existing property, however, the property is situated within an accessible location, close to sustainable transport provision and the town centre amenities. Acting on this, the Highways Authority cannot reasonably object to this proposal.
34. A condition has been attached to ensure that the secure and sheltered parking for at least 12 cycles shown on the proposed site plan is available for use prior to occupation of the dwellings.

35. The comments of the objectors are noted but, for the reasons set out above, it is not considered that the proposed use is of such a scale to represent a severe impact, in accordance with the NPPF. The impact on the road network is considered to be acceptable.

Conclusion

36. It is not considered that the development will harm the character and appearance of the area and will not pose an unacceptable harm to the amenity of neighbours or future occupiers. The proposal will not represent a severe impact on the highway network. The development is in accordance with the relevant policies contained within Bolton's Core Strategy and the guidance contained within the SPDs and the NPPF.

Representation and Consultation Annex

Representations

Letters: 8 objections have been received from neighbours. The issues raised can be summarised as follows:

- Unacceptable increase in traffic resulting in more vehicles parking on Park Street and causing difficulties for passing pedestrians;
- The development represents overdevelopment;
- Lack of community cohesion leading to anti-social behaviour;
- HMOs are occupied by less desirable tenants;
- Lack of bin storage;
- There are already HMOs in the area;
- HMOs attract criminal behaviour;
- The HMO will reduce property values in the area;
- The development will not enhance the street.

The impact of development on property values is not a material planning consideration.

Petitions: None

Town Council: N/A

Elected Members: Councillor Gillies and Councillor Flitcroft have raised concerns and requested that the application is determined at Committee. The issues raised by Councillors relate to:

- The impact on the highway as a result of limited space for parking;
- Noise and disturbance;
- Lack of bin storage;
- The development represents overdevelopment.

Consultations

Advice was sought from the following consultees:

- Environmental Health;
- Highways;
- Housing and Public Health;
- Design for Security.

Planning History

There is no planning history for this site.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

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

Proposed Floor Plans, drawing number 2018/307/002
Proposed Elevations, drawing number 2018/307/004
Proposed Site Plan, drawing number 2018/307/005

Reason

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

3. Before the development is first brought into use a detailed scheme shall be submitted to and approved by the Local Planning Authority showing the design, location and size of a facility to store refuse and waste materials. The approved scheme shall be implemented in full within 21 days of the Local Planning Authority approving the scheme in writing and retained thereafter.

Reason

To ensure satisfactory provision is made for the storage of waste materials in order to comply with Bolton's Core Strategy policy CG3

4. Before development commences details of on-site cycle parking to be provided within the site (for 12 cycles) shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented in full before the development hereby approved is first occupied or brought into use and retained thereafter.

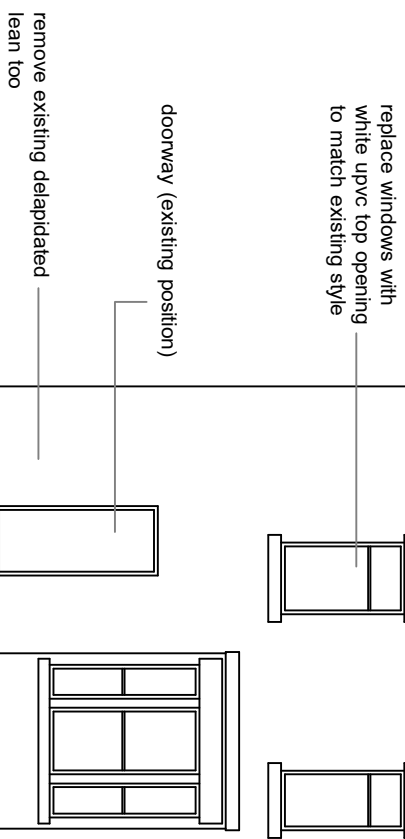
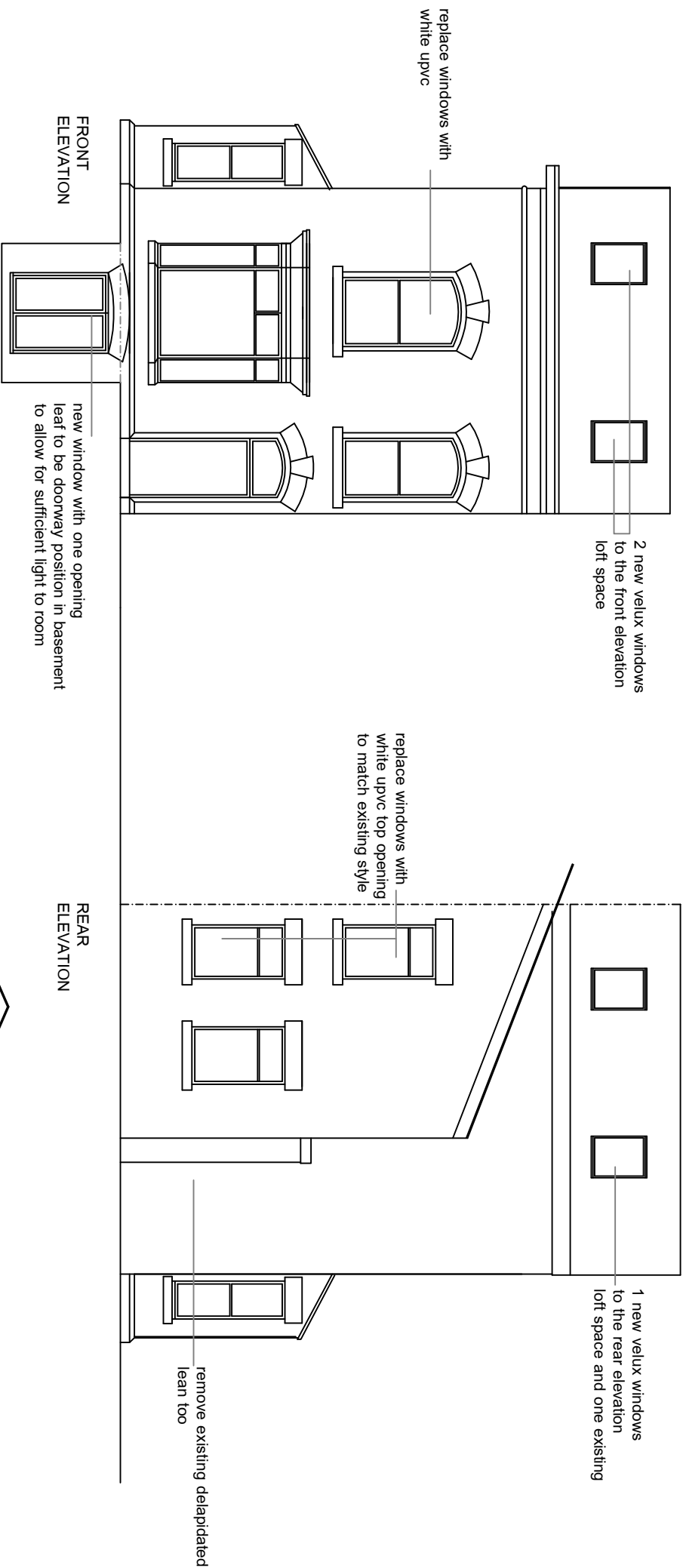
Reason

To encourage cycle use and provide adequate facilities for cyclists and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document "Accessibility, Transport and Road Safety".

5. No more than 12 persons shall be resident at the premises at any time.

Reason

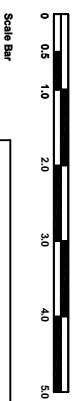
To prevent the over-intensive use of the premises and to comply with policies CG3 and CG4 of Bolton's Core Strategy.



SIDE
ELEVATION

REAR
ELEVATION

FRONT
ELEVATION



Head Office:
122 CONISCLIFFE ROAD
DARLINGTON
COUNTY DURHAM
DL3 7RW

Project
37 Park Street
BL4 7RE

Scale 1:50@A1 1:100@A3					
Purpose	approved	checked	checked	checked	checked
Revision		initial	date	for	

Drawn by:	Approved by:
RW	
Subject Proposed Elevations	Drawing No. 2018/307/004



DNA GROUP

Head Office:
122 CONISCLIFFE ROAD
DARLINGTON
COUNTY DURHAM
DL3 7RW

Project
37 Park Street
BL4 7RE

Scale 1:50@A1 1:100@A3					
Purpose	approved	checked	checked	checked	checked
Revision		letter	date	date	date
Room configuration amended for room 7		A	Jun 18	RM	
Drawn by:	Approved by:				
RW					
Subject	Drawing No.		2018/307 / 002		
Proposed Plans					

Application number
03383/18



Directorate of Place
Development Management Section

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

**Bolton
Council**

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Date of Meeting: 26/07/2018

Application Reference: 03383/18

Type of Application: Full Planning Application

Registration Date: 13/04/2018

Decision Due By: 07/06/2018

Responsible Officer: Amy Smith

Location: 41 PORTUGAL STREET, BOLTON, BL2 1AP

Proposal: CHANGE OF USE FROM RESIDENTIAL DWELLING (C3 USE) TO NURSING AND RETIREMENT HOME (C2 USE)

Ward: Tonge with the Haugh

Applicant: SCEPTRE CARE LTD

Agent : RA Design & Project Management Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Planning permission is sought for the change of use from a residential dwelling to a nursing and retirement home to be privately managed. To facilitate the change of use, the internal layout will be altered converting the existing ground floor lounge to a bedroom, the dining room to a lounge and a bedroom within the roof space to an office. No external alterations are proposed. The total number of bedrooms will not increase. Whilst the home will be available for occupation by anybody with such need, it is expected that the home will predominantly serve Asian elders, who were traditionally accommodated within extended families. However, due to changing demographics, shifting cultural patterns among younger people and the limited size of most housing, Asian elders are increasingly finding themselves requiring to be housed in such care and retirement homes.
2. The application is brought for consideration at Planning Committee as Cllr Mistry has an interest in the application / proposed change of use.

Site Characteristics

3. This application relates to the end dwelling in a row of three at 41 Portugal Street, at the junction with Bradford Street. The dwelling is dual-fronted with three storeys of accommodation and a basement used for storage. There is space within the rear yard for the parking of one vehicle, accessed via Portugal Street. The wider area is predominantly residential in nature with a number of commercial units along Bradford Street.

Policy

4. Core Strategy Policies: CG3 The Built Environment, CG4 Compatible Uses, S1 Safety, P5 Transport and Accessibility and RA1 Inner Bolton.

5. Supplementary Planning Documents: Accessibility, Transport and Safety SPD and the General Design Principles SPD
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.
8. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
9. The main impacts of the proposal are:-
 - *impact on housing provision
 - *impact on character and appearance of area
 - *impact on amenity of occupiers and neighbours
 - *impact on highway network

Impact on Housing Provision

10. Policies SO14, SO15 and SO16 of Bolton's Core Strategy are strategic objectives within the "Strong and Confident Bolton" theme and seek to provide housing that meets the needs of everybody, reflecting the needs of an ageing population and a growth in the number of households, focus new housing in the existing urban area, council-owned housing areas and in mixed-use developments on existing older industrial sites and to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.
11. Policy RA1 relates specifically to Inner Bolton and states that development should make efficient use of land in this area due to existing higher levels of development density, requiring development to provide adequate privacy and amenity space and conform to the overall spatial approach.
12. The NPPF recognises the role of the planning system in providing a supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should proactively drive and support sustainable economic development to deliver the homes and thriving local places that the country needs whilst encouraging the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value.
13. One of the government's strategic housing policy objectives is to create sustainable, inclusive, mixed communities in all areas. They are also clear that local policies should be informed by a robust, shared evidence base particularly with regard to housing need and demand. Furthermore, sustainable development has become a primary focus of national guidance which

has significant implications for all aspects of new development but particularly accessibility, parking and the effective and efficient use of land. Guidance is clear that the conversion of existing housing can provide an important source of new housing.

14. The NPPF, at paragraph 50, provides guidance on the need for authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, is relevant.
15. Whilst a large family dwelling will be lost as a result of the conversion, a new form of housing will be provided which will provide accommodation to meet a particular need, thereby making a small but positive contribution to the number of households and mix of housing available over the plan period.

Impact on Character and Appearance of Area

16. Core Strategy Policy CG3 states development shall conserve and enhance local distinctiveness, having regard to the overall built character and landscape quality of the area.
17. There are no external alterations proposed and so the impact of the development on the character of the area will come down to the nature of the use. The residential care home will feature four bedrooms, which is the same number of bedrooms as the existing dwelling. Given the small scale of the home, it is not expected that there will be a detrimental impact on the character of the area.

Impact on Amenity of Occupiers and Neighbours

18. Core Strategy Policy CG4 states that development shall be 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, nor cause detrimental impacts upon water, ground or air quality.
19. Each habitable space will be served by an appropriately sized window for light and outlook for future occupiers. The property is served by an existing private rear yard to be used as amenity space. The proposed layout is acceptable in terms of the impact on the amenity of future occupiers.
20. In terms of the impact on the amenity of neighbours, the nature of the use is not dissimilar to the existing use; predominantly residential but with an element of care provided on site at all times. Habitable spaces will not be introduced where they didn't previously exist and so it is not considered that there will be a detrimental impact on the amenity enjoyed by neighbours as a result of the change of use.

Impact on Highway Network

21. Core Strategy Policy P5 states that development shall ensure that parking is available in accordance with the Council's standards. There is an existing vehicular access from Portugal Street into the rear yard with space for one vehicle which meets the Council's parking standards for the proposed use (C2 Use Class requires 1 space per 4 bedrooms). In addition, the site is accessible and well located to sustainable transport provision. The proposal is acceptable in this regard.

Conclusion

22. It is considered that the proposal will be compatible with the character and appearance of the area and will also be compatible with the adjoining residential uses. The proposal would not have a detrimental impact on the local highway network.

23. The development is considered to be in accordance with the relevant policies of Bolton's Core Strategy, the guidance contained within the NPPF.

Representation and Consultation Annex

Representations

Letters: none received

Petitions: none received

Elected Members: none received

Consultations

Advice was sought from the following consultees: Highways Engineers, Wigan and Bolton Health Authority and Design for Security (Greater Manchester Police).

Planning History

41925/92 93 & 95 Bradford Street/41 Portugal Street Bolton BL2 1JY - Change of use from 3 dwelling houses to a rest home for elderly persons - Withdrawn.

44426/93 93 & 95 Bradford Street And 41 Portugal Street, Bolton, BL2 1JY - Change of use and conversion from 3 houses to a residential home for elderly persons – Refused 01/03/94

46136/94 41 Portugal Street And 93/95, Bradford Street, Bolton, BL2 1AP - Change of use and conversion from 3 houses to a residential home for elderly persons (16) – Approved with Conditions 19/01/95

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

2. The premises shall be used as a nursing and retirement home and for no other purpose (including any other purposes in Class C2 of the Town and Country Planning (Use Classes) Order 1987 (England) (As amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason

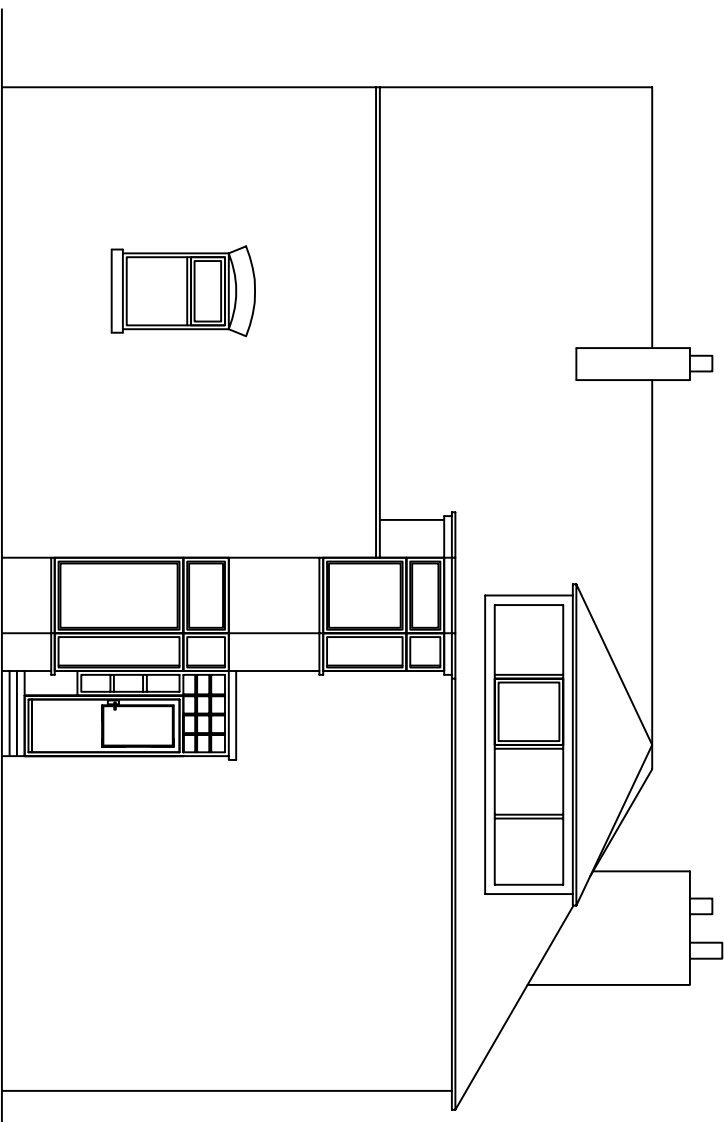
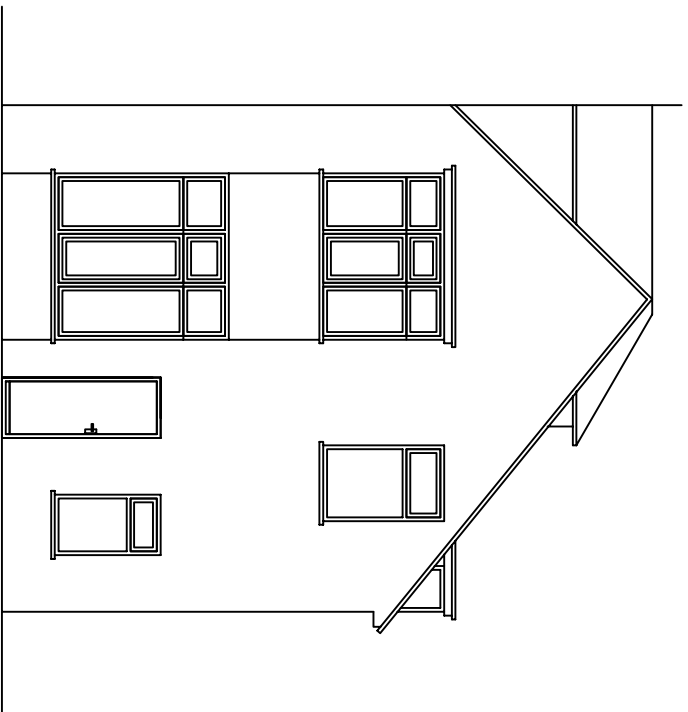
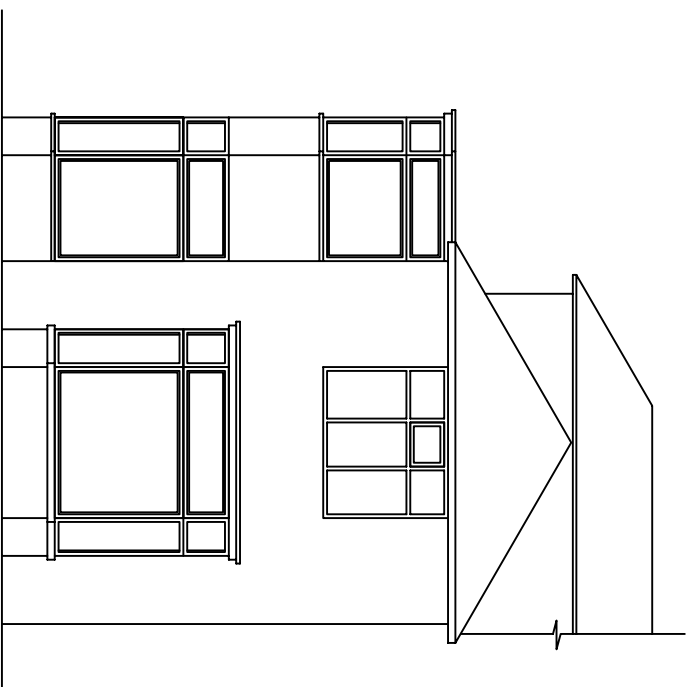
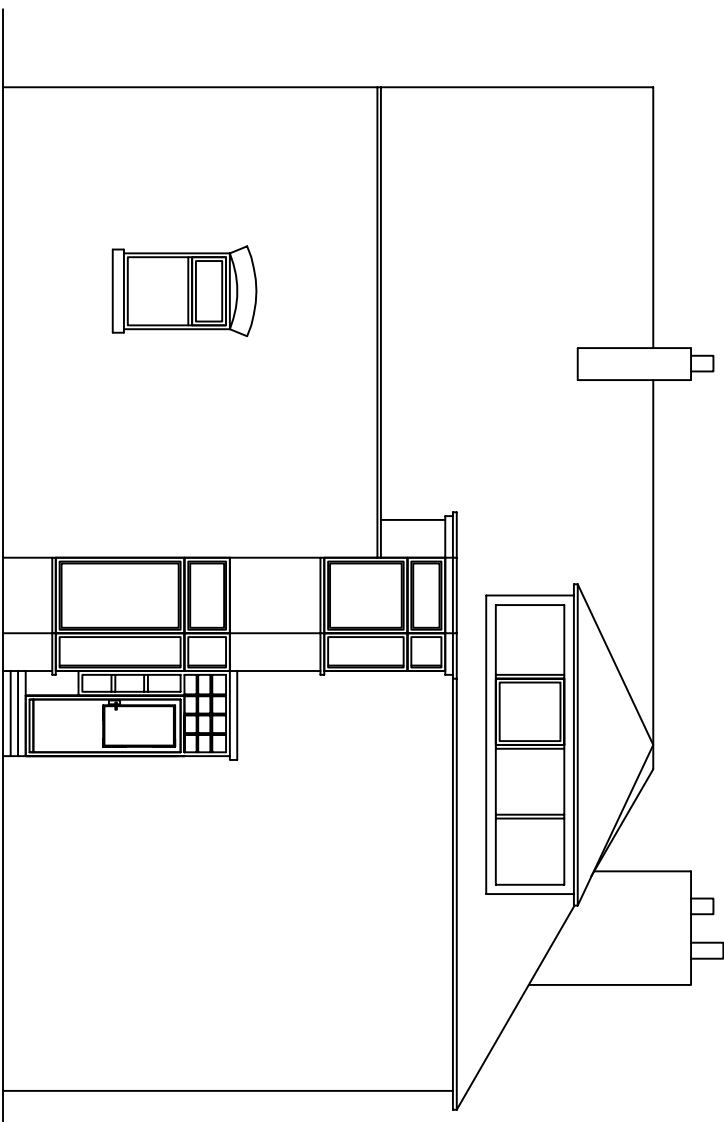
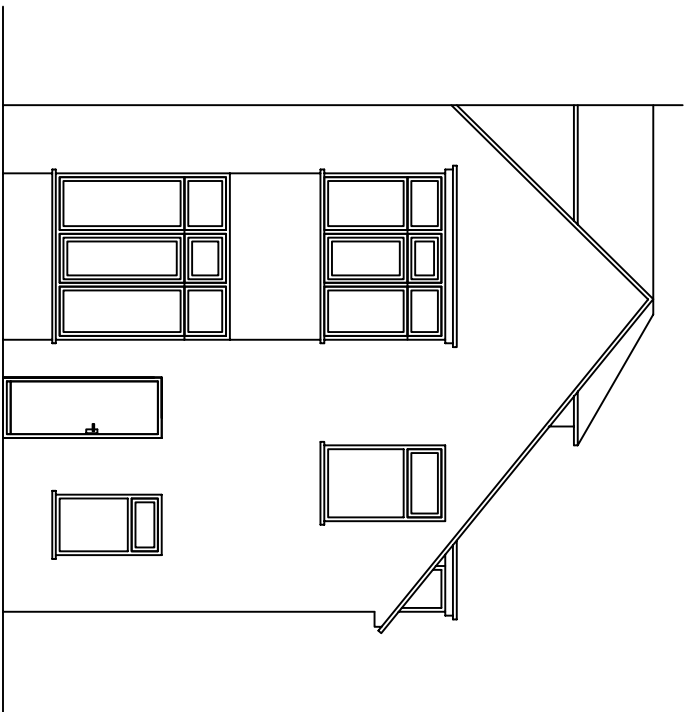
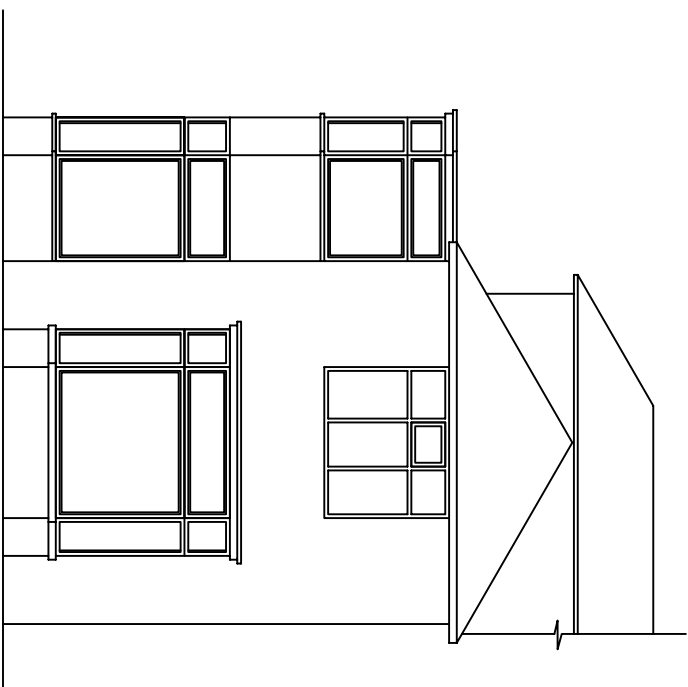
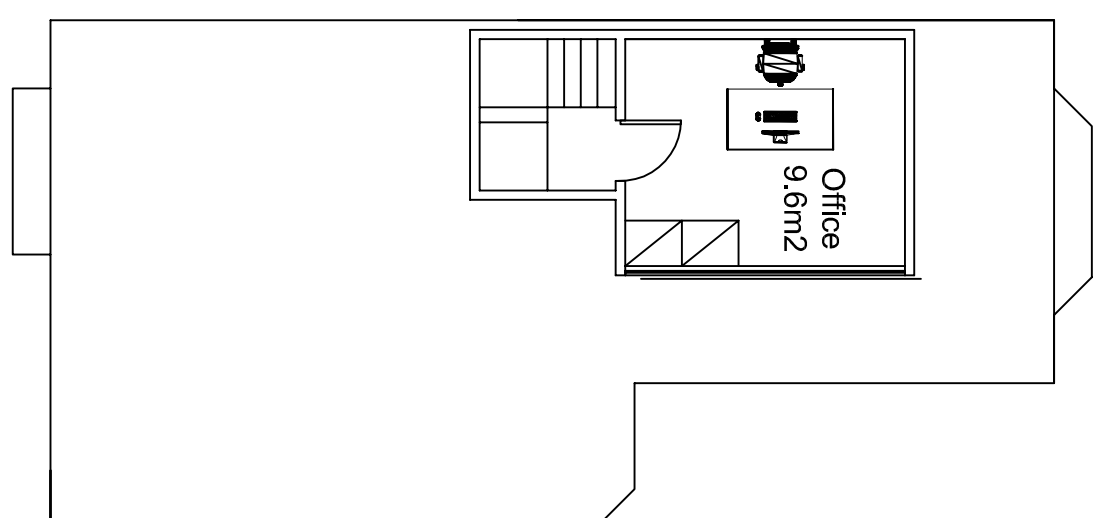
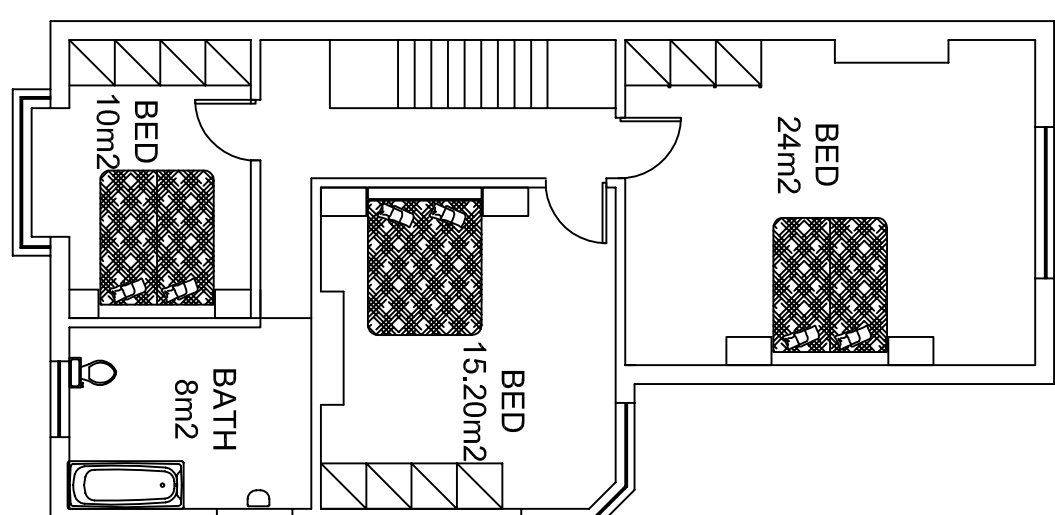
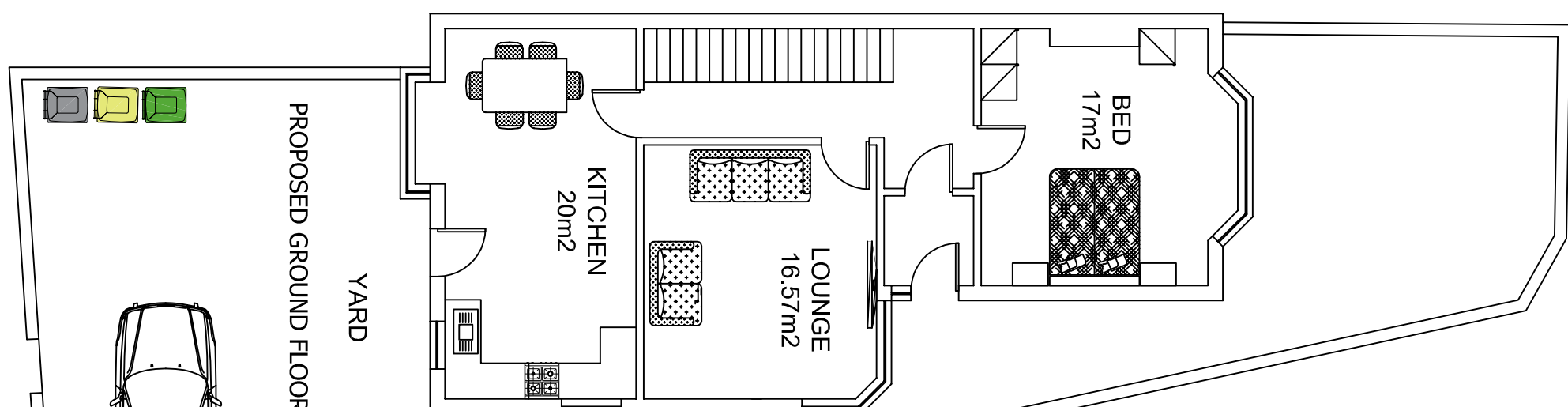
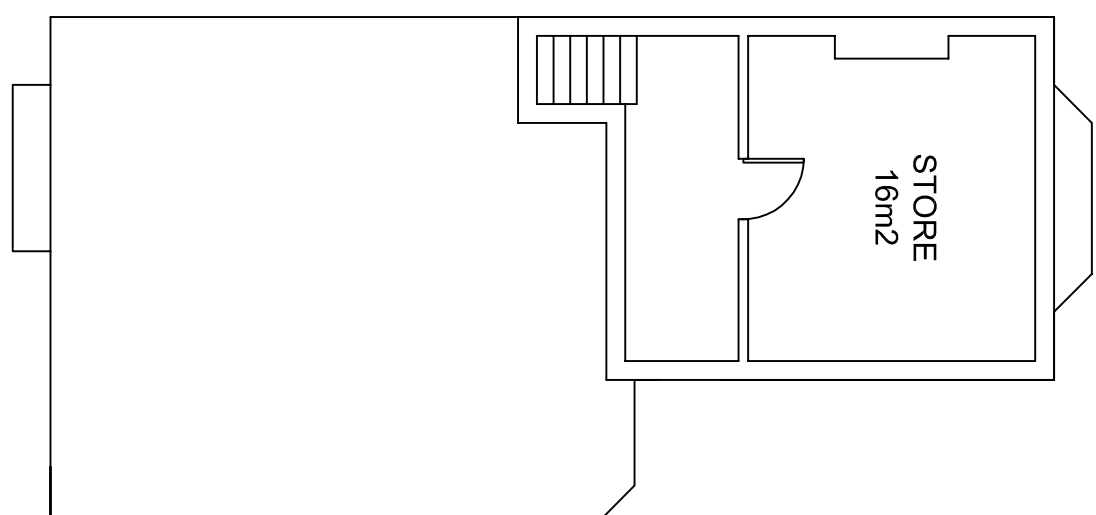
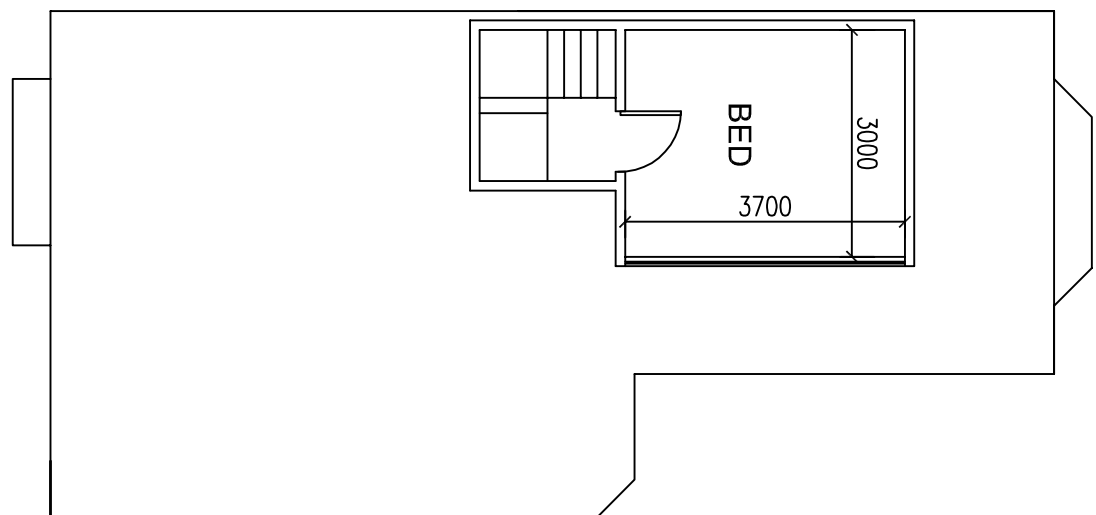
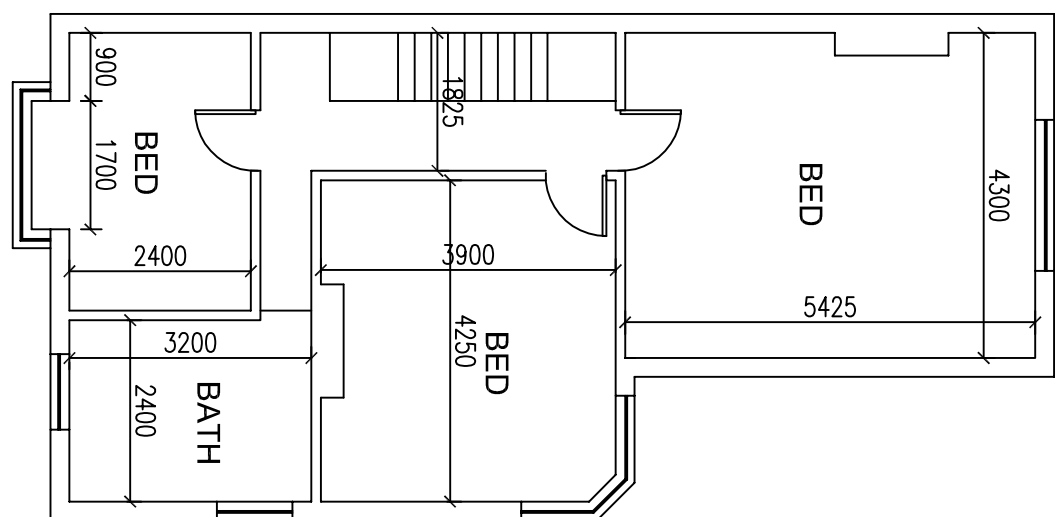
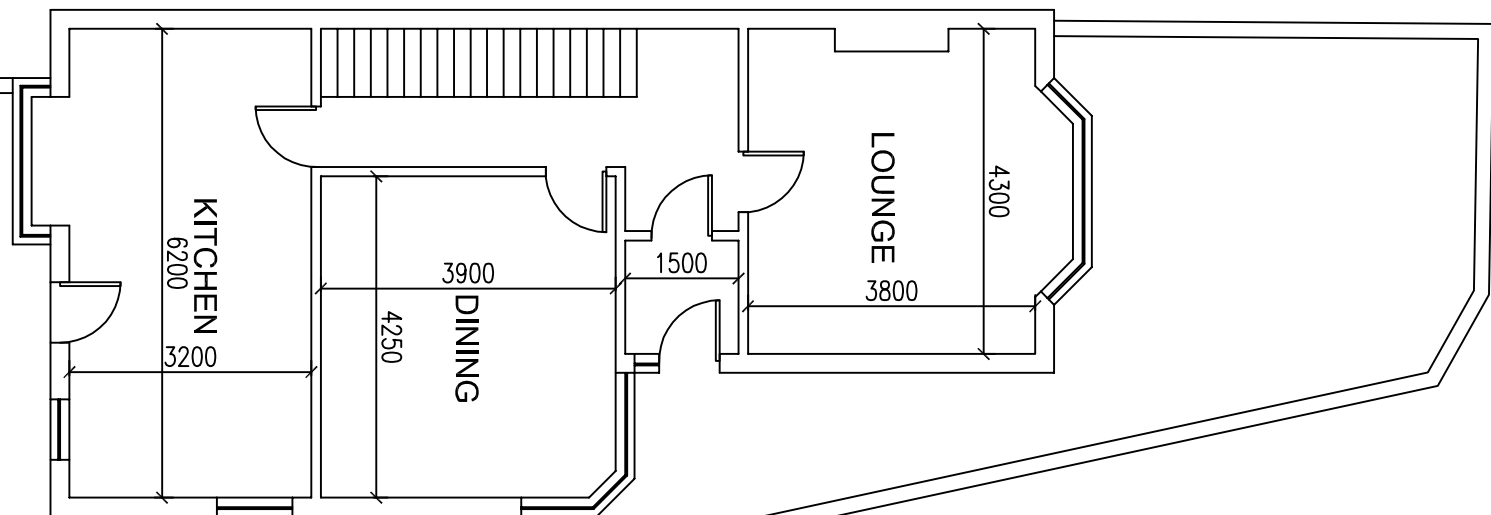
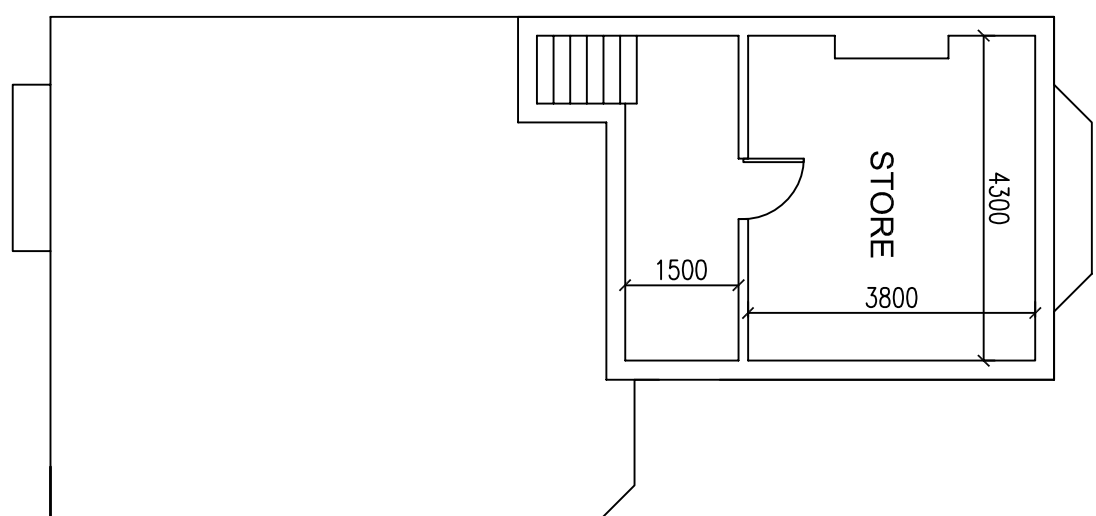
For the avoidance of doubt as to what is permitted.

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

Existing and Proposed Plans, dated March 2018, drawing number RAD/1770/18/1

Reason

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

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Figured dimensions take precedence over scaled measurements from the drawing. All dimensions and drawings to be checked by Client and Contractor and discrepancies must be reported by the Client prior to commencement of work.

The whole of the works to comply with Planning Approval & conditions and current Building Regulations. No work to commence without Planning & Building Regulations approval.

The client must ensure the project complies with the Construction Design and Management Regulations 2015

The Client should ensure that the project is insured or insured (only) is obtained, as well as compliance with Party Wall Act 1996

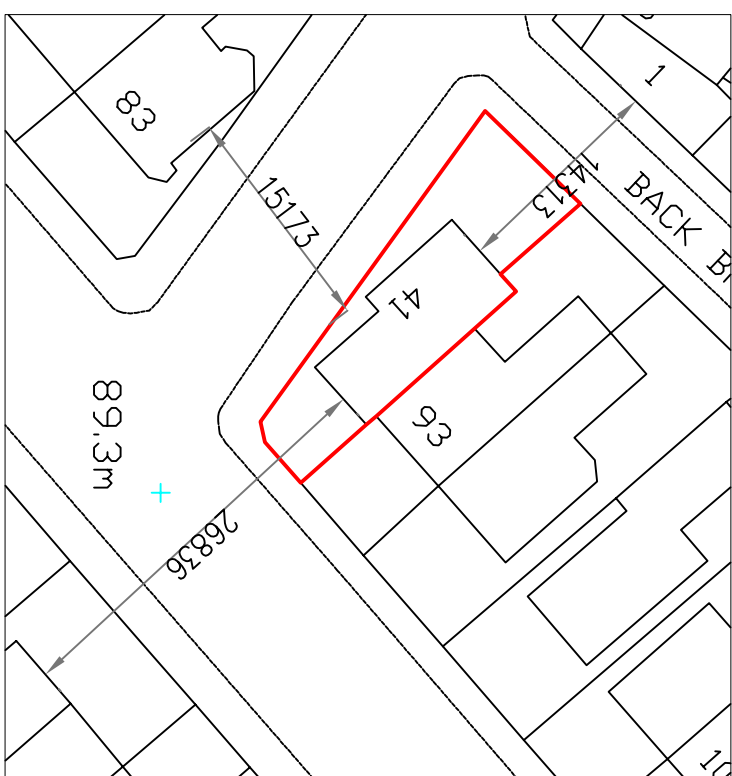
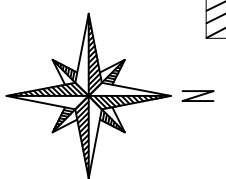
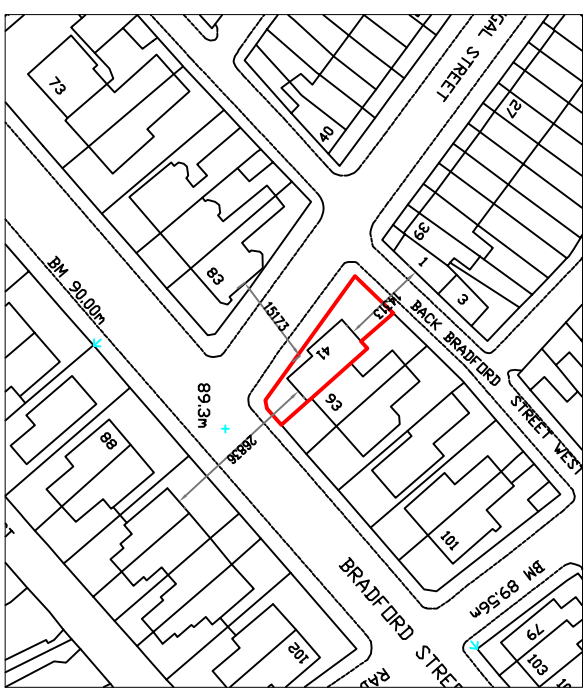
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RAD

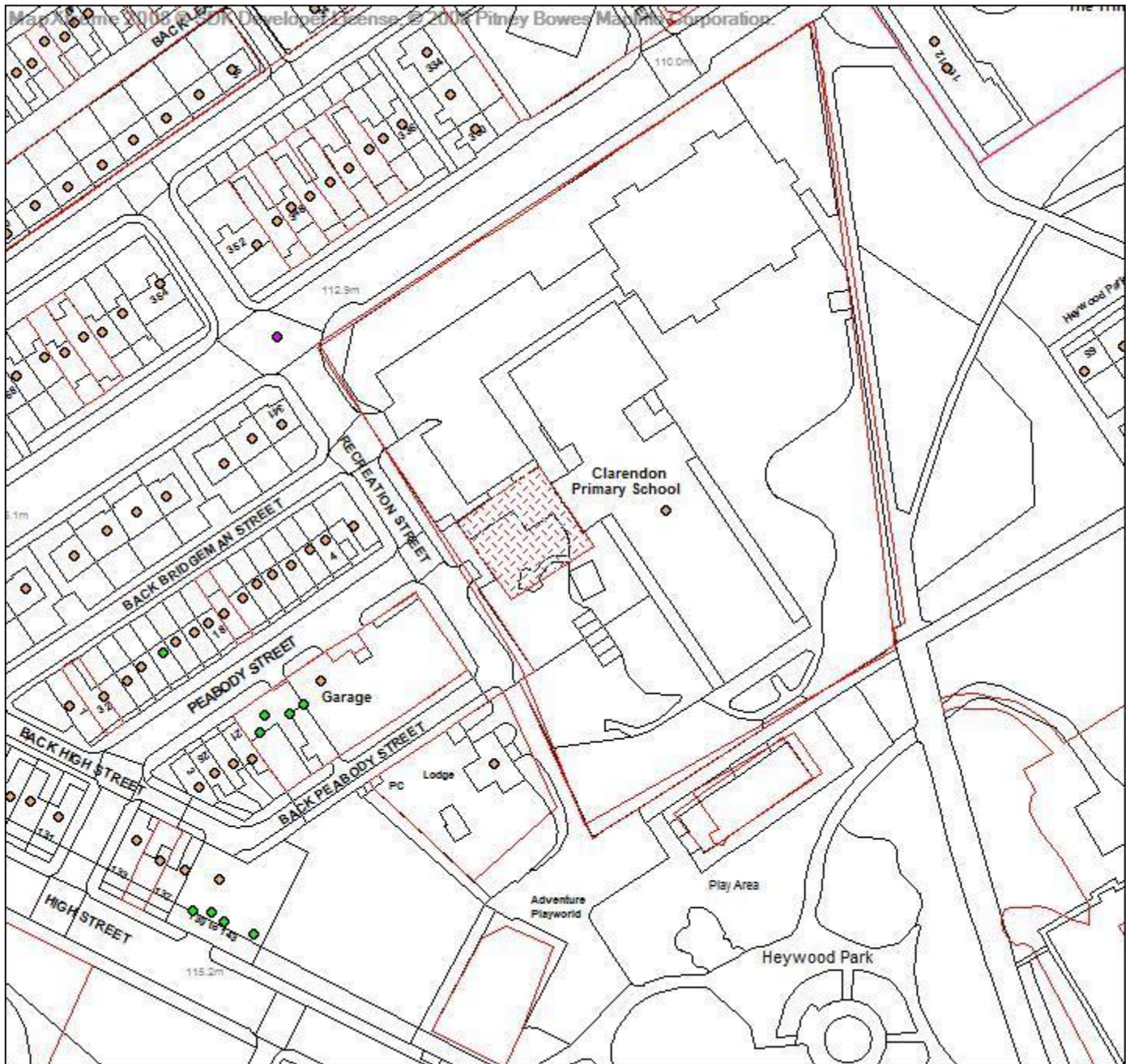
The White House,
42-44 Chorley New Road,
Bolton
BL1 4AP

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

Project	Client	<p>41 PORTUGAL ST BOLTON BL2 1AP</p> <p>SCEPTRE CARE LTD</p>
	Drawn	RA
	Date	MARCH 2018
Title	Scale	1:100 @ A1 / 1:200 @ A3
	Drawing Number	RA0/1770/18/1



Application number 03687/18



Directorate of Place
Development Management Section

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

Bolton Council

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Date of Meeting: 26/07/2018

Application Reference: 03687/18

Type of Application: Full Planning Application
Registration Date: 05/06/2018
Decision Due By: 30/07/2018
Responsible Officer: Beth Bradburn

**Location: CLARENDON PRIMARY SCHOOL, RECREATION STREET,
BOLTON, BL3 6SN**

**Proposal: ERECTION OF A TIMBER FRAMED BUILDING FOR
EDUCATIONAL USE**

Ward: Great Lever

Applicant: Governing Board - Clarendon Primary
Agent : Metropolis Architecture

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Planning permission is sought for the erection of a timber framed building for educational use.
2. The proposed building would be sited to the south west of the existing school and would create extra space for a classroom (61.2 square metres). The building would be a rectangle shape with a flat roof measuring 10.99 metres X 6.25 metres, with an overall height of 2.82 metres.
3. Two external decks would be located to the North and South elevations of the proposed building. Ramps measuring 9.6m x 1.66 metres would lead up to each external deck which would be finished in non-slip materials.
4. The proposed building would be constructed out of timber, with powder coated aluminium frame double glazed windows. The building would be clad with Western Red Cedar and would be fitted with low energy LED lighting systems, solar water heating and air-source pump space heating.
5. Internally, the building would feature a teaching space, store, WCs and a kitchenette. Access is via an inclined surface with level thresholds, ensuring the proposal is accessible by all.
6. The proposed building would be sited 7.49m away from the main entrance of the school.
7. No objections have been received nor have any concerns been raised by statutory consultees but the Council's Constitution currently requires that all Council applications be presented to Planning Committee.

Site Characteristics

8. The application site relates to Clarendon Primary School. The proposed building would be located on the existing paved area of the school; it would however partly extend onto the grassed area which is sited at a slightly lower level.
9. The school is bound by Recreational Street and Bridgeman Street.
10. The building would be detached from the main building, however would be in close proximity to the entrance making it easily accessible from the main school building. The proposed building would partially extend onto the pedestrian pathway that leads to the main entrance of the school; however it would not unacceptably obstruct this pedestrian area.
11. The vehicular access points and parking provision would remain unaffected by the proposal.

Policy

12. National Planning Policy Framework (NPPF)
13. Core Strategy policies: A1 Achieving, CG3 The Built Environment, CG4 Compatible Uses, P5 Accessibility, SC2 Cultural and Community Facilities, Policy CG1.2 Trees and RA1 Inner Bolton

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.
15. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission.
16. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission.
17. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
18. The main impacts of the proposal are:-
 - principle of the development
 - impact on surrounding residential and visual amenity
 - impact on highways
 - Impact on community facilities
 - Impact on trees

Principle of the Development

19. Core Strategy (CS) policy A1.2 states that the Council and its partners will support the development of primary schools in locations which are accessible to the communities they serve. In addition, CS policy SC2 seeks to ensure that local cultural activities and community facilities are located in the neighbourhoods they serve.
20. The proposed development would not alter the principal use of the school. The proposed classroom would not significantly intensify the use of the school but would seek to improve the facilities and provide additional space for learning interventions and community work. The intention is that the space would support children's learning by providing an area for extra

English & Maths lessons as well as the opportunity to hold ESOL (English as a Second Language) classes and parent workshops. This need is not currently met by those facilities already on site.

21. The proposed development would be sited where a paved area is currently present. As previously stated, the proposed building would partially extend onto the pedestrian pathway leading to the main entrance of the school, however it would not unacceptably obstruct this pedestrian route into the school.
22. The playgrounds are located to the North East and South East of the main school building and would remain unaffected by the proposed building.
23. The proposal would not result in the reduction in the amount of parking provision within the site. It is considered that the proposed development constitutes the improvement of an existing school and seeks to provide improved facilities for the school.
24. The Council's Asset management team have confirmed that they are supportive of the School's proposal to create additional teaching and learning space.
25. The principle of the proposed development is considered to be acceptable representing a modest increase in classroom provision for an existing primary school. The proposal is in accordance with Core Strategy policies A1.2 and SC2.

Impact on surrounding residential and visual amenity.

26. The proposed development would provide an extra classroom. The development would be set in from the site boundaries and the nearest residential property would be sited in excess of 35 metres away from the proposed building.
27. Mature trees including a mature London Plane tree and other landscaping features are located to the South East of the site near the entrance via Recreation Street. The trees would partially screen the proposed classroom when viewed from Recreation Street; however it would still be visible from the street scene.
28. The materials (Western Red Cedar) have been detailed on the submitted plans and a condition has been attached to ensure these materials are used. The outer decks and ramps would also have a timber affect finish as to correspond well with the proposed building.
29. One of the primary motivations of this development is to provide an ecologically and environmentally sensitive building. The building is to be constructed with green features including sustainably sourced materials, recycled insulation and a mini pile system or screw pile system which would ensure minimal ground disturbance and spoilage.
30. As the building would be surrounded by trees and greenery which are located to the South West, the use of materials such as the Western Red Cedar cladding would respond sympathetically to the surrounding area and through its contemporary design would assist in improving the visual amenity of the space that it is located within.
31. It is considered that the proposal would provide a functional need for the School and the appearance of the overall building would respond well to the surrounding environment and location. It would not have a detrimental impact on the amenity of neighbouring residents or the overall visual amenity of the area.

Impact on Highways

32. The proposed development seeks an enlarged space for a classroom to provide improved facilities for the school with no apparent increase in pupil/staff numbers. The existing vehicular access and parking arrangements serving the site will remain unchanged.

33. In addition, the installation of a new classroom will not impact on pedestrian movement in and around the site.

34. The Council's Highways Engineers have confirmed that they have no objections to the proposal and that the development presents no implications on highways or highways safety.

Impact on Trees

35. There is a London Plane tree located to the adjacent to site and two early-mature Oak Trees that form part of the recent landscaping for the school development.

36. The proposed development would slightly infringe on the root protection zone of the London Plane tree and would result in the removal of the early-mature Oak Trees.

37. The foundation system for the proposed building is one of mini concrete piles, which are less intrusive within the root protection area.

38. The Tree and Woodland Manger has been consulted and has stated:

- The pile foundation as described should be acceptable, as this will limit the impact within the root protection zone of the Plane tree, bearing in mind that this is limited in the first instance due to the pavement and highway to the South.
- Protective fencing to BS5837 (2012) Trees in Relation to Design Demolition and Construction (Heras style) shall be required to limit storage and running of machinery within the root protection zone of the Plane tree.
- The Oak Trees will require removal; however there is no objection to this.

39. There are no tree related objections to this application subject to the pile method and protective fencing conditions being met.

Conclusion

40. The proposal overall will make a valuable contribution to the continuing planned improvement to the Borough's shared community facilities and will provide a much need extended facility for the school. It is considered that the proposed development adheres to the relevant Core Strategy policies.

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

Representation and Consultation Annex

Letters/petitions:- No representations have been received as a result of neighbour notification.

Elected Members:- None

Consultations

Advice was sought from the following consultees: Highways, Tree and Woodland Manager and Department of People and Services.

Planning History

94227/15: Proposed increase in height of the existing fence surrounding the multi-use games area by 600mm. Decision: Approved with conditions

94723/15: Erection of free-standing pole-mounted sign. Decision: Approved with conditions

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. As detailed within the Planning Statement, (Drawing no. 18 Planning: Clarendon Primary School), submitted under this application, the foundations for the proposed building shall be dug using a mini pile system or screw pile system.

Reason

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

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

1. Protective fencing to BS5837 (2012) Trees in Relation to Design Demolition and Construction (Heras style) will be required to limit storage and running of machinery within the root protection zone of the Plane tree.

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.

3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

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

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

Location Plan, Drawing no. 10 Planning: Clarendon Primary School 2018
Site Plan, Drawing no. 11 Planning: Clarendon Primary School 2018
Plans, Drawing no. 12 Planning: Clarendon Primary School 2018
Roof Plan, Drawing no. 13 Planning: Clarendon Primary School 2018
Elevations, Drawing no. 14 Planning: Clarendon Primary School 2018
Elevations and Sections, Drawing no. 15 Planning: Clarendon Primary School 2018
Block Plan, Drawing no. 20 Planning: Clarendon Primary School 2018

Reason

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

