

Planning Applications Report

Planning Committee
1st April 2021

**Bolton
Council**

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

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

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

The following abbreviations are used within this report: -

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

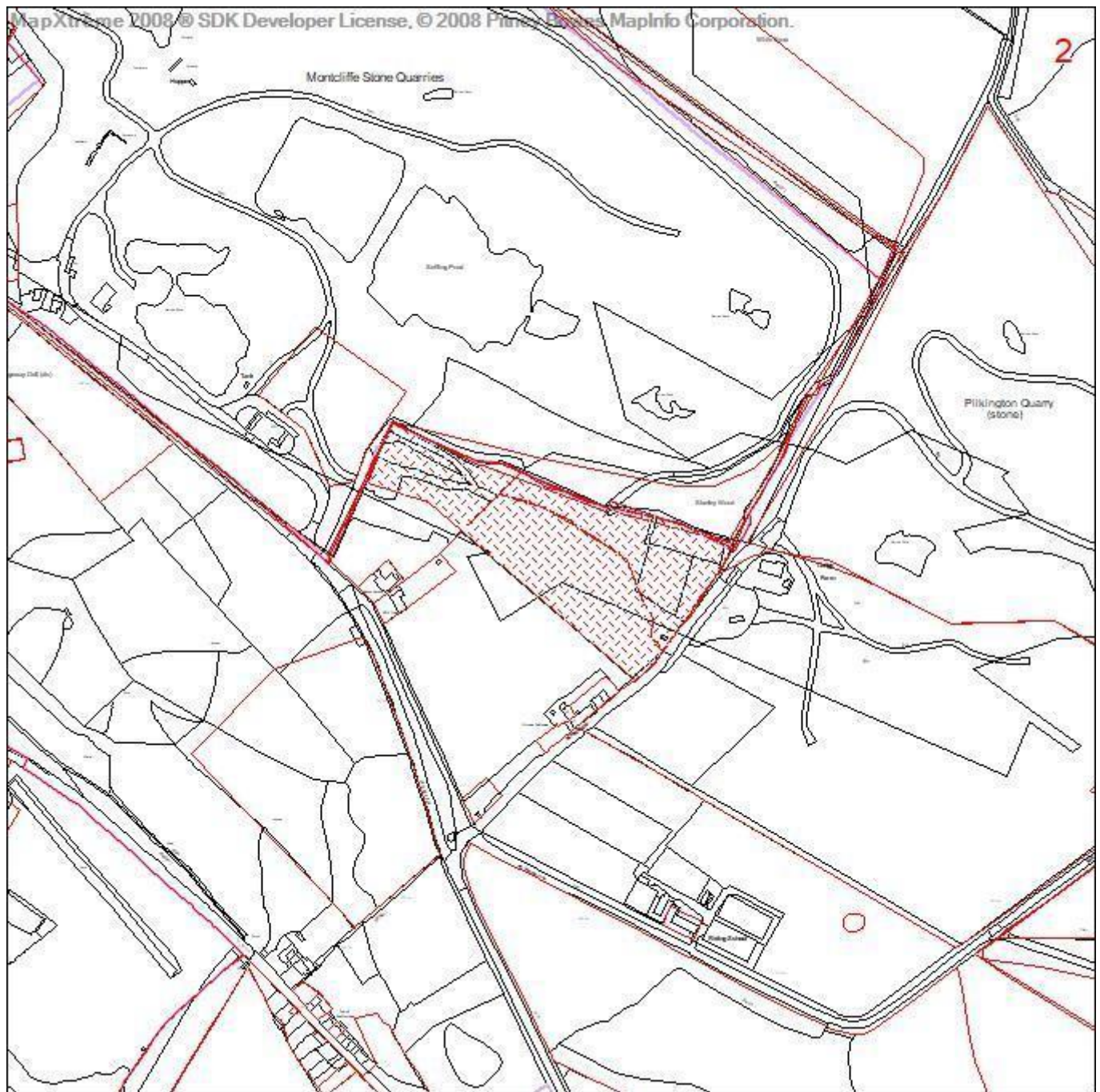
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

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Application number 08698/20



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: 01/04/2021

Application Reference: 08698/20

Type of Application: County Matters
Registration Date: 10/09/2020
Decision Due By: 09/12/2020
Responsible Officer: Helen Williams

Location: LAND TO WEST OF MAKINSON LANE, BETWEEN MONTCLIFFE AND PILKINGTON QUARRIES, HORWICH, BOLTON,

Proposal: RETROSPECTIVE PERMISSION FOR ERECTION OF OFFICES AND EXTENSION TO MAINTENANCE SHEDS, FORMATION OF HARDSTANDING AND HGV PARKING AND WASH AREAS TOGETHER WITH GAS/PETROL PUMP AND STONE RETAINING WALLS

Ward: Horwich North East

Applicant: Armstrongs Aggregates Ltd
Agent : The Mineral Planning Group Ltd.

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- * This application is before Members as it is a major application that has attracted more than five objections.
- * It is a retrospective application, seeking permission for an extension to the existing HGV maintenance sheds, an attached stone-built office building, hardstanding to the front of the buildings, an HGV parking area and an access track between the parking area and Montcliffe Quarry.
- * The applicant seeks to establish the site as a logistical hub for their Montcliffe and Pilkington Quarries operations.
- * The proposed hours of operation are between 07:00 and 18:00 hours Monday to Friday and 07:30 and 13:00 hours on Saturdays.
- * The office building and the extension to the maintenance sheds would have ordinarily been permitted development under the General Permitted Development Order, had the applicant sought the prior approval of the LPA.
- * Officers consider that the development, as a whole, is inappropriate development in the Green Belt as it does not fall within any of the exception criteria of Green Belt policy. However, despite this inappropriateness, Officers do not consider that the openness of the Green Belt is harmed by the development.
- * Officers consider that the very special circumstances put forward by applicant, which are reported within the analysis, should carry substantial planning weight and that the combination of these very special circumstances clearly outweigh the limited harm the proposed development has on the openness of the Green Belt.

- * Once quarry operations at Montcliffe and Pilkington Quarries have ceased, there will not be a need for the proposed development and all parts of the development will be removed from the site. The site would then be restored in accordance with the submitted proposed restoration scheme, which would see the southern half of the application site being restored to agricultural pasture and the northern half being restored to heathland.
- * The proposal decants the quarry operator's HGV parking and servicing from their former site at Horwich Loco Works to the application site. This will have highway network performance benefits (as well as environmental benefits) owing to HGVs not having to travel through Horwich to reach the quarries, and the Council's Highways Engineers raise no objection.
- * HGV movements to and from the application site would have to adhere to the restrictions already in place for Montcliffe and Pilkington Quarries: there will not be an increase in HGVs already permitted.
- * Public right of Way Horwich 056 is to be temporarily diverted until completion of the proposed restoration scheme.
- * The submitted noise impact assessment concludes that the development would cause low impact on the surrounding noise sensitive receptors. The Council's Pollution Control Officers are in agreement with these findings, subject to recommended conditions.
- * A revised surface water drainage scheme for the development is advised, and this would be secured via a condition.
- * Members are recommended to approve this application, subject to conditions.

Proposal

1. Retrospective permission is sought for:

- * An extension to the workshop/maintenance sheds. The previous/existing dark green, corrugated metal clad building on site, which had four loading bays, has been extended to the west with two further bays and a single storey 'wing' for parts storage and a mess room. The lower part of the building is faced in stone. The building is for the maintenance and servicing of the applicant's fleet of heavy goods vehicles (HGVs).
 - * The erection of a two storey administrative office building, attached to the maintenance sheds and constructed from stone. This building replaces former stone cottages, which were owned by the quarry operator, on a similar footprint. The proposed building measures 21.2 metres by 21.8 metres and 9.3 metres to the roof ridge.
 - * A hardstanding area to the front of buildings, which is supported by a stone retaining wall at its southern and western ends. This concreted area is to be used primarily for turning or temporary parking of HGVs that require maintenance and servicing in the maintenance sheds.
 - * A hardcore surfaced parking area for HGVs, to the west of the building, with a refueling area at the bottom of the ramp.
 - * A new access track between the HGV parking area and Montcliffe Quarry. Application 09801/20 (which can be found elsewhere on this agenda) seeks permission to vary condition 14 on approval 97782/16 to allow this access point into Montcliffe Quarry.
2. The proposed HGV parking and maintenance operations, and the administrative offices, have been moved on to the site by the applicant, Armstrongs Aggregates Ltd., from their former site at Horwich Loco Works. That former site is now owned by Homes England and is to be redeveloped as part of the Rivington Chase development. The applicant seeks to establish the site as a logistical hub for their Montcliffe and Pilkington Quarries operations and also to reduce plant and equipment on Georges Lane/Makinson Lane between the two quarries by introducing an off-road link (access track) within the site between the two quarries.
3. Temporary portable office buildings currently sited to the front of the stone administrative building will be removed once the building (under construction) is ready to be occupied.

4. Once quarry operations at Montcliffe and Pilkington Quarries have ceased, there will not be a need for the proposed development and all parts of the development will be removed from the site. The site would then be restored in accordance with the submitted proposed restoration scheme, which would see the southern half of the application site being restored to agricultural pasture and the northern half being restored to heathland.
5. The proposed hours of operation are between 07:00 and 18:00 hours Monday to Friday and 07:30 and 13:00 hours on Saturdays, which are the same permitted hours of operation for Montcliffe Quarry.
6. Public right of way Horwich 056, which crosses the application site at its western end, is proposed to be temporarily diverted until completion of the restoration scheme, to the south of the application site.
7. Tree planting is also proposed along the screening bund that has been constructed along the southern boundary of the site.

Site Characteristics

8. The application site measures 2.5 hectares and is located on land within the applicant's (Armstrongs) ownership between Montcliffe and Pilkington Quarries. Montcliffe Quarry adjoins the application site to the north and west and Pilkington Quarries Nos. 1 and 2 border the site to the east. The northern and eastern parts of the application site are located within Pilkington Quarry's ancillary mining land.
9. The proposed development, as described above, has been constructed, though the stone office building is still under construction. A screening bund has been constructed along the southern boundary of the site.
10. The site formerly comprised the 'un-extended' green metal-cladded maintenance sheds, old quarry building, some quarry plant and equipment (the storage of) and rough, graveled hardstanding to the fronts of the buildings. The western and south western parts of the application site were rough pastureland.
11. The application site is located within the Green Belt and within the Mineral Safeguarding Areas for Brick and Clay, Surface Coal and Sandstone.
12. Public right of way Horwich 056 adjoins the southern boundary of the application site then crosses through the site at its western end, where it joins the vertical route of Horwich 058 (which runs down to Georges Lane and around the southern perimeter of Montcliffe Quarry). Public right of way Horwich 057 runs up Makinson Lane, to the immediate east of the application site, then become Horwich 055 between Pilkington and Montcliffe Quarries to the north.
13. The nearest residential properties to the application site are Grundy Cottages (approximately 50 metres to the south on Makinson Lane) and Rocky Mount and Hill Crest, Georges Lane (approximately 65 metres to the south of the western section of the application site).

Policy

14. Development plan policies

Core Strategy Policies: P4 Minerals; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

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

Greater Manchester Joint Minerals Plan April 2013

15. Other material considerations

National Planning Policy Framework (NPPF) – Sections 2. Achieving sustainable development; 6. Building a strong, competitive economy, 9. Promoting sustainable transport, 13. Protecting Green Belt land, 14. Meeting the challenge of climate change, flooding and coastal change, 15. Conserving and enhancing the natural environment and 17. Facilitating the sustainable use of minerals.

SPD Accessibility, Transport and Safety

Analysis

16. 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.

17. The main impacts of the proposal are:-

- * impact on the purposes and openness of the Green Belt
- * impact on the character and appearance of the area
- * impact on the highway
- * impact on public rights of way
- * impact on the amenity of neighbouring residents
- * impact on flood risk
- * impact on biodiversity

Impact on the Purposes and Openness of the Green Belt

18. The Council's development plan policy concerning Green Belt is Policy CG7AP of the Allocations Plan. This states that the Council will not permit inappropriate development in the Green Belt and that inappropriate development includes any development which does not maintain the openness of land or which conflicts with the purposes of including land within the Green Belt, and the erection of new buildings except for in a number of listed circumstances, including:

- * The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- * The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- * Limited infilling or the partial or complete development of previously development sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

19. Section 13 of the NPPF concerns protecting Green Belt land. Allocations Plan Policy CG7AP reflects the advice contained within this national guidance. Paragraph 146 of the NPPF states

that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. These forms of development include a) mineral extraction and b) engineering operations.

20. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes of the Green Belt are set out in paragraph 134.

Whether the proposed development constitutes inappropriate development in the Green Belt

21. The erection of buildings, structures and private ways (amongst other things) in connection with existing quarrying operations, within a quarry or on ancillary mining land, is usually permitted development (does not require the benefit of planning permission) by virtue of Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In this instance, the office building and the extension to the maintenance sheds would have ordinarily been permitted development, but they were erected without the prior approval of the Mineral Planning Authority (the LPA) and therefore do not benefit from this right. Also, the access track (linking the site to Montcliffe Quarry) and part of the constructed HGV parking area are not sited within the defined "ancillary mining land" to the quarries (though they are on land within the ownership of the quarry operator) and therefore again do not benefit from permitted development rights.
22. Should the applicant have applied for prior approval for the buildings, the impact on the Green Belt would not have been a consideration. The only considerations would have been whether the buildings would "injure the amenity of the neighbourhood" and whether the development, "ought to be, and could reasonable be, sited elsewhere".
23. Officers do not consider that the extension to the maintenance building (two additional loading bays and a single storey 'wing' to the existing four bay building) constitutes inappropriate development in the Green Belt. Allocations Plan Policy CG7AP allows for the extension or alteration of a building in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Officers do not consider that the extensions are disproportionate. Furthermore, a lengthy (but low rise) quarry building that formerly stood to the west of the maintenance building, and to the west of the built extension, has been demolished. Allocations Plan Policy CG7AP and paragraph 145g) allow for the redevelopment of previously developed sites, provided that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development. Officers do not consider that the extension to the maintenance building has more of an impact on the openness of the Green Belt than the previous 'un-extended' building plus the other building before it was demolished.
24. The stone built office building (still under construction) replaces former two storey, stone cottages, which had been used in association with Pilkington Quarry. Policy CG7AP and paragraph 145d) allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposed replacement building would again be used in association with the quarry. The new building is however considered materially larger than the former cottages, in that it is deeper and taller. Its impact on the openness of the Green Belt is however considered below.
25. The proposed hardstanding areas extend beyond the former hard surfaced areas of the site and therefore increase the size of the site that was previously developed.

26. In terms of the purposes of the Green Belt, there would be some encroachment into the countryside, as the hard surfaced area has been extended, however this 'countryside' only comprises a small section of rough pastureland that is between two quarries. It is therefore considered that the harm to the purposes of the Green Belt is limited.

Impact on the openness of the Green Belt

27. "Openness" of the Green Belt is not defined within the NPPF, but it is recognised that Green Belt designation is predominantly a spatial designation, though it has a visual element. Openness is a planning judgement for the decision taker.
28. Whilst officers consider that the office building would constitute inappropriate development in the Green Belt, in that it is materially larger than the building it replaces, it is not considered that the presence of the building has a more harmful impact on the openness of the Green Belt than the previous building. The new building, along with the extensions to the maintenance building are located against the hillside/southern perimeter of Montcliffe Quarry and their roofs do not extend above this hillside. Views to the tops of the hills to the north are therefore not interrupted by the buildings.
29. HGVs parked on the car parking area would affect openness, but would be screened from southern views by the southern screening bund, and from views from the footpath to the north by the existing perimeter bunds around Montcliffe Quarry. The only harm the car park would have to the openness of the Green Belt would be from public views along the footpaths to the west of the site and from the top of Makinson Lane, however these views are limited and would be in context with the neighbouring quarry operations, which bound the site on three sides.
30. Any harm to the openness of the Green Belt would only be temporary in nature, as the development would be fully removed and the site fully restored upon cessation of the quarrying operations. This temporary nature of the harm should be given planning weight.
31. Officers therefore consider that the proposed development does not have a harmful impact on the openness of the Green Belt.

Whether the very special circumstances put forward by the applicant clearly outweigh the harm

32. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 continues that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm result from the proposal, is clearly outweighed by other considerations.
33. The applicant has put forward the following as very special circumstances in this instance:
- * The proposals constitute "mineral infrastructure" which are essential for the purposes of mineral extraction. The mineral at the adjacent sites cannot be extracted without the associated plant, machinery and HGVs being maintained and co-ordinated from this central location.
 - * Paragraph 146 of the NPPF states that certain forms of development are not inappropriate in the Green Belt, including mineral extraction. The proposal is linked to mineral extraction.
 - * The development would be tied to the end-date of Pilkington Quarry as the proposals only serve to enable mineral extraction and restoration. Upon completion of restoration at Pilkington Quarry and the cessation of mineral extraction of the other abutting quarries, the development would be restored to grassland and moorland scrub, as it was in the late

nineteenth century.

- * The current offices and workshops are extensions to, or replacements of, historic buildings located on the application site and the majority of the site has been ancillary mining land for decades.
 - * The site is previously developed and, in the applicant's opinion, should not be considered inappropriate development under paragraph 145(g) of the NPPF.
 - * There is not an unacceptable harm to the openness of the Green Belt as the majority of the new development is situated on the footprint of the long-established mining land and associated infrastructure.
 - * The immediate setting of the development is amongst mineral extraction and the site is abutted on three sides by active quarries/landfill sites.
 - * There was an urgent need to relate the operations from the Loco Works, to maintain the supply of mineral and support the local regional economy, and to retain jobs.
 - * The proposals allow off-highway travel directly between Montcliffe and Pilkington Quarries which ultimately reduces Armstrongs' HGV traffic through Horwich.
 - * Reduction in CO2 emissions through the re-location of the HGVs to between the quarries, as transportation mileage will be reduced. Some 121,000 miles driven would be saved each year, which equates to approximately 205,000kg of CO2 saved.
 - * Maintenance, servicing and emergency repairs can be carried out more quickly, reducing downtime.
 - * The proposal facilitates and assists in retaining some 170 local jobs.
34. Officers consider that these very special circumstances should carry substantial planning weight and that the combination of these very special circumstances clearly outweigh the limited harm the proposed development has on the openness of the Green Belt. It is therefore considered that the proposed development complies with Policy CG7AP of the Allocations Plan and section 13 of the NPPF.
- Impact on the Character and Appearance of the Area
35. Policy CG3 of the Core Strategy states [amongst other things] that the Council will conserve and enhance local distinctiveness ensuring development has regard to the landscape quality of the area, and will maintain and respect the landscape character of the surrounding countryside and its distinctiveness. Any soft landscaping and landscape enhancement schemes should enhance biodiversity and be compatible with the nearby landscape types identified by the Landscape Character Assessment. Policy OA1.11 refers specifically to development in Horwich and Blackrod and states that the Council will ensure that new development does not harm the landscape setting and protects views from public areas to the surrounding landscape.
36. The applicant has submitted a preliminary visual impact assessment with their proposal, which demonstrates that the views of the development are limited from outside the site, except from the public rights of way to the west and near-field views from the south west. View of the tops of the buildings' roofs can be seen from the nearest neighbouring properties. The applicant is therefore proposing tree planting on the southern boundary screening bund, to help further screen the development. This proposed tree planting would be secured via a planning condition.
37. The application site previously contained the maintenance shed, other quarry buildings and the storage of plant and equipment. It had the appearance of a working site. It is not considered that the proposed development has any more harm to the character and appearance of the site than the previous development, especially as the site is not particularly visible from outside the site. The green metal cladding of the maintenance building helps the building 'blend in' with the hills and quarry perimeter to the north and the stone of the office building (stone extracted from Montcliffe Quarry) is a locally distinct material and therefore considered to be an appropriate

material for new build within this location.

38. Once quarry operations at Montcliffe and Pilkington Quarries have ceased, there will not be a need for the proposed development and all parts of the development will be removed from the site. The site would then be restored in accordance with the submitted proposed restoration scheme, which would see the southern half of the application site being restored to agricultural pasture and the northern half being restored to heathland. The restoration scheme has been proposed based on the previous uses of the land, as well as existing vegetation on adjacent and nearby sites.
39. A condition requiring a five year aftercare scheme for the restored site is suggested by officers.
40. For these reasons, it is considered that the proposed development does not harm the character and appearance of the area and is therefore compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Highway

41. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] freight movements and serving arrangements. Policy S1.2 states that the Council will promote road safety in the design of new development.
42. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
43. The proposed development decants the quarry operator's HGV parking and servicing from their former site at Horwich Loco Works to the application site, which is between their quarries at Montcliffe and Pilkington. The applicant states within their submission that there will be highway network performance benefits (as well as environmental benefits) owing to HGVs not having to travel through Horwich to reach the quarries. The Council's Highways Engineers agree with this assessment.
44. The majority of the application site is located within ancillary mining land for Pilkington Quarry and is therefore restricted by planning conditions attached to the permissions associated with that quarry. HGV movements to and from Pilkington and Montcliffe Quarries are already restricted by extant planning permissions and by a Unilateral Undertaking for the quarries (January 2012). The Unilateral Undertaking restricts the combined number of HGV movements for both Montcliffe and Pilkington Quarries to a maximum of 170 in and 170 out per day, Monday to Friday, and 85 in and 85 out per day on Saturdays.
45. Vehicle movements to and from the application site must therefore adhere to these restrictions. A condition, to be imposed on this decision should the application be approved, is however suggested to clarify this.
46. The applicant has submitted a record of all HGV movements in and out of both Pilkington and Montcliffe Quarries (period between July and October 2020) to demonstrate that their current operations comply with the HGV movement planning restrictions.
47. For Pilkington Quarry, the record shows that in July there were approximately an average of 32 vehicles in and 32 out per day, August approximately an average of 37 in and 37 out a day, September approximately an average of 15 in and 15 out per day, and in October approximately an average of 17 in and 17 out per day.

48. For Montcliffe Quarry, the records show that in July there were approximately an average of 54 vehicles in and 54 out per day, August approximately an average of 51 in and 51 out per day, September approximately an average of 62 in and 62 out, and in October approximately an average of 57 in and 57 out per day.
49. With regards to combined HGV movements for both quarries (in line with the Unilateral Undertaking) over the same period as reported above, there were recorded in July approximately an average of 86 in and 86 out per day, August approximately an average of 88 in and 88 out per day, September approximately an average of 77 in and 77 out per day, and in October approximately 74 in and 74 out per day.
50. It is considered that this evidence proves that HGV movements (with the HGV car park in operation) are currently a lot lower than permitted (170 in and 170 out per day).
51. The Council's Highways Engineers have raised no objection to the proposal and it is considered that the proposed development complies with Policies P5 and S1.2 of the Core Strategy.

Impact on Public Rights of Way

52. Allocations Plan Policy P8AP states that the Council will permit development proposals affecting public rights of way provided that the integrity of the right of way is retained.
53. Public right of way Horwich 056 adjoins the southern boundary of the application site then crosses through the site at its western end, where it joins the vertical route of Horwich 058 (which runs down to Georges Lane and around the southern perimeter of Montcliffe Quarry). The applicant proposes to temporarily divert Horwich 056 to the south of the application site, until completion of the proposed restoration scheme.
54. The Council's Public Rights of Way Officer had queried how risk to members of the public using the public footpath would be avoided prior to the proposed diversion (through their comments on planning application 09801/20, which seeks to vary a condition on planning approval 97782/16 to allow the introduction of the new access track into Montcliffe Quarry). The applicant has responded to confirm that signs have been erected at both the access point into Montcliffe Quarry and at the access point to the HGV parking area (where Horwich 056 will cross the track) to advise drivers that priority must be given to pedestrians and that they must wait for pedestrians to cross before travelling into and out of the application site. A speed limit is also imposed on the internal track/link road.
55. The Council's Public Rights of Way Officer has advised that, once diverted, the public right of way must be clearly defined on the ground, so that members of the public use the path rather than the access track.
56. A condition is therefore recommended to ensure that the applicant applies for the temporary diversion of Horwich 056 (under section 257 of the Town and Country Planning Act 1990) within three months of their planning approval, and that appropriate signage is erected.
57. It is therefore considered that the integrity of the public right of way will be retained, and therefore the development complies with Policy P8AP of the Allocations Plan.

Impact on the Amenity of Neighbouring Residents

58. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and

security, and should not generate unacceptable nuisance, odours, fumes, noise or light pollution.

59. No mineral extraction is proposed on the site. The proposals are for HGV parking, the maintenance of HGVs and for administrative offices, all in association with the operations at Montcliffe and Pilkington Quarries. The development also comprises an off-road link (access track) within the site, to allow for plant and equipment to travel between Montcliffe and Pilkington Quarries without the need to travel down Georges Lane/Makinson Lane.

Hours of operation

60. The hours of operation for the site are proposed between 07:00 and 18:00 hours Monday to Friday and 07:30 and 13:00 hours on Saturdays, which are the same permitted hours of operation for Montcliffe Quarry. Officers are recommending that these hours be conditioned and also that there are no HGV movements in and out of the application between these specified hours.

Noise

61. A Noise Impact Assessment has been submitted with the application, which has been assessed by the Council's Pollution Control Officers. This has considered HGV movements and operations within the site. The assessment concludes that the development would cause "low impact" on the surrounding noise sensitive receptors, that is the nearest neighbouring residential properties. The background noise levels were taken on a Sunday when quarry operations do not take place, therefore the assessment considers that the development would have a lower level of impact. Furthermore, as the noise profile of the immediate area already contains noise emissions, the assessment considers that the noise emissions from the proposed development would not be out of place in terms of auditory sensations.
62. The Council's Pollution Control Officers have stated that they are in general agreement with the findings of the noise assessment. They recommend that conditions should be imposed to ensure that the southern screening bund (which provides noise mitigation as well as visual screening) is retained during the life of the development, and that the roller shutter doors to the loading bays of the maintenance building remain closed when activity is occurring with the building.
63. As already reported above, the hours of operations and HGV movements are to be restricted by condition, as are the number of HGVs that can enter and leave the site on a daily basis.

Dust and air quality

64. Dust and air quality are currently already strictly controlled and monitored at the quarries and quarterly dust monitoring is a requirement of the existing Unilateral Undertaking for the quarries.
65. As no quarry operations are proposed within the application site, it is considered that additional dust generation would be minimal. The applicant has however agreed to submit a dust assessment, within 3 months of a decision, to establish whether any additional dust control measures are necessary. The requirement for any dust control measures would also be conditioned.
66. In terms of impact on air quality from the use of the site by HGVs, the applicant has confirmed that at least 50% of their fleet will be meeting the Euro 6 emission standard or better after 1 January 2022, with the remainder of their fleet being Euro 5 compliant. Euro 6 is the current highest emission standard for new vehicles, meaning pollutants are reduced. The applicant has agreed to the imposition of a condition to ensure that these emissions standards are met, and to make records of their vehicles available for the Council to inspect, if required.

Light disturbance

67. LED lighting has been installed on the front of the building. The applicant has stated that these lights will be aimed downwards, to reduce their visibility from long distances. The lighting to be installed for the HGV parking area is also proposed to be aimed downwards and shielded. Officers are therefore recommending that an external lighting scheme is agreed via a condition, to ensure that external lighting safeguards residential amenity, as well as the character and appearance of the area.

Access track

68. Concern has been raised during the consultation process for application 09801/20 (which is found elsewhere on this agenda) that a screening bund to the east of Montcliffe Quarry has been removed to accommodate the proposed access point for the new access track, and that the removal of this bund makes the quarry more visible to neighbouring residents. They also raise concern that the removal of the bund removes any mitigation in regards to noise and vibrations from the HGVs. Following these concerns the applicant has agreed to provide further planting on the existing bund that has been created to the south of the access track, and which will be between the track and the diverted public right of way. A condition requiring this additional planting is therefore suggested.
69. It is considered, subject to the suggested conditions, that the proposed development would not have an undue harm on the amenity of neighbouring residents and therefore it is considered that the proposal is compliant with Policy CG4 of the Core Strategy.

Impact on Flood Risk

70. Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk. Policy CG2.2 states that all proposals for 500 sq. metres or greater non-residential units should demonstrate the sustainable management of surface water run-off from developments.
71. The site is within Flood Zone 1 and therefore is not within an area with critical drainage problems. A Flood Risk Assessment has been submitted with the application as the site measures over 1 hectare. A proposed drainage scheme has also been submitted with the application.
72. During the determination of this application the Local Lead Flood Authority (Drainage team) received a complaint with regards to flooding downhill of the application site. Drainage Officers visited the application site and notes that not much drainage had been installed on the new hard surfaces around the buildings to capture water and that the parking area was not very permeable as it had been compacted by HGVs. Officers state that whilst the proposed layout will perform some sort of attenuation of flows, better management of surface water flows is required, so in large rainfall events the surface water is directed to better disposal routes and done so in a more controlled matter. Officers consider that this could be achieved through a system of ditches to channel water away. Drainage Officers therefore recommend that the applicant submit a revised surface water drainage scheme for the development, and a standard condition is requested.
73. It is therefore considered, subject to the recommended condition, that the proposed development can achieve better surface water run-off, compliant with policies CG1.5 and CG2.2 of the Core Strategy.

Impact on Biodiversity

74. Policy CG1.1 of the Core Strategy states that the Council will safeguard and enhance the rural

areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value.

75. Once the application site has been fully restored to agricultural pasture (southern part of site) and heathland (northern part of site) there will be a biodiversity net gain.
76. The applicant is proposing that the agricultural pasture would comprise a mix of velvet bent, mat-grass, common bent, sheep's fescue, sweet vernal grass, wavy hair grass and tufted hair grass. The heathland would comprise a mix of typical upland heath species, with a predominance of heather.
77. Additional tree planting is also proposed on the southern screening bund, as mentioned previously within this report.
78. It is therefore considered that the restoration phase of this development would enhance biodiversity, compliant with Policy CG1.1 of the Core Strategy.

Conclusion

79. For the reasons discussed above, it is considered that whilst the proposed development does constitute, by definition, inappropriate development in the Green Belt, officers do not consider that the development has a harmful impact on the openness of the Green Belt. Officers also consider that the very special circumstances put forward by the applicant should carry substantial weight in the planning balance and do clearly outweigh the limited harm to the Green Belt officers have identified.
80. Officers also consider that the proposed development does not harm the character and appearance of the area, does not have a harmful impact on the local highway network or jeopardise highway safety, would retain the integrity of public rights of way in the area, would not unduly harm the amenity of neighbouring residents (subject to the recommended conditions), would not lead to increased flooding (again subject to condition), and would eventually result in a biodiversity net gain.
81. It is therefore considered that the proposed development complies with the Council's development plan policies and the guidance contained within the NPPF.
82. Members are therefore recommended to approve this application, subject to the recommended conditions.

Representation and Consultation Annex

Representations

Letters:- 11 letters of objection have been received, which raise the following concerns:

- * The buildings can be seen from miles as they are in an elevated position;
- * It is an eyesore;
- * Has the appearance of an industrial estate and in time will become a full-scale industrial estate;
- * The building is illuminated for 24 hours, leading to light pollution;
- * Damage to the Green Belt; The Green Belt should be preserved;
- * There are no special circumstances for the development;
- * The buildings are not required, Lodge Farm could be used and converted instead;
- * If all 104 vehicles leave and enter just once that would be a significant proportion of the daily allowed HGV movements;
- * As well as the applicant's lorries, there are 50 independent contractors' lorries at the site every day;
- * Noise and disturbance from the wagons;
- * 120 staff arriving by car will increase noise and disturbance;
- * The increase in HGV movements have degraded the road surfaces of Georges Lane and Chorley Old Road (*Officer comment: this would be a matter for the Local Highways Authority*);
- * Mud and debris on local roads (*Officer comment: vehicles leaving both Montcliffe and Pilkington Quarries egress via the wheel wash and are sheeted on departure. In addition to this, a road sweeper is employed to be continuously active along Georges Lane and Makinson Lane. This reduces any mud or debris on the roads*);
- * Highway safety at the junction of Georges Lane with Chorley Old Road from HGVs (*Officer comment: The analysis of the available injury accident data for both Georges Lane and its junction with Chorley Old Road reveals no injury accident record associated with the movements of the HGVs at the quarries over the last five years*);
- * HGVs should not be turning right onto Chorley Old Road (*Officer comment: A routing agreement for all HGVs entering and exiting Montcliffe and Pilkington Quarries was drawn up by the applicant as part of the requirements of their Unilateral Undertaking (January 2012), which states that all reasonable endeavours will be exercised to ensure drivers avoid Horwich Town Centre via Church Street and Lee Lane in the period 30 minutes before and 10 minutes after normal opening time and 10 minutes before and 30 minutes after normal closing time of Horwich C of E Primary School*);
- * Speeding HGVs (*Officer comment: these would be Police matters and are therefore not a planning matter*);
- * Impact on neighbours' quality of life and health;
- * Question whether the proposal will take HGV traffic off Horwich roads, as stated by the applicant;
- * Heard banging in the workshops after 7pm;
- * Current operations at the quarry do not conform with the imposed planning conditions (unsheeted wagons, wheel wash facilities, operational hours). The applicant is in breach of their Legal Agreement (*Officer comment: these concerns are currently being investigated by enforcement officers*);
- * The car park surface should have been impermeable;
- * Concern about flooding to the properties to the south/downhill;
- * Impact on wildlife;
- * The parking area appears to be outside the quarry boundary (*Officer comment: the application site is mostly located within the Pilkington Quarry ancillary mining land. The southern part is within land owned by the applicant/quarry*);
- * Destruction of the moorland (*Officer comment: the application site does not comprise of any*

moorland);

- * All previous quarry permissions have now expired (*Officer comment: this is not correct*);
- * Blasting makes the neighbouring houses shake; Noise from the quarry operations (*Officer comment: no quarrying operations are proposed within the application*);
- * By erecting the buildings without planning permission Armstrongs are trying to circumvent the planning system. The development is unlawful (*Officer comment: the applicant has stated that they were unaware that the development required planning permission until approached by the LPA, as the majority of ancillary development at quarries are permitted development within Part 17 of the Town and Country (General Permitted Development) Order 2015, as amended*).

Horwich Town Council:- Objected to the application at their meeting of 24th September 2020. No reason was minuted.

Elected Members:- Cllr. Silvester has objected to the proposal for the following reasons:

- * The size, scale and design of the buildings are contrary to policy;
- * In February 2003 a similar planning application was refused for an HGV maintenance building, by virtue of its size, scale and design and as it would represent inappropriate development in the Green Belt. The reasons for refusal are still relevant for this latest application (*Officer comment: the 2003 application was made by a different applicant and each application must be assessed on its own merits. In regards to this current application, the applicant has submitted very special circumstances to justify the need for the development and also to demonstrate why the benefits of the proposal clearly outweigh harm to the Green Belt, by reason of inappropriateness. The proposal's impact on its surroundings by reason of its size and design is given full consideration within this analysis*);
- * If the application is approved, would like to see several conditions attached:
- * - No lorry movements to and from the site through Horwich town centre (*Officer comment: Restrictions to HGV movements through Horwich town centre are already in place through a routing agreement within the Unilateral Undertaking (January 2012), which states that all reasonable endeavours will be exercised to ensure drivers avoid Horwich Town Centre via Church Street and Lee Lane in the period 30 minutes before and 10 minutes after normal opening time and 10 minutes before and 30 minutes after normal closing time of Horwich C of E Primary School*);
 - The applicant should be made to contribute to the upkeep and resurfacing of Georges Lane and Chorley Old Road (*Officer comment: as the proposed development will not result in any further HGV movement than already permitted for the quarries, it is not considered that it would be reasonable, or policy compliant, to request that the applicant makes a contribution as part of a planning approval for this development*);
 - Reasonable operational hours
 - Noise and dust limits

It is considered that the concerns without a specific officer comment are addressed within the analysis of this report.

Consultations

Advice was sought from the following consultees: Highways Engineers, Pollution Control Officers, Drainage Officers, Public Rights of Way Officer, Greater Manchester Ecology Unit, Peak and Northern Footpaths Society and Bolton Ramblers, the Open Space Society.

Planning History

Planning application 63538/02 for the erection of a HGV maintenance workshop, submitted by the former quarry owner Santime, was refused under delegated powers in February 2003 for the

following two reasons:

1. Insufficient information has been provided by the applicant to enable the proposal to be properly judged against the policies of Bolton's Unitary Development Plan.

2. The proposed development by virtue of its siting, size and design represents inappropriate development within the Green Belt and is contrary to Policies CE11 and CE11/1 of the Unitary Development Plan, G1 and G2 of the Second Deposit Version of the emerging Unitary Development Plan 2001 and Planning Control Policy Note No.16 "Control of Development in the Green Belt".

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The development hereby approval shall cease to be used upon cessation of the approved quarrying operations and restoration works at Montcliffe and Pilkington Quarries and all buildings, structures, hardsurfacing, access tracks, machinery, equipment and plant shall be fully removed from the site. The site shall then be fully restored, with a period of two years from cessation of all quarry operations, in full accordance with a restoration/landscape scheme which is to be submitted to and approved in writing by the Mineral Planning Authority.

Reason

The applicant has only applied for temporary permission and to ensure a satisfactory form of development and control of life of the site, and to comply with policies CG1.1, CG3 and OA2 of Bolton's Core Strategy.

2. **Surface water drainage scheme**
Within 3 months of the date of this decision details of an amended surface water drainage scheme shall be submitted to and approved in writing by the Mineral Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:
1) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters, and
2) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

The approved drainage scheme shall be implemented in full in a timeframe to be agreed with the Mineral Planning Authority.

Reason

To ensure the site provides satisfactory means of surface water drainage and to comply with policies CG 1.5 and CG2.2 of Bolton's Core Strategy.

3. **Diversion of public right of way**
Within three months of the date of this decision, an application for the temporary diversion of public right of way Horwich 056 shall be formally made under section 257 of the Town and Country Planning Act 1990. The public right of way is to be diverted and new signage erected in compliance with details which are to be submitted to and approved in writing by the Mineral Planning Authority, within the agreed timeframe. The diverted public right of way is to remain available to the public at all times thereafter and must not be closed, diverted or altered in any way.

Reason

Public right of way HOR056 crosses the application site and in order to comply with Bolton's Allocations Plan policy P8AP.

4. **Dust control**

Within three months of the date of this decision, a dust impact assessment, to establish whether any dust control measures are required/necessary for the approved development, shall be submitted to and approved in writing by the Mineral Planning Authority. Any agreed dust control measures shall be implemented in full, in a timeframe to be agreed with the Mineral Planning Authority, and retained thereafter until the development has been removed from the site.

Reason

To safeguard the amenity of neighbouring residents with regards to dust impact, and to comply with policy CG4 of Bolton's Core Strategy.

5. **External lighting**

With 3 months of the date of this decision a scheme shall be submitted to and approved in writing by the Mineral Planning Authority for all external lighting within the development (including on the buildings and within the parking area). The lighting shall be designed to an illumination value of 0 lux at the nearest residential property. The beam angle of any lights directed towards any potential observer should be kept below 70 degrees. Spill shields should also be fitted. The approved scheme shall be implemented in full and retained thereafter.

Reason

To safeguard the character and appearance of the locality and to prevent light pollution and in order to comply with Bolton's Core Strategy policies CG3 and CG4.

6. **Landscaping scheme**

Within 3 months of the date of this decision, a landscape scheme for the southern boundary screening bund and for the bund/land to the south of the access track/link road shall to be submitted to and approved in writing by the Mineral Planning Authority. The approved scheme shall then be implemented in full within the first planting season following that approval. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape and in order to comply with Core Strategy policies CG1 and CG3.

7. **Five year aftercare scheme**

A five year aftercare scheme for the restored site shall be submitted for the approval of the Mineral Planning Authority not later than one year after the date of this permission and shall specify the steps to be taken and the periods during which they are to be taken. The aftercare plan shall provide for an annual review between the mineral operator and the Mineral Planning Authority at which time such a scheme may be varied as necessary and thereafter implemented in accordance with the agreed scheme.

Reason

To ensure the satisfactory restoration of the site and to comply with policies CG1.1, CG3 and OA1 of Bolton's Core Strategy.

8. **Removal of temporary buildings**

Within one month of the first occupation of the offices hereby approved/permitted, the temporary portable buildings on site (sited to the front of the office building) shall be fully removed from the site.

Reason

For the avoidance of doubt to what is permitted, as the portable buildings are only required for a temporary period, and to safeguard the appearance of the area, compliant with policy CG3 of the Core Strategy.

9. **Hours of working**
No HGVs shall enter or leave the site and no work or operations on the site (including the repair of plant machinery and the movement of such machinery) shall be carried out on the site outside the following hours:-

07:00 to 18:00 hours Mondays to Fridays
07:30 to 13:00 hours Saturdays

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance, and comply with policy CG4 of Bolton's Core Strategy.
10. **HGV movements**
In line with the Unilateral Planning Obligation dated 11 January 2012 between Armstrongs Aggregates Limited and Bolton Metropolitan Borough Council (section 5.1.2 for the combined movements for both Montcliffe and Pilkington Quarries), not more than 170 heavy goods vehicle (HGV) movements to and 170 HGV movements from the site (including those to enable the full restoration of the whole areas of the site subject to quarrying) shall take place during any single day Monday to Friday and no more than 50 HGV movements to and 50 from the site on Saturdays. There shall be no HGV vehicle movements on Sundays and Bank Holidays.

Reason

In the interests of the amenities of local residents, highway safety and the protection of the surrounding highway infrastructure, and to comply with policies P5, S1.2 and CG4 of Bolton's Core Strategy.
11. **Vehicle sheeting**
All vehicles carrying waste or recycled materials leaving the site shall be suitably netted or sheeted to ensure materials are secure and are not deposited on the highway.

Reason

In the interests of the visual appearance of the locality and highway safety and to comply with policies S1.2 and CG3 of Bolton's Core Strategy.
12. **Noise limit**
Noise from any activity within the site shall not exceed the equivalent free field continuous sound level (LAeq, 1h) measured over a 1 hour period of 55 dB(A), as measured 3 metres from the facade of those noise sensitive properties located at Grundy Cottages, Rocky Mount and Hill Crest, Georges Lane, and at Heather Hall.

Reason

To protect the amenities of local residents and to comply with policy CG4 of Bolton's Core Strategy.
13. **Doors to loading bays within the maintenance building**
The roller shutter doors to the loading bays within the maintenance building, hereby approved, shall be closed when maintenance activities/operations are occurring within the building.

Reason

To safeguard the amenity of neighbouring residents with regards to noise, and to comply with policy CG4 of Bolton's Core Strategy.
14. **Silencing equipment/sound proofing**
All plant, equipment and other machinery used in connection with the development, operation, maintenance and restoration of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturers original specification and

maintained in such conditions at all times.

Reason

To minimise the impact of noise on the general and residential amenity and to comply with policy CG4 of Bolton's Core Strategy.

15. **Emission standards**

Until 31st December 2021 the applicant/site operator will ensure that at least 50% of the total number of HGVs entering the site in any calendar month meet the Euro 5 emissions standard or better. After the 1st January 2022 the applicant/site operator will ensure that at least 50% of the total HGVs entering the site in any calendar month meet the Euro 6 emission standard or better. The remainder of vehicles entering the site after 1st January 2022 must be Euro 5 compliant or better. The applicant/site operator shall maintain a detailed record of all HGVs accessing the site. As a minimum this must include the vehicle registration plate and copies of any emission retrofit certification relevant to any individual vehicle. This record should be made available for inspection on request by the Mineral Planning Authority.

Reason

In the interests of preventing air quality issues associated with the proposed HGV movements to and from the site, and to comply with policy CG4 of Bolton's Core Strategy.

16. **Screening bund**

The southern boundary screening bund shall be retained as approved until the approved restoration scheme has commenced, unless otherwise agreed in writing by the Minerals Planning Authority.

Reason

To safeguard the character and appearance of the area and the amenity of neighbouring residents, and to comply with Policies CG3, CG4 and OA1 of Bolton's Core Strategy.

17. **Approved plans**

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

200/271/1-1 Rev 1.1; "Masterplan Location"; dated 11/12/2019
200/271/1-2 Rev 2.3; "Masterplan Layout - Zoom"; dated 28/01/2020
1008; "Existing Site Layout and Ground Floor Plan"; dated June 2020
1018; "Existing Elevations"; dated June 2020

Reason

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

Drawing Title:
Masterplan Layout - Zoom

Planning Application boundary

Sheds / offices

Concrete surface

Hardcored surface

Surface water drainage routes

Stone clad wall

Existing footpath

Existing footpath to be temporarily diverted

Proposed temporary diversion route of footpath

Access road gate

Tree planting

Montcliffe quarry planning permission boundary

Pilkington No.1 planning permission boundary

Pilkington No.2 planning permission boundary

Notes:
Elements of the OS Base map have been removed, for example buildings that have now been demolished.

Drawn by: MS

Checked by: CH

Approved by: CH

The Mineral Planning Group Ltd.

The Rowan Suite

Oakdene House

Cottingley Business Park

Bingley, West Yorkshire

BD16 1PE

Tel: 01274 884599

headoffice@mpgyorks.co.uk

www.mpgyorks.co.uk

MPG

Scale:
1:1250 @ A3

Client:
Armstrongs Aggregates Ltd.

Site:
Montcliffe and Pilkington Masterplan

Drawing Number:
200/27/1 - 2

Rev:
2.3

Date:
28/01/2020

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The diagram is a masterplan layout for a site. It features a central area with various colored zones and structures. A red line outlines the Planning Application boundary. A green area at the top left is labeled 'Offices'. Below it, a grey area is labeled 'Maintenance sheds'. A large tan area is labeled 'Re-fueling pumps (spill kit stored with pumps)'. A blue area is labeled 'Double-bunded fuel tank'. A yellow area is labeled 'Screening bund'. A dashed red line indicates a 'Proposed temporary diversion route of footpath'. A dashed blue line indicates an 'Existing footpath to be temporarily diverted'. A dashed green line indicates a 'Surface water drainage route'. A dashed orange line indicates a 'Stone clad wall'. A dashed purple line indicates an 'Access road gate'. A dashed brown line indicates 'Tree planting'. A dashed pink line indicates the 'Montcliffe quarry planning permission boundary'. A dashed light blue line indicates the 'Pilkington No.1 planning permission boundary'. A dashed light green line indicates the 'Pilkington No.2 planning permission boundary'. The site is bordered by 'GEORGE'S LANE' to the left and 'MAKINSON LANE' to the right. A north arrow is located in the top right corner. The drawing is titled 'Drawing Title: Masterplan Layout - Zoom'.

23

NOTES

1. This drawing and the copyrights and patents herein are the designers property and may be used or reproduced only under contract.

2. All work must be carried out in accordance with the current Building Regulations, Codes of Practice and British Standards.

3. Contractor to verify all sizes and dimensions on site before commencing work and report any discrepancies to the designer.

4. Written dimensions only are to be used from this drawing. If any doubt exist the contractor must ask for clarification. On no account must the contractor scale off this drawing.

5. If no site investigation has been carried out prior to commencement of works, contractor to make trial holes to test suitability of ground for proposed foundations.

6. Contractors are responsible for informing the designer of any discrepancy on this drawing or between this drawing and any other related documents issued in respect of the work.

7. The contractor must refer to the engineers drawings and specifications for all structural details. Any discrepancies between these details and this drawing should be reported to the designer before commencing work.

8. CDM 2015 Regulations

9. This Construction (Design and Management) Regulations 2015 drawing has been prepared for the client and the client must appoint a Principle Contractor and the project must have a written construction phase plan. Further information can be found at www.hse.gov.uk

10. This drawing has been prepared for planning and building regulation submission only and therefore all forms of construction and details are solely the responsibility of the Contractor

11. All timber sizes to be confirmed by structural engineer prior to construction

12. Where construction works effect a party wall it is the responsibility of the client to serve a party wall notice to the adjoining owner. Further information can be found at www.gov.uk/party-walls-building-works

Materials

Walls - Stone / Box Profile Steel Sheets (green)

Roof - Reproduction stone slates / Box Profile Steel Sheets (green)

RWG - Black plastic / Aluminium (green)

Windows - UPVC

Doors - UPVC / Aluminium Roller Shutter

3.06.2020

First Issue

ob

Revisions

Existing Elevations

SCALE

As indicated @ A1

DATE

June 2020

JOB NO

OB691

DRG NO

101B

Pikington Quarry

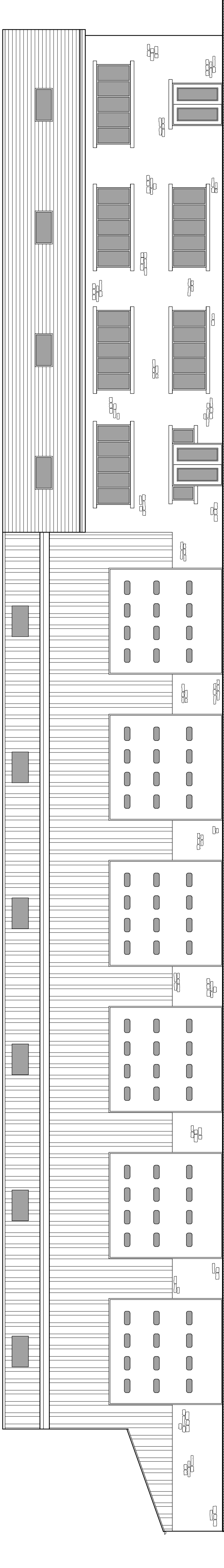
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Horwich

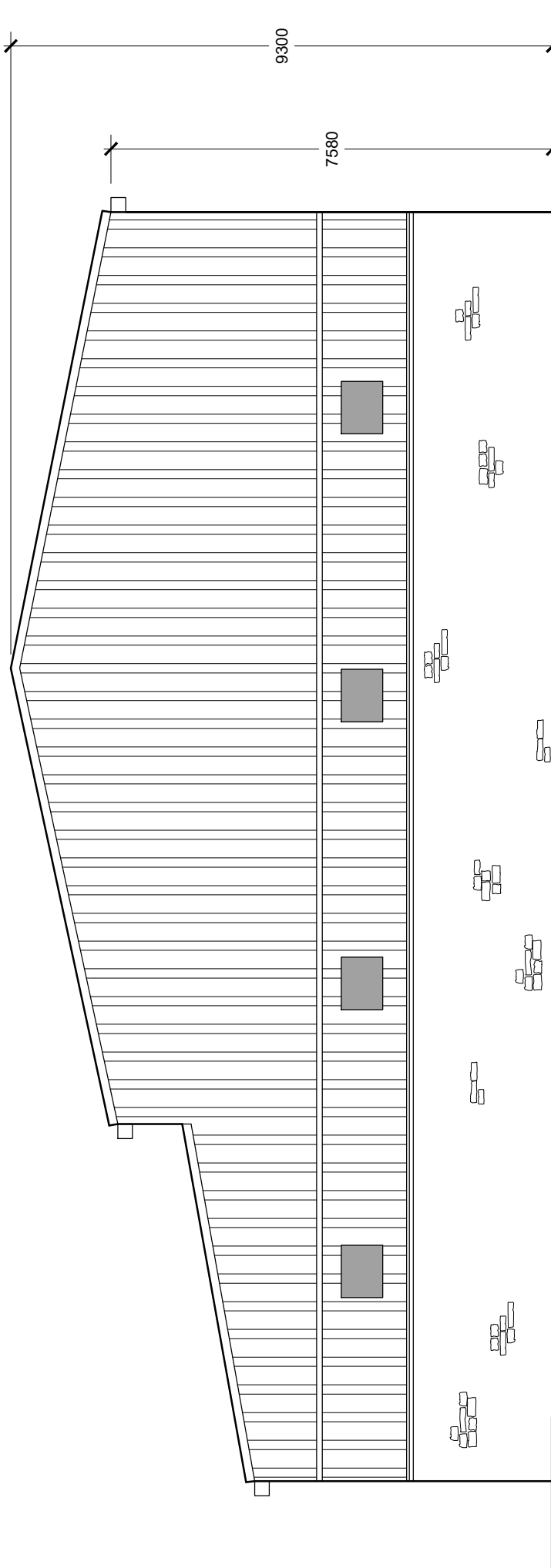
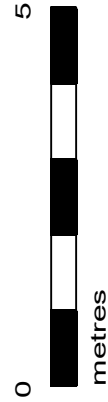
Bolton

BL6 6RS

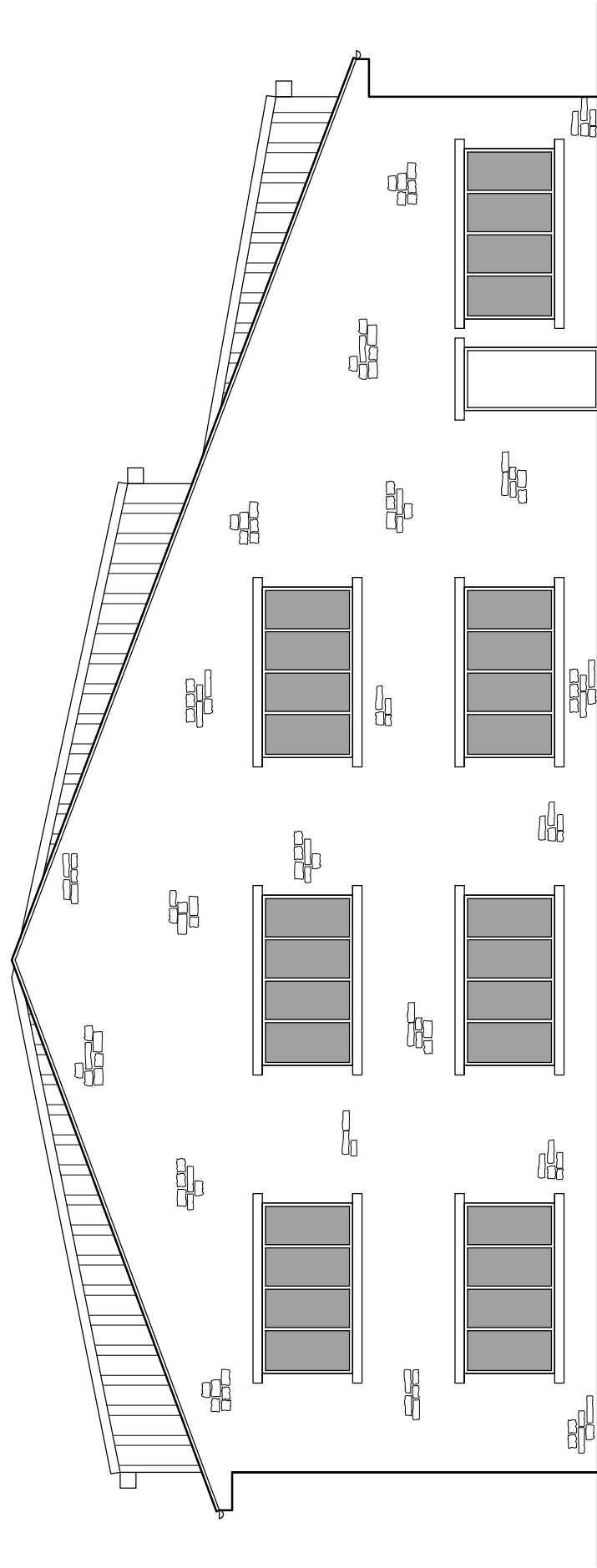
The Old Granary, Catgill Farm
Bolton Abbey, Skipton
BD23 6HA
T: 07966875259
W: www.ob-architecture.co.uk
E: Oliver@obarchitect.co.uk



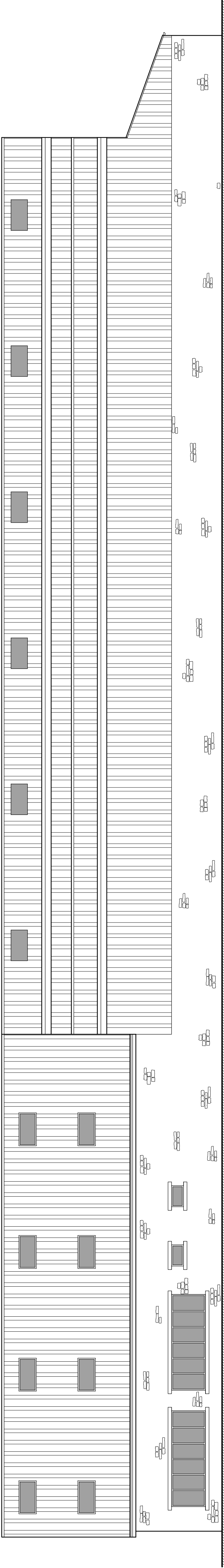
South Elevation - 1:100



West Elevation - 1:100



East Elevation - 1:100



North Elevation - 1:100

NOTES

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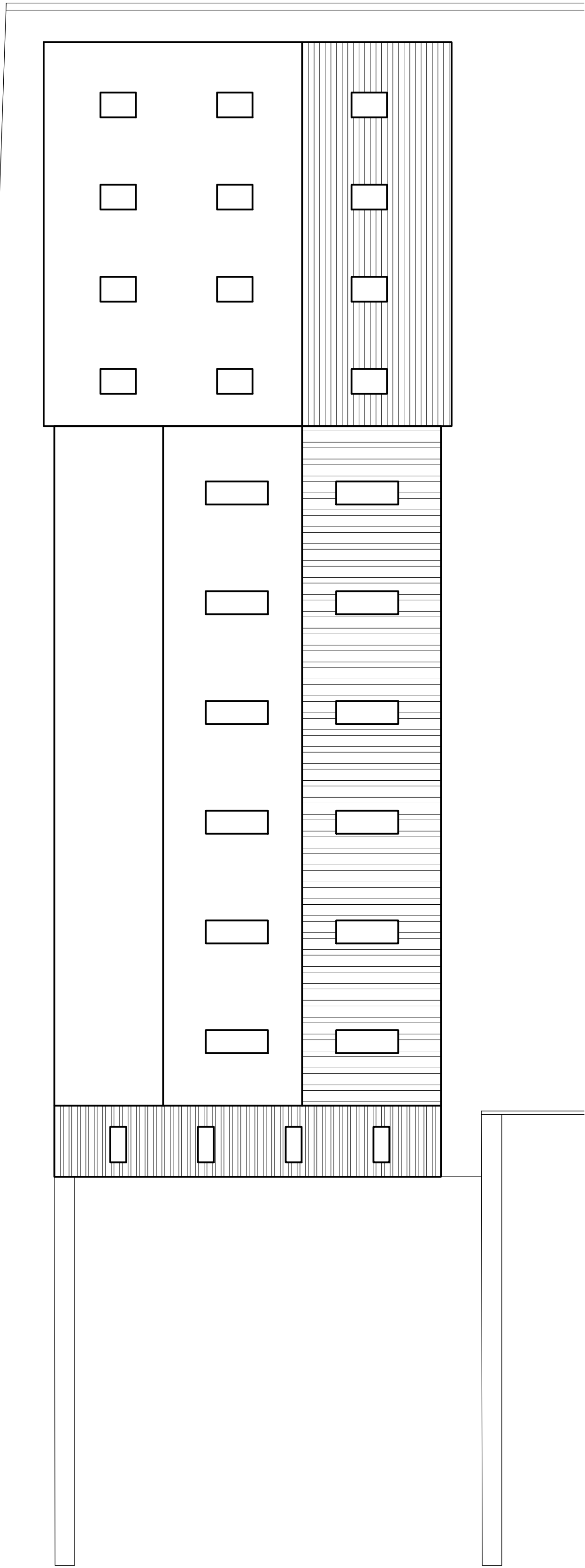
	3.06.2020	First Issue	ob
Revisions			
Existing Site Layout and Ground Floor Layout			

SCALE As indicated @ A1	DATE June 2020	JOB NO OB691	DRG NO 100B
Pilkington Quarry Makinson Lane Horwich Bolton BL6 6RS			

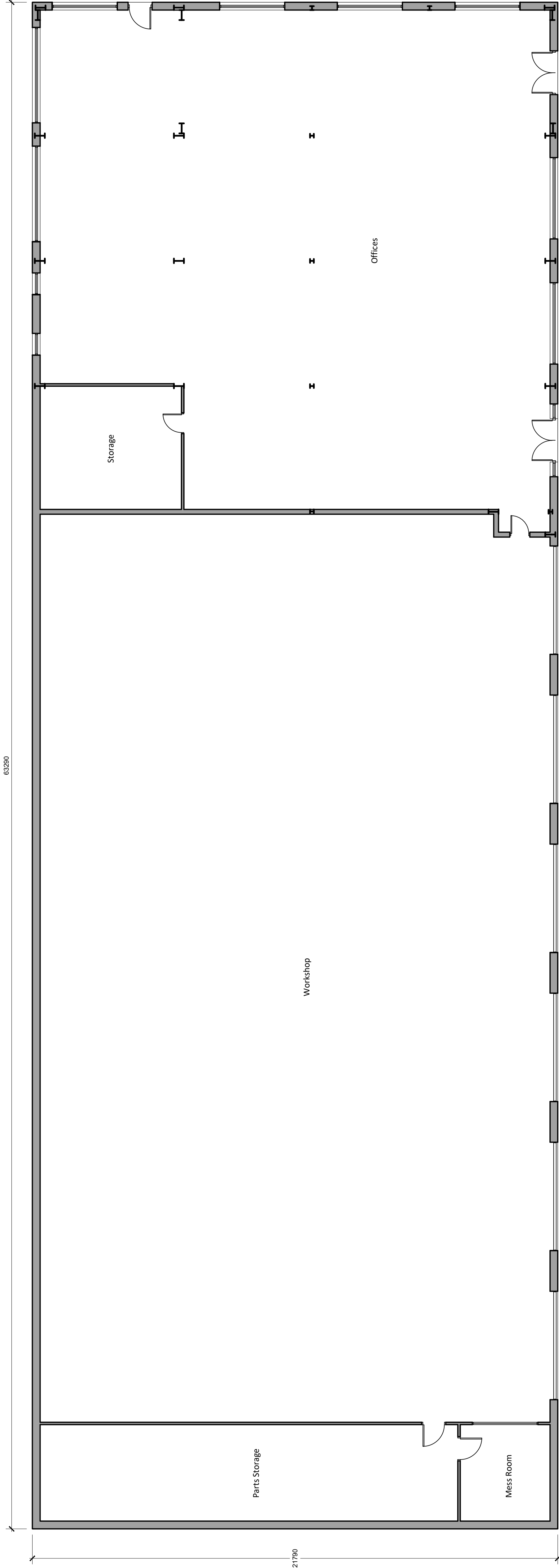


The Old Granary, Catgill Farm
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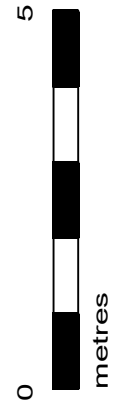
T: 07966875259
W: www.ob-architecture.co.uk
E: Oliver@obarchitect.co.uk



Site/Roof Layout - 1:200



Ground Floor Layout - 1:100



Drawing Title:
Conceptual Restoration Scheme (A)

Key:



Planning Application Boundary



Established Trees (planted pre-operations for visual screening purposes)



Public footpath

Notes:

Scale bar is approximate due to oblique photo view

Drawn by:	MS
Checked by:	CH
Approved by:	CH

The Mineral Planning Group Ltd.

The Rowan Suite
Oakdene House
Cottingley Business Park
Bingley, West Yorkshire
BD16 1PE
Tel: 01274 884599
headoffice@mpgyorks.co.uk
www.mpgyorks.co.uk



MPG

Scale:

See scale bar and notes

Client:

Armstrongs Aggregates Ltd.

Site:

Montcliffe and Pilkington Master Plan

Drawing Number:

200/27/1 - 4

Rev:

2.1

Date:

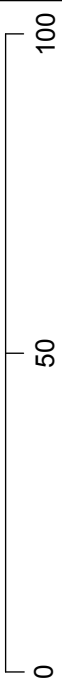
01/11/2019

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NORTH

Scale bar (m) (approx. - see notes):



Application number
09526/20



Directorate of Place
Development Management Section

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

Date of Meeting: 01/04/2021

Application Reference: 09526/20

Type of Application: Full Planning Application

Registration Date: 07/10/2020

Decision Due By: 01/12/2020

Responsible Officer: Franc Genley

Location: 152 BRODICK DRIVE, BOLTON, BL2 6TZ

Proposal: CHANGE OF USE FROM C3 DWELLING HOUSE TO C2 RESIDENTIAL UNIT (Additional Information received)

Ward: Breightmet

Applicant: Mr & Mrs McGuinness

Agent : PCE Designs Ltd

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- Proposal seeks to convert detached Class C3 two-storey house, recently extended by as per planning permission: 07607/20.
- Use is proposed as a Class C2 residential care home for 2no. children aged 8-16.
- Two members of staff will be on site at any one time (including overnight) and a third member of staff (manager) during the day.
- Parking in excess of Council standards is provided on site.
- Security measures and access controls are proposed by the operator/applicant.
- Visitors will be restricted and only by way of pre-arranged appointment.
- Some confusion from local residents about what is proposed as application was poorly explained when first submitted.
- Supplementary information now submitted, with consultees and neighbours reconsulted.
- Thirteen local households have objected to the proposal, issues raised are summarised in the representations section of the report.
- Proposal satisfies Core Strategy Policies and aims of National Planning Policy Guidance.
- Principle of proposal is supported and sufficient mitigation is proposed.
- Approval is recommended subject to conditions to address planning matters.

Background

1. The application was deferred from consideration at the 18 March Planning Committee pending clarification on a technical issue.

Proposal

2. It is proposed to change the use of the existing Class C3 single family dwellinghouse to a Class C2 Residential Care facility with 24 hour resident supervision.

Summary:

3. The accommodation would house up to 2no. children in care and 2no. associated care staff that would supervise the residents 24 hours. There would also be an Ofsted Registered Manager on-site between 9am and 5pm Monday to Friday. The existing layout (as recently modified in part by planning permission ref 07607/20) would be utilised with the 2 children sleeping upstairs with 24-hour supervision by adult staff. Earlier references to max 3no. children have since been reduced to 2no. by the applicant. A total of 10 staff would be employed on a rota basis.

Core Use:

4. The home will be registered for 2 young people and the ages range will typically be between 8-16. The length of stay depends on the needs of the young people and the aims of their specific care package. The applicant sets out that their company does not promote short stays and frequent turnover of different young people. The applicant expresses their aim is to 'closely emulate a family unit, with onsite staff working extremely hard to make their placements very positive and sustainable'. There will be 2no. overnight staff and each staff member stays on shift for 24.5hours.

Typical Day:

5. A typical day would have 2 staff on for the duration. Any visits from other professionals such as social workers or other professionals will be managed through the home's visitor diary. Management procedures are such that there will be no more than 1no. diarised visitor per day and any such visits will take place between the hours of 10.30am and 3pm. Daily staff hand-over takes place at 10.00am.

Security:

6. The home has a self-locking front door which the applicant says will prevent unauthorised people from entering without staff knowledge. The staff office is situated next to the front door and security lighting is already installed at the front and the back of the property. The home does have an access point for external CCTV to be used however it is not proposed at this stage as the applicant wishes to keep the exterior as close to that of a traditional house as possible. If needed, its vision splay will direct towards the field. New fencing has been erected around the full perimeter of the site.
7. All resident children will have curfews, with times dependent on their age and their individual need and the applicant sets out the links they have with local youth clubs and explains their ethos which seeks to discourage their 'young people' from loitering. The intended management of the home means who is on site and where people are, will be monitored at all times. Such recording arrangements are inspected by Ofsted during statutory inspections. The applicant also states they work closely with GMP and only intend they visit the site when they invite them 'for a coffee and a catch up'.

Noise:

8. The home has been fitted with brand new UPVC all round with restrictors fitted to prevent easy

full opening. The home is fully sound boarded throughout. Staff will ensure amplified music is turned off at a 'reasonable hour' and will ensure that before this it is not played at an 'excessive level'.

Antisocial Behaviour

9. The applicant sets out that resident children will be expected to respect the neighbours by not using bad language and keeping voices at normal levels. It is stated that staff are well trained and will manage any instances should they occur. The home will have a strict no drug or alcohol on the premises policy. Internal action will be taken against any young person who doesn't abide by this rule.

Other information:

10. A visit to the home upon placement would take place so the family can see where their child is residing, but this would generally be the only time they do visit. Some residents will not have a family so no family visits beyond the placement visit are permitted. The applicant encourages planned family visits to take place in the community. It is the intention that residents attend education either at mainstream provision or at the applicant's own independent school, which is situated in Horwich, Bolton. An emphasis is placed on physical attendance, not home-schooling, and the applicant's intention is that the unit of 2 children and 2 staff operates as closely as a 'normal family' as possible.

Built Form

11. No extensions are proposed as part of the proposal, as it seeks to utilise the February 2020 planning approval (07607/20) for the erection of two storey side and single storey rear extensions. The ground floor will comprise a staff office in the side extension, with the hallway, lounge, and kitchen/diner remaining as they are. At first floor, the 4no. 'bedrooms' and single bathroom will remain in the configuration recently permitted by the 07607/20 application, but only 2no. will be used by the children for sleeping. One will be a relaxation room for the children and the other for sleeping staff. The office downstairs will double as a further rest/sleeping area for staff. No further changes are proposed to the building's exterior. A security light has been installed to the rear elevation, and comprises permitted development as it was installed while the house is still classed as a Class C3 dwelling. The existing parking and servicing arrangements are not being altered, having been paved under permitted development tolerances.
12. The two-storey side extensions have been completed as approved, but the single storey rear extension has not been built. The planning permission having been implemented, it remains capable of being constructed at a later date. At present, the main means of access to the garden will remain the existing rear elevation patio doors off the dining room / kitchen.

Site Characteristics

13. Site comprises a detached, two-storey single family dwellinghouse on the south side of Brodick Drive. In 2020 it underwent a two storey side extension after gaining approval for these works via 07607/20. A full width single storey rear extension approved as part of that application has not been constructed.
14. The house sits at the end of a run of similar houses that run to the east. To the west sits a footpath known as Hatherleigh Walk and beyond this are the open New House Farm fields and sports pitches. To the rear sit two rows of terraced houses 'on' Somerton Road. The closest group of these comprise 104-110 Hatherleigh Walk and the front garden boundary of no. 110 would abut onto the rear boundary of the site. Opposite sits the junction of Brodick drive with Kilbride Avenue and to the north west the single storey buildings comprising Little Ozzies Nursery. 100m to the east sits Blackshaw Primary School

15. Site is bounded to the footpath side by a timber fence approx 2m in height. As the footpath drops lower towards the rear of the property, so does the comparative max fence height. No new fencing is proposed by this application but panels appear to have been installed between the previous decision and this submission. The neighbouring property no.154 has a rear conservatory along with a detached outbuilding sited to the rear against the shared boundary with no.152. The front driveway has similarly been surfaced in block pavers between this and the previous approval.
16. The site is not designated by policy within Bolton Council's Allocation Plan.

Policy

Development Plan

17. Core Strategy Policies SO2 Access to Education, SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO12 Biodiversity, SO16 Community Cohesion and Access, P5 Transport, S1 Crime and Road Safety, CG3 Design and the Built Environment, CG4 Compatible Uses, SC2 Cultural and Community Facilities, CG1.2 Urban Biodiversity, RA3 Brightmet.

Other material considerations

Supplementary Planning Document: General Design Principles.

18. National Planning Policy Framework (NPPF).

Analysis

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

- * principle of development
- * impact on the provision of housing stock
- * impact on the character and appearance of the area
- * impact on neighbouring residential amenity
- * impact on the highway

Principle of Development

22. Core Strategy Policy SC2 states that the Council will ensure that local cultural activities and community facilities are located in the neighbourhoods that they serve. Policy RA3 relates specifically to the Brightmet area and requires development to enhance the townscape through the use of excellent quality design, conserve and enhance the distinctive character of the existing physical and natural environment, and incorporate high quality landscaping and plant species.

A Class C2 'residential institution' of any description by its nature comprises a 'local community service' as referred to in policy SC2. This policy seeks to ensure such uses are provided in the community they serve. The site sits on a school bus route, almost opposite a nursery, within the established residential area. It is thus in an accessible and viable location and, subject to achieving the necessary licensing from Ofsted and other regulatory bodies, capable of serving the needs of the local community.

23. Paragraph 91 within Section 8, 'Promoting healthy and safe communities' of the NPPF states that: "planning policies and decisions should aim to achieve healthy, inclusive and safe places which (amongst other criteria):

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion"

The proposals would satisfy criterion (a) by integrating a Class C2 Residential Institution that performs an essential community function into an existing community – diversifying the type of residents and facilities in the locality. The management and operational arrangements proposed by the applicant would satisfy criterion (b). These are discussed further in the 'neighbouring amenity' section.

24. Paragraph 92 goes on to say that "in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions "should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community:..."

The proposals would satisfy both criterion and accord with the social objective aims of the NPPF to create cohesive, diverse and supportive communities and support services throughout the nation in both villages and urban areas.

25. The Council's Children's Services have set out to officers that there is currently a surplus of spaces within managed care homes within the borough. Although Bolton has plans to return 'Bolton children' currently housed in other local authority areas, a significant proportion of these will be returned to their families and foster care. This means the surplus will not be fully depleted. Children's Services' concern is that the proposed 2-bed care home proposed will increase the surplus by 2 places and they do not support an over provision of accommodation.

26. Whilst the concerns of Children's Services (CS) are noted, Policy SC2 only states that it seeks to ensure such uses are provided in the community they serve. The policy states that 'future demand for cultural and community facilities may be variable, but this policy allows for changes in phasing and specific locations'. Whilst it is stated that there is currently a two-digit surplus of spaces, this will drop as children return. This proposal will only increase the surplus by 2 spaces. Policy SC2 mentions the need for flexible interpretation and as the proposal would only increase the number of available in-borough spaces by a nominal amount, the proposal would satisfy the planning aims of policy SC2 and the NPPF.

27. Thus, the proposal will help diversify the range of services in the local community in accordance with Core Strategy policy SC2 and contribute to the creation of a cohesive, diverse and supportive community in accordance with paragraphs 91 and 92 of the NPPF.

Impact on Character and Appearance of the Area

28. Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings. Core Strategy policy CG3 seeks to ensure that development proposals contribute to good urban design, conserve and enhance local distinctiveness and have regard to the overall built character and landscape quality of the area.
29. Section 12 of the National Planning Policy Framework "Achieving Well-designed Places" identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
30. The house is set adjacent to other homes, but sits at the end of a run of residential homes, adjacent to open, undeveloped land. Having regard for the fact that the site is already classed within the Class 'C' residential use class family as a 'C3 Single family Dwellinghouse' the proposed use would remain residential but change to Class C2 – 'Residential Institutions' where an element of on-site medical, educational, therapeutic or physical care or supervision is an essential part of the type of accommodation provided. In this case, the applicant has provided additional information in respect of how they intend to operate their permutation of the C2 use for just two resident children in care. If the use is considered acceptable, a condition can be applied to restrict other uses within the wider C2 class from commencing on site without the further grant of planning permission.
31. The development proposes no physical extensions and involves no further external alterations beyond the new security light that is proposed to the rear elevation. The light is discussed in the neighbouring amenity section of this report.
32. For the above reasons, the impact on the character and appearance of the areas is considered to be acceptable and in accordance with Policy CG3 of Bolton Core Strategy.

Impact on Neighbouring Residential Amenity

33. Core Strategy policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution. Policy S1 seeks to ensure that new development takes into account the need to reduce crime and the fear of crime.

Para 127 of the NPPF sets out that planning policies and decisions should ensure "that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

34. The current proposal would see the application property remain in residential use class, but add a quantum of on-site support, care and assistance for the residents. The number of residents is to be capped at 2 plus 2 resident staff members - and a condition can control this.

35. Fear of Crime: Neighbours have raised a number of concerns in respect of mental health, fear of antisocial behaviour, and conversely - anxieties about how the C2 residents will also be treated by locals. Whilst the fear of these impacts is acknowledged, it is not for the planning system to assume that residents will cause criminal harm or disruption to neighbouring properties. There are separate, established regulatory mechanisms and procedures outside the Planning System within society whereby registered Class C2 institutions are regulated, governed and policed. The NPPF is clear that 'fear of crime' is a valid planning concern. However, where an applicant has set out sufficient mechanisms by which to design-out and prevent the identified 'feared risks of crime' from occurring, the planning system cannot exceed its parameters and refuse without justifiable, evidenced reasons. Any refusal based on such grounds would likely be overturned at appeal. In this situation, the applicant has proposed a series of management mitigations to set out how the facility will be managed.
36. The Crime Prevention through Design officer at the Greater Manchester Police Service was reconsulted when the revised information was received. The officer responded that the management proposals, as described in the applicant's letter, were considered to be reasonable for what was being proposed on this site. The Officer sets out that they have discussed the matter with the GMP Service itself, and are aware that local residents are concerned by the proposal and that the use may have implications for police resources. In order to minimise these potential effects, they recommend conditions limiting maximum residents and staff, the age range of residents and a set of permitted visiting hours and max number of daily visits. The operational pressures a development places on a third-party service such as the Police or NHS are not material reasons for refusal, as those services exist and are legislated outside the planning system. However, there are planning amenity justifications for these conditions (see next paragraph), and for these reasons they can be applied to any recommendation for approval. The revised fencing at the property, although likely to comprise permitted development has improved the security of the rear garden.
37. Noise Impact: The definition of Class C2 uses in the Use Class Order 1987 (as amended) is a 'Residential institution' and it covers a multitude of facilities including but not limited to: 'Hospitals, nursing homes, residential education and training centres where use is for the provision of residential accommodation and care to people in need of care'. The primary function is as a residential institution and is similar to the use of Class C3 dwellings in that the applicant states people will reside here in a format 'as close to a family unit' as is possible.
38. Environmental Health Officers consider that there is the potential for noise to emanate from the interior of the building as a result of the change of use, and suggest a condition be applied for further information 'specifying the provisions to be made to control internally generated noise'. However, they do not set out what noise. The C3 house has been extended in accordance with the recent approval to provide a fourth bedroom and increase the size of the third bedroom so that 4no. double bedrooms exist within the premises, and to provide a home office/living space at ground floor. The detached, extended house is thus capable of hosting a family of 4-8 persons with a use/attendance patterns either similar to or in excess of that generated by the 2no. in-care children and 2-3no. staff proposed by this application. It is noted that no comments have been made by EHO in respect of noise from the garden or anticipated visitor attendance/departure, and so it is concluded that the comments relate to potential noise from raised human voices and/or playback of amplified music or instruments inside the house.
39. None of the other houses have planning conditions restricting the right to shout or play loud music and such conditions would be unreasonable given the low number of occupants. A

soundproofing scheme would not prevent windows from being opened nor outdoor noise garden activities from spreading, as it can, unrestricted from neighbouring family homes. It follows that if the use of the premises is well managed and supervised by the duty staff implementing the policies of the registered social care provider, then the use is unlikely to cause regular or ongoing disturbance audible within neighbouring properties. If justified noise complaints are ultimately made to the Local Authority, it remains the responsibility of the facility management to resolve matters and it is within the gift of the EHO service to fine and take action under separate legislation. In this instance the best way of achieving this is considered to be the development and adoption of a noise management scheme by the operator. Such a document would identify potential noisy activities and/or residents and propose appropriate control measures and/or review triggers where necessary. However, as the use is intended to be very similar in impact to that of a Class C3 use, and with regard for the tests the NPPF requires planning conditions to satisfy, a planning condition would only serve to replicate what Environmental Health legislation can already do. Paragraph 183 of the NPPF advises against the planning system duplicating pollution control regimes via conditions where other legislation already exists. As such, the noise management scheme is suggested as an informative, not a planning condition.

40. That said, the applicant has set out an intention to limit diarised visitors to the site to 1no. per day and to limit visitors to the hours of 10.30 and 15.00 hours. Similarly, they set out a maximum number of resident children (2no.), overnight staff (2no.) and 3no. daytime staff. As all of these matters would assist in limiting the out-of-daytime-hours activity associated with the Class C2 use, there is a legitimate planning need to condition them to safeguard evening and overnight amenity enjoyed by neighbours. Conditions in respect of these matters would thus meet the tests of the NPPF and offer enforceable controls to the planning service. The specific nature of the use can be further tied down by way of a conditional restriction of the use to specifically that applied for (ie a class C2 residential care facility for 8-16year olds). As is the case anywhere, none of these would prevent emergency attendance as necessary by an eligible third party service provider.

41. Lighting Impact: EHO have suggested conditions requiring, before the commencement of the use, the submission and approval of an external lighting scheme to control the direction and intensity of any lighting realised on site. However, the applicant has confirmed that no further lighting is proposed other than the PIR security light proposed to be mounted on the rear elevation in-between the ground and first floors. No details are provided for the light, but it would be positioned to point downwards and away from the house, illuminating the ground, not the garden. The condition suggested by EHO can be adapted into once to govern the light as is proposed, and to include the wording 'no other external lighting'. Once the Class C3 uses ceases, the property will cease to possess domestic permitted development rights, other than those associated with fencing/means of enclosure. The condition would be sufficient to prevent any spillage of light to nearby gardens or habitable room windows.

42. Subject to the above suggested conditions and informative, the planning impacts of granting permission for a Class C2 care home use here are considered compatible with surrounding dwellings. Mitigations proposed by conditions are sufficient and do not overstep the ability of other matters to be appropriately regulated by the relevant governing body or authority. The requirements of Core Strategy policy CG4 and the NPPF have been satisfied.

Impact on the Highway

43. Paragraph 102 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.

44. 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.
45. The proposed level of existing in-curtilage parking provision shown on plans (3 spaces) exceeds the Council's maximum parking standards for the C2 class use. Highways Officers comment that, having considered the supporting information indicating how the facility will be operated, and the number of children/staff that will be on site at any one time, it is their view that the operation will likely be accommodated with minimal additional detriment to the operational capacity of the highway network. On this basis, and subject to a condition requiring the car parking be made available at all times the facility is in use, no reasonable objections are raised by Officers on highway grounds.

Drainage

46. From consultation with the Environment Agency's Flood Risk Maps the area sits within Zone 1 with no historic or projected identified risk from river, coastal flood water or standing water from runoff. Permanent sleeping accommodation remains to the first floor. No significant flood risk has been identified from statutory resources.

Conclusion

47. For the reasons stated above, the proposed change of use is considered to comply with the aims of the policies against which it has been assessed this report.
48. Suitable conditions are proposed to address all aspects identified in this report in need of further control or ongoing mitigation. Subject to their inclusion on any decision notice, the proposals are considered acceptable.
49. The application is recommended for approval on this basis.

Representation and Consultation Annex

Representations

Letters

Objections were received from 13no. local households. At the time of this report being finalised 5no. of these had written in with updated comments following the receipt of new information.

Traffic Concerns

50. Roadway already busy from school traffic, on site parking would be insufficient;

- School traffic zooming past house makes exiting drive difficult;
- Council allowed school to expand, worsening traffic for residents;
- Don't believe the use will only generate two cars, where will the 10 staff park?;
- Busy bus route and business use would add to traffic.

Officer Response: The matters above are addressed in the main report. Despite a potential for 10 rota'd staff, only 2-3 staff will be on site at any time. The site is on a school bus route, and has space for 2 cars, exceeding the Council's standards.

Nature of Use

- Purpose of unit not clear, residents either vulnerable or present a danger to themselves/the area;
- Type of resident placed there could lead to an increase in disruptive behaviour in locality;
- Area is a Class C3 residential area and must be maintained as such;
- Use will destroy elderly resident's right to a peaceful neighbourhood;
- Use of house for people with learning difficulties, mental health and substance abuse would compromise safety of children, preventing them from using the visible bus stop, the open playing fields and walking past the site to schools and nursery;
- Use presents a safeguarding risk to children in local schools;
- Concerns that the age range will change to include adults;
- Applicant assumes everyone goes out in the day, but many neighbours are retired at home;
- Possible CCTV would infringe neighbour's privacy;
- All of Hatherleigh Walk and houses opposite can be overlooked from the house;
- Additional resources that might be needed would further inconvenience neighbours;
- Risk that premises will also be used as a drop-in centre, with catastrophic results (not explained);
- Unlikely that 10 part time staff will be able to ensure 24-hour supervision, with impacts on the community;
- Concern that the use will attract drug dealing, making going out in the evening dangerous;
- If teenagers congregate outside the premises there would be noise issues for neighbours.
- Proposed use will detrimentally affect the social conditions of the local and wider community.

Officer Response: Details of the proposed use as a care home for children have been contained on the plans since submission. Further details have been submitted setting out how the use will operate, and with how many residents and staff. Contrary to neighbour concerns, the application does not propose to operate as a drop-in centre, a SEND unit, a drug dependency unit, a mental health unit or any other such facility. It is not anticipated that this will present a risk to other children or people in the local neighbourhood. The proposed use is as a Class C2

residential children's home with 24 hour supervision and controlled access. CCTV can be installed on a domestic house with no need for planning permission, none is proposed here. The house in C2 use will retain the same outlook and interface distances as it does as a class C3. The issues associated with neighbour concerns, and the fear of crime have been addressed in the main report.

General

- No supporting documents or planning statement submitted, leaving residents in the dark;
- Not clear why a house in this location is required for use as residential care home;
- Applicant's address gives site address even though nobody lives there; and
- Applicant has sought to deceive the Council by filling in the forms incorrectly

Officer Response: As submitted the proposal lacked sufficient information and officers requested further details. This was submitted and fresh consultation undertaken. The previous application did not establish the principle of a Class C2 use as it only sought permission for domestic extensions to what was (and still is) a domestic house. No substantive errors that affect the processing of this application have been noted on the forms.

Non-material

A number of additional comments have been made, none of which are material considerations in the assessment of this application as follows:

- Proposed use will devalue surrounding homes and make it hard to sell own homes;
- Applicants are directors of a car home group AND a property company but have never lived at property;
- Applicants seek to make a profit at the expense of local community;
- Residents may commit crimes outside of the house, to neighbouring houses and be rude or intimidating;
- Believe there is an intention that no.169 Brodick Drive will become a children's home;
- Failure to build the rear extension permitted by 07607/20 is a breach of planning permission;
- Fences have been erected at 2.4m height not 2.1m as previously shown on approved plans;
- With approved permission for a ground floor office, does this mean they can go ahead without permission?;
- Parking has increased at the site from 1 to 2 spaces, without permission;
- Planting and trees removed from front garden during construction of extensions;
- Original application 07607/20 was obtained by deceit, this proposal should therefore be refused;
- Applicant's claims that locals support the proposal as they walk past the site are untrue; and
- Reconsultation letter contained an error referring to a noise survey that didn't exist.

Officer Response: The omission of the single storey rear extension from the build out of 07607/20 is not a breach of permission. No changes to fences are shown on drawings accompanying this application. Height of land outside site falls away and site photos confirm fence heights are unlikely to breach PD rights. Fences sit to north of 110 Hatherleigh, having no impact on sunlight and the rear garage/outbuilding behind to no 154 mitigates any height along this boundary. The trees and hedges on site were not protected and no permission was needed to remove them. The car parking arrangements proposed as part of this application reflect the site as they exist now. The error on the reconsulation letter was addressed and an 'erratum' note placed online on the case file explaining to neighbours how the error came

about and clarified what new information had been received. All other matters are not material planning objections.

Petitions

None

Elected Members

Cllrs Newall and Warren have communicated concerns, raised by a number of local residents, about the proposals to officers. In the event that a recommendation for approval was made by officers both Councillors requested that the case be presented to committee. At the time of their initial enquiries, the application was not supported by the detail latterly submitted. At that time, Councillors were informed that efforts were underway to secure further information and satisfied that in the event of no amendments, officer would refuse the proposal on grounds of insufficient supporting information. Revised information was provided, sufficient to address officer concerns and the case was thus prepared for consideration at committee.

Consultations

Advice was sought from statutory consultees: Highways, Education, Public Protection, Children's Services and GMP Crime Prevention through Design officer. Children's Services responded with objections on grounds detailed in the main report. All other consultees responded, some requesting conditions but none objecting.

Planning History

07607/20 - Erection of part single/part two storey extension at side and single storey extension at rear – Approved 27.02.2020

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 2 car parking spaces with minimum dimensions of 5.5m by 2.4m shall be provided within the curtilage of the site frontage in accordance with the approved site plan. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

3. Before any part of the buildings hereby approved are first brought into use as the Class C2 residential home hereby approved all external lighting/floodlighting installed on the building shall be modified so that the beam angle of any lights directed towards any potential observer are below 70 degrees. The lights shall be retained in this manner thereafter.

Reason

To safeguard the character and appearance of the locality and to prevent light pollution and in order to comply with Bolton's Core Strategy policies CG3 and CG4

4. The premises shall be used for Class C2 residential care home purposes for the supervised domestic care of up to 2no. children between the ages of 8 and 16 years, with a minimum of 1no. member of staff for each child in residence at all times; and for no other purpose (including any other purposes in Class C 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. This permission shall enure for the benefit of the applicant 'The Achieve Group' and be carried out in ongoing accordance with the details accompanying the application and comprising the approved plans and supporting statement received on the 8th February 2021.

Reason

In the view of the personal circumstances of the applicant and in the light of the assurances given as to how the development applied for will be carried out.

6. The Class C2 premises subject of this consent shall not accept more than 1no diarised visit to the premises per day, and the diarised visits shall only take place between the following times:-

Monday to Friday - 10.30 - 15.00 hours

Saturday - 10.00 - 16.00 hours

Sunday - 11.00- 14.00 hours

Clarification. Staff engaged in work at the site, and children in residence do not comprise visitors.

Reason

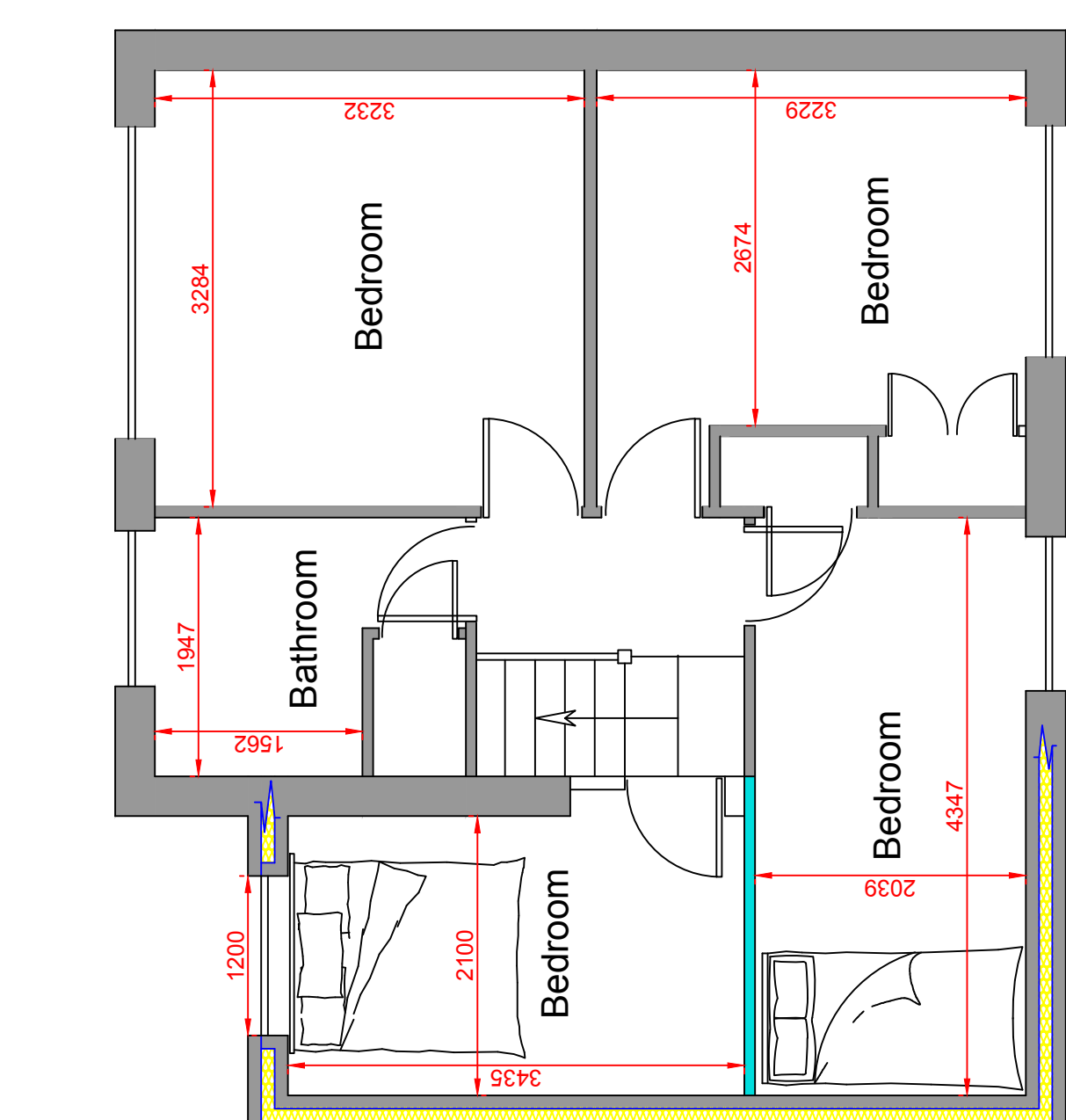
To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and in order to comply with Bolton's Core Strategy policies CG3 and CG4.

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

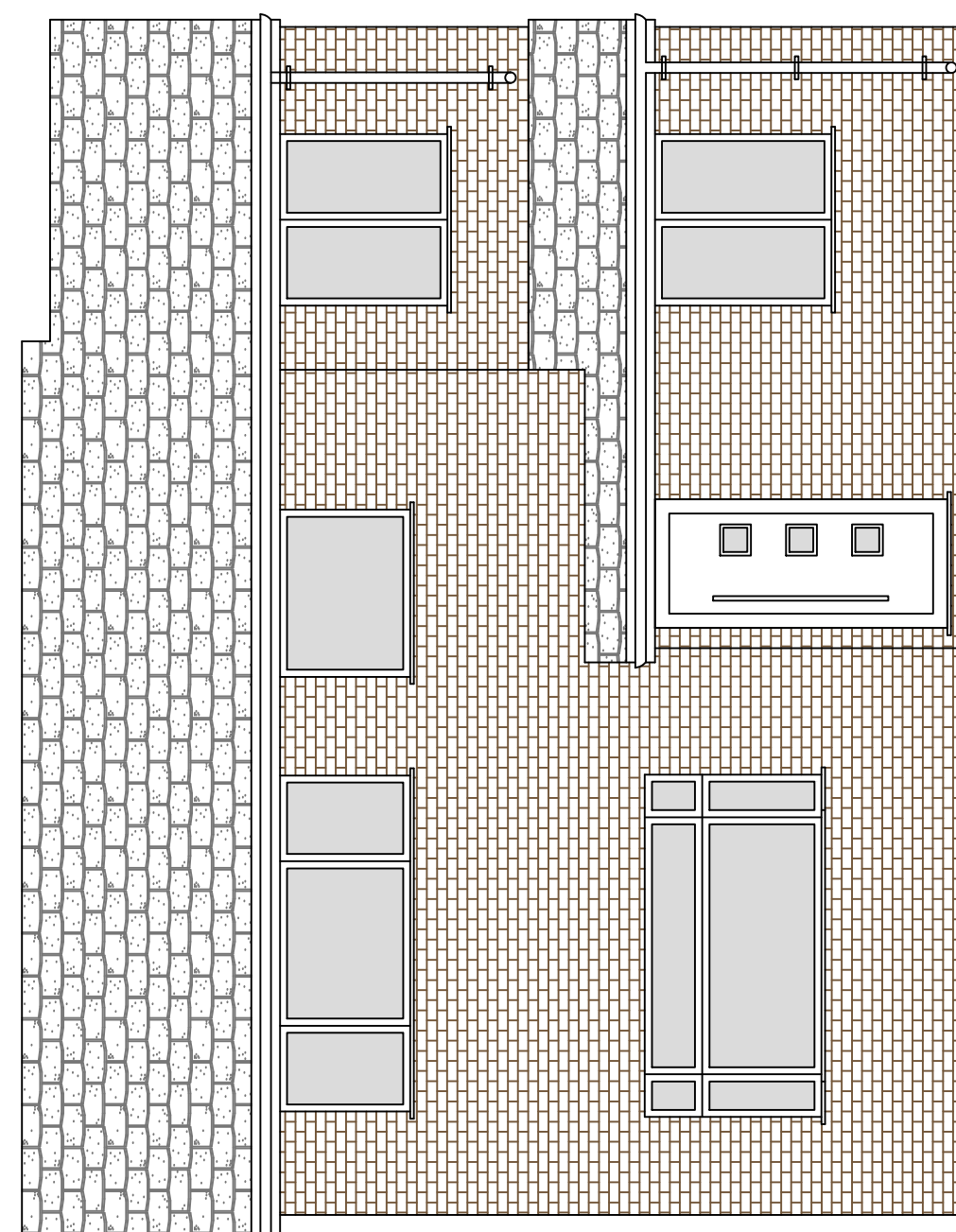
PCE-McGuinness-Certificate Drawing (Amended) - Received 4 March 2021

Reason

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

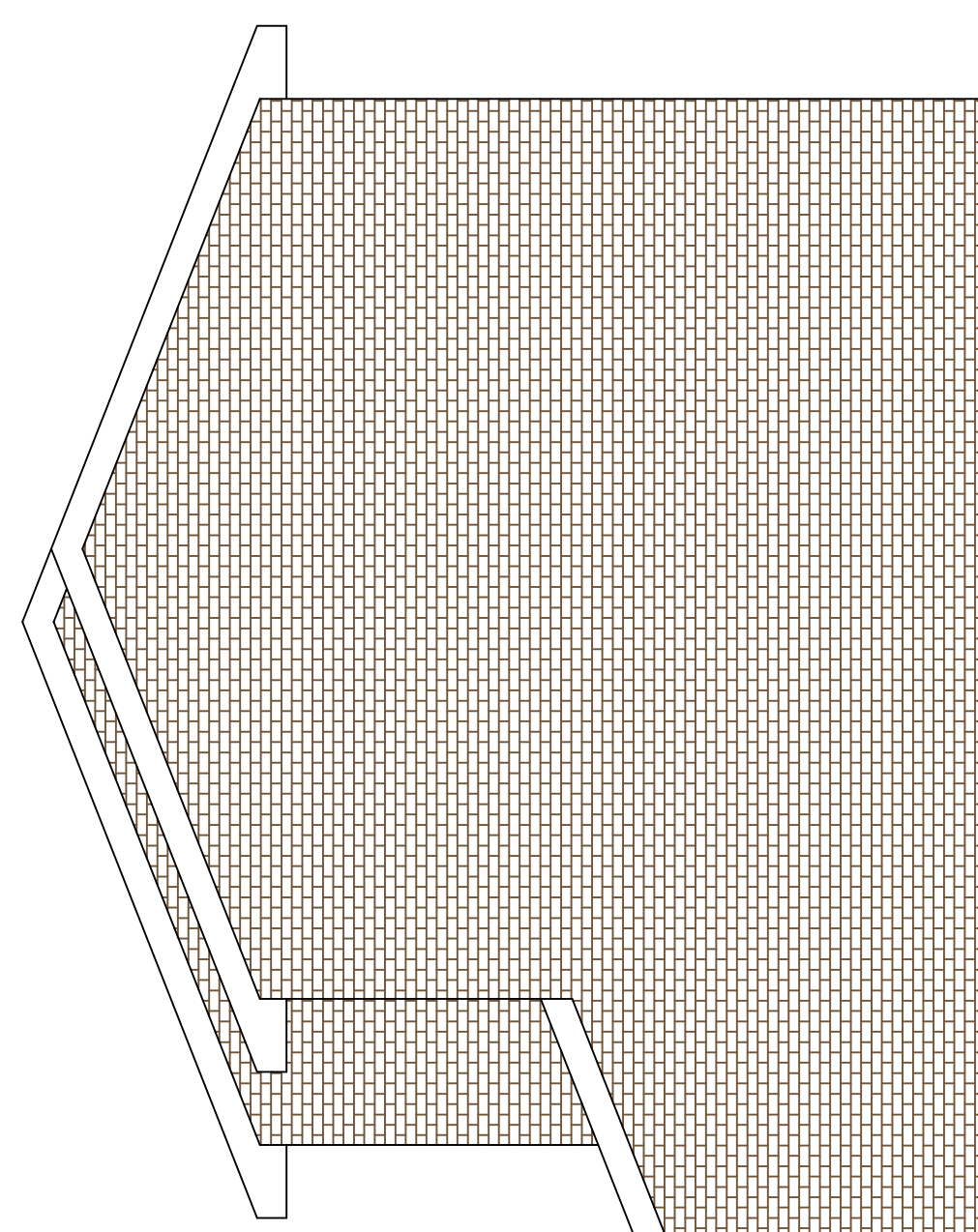


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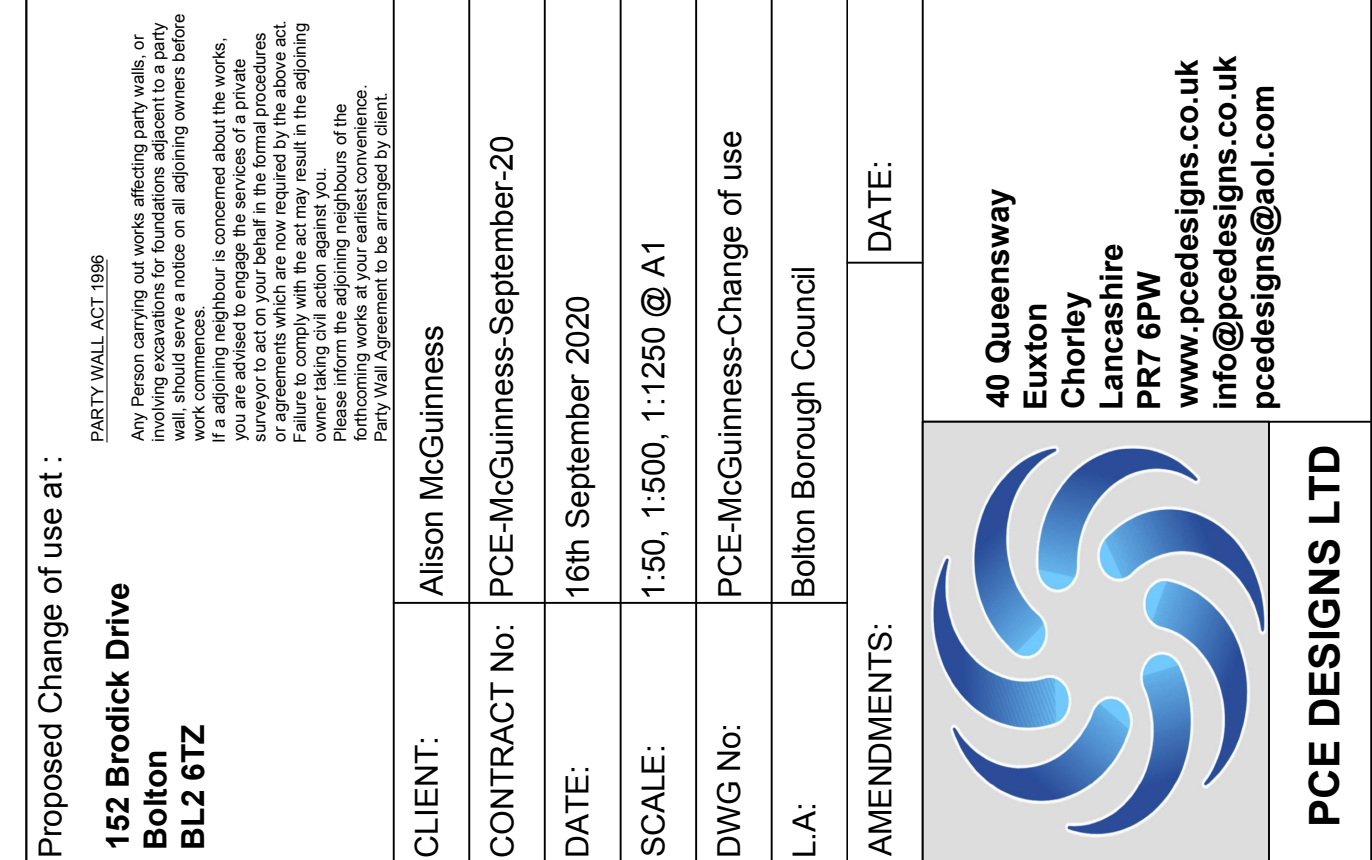
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A vertical number line with tick marks at 1m, 2m, 3m, 4m, and 5m.

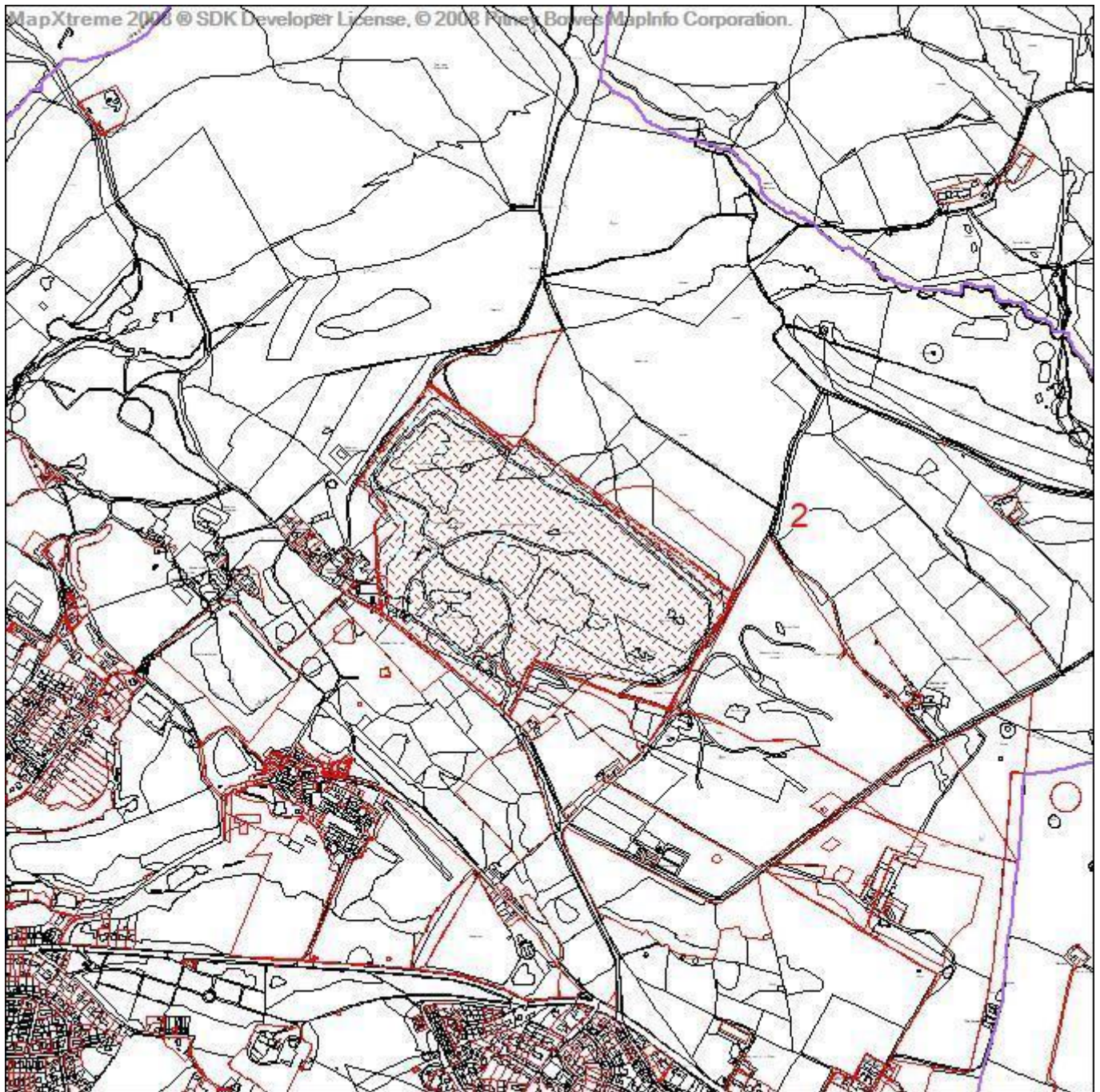


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A vertical number line with tick marks at 1m, 2m, 3m, 4m, and 5m.



Application number
09801/20



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: 01/04/2021

Application Reference: 09801/20

Type of Application: County Matters
Registration Date: 12/11/2020
Decision Due By: 10/02/2021
Responsible Officer: Helen Williams

Location: MONTCLIFFE QUARRY, GEORGES LANE, HORWICH, BOLTON, BL6 6RT

Proposal: VARIATION OF CONDITION 14 ON PLANNING APPROVAL 97782/16 (INTRODUCTION OF AN ADDITIONAL ACCESS TO/FROM THE SITE)

Ward: Horwich North East

Applicant: Armstrongs Aggregates Limited
Agent : The Mineral Planning Group Ltd.

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- * This application is before Committee at the request of Councillor Silvester.
- * The proposed variation of condition is required to allow for the access track, proposed within application 08698/20 (which can also be found on this agenda), to be used as access to Montcliffe Quarry.
- * The proposed new access point into Montcliffe Quarry would be a secondary/ancillary access. The existing access into the quarry from Georges Lane would remain as the main access.
- * The proposed variation of condition would allow for the movement of oversize/heavy plant and machinery between Pilkington and Montcliffe Quarries and enable HGVs to access and leave the quarry directly from and to the adjacent HGV parking area, without the need to travel down a public highway.
- * The Council's Highways Engineers agree that the proposed ancillary access would potentially remove extraneous HGV movements onto the public highway and would have benefits in terms of the logistics of operations, as well as potentially reducing road safety implications and environmental issues.
- * The proposed variation of condition 14 does not require any other conditions originally imposed on approval 97782/16 to be amended also. All other conditions would therefore again be attached to this decision, with no amended wording, should the application be approved.
- * Members are recommended to approve this application.

Proposal

1. This section 73 application (application for removal or variation of condition following a grant of planning permission) seeks the variation of condition 14 on the last planning approval for Montcliffe Quarry, planning approval 97782/16. The variation of this condition is required to

allow for the access track – proposed within application 08698/20, which can be found elsewhere on this agenda – to be used as access to Montcliffe Quarry.

2. Condition 14 of approval 97782/16 currently states:

"The existing access from Georges Lane shall be retained as the sole means of access to the site and the existing weighbridge, wheel cleaning facilities, sheeting bay and office buildings shall remain available for use in conjunction with the access and proposed works until the competition of the development hereby approved/permitted."

3. The applicant seeks to amend the wording of condition 14 so that it states:

"The existing access from Georges Lane shall be retained as the primary means of access to the site and the existing weighbridge, wheel cleaning facilities, sheeting bay and office buildings shall remain available for use in conjunction with the access and proposed works until the competition of the development hereby approved/permitted."

An ancillary access, as marked on the plan referenced 200/29-2 would be used for the following reasons:

- * For the movement of oversize/heavy plant and machinery between Pilkington and Montcliffe Quarries*
- * To enable HGVs to access the site from the HGV parking area as shown on the plan referenced 200/29-2*
- * To enable HGVs to exit the site from the HGV parking area as shown on the plan referenced 200/29-2"*

4. The other conditions attached to approval 97782/16 would not be affected or amended should this application be approved.
5. The applicant states that, currently, heavy plant that is required to be moved between Montcliffe and Pilkington Quarries must be loaded onto a low-loader and transported into Horwich, where there is sufficient turning space, before returning to the quarry sites. The proposed variation of condition would allow oversize/heavy plant to be directly transferred between the quarries without the need to use the public highway.
6. The proposal would also allow HGVs that are stored in the parking area (also subject to application 08698/20) to avoid having to use Makinson Lane and Georges Lane to enter Montcliffe Quarry.
7. The applicant has confirmed that all HGVs would still use the existing wheelwash facilities before leaving the site.

Site Characteristics

8. As the application seeks to vary a condition attached to the last approval for Montcliffe Quarry, the application site comprises the whole of Montcliffe Quarry. Montcliffe Quarry occupies approximately 26 hectares and is currently (and has been historically) utilised for mineral extraction (sandstone/gritstone aggregate and blockstone). The site has planning permission for its reserves to be fully worked until February 2033 and progressively restored until February 2035 (under approval 97782/16).
9. Montcliffe Quarry is located within the Green Belt, the Winter Hill and Smithills Moor Site of

Biological Importance (SBI) and within the Mineral Safeguarding Areas for Brick and Clay, Surface Coal and Sandstone.

10. The proposed secondary/ancillary access into Montcliffe Quarry is proposed to the southern corner of the quarry, where an access track linking the quarry to the HGV parking area to the east has already been constructed.
11. The nearest neighbouring residential properties to the proposed new access point are approximately 80 metres away, at Rocky Mount and Hill Crest, Georges Lane.
12. Public right of way Horwich 058 runs up the eastern side of Montcliffe Quarry where the new secondary access point is proposed. This starts at Georges Lane and goes around the perimeter of Montcliffe Quarry. Public right of way Horwich 056 connects to Horwich 058 to the north of the proposed access point and runs eastwards.

Policy

13. The Development Plan

Core Strategy Policies: P4 Minerals; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

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

Greater Manchester Joint Minerals Plan April 2013

14. Other material considerations

National Planning Policy Framework (NPPF) – Sections 2. Achieving sustainable development; 6. Building a strong, competitive economy, 9. Promoting sustainable transport, 13. Protecting Green Belt land, 14. Meeting the challenge of climate change, flooding and coastal change, 15. Conserving and enhancing the natural environment, 16. Conserving and enhancing the historic environment, and 17. Facilitating the sustainable use of minerals.

National Planning Policy Guidance - Minerals

SPD Accessibility, Transport and Safety

Analysis

15. 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.

16. The main impacts of the proposal are:-

- * impact on the highway
- * impact on public rights of way
- * impact on the amenity of neighbouring residents
- * impact on biodiversity

Impact on the Highway

17. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] freight movements and serving arrangements. Policy S1.2 states that the Council will promote road safety in the design of new development.
18. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
19. The proposed new access point into Montcliffe Quarry is proposed as a secondary/ancillary access. The existing access into the quarry from Georges Lane would remain as the main access. The purposes of the new access point would be to allow for the movement of oversize/heavy plant and machinery between Pilkington and Montcliffe Quarries and to enable HGVs to access and leave the quarry directly from and to the adjacent HGV parking area, without the need to travel down a public highway.
20. The Council's Highways Engineers have stated that the proposed ancillary access would potentially remove extraneous HGV movements onto the public highway and would have benefits in terms of the logistics of operations, as well as potentially reducing road safety implications and environmental issues. Engineers therefore raise no objection to the proposal.
21. It is therefore considered that the proposed variation of condition would comply with Policies P5 and S1.2 of the Core Strategy.

Impact on Public Rights of Way

22. Allocations Plan Policy P8AP states that the Council will permit development proposals affecting public rights of way provided that the integrity of the right of way is retained.
23. Public right of way Horwich 058 runs up the eastern side of Montcliffe Quarry where the new secondary access point is proposed, therefore the footpath has to be crossed by vehicles.
24. The Council's Public Rights of Way Officer queried how risk to members of the public using this public footpath would be avoided whilst the access track/access point is in operation. The applicant has responded to confirm that signs have been erected at both the access point into Montcliffe Quarry and at the access point to the HGV parking area to advise drivers that priority must be given to pedestrians and that they must wait for pedestrians to cross before travelling into and out of the application site. A speed limit is also imposed on the internal track/link road.
25. The integrity of the right of way Horwich 058 is not affected by the proposed new access point and it is considered that sufficient warning signs are already in place. It is therefore considered that the proposal would comply with Policy P8AP of the Allocations Plan.

Impact on the Amenity of Neighbouring Residents

26. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and should not generate unacceptable nuisance, odours, fumes, noise or light pollution.
27. The impact of the proposed access track/link road between Montcliffe and Pilkington Quarries on neighbouring residents is considered within the officer's report for application 08698/20, along with the other development proposed between the two quarries. This report can be found elsewhere on this agenda. This application only seeks permission for the secondary access point

into Montcliffe Quarry, not the access track.

28. Neighbour concerns have been raised with regards to the former screening mound/bund to the east of the quarry being removed to accommodate the new access, and the effect this has caused on neighbours' views into the quarry and noise and vibration disturbance. A condition is therefore suggested as part of the recommendation for application 08698/20, for additional tree planting on land to the south of the access track (part of the application site for 08698/20), to help screen views.
29. It is not considered that the proposed new access point into Montcliffe Quarry unduly harms the amenity of neighbouring residents, and therefore it is considered that the proposed variation of condition 14 complies with Policy CG4 of the Core Strategy.

Impact on Biodiversity

30. Policy CG1.1 of the Core Strategy states that the Council will safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value.
31. The Council's Greenspace Officers have confirmed that the location of the new access is some 400 metres south of the West Pennine Moors SSSI and the nature of this development is unlikely to have any impact upon that designated site.
32. It is therefore considered that the proposed development complies with Policy CG1.1 of the Core Strategy.

Other conditions attached to planning approval 97782/16

33. The proposed variation of condition 14 does not require any other conditions originally imposed on approval 97782/16 to be amended also. All other conditions would therefore again be attached to this decision, with no amended wording, should the application be approved.

Conclusion

34. For the reasons discussed above it is considered that the proposed variation of condition 14 on approval 97782/16, to allow the secondary/ancillary access into Montcliffe Quarry, would not harm highway safety, the integrity of public right of way Horwich 058, the amenity of neighbouring residents, or biodiversity.
35. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- 4 letters of objection have been received, which raise the following concerns:

- * Impact on the public right of way;
- * This will be the third footpath diverted by the applicant to accommodate their proposals (*Officer comment: the proposed footpath diversion (of Horwich 056) is proposed within application 08698/20, not this application*);
- * The site is Green Belt agricultural land (*Officer comment: the impact on the Green Belt is considered within application 08698/20, which can be found elsewhere on this agenda, as the siting of the access track is proposed within that application*)
- * The southern screening mound for the quarry has been removed to make way for the access, meaning that neighbouring properties now have a view into the quarry;
- * Noise and vibration disturbance to neighbouring residents;
- * Health and well-being of neighbouring residents;
- * The track has been constructed without planning permission (*Officer comment: this application, along with application 08698/20, has been submitted to rectify this*);
- * A further access into Montcliffe Quarry has been created to the north of the HGV parking area (*Officer comment: it is believed that this is an historic track into the quarry, which is used as an emergency access, not a third access for HGVs*);
- * Operations are carried out outside the permitted hours (*Officer comment: this concern is currently subject to an enforcement investigation*);
- * Will Armstrongs adhere to any new conditions the LPA imposes on them? (*Officer comment: the planning conditions attached to the approvals for Montcliffe Quarry are enforceable and the LPA employs Capita to monitor the quarries on a regular basis*).

Horwich Town Council:- raised an objection at their meeting of 17 December 2020 on the following grounds:

- * Concerns about the effect on neighbouring residents due to increased vehicle movements, noise and vibration and removal of the screening mound;
- * Impact on footpaths/public rights of way;
- * Effect on pollution on nearby SSSI as site expands;
- * Development of the site is not being looked at holistically (*Officer comment: planning applications are required to be assessed on their own merits*).

Elected Members:- Cllr. Silvester has requested that this application be heard before Planning Committee, owing to concerns about the proposal's impact on neighbouring residents, by reason of noise and disturbance.

It is considered that the concerns without a specific officer comment are addressed within the analysis of this report.

Consultations

Advice was sought from the following consultees: Highways Engineers, Pollution Control Officers, Landscape Officers, Greenspace Officers, Drainage Officers, Public Rights of Way Officer, Minerals and Waste Unit, the Environment Agency, Greater Manchester Ecology Unit, Greater Manchester Archaeological Advisory Service, Coal Authority, Peak and Northern Footpaths Society, Ramblers Association, Open Space Society and Horwich Heritage.

Planning History

97782/16 - Permission was granted at Committee in January 2017 for the variation of condition 2 on planning approval 86368/11 to extend the deadline for commencement of restoration to allow the remaining permitted reserves within Montcliffe Quarry to be fully worked and site progressively restored. This gave a deadline for mineral extraction until 20/02/33 and quarry restoration until 20/02/35.

86368/11 - Permission was granted in February 2012 for the variation of condition 2 on approval 72520/05 to remove the deadline for the commencement of the restoration to allow the remaining permitted reserves within Montcliffe Quarry to be fully worked and the site progressively restored. This gave a deadline for mineral extraction until 20/02/21 and quarry restoration until 20/02/23.

72520/05 - Permission was granted in July 2006 for the variation of condition 2 on approval 44430/93 to allow additional time to complete mineral extraction by 21/09/2011 and quarry restoration by 21/09/2012.

An application to vary condition 6 on 44430/93, withdrawing permitted development rights for all forms of ancillary development was approved in February 1998 (51995/97).

In May 1997 permission was granted for the erection of a workshop building and store (50494/97).

44430/93 - Permission was granted in September 1995 for the extension of quarrying operations including landscaping and improved vehicular access. The deadline for mineral extraction on this permission was 21/09/2005 and the quarry restoration 21/09/2007.

Application 41404/92 for the extension of quarrying operations including the relocation of weighbridge, weighbridge office and sheeting bays, erection of WC with septic tank, alterations to access and landscaping was refused in February 1992.

Application 39202/91 for the extension of the quarry and associated landscaping works was refused in December 1991.

North eastern extension at Montcliffe Quarry

93076/14 - Permission was granted at Planning Committee in February 2015 for the re-profiling and stabilisation works of the north eastern face of the quarry to alleviate health and safety concerns identified through a quarry regulations appraisal. This extension to the quarry covered an area of 3.4 hectares. The end-date for mineral extraction was 20/02/21.

Currently being considered - 10395/21 - Variation of condition 2 of planning permission 93076/14 to increase the period of time for re-profiling and stabilisation works of the north eastern face of the quarry by 10.5 years. This application will be heard before a future Planning Committee.

Proposal for north western extension at Montcliffe Quarry

Application 05250/19 for a lateral northerly extension to the existing quarry in order to facilitate the extraction of gritstone for the purpose of producing high grade stone and aggregates was refused at the 4 March 2021 Planning Committee meeting.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The mineral extraction for which this permission is hereby granted shall cease not later than **20th**

February 2033 and the site shall then be restored in accordance with the conditions of this permission and in any event within a further period of two years from the cessation of extractive operations, whichever is the earlier.

Reason

To ensure a satisfactory form of development and control of life of the site.

2. A five year aftercare scheme shall be submitted for the approval of the Mineral Planning Authority not later than one year after the date of this permission and shall specify the steps to be taken and the periods during which they are to be taken. The aftercare plan shall provide for an annual review between the mineral operator and the Mineral Planning Authority at which time such a scheme may be varied as necessary and thereafter implemented in accordance with the agreed scheme.

Reason

To ensure the satisfactory restoration of the site and to comply with policies CG1.1, CG3 and OA1 of Bolton's Core Strategy.

3. Each blasting operation at the quarry shall be monitored and the results recorded to assess vibration propagation. At 3 monthly intervals the results and regression curves of peak particle velocity against scale distance shall be supplied to the Mineral Planning Authority. The regression curves supplied shall be the mean curve and the 95% percentile limit curve.

Reason

To ensure comprehensive monitoring of the blasting operations and to protect the amenities of neighbouring properties, and to comply with policy CG4 of Bolton's Core Strategy.

4. Unless otherwise agreed in writing with the Mineral Planning Authority, monitoring of noise from site operations shall be undertaken once a quarter for a one hour period on any working day, or at a time interval to be agreed with the Mineral Planning Authority at the noise control points at Hill Top, Hill Crest, Rocky Mount and Montcliffe House, Georges Lane , 1 and 2 Grundy Cottages, Makinson Lane, and the properties at Montcliffe Cottages, Georges Lane. The results of the monitoring shall be recorded and submitted to the Mineral Planning Authority on the last working day of each calendar quarter for the duration of the operations and shall include:-

- a) The measured one hour LAeq in dB;
- b) Date and time of measurement;
- c) Description of site activities;
- d) Details of measuring equipment; and
- e) Weather conditions including wind speed and direction.

Reason

To protect neighbouring residential amenity and to comply with policy CG4 of Bolton's Core Strategy.

5. Within a period of 3 months from the cessation of extractive and restoration operations hereby permitted, a scheme for the removal of all plant, machinery, buildings, foundations and hard surfaced service areas associated with the quarrying operations, and subsequent restoration of those areas, shall be submitted to the Mineral Planning Authority for approval. Such scheme shall be implemented within a further period of 9 months from the date of approval in accordance with the restoration and aftercare requirements of this permission unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

To ensure the satisfactory restoration of the site and to comply with policies CG3 and OA1 of Bolton's Core Strategy.

6. No work on the site (including the repair of plant machinery and the movement of such machinery) shall be carried out on the site outside the following hours:-

07:00 to 18:00 hours Mondays to Fridays
07:30 to 13:00 hours Saturdays

unless previously agreed in writing with the Mineral Planning Authority or specified elsewhere by this permission.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance, and to comply with policy CG4 of Bolton's Core Strategy.

7. No drilling operations in conjunction with the working of any benches shall be carried out on the site outside the following hours:-

07:00 to 17:30 hours Mondays to Fridays
08:00 to 12:00 hours Saturdays

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance, and to comply with policy CG4 of Bolton's Core Strategy.

8. No blasting operations shall be carried out on the site outside the following hours:-

10:00 to 12:00 and 13:00 to 15:00 hours Mondays to Fridays

In the event of a blast being necessary outside those hours the Mineral Planning Authority shall be notified immediately and in any event within 48 hours of the blast occurring.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance, and to comply with policy CG4 of Bolton's Core Strategy.

9. Blasting operations shall not result in ground vibrations with a peak particle velocity greater than 10mm per second in any plane as measured at the nearest occupied building to such operations and 95% of all blasts throughout the duration of operations shall not exceed a peak particle velocity of 6mm per second.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance, and to comply with policy CG4 of Bolton's Core Strategy.

10. Noise from any activity (with the exception of those relating to top soil and stripping) shall not exceed the equivalent continuous sound level (LAeq, 1 hour) measured over a one hour period of 55dB as measured 3 metres from the facade of those noise sensitive properties located at Hill Top, Hill Crest, Rocky Mount and Montcliffe House, Georges Lane, 1 and 2 Grundy Cottages, Makinson Lane, and the properties at Montcliffe Cottages, Georges Lane.

Reason

To minimise the impact of noise on residential amenity, and to comply with policy CG4 of Bolton's Core Strategy.

11. Operations relating to top soil and stripping and other works in connection with landscaping and restoration shall not exceed an equivalent continuous sound level (LAeq, 1 hour) measured over a one hour period of 70dB as measured 3 metres from the facade of those noise sensitive properties located at Hill Top, Hill Crest, Rocky Mount and Montcliffe House, Georges Lane, 1 and 2 Grundy Cottages, Makinson Lane, and the properties at Montcliffe Cottages, Georges Lane.

Reason

To minimise the impact of noise on residential amenity and to comply with policy CG4 of Bolton's Core Strategy.

12. All plant, equipment and other machinery used in connection with the development, operation, maintenance and restoration of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturers original specification and maintained in such conditions at all times.

Reason

To minimise the impact of noise on the general and residential amenity, and to comply with policy CG4 of Bolton's Core Strategy.

13. The details of the measures to be taken to ensure that all operations on the site do not give rise to dust or wind blown material being carried onto adjoining property (as set out in planning submission 86368/11) shall be implemented in full.

Reason

To protect neighbouring residential amenity and to comply with policy CG4 of Bolton's Core Strategy.

14. The existing access from Georges Lane shall be retained as the primary means of access to the site and the existing weighbridge, wheel cleaning facilities, sheeting bay and office buildings shall remain available for use in conjunction with the access and proposed works until the completion of the development hereby approved/permitted.

An ancillary access, as marked on the plan referenced 200/29-2 would be used for the following reasons:

- * For the movement of oversize/heavy plant and machinery between Pilkington and Montcliffe Quarries
- * To enable HGVs to access the site from the HGV parking area as shown on the plan referenced 200/29-2
- * To enable HGVs to exit the site from the HGV parking area as shown on the plan referenced 200/29-2

Reason

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

15. Not more than 100 heavy goods vehicle (HGV) movements to the site and 100 HGV movements from the site (including those to enable the full restoration of the whole areas of the site subject to quarrying) shall take place during any single day Monday to Friday and no more than 50 HGV movements to and 50 from the site on Saturdays. There shall be no HGV vehicle movements on Sundays and Bank Holidays.

Reason

In the interests of the amenities of local residents, highway safety and the protection of the surrounding highway infrastructure, and to comply with policies P5, S1.2 and CG4 of Bolton's Core Strategy.

16. All vehicles transporting extracted materials from the site shall be suitable sheeted to prevent the deposition of material from the vehicle.

Reason

To protect the amenities of the area and to comply with policies S1.2 and CG3 of Bolton's Core

Strategy.

17. No restoration materials shall be imported onto the site as part of the landscaping scheme or for screening, grading or processing, other than to fulfill the final restoration contours, without the prior written approval of the Mineral Planning Authority.

Reason

For the avoidance of doubt, as the applicant has stated that the restoration material will be from the overburden material.

18. No mineral working shall take place below the 264 metre (AoD) level or 1 metre above the water table should it be encountered.

Reason

For avoidance of doubt and to comply with policy CG1 of Bolton's Core Strategy.

19. Any oil or chemical storage tank(s) on the site shall be sited on impervious bases and surrounded by liquid tight bund walls; the bunded area shall be capable of containing 110% of the tanks volume and shall enclose fill and draw pipes.

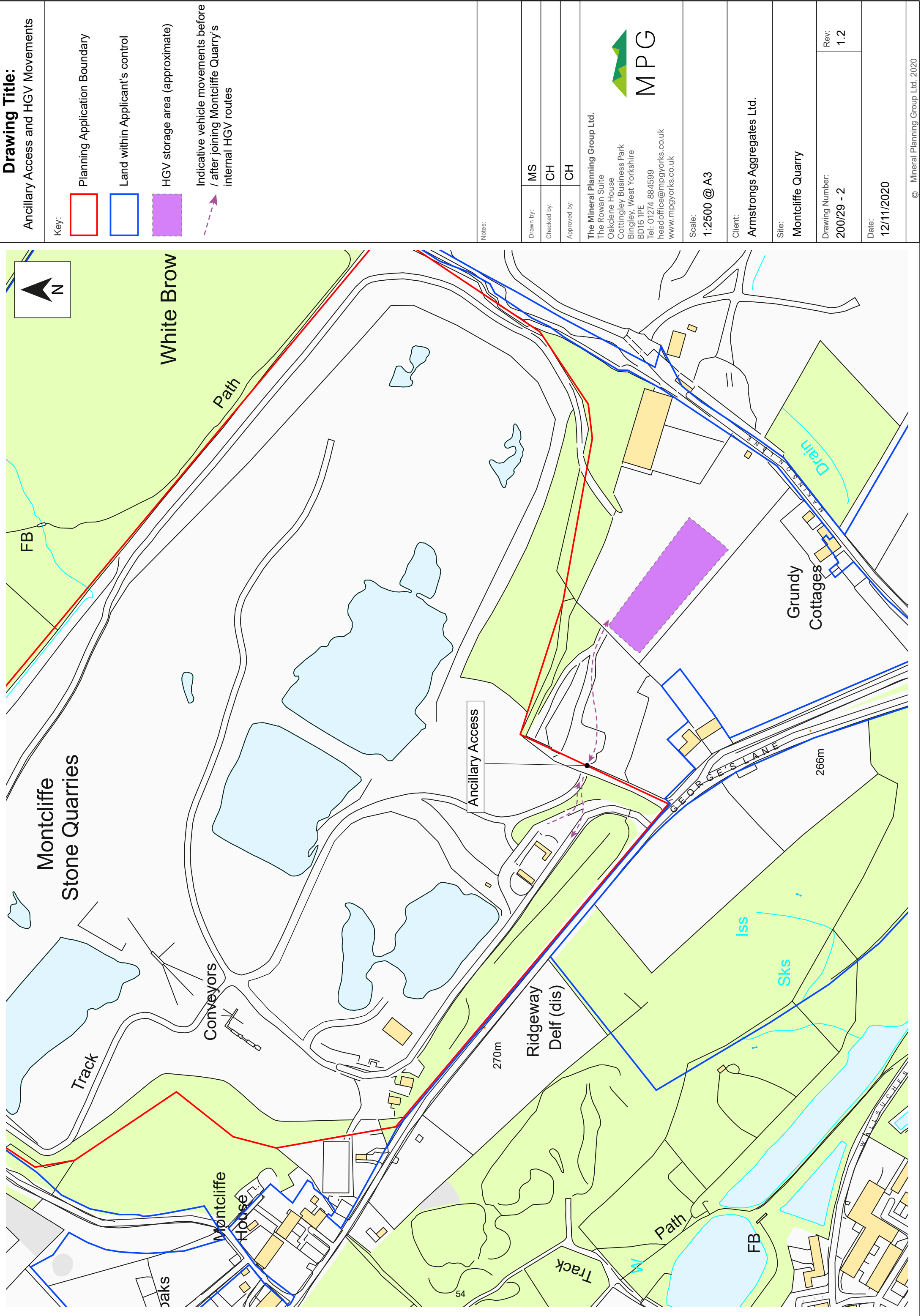
Reason

To protect the amenities of the area and prevent a potential source of pollution, and to comply with policy CG4 of Bolton's Core Strategy.

20. The landscaping scheme approved under application 86368/11 shall be progressively undertaken in accordance with the phased programme. Any trees or shrubs which for any reason die or are removed or felled within 5 years of being planted shall be subsequently replaced with new stock as may be agreed with the Mineral Planning Authority and thereafter maintained for a period of 5 years.

Reason

To ensure the satisfactory restoration of the site and to comply with policies C1.1, Cg3 and OA1 of Bolton's Core Strategy.



Application number 10199/21



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: 01/04/2021

Application Reference: 10199/21

Type of Application: Full Planning Application

Registration Date: 11/01/2021

Decision Due By: 07/03/2021

Responsible Officer: Jack Seddon

Location: 158 MARKLAND HILL LANE, BOLTON, BL1 5PB

**Proposal: RETROSPECTIVE APPLICATION FOR THE ERECTION OF A
RAISED PATIO AND SUN LOUNGE AT REAR**

Ward: Smithills

Applicant: Mr B Chadwick

Agent : KG Planning Ltd

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- This householder application has been submitted for the retention of a raised platform and rear extension.
- Three neighbour letters have been received, in objection - see 'Representation Annex' for details and Officer response.
- The application is before Committee as Councillor Hayes has requested a Planning Committee determination.

Proposal

1. The retained rear raised platform projects 5 metres and is 7.6 metres wide and is 1.2 metres tall measured from the raised platform below, with a glazed railing to the sides and rear and a set of steps at the side.
2. The rear extension is placed on the top of the raised platform and is open to the rear and projects 4 metres and is 6 metres wide with a flat roof 2.6 metres tall.

Site Characteristics

3. This application relates to a semi detached property on Markland Hill Lane. The property has been heavily renovated and extended in line with previous planning approval including render to all elevations and addition of a two storey side extension and front gate/boundary changes. The surrounding area is characterised by mainly two storey detached and semi-detached dwellings.

Policy

Development Plan

4. Core Strategies policies: CG3 The Built Environment; CG4 Compatible Uses; OA5 North Bolton.

Other material considerations

5. SPD House Extensions and SPD General Design Principles
6. National Planning Policy Framework (NPPF)

Analysis

7. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations. 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 considered to be:-
 - Design and Impact on the Character and Appearance of the Surrounding Area
 - Impacts on the Amenity of Neighbours

Design and Impact on the Character and Appearance of Surrounding Area

9. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and require development to be compatible with the surrounding area in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.
10. Policy OA5 refers specifically to developments in North Bolton and states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that development respects street patterns.
11. The rear extension and raised platform are not visible from the street to the front of the property (Markland Hill Lane) and are screened giving only glimpsed views from the streets to the side (Ripon Avenue) and rear (Ripon Drive) of the property, it therefore does not significantly impact on the surrounding street scene.
12. The design and scale of the rear extension and raised platform are in keeping with the works approved under previous applications that are now existing on the dwelling.
13. Materials match the works approved under previous applications that have been implemented meaning the rear extension and raised platform are in keeping with the existing dwelling.

14. Access would remain to the rear of the application property for the storage of refuse bins on none collection days.
15. In view of the above, it is not considered that the proposed development is out of keeping with the host dwelling house nor detracts from the character and appearance of the street scene. Therefore, it is considered that the proposal would be of appropriate siting and design and would be in accordance with policies CG3 and OA5 of the Core Strategy and the NPPF.

Amenity of Existing Residents and Future Occupiers

16. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security and does not generate unacceptable nuisance, odors, fumes, noise or light pollution.
17. 1 Ripon Drive is set to the rear of the application property on a lower ground level, the main room windows within the rear of the neighbouring property are in an indirect relationship ship to the rear extension and raised platform, they are 22 metres from the raised platform and 23 metres from the open rear of the rear extension, despite the interface distance being increase by 3 metres due to the difference in ground level the rear extension and platform are over the minimum distance from the neighbouring property so are considered not to impact on the amenity of the neighbouring properties, it is therefore considered acceptable.
18. 3 Ripon Drive is set to the rear of the application property on a lower ground level, the main room windows within the rear of the neighbouring property are 21 metres from the raised platform and 22 metres from the open rear of the rear extension, despite the interface distance being increase by 3 metres due to the difference in ground level the rear extension and platform are over the minimum distance from the neighbouring property so are considered not to impact on the amenity of the neighbouring properties, it is therefore considered acceptable.
19. 5 Ripon Drive is set to the rear of the application property on a lower ground level, the main room windows within the rear of the neighbouring property are 21 metres from the raised platform and 22 metres from the open rear of the rear extension, despite the interface distance being increase by 3 metres due to the difference in ground level the rear extension and platform are over the minimum distance from the neighbouring property so are considered not to impact on the amenity of the neighbouring properties, it is therefore considered acceptable.
20. 156 Markland Hill Lane is adjoined to the application property, the rear extension and raised platform are set in from the boundary which has timber fencing along providing screening, the two nearest windows within the rear of the neighbouring property serve the kitchen and are therefore not main room windows, the nearest main room window is approximately 4.8 metres from the boundary and therefore the rear extension and raised platform though projecting 4 and metres respectively would not impinge on the 45 degree line from this main room window, it is therefore considered acceptable.
21. 160 Markland Hill Lane is set to the side of the application property, but is set away from the boundary with the application property and benefits from a driveway along the side and a garage sited towards the rear which runs along the boundary with the application property along with a raised patio area to the rear. As a result, the proposed rear extension to the rear and raised platform are screened by the neighbouring garage thus preventing overlooking and the rear extension and raised platform would not impinge on the 45 degree line from the nearest main room window within the rear elevation of the neighbouring property, it is therefore considered acceptable.

22. 161 Markland Hill Lane is set to the front of the application property, the rear extension and platform are set to the rear of the application property so would have no impact on the neighbouring property.

23. In view of the above, it is not considered that the proposed development impacts upon the amenity of neighbours and is therefore in accordance with policy CG4 of the Core Strategy and the NPPF.

Conclusion

24. The proposal is considered to comply with the relevant local and national planning policies and a similar extension and platform where approved under a previous application (04042/18), with minimal differences in projection between the applications.

25. Members are therefore recommended to approve the application subject to the attached conditions.

Representation and Consultation Annex

Representations

Letters:- Three objection letters were received, below is a summary of the objections:

- On the original plans for the renovations, mature trees in the rear garden of 158 Markland Hill Lane were listed as remaining, these were subsequently removed, exposing the neighbouring properties (*Officers comment: as the site has no tree protection orders and there were no conditions within the previous applications for the retention of the trees there is no protections that would restrict the owner of 158 from removing trees within their property*).
- We believe that the extension, by virtue of design, height and siting is detrimental to the character and appearance of the area (*Officers comment: as assessed above the retention of the rear extension and raised platform would have minimal impact on the surrounding street scene*).
- This impacts adversely on the outlook and living conditions of us and our neighbours (*Officers comment: the outlook (view) of a property is not a protected right and as the rear extension and raised platform are over the recommended interface distance from the neighbouring main room windows it is considered that they would not have a significant impact on the amenity of the neighbouring properties*).
- The raised platform allows anyone standing on it a view of all the homes and gardens around including Ripon Drive infringing on privacy of neighbouring properties (*Officers comment: as assessed above the raised platform would not be considered to have an unacceptable impact on the amenity of the neighbouring properties*).
- The extension is totally unsuitable and out of place for this site and in this location (*Officers comment: the extension is in keeping with the materials and colours used to develop the property under previously approved application so is not out of character for the property, the location of the extension to the rear of the property also screens it from view from the street meaning it would not have a significant impact on the street scene*).
- Since building work started agreed planning permission appear to have been ignored (*Officers comment: though the rear extension and raised platform are not as approved under previous applications they are similar in projection and scale to that what was approved and the owner has shown willingness to regularise the development with the submission of a planning application*).
- The owner of 158 did not consult with neighbours regarding the works undertaken (including boundary fence, raised platform and rear extension) (*Officers comment: boundary disputes are a civil matter. Through previous planning applications neighbours were consulted regarding similar works and similarly were consulted upon the planning application to retain the rear extension and raised platform. As the works do not intersect with any neighbouring walls there would be no other legal requirement for the owner to consult neighbouring properties outside of a planning application*).
- We see no reason why the retrospective application should be allowed, given the blatant manner in which the original application was willfully ignored (*Officers comment: all planning applications are decided based on their own merits and the decision of an owner to build without planning approval would not be a factor in the decision to approve or refuse a planning application*).

Elected Members:- Cllr. Hayes requested for application to be determined by Planning Committee due to concerns over the the impact on the neighbouring residents.

Planning History

04042/18 - AC - Demolition of existing garage and erection of two storey extension at side together with single storey extension, raised patio/veranda and covered roof canopy to recessed entrance at

rear.
04545/18 - AC - Demolition of garage and erection of two storey side extension, single storey rear extension and raised patio/verandah at rear.
07661/20 - AC - Retention of 1.57m high gate and fence to front boundary.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

158 Markland Hill Lane – sunlounge and raised patio photographs received on 11th Jan 2021
Site Plan (as built) received on 11th Jan 2021

Reason

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

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

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

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

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

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

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



Rev	Revision	Int.	Date
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Client:

Mr. B Chadwick

Project:

Extension & amendments to
158 Markland Hill Lane.

Location:

158 Markland Hill Lane
Bolton
BL1 5PB

Good & Tillotson Chartered Architects

2 The Studios,
318 Chorley Old Road,
Bolton,
BL1 4JU

Tel: 01204 497700

Email : info@goodandtillotson.co.uk
Web: www.goodandtillotson.co.uk



Drawing Title:

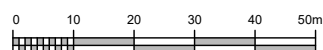
Site Location Plan

G&T Job No:	Scale:	Drawn:	Checked:	Date:
2064	1:1250@A4	AR	RPW	18.12.20

Drawing Purpose:	Status:	Revision:
Survey Drawing		

BIM Project:	Origin:	Zone:	Level:	Type:	Role:	Dwg No:
2064-G&T-Z0-00-DR-A-0000						

2064-G&T-Z0-00-DR-A-0000



TOTAL PROJECTION
(AS BUILT)

5050

GARDEN

LINE OF CANOPY STRUCTURE
LOCATED ON TERRACE

UP

1800

BOUNDARY TO 156

UP

UP

MAIN DECK AT SAME
LEVEL AS F.F.L IN
HOUSE

158 MARKLAND HILL LANE
BOLTON
BL1 5PB.

SITE PLAN (AS BUILT)

158 Markland Hill Lane – sunlounge and raised patio



- A – height of lower step 430mm
- B – height of raised patio from lower step 1250mm
- C – measurement from boundary fence to edge of patio 1800mm
- D – width of patio 7600mm
- E – measurement from edge of raised patio to sun lounge
- F – width of sun lounge 6050mm



- G – measurement from top step to raised patio 210mm
- H – measurement from top step to bottom of window 175mm
- I – projection of raised patio 5050mm
- J – projection of sun lounge 4000mm
- K – height of sunlounge from the raised patio 2615mm



Bolton (Land off Brantwood Drive) Tree Preservation Order 2021

Executive Summary

- The making of this Order is before Committee as an objection has been made.
- The Council has undertaken Tree Evaluation Method for Tree Preservation Orders (TEMPO) evaluations for the trees.
- Officers consider that the group of trees are of high amenity value in the locality and are highly visible in the public realm.
- It is considered that it is expedient in the public interest, due to the potential sale and future development of the site, that the Order is made.
- Officers recommend that Bolton (Land off Brantwood Drive) Tree Preservation Order 2021 is confirmed without modification.

Introduction

The making of the Order is before Planning Committee as the Council has received an objection.

The Council must take into account all duly made objections and representation before deciding whether to confirm an Order. The Council has 6 months to confirm the Order. The Council can confirm the Order either without or with modification, or decide not to confirm the Order.

The Order consists of a group of trees, comprising:

- G1 3no. Norway Maple, 2no. Ash, 2no. Cherry, 1no. Oak, 5no. Maple and 1no. Sorbus o the land off Brantwood Drive, to the south of Ashes Drive and to the north of Torver Drive.

Site History

No planning history.

Legislation

Town and Country Planning Act 1990

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Guidance: National Planning Policy Guidance - Tree Preservation Orders and trees in conservation areas

Objections received

One objection to the Order have been received. This objection raises the following matters:

(i) The reasons for making the Order have not been properly explained:

In serving the Order, the Council states that the 'we have made this order because we consider the trees are an important feature of the landscape and contribute significantly to the amenities of the area and the need for maintenance of this amenity justifies the making of the order. However, the Council does not explain how it has assessed the amenity of the trees in a 'structured and consistent' way (Ref: Planning Practice Guidance issued by Dept. of Communities & Local Government). To comply fully with the guidance underpinning the Regulations, details of any amenity assessment procedure should accompany the Order in the interests of clarity and transparency. The Council should also confirm whether any system used is accredited and accepted in landscape terms and what the term 'amenity' actually relates to in the context of the Order and the decision to create it.

Officer response:

An assessment of the trees within two groups (G1 & G2) was made on the 29th January 2021. This was based upon a number of enquiries received about the potential for the possible sale of the land and the loss of the trees.

The purpose of a TPO is to protect trees which make a significant impact on their local surroundings.

Whilst the Town and Country Planning Act does not offer an exact definition of the meaning of amenity it has been variously described as:

- "Pleasant circumstances or features, advantages." (Ellis & Ruislip-Northwood UDC ([1920]) & FFF Estates v Hackney LBC ([1981])
- "Visual appearance and the pleasure of its enjoyment". (Cartwright v Post Office (1968)
- "The pleasantness or attractiveness of a place". (The New Oxford Dictionary of English, 1st Edition, 1998).

Tree Preservation Orders: A Guide to the Law and Good Practice notes for Amenity -

Section 3.2 The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant a TPO.

The Council's Tree Officers would consider that the potential sale of this site could result in the loss of a number or potentially all the trees from the site. It is considered that the trees benefit and are of high amenity value in the locality.

Government guidance requires that TPOs should only be served on trees and woodlands where their removal would have a significant negative impact on the enjoyment of the local landscape by the public. Authorities are required to develop means of assessing amenity value (as defined above) in a structured and consistent way.

In respect to the guidance the following criteria is considered.

(1) visibility: the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances.

The trees are highly visible in the public realm.

(2) individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special

factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. As noted in paragraph 3.2 above, in relation to a group of trees or woodland, an assessment should be made of its collective impact.

The trees have been scheduled in a single group for their collective cohesion as individuals within the group. They form a wooded group/copse of trees that provide high amenity in the area and a birdlife haven.

(3) wider impact: the significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.

The open space area and the trees within it where the TPO has been made forms an important link to the wider tree covered open space areas within the locality. It is one of the few significant open areas with trees on it within the surrounding estate. There is other Council open space on Brightmet Fold Lane that this area forms an important link to. The majority of the trees in the immediate area are rear garden trees.

In this situation the Council's Tree Officers have evaluated the trees under the Tree Evaluation Method for Tree Preservation Orders (TEMPO). This system considers the following -

Part 1: Amenity Assessments.

- a) Condition & Suitability for TPO
- b) Retention Span (years) & Suitability for TPO
- c) Relative Public Amenity Suitability for TPO
- d) Other issues

Part 2: Expediency Assessment

Part 3: Decision Guide.

The Council's Tree Officers assessed the trees (collectively) as one group based upon their location within the highway and property boundaries adjacent to the open space on which the trees stand. It is considered that the trees within the group are important for their cohesion as individual members of the group.

All the trees are clearly visible to the general public from the adjacent public highway. In respect to the expediency the order was made due to the potential risk of tree losses due to the land sale and the perceived threat of the loss of trees by this.

(ii) The document does not follow the form of the Model Order:

The written element of the order does not contain the common seal of The Borough Council of Bolton and also does not include provision to identify any information as to:

- (i) Whether or not the order was confirmed;*
- (ii) any variation of the order; and*
- (iii) any revocation of the order.*

The map attached also does not contain the common seal of The Borough Council of Bolton and is therefore contrary to Government Guidance and could not be confirmed with any confidence as the official order of the Council in the event of potential enforcement action.

Officer response:

The Order the Council send out is not sealed in the first instance, but the attached Order is sealed. The confirmation/variation/revocation would only be added as/when the order is confirmed/varied/revoked. Therefore, the Order is valid.

(iii) The order is contrary to Government Guidance in that:

The map does not clearly indicate the location of the protected trees, only the outlines of the groups are shown. The relevant guidance states 'The legislation does not require authorities to describe the trees in the Order with full scientific names or plot them on the map with pinpoint accuracy. But authorities should bear in mind that successful prosecutions for contravening Orders will be difficult where Orders do not show clearly which trees are meant to be protected'. Approximate stem positions of individual trees subject to the order should be plotted on the map to avoid any future ambiguity as to which trees are afforded protection.

Officer response:

The trees have been plotted in one group which are inclusive of all the trees that are on the site.

The group is scheduled as Group G1 inclusive of 3x Norway Maple, 2x Ash, 2x Cherry, 1x Oak, 5x Maple and 1x Sorbus.

Conclusion

For the reasons discussed above, and after considering the objection made, Officers recommend that Bolton (Land at Brantwood Drive) Tree Preservation Order 2021 is confirmed without modification.



**Bolton (Land Off Brandwood Drive,
Bolton, BL2 5LX)
Tree Preservation Order 2021**

 Groups of Trees

DC23. 979
drawn: SC
January 2021
Scale : 1:1250



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**Bolton
Council**

Department of Place
Development Management
Town Hall, Bolton, Lancashire BL1 1RU
Email: planning.control@bolton.gov.uk
Telephone: 01204 336000
www.bolton.gov.uk

RECEIVED PLANNING APPEALS from 09/03/2021 to 23/03/2021

08909/20 **692 CHORLEY ROAD, WESTHOUGHTON, BOLTON, BL5 3NL**

OUTLINE APPLICATION FOR ALTERATION OF EXISTING DWELLING BY WAY OF PART DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH A SINGLE STOREY DWELLING ON ORIGINAL FOOTPRINT ALONG WITH ERECTION OF A SEPARATE 1.5 STOREY DWELLING TO THE REAR OF THE SITE BY USING THE REMAINING CUMULATIVE VOLUME OF DEMOLITION AREA OF THE ORIGINAL DWELLING HOUSE (ALL MATTERS RESERVED).

Decision date: **17-Nov-2020**

Decision: **Refused**

Decision level: **Delegated**

Appeal start date: **7-Jan-21**

Appeal ref: **APP/N4205/D/20/3264068**

DECIDED PLANNING APPEALS from 09/03/2021 to 23/03/2021

08909/20 **692 CHORLEY ROAD, WESTHOUGHTON, BOLTON, BL5 3NL**

OUTLINE APPLICATION FOR ALTERATION OF EXISTING DWELLING BY WAY OF PART DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH A SINGLE STOREY DWELLING ON ORIGINAL FOOTPRINT ALONG WITH ERECTION OF A SEPARATE 1.5 STOREY DWELLING TO THE REAR OF THE SITE BY USING THE REMAINING CUMULATIVE VOLUME OF DEMOLITION AREA OF THE ORIGINAL DWELLING HOUSE (ALL MATTERS RESERVED).

Decision date: **17-Nov-2020**

Decision: **Refused**

Decision level: **Delegated**

Appeal decision date: **19-Mar-2021**

Appeal decision: **Dismissed**

Appeal ref: **APP/N4205/D/20/3264068**

Summary of decided planning appeals

	Dismissed	Total
Total	1	1

RECEIVED ENFORCEMENT APPEALS from 09/03/2021 to 23/03/2021

Appeal start date:

Appeal ref:

DECIDED ENFORCEMENT APPEALS from 09/03/2021 to 23/03/2021

Decision date:

Decision:

Appeal ref:

Summary of decided enforcement appeals