

Planning Applications Report

Planning Committee

7<sup>th</sup> February 2019

**Bolton  
Council**

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

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**Application number**  
**03880/18**



**Directorate of Place**  
**Development Management Section**

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**Bolton**  
**Council**

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**Date of Meeting: 07/02/2019**

**Application Reference: 03880/18**

**Type of Application: Outline Planning Permission**

**Registration Date: 28/06/2018**

**Decision Due By: 26/09/2018**

**Responsible Officer: Alex Allen**

**Location: FORMER RAILWAY CUTTING TO THE NORTH OF SPRINGFIELD ROAD, KEARSLEY.**

**Proposal:** OUTLINE APPLICATION FOR THE ERECTION OF 42 DWELLINGS. INCLUDING IMPORTATION OF MATERIAL TO LEVEL LAND FOR DEVELOPMENT.

**Ward: Kearsley**

**Applicant: W Maher and Sons Ltd**

**Agent : Axis PED Ltd**

## **Officers Report**

**Recommendation: Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.**

### **Proposal**

1. The proposed development seeks outline planning permission for residential development (the development of 42 dwellings) on the site of a disused railway cutting.
2. The development would involve the following operations: site clearance, importation of clean soil inert material to create a development platform; construction of 42 two storey dwellings; landscaping and the provision of open space, drainage and car parking. Vehicular access would be from Springfield Road with an emergency access from Waverley Avenue.
3. The creation of the development platform would involve the importation of c. 54,000 cubic metres of suitable clean fill material. This equates to 108,000 tonnes (on a density of 2t/m<sup>3</sup>). A new vehicular access would be created prior to the importation of material. The applicant estimates that the importation of material would take 1 year which includes stripping the site of trees/vegetation.
4. Vehicular movements would be restricted to the hours of 0900 hrs to 1430 hrs and 1600 hrs to 1800 hrs to ensure the vehicular movements take place outside the start / end of the School day at the adjacent Kearsley Academy. The vehicular movements equates to 3 HGVs per hour (one way).
5. The applicant has provided an illustrative layout which provides for 42 new dwellings and also the

provision / layout out of public open space along the northern boundary of the site.

### **Site Characteristics**

6. The majority of the site lies at a lower level than the surrounding dwellings with the exception of the southern part of the site which adjoins Springfield Road, this area was filled up to the bridge in 1994. The area of land adjacent to Springfield Road is level with the road and then slopes from the south to the north.
7. The cutting is characterised by a central strip of relatively even ground with steep sided banks on either side (east and west) before gently sloping to towards Bolton Road. The central strip of level land (i.e. where the track bed would have been) forms an informal path which runs centrally along the cutting. Trees and shrubs line the banks of the cutting. There is some evidence of limited fly tipping, bonfire and other activities in the cutting.
8. To the north of the site is Bolton Road which provides access to the M61 and wider motorway network. To the south of the site is Springfield Road which runs along the southern boundary of the site. Springfield Road provides access to the existing Lyon Industrial Estate which is located to the south west of the site. It also provides access to Kearsley Academy which runs along c. half of the western boundary of the site. To the north east of the site is an allocated recreational area known as Sparrow Park. To the north west of the site is land known as Singing Clough which is a former land fill site.

### **Policy**

#### **The Development Plan**

9. Core Strategy: H1 Healthy Bolton, A1 Achieving Bolton, P5 Accessibility, S1 Safe Bolton, CG1 Cleaner and Greener Bolton, CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses, SC1 - Housing, OA6 Little Lever and Kearsley and IPC1 Infrastructure and Planning Contributions.
10. Greater Manchester Spatial Framework - Consultation Draft - January 2019.

### **Other material planning considerations**

11. National Planning Policy Framework (2018): Achieving sustainable development (paragraphs 2 - 14), Determining applications (paragraphs 47 - 50), Planning Conditions and obligations (Paragraphs 54 to 57), Delivering a sufficient supply of homes (paragraphs 59 to 64), Windfall sites (paragraph 70), Maintaining Supply and Delivery (paragraphs 73-76), Provision of social, recreational and cultural facilities and services the community needs (Paragraph 92), School Places (Paragraph 94), Open Space and Recreation (paragraphs 96 to 98), Promoting sustainable transport (paragraphs 102 to 111), Making effective use of land (paragraphs 117 to 124), Achieving well-designed places (paragraphs 124 to 132), Planning for climate change (paragraph 149 to 154), Planning and flood risk (paragraph 155 to 165), Conserving and enhancing the natural environment (paragraphs 170 to 183).
12. Supplementary Planning Documents: General Design Principles, Sustainable Design and Construction, Affordable Housing, Accessibility, Transport and Safety and Infrastructure and Planning Contributions.

### **Analysis**

13. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise.

14. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission.
15. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission.
16. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
17. The main impacts of the proposal are:-
  - Γ principle of residential development/impact on housing land supply;
  - Γ impact on Bolton's supply of housing;
  - Γ impact on the highway;
  - Γ impact on the character and appearance of the area;
  - Γ impact on the living conditions of neighbouring residents;
  - Γ impact on flooding and drainage;
  - Γ impact on biodiversity;
  - Γ impact on sustainability;
  - Γ impact on local infrastructure.

Principle of residential development

18. The site remains unallocated within the adopted Allocations Plan for Bolton and is located within the urban area. Strategic Objective 15 seeks to ensure new housing is focused in the existing urban area. Core Strategy policy SC1 seeks to provide new housing development in Bolton within the urban area, concentrating on developing previously developed sites. Core Strategy policy OA6 seeks to promote the use of existing sites within the urban area for new housing development. Whilst there are other considerations outlined within this policy, this is material in the determination of this application.
19. Whilst it remains unallocated, the site is adjacent to both the Kearsley Academy secondary school to the west and the Sparrow Park area of Recreational Open Space to the north east of the site. It is considered that the proposal development would not compromise either the adjacent School or Sparrow Park.
20. The site itself is greenfield as the former railway line has naturally regenerated overtime. In its current form the site has a number of benefits both from a landscape and ecological perspective. These matters are considered elsewhere within this report.
21. The applicant has submitted a Delivery Statement for the proposed development which sets out the anticipated delivery trajectory for the proposed development:
  - ) October 2018 - Outline planning permission granted;
  - ) August 2019 - Submission of reserved matters application;
  - ) December 2019 - Reserved matters permission granted;
  - ) February 2020 - Pre commencement conditions discharged;
  - ) March 2020 - Site clearance and importation;
  - ) March 2021 to September 2022 - Construction of residential dwellings.
22. The applicant has also provided evidence that there is a confirmed interest from a residential developer in the site, subject to outline permission being granted for the proposal.



23. It is clear therefore that the site could be delivered within a 5 year period from approval and provide a valuable addition to the existing housing land supply (subject to the submission of a reserved matters application). Officers note that Core Strategy policy OA6 does promote the use of existing sites within the urban area for new housing development.
24. The weight that can be attributed to the provision of additional new housing depends on whether the Council can demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the National Planning Policy Framework (NPPF) states relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that the development is viable.
25. The Council cannot demonstrate a five-year supply of deliverable housing sites. Bolton's Authority Monitoring Report 2017/18: Volume 2 Housing Land Requirements and Supply Briefing Note (AMR) sets out the housing land position in Bolton at 1 April 2018, as well as providing information on new planning permission, dwelling completions and allocated development land in the borough.
26. This latest AMR reports that there has been a continued under-delivery of new housing against the Core Strategy targets, which has resulted in a rise in the five-year housing land requirement and the need to apply a 20% uplift to that increased requirement (a 20% buffer in the supply calculations). In this latest monitoring year the five-year supply is equivalent to a 3.7 year supply, and therefore well short of the required 5 years.
27. Given that the site is unallocated and lies within the urban area, these facts are considered to lie heavily in favour of the proposed development, as does the underdelivery of housing within the Borough and the lack of a five year housing land supply. As the Council cannot demonstrate a five-year supply of deliverable housing sites in the borough it is accepted, in the context of paragraph 11 of the NPPF, that the development plan policies for the supply of housing should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.
28. Officers consider that the site would comply with Core Strategy policy SC1 and OA6 and is an appropriate location for new housing.

#### Impact on the highway

29. Core Strategy Strategic Objective 6 seeks to ensure that transport infrastructure supports all the aspects of the spatial vision, and that new development is in accessible locations and makes the best use of existing infrastructure. Strategic Objective 9 aims to improve road safety by ensuring that neighbourhoods are attractive and well designed.
30. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account:
- \ Accessibility by different types of transport, prioritising pedestrians, cyclists, public transport users over other motorised vehicle users.
  - \ The design of developments to enable accessibility by public transport.
  - \ Freight movement for industrial and storage uses.
  - \ Servicing arrangements.
  - \ Parking, including parking for cycles and powered two-wheelers, in accordance with the

parking standards set out in Appendix 3.

- ) The transport needs of people with disabilities.
- ) The requirement for a Transport Assessment and Travel Plan with major trip generating developments.

31. Policy S1.2 of the Core Strategy states that the Council will promote road safety in the design of new development.

31. Guidance contained within the Council's Accessibility, Transport and Road Safety SPD covers a range of highways related matters including provision of facilities for people with disabilities, provision for pedestrians, cyclists, public transport and car parking. In addition the SPD provides guidance on highway design, Transport Assessments/Statements, Travel Plans, Infrastructure provision and the means for securing such provision.

32. Paragraph 111 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed. Paragraph 110 states that applications for development should give priority first to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, create places that are safe, secure and attractive, allow for the efficient delivery of goods, and access by service and emergency vehicles, and be designed to enable charging of plug-in and other ultra-low emission vehicles.

33. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

34. The applicant has submitted a Transport Statement for the proposed development. In summary this concludes as follows:

- ) Fill/construction period - 34 two way HGV movements a day or 4 two way HGV movements per hour;
- ) Residential occupation - 24 two way trips within the operational peak periods of traffic flow (1 additional two way trip every 3 minutes).

35. The Council's Highways Engineers confirm that they consider the Transport Statement is a robust assessment of the impact on the highways network. They conclude that the proposal would have a limited impact on the operational capacity of the surrounding highway posing limited road safety implications.

36. The Council's Highways Engineers confirm that in 2014 the site was put forward as a protected highway improvement line. The aim was to provide an alternative access point for HGV vehicles who travel to/from the Lyon Industrial Estate. The alignment at this stage is aspirational and does not form part of an allocation within the Allocations Plan. It is noted that the proposed development does not provide for such a link nor do the Council's Highways Engineers justify a refusal of planning permission based on non provision of this link.

37. The Council's Highways Engineers also confirm that the detailed layout would be required at the reserved matters stage and would need to be subject to assessment by the Greater Manchester Fire and Rescue Service. They state that as the cul de sac length would be in excess of 250 metres an emergency access would be required. The indicative site plan provides for an emergency access onto Waverley Avenue.

38. Subject to conditions the Council's Highways Engineers raise no objections.
39. The proposal is therefore compliant in terms of Core Strategy policies P5 and S1 and also compliant with guidance contained within paragraph 109 of the NPPF.

Impact on the character and appearance of the area

40. Core Strategy policy CG3 requires development to be compatible with the surrounding area, in terms of scale, massing, grain, form and maintain the conserve/enhance local distinctiveness. Core Strategy policy OA6 seeks to concentrate sites for new housing within the existing urban area OA6.3 and protect significant open recreational areas in the Croal Irwell Valley at Moses Gate Country Park and along the lines of the Manchester, Bolton and Bury Canal from adverse development. This policy also seeks to conserve and enhance the character of the existing physical environment and respect and enhance the built form and pattern of existing development.
41. The site is currently screened from direct views from Springfield Road due to the siting of existing dwellings along this road. Residential properties which overlook the site would lose their open aspect with the proposed development removing trees / woodland which are within the cutting and sited along the edge of the site. Their views would permanently change with views overlooking the proposed new residential properties. This would be softened over time with the introduction of tree and shrub planting to offset the loss of existing trees/landscaping.
42. It is noted that Core Strategy policy OA6.3 seeks to concentrate new housing within the existing urban area. The site is currently located within the urban area and not the subject of any other site allocation. Nor is the site identified as a specific area for protection (OA6.8). In general terms whilst the application proposal would not conserve the character of the existing cutting by the removal of all the vegetation it would enhance the land by the removal of the invasive species which are on site and also mitigate the loss of trees by replacement tree planting.
43. In terms of the layout, whilst indicative it has the potential to replicate the linear residential development which dominates the local area with new housing fronting the proposed access road into the site. The applicant has also confirmed that the form of development would likely be two storey properties. This also replicates the character of the existing housing stock in the area.
44. The Council's Landscape Regeneration Manager has commented that the proposal will result in the loss of a green dell with emergent woodland. They acknowledge that whilst there would be some harm to existing residents' outlook by the loss of a green linear corridor at the rear of their properties, the development would mirror adjoining residential areas in terms of scale and character together with potential for replacement tree planting which would soften the development and the outlook of existing/future residents.
45. A number of local residents have commented that the development would encroach onto the adjoining Sparrow Park which abuts the site to the north east. The application site excludes land located within Sparrow Park. The applicant has proposed the provision of public open space within the development which is adjacent to Sparrow Park. This would complement the existing open space.
46. Furthermore, a number of local residents have commented that the application site could form a footpath/cycleway network running through the site. It is considered that at the outline stage a route for cycling / walking through the site could be accommodated. However, Officers understand that the route underneath the bridge at Bolton Road has recently been closed due to



problems of antisocial behaviour. Any link to the north could be introduced but would require further consultations with GMP, local councillors, and the Council's Highways Engineers, Community Safety Officers and Area Co-ordinators.

47. Officers consider that there are a number of benefits to developing the site in relation to the removal of invasive species and that the loss of existing trees and associated landscaping will over time be mitigated against. In addition, the reserved matters application also has the potential to complement Sparrow Park to the north east of the site providing an additional area of Public Open Space.

#### Impact on the living conditions of neighbouring residents

48. 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 that it does not generate unacceptable nuisance, odours, fumes, noise or light pollution.

49. A number of local residents have raised concerns over the following impacts of the proposed residential development on their living conditions including:

- ) suitability of the site for residential development given the historic land use of the adjoining land site which has the potential for contamination and gassing issues;
- ) concerns over air quality, noise and disturbance as a result of the infilling operation and general construction work; and
- ) loss of light and privacy once dwellings are occupied.

50. As part of the application submission a Phase 1 Site Investigation Report was provided together with a Noise Impact Assessment.

51. The Council's Environmental Health officer, the Coal Authority and the Environment Agency were consulted on the development proposal.

52. The Environment Agency acknowledge that the proposed development site was the subject of past industrial activity which poses a risk of pollution to controlled waters. They state that the risk to controlled waters would need to be managed.

53. The Coal Authority concur with the recommendations of the Phase 1 report which identifies that there is a risk of shallow mine workings within the site / affecting the site. The required action would be for further site investigations and gas monitoring to be undertaken to ensure the safety and stability of the proposed development. In respect of noise from the infill of the cutting, including compaction and vibration, the Council's Pollution Control officer has assessed the impact and concluded that the proposed acoustic screening to the properties highlighted within the Noise Impact Assessment should be erected. Furthermore, they conclude that noise from the adjacent School and ancillary playing fields and flood lighting would not result in harm to the future occupants of the development.

54. In respect of contamination and remediation issues the Council's Pollution Control team have reviewed the submission including a noise assessment of the infill and construction methodology. They conclude that whilst the southern part of the site has been the subject of historic landfill that remediation / further site survey includes gas monitoring would be required. In terms of the proposed infill material, this would be clean naturally occurring soil materials. The material would be derived from land remediation and development projects.

#### Impact on flooding and drainage

55. Strategic Objective 13 aims to reduce the likelihood and manage the impacts of flooding in Bolton, and to minimise potential flooding to areas downstream.
56. Core Strategy policy CG1.5 seeks to ensure that the Council and its partners will seek to 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.
57. Policy contained within the NPPF (paragraphs 155 to 165) seeks to ensure that inappropriate development in areas at risk of flooding should be avoided, directing development away from areas a highest risk. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it is demonstrated that the most vulnerable development is located in the lowest flood risk areas and that development is flood resilient and resistant.
58. Officers consider that both Core Strategy policy SO1 and CG1 are consistent with the NPPF and can be given substantial weight.
59. Officers note that the Council's Drainage/Flood Risk team, the Environment Agency and United Utilities have been consulted on the proposed development. The Council's Drainage team have concluded that the proposal is acceptable. A detailed drainage scheme would be required by condition. United Utilities have confirmed that they have no objections to the proposed development subject to conditions.
60. Subject to the imposition of suitably worded planning conditions it is considered that the proposal would comply with policy.

#### Impact on trees and woodland

61. Core Strategy policy CG1.2 seeks to ensure that the Council and its partners will safeguard biodiversity in the borough by protecting sites of urban biodiversity including (inter alia) trees, woodland and hedgerows.
62. Officers note that the trees which are located on site do not have the benefit of any tree preservation orders.
63. The Council's Trees and Woodland Manager has assessed the proposed development. They conclude that whilst the submitted information is not a detailed tree survey the information submitted by the applicant demonstrates that the majority of woodland within the site is naturally regenerated woodland dominated by Willow and Birch tree species. There are a number of other tree species present such as Beech, Oak, Cherry, Poplar, Alder, Elderberry and Holly. The woodland is open canopy with predominantly semi-mature trees and few mature trees.
64. As the application is in outline form the level of mitigation is not known at this stage. The current proposal seeks to establish the principle of infilling the cutting and the residential development thereafter.
65. In conclusion the development would result in the loss of all trees within the development site, with trees to be retained within the proposed area of public open space. This will result in the loss of habitats associated with the trees.
66. The Trees and Woodland Officer do note that the proposal would have the potential to provide

mitigation in the form of on site tree planting which would over time soften the impact of the development.

67. Officers consider that over time the loss of trees within the application site could be mitigated against. Whilst the applicant has provided indicative levels it is considered that final levels would be submitted upon the reserved matters application.

#### Impact on biodiversity/ecology

68. The aim of Core Strategy Strategic Objective 12 is to protect and enhance Bolton's biodiversity. Core Strategy policy CG1.1 seeks to ensure that the Council and its partners 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 or its contribution to green infrastructure, reducing flood risk and combating climate change.

69. Guidance contained within NPPF states that in order to achieve sustainable development the planning system has three key roles. The third (environmental) role places a requirement for the planning system to contribute to protecting and enhancing our natural, built and historic environment, helping to improve biodiversity as an integral part of ensuring the planning system contributes to achieving sustainable development (Paragraph 8).

70. Paragraph 175 of NPPF provides guiding principles for Local Planning Authorities when determining planning applications including:

- ) development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- ) opportunities to incorporate biodiversity in and around developments should be encouraged;
- ) development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused; and
- ) planning permission should be refused for development resulting in significant harm to biodiversity where it cannot be avoided.

71. Officers consider that Core Strategy Strategic Objective 12 and Core Strategy policy CG1.1 are consistent with the NPPF and can be given significant weight. Additionally, the relevant sections of the NPPF provide a more detailed consideration of biodiversity and ecological matters and should be taken into account.

72. Officers from the Greater Manchester Ecology Unit raise no objections to the proposal. They have concluded as follows:

- ) Bats - the majority of the trees were considered to have negligible potential to support roosting bats. Three trees were identified as having low potential to support roosting birds. If these trees are proposed to be felled the GMEU officers recommend they are felled using Reasonable Avoidance measures i.e soft felling of trees in sections. The sections should be left overnight before removal.
- ) Birds - the trees, scrub and ruderal species on site have the potential to support nesting birds. Birds are protected by the Wildlife and Countryside Act 1981 (as amended). Vegetation should not be removed within the main bird breeding season.
- ) Badger - no setts were identified within or immediately adjacent to the site. However, badgers are mobile. Recommendation for an additional badger survey to be completed prior to commencement of development.
- ) Invasive species - Japanese knotweed, Himalayan balsam and rhododendron are widespread



across the site. Recommendation to request a methodology for the control of invasive species to be submitted and approved by the Council.

- \ Biodiversity enhancement - to comply with Section 15 of the NPPF recommend the incorporation of opportunities for biodiversity to include bat bricks, bat boxes, bird boxes and native and shrub planting.

73. Officers note that the GMEU conclusions are consistent with the Council's Wildlife Officer conclusions.

#### Impact on sustainability

74. Core Strategy policy CG2 seeks to ensure that new development contributes to the delivery of sustainable development by way of ensuring new dwellings are (i) constructed to sustainable construction standards (Code for Sustainable Homes), (ii) incorporate reductions in CO2 emissions either by way of a fabric first approach or by the use of renewable energy sources within developments and (iii) for previously developed sites - reduce surface water run-off by 50%.

75. Item (i) has been superseded by the requirements of the Building Regulations system. It is envisaged that the later two items would be secured using appropriately worded conditions for the proposed development.

76. Subject to compliance with the two conditions it is considered that the proposal would comply with policy.

#### Impact on local infrastructure

77. Policy IPC1 of the Core Strategy states that the Council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. In doing so, the Council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development. In determining planning applications the Council will apply a threshold of 15 dwellings in assessing whether planning contributions will be required from proposed housing developments.

78. Policy IPC1 continues that for new residential development specific contributions will be sought for:

- \ Affordable housing
- \ Open space provision and maintenance
- \ Health and well-being
- \ Education
- \ Community facilities

79. Policy IPC1 also states that for all types of development, including housing, contributions will be sought for additional types of infrastructure necessary to remedy site specific deficiencies that arise from development or any other mitigation or compensatory measures required. This may include, where relevant, off - site access and transport.

80. SPD "Affordable Housing" (adopted February 2013) provides further detail to the policies in the Core Strategy that concern affordable housing, and deals specifically with the provision of affordable housing through Bolton's planning processes, with a focus on new supply. The SPD sets out the Councils policy on achieving affordable housing. SPD "Infrastructure and Planning Contributions" (adopted July 2016) provides further detail on policies in the Core Strategy that

concern planning contributions. The SPD contains information on when planning obligations may be needed and covers matters including when contributions may be needed, the type and scale of contributions, the circumstances when financial rather than direct provision will be required, how financial contributions will be calculated, and the form and timing of legal agreements.

81. Based on the provisions of CS policy IPC1, guidance within the approved SPDs and consultee responses the following Section 106 Agreement contributions would be required for the proposed development:

**82. Education provision (off site contribution)** - £121,613.64 for the provision of an additional 9.74 primary school places within the South Primary School planning area and the provision of a contribution towards Secondary School places of £127,421.20 for a total of 7.85 secondary pupils;

) **Affordable housing provision (on site provision)** - provision of 35% of the units as affordable housing. 26% of the total number of units to be social rented dwellings with the remaining 9% of the total number of units being shared ownership units;

) **Public health contribution** - no comments received back from the local PCT.

) **Public art contribution** – on site provision to equate to 1% of total construction - conditional upon any approval.

) **Public Open Space** - provision of public open space within the development - to be maintained at the developers expense.

) The applicant has agreed to the payment of the above contributions. The on site affordable housing contribution together with the off site education contribution would require the completion of a s.106 agreement to secure these requirements to ensure policy compliance.

### **Local finance considerations**

83. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The following is considered to be a local financial consideration in this case:

84. New Homes Bonus for the 42 proposed dwellings – this is not a material planning consideration.

### **Conclusion**

85. Officers consider that the proposed development would comply with Core Strategy policies SC1 and OA6 together with policy within NPPF. The proposal would result in short/medium term harm to the overall landscape character of the site which would be mitigated against by replacement planting and ecological enhancements.

86. The recommendation is that Members delegate the determination of the application to the Director of Place pending signing of a legal agreement to secure the on/off site contributions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** a total of 11 individual objection letters have been received and a total of 92 circular style letters have also been received objecting to the proposal. The key concerns raised are as follows:

87. Volume of traffic,
- \ Construction traffic,
  - \ Noise, dust level associated with construction;
  - \ Wildlife habitats will be destroyed;
  - \ Impact from noise/dust on the Childrens Centre;
  - \ Lack of available spaces at local schools;
  - \ Vehicles will use Pilkington Street which currently suffers from large amounts of traffic/disturbance;
  - \ Site would be perfect for cycling/running and creating a route to Blackleach Country Park;
  - \ Toxic levels of contamination from Singing Clough;
  - \ Potential covenant on land;
  - \ New build housing not in keeping with the area;
  - \ Filling of Sparrow Park;
  - \ Harm outweighs benefits of new housing.

**Petitions:-** no petitions have been received.

**Elected Members:-** no comments have been received.

### **Consultations**

Advice was sought from the following consultees: the Council's Greenspace Management, Planning Policy, Housing Strategy, Drainage / Flood Risk team, Trees and Woodland Manager, Landscape Regeneration Manager and Greater Manchester Ecology Unit, Greater Manchester Archaeological Advisory Service, Mineral, Waste and Energy Unit, United Utilities, the Coal Authority, Lancashire Wildlife Trust and the Environment Agency.

### **Planning History**

The site has been the subject of a number of planning applications since 1980 including:

- (a) The infilling of the railway cutting (15601/80) was withdrawn by the applicant.
- (b) Infilling of Springfield Road railway and disused railway cutting was refused planning permission in December 1988 and subsequently dismissed on appeal (Ref: 31901/88).
- (c) Outline planning permission was granted in July 2007 for the erection of a business park (B1, B2 and B8) together with a link road between Bolton Road and Springfield Road and replacement playing field (All matters reserved) - Ref: 50892/97). This permission covered both the application site, the Singing Clough site to the north west and part of the former George Tomlinson School site.
- (d) Outline planning permission was granted in September 1998 for the reclamation of the railway cutting, development of a restored area and Singing Clough (B1, B2 and B8 uses), improvements to school playing fields and the construction of a link road (between 198-204 Bolton Road to Moss Lane).

**Recommendation:**        **Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.**



## Recommended Conditions and/or Reasons

1. Application for the approval of 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from the date of this permission, or
- ii) The expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason

To application is for outline planning permission and these matters were reserved by the applicant for subsequent approval.

3. Development shall not commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.

i) The requirements as part of this condition shall have regard to the preliminary risk assessment that has been submitted to and approved by the Local Planning Authority, namely the requirement to Phase 1 Site Investigation Report dated **June 2018** (ref3582/R01 Issue 2) by **TerraConsult**;

ii) Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration. Provision of a comprehensive site investigation and risk assessment examining identified potential pollutant linkages in the Preliminary Risk Assessment should be presented and approved by the Local Planning Authority.

iii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.

iv) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.

v) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

4. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter retained, managed and maintained in accordance with the approved details. Those details shall include:

1) A timetable for its implementation, and

2) A management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the site provides satisfactory means of surface water drainage and in order to comply with Core Strategy policies CG1.5 and CG2.

5. Prior to the commencement of any above ground an energy assessment of the approved development shall be submitted to the Local Planning Authority. The submission shall include a scheme which details how either (i) renewable energy technology or (ii) an alternative scheme e.g. enhanced insulation shall reduce CO2 emissions of predicted energy use of the development by at least 10%. The approved scheme shall be installed, retained and maintained in perpetuity thereafter unless agreed by the Local Planning Authority.

Reason

To enhance the sustainability of the development and to reduce the reliance on fossil fuels in order to comply with Core Strategy policy CG2.

6. No development shall take place, including any site stripping/vegetation clearance, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) delivery, demolition and construction working hours.
- ix) construction vehicle routing and access.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

To ensure that during the construction of the development hereby approved the impact on adjoining residential properties is minimised in accordance with Core Strategy policy CG4.

7. Prior to the commencement of the development the following shall be submitted to and approved in writing by the Local Planning Authority including:

- ) A scheme to investigate the presence of coal mining activity within or affecting and a proposed scheme of intrusive site investigations to include gas monitoring.
- ) The approved site investigation scheme shall be implemented in full prior with the results from the site investigations;
- ) Submission of a scheme of remedial works and mitigation
- ) Implementation of the remedial work and subsequent verification.

Reason

To secure the safe development of site in order to comply with Core Strategy CG4.

8. The development hereby approved/permitted shall not be brought into use unless and until a/the approved 2.1 metre high, acoustic close boarded or fence has been erected along the boundary as detailed in the noise report Noise Impact Assessment, dated 6th June 2018, Ref R18.0611/DRK by NVC, thereafter the boundary fence shall be retained in the approved position.

Reason

To minimise the impact of noise disturbance on the residential amenity of the area and to comply with Core Strategy policy CG4.

9. Before the first occupation of the dwelling(s) hereby approved, the windows shall be acoustically double glazed and ventilated in accordance with the 'good standard laid down in BS8233:2014 of LAeq/T living rooms 35dB, dining rooms 40dB and bedrooms 30dB (night time). This can be achieved by meeting the specification specified in section 8.4 of the Noise Assessment report as above.

Reason

To minimise the impact of noise on residential amenity and in order to comply with Core Strategy policy CG4.

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

**Figure 1 Location Plan dated June 2018.**

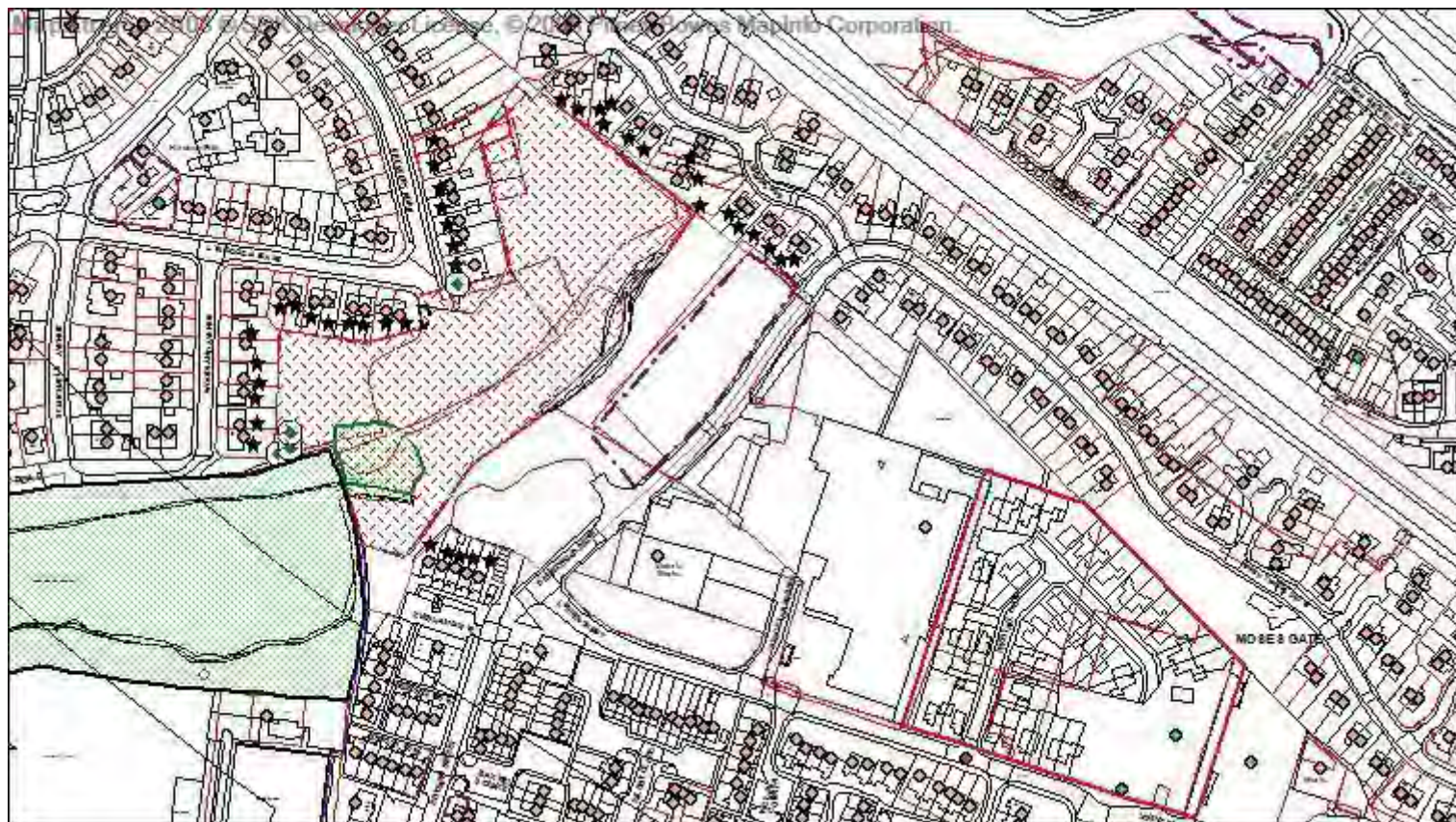
Reason

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





# Application number 04459/18



**Directorate of Place  
Development Management Section**

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

# Bolton Council

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**Date of Meeting: 07/02/2019**

**Application Reference: 04459/18**

**Type of Application: Full Planning Application**  
**Registration Date: 31/08/2018**  
**Decision Due By: 29/11/2018**  
**Responsible Officer: Martin Mansell**

**Location: LAND SOUTH WEST OF CRESCENT ROAD & LYNWOOD  
AVENUE, FARNWORTH, BOLTON**

**Proposal:** ERECTION OF 30 NO. RESIDENTIAL DWELLINGS (21 THREE BED AND 9 FOUR BED DETACHED AND SEMI-DETACHED) TOGETHER WITH ASSOCIATED WORKS INCLUDING LANDSCAPING AND PARKING

**Ward:** Great Lever

**Applicant:** Jaga Group Developments Ltd  
**Agent :** Bowker Sadler Architecture

## **Officers Report**

**Recommendation:** **Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.**

### **Proposal**

1. Consent is sought for the erection of 30 dwellings on land off Crescent Road. The dwellings would be a mix of detached and semi-detached properties and consisting of 9 4-bedroom (3-storey) units and 21 no. 3-bedroom (2.5-storey) units. The dwellings would consist of a mix of detached and semi-detached properties, with rear garden areas and two car parking spaces per unit. The dwellings will be predominately brick with a small amount of white render, dark grey UPVC window and door frames and cast stone feature lintels and cills. A total of 8 of the properties are proposed to have a balcony. The vehicular access will be directly from Crescent Road at the junction with Lynwood Avenue to the west of the site. The new access road will replace an existing informal footpath which currently leads into the site.
2. The application is accompanied by the usual plans and elevations together with:-
  - ) Crime Impact Statement
  - ) Arboricultural Impact Assessment
  - ) Arboricultural Method Statement
  - ) Woodland Management Plan
  - ) Preliminary Ecological Appraisal
  - ) National Vegetation Classification Survey
  - ) Phase 1 Desk Study & Preliminary Phase 2 Geo-environmental Risk Assessment
  - ) Flood Risk Assessment with a written report on drainage proposals
  - ) Topographical Survey
  - ) Viability Report

### **Site Characteristics**

3. The site consists of an area of scrubland located between Crescent Road and Brentwood Drive within the urban area of Bolton, south of the town centre. The site is predominantly covered with vegetation including woodland and low-level shrubbery, with an embankment to the north-west of the site adjacent to Crescent Road. The remainder of the site is at a lower level than the adjoining streets, with a culvert running through part of the site. There is a designated wildlife corridor running through the site and it is also affected by Tree Preservation Orders including at the site entrance and to the south-west of the site. Other than this and the RA1 Inner Bolton designation, the site has no other designation within the Allocations Plan, It is predominantly surrounded by existing development including housing to the north and west on Crescent Road, Lynwood Avenue and Ashby Close. There is further housing to the south on

Evesham Drive and Edward Street. Brentwood Road runs along the boundary of the site to the south-east, beyond which is an industrial area. Directly to the south-west lies Lower Doe Hey Reservoir.

### **Policy**

#### **4. Bolton's Development Plan:**

- \ Core Strategy Policies: H1.2 Health Contributions; A1.4 Education Contributions; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; RA1 Inner Bolton; IPC1 Infrastructure and Planning Contributions.

#### **5. Other material planning considerations:**

- \ Supplementary Planning Documents: Accessibility, Transport and Safety; Affordable Housing; Infrastructure and Planning Contributions; General Design Principles.
- \ Bolton's Authority Monitoring Report 2016/17: Volume 2 Housing Land Requirements and Supply Briefing Note (AMR)
- \ National Planning Policy Framework (NPPF) 2018: Achieving sustainable development
- \ Achieving sustainable development (paragraphs 7-14), Development contributions (paragraph 34) - reference to plans setting out the contributions expected in association with particular sites and types of development; Determining applications (paragraphs 47-51); Planning conditions and obligations (paragraph 54-57); Delivering a sufficient supply of homes (paragraph 59-76); Promoting healthy and safe communities including Open space and recreation (paragraphs 91-101); Promoting sustainable transport (paragraphs 102-111); Making effective use of land (paragraphs 117-123) - Achieving well-designed places (paragraphs 124-131); Meeting the challenge of climate change, flooding and coastal change (paragraphs 148-165); Conserving and enhancing the natural environment (paragraphs 170-183). Annex 1 - Implementation.
- \ National Planning Policy Guidance

### **Analysis**

6. 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.

#### **7. The main impacts of the proposal are:-**

- \ impact on Bolton's supply of housing
- \ impact on the character and appearance of the area;
- \ impact on the living conditions of neighbouring residents;
- \ impact on flooding and drainage;
- \ impact on biodiversity, including the Green Corridor;
- \ impact on the highway;

- \ impact on local infrastructure

#### Impact on Bolton's Supply of Housing

8. The weight that can be attributed to the provision of additional new housing depends on whether the Council can demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the National Planning Policy Framework (NPPF) states relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that the development is viable.
9. The Council cannot demonstrate a five-year supply of deliverable housing sites. Bolton's Authority Monitoring Report 2016/17: Volume 2 Housing Land Requirements and Supply Briefing Note (AMR) sets out the housing land position in Bolton at 1 April 2017, as well as providing information on new planning permission, dwelling completions and allocated development land in the borough.
10. This latest AMR reports that there has been a continued under-delivery of new housing against the Core Strategy targets, which has resulted in a rise in the five-year housing land requirement and the need to apply a 20% uplift to that increased requirement (a 20% buffer in the supply calculations). In this latest monitoring year the five-year supply 2017-22 has been calculated against a range of requirements including the Core Strategy requirement, DCLG draft standard methodology and the draft Greater Manchester Spatial Framework (GMSF). The calculations find that the Council has an under-supply ranging between 1,638 to 3,178 dwellings, which is the equivalent of a 2.6 to 3.4 year supply, and therefore well short of the required 5 years. At the recent Public Inquiry relating to Bowlands Hey, the Council argued that it could demonstrate approximately 3.7 years supply, still significantly short of the 5 years required.
11. Given that the Council cannot demonstrate a five-year supply of deliverable housing sites in the borough it is accepted, in the context of paragraph 11 of the NPPF, that the development plan policies for the supply of housing should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.
12. As the development plan policies for the supply of housing are not considered up-to-date, paragraph 11 of the NPPF should be invoked. This states (for decision-taking) that where there are no development plan policies or the policies which are most important for determining the application are out-of-date, permission should be granted unless, "...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole..."
13. This report will therefore now consider if there are any adverse impacts associated with the proposed development. The report will conclude with whether Officers consider those adverse impacts significantly and demonstrably outweigh the benefits associated with the development, when assessed against the policies of the NPPF when taken as a whole.

#### Impact on the Character and Appearance of the Area

14. 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 display innovative, sustainable design that contributes to good urban design, respects and



enhances local distinctiveness, and has regard to the overall built character and landscape quality of the area. Proposals should also be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment including hard and soft landscaping and boundary treatment.

15. Policy RA1 relates specifically to Inner Bolton and states that the Council will conserve and enhance the distinctive character of the existing physical and natural environment; ensure that development has particular regard to massing and materials used, due to the predominance of red brick, slate-roofed, two-storied terraced housing; respect and strengthen the traditional grid-iron pattern and the street-scaping of existing housing and mills where it is compatible with good urban design; make efficient use of land in inner Bolton due to existing higher levels of development density, requiring development to provide adequate privacy and amenity space and conform to the overall spatial approach; ensure that development takes opportunities to improve upon the existing low levels of green infrastructure and soft landscaping in inner Bolton, using native plant species where appropriate.
16. The National Planning Policy Framework (July 2018) states 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.
17. Planning decisions should ensure that developments:
  - ) 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;
  - ) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - ) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - ) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - ) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - ) 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.
18. It is considered that the design of the individual properties is highly distinctive, indeed unusual. They represent a clear departure from the typical interwar semi-detached properties of Crescent Road, Lynwood Avenue and Woodland Avenue. The proposed materials represent a clear break from the "red brick, slate roofed terraces" referred to in Policy RA1 of Bolton's Core Strategy. Nevertheless, given the lack of a prominent street frontage it is considered that this site represents the kind of location where distinctive and unusual residential designs can be accommodated. It is not considered that the existing streetscapes of Crescent Road, Lynwood Avenue or Woodland Avenue will be in any way harmed by the development. So whilst the designs are distinctive, they respond well to the challenges of this site and represent high quality residential development in their own right.
19. The impact on the character and appearance of the area is considered to be acceptable.

#### Impact on the Living Conditions of Neighbouring Residents

20. 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 that it does not generate unacceptable nuisance, odours, fumes, noise or light pollution.
21. A number of local residents have raised concerns over the impact of the proposed residential development on their living conditions including loss of light and privacy. However, the proposed layout has been amended to ensure that the relationship between existing and proposed dwellings meets the requirements of the General Design Principles SPD. One specific issue has been raised in relation to Plot 1; however, this property has been carefully designed with its principal elevations facing south and east. The interface between Plot 1 and 16 Lynwood Avenue would be 14.3 metres. As the elevation facing 16 Lynwood Avenue would contain a kitchen window at ground floor (which will not cause overlooking) and two obscure glazed windows at first and gable roof level, the recommended interface would be 13.5 metres. As this property is slightly below the level of 16 Lynwood, and as the upper floors contain no principal windows and the interface exceeds the recommended distance, the impact on living conditions enjoyed at 16 Lynwood Avenue is considered to be acceptable.
22. It is proposed that some of the properties will benefit from balconies. Plots 25 to 30 will have rear balconies overlooking the woodland to the south. Their northern elevation will have balconies at second floor level; however, given the change in levels between these plots and Crescent Road of approximately two stories, together with the distance between them and the angles between the existing and proposed properties, it is not considered that any unacceptable overlooking or loss of privacy would occur. Plots 15 to 24 would again have balconies overlooking the woodland to the south but the north western elevations facing Crescent Road would only be provided with Juliet balconies at second floor level i.e. there would be no usable floorspace available, it is essentially proposed that patio doors would be installed with a barrier preventing anyone from falling out. Given the significant drop in levels across the site and the interface of 25 metres, it is not considered that these properties would cause unacceptable overlooking of or loss of privacy to the closest property on Crescent Road. Plots 2 to 4 are designed with Juliet windows looking south west across to the woodland and meet the 21 metre interface in relation to properties on Lynwood Avenue. Plots 5 to 11 are similarly designed with Juliet balconies looking into the site and standard rear elevations, meeting the 21 metres interface with properties on Woodland Avenue.
23. It is considered that the proposal layout represents a carefully considered design which would respect the living conditions of existing residents surrounding the site. Clearly, the views from surrounding properties will change; however, Members will of course be aware that planning does not seek to protect the views from individual properties but instead seeks to ensure that a reasonable degree of outlook and privacy is provided for new and existing properties. As the proposal would comply with the requirements of the General Design Principles SPD, it is considered that this has been achieved.
24. The proposal would comply with Core Strategy CG4.

#### Impact on Flooding and Drainage

25. Strategic Objective 13 aims to reduce the likelihood and manage the impacts of flooding in Bolton, and to minimise potential flooding to areas downstream.
26. Core Strategy policy CG1.5 seeks to ensure that the Council and its partners will seek to 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.

27. Policy contained within the NPPF (paragraphs 155 to 165) seeks to ensure that inappropriate development in areas at risk of flooding should be avoided, directing development away from areas a highest risk. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it is demonstrated that the most vulnerable development is located in the lowest flood risk areas and that development is flood resilient and resistant.
28. Officers note that the Council's Drainage/Flood Risk team, the Environment Agency and United Utilities have been consulted on the proposed development and that no objections were received from these parties. An objection has been recieved from Doe Hey Reservoir Company Ltd who operate the angling club that uses both Doe Hey Upper and Lower Reservoirs. Their objection can be summarised as being
29. Our objection relates to the location of the proposed residential development and the potential risk of a breach of Doe Hey Upper Reservoir which is currently designated as a High Risk. In the event of a breach, the proposed residential development would be completely inundated. If the application is granted, the likely scenario would be that the company would be ordered to carry out improvement works to the dam which would cost in the region of £1m. The company does not trade, as no assets apart from the reservoirs and is controlled by members of an angling club totalling around 100 individuals. The company and angling club would inevitably fail if these orders are imposed and the Environment Agency would be required to take on the reservoirs under emergency powers and carry out the necessary works at their expense. This is also likely to affect the finances of Bolton Council as part of the land at the lower end of the Lower Reservoir just prior to the culvert after the stream leaves the reservoir is council owned property and is a poor state, in addition, the public right of way at the bottom of Harper Green Road that runs in between the reservoirs would be directly affected with any improvement works and it is likely that the road would need to be cut through in order to construct a new larger reservoir weir and spillway, again part of this is Bolton MBC property. I am also informed that once the Environment Agency carries out the necessary improvement works it would then hand the future ownership, control and associated safety and maintenance aspects to the local authority.
30. The objection is accompanied by a report under Section 10 of the Reservoirs Act 1975. In essence, the Act requires that owners of reservoirs carry out regular inspection of the integrity of reservoirs and the level of works required to ensure their integrity is proportionate to the level of risk and harm caused by a potential breach. In this instance, the reservoir falls within Category C as "a breach would propose negligible risk to life and cause limited damage". However, the construction of these dwellings could result in the category changing as a breach would result in the complete submersion of these dwellings.
31. National and local planning policies require that the most vulnerable development is located in the lowest flood risk areas. The site does not have a specific risk designation in terms of flood risk (other than lying with flood risk category 1, the lowest category. In terms of assessing the risk of a catastrophic dam failure it is considered to be extremely unlikely provided that the owner of the reservoirs complies with their responsibility under Section 10 of the Reservoirs Act 1975. It is not considered that the owners' ability to fund these works or otherwise would represent a valid reason for refusal.
32. The issue of the proximity to Doe Hey Reservoir was considered as part of the Flood Risk Assessment submitted by the Applicant and it states:-

"From a review of the Ordnance Survey mapping around the site it can be seen that the site is in close proximity to the Lower Doe Hey reservoir, which lies immediately to the south west of the site, and the Higher Doe Hey reservoir, which lies further off to the west of the Lower Doe Hey reservoir. From the reservoir flood mapping (refer to Appendix 03) it would appear that part of the development site could be affected by the potential flooding extent produced by a large scale breach of the Higher Doe Hey reservoir. It would appear that the modelling exercise that has produced this flooding extent has been based upon a "worst case" assumption, i.e. that the culverted section of Doe Hey Brook that passes beneath Ashby Close to the north east of the site is partially or fully blocked at the same time as the breach occurs. However, given that the Environment Agency has a regulatory role for reservoir safety under the Reservoirs Act 1975, and that reservoir failure in the UK is generally accepted to be extremely unlikely, it is considered that the risk to the development from this form of flooding is low."

33. Given the Environment Agency's regulatory role on this matter, their response is clearly important and they state "we are satisfied the submitted (Flood Risk Assessment (FRA) from WML Consulting (Report no 8109G/FRA/01, dated August 2018) demonstrates the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere"
34. The Environment Agency has been given the opportunity to comment on the Section 10 Reservoir Inspection Report and any further response will be reported at the meeting; however, given the Environment Agency's clearly stated position that they accept the findings of the Flood Risk Assessment, it is not considered that the risk of failure of Doe Hey Reservoir would represent a valid reason for refusal.
35. Subject to a condition requiring that the development be carried out entirely in accordance with the submitted Flood Risk Assessment, the impact on flood risk is considered to be acceptable and to comply with Core Strategy policy CG1.5.

#### Impact on Biodiversity, Trees and the Green Corridor

36. The aim of Core Strategy Strategic Objective 12 is to protect and enhance Bolton's biodiversity. Core Strategy policy CG1.1 seeks to ensure that the Council and its partners 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 or its contribution to green infrastructure, reducing flood risk and combating climate change.
37. Guidance contained within NPPF states that in order to achieve sustainable development the planning system has three key roles. The third (environmental) role places a requirement for the planning system to contribute to protecting and enhancing our natural, built and historic environment, helping to improve biodiversity as an integral part of ensuring the planning system contributes to achieving sustainable development (Paragraph 8).
38. Paragraph 175 of NPPF provides guiding principles for Local Planning Authorities when determining planning applications including:
  - ) development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
  - ) opportunities to incorporate biodiversity in and around developments should be encouraged;
  - ) development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused; and
  - ) planning permission should be refused for development resulting in significant harm to biodiversity where it cannot be avoided.

39. Policy CG1 states that the Council will safeguard and enhance biodiversity in the Borough by protecting the interconnectivity of wildlife corridors. A Green Corridor runs through the site running from the Freshfield Avenue area and generally following the line of Doe Hey Brook. However, the Green Corridor is completely severed by the significantly raised levels of the residential development of Ashby Close immediately to the east of the application site and the embankment of the Bolton to Manchester railway line. It does continue for a short length beyond this but is again severed by the A666 St Peters Way further to the east. For these reasons Officers take the view development close to this part of the Green Corridor cannot be said to interrupt the interconnectivity of this wildlife corridor; at worst it could only be said to slightly truncate it.
40. The application is accompanied by a Preliminary Ecological Appraisal and a National Vegetation Classification Survey which have been considered in detail by Greater Manchester Ecology Unit who conclude that "the site is located at one end of the green corridor. The development should not result in the loss of the entire corridor at this location; rather it results in a narrowing of the corridor. The proposed management of the remainder of the woodland will offer compensation for both the loss of woodland on site and a narrowing of the corridor." Conditions are recommended to achieve these outcomes.
41. There are a total of six Tree Preservation Orders (TPOs) either within or adjacent to the site and these will be protected during construction in line with the Arboricultural Method Statement. The Council's Tree and Woodland Manager has considered the proposals and finds that:-
42. "The area consists of a variety of predominantly mixed lowland broadleaved woodland tree species of varying age, form and condition; which is a UK Biodiversity habitat. It is also a habitat of principal importance for the purpose of conserving biodiversity, as listed in Section 41 of the Natural Environment & Rural Communities Act 2006 which confers duty upon local authorities by Section 40 of the Act, to consider its protection for biodiversity. There are a number of protected trees on the site, particular note to T2 Sycamore tree (heavily included and extensive stem damage) by the entrance off Crescent Road, and the large Beech tree adjacent to plot 11 (extensive stem damage) that would require removal. Centrally, across the site and along the road line, the scheme would result in the loss of naturally regenerated trees, again predominantly Willow and Birch trees. Plots 5-11 would result in the loss of a block of predominantly Willow tree of generally low amenity value, but obviously having other ecological benefits. Plots 12 – 30 will be back onto the woodland area that is situated on a steep banking. If the scheme is to go forward then there would also be tree losses along the top of the banking (approx. a 6m strip). In addition as the trees are on the south-eastern/southern boundary there will always be pressure in the future for felling and or pruning of the trees due to light and overhanging branch issues as the gardens are not particularly large. Tree losses will also take place on the banking adjacent to Plot 30. The proposed road line hugs the lower south side of the embankment to the North side of the site, which for the most part is covered in Japanese Knotweed, which is widespread across the site. There is a block of woodland above the turning head to the north; however this would not be heavily impacted upon by the roadway. Woodland Management Plan – the proposed plan would appear to promote the long term management of compartments 1&2, and introduce woodland maintenance and thinning regimes into an area that has seen little or no recent management in the past. Restocking and enrichment planting after the removal of non-native species is encouraged. It is noted that in the GMEU comments "As compensation of the loss of woodland, it is proposed to manage other areas of woodland in the wider area and a woodland management plan has been submitted with the application. It is however unclear on the delivery mechanism and funding for this plan, its timescale and review process. These matters therefore require clarification". In addition GMEU note "any species

introduced to the site whether trees or ground flora, should be locally native only. This will ensure maximum benefits to biodiversity. The planting suggestions currently include species that are not locally native and would need to be amended. In addition small-leaved lime while locally native is extremely rare and a local source is unlikely to be found. The management prescriptions only refer to the remove of sycamore, while the description of the site includes non-native species that should be targeted in the first instance such as Norway maple, laurel and Whitebeam". The Arboricultural Impact Assessment and Arboricultural Method Statement are considered to be acceptable in their content and detail."

43. It is therefore considered that whilst the development will lead to the loss of some trees, these are of limited amenity value and the trees of higher value are to be protected. Where losses are proposed it is considered that these are mitigated by the proposed Woodland Management Plan.
44. The impact on the Green Corridor and on trees is considered to be acceptable.
45. Subject to detailed mitigation by planning condition it is considered that the proposal would comply with CS policy CG1 and with guidance contained within the NPPF.

#### Impact on the Highway Network

46. Core Strategy Strategic Objective 6 seeks to ensure that transport infrastructure supports all the aspects of the spatial vision, and that new development is in accessible locations and makes the best use of existing infrastructure. Strategic Objective 9 aims to improve road safety by ensuring that neighbourhoods are attractive and well designed.
47. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account:
- ) Accessibility by different types of transport, prioritising pedestrians, cyclists, public transport users over other motorised vehicle users.
  - ) The design of developments to enable accessibility by public transport.
  - ) Freight movement for industrial and storage uses.
  - ) Servicing arrangements.
  - ) Parking, including parking for cycles and powered two-wheelers, in accordance with the parking standards set out in Appendix 3.
  - ) The transport needs of people with disabilities.
  - ) The requirement for a Transport Assessment and Travel Plan with major trip generating developments.
48. Policy S1.2 of the Core Strategy states that the Council will promote road safety in the design of new development.
49. Guidance contained within the Council's Accessibility, Transport and Road Safety SPD covers a range of highways related matters including provision of facilities for people with disabilities, provision for pedestrians, cyclists, public transport and car parking. In addition the SPD provides guidance on highway design, Transport Assessments/Statements, Travel Plans, Infrastructure provision and the means for securing such provision.
50. The Council's Highway Engineers have assessed the proposal and note that the level of proposed residential development falls below the thresholds indicated in national guidance for the requirement for a traffic impact assessment (TS/TA) to be submitted in order to substantiate development from a transport and highways perspective. Using TRICCS information from similar

sized developments the traffic impact will potentially be 18 two-way trips within the AM/PM peak periods of traffic flow or 1 additional two-way trip every 4 minutes within the peak hours. This level of traffic impact would not have a detrimental impact on the operational capacity of the surrounding highway network posing minimal additional road safety implications and would thus be compliant with the requirements of national planning policy

51. Engineers also advise that the proposed highway layout of the site appears reasonably compliant with the Council's standards for adoption. A full S38 appraisal will need to be undertaken by the Council's Estate Development Team post-planning in order to ensure that the layout can be brought forward for adoption. The existing levels of the development site appear challenging from an engineering perspective, these will need to be taken into consideration as part of the adoption process. However, Engineers have since confirmed that whilst the levels are challenging, an adoptable solution will exist.
52. Engineers do note that the level of off-road parking provision appears to fall below the Council's residential parking standards to serve the level of development proposed. The site could be considered reasonably accessible to sustainable transport modes, in particular the high frequency 501 route between Bolton town centre, Bolton Hospital and Farnworth, which would provide an element of justification to a relaxation of these standards.
53. For the reasons given above, the Council's Highway Engineers do not raise objection to the proposal and it is therefore considered to comply with national and local planning policies relating to the highway network.

#### Impact on Local Infrastructure

54. Policy IPC1 of the Core Strategy states that the Council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. In doing so, the Council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development. In determining planning applications the Council will apply a threshold of 15 dwellings in assessing whether planning contributions will be required from proposed housing developments.
55. Policy IPC1 continues that for new residential development specific contributions will be sought for:
  - \ Affordable housing
  - \ Open space provision and maintenance
  - \ Health and well-being
  - \ Education
  - \ Community facilities
56. Policy IPC1 also states that for all types of development, including housing, contributions will be sought for additional types of infrastructure necessary to remedy site specific deficiencies that arise from development or any other mitigation or compensatory measures required. This may include, where relevant, off - site access and transport.
57. SPD "Affordable Housing" (adopted February 2013) provides further detail to the policies in the Core Strategy that concern affordable housing, and deals specifically with the provision of affordable housing through Bolton's planning processes, with a focus on new supply. The SPD sets out the Council's policy on achieving affordable housing. SPD "Infrastructure and Planning Contributions" (adopted July 2016) provides further detail on policies in the Core Strategy that

concern planning contributions. The SPD contains information on when planning obligations may be needed and covers matters including when contributions may be needed, the type and scale of contributions, the circumstances when financial rather than direct provision will be required, how financial contributions will be calculated, and the form and timing of legal agreements.

58. The applicant has submitted a viability study which has been assessed by the Council's viability consultant who generally considers its findings to be acceptable, particularly in relation to build costs and sales. However there are some sizable external and enabling works and was not initially clear from the report what these may relate to. In cases such as these where the "abnormal costs" of a development are difficult to calculate, Officers recommend that a "clawback" arrangement be entered into, requiring reassessment of the scheme once further details of the actual costs of development are obtained.

59. The Viability Study suggests that the development is likely to make a profit of 16.19%, less than their target of 18% and based on a site value of £230,000. Additional costs triggered by the development of the site are likely to include:-

- ) eradication of Japanese knotweed
- ) more complex drainage arrangements due to level changes on site, including the construction of a pumping station
- ) earthworks, significant retaining structures and other engineering works necessary to deliver an adoptable highway layout, bearing in mind the challenging levels of the site
- ) Woodland improvement and management together with replacement tree planting
- ) ensuring the stability of existing and proposed slopes
- ) piled foundations

60. Some elaboration on the sizeable external and enabling works has been sought and will be reported at the meeting.

61. Officers are aware of Members concerns over school places within the area, as raised during the recent consideration of the application at Beehive Mills. The Council's Capital Programme and Pupil Place Manager has been consulted on the scheme and responds as follows:-

"We have just updated our pupil projection forecasts which suggest that we are likely to see some limited surplus capacity beginning to appear across our primary schools from Sept 2021, although we continue to experience pressure until then. A proposed development of 30 family dwellings is likely to have little impact against these figures so we could consider foregoing a commuted sum for primary provision at this time. However our secondary pupil projections show that we will continue to experience severe pressure for places for the foreseeable future, notwithstanding our current proposals to increase capacity at a number of secondary schools and the proposed new King's Leadership Academy that is due to open in Sept 2019. Any new housing development, however small is likely to add to the pressure for places and whilst a proposed development of 30 family units would only yield around 6 secondary school pupils, it will still create further pressure for places. The provision for 6 secondary school places would equate to the need to secure a commuted sum of around £91K (£91,061) but receipt of such a sum would need to be pooled with a number of significantly larger proposals in order to effectively deliver additional school places. I am conscious that we can presently only pool 5 proposed developments to secure commuted sums at individual school expansion projects and I would therefore question whether we should seek to allocate one of our limited opportunities to secure such funding against such a small scheme, bearing in mind that the typical cost of effectively expanding provision at an existing secondary school costs in the region of £2M."



62. Given that the impact on primary school places is likely to be limited and the pooling restrictions in place mean that requiring an education contribution could prevent contributions from larger developments in the area, it is not considered that a contribution to school places should be sought in relation to this development.
63. At 30 dwellings. this is a relatively small development of a challenging site with complex level changes and the developable area constrained by the need to retain a degree of biodiversity together with the relationships with existing surrounding properties. For these reasons it is not considered that the development could sustain the contributions required by Policy IPC1 and the relevant SPDs whilst remaining viable.

### **Local finance considerations**

64. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. There are not considered to be any local financial considerations in this case.
65. New Homes Bonus for up to 250 dwellings – this is not a material planning consideration.

### **Conclusion**

66. Whilst the Council cannot demonstrate a five-year supply of deliverable housing sites in the borough, in this instance it is not considered to be necessary to apply the "tilted balance" of paragraph 11 of the NPPF - the development is considered to be acceptable and policy compliant in its own right. It is therefore not necessary to consider whether "any adverse impacts ... would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole". It is not considered that the development would cause any unacceptably adverse impacts. Nevertheless, as a key emphasis within the NPPF is boosting the supply of housing the benefits of the proposed 30 houses must be acknowledged.
67. Other material considerations that carry weight in favour of the proposed development are:
- ) the proposed development would generate jobs and investment in the area, initially through the construction phase and then through local trading in shops and services.
  - ) the proposal would, result in positive ecological enhancements to the site.
  - ) the design, layout and materials are of a high standard, raising the general quality of development in the area
68. The development complies with the interface standards set out in the General Design Principles SPD. Great Lever is a highly developed area and opportunities for the delivery of new housing are subsequently limited, other than via the challenging development of former industrial sites. The site is sustainably locating in relation to existing services and bus routes such as the 501 frequent service. Whilst a Green Corridor runs through the site, the impact on this has been independently assessed by Greater Manchester Ecology Unit and found to be acceptable. Despite the valley location, the impact on flood risk is low and the comments of the owner of the nearby reservoir have been taken into account.
69. The proposal is therefore recommended for approval for the reasons detailed above. Members are requested to delegate the decision to the Director for Place to enable the s.106 agreement to be signed after which the application can be formally determined.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** a total of 7 letters of objection have been received from nearby residents raising the following concerns:

- ) this site is unfit for building on, attempts have been made in the past and cancelled due to the presence of methane gas
- ) serious concerns about the impact the proposed work could have on the stability of my property. As I'm sure you are aware, the land was previously a valley and subsequently a landfill site. The historic landfill was filled with tonnes of hazardous waste, thus making it unsteady. It is not suitable for any building, let alone 30 houses. Any excavation work could have a serious adverse impact on the existing surrounding structures
- ) this used to be a lovely valley with a stream at the bottom for drainage and supporting a great variety of wildlife
- ) there is now no natural drainage and trees have been removed
- ) the land contains a mine shaft - (Officer's note: a report from the Coal Authority confirms that "there are no known coal mine entries within, or within 20 metres of, the boundary of the property. "
- ) this is a green corridor, a thin strip of land that provides sufficient habitat to support wildlife, usually in an urban area .This Green Corridor is important because of its proximity to Doe Hey Reservoir.
- ) we need green space for our children and wildlife
- ) the parking proposed is insufficient
- ) the Government advises Local Planning Authorities to avoid building on Green Corridors (this was echoed by a Bolton Councillor at a local area forum)
- ) two Councillors described the land as being scrubland and an eyesore but did not mention the Green Corridor that runs straight through it
- ) in 2001 a similar application 59576/01 was refused permission, it went to appeals were it was once again denied, since there is no change in the landscape why is this application being considered?
- ) hedgehogs, bats, bees, deer and foxes all live and have been seen on this land. Hedgehogs in the UK are in serious trouble. Repeated studies have shown that the nation's favourite animal is being wiped out. We can't sit back and let hedgehog numbers keep plummeting.
- ) why has the Local Authority not enforced action by the owner to eradicate foreign species and address the fly tipping, was it in the hopes that everyone will believe it is an eyesore?
- ) local residents in Farnworth are losing Green spaces at a rapid speed which in turn impacts on our air quality and psychological welfare
- ) extra traffic in the already very congested roads will be a serious impact on all who live in the area
- ) I object to the loss of the open aspect to the rear of my house.
- ) the close proximity of plot 1 to my property when plot 2 etc . much further away from the rear of their adjacent houses.
- ) I object to the felling of sycamore tree T2 which is clearly a healthy tree. it was well grown when I acquired the adjacent property more than 30 years ago and must have at least another 40 years of life, if left undisturbed. Also the felling of trees at G1, these are very old trees and should remain protected as it would be damaging to carbon footprint to fell.
- ) concerned about foul water removal from lower site. Must be subject to flooding in heavy downpours
- ) the loss of privacy will be tremendously detrimental to neighbouring properties. The proposed properties are at such an angle that the primary amenity are of our garden will become overlooked from the first and second floors of the new development, leading to a serious invasion

of our privacy.

- ) floor one west elevation on properties 5-9 have large windows which would overlook the adjacent properties. Such facing elevation would directly overlook the rear amenity areas of the neighbouring dwellings. This would create an unacceptable degree of overlooking, thus causing a loss of privacy and would be detrimental to the amenities enjoyed by the occupiers of this property and the adjacent properties
- ) the enjoyment of the view from the rear of Woodland Avenue is picturesque. The loss of the trees and woodland will have an adverse effect on the residential amenity of the properties. The visual impact and loss of woodland view will have a devastating effect on neighbouring properties.
- ) the height of these 2.5 storey townhouses will affect the natural daylight of neighbouring properties
- ) the design is not in keeping with the local area. 2.5 storey townhouses don't blend in with neighbouring 2 storey semi detached houses that were built in the in the 1930's. The proposed development is overbearing, out of scale with surrounding properties and visually intrusive. The character of the proposed properties is not in line with the surrounding roads and it would be inappropriate to allow their development.
- ) the noise from the proposed building work will create unacceptable, prolonged disturbance to neighbouring properties.
- ) increased traffic-the plans state a dramatically underestimated flow of traffic of an extra 16 cars per day. Most houses in this area have at least 2 cars if not more, therefore that would potentially be an extra 60 cars driving down this small road every day causing a lot of noise and nuisance.
- ) there are a lot of children that enjoy playing out safely on this quiet road.
- ) there is only one access point, where Crescent Road and Lynwood Avenue meet

The objection from Doe Hey Reservoir Company is addressed within the report

### **Consultations**

Advice was sought from the following consultees: Trees and Woodland officer, Pollution Control, Drainage / Flood Risk officers, Design for Security (Greater Manchester Police), Landscape Development and Design, Highways Engineers, Environment Agency, Greenspace Management, Asset Management and Pupil Planning Unit, the Council's Viability consultant and the Greater Manchester Ecology Unit.

The Local Planning Authority have publicised the application by a site notice which was displayed at the site together with a press notice in the Bolton News. This is in addition to the neighbour notification letters which were sent out to all the adjoining neighbouring properties. This complies with the national and local requirements in respect of consultation and the neighbour notification requirements.

### **Planning History**

59576/01 - outline application for residential development including means of access. This applicaiton was refused on the basis of impact on the Green Corridor and that it was a greenfield site - at the time, the "brownfield first" approach was clearly supported by national and local planning policies. The delivery of new housing was not considered to be as great a priority as it is now, some 18 years later. Furthermore, there is no evidence to suggest that the Applicant proposed the mitigation measures now proposed, which have been accepted by Greater Manchester Ecology Unit.

42047/92 - retention of deposited inert materials and permissionfor engineering works amending the site levels - approved

38590/91 - details of the siting design and external appearance for the erection of a detached house - refused on the grounds of inadequate information (poor quality plans)

38054/90 - erection of 9 detached houses - approved

37740/90 - erection of 9 houses and a 45 bed nursing home - refused on the basis of an overintensive use of the site

36604/90 - erection of 9 houses and a nursing home for the elderly - refused on the basis of an overintensive use of the site

**Recommendation: Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.**

### **Recommended Conditions and/or Reasons**

1. The development hereby permitted shall be begun before the expiration of two 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 and in the interests of improving the supply of housing.

2. No development shall be commenced until full details of the type and colour of facing materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development safeguards the character and visual appearance of the locality.

3. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter retained, managed and maintained in accordance with the approved details. Those details shall include:

- 1) A timetable for its implementation, and
- 2) A management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the site provides satisfactory means of surface water drainage and in order to comply with Core Strategy policies CG1.5 and CG2.

4. No demolition, development or stripping of soil shall be started until:
  1. The trees and hedgerows within or overhanging the site which are to be retained/or are subject of a Tree Preservation Order (TPO) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing. As per Arboricultural Method Statement Plan Ref: CRB/MS/01 Rev. A
  2. The approved fencing shall remain in the agreed location (in accordance with **BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations** until the

development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).

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

Reason

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

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. The CEMP should also include appropriate measure to protect nesting birds during the breeding season.

Reason

To enhance biodiversity in accordance with Policy CG1

6. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanisms by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To enhance biodiversity in accordance with Policy CG1.

7. No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local

planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- ☐ details demonstrating how the riparian zone will be protected during development construction
- ☐ details how retained riparian woodland will be managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- ☐ details of treatment of site boundaries including steep banks leading down to Doe Hey Brook waterbody.

Reason

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement

8. No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese knotweed, Himalayan Balsam, Cotoneaster and Monbretia identified on the site (UES, Aug 2018) shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed, Himalayan Balsam, Cotoneaster and Monbretia during any operations e.g. Land regrading, mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason

To ensure the safe development of the site and eradication of an invasive species and to comply with policy CG1 of Bolton's Core Strategy.

9. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to and approved by the Local Planning Authority before development is started. Such scheme shall be carried out within 6 months of the occupation of any of the buildings or the completion of the new development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority; any trees and shrubs that die or are removed within five years of planting shall be replaced in the next planting season with others of similar size and species.

Reason

To soften the development proposed and to enhance and improve the setting of the development within the landscape of the surrounding locality.

10. Prior to the commencement of development, an energy assessment of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include a scheme which details how either (i) renewable energy technology or (ii) an alternative scheme e.g. enhanced insulation shall reduce CO2 emissions of predicted energy use of the development by at least 10%. The approved scheme shall be installed, retained and maintained in perpetuity thereafter unless agreed by the Local Planning Authority.

Reason

To enhance the sustainability of the development and to reduce the reliance on fossil fuels in order to comply with Core Strategy policy CG2.

11. No development shall commence until a woodland and landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas within the applicant's control (excluding privately owned garden areas) shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried in accordance with the approved scheme.

The scheme shall include the following elements:

- \ detail the extent and type of new planting, based on native species and which integrates with site surface water drainage proposals including any remodelling work for the smaller retained pond and the overflow to Astley Brook;
- \ details of the maintenance regimes for each retained habitat type;
- \ details of the treatment of the site boundaries and/or buffers, particularly around the southern and western boundaries;
- \ details of management responsibilities including a 5 year habitat management plan.

Reason

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

12. Prior to the commencement of development hereby approved/permitted, all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality where necessary and to enable the Local Highway Authority to consult, advertise, promote and implement Traffic Regulation Orders to implement a 20 mph speed limit and parking restrictions at the site access onto Crescent Road/Lynwood Avenue and on the turning heads on the site access roads, to be funded at the applicants expense.. All such Orders shall be implemented into full prior to the occupation of any of the dwellings.

Reason

In the interests of highway safety.

13. Phase II Report  
Should the approved Phase I Report recommend that a Phase II Report is required, then prior to commencement of any site investigation works, design of the Phase II site investigation shall be submitted to, and approved in writing by, the Local Planning Authority. Site investigations shall be carried out in accordance with the approved design and a Phase II Report shall then be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The Phase II Report shall include the site investigation data, generic quantitative risk assessment, detailed quantitative risk assessment (if required) and recommendations regarding the need or otherwise for remediation.

Should the Phase I Report recommend that a Phase II Report is not required, but during construction and prior to completion of the development hereby approved, contamination or gas migration is found or suspected, the developer shall contact the Local Planning Authority immediately and submit proposals for investigation and remediation of the contamination or gas migration within seven days from the date that it is found or suspected to the Local Planning Authority for approval in writing.

Options Appraisal

Should the Phase II Report recommend that remediation of the site is required then unless otherwise agreed in writing with the Local Planning Authority, no development shall commence unless or until an Options Appraisal has been submitted to, and approved in writing by, the Local Planning Authority. The Options Appraisal shall include identification of feasible remediation options, evaluation of options and identification of an appropriate Remediation Strategy.

Implementation of Remediation Strategy

No development shall commence, unless otherwise agreed in writing with the Local Planning Authority, until the following information relating to the approved Remediation Strategy has been submitted and approved by the Local Planning Authority:

- \ Detailed remediation design, drawings and specification;
- i) Phasing and timescales of remediation;
- ii) Verification Plan which should include sampling and testing criteria, and other records to be retained that will demonstrate that remediation objectives will be met; and
- iii) Monitoring and Maintenance Plan (if appropriate). This should include a protocol for long term monitoring, and response mechanisms in the event of non compliant monitoring results.

The approved Remediation Strategy shall be fully implemented in accordance with the approved

phasing and timescales and the following reports shall then be submitted to the Local Planning Authority for approval in writing:

- iv) A Verification Report which should include a record of all remediation activities, and data collected to demonstrate that the remediation objectives have been met; and
- v) A Monitoring and Maintenance Report (if appropriate). This should include monitoring data and reports, and maintenance records and reports to demonstrate that long term monitoring and maintenance objectives have been met.

Reason

To ensure that the development is safe for use.

14. Before development commences details of the treatment to all boundaries to the site shall be submitted to and approved by the Local Planning Authority. Such details as are approved shall be implemented in full before the development is first occupied or brought into use and retained thereafter.

Reason

To ensure adequate standards of privacy are obtained and to enhance the setting of the development within the landscape character of the locality.

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

- vi) Construction Environmental Management Plan for Biodiversity (CEMP) to include the woodland management plan.
- 1. Timetable for the approved Woodland Management Plan to be agreed with the LPA Tree & Woodland Officers.
- 2. Arboricultural Method Statement for the boundary fencing detail to prevent damage to the retained trees. Arboricultural Method Statement Plan Ref: CRB/MS/01 Rev. A

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

Reason

To ensure the safe development of the site and favourable retention of trees.

16. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason

To ensure the development safeguards the character and visual appearance of the locality and to safeguard the living conditions of nearby residents particularly with regard to privacy and outlook.

17. No dwelling shall be occupied until the access roads, footways and footpaths leading thereto have been constructed and completed in accordance with drawing ref: 18020 1002 rev A

Reason

In the interests of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.



18. Trees and shrubs shall be planted on the site in accordance with the approved landscape schemes Landscape GA - 177-01E Landscape GA-A1 and Planting Plan - 177-02C Detailed prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. 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.

19. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 25 metres shall be provided at the junction of the site access with Crescent Road, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

To ensure traffic leaving the site has adequate visibility onto the highway and in order to comply with Bolton's Core Strategy policy S1, P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

20. Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced, drained and lit shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

Reason

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

21. Before the approved development is first brought into use car parking spaces shall be provided in accordance approved plan 8020 1002 rev A. 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

22. The garages hereby approved shall be made available at all times for the parking of motor vehicles.

Reason

The loss of garage spaces would be likely to lead to an increase in on-street parking to the general detriment of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5,

23. No vegetation clearance or tree removal should be undertaken between the months of March to July inclusive.

Reason

To ensure the protection of wildlife/biodiversity.

24. No work, including the storage of materials, or placing of site cabins, shall take place within the extreme circumference of the branches of any tree shown to be retained or those trees overhanging the site.

Reason

In order to avoid damage to tree(s) within the site which are of important amenity value to the area.

25. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 2008 (or any order amending or replacing that order) no extensions, porches, garages, outbuildings, sheds, greenhouses, oil tanks, or hardstandings shall be erected within the curtilage of (any of) the approved dwellinghouse(s), other than those expressly authorised by this permission.

Reason

The private garden space of the dwellings is limited and the site is located with the Hill Top Conservation Area and any extension would result in an unsatisfactory scheme in terms of open space, privacy requirements and the impact on the character and appearance of the Conservation Area.

26. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 2008 (or any Order amending or replacing that Order) no dormers shall be constructed or other alterations to the roof carried out on the approved dwelling(s) other than those expressly authorised by this permission.

Reason

To safeguard the architectural character and appearance of the dwellings.

27. Notwithstanding the provisions of Class A to Schedule 2 Part 2 of the Town and Country Planning General Permitted Development Order 2008 (or any Order amending or replacing that Order) no fences, gates, walls shall be erected within the curtilage of (any of) the approved dwelling house(s) other than those expressly authorised by this permission.

Reason

The development has been designed with specific regard to the design of boundaries and new fences and walls in these positions would spoil the appearance of the site.

28. The development hereby permitted shall be carried out in complete accordance with the following approved plans and documents:-

18020 1002 rev A - Site Plan Proposed  
18020 1004 site sections  
18020 1010 rev A - plot 1  
18020 1011 rev A - plot 2  
18020 1012 rev A - plot 3  
18020 1013 rev A - plot 4  
18020 1014 rev A - plots 5 & 6  
18020 1015 rev A - plots 7 & 8

18020 1016 rev A - plot 9 & 10  
18020 1017 rev A plot 11  
18020 1018 rev A plot 12  
18020 1019 rev A plot 13  
18020 1020 rev A plot 14  
18020 1021 rev A plot 15  
18020 1022 rev A plot 16 & 17  
18020 1023 rev A - plots 18 & 19  
18020 1024 rev A - plots 20 & 21  
18020 1025 rev A - plots 22 & 23  
18020 1026 rev A - plot 24  
18020 1027 rev A - plot 25  
18020 1028 rev A - plot 26  
18020 1029 rev A - plot 27  
18020 1030 rev A - plot 28  
18020 1031 rev A - plot 29  
18020 1032 rev A - plot 30  
18020 1041 3d View 1  
18020 1041 3d Views 2 & 3  
Landscape GA - 177-01E Landscape GA-A1  
Planting Plan - 177-02C  
8109 WML 00 XX DR C 1000 T03  
1068 Phase 1 Desktop Study  
1069 Flood Risk Assessment  
Arboricultural Method Statement TRE/CR/Rev A

Reason

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









Indicative view West towards Plots 3 - 10

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REV.	DATE	DRN.	CHKD.			
PROJECT						
Crescent Rd, Bolton						
CLIENT						
Jaga Group Developments						
DRAWING						
Proposed 3D View 1						
SCALE	SHEET SIZE @ A3		DRAWN AH	CHECKED CL	DATE 30.08.18	

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A: Hatherlow House, Hatherlow, Romiley, Stockport SK6 3DY		
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W: www.bowker-sadler.co.uk		
JOB No	DRAWING No	REVISION
18020	1040	
STATUS		







Indicative view South from entrance towards plot 1



Indicative view South West pumping station towards plots 28 - 30



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REV.	DATE	DRN.	CHKD.
PROJECT Crescent Rd, Bolton			
CLIENT Jaga Group Developments			
DRAWING Proposed 3D Views 2 + 3			
SCALE	SHEET SIZE @ A3	DRAWN AH	CHECKED CL
			DATE 30.08.18

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18020	1041	
STATUS		



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## Materials Key

1 : 50



A 28.08.18 AH Amendments to elevations on SF En-Suite CL

REV	DATE	DRN	CHKD

PROJECT	Crescent Rd, Bolton		
CLIENT	Jaga Group Developments		
DRAWING	Plot 1 Floor Plans and Elevations		
SCALE	SHEET SIZE @ A1	DRAWN AH	CHECKED CL
DATE	31.07.18		

**BOWKER SADLER ARCHITECTURE**

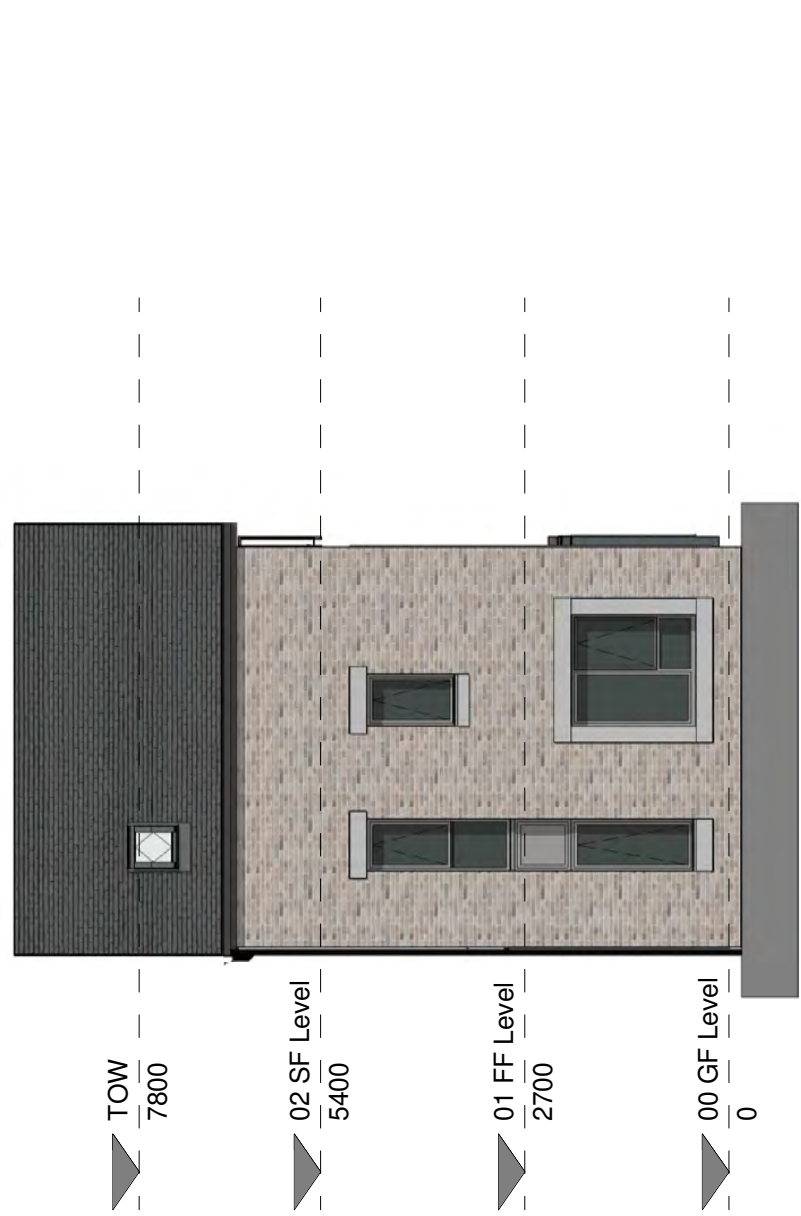
A: Hatherlow House, Hatherlow, Romley, Stockport SK6 3DY

T: 0161 406 7333

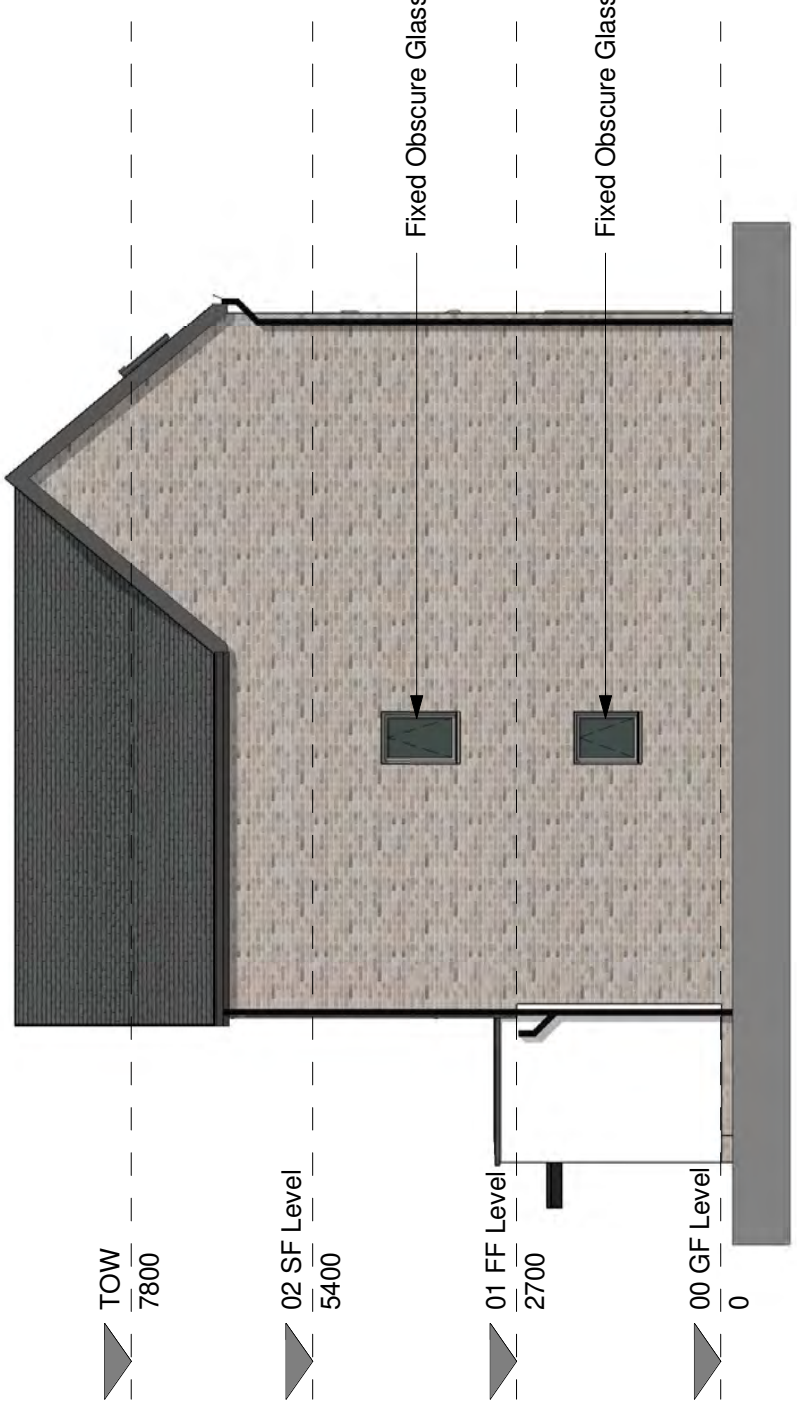
E: office@bowker-sadler.co.uk

W: www.bowker-sadler.co.uk

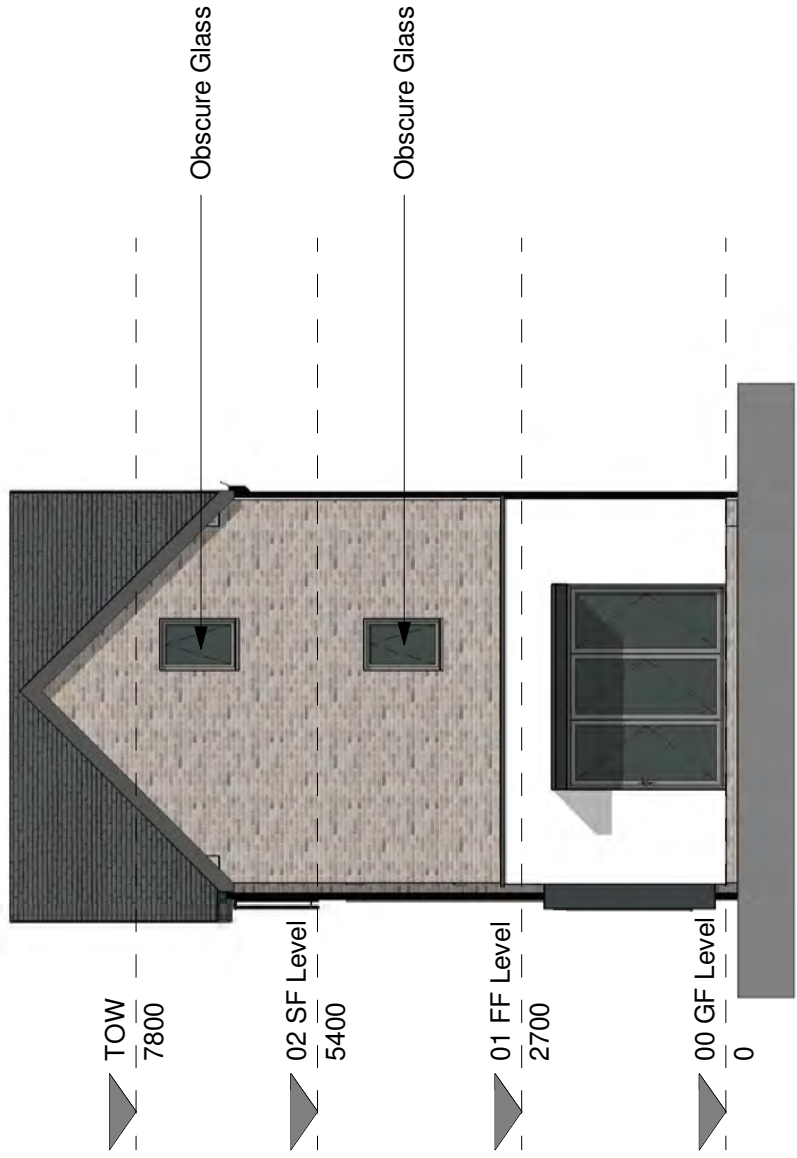
DRAWING No	1010	REVISION	A
STATUS			



South Elevation  
1 : 100



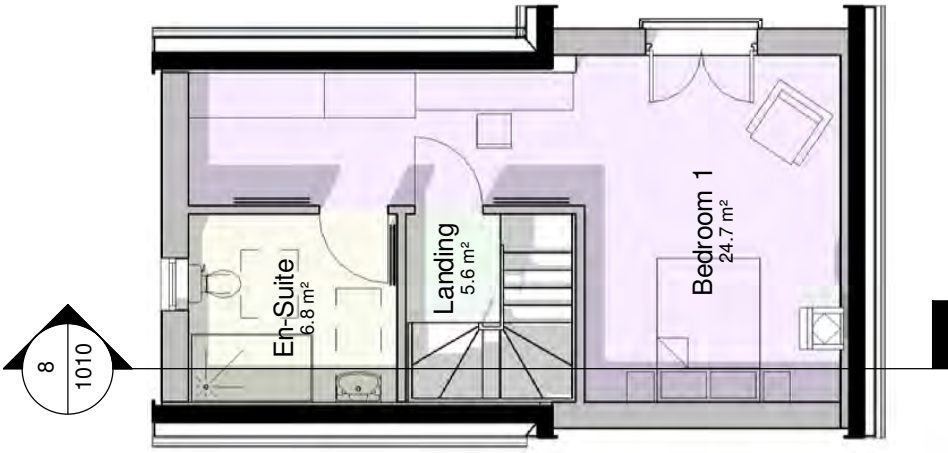
West Elevation  
1 : 100



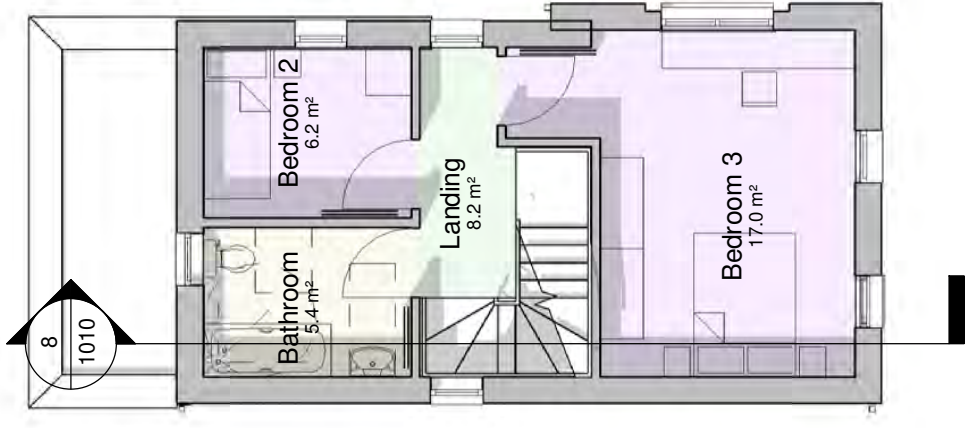
North Elevation  
1 : 100



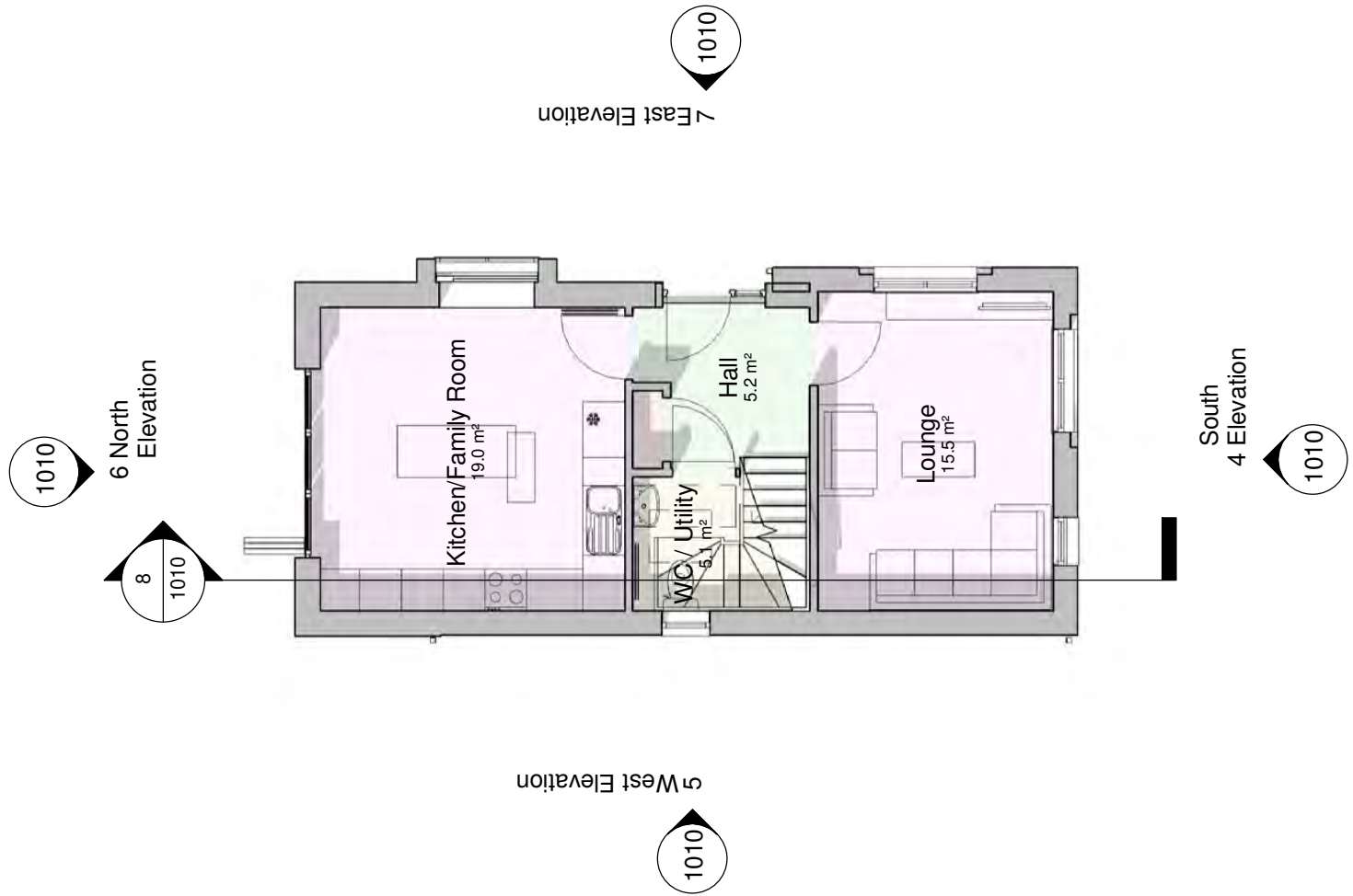
East Elevation  
1 : 100



Second Floor Plan  
1 : 100



First Floor Plan  
1 : 100



Ground Floor Plan  
1 : 100



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Grey cladding window surround

REV.	DATE	DRN.	CHK.
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[illegible]

STATUS	Planning
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## Materials Key

1 : 50



REV	DATE	AH	DRN	CL	CHKD
A	23.08.18	AH		Amendments to Elevations	

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Crescent Rd, Bolton

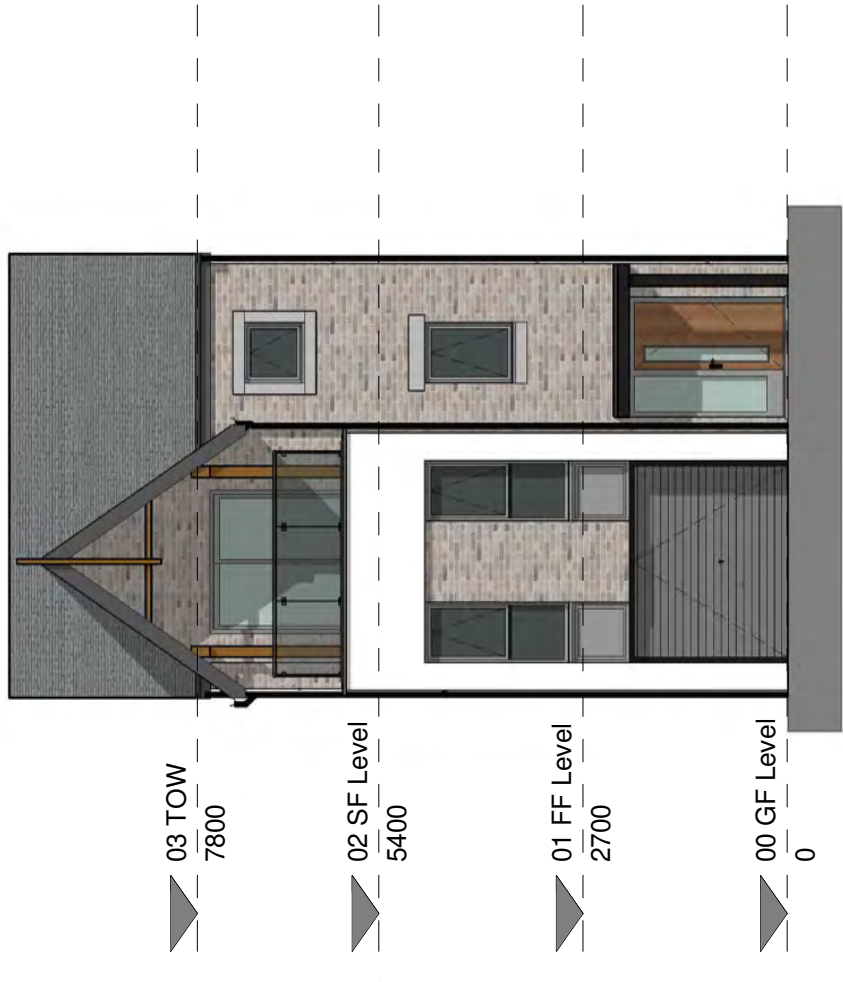
CLIENT  
Jaga Group Developments

DRAWING  
Plot 28 Floor Plans and Elevations

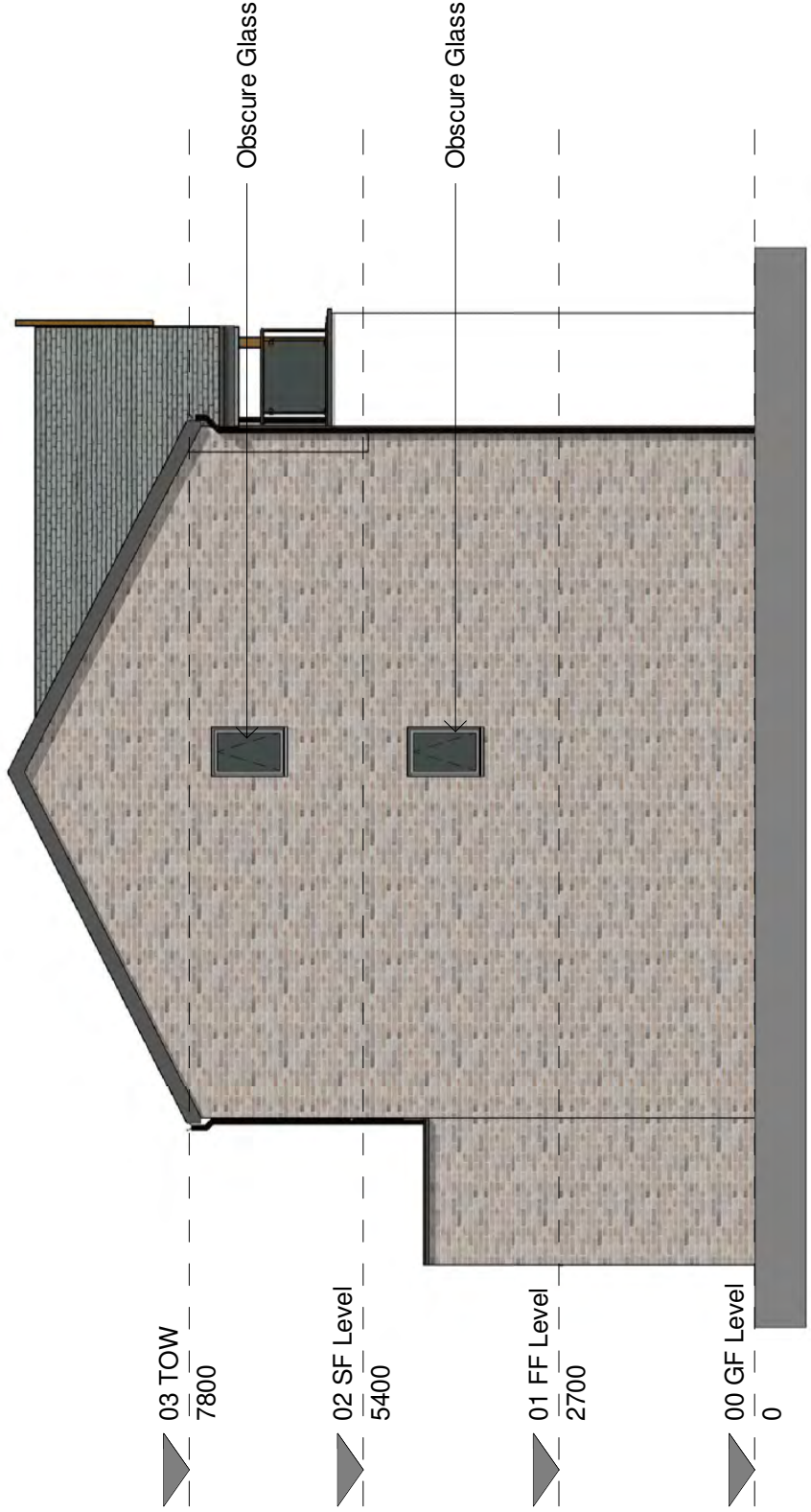
SCALE	SHEET SIZE	DRAWN	CHECKED	DATE
As indicated	@ A1	AH	CL	01.08.18

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DWG No	DRAWING No	REVISION
18020	1030	A
STATUS	Planning	



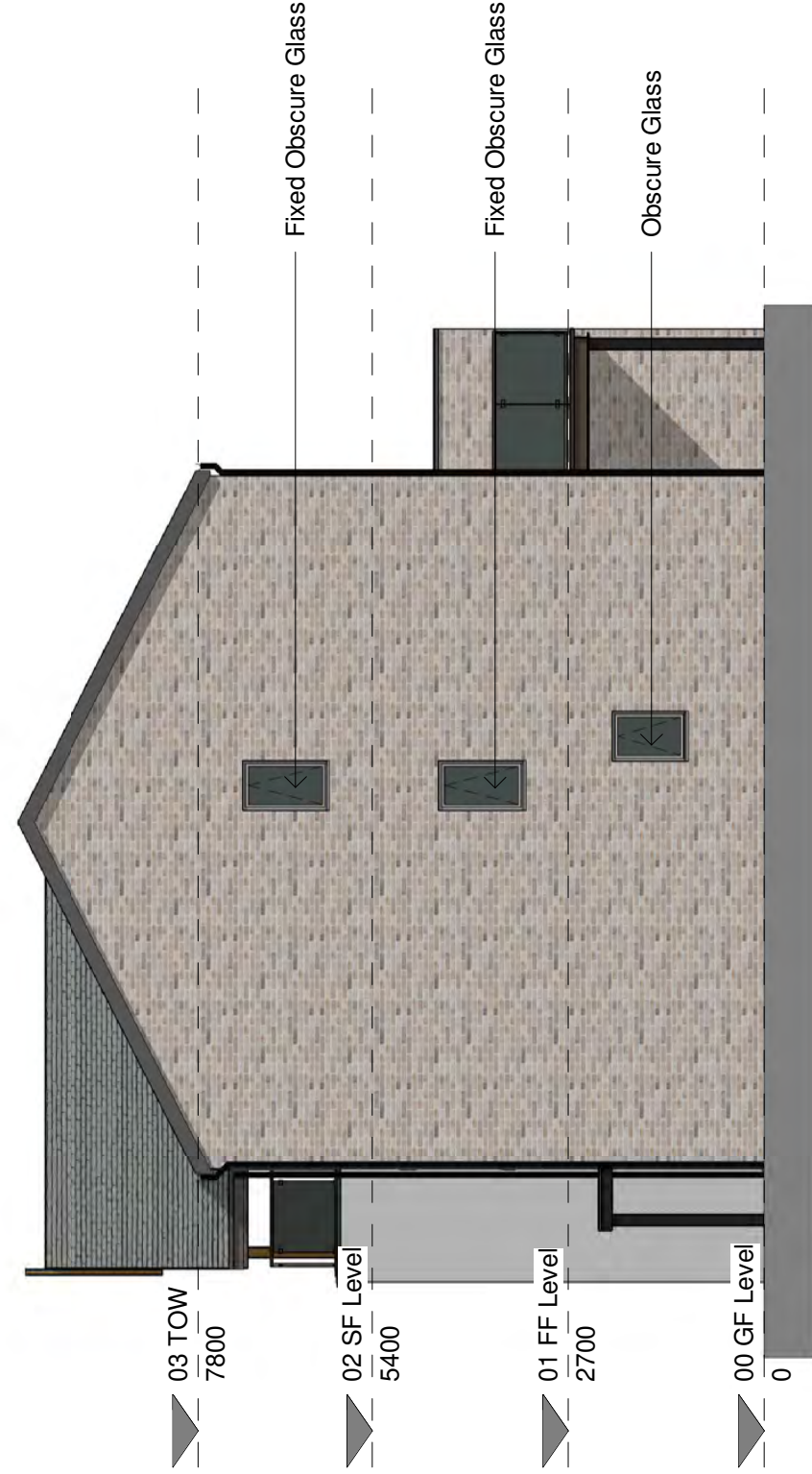
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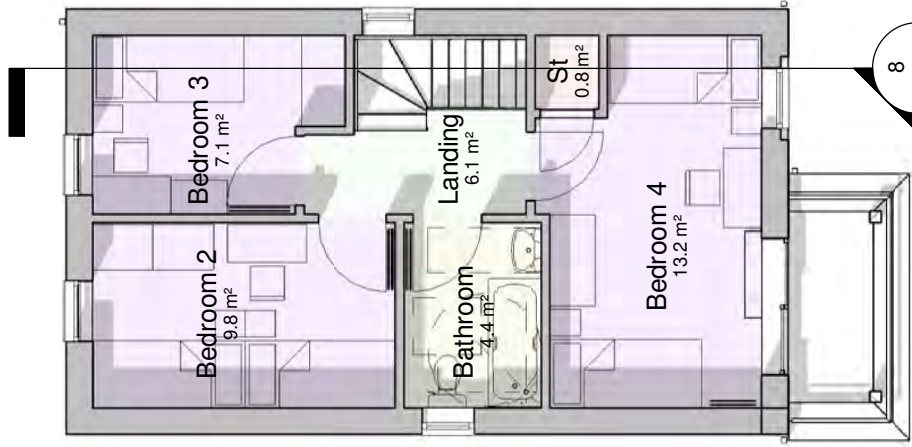
North East Elevation  
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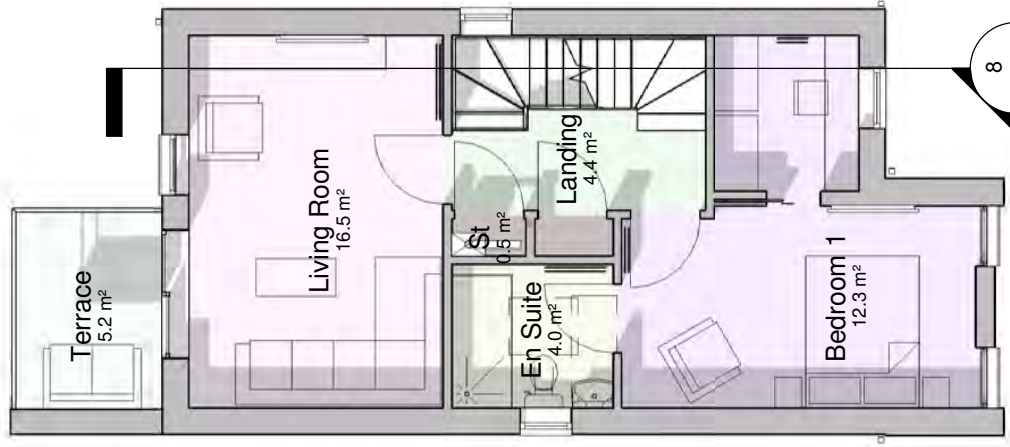
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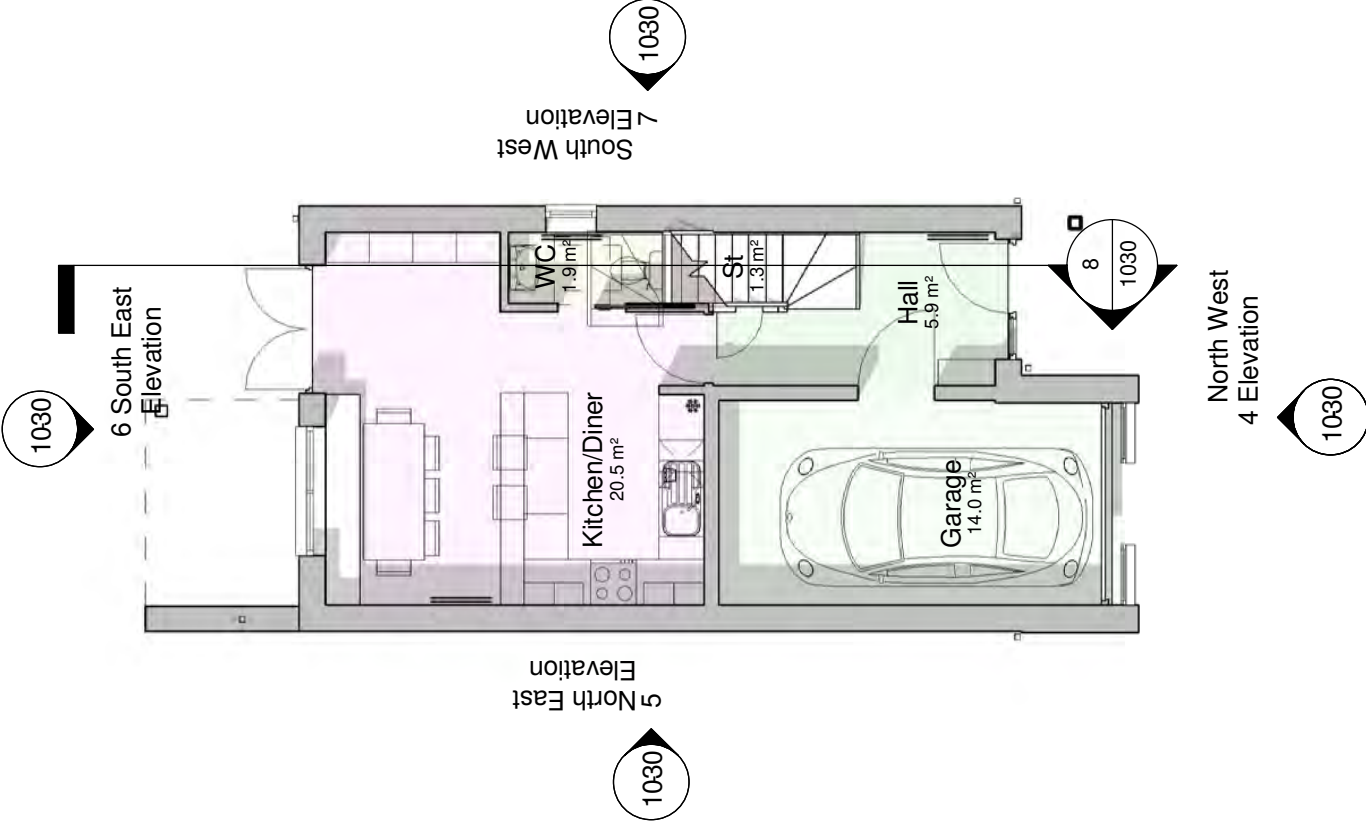
South West Elevation  
1 : 100



Second Floor Plan  
1 : 100



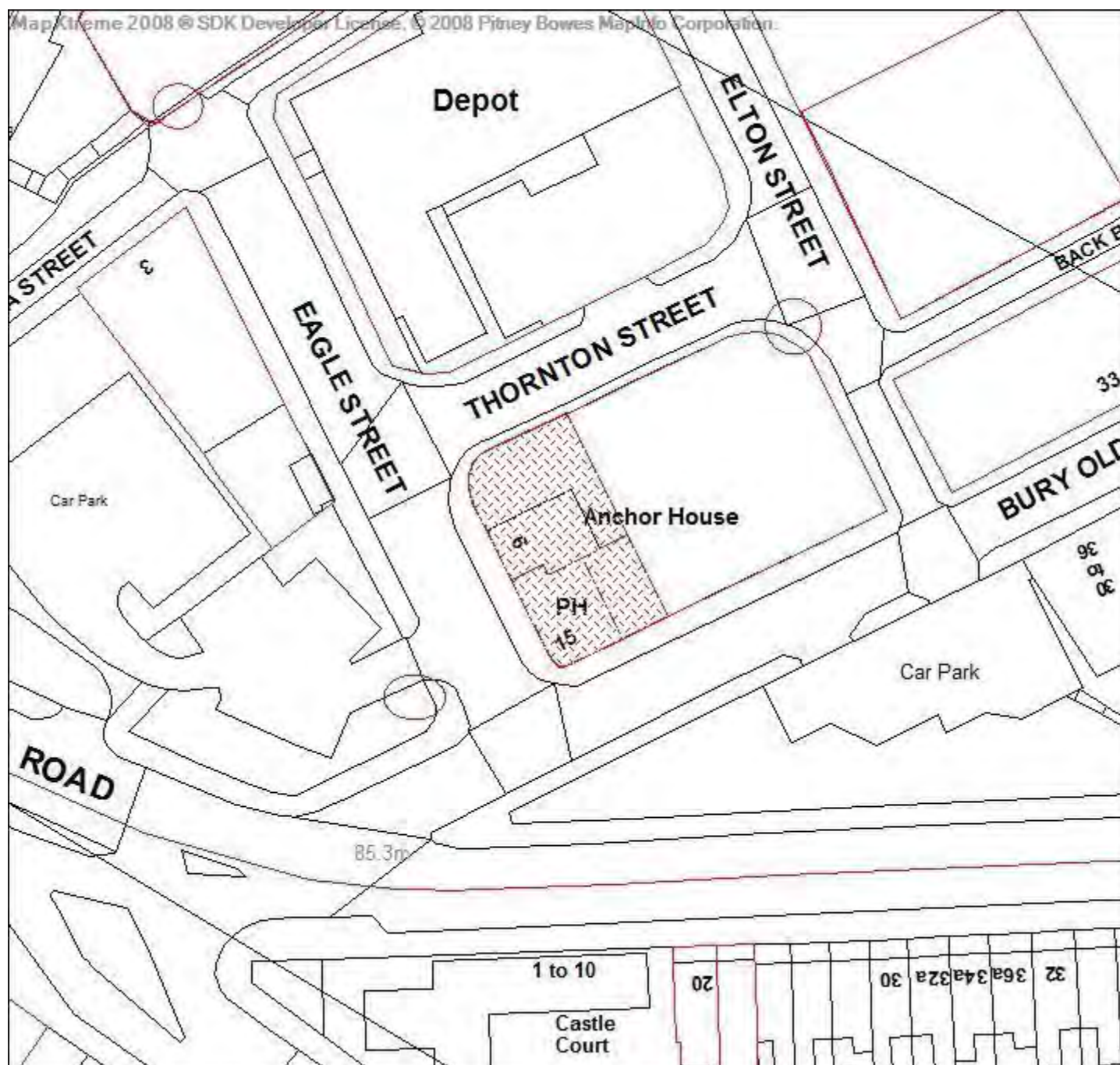
First Floor Plan  
1 : 100



Ground Floor Plan  
1 : 100



Application number  
04602/18



Directorate of Place  
Development Management Section

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

**Bolton  
Council**

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**Date of Meeting: 07/02/2019**

**Application Reference: 04602/18**

**Type of Application: Full Planning Application**

**Registration Date: 20/09/2018**

**Decision Due By: 14/11/2018**

**Responsible Officer: Amy Smith**

**Location: FORMER ANCHOR INN, EAGLE STREET, BOLTON, BL2 2BU**

**Proposal: CHANGE OF USE FROM OFFICES TO A MIXED USE A3 (CAFÉ AND RESTAURANT) AND A5 (HOT FOOD TAKE AWAY)**

**Ward: Tonge with the Haugh**

**Applicant: Mr Mistry**  
**Agent :**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

1. Planning permission is sought for the change of use of the ground floor of the premises from offices (B1) to a mixed use cafe/restaurant (A3) and hot foot takeaway (A5).
2. The proposal will facilitate the employment of 2 full-time and 1 part-time employees.
3. Opening hours have been proposed as 17:00 to 23:00 each day.
4. No external alterations are proposed.
5. The application is being presented before Committee as the applicant is directly related to Cllr. Mistry, an elected Member of the Council.

### **Site Characteristics**

6. The application site is a part-single, part-two storey building (with accommodation within the roof space) located on the junction of Eagle Street and Bury Old Road. The site is located within the boundary of Mill Hill employment area. The property is a former public house but it has not been used as such for many years. In recent years, the ground floor has been used partially by the applicant as offices for his business but this space is no longer required for this purpose. The single storey element at the rear was, until recently, occupied by a cafe. The upper floors are in residential use, as they were when the public house was trading. The wider employment area includes offices, warehousing and storage uses and a vehicle repair garages. Beyond Bury Old Road and Bury New Road are residential dwellings.

### **Policy**

7. Core Strategy Policies: P1 Employment; P5 Transport and Accessibility; S1 Safety; CG3 The Built

Environment; CG4 Compatible Uses and RA1 Inner Bolton.

8. Supplementary Planning Documents: Location of Restaurants and Cafes, Drinking Establishments and Hot Food Takeaways in Urban Areas and Accessibility; Transport and Road Safety.
9. National Planning Policy Framework 2018 (NPPF).

### **Analysis**

10. 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.

11. The main impacts of the proposal are:-

- \* principle of development
- \* impact on the amenity of neighbouring occupiers
- \* impact on the highway network

### **Principle of Development**

12. The site is an allocated employment site and Core Strategy policy P1 aims to safeguard such sites where they are compatible with residential amenity and contribute to the sustainability of communities in which they are situated. Bolton's Allocations Plan (Adopted December 2014) identifies that employment uses are defined as B1, B2 and B8 uses.
13. The proposed mixed cafe/hot food take away use would be a mixed A3/A5 and so to support alternative uses on allocated employment land, it needs to be demonstrated that:
  - ) There would be no harm to the economic function of the locality or the benefits of the proposed development outweigh the harm; or
  - ) There is no longer demand for B1/B2/B8 use; or
  - ) That it is no longer appropriate for the site to be retained for B1/B2/B8 purposes, via the submission of a viability assessment.
14. The applicant has been unable to provide evidence to address any of these points and so it has been necessary to make a judgement on the proposed use. The applicant has advised that there is limited attraction for the continued use of the site as an office due to the internal layout of the building, which still resembles that of a traditional public house. The existing office use was for the benefit of the building owner for another business he operated which is now suffering a down turn and likely to cease trading soon. The owners of the building will be the operators of the proposed A3/A5 use, as they wish to continue to operate their existing business from the premises and not offer the property out to rent. It is considered that the operation of the applicant's existing family business from the site is an appropriate viable proposal.
15. As the immediate vicinity within which the application site is located is predominantly commercial, the proposed cafe/hot food take away use is considered compatible. It is also acknowledged that there are no external alterations and only limited internal alterations (addition of internal walls) proposed with this application and the use of the site in the proposed manner would not prejudice the use of the site for other B1, B2 and B8 uses in the future, should this operation

cease. On this basis, the proposed use is considered to be acceptable in principle, subject to compliance with other relevant policies.

#### Impact on the Amenity of Neighbouring Occupiers

16. Core Strategy Policy CG4 states that development shall be compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Development should not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.
17. In addition, guidance contained within the Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas SPD provides advice on the creation of new restaurants. Paragraph 10 of the SPD states that:  
*Within groups of shops applications for restaurants, cafes, public houses, bars and hot food takeaways will normally be approved, subject to the following restrictions:*  
*(a) These uses will not be acceptable where there is a residential property adjacent to the site concerned; and*  
*(b) Where there is residential accommodation within 50 metres of any part of the application site, applications will be subject to a condition limiting their opening hours to between 09:00 and 23:30 Sunday to Thursday and between 09:00 and 24:00 Friday to Saturday.*
18. The SPD states that in predominantly residential areas applications for restaurants, cafes, bars, public houses and hot food takeaways will not normally be permitted.
19. These policies have the objective of ensuring that such proposed uses do not adversely affect the level of residential amenity neighbouring occupants can reasonably expect to enjoy by virtue of increased noise, disturbance, smells and odours, litter, etc.
20. The site is not located in an area defined by 'shops', nor is it within a residential area. The site is largely commercial with larger office and warehouse units but there are residential units on the upper floors of the property and within 35 metres of the application site.
21. The Council defines 'adjacent' to mean both that which is next to or adjoining and also that which has an obvious close relationship to. This therefore includes residential uses that are immediately above the premises, next door to the premises, and above premises next door. The definition also includes residential properties that are separated from the site in question, but considered to relate closely to it.
22. It is recognised that there will be an element of noise in the area due to the location of the site close to St Peter's Way (A666) and with the surrounding employment uses. There is also a busy road, Bury New Road, separating the employment area to the residential properties to the south. The proposal has been reviewed by the Council's Pollution Control officer who considers that the proposed A3/A5 use is acceptable subject to conditions restricting the hours of trade and hours of deliveries. It is also recognised that the proposed hours of operation are in line with those considered acceptable within the SPD for sites within 50 metres of residential properties.
23. Pollution Control have also recommended a scheme to control the emission of odours. However, there is no external extraction system/flue proposed. The occupier can make use of the existing extraction system that is already in place from the public house kitchen/former cafe to the rear. This is domestic-style equipment. The applicant's business is the production of Dosa Masala which is a specific kind of hot food, the production of which does not require any equipment that would require a commercial style extraction system; the use of crepe makers and equipment to heat pre-prepared food is all that is required. Whilst this is accepted, the local planning authority

has to safeguard nearby residents from any future occupiers that may wish to operate from the site. It is not considered that there is a suitable, enforceable, condition that could be attached that would require any future occupiers to install an extraction system, particularly as the installation of a flue would require planning permission in its own right. As such, it is considered that the only way that the proposed occupier could operate and safeguard nearby residents from odours and fumes generally associated with A3/A5 uses is to attach a condition making this a personal permission to the applicant and his business.

24. Subject to these conditions, the proposal is considered to be acceptable and will not detrimentally impact neighbouring occupiers.
25. The SPD "Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas" states at paragraph 24 that *"where local residential and business occupiers are facing disturbance due to the number of similar types of use within a particular area or locality, a planning application for an additional restaurant, cafe, public house, bar or hot food takeaway may be refused when it is considered that an additional facility would increase the level of noise and disturbance to an unacceptable level, and so would adversely affect the character and visual appearance of the area."*
26. There are no known other food and drink uses in the vicinity of the application site.

#### Impact on the Highway Network

27. Core Strategy policy P5 seeks to ensure that development is accessible by different types of transport, prioritising pedestrians, cyclists and public transport over the motorised vehicle and ensure that parking is available in accordance with the Council's standards. Appendix 3 provides guidance on parking standards.
28. Policy S1 seeks to ensure that development promotes road safety.
29. Paragraph 109 of the NPPF (2018) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
30. The site is located in an area where there is some on-street parking available and there is a public car park on the opposite side of Eagle Street. The proposal has been reviewed by the Council's Highways Management team who raise no objections to the development on the basis that it is not likely to cause a severe impact on highway safety or network capacity.

#### **Conclusion**

31. It is not considered that the proposal will harm the viability of the employment area, nor will it detrimentally impact the amenity of neighbours or the highway network. The development is considered to be in accordance with the relevant policies of Bolton's Core Strategy, the guidance contained within SPD and the NPPF. Members are therefore recommended to approve this application, subject to the suggested conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:** None received

**Elected Members:** None received. The applicant is directly related to Cllr Mistry, an elected Member of the Council.

### **Consultations**

Advice was sought from the following consultees: Highways, Pollution Control, Design for Security and Public Health.

### **Planning History**

24382/84 Use of part of premises for the sale of hot take-away food together with the erection of a single storey extension to form a serving and waiting area – approved with conditions.

41918/92 Change of use of first floor of public house from living accommodation to hotel bedrooms - Withdrawn

42497/92 Erection of an enclosed staircase extension at rear to facilitate access to the first floor – approved with conditions.

62086/02 Change of use from take away to private hire taxi office – approved with conditions

70519/05 Replacement of existing security fencing & gates along with new fencing & gates – approved with conditions

76322/07 Change of use of public house to offices (Class B1) – approved with conditions

85762/11 Change of use of land to a car park and erection of 2.1 metre high fencing and gate – approved with conditions

**Recommendation:**        **Approve subject to conditions**

### **Recommended Conditions and/or Reasons**

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

Reason

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

2. The building envelope (floor, ceilings and walls) of the ground floor shall be constructed so as to provide good sound attenuation as laid down in BS 8233:1999, with windows shut and other means of ventilation provided. Details of the acoustic insulation shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason

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

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

**Monday – Sunday (including Bank Holidays) 17-00 to 23-00.**

Reason

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

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

10-00 to 22-00 Mondays to Fridays  
10-00 to 23-00 Saturdays

No deliveries shall take place on Sundays or Bank Holidays.

Reason

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

5. This permission shall enure for the sole benefit of the applicant, Mr Manu Mistry, and shall be for the period during which the premises are occupied by the applicant, after which time the development hereby approved shall cease and all materials and equipment brought on to the premises in connection with the development shall be permanently removed and any alterations carried out to the property shall be reinstated in accordance with details to be submitted to and approved by the Local Planning Authority. Such alterations shall be carried out within two months of the cessation of the use or two months from the date of their approval whichever is the later.

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, and to comply with policies CG3 and CG4 of Bolton's Core Strategy.

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

**Location Plan at 1:1250**  
**Proposed Floor Plans at 1:50**

Reason

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





## Environment Department

Town Hall, Bolton, Lancashire, BL1 1RU. Telephone (01204) 336000  
Fax (01204) 336399



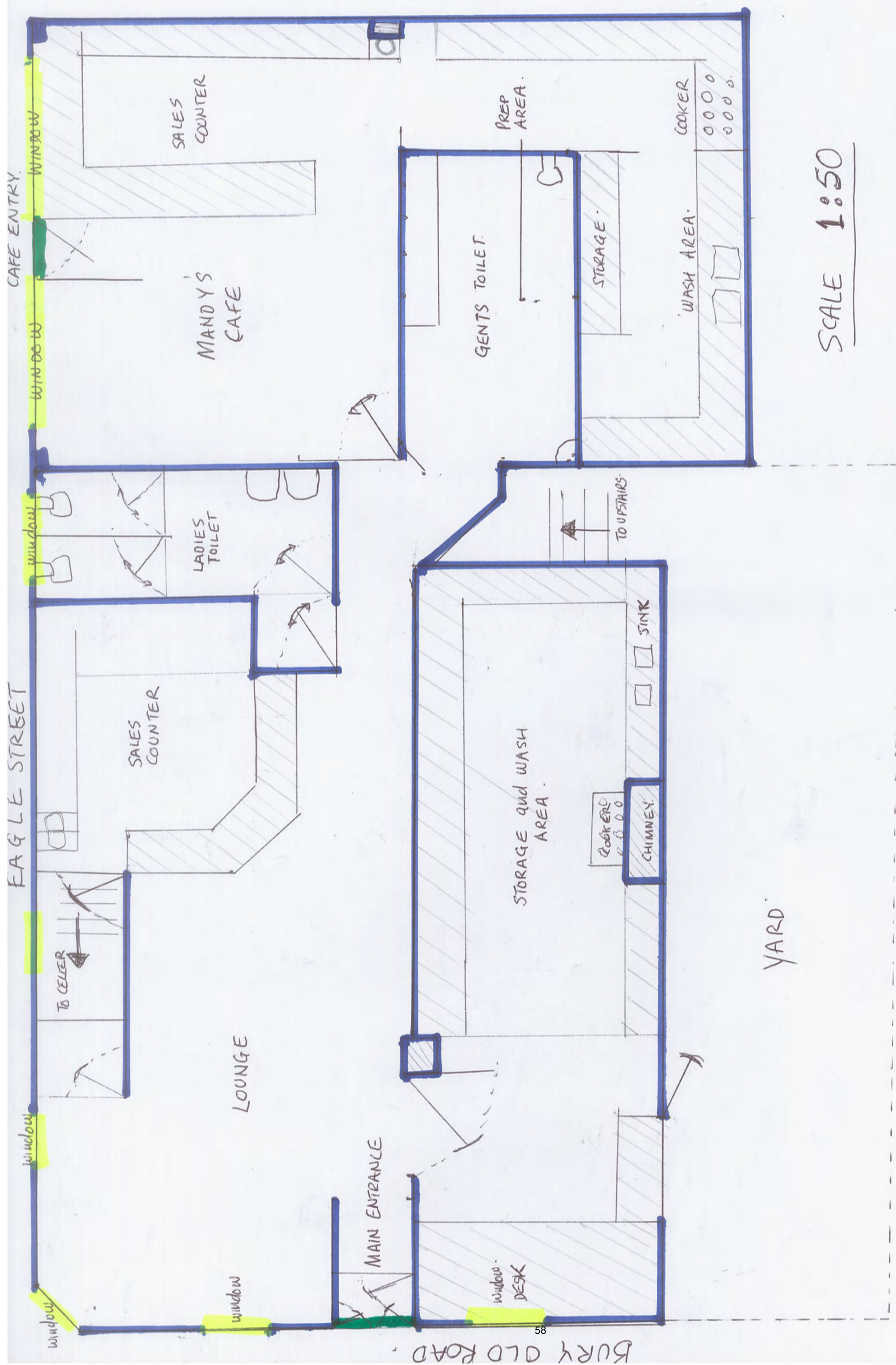
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Scale 1:1250





SCALE 1:50

ANCHOR INN.  
EAGLE STREET  
BOLTON. BL22BU.

BURY OLD ROAD.



[illegible]

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

# Bolton Council

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**Date of Meeting: 07/02/2019**

**Application Reference: 04649/18**

**Type of Application: Full Planning Application**

**Registration Date: 27/09/2018**

**Decision Due By: 26/12/2018**

**Responsible Officer: Martin Mansell**

**Location: YMCA BUILDING, 121 - 129 DEANSGATE, BOLTON, BL1 1HA**

**Proposal:** DEMOLITION OF EXISTING BUILDING AND ERECTION OF FOUR STOREY MIXED USE BUILDING COMPRISING RETAIL & OFFICE, LEISURE & ASSEMBLY AND 23NO. ONE BEDROOM APARTMENTS (CLASS A1 - A3, C3 AND D2)

**Ward: Halliwell**

**Applicant: YMCA Fylde Coast**

**Agent : Cassidy + Ashton**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

1. Consent is sought for the demolition of 121-129 Deansgate and the erection of a five storey building in its place, containing elements of retail and youth charity use together with 23 one-bedroomed apartments. The new building would be used in the following manner:-
  - ) ground floor - 3 retail units together with reception and entrance areas for the youth charity and residential use. Substantial areas at the rear would be given over to bin storage for the retail, residential and youth charity uses together with plant room and staff facilities
  - ) first to third floor - subdivided on the vertical axis, these floors would contain substantial activity areas for the youth charity uses (on the left hand side of the building, when viewed from Deansgate) together with meeting rooms and changing facilities and five one-bedroomed apartments on the right hand side of each floor
  - ) fourth floor - the top floor would be entirely given over to eight one-bedroomed apartments
2. Each of the apartments would be a "true" one-bedroomed apartment with a bedroom that is separate from the living area. Internal space standards would range from 40 to 52 square metres. Materials would comprise large areas of light and dark grey coloured brick with projecting stone surrounds to the windows and areas of glazed curtain walling.
3. The application is accompanied by the usual plans and elevations together with:-
  - ) a heritage assessment
  - ) a building condition report
  - ) an acoustic survey

- \ a crime impact statement
  - \ an asbestos survey
  - \ a flood risk assessment
  - \ a foul sewage assessment
  - \ a mechanical & electrical services condition report
  - \ a planning statement and a design and access statement
  - \ a site utilities report
  - \ a sustainability statement
4. The Application appears before Members as it is major development and more than five objections have been received (six in total), triggering a referral to Planning Committee under the Council's Scheme of Delegation.

### **Site Characteristics**

5. No. 121-129 Deansgate has been known for many years as Bolton's YMCA building. It is a three storey building fronting Deansgate and terminating to the west at Queen Street. The ground floor is given over to a mix of typical town centre retail / food & beverage use including two hairdressers, a cafe, a hot food takeaway and a bookshop. A number of these uses appear to have recently ceased. Above ground floor, the first and second floors provide space for a range of youth activities, chiefly focused on improving both mental and physical health.
6. The building dates from between 1910 and 1920 and is identified as an unlisted building of merit within the Deansgate Conservation Area. Further information on the Bolton YMCA websites suggests that the building was occupied by them just after the first world war, meaning that this building is likely to be almost exactly 100 years old. The submitted heritage assessment describes the building as being:-
- "a large ten-bay, three-storey building of Accrington brick with terracotta detailing, built upon an internal steel frame. The interest of the building is principally embodied in its Deansgate frontage, the style of which can be described as Edwardian Baroque. The ground floor is typified by five modern shop fronts, all with contemporary signage and roller shutters. At first and second floor, the first bay has a two-storey five-light bowed oriel while the third and eight have canted five-light transomed oriels. The remaining bays have cross-windows, those on the second floor with segmental heads. Between the first and second floors is a decorative cartouche, lacking date or inscription, with another on the bowed oriel."
7. The site lies towards the western end of Deansgate, at the point where the strong sense of enclosure created by the curved line of Deansgate ends abruptly with the gaps created by the surface level car park to the west, smaller buildings such as the Hen & Chickens public house and other frontage gaps created by the junction with Blackhorse Street and the set-back of the Crown Court building.
8. It must be noted that the Bolton Town Centre Framework (published in September 2017) encourages transformational development in two areas very close to the application site. Whilst the site is not within one of these areas, it shares a boundary with the Cheadle Square intervention area to the south and west, bounded by Deansgate, Moor Lane, Great Moor Street and Queen Street and containing both the former Moor Lane bus station and Cheadle Square itself together with the Croal Valley intervention area bounded by Deansgate, Knowsley Street, Bark Street / St Georges Road and Queens Park to the west. It is therefore likely that the immediate setting to the north, south and west of the application site is likely to undergo radical transformation in the near future.

9. The site lies within the TC5 Cultural Quarter policy area, as defined by the Core Strategy.

### **Policy**

10. Core Strategy Objectives: SO1 Access to Health, Sport and Recreation. SO2 Access to Education, SO3 Economic Opportunities of Bolton Town Centre, SO4 Transforming Bolton Town Centre, SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO10 Climate Change, SO11 Built Heritage, SO13 Flood Risk, SO14 Inclusive Housing, SO15 Sustainably Located Housing, SO16 Community Cohesion and Access
11. Core Strategy Policies: P2 Retail, P5 Transport, S1 Crime and Road Safety, CG1 Flood Risk and Climate Change, CG2 Sustainable Development, CG3 Design and the Built Environment, CG4 Compatible Uses, SC1 Housing Targets, SC2 Cultural and Community Facilities, TC5 Cultural Quarter, TC11 Design in Bolton Town Centre, IPC1 Infrastructure Contributions
12. Supplementary Planning Documents: General Design Principles, Building Bolton, Sustainable Design and Construction, Accessibility, Transport and Road Safety
13. Public Realm Implementation Framework  
Bolton Town Centre Framework September 2017

### **Analysis**

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

15. The main impacts of the proposal are:-

- \* impact on the vitality and viability of Bolton town centre
- \* impact on the character and appearance of the area, including the Deansgate Conservation Area
- \* impact on the setting of the nearby Grade II Listed Building, Le Mans Crescent
- \* impact on the road network
- \* impact on nearby uses
- \* impact on the living conditions of future occupants
- \* impact on flood risk
- \* impact on housing provision
- \* impact on community provision

### **Impact on the Vitality and Viability of Bolton Town Centre**

16. The Core Strategy notes that Bolton town centre is the principal location for employment in the whole borough with an emphasis on retailing, offices and leisure; it is subject to considerable development pressure, and its role within the borough is a vital one. It goes on to state as an aim that Bolton town centre will continue to be a vibrant mix of uses and will be the principal location for retailing, leisure, cultural and civic activities. It will make a significant contribution to the new jobs to be located in the borough over the plan period years, will be a main location for education, especially for those over 16 years old and will be one of the main locations for new housing development and a focus for transport infrastructure. A transformed and vibrant Bolton town centre is essential to Bolton's prosperity. Good urban design is recognised as being

essential for producing attractive, high-quality, sustainable places in which people will want to live, work and relax. It is of particular importance for creating a successful and flourishing town centre.

17. Policies SO3, SO4 and SO5 of Bolton's Core Strategy are strategic objectives within the "Prosperous Bolton" theme and seek to take advantage of the economic opportunities presented by Bolton town centre and ensure that these opportunities benefit everybody in Bolton, including those people living in the most deprived areas, together with creating a transformed and vibrant Bolton town centre and ensuring that Bolton takes full economic advantage of its location in the Greater Manchester City Region.
18. Whilst the site lies within the TC5 Cultural Quarter policy area, as defined by the Core Strategy, it is not considered that the text contains any specific policy guidance relevant to the application proposal at it concerns Bolton Market, Cheadle Square, the former Moor Lane Bus Station, the area known as "Westpoint" and the construction of a multi-storey car park.
19. The Bolton Town Centre Framework was approved by Members of Bolton Council's Cabinet on 25th September 2017 and is a material consideration in the determination of planning applications in Bolton Town Centre, particularly within the identified intervention areas.
20. Section 7 of the National Planning Policy Framework concerns itself with ensuring the vitality of town centres. It states at para 85 that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
21. The "Ensuring the Vitality of Town Centres" section of the National Planning Practice Guidance states that local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work. A positive vision or strategy for town centres, articulated through the Local Plan, is key to ensuring successful town centres which enable sustainable economic growth and provide a wide range of social and environmental benefits. Local planning authorities should take full account of relevant market signals when planning for town centres and should keep their retail land allocations under regular review. These market signals should be identified and analysed in terms of their impacts on town centres. This information should be used to inform policies that are responsive to changes in the market as well as the changing needs of business.
22. It is considered that the proposed development would make a significant contribution to the vitality and viability of Bolton town centre by maintaining some small scale retail use and activity at ground floor level, delivering 23 residential apartments and ensuring the retention of the YMCA use within Bolton town centre.

#### Impact on the Character and Appearance of the Area, including the Deansgate Conservation Area

23. 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 display innovative, sustainable design that contributes to good urban design, respects and enhances local distinctiveness, and has regard to the overall built character and landscape quality of the area. Proposals should also be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape



treatment including hard and soft landscaping and boundary treatment. Historical associations should be retained where possible. The Council will also seek to conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings; ensure development is designed in an inclusive manner which is accessible and legible to all, regardless of age, gender, background or disability; encourage the incorporation of design measures into new developments that allow adaptation and resilience to the impacts of climate change and extreme weather events and also to reduce the threat of fuel poverty, through the careful selection of aspect, layout and massing, and by making buildings increasingly energy efficient.

24. Core Strategy Policy TC11 relates specifically to development in Bolton Town Centre and states that the council and its partners will protect, strengthen and enhance the distinctive townscape qualities of Bolton town centre. Development should conserve and enhance the special nature of the conservation areas and listed buildings; ensure that development along the gateways to the town centre enhances the townscape through the use of high quality design and improved street frontages and pedestrian permeability; make efficient and effective use of land in the town centre due to the existing levels of high density development, ensuring that development provides adequate amenity space and privacy, or attractive public areas, where appropriate for the site.
25. The National Planning Policy Framework (July 2018) states 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.
26. Planning decisions should ensure that developments:
  - ) 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;
  - ) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - ) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - ) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - ) 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
  - ) 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
27. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). In determining applications, great weight should be given to outstanding or innovative



designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

28. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities that in the exercise of their powers with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area
29. Section 16 of the National Planning Policy Framework concerns the conservation and enhancement of the historic environment and states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. In determining applications, local planning authorities should take account of:
  - ) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - ) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
30. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
31. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
32. The character of the Deansgate Conservation Area is described in the appraisal produced for

Bolton Council in 2008. Its key points are that Deansgate is a long, wide street, reflecting its status as one of Bolton's principal thoroughfares. The area has a dense urban grain. The central part of Deansgate is pedestrianised, together with the streets to north and south between Victoria Square and the Market Hall. The architectural character of Deansgate alters along its length, with buildings west of Oxford Street being generally less imposing than those to the east. Buildings are faced in local sandstone, Portland limestone or red brick, but sometimes are rendered or have applied timber-framing. Bradshawgate has a concentration of terracotta and faience-faced buildings of around 1900. Several modern buildings are faced in synthetic materials. There is a wide variety of building types and forms. Some early 19th century houses (now converted to shops or pubs) remain in the west of the area, occupying narrow plots reflecting medieval burgage boundaries. Later buildings tend to have wider frontages, and are mostly larger purpose-built banks and department stores. This variety of building types, dates and styles contributes to the visual and historic interest of the main streets. Most buildings in Deansgate and the other principal streets are two or three storeys high, creating a fairly homogenous character. There are no tall buildings in the conservation area. The conservation area's largest building is the 1980s Market Place shopping centre redevelopment, which is linked to the Market Hall.

33. Officers accept the assessment provided by the Applicant in the significance of the building resides its frontage above ground floor level and in its historical role as part of the late 19th /early 20th century commercial rebuilding of the west end of Deansgate. The rear is unattractive and modern alteration has rendered its appearance negative rather than positive, while that of the west elevation is at best described as neutral. This is not a Listed Building and given the significant internal alterations, the harm caused by the ground floor frontage and the either harmful or neutral contribution of its other elevations, it could not be considered as being worthy of Listing. In terms of assessing the harm to the Deansgate Conservation, any harm can only be considered to result from the loss of the first and second floor frontage together with the loss of its historical role as part of the redevelopment of the western end of Deansgate. With this in mind, it is considered that the loss of this building would lead to less than substantial harm to the significance of the Deansgate Conservation Area and that this harm should be weighed against the public benefits of the proposal.

34. The proposal is considered to deliver a number of public benefits:-

- ) the erection of a well-designed modern building which takes its points of reference in terms of proportions and materials from the Deansgate Conservation Area
- ) the delivery of 23 one-bedroomed dwellings in a highly sustainable location, contributing positively to activity levels in the area and supporting the town centres commercial activity
- ) the provision of new modern facilities for the YMCA and ensuring their retention within Bolton town centre

35. The application is supported by a building condition report, carried out 2013 which considers the building to be in a poor condition with structural defects and movement resulting from the corrosion of its internal steel frame. A further report carried out in 2018 places an estimate of £497,100 +VAT to return the structure and fabric of the building to a good condition. A mechanical & electrical services condition report adds a further £578,550 to the cost of necessary works to the hot and cold water system and the gas and electrical distribution services and states that much of this work will be necessary in the next 12 months in order to comply with current regulations. Officers consider that the delivery of a modern building with new services compliant with modern regulations would deliver significant benefits in terms of sustainability.

36. The Applicant has considered the possibility of retaining the front facade of the building and it is noted that a member of Bolton Civic Trust has suggested this as an option, referring to examples on Deansgate in Manchester. However, this has been discounted by the Applicant on the basis that any historic significance is solely contained within the first and second floors of the frontage and therefore replacing the ground floor whilst retaining the upper section of the facade presents significant challenges. Secondly, the first floor and second floor are not considered to be so exceptional as to justify this - this is not a Listed building and the upper part of the facade, whilst attractive, is not considered to be so unique or special as to justify this expense. Furthermore, the floor-to-ceiling heights will differ, limiting the floorspace available in the new building - in order to make more efficient use of valuable land in a town centre, the application proposes four levels of usable floorspace where currently there are three, with the fifth level over. The Applicant's status as a charity must also be taken into account - requiring them to design and construct a building that retains the facade is likely to result in significant limitations on their ability to deliver community services to the young people of Bolton. The Applicant has provided their own response to this suggestion:-

"In terms of the existing façade, please refer to Sleater & Watson's desktop summary dated 22nd September 2017 and in particular to their conclusion under Item 1.10: - High level consideration has been given to the building's suitability for redevelopment with larger open plan spaces provided. Whilst the original front section could be suitable for this, it would first need further detailed consideration based upon the proposed floor plans in order to determine the viability of any structural alterations and changes to the existing load paths. Ultimately, should the building prove unsuitable for redevelopment, the front façade, which may provide some architectural merit to the surrounding area, could be retained. This would, however, involve extensive façade retention temporary works during construction and tying back into the proposed structure in the long term. The rear of the property would be unsuitable for redevelopment and it would be our recommendation this is demolished in its entirety." Whilst Sleater & Watson consider that it may be possible to retain the front façade, there are obviously significant cost implications and other factors to consider, such as:

- ) the health and safety implications of maintaining the structural integrity of the existing front façade whilst not only demolishing the rest of the building but also whilst installing piled foundations for the new building
- ) the existing window openings do not necessarily tie-in with the proposed floor levels of the new building
- ) the construction complications associated with the additional storey to the proposed new building which was only introduced after S&W completed their desktop summary.

37. It is considered that the Applicant has justified the demolition of this building as required by national and local planning policies. The alternative - requiring a charity to commit to the expense of designing and constructing a building that retained two-thirds of the Deansgate facade or carrying out the over £1 million of works necessary to bring the building up to modern standards is not considered to be a realistic proposition. The replacement building, whilst modern in appearance, is considered to represent good to high quality design and further reassurances on the materials and finish have been sought from the Applicant. The elevations contain a strong sense of vertical and horizontal emphasis via the consistent window rhythm and the projections and recessions of the front elevation in particular add to the interest. The main four storey element matches the height of the adjacent buildings with the lighter weight and recessed nature of the glazed upper storey preventing it from dominating its neighbours in terms of scale and massing.

38. The Deansgate Conservation Area contains a wide range of building materials including natural

stone, the much darker material of the Marks & Spencer building, different varieties of brick and modern materials such as cladding. There is no key building material and whilst the red brick suggested by an objector has been considered, adding to the range of materials in use in the area is considered to be preferable.

39. The impact on the character and appearance of the area, including the Deansgate Conservation Area, is considered to be acceptable and beneficial in terms of raising the standards for design and the quality of materials for the two nearby town centre intervention areas.

Impact on the Setting of the nearby Grade II Listed Building, Le Mans Crescent

40. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
41. Paragraph 189 of the National Planning Policy Framework states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Significance can be harmed or lost through development within the setting of a heritage asset. Local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
42. The advice contained within the Planning Practice Guidance "Conserving and Enhancing the Historic Environment" reminds Local Planning Authorities of their statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 together with the need to satisfy the relevant policies within the National Planning Policy Framework and the Local Plan.
43. Policy CG3 of Bolton's Core Strategy states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings.
44. The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the

significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

45. Le Mans Crescent was listed in 2002 as Grade II for its special architectural or historic interest and its entry on the National Heritage List for England states:-

"Civic ensemble, comprised of library, museum and art gallery, magistrates court and central police station. 1931-1939, with late C20 alterations. By Bradshaw, Hope and Gass, architects, of Bolton, for Bolton Borough Council. Ashlar gritstone and red brick walling on a steel frame, with flat concrete roof structure embellished by a false mansard roof covered with Westmorland slate. PLAN: near symmetrical plan, the central element of which is an east-facing crescent designed to form the setting for the late C19 town hall to the east. The north and south ends of the crescent widen to form rectangular blocks which accommodate the main functional spaces of the complex. EXTERIOR: EAST ELEVATION: 2 storeys above basement, with crescent-shaped frontage extending from triple-semi-circular arched gateway to centre. Each side of the central arch are attached stepped piers supporting lanterns with flagpoles. Inscribed plaques at the bases record the commencement of works in 1932 and the opening of the 'Civic Centre' in June 1939. Flanking the gateway are paired pilasters framing pedestrian doorways. Extending outwards from gateway are 13-bay curved frontages rising from channelled ashlar basement walls set behind ashlar balustrading. Tall rectangular ground floor windows and square upper floor openings in moulded ashlar surrounds. Unmoulded frieze and cornice below parapet balustrading, behind which rises the false mansard roof. At each end, taller entrance blocks rise above the crescent mansard and terminate the elevation. Each has a curved frontage framed by paired pilasters and between which are set tall Ionic columns which flank the principal entrances to the complex. These have stepped approaches, and double doors within moulded surrounds set back behind the columns. SOUTH ELEVATION: 14 bay return elevation reflects the detail of the main east front in plainer form, with slightly advanced end bays with framing pilasters. Between, 12 bays below a low, solid parapet, and the basement floor behind railings set between low piers. The elevation is linked to the east front by means of an angled bay with a tall semi-circular arch-headed niche with inset window. NORTH ELEVATION: 8 bays beyond angled bay with bays 1 and 7 advanced between pilasters and additional set-back bay to west end with angled bay returning to long rear elevation extending full length of complex. Angled link with east front, as at south end. WEST ELEVATION: Long rear elevation with central archway, and flanking ranges. At north end, long wedge-shaped service range single storeyed and rising to 2 storeys towards centre with return range, arched over narrow courtyard linking with main rear elevation. INTERIOR: Much of the complex retains its original plan form, with museum, library and court interiors well- preserved, albeit modified in certain areas. Circulation spaces, lobbies and spiral stairs are handsomely detailed and executed in high quality materials. There is an abundance of original fittings and joinery of equally high quality."

46. The defined boundary of this Listed Building runs along the southern side of Back Deansgate. The building has historically contained a number of uses including the library and museum with the now vacant magistrates court and former police station closest to the application site. It is considered that the surroundings in which Le Mans Crescent is experienced mainly consist of the areas to the east and west. The short northern elevation of the complex lacks the neo-classical grandeur of the curved eastern elevation and is far more functional in appearance - consisting mainly of bays of windows set into the ashlar. This elevation is set back from the back street and

partially screened by a 3 metre high plain stone wall that provides security to the rear garages and service area of the former court and police station. Given that the existing southern elevation of the YMCA building is considered to be harmful - fairly blank and dominant extensions were added in the mid-20th Century it is considered that the redevelopment will actually improve the setting of Le Mans Crescent. Whilst the height of the new building will increase, the lightweight glazed nature of the fifth floor means that its scale will not detract in any way from the setting of Le Mans Crescent.

47. It is considered that the redevelopment of the site would have a small but positive impact on the setting of Le Mans Crescent via the removal of the harmful southern elevation of the application building and its replacement with a better planned and designed modern building. The impact on the setting of the adjacent Grade II listed building is considered to be acceptable.

#### Impact on the Road Network

48. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3), and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 states that the Council will promote road safety in the design of new development.
49. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety. The Council has also adopted the Accessibility, Transport and Road Safety SPD which notes that the provision of a safe, high quality transport network is vital to the economic prosperity of the borough and the ability of residents to safely access potential new jobs being created together with health, education, community facilities and housing. The SPD also seeks to ensure that the use of transport does not adversely affect the climate and therefore requires new development to reduce the need to travel by car, and encourage people who live, work and visit to walk, cycle and use public transport.
50. Section 10 of the Accessibility, Transport and Road Safety concerns parking. Paragraph 10.2 states that the Council will not require a developer to provide more spaces than they themselves wish, but the Council will look for the applicant to demonstrate the accessibility of the site where less provision has been proposed. Para. 10.8 states that the Council will normally permit development where the proposed development is not likely to lead to a perpetuation or an intensification of on-street parking in a location where parking is likely to be detrimental to highway safety, on a classified road, on a Key Route, in a traffic sensitive location, near to a busy junction or place of limited visibility or where two-way traffic would be impeded.
51. The "Promoting Sustainable Transport" section of the NPPF states that transport issues should be considered from the earliest stages development proposals, so that the potential impacts of development on transport networks can be addressed, opportunities from existing or proposed transport infrastructure and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated, opportunities to promote walking, cycling and public transport use are identified and pursued, the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains, and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high

quality places.

52. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
53. This is an extremely sustainable location, well related to public transport infrastructure and benefiting from linked trips to and from Bolton town centre. Given that the services provided by the YMCA are focused on the young people of Bolton, car ownership amongst visitors is likely to be low. Similarly, it is considered highly unlikely that occupiers of the one-bedroomed flats will rely on the use of the private motor car for day-to-day life.
54. The proposed use is not considered to be likely to give rise to significant changes in the nature of vehicular or other movements over and above the existing lawful use. It is also noted that the Council's Highway Engineers do not raise objection. The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1 and the Accessibility, Transport and Road Safety SPD.

#### Impact on Nearby Uses

55. Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account.
56. Paragraph 180 of the National Planning Policy Framework (July 2018) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
57. The community and retail uses proposed are essentially replacements for existing uses at this building and therefore the residential impacts of these are likely to be neutral. The introduction of 23 residential units will increase activity levels in the vicinity of the site, but in a way that is considered to be positive and consistent with a modern town or city centre. Whilst the objection from the neighbouring residential property is noted, this is considered to relate chiefly to the disruption during demolition and redevelopment. It is not considered that an objection can be sustained on these grounds, given the town centre context where development pressure is high, particularly bearing in mind the substantial proposals for the two adjacent intervention areas of the Town Centre Framework.

58. The proposal is considered to comply with Policy CG4 of Bolton's Core Strategy.

#### Impact on the Living Conditions of Future Occupants

59. Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account.

60. Paragraph 180 of the National Planning Policy Framework (July 2018) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
61. The application is accompanied by an acoustic survey which identifies the chief source of noise to be traffic noise from Deansgate. This is not a part of Bolton that is dominated by evening economy activity and noise, such as Bradshawgate / Nelson Square. It is considered that noise can be adequately dealt with by conditions requiring the implementation of the recommended specifications of the acoustic report.
62. The layout of the flats is considered to be acceptable and for some of the units, relatively generous. All benefit from a good outlook and whilst amenity space is lacking the unit sizes are all in excess of the 37 square metres recommended by the National Internal Space Standards. All units have a separate bedroom though the remainder of the living space would be open plan.
63. The impact on the living conditions of future occupants is considered to be acceptable.

#### Impact on Flood Risk

64. Policy S10 of Bolton's Core Strategy is a strategic objective and seeks to reduce the likelihood and manage the impacts of flooding in Bolton, and to minimise potential flooding to areas downstream. Policy CG1 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.
65. The National Planning Policy Framework seeks to ensure that planning should, amongst other things, take full account of flood risk. Development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
66. The site is not located in an area of specific flood risk. Nevertheless, the discharge of surface water would be attenuated by the 50% required by policy by the installation of a "blue roof", providing temporary storm water storage and limiting the flow to an acceptable rate.
67. The impact on flood risk is considered to be beneficial.

#### Impact on Housing Provision

68. The Core Strategy plans for an average of 694 additional dwellings per annum between 2008 and 2026, an overall total of 12,492 dwellings. The location of new housing will reflect the overall spatial option of concentrating development in Bolton town centre, renewal areas and at Horwich Loco Works.
69. The Housing Market Assessments have provided an evidence base to inform the required mix of housing types. This shows that there is a requirement to construct more larger houses than has recently been the case, as well as to continue to provide for the increasing proportion of small households. It also projects an increase of nearly 40% in the number of people aged over 65 by 2027, and an increase of over 50% in the number of people aged over 80. This will have an influence on the need to design houses that can accommodate older people.



70. Policies SO14, SO15 and SO16 of Bolton's Core Strategy are strategic objectives within the "Strong and Confident Bolton" theme and seek to provide housing that meets the needs of everybody, reflecting the needs of an ageing population and a growth in the number of households, focus new housing in the existing urban area, especially in Bolton town centre, council-owned housing areas and in mixed-use developments on existing older industrial sites and to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.
71. An update of the Borough's housing land supply position has been carried out as part of the Monitoring Report. A key element of the report is the assessment of which sites are deliverable within the five year period. These have been re-examined against the deliverability tests in national policy which are that sites should be available, now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the sites within five years and in particular that the development of the sites is viable. This latest assessment suggests that Bolton can demonstrate a five year supply of around 3.7 years, depending on the basis of calculation. The presumption in favour of sustainable development in paragraph 11 of NPPF is therefore triggered.
72. That said, Officers are not seeking to justify the demolition of this building by reference to the presumption in favour of sustainable development. The delivery of these good quality housing units in a sustainable location is, on the other hand, a benefit of the development that must be taken into account when considering the potential justification for the limited harm to significance caused by the demolition of the building.

#### Impact on Community Provision

73. The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
74. It goes on to state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. Planning policies and decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity; safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
75. "Healthy" is one of the six themes of Bolton's Sustainable Community Strategy, the other five being Achieving, Prosperous, Safe, Cleaner & Greener and Strong & Confident. Policy SO1 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, maximise access to health facilities. Policy H1 states that the Council and its partners will support the development of new health facilities in accessible town centre locations, and in renewal areas.
76. Policy SO14 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, provide housing that meets the needs of everybody. Policy SO16 seeks to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities. Policy SC2 of the Core Strategy states that the Council will ensure that

community facilities are located in the neighbourhoods that they serve.

77. It is a requirement of the NPPF that local planning authorities ensure that established community facilities and services are able to develop and modernise. The development proposal would ensure this, delivering a new home for the YMCA that is purpose-designed for their requirements in the early 21st century and not the immediate post-first world war period of the existing building.
78. It is considered that the development would deliver significant benefits in terms of community provision by ensuring the continued provision of community services delivered by the YMCA from this site.

### **Value Added to the Development**

79. The Application was subject to pre-application discussions with Officers and was advised that the demolition of the building would require very careful justification.

### **Local finance considerations**

80. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The following is considered to be a local financial consideration in this case:
81. New Homes Bonus for the 23 proposed dwellings – this is not a material planning consideration.

### **Conclusion**

82. It is considered that the demolition of an unlisted building of merit within the Deansgate Conservation Area has been justified in this instance. The "balanced decision" required by the NPPF has been carefully considered and the development is considered to be justified by:-
- ) an assessment of the merits of the existing building has found its architectural and historic value to be limited solely to the first and second floors of the front elevation, with the ground floor frontage and all the rear elevation considered to be harmful and the side elevation neutral at best
  - ) an assessment of the state of the current building has found over £1 million of works necessary to bring the building up to modern standards
  - ) facade retention has been considered and discounted as unachievable
  - ) the design of the replacement building is of good quality, including the use of two distinctive shaded areas of brickwork, stone surrounds to windows and a mix of projecting and recessed areas, setting a good standard for new development encouraged by the Town Centre Framework in the two nearby intervention zones
  - ) the delivery of 23 good quality dwellings in order to support activity levels within Bolton town centre
  - ) the retention of the YMCA in Bolton town centre in a building purpose-built for their needs going forward, allowing them to continue to deliver services to the young people of Bolton
83. For the above reasons, and whilst the demolition of an unlisted building of merit within a Conservation Area has not been considered lightly, the application is recommended for approval. Whilst the risk of setting a precedent has been raised by an objector, it is considered that the particular circumstances of this site, involving a charity providing community services to the young people of Bolton, are not likely to be replicated elsewhere within the town centre conservation areas.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** six letters of objection have been received from two nearby properties together with interested parties from the wider Bolton area and the Ancient Monuments Society. The grounds of objection include:-

- ) it will be an unattractive box made from grey material out of keeping with the adjacent building.
- ) it is a depressing colour in northern light with inbuilt obsolescence
- ) red brick is best to lift the area and even better to retain the attractive facade instead of the featureless container style
- ) you should consider how it will weather in the future not just as a quick build shoebox with no character
- ) give us something to be proud of for a change and also the shopfronts should complement each other
- ) I have lived adjacent to the building for 33 years, have been recently affected by cancer and have no intention of moving at this stage in my life. My apartment is directly next door to where it is planned to demolish and this is going to affect me greatly
- ) This building is in the Deansgate Conservation Area and forms an important part of the historic Deansgate frontage. Its exquisite early C20th detailing in brick & stone make it a unique example of that period of affluent development in Bolton's industrial history. A special effort is therefore needed to preserve this frontage and the developers need to prove beyond reasonable doubt that this cannot be done. Just to say that it would be more cost-effective to knock it down is not sufficient justification.

(Officer's note - this building is not considered to be unique. Many other examples of good quality brick and stone detailing exist within Bolton town centre and elsewhere. It is considered that the test of "beyond reasonable doubt" is far in excess of the balanced decision required by the NPPF. Furthermore, the Applicant has provided detailed surveys listing the £1 million worth of repairs necessary.)

- ) The Building Condition Report clearly states that the main problem is with the structure not the facade (which only needs relatively minor repairs). It is therefore perfectly feasible to support and retain the facade whilst demolishing and replacing the rest of the structure (as they have done many times so successfully in Deansgate, Manchester). In the interest of preserving Bolton's fast disappearing heritage, the Council's Planning Officers should require the developers to do this.

(Officer's note - the suggestion of facade retention has been considered above)

- ) We are told by the architects that the design of the proposed new building will take its design and material 'references' from the surrounding buildings e.g. the former Post Office & Crescent (conveniently forgetting the red brick facades nearby). Looking at the sketches and elevations submitted, it is difficult to recognise any of that referencing. The building uses the wrong stone, is austere without any recognisable detailing, and is out of proportion with any of the surrounding properties. In other words, it is a totally unsympathetic solution and should be rejected as such. To retain a small section of the existing entrance makes it look completely incongruous and will just remind us of how much we have lost in terms of building quality and detail.

(Officer's note - the use of materials and the proportions of the building have been considered above)

- ) This application should therefore be refused in design terms as being an unsympathetic intrusion into the Deansgate Conservation Area and the developers required to re-submit an application which retains the historic YMCA facade. To approve it would set a dangerous precedent in terms of the future of other 'historic' buildings which also have an 'uncertain' future.

(Officer's note - it is considered that the particular circumstances of this site, involving a charity providing community services to the young people of Bolton, are not likely to be replicated elsewhere within the town centre conservation areas)

- ) As a retired senior partner of the original Architects of the building, and having been involved in a professional capacity with the YMCA over many years in the past, I know full well the difficulties that the building construction and, moreover, its layout, pose for an efficient, safe and apposite building of the 21st century. The building layout has long outlived its original functionality; nevertheless, the YMCA manages to sustain and promote an extremely worthwhile and necessary service in this out-moded building, despite its inadequacies and I fully support their hopes for a complete rebuilding of the entire building. However, it is important that the materials and flavour of the existing be recognised and reflected in a modern interpretation, and not as described in the application. It may even be possible to utilise some of the fabric detail in the new facade.

(Officer's note - the acceptance that the building has outlived its functionality is noted. However, whilst a building that references the existing building has been considered, Officers take the view that the risk of "pastiche" would be too great. The Deansgate Conservation Area contains a very wide range of buildings from a wide range of periods and it is this variety that provides part of its character. A modern building of a high quality design and materials is considered to be preferable)

Members are advised that the two objections above were received from members of Bolton & District Civic Trust, though they both make it clear that they are objecting in a private capacity rather than on behalf of the Trust as a whole.

- ) We recently bought the hot food takeaway business and now cannot sell it due to this planning application. We should get our money back

(Officer's note - this is considered to be a private matter)

- ) The Ancient Monuments Society wishes to object to the application to demolish the existing building at 121-129 Deansgate, Bolton, and replace it with a new mixed-use development. The building which is the subject of this application is an attractive three-storey brick and terracotta terrace. The applicant's Heritage Statement describes it as a "three-storey commercial property dating probably from between 1910 and 1920". Insufficient information has been provided about the architectural interest of the building and there is limited information about its history and former uses.

(Officer's note - the building has been occupied by the Bolton branch of the YMCA since its construction in 1919)

- ) The applicant's Heritage Statement argues that the merits of the building are "not all-encompassing" and that its significance "resides primarily in its frontage above ground floor

level along with its historical role (as distinct from its architectural attributes) as part of the late 19th / early 20th century commercial rebuilding of the west end of Deansgate." As no detailed information has been provided about the interiors of the building, it is not possible for us to gauge their interest. We recommend that a full Historic Building Report is produced to allow for a proper assessment of the building's significance.

(Officer's note - this is considered to be excessive as the interior of the building has no historical value as a result of extensions and alterations over the years)

- ) 121-129 Deansgate has been identified by your authority as an unlisted building of merit within the Deansgate Conservation Area. The Building is situated in the Deansgate Character Area which is described in your authority's Draft Conservation Area Appraisal of 2008 as a "wide gently-curving street lined with nineteenth and twentieth century commercial buildings." The appraisal goes on to say that "despite the diversity of architectural treatments, most building frontages are no more than three storeys high, which results in a fairly unified scale and appearance to the main streets. Frontages have a generally vertical emphasis, due to the rhythms and narrow plot widths and formal architectural elevations with pilasters and other tall windows on upper floors." (page 14). 121-129 Deansgate in its current form is characteristic of the area – it has a vertical emphasis and is articulated through narrow contrasting bands of brick, glazing and terracotta, reflecting the form of the tightly-knit buildings which previously stood on the site. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 8.2 of the Draft Conservation Area Appraisal states that: Consent will not usually be given to demolish buildings which make a positive contribution to the character of the Conservation Area, unless it can be demonstrated that the replacement development will bring over-riding community benefits and be of a high design quality.

(Officer's note - it has been demonstrated that the replacement development will bring over-riding community benefits and be of a high design quality)

- ) "Prior to this application, the YMCA considered a number of development options including: option 1 to refurbish the existing building; option 2 part demolition and retention of the façade, and option 3 to demolish the existing building and replace with a new-build. On review, option 3 was the preferred outcome for the YMCA as it would best meet the end user requirements as well as providing best value for money for this charitable organisation." Although the condition of the building has been described as poor, there is no evidence to demonstrate that its repair would be unviable. To state that a development provides the "best value for money" is not sufficient justification in planning terms.

(Officer's note - the Applicant has provided detailed surveys listing the £1 million worth of repairs necessary)

- ) In addition to this, the Ancient Monuments Society Trustees expressed concerns about the design of the new building, which they felt would neither preserve nor enhance the character of the conservation area. The Draft Conservation Area Appraisal states that "New development must reflect the character of existing buildings with respect to siting, scale, proportions, materials and detailing." The Design and Access Statement explains that the design of the proposed new building is based on that of the Head Post Office on the opposite side of Deansgate. In our view this is an inappropriate approach which would fail to maintain the existing hierarchy between the two buildings. Concerns were also raised about the uncomfortable way in which the new building would sit within the existing terrace and the poor

quality of the materials which the applicant wishes to use. For these reasons, we urge you to refuse this harmful application and to seek a less damaging solution for the site.

(Officer's note: the lightweight glazed fourth floor is considered to limited any difference in typical building heights. Furthermore, whilst three storey buildings are typical of Deansgate, other building heights do exist, ranging from the single storey buildings on the opposite side and the extended Marks and Spencer building)

### **Consultations**

Advice was sought from the following consultees: Highways, Pollution Control, Flood Risk, Bolton Civic Trust. Historic England were notified of the application but do consider that we needed to notify or consult them on this application under the relevant statutory provisions.

### **Planning History**

The site has no relevant planning history.

**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. Prior to the commencement of any groundworks surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local 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.
- 2) Include a timetable for its implementation, and
- 3) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason

To ensure the site provides satisfactory means of surface water drainage and to comply with policies CG1.5 and CG2.2 of Bolton's Core Strategy.

3. No demolition shall commence until a contract for the construction of the replacement building approved by this planning permission has been submitted to and approved in writing by the local planning authority and subsequently entered into and a copy of the completed contract provided to the local planning authority.

Reason

In accordance with para 198 of the National Planning Policy Framework and in order to ensure the

provision of the substantial public benefits that were considered to outweigh the harm of the loss of the building.

4. Prior to the commencement of the development:-

- ) A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, property and/or the wider environment; and
- ) The details of any proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority. The approved remedial works shall be incorporated into the development during the course of construction and completed prior to occupation of the development or the development being first brought into use; and

Prior to first use/occupation of the development hereby approved:

- ) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

5. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples or full details of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour, texture of the materials (projection in the case of the stone surrounds). The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with policy CG3 of Bolton's Core Strategy.

6. Before the first occupation of the dwellings hereby approved, the windows in the elevation facing Deansgate shall be acoustically double glazed and ventilated in accordance with the specification set out in the approved noise assessment.

Reason

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

7. Prior to any doors or windows being installed, a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter.

Reason

To ensure the development reflects local distinctiveness in order to comply with policy CG3 of Bolton's Core Strategy.

8. The development hereby permitted shall be carried out in complete accordance with the following

approved plans:

9150 P01 - Proposed Ground Floor Plan  
9150 P02 - Proposed First Floor Plan  
9150 P03 - Proposed Second Floor Plan  
9150 P04 - Proposed Third Floor Plan  
9150 P05 - Proposed Fourth Plan  
9150 P06 - Proposed Elevations  
9150 P07 - Proposed Rear Elevation  
9150 P08 - Proposed Perspective  
9150 P09 - Proposed Perspective  
9150 P10 - Proposed Perspective  
9150 P11 - Proposed Perspective

Reason

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

9. All new window frames to the building shall be recessed a minimum of 0.07 metres behind the external face of the elevations of the development hereby approved.

Reason

In the interest of creating architectural depth and shading to the elevations and in order to comply with Bolton's Core Strategy Policy CG3

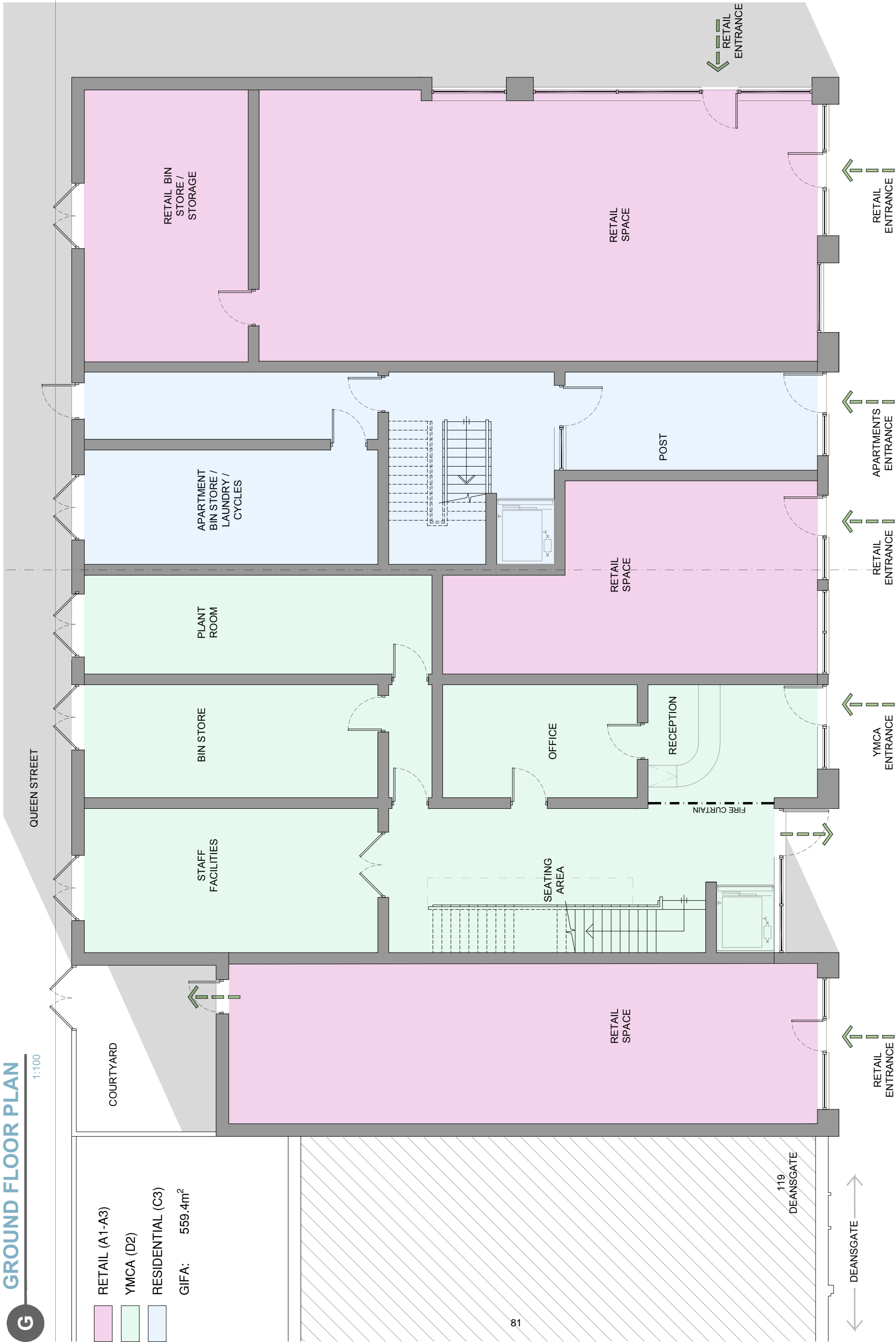


GROUND FLOOR PLAN

1:100

G

- RETAIL (A1-A3)
- YMCA (D2)
- RESIDENTIAL (C3)
- GIFA: 559.4m<sup>2</sup>



P1	First Issue	July '18
Rev.	Description	Date

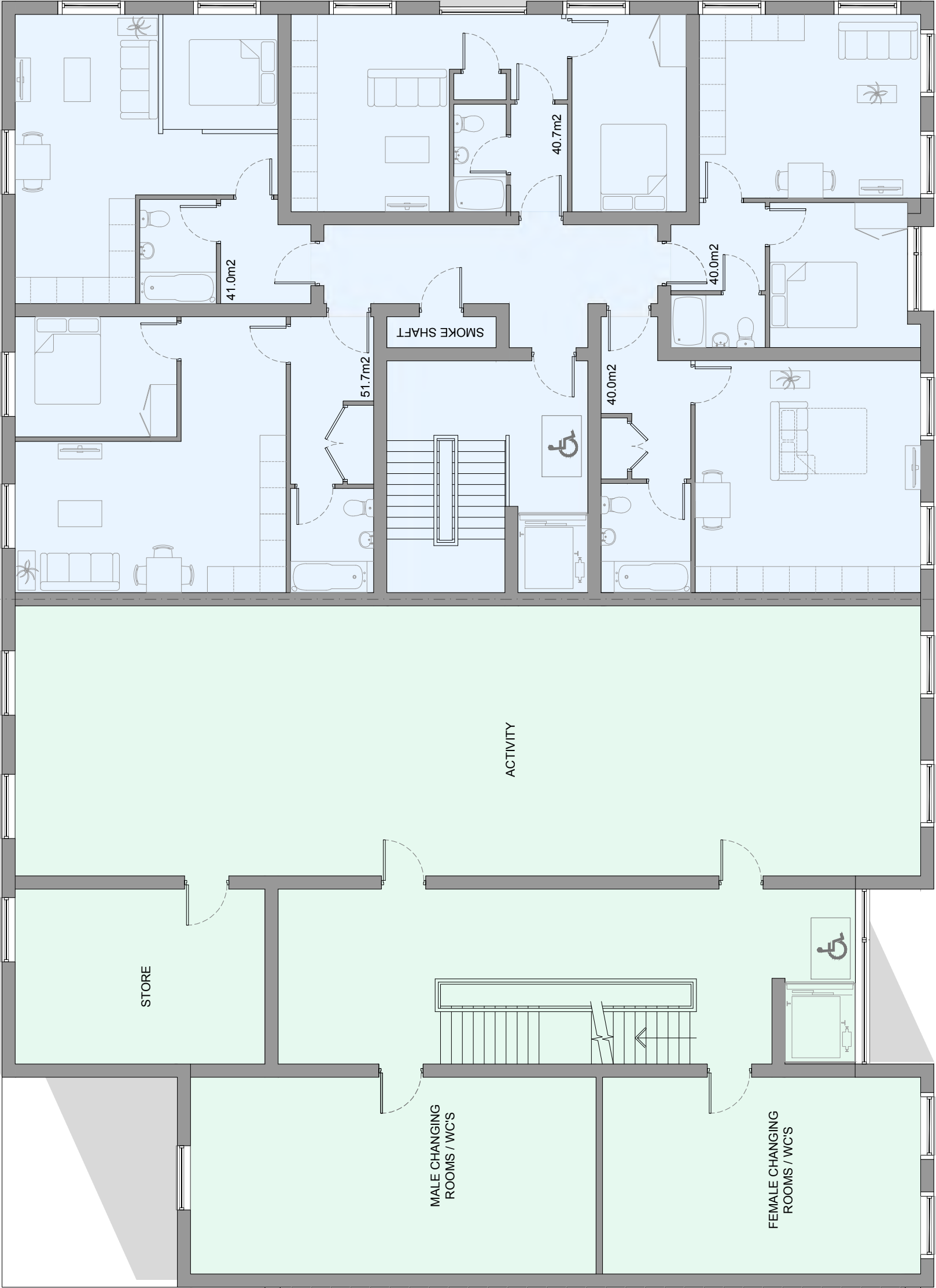
1st FLOOR PLAN

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1

- YMCA (D2)
- RESIDENTIAL (C3)
- GIFA: 559.4m<sup>2</sup>

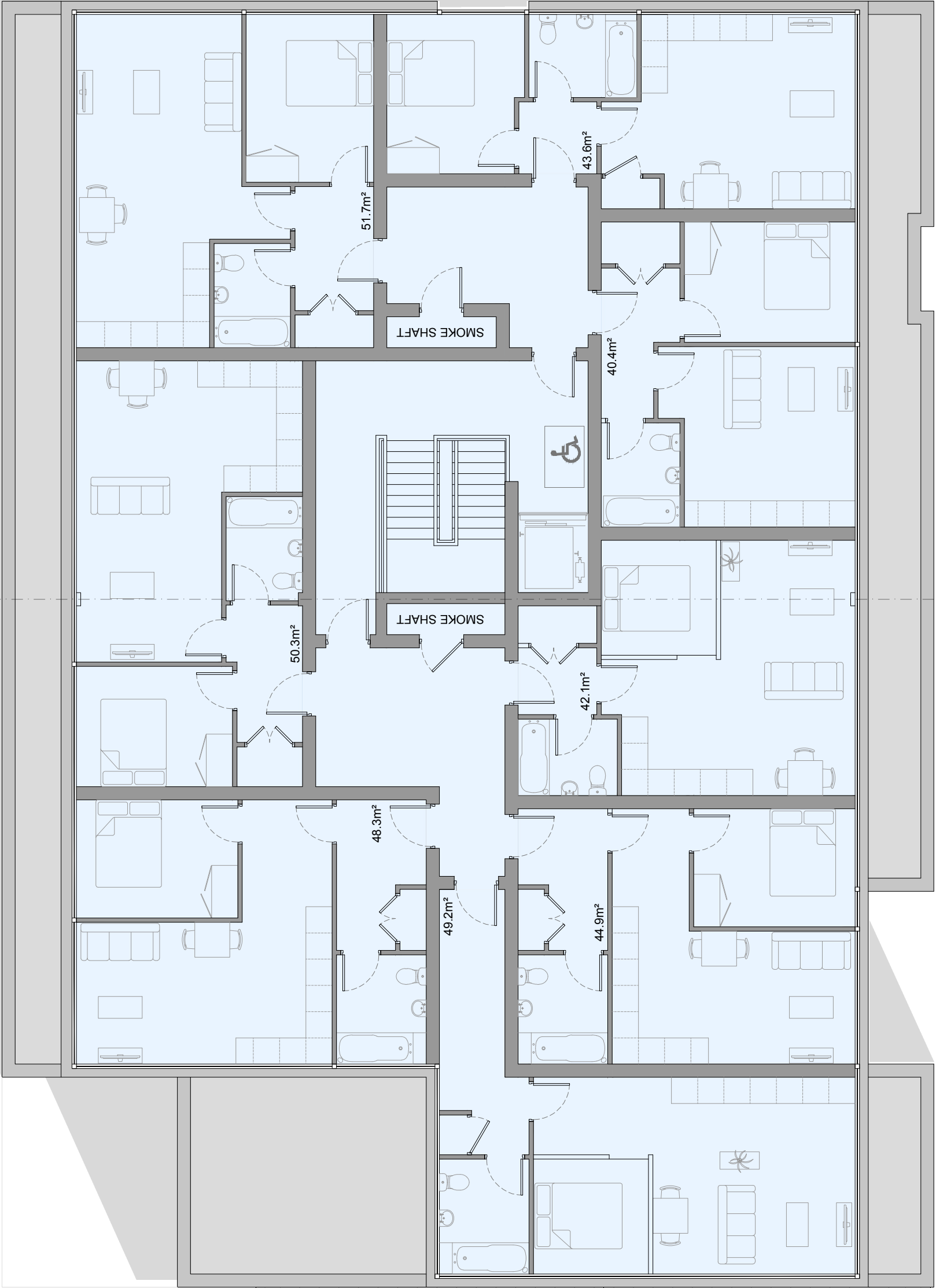
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	Project		YMCA Bolton Deansgate, BL1 1HA	
	Drawing Title		Proposed Floor Plan First Floor	
	Drawn by	SP	Checked by	-
	Status	PLANNING		Scale @ A3
	Job no.	9150		Dwg no.
P1	First Issue	July '18		Date
Rev.	Description			
		P02		Rev.
		P1		

RESIDENTIAL (C3)  
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		YMCA		Proposed Floor Plan Fourth Floor						
		Project		Status						
Architecture + Building Surveying + Town Planning		YMCA Bolton		Drawn by		SP	Checked by	-	Date	July 18
7 East Cliff, Preston, Lancashire, PR1 3JE		01772 258 356		Job no.		PLANNING		Scale @ A3		1:100
10 Hunters Walk, Canal Street, Chester, CH1 4EB		01244 402 900		Dwg.no.		P05		Rev.		P1

Rev.	First Issue	Date
P1	July '18	





Rev.	First Issue	July '18
	Description	Date

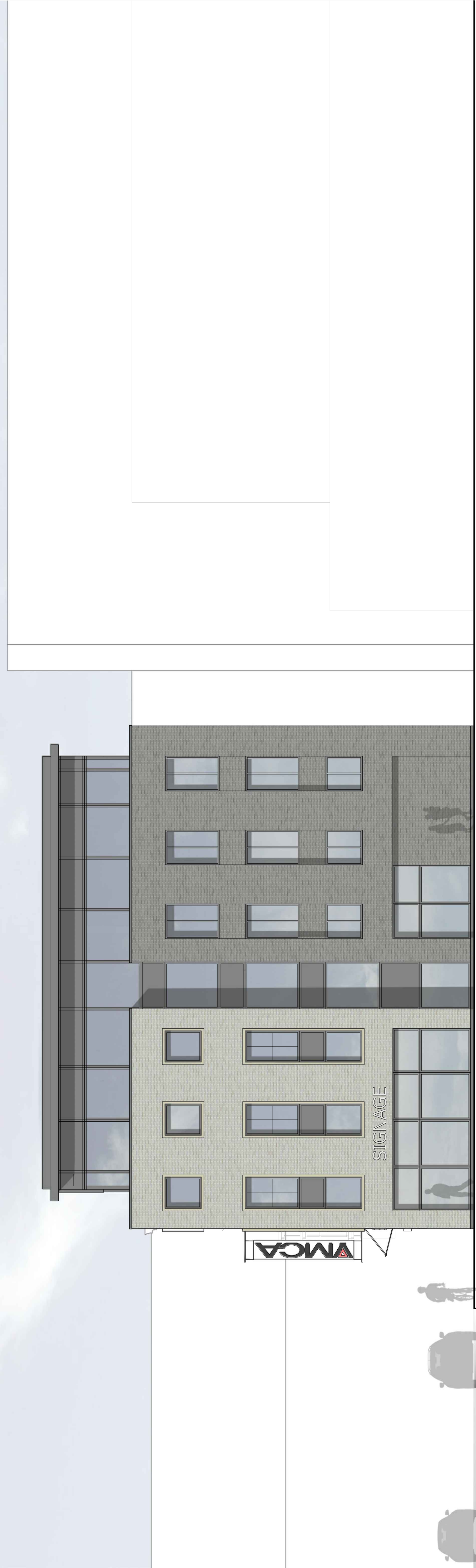
<div>Cassidy+Ashton</div> <div>www.cassidyashton.co.uk</div> <div>Architecture + Building Surveying + Town Planning</div> <div>7 East Cliff, Preston, Lancashire, PR1 3JE 01772 258 356</div> <div>10 Hunters Walk, Canal Street, Chester, CH1 4EB 01244 402 900</div>				<div>Client</div> <div>YMCA</div>		<div>Drawing Title</div> <div>Proposed Sketch Perspective</div> <div>Deansgate Scene 01</div>			
		<div>Project</div> <div>YMCA Bolton</div> <div>Deansgate, BL1 1HA</div>		<div>Drawn by</div> <div>SP</div>		<div>Checked by</div> <div>-</div>		<div>Date</div> <div>July 18</div>	
				<div>Status</div> <div>PLANNING</div>		<div>Scale @</div> <div>A3</div>		<div>1:100</div>	
				<div>Job no.</div> <div>9150</div>		<div>Dwg.no.</div> <div></div>		<div>Rev.</div> <div>P1</div>	





Deansgate Elevation

1:100



Queen Street Elevation

1:100

P1	Final Issue	July 18
Rev.	Description	Date
Client		
YMCA		
Project		
YMCA Bolton		
Deansgate, BL1 1HA		
Drawing Title		
Proposed Elevations		
Drawn by	SP	Checked by
Status	PLANNING	Scale @ A1
Job no.	9150	Dwg no.
Rev.	P06	P1
Drawn by		
Checked by		
Date		
July 18		
Scale @ A1		
1:100		
Rev.		
P1		
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# Application number 04798/18



Directorate of Place  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 07/02/2019**

**Application Reference: 04798/18**

**Type of Application: Full Planning Application**

**Registration Date: 20/11/2018**

**Decision Due By: 14/01/2019**

**Responsible Officer: Amy Smith**

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

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

**Ward: Bromley Cross**

**Applicant: Mr D Norris**

**Agent : The Intelligent Design Centre**

## **Officers Report**

**Recommendation: Refuse**

### **Proposal**

1. Planning permission is sought for the erection of a detached zero-carbon residential dwelling together with the change of the use of part of the site from grazing land to an outdoor learning area (OLA). The applicant submits that the proposed dwelling, within the Green Belt, would meet the criteria within paragraph 79 of the National Planning Policy Framework (NPPF), in that it would be of an exceptional quality and of an innovative design (meeting all four of the criteria within the paragraph): "a paragraph 79 house". (The NPPF was revised in July 2018 and the former paragraph 55 is now paragraph 79).
2. The dwelling would have a bespoke design and would be incorporated into the existing contoured landscape. The proposal includes associated parking, driveway and landscaping including the creation of ponds. Access to the site would be via Longworth Road. A portion of the site (hatched in green on drawing ref: 15068-35) would be used as an outdoor learning area by a local school.
3. The proposed building and stables would be constructed of the following materials:
  - ) Zinc metal
  - ) Hardwood timber
  - ) Natural Stone
4. This proposal is the fourth planning application submission on the site. It is important to note that the current proposal has been before an independent design review panel (Places Matter) and the scheme has been revised several times in light of the comments received at each stage. Comments from the panel have been included in the application submission and a 3D model and



design boards have been seen by the Planning Officer to aid in the decision-making process.

5. This application is before Members of the Planning Committee as it is considered that the proposed scheme constitutes exceptional or unusual circumstances and is an application that should be determined by Members.
6. Members will recall that the previous application for the development was withdrawn by the applicant prior to the June 2018 meeting.

### **Site Characteristics**

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

### **Policy**

11. Core Strategy Policies: P5 Accessibility and Transport; S1 Safe Bolton; CG1.1 Biodiversity in Rural Areas; CG1.5 Reduce Risk of Flooding; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA5 North Bolton.
12. Allocations Plan Policies: CG7AP Green Belt and P8AP Public Rights of Way
13. Supplementary Planning Documents: Accessibility, Transport and Safety and General Design Principles
14. National Planning Policy Framework (NPPF)  
National Planning Policy Guidance
15. A Landscape Character Appraisal of Bolton

### **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. It is considered that the main issues in the determination of this application are:
  - Γ Impact on the Green Belt

- Γ Landscaping
- Γ Impact upon Residential Amenity
- Γ Impact upon Parking and Highways
- Γ Impact on Flood Risk and Drainage
- Γ Ecology and Nature

#### Impact on the Green Belt

##### *Whether the proposed development would constitute inappropriate development*

18. The site is located within the Green Belt as identified within the Council's development plan. Bolton's Allocations Plan policy CG7AP and the National Planning Policy Framework (NPPF) provide the policy framework from which planning applications in the Green Belt are determined. The NPPF attaches great importance to the Green Belt and identifies its fundamental aim as being, to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 133). Paragraph 134 of the Framework indicates that the Green Belt serves five purposes:
  - ) To check the unrestricted sprawl of large built-up areas;
  - ) To prevent neighbouring towns merging into one another;
  - ) To assist in safeguarding the countryside from encroachment;
  - ) To preserve the setting and special character of historic towns; and
  - ) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
19. As with previous Green Belt policy, "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances" (paragraph 143). Paragraph 144 indicates that, "local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" and that, "very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations".
20. The construction of new buildings in the Green Belt would normally constitute inappropriate development; paragraph 145 of the Framework identifies exceptions to this:
  - ) buildings for agriculture and forestry;
  - ) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
  - ) 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 in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
  - ) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), 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 purpose of including land within it than the existing development.
21. Policy CG7AP of Bolton's Allocation Plan seeks to ensure that development within the Green Belt maintains the openness of the Green Belt. It states that other than in very special circumstances, inappropriate development will not be permitted within the Green Belt. In order to justify 'inappropriate development' in the Green Belt there must be circumstances which can reasonably be described not merely as special, but as very special and the harm to the Green Belt by reason of inappropriateness and any other harm must be clearly outweighed by other

considerations. Those other considerations must be capable of being so described, whether they are very special in the context of the application.

22. Policy CG7AP of the Council's Allocations Plan reiterates the advice contained within the relevant paragraphs of the NPPF.
23. New dwellings within the Green Belt are not listed in either the NPPF or the Council's Core Strategy and Allocations Plan as an exception to inappropriate development within the Green Belt.
24. The proposed dwelling is considered inappropriate development, which is by definition harmful to the Green Belt and substantial weight has to be given to this. The next question to be answered is whether there are very special circumstances to justify inappropriate development within the Green Belt.

*Whether there are exceptional circumstances that clearly outweigh the harm to the Green Belt*

25. Paragraph 144 of the NPPF states that when considering planning applications substantial weight should be given to any harm to the Green Belt and very special circumstances "will not exist" unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly "outweighed by other considerations". In other proposals for development within the Green Belt, these considerations have typically involved some public benefit arising from a proposal, not simply what is argued to be a low level of harm. The degree of weight to be accorded to each very special circumstance is a matter for the judgement of the decision taker, in this case the Planning Committee, acting reasonably.
26. The OLA, which is proposed within the front portion of the site towards Longworth Road, would feature food growing areas, outdoor classroom seating, informal play areas with stone steps and a wildlife pond. The OLA is a laudable proposal of benefit to some of the local community that would allow a local primary school and after school groups to enhance their curriculum.
27. The agent advises that another similar application within the Borough has been approved without a public benefit and that this proposal complies with paragraph 144 as it includes such a benefit. Each application must be assessed on its own merits against relevant national and local policy and not against other planning applications. Paragraph 144 does not explicitly state that if there is a public benefit arising from the scheme this will automatically outweigh any harm, public benefit is merely an example of 'other considerations' that may outweigh the harm.
28. In assessing this application, the case officer has fully considered the benefit of the proposed the OLA but this must be weighed against the harm arising from the inappropriateness of introducing a substantial dwelling in the Green Belt, and when doing so it is not considered that the benefit outweighs the harm. The OLA could be proposed without the dwelling and assessed on its own merits.
29. The design of the site has incorporated a 'Haha' to form a barrier between the dwelling and a grazing area and designates an area to be set aside for the Wildlife Trust to use as a breeding ground for Lapwings. The applicant has been in discussions with the Wildlife Trust regarding the planting plan and transplanting mature trees from the nearby clough, which the trust manages, to enhance the ecological value of the site. In their letter of support the Wildlife Trust are very positive about the scheme, however the Wildlife Trust are not assessing the application on its planning merits against planning policy.
30. Nonetheless, despite the positive benefits of the OLA, significant landscaping proposals and

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

31. The applicant has put forward a case that the scheme would promote sustainable development in a rural area and so satisfy paragraph 79 of the NPPF which seeks to avoid new isolated homes in the countryside unless the proposal meets a number of criteria, such as exceptional quality or innovative nature of design of the dwelling, which should:
- \ be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - \ reflect the highest standards in architecture;
  - \ significantly enhance its immediate setting; and
  - \ be sensitive to the defining characteristics of the local area.
32. During consideration of the previous applications on this site it has been considered that paragraph 79 (or paragraph 55 as it was then) was relevant to the proposal insofar as the site is outside of the defined urban area, is rural in nature and does not specifically exclude the Green Belt. However, the applicant has submitted information to suggest that he does not consider the site to be 'isolated' as it is not unduly detached from the urban area for the following reasons:
- \ there are regular bus services 400-600m away;
  - \ train services just over a mile away;
  - \ local services and shops nearby.
33. If this is the case, then paragraph 79 would not apply at all as this relates to 'isolated homes in the countryside'. Notwithstanding this, as the previous applications have been assessed as being paragraph 79 dwellings, the criteria of paragraph 79 will be addressed.

*Innovation or outstanding design/reflects the highest standards in architecture*

34. The application site is an irregular shaped piece of land with land levels increasing away from Longworth Road to the top of a small hillock; the land then slopes in a southerly direction down towards the valley. The site is currently undeveloped grazing land and is generally open in appearance. The small hillock partially screens the site beyond towards the valley when viewed from Longworth Road.
35. The proposed dwelling incorporates high quality design and the applicant states that the dwelling could not be replicated on any other site. The proposed house is designed to be carbon neutral. To achieve this, the dwelling would be built against the existing hillside, to maximise thermal mass and reduce heat loss/gain. In addition, the dwelling would feature the following sustainable elements:
- \ Solar thermal photovoltaic panels
  - \ Ground source heat pump
  - \ Air source heat pump
  - \ Biomass boiler
  - \ Controlled ventilation MHRV
  - \ Rainwater management
  - \ Natural pool water filtering
36. The proposed dwelling would be of a modern contemporary design. The applicant, in support of the proposal, has advised that the development would be an exceptional, custom-built dwelling which would fulfil the role of sustainable development and would not, due to its siting and design, be detrimental to the appearance of the site and wider surrounding area. The agent states that the design is not only 'zero-carbon' but the building method is Insulated Concrete Formwork (ICF) of which there are only three others in the Borough. Nonetheless, it is still considered that as these methods have been used elsewhere within the Borough they would not

satisfy the innovative or outstanding category of Paragraph 79.

37. Due to the natural hillock on the site, where the land slopes from one level to another, the bespoke dwelling would be incorporated to some extent into the existing landscape. The main bulk of the proposed dwelling's accommodation would be at ground floor level with the first floor being kept to a minimum. There would be views of part of the roof of the proposed dwelling from Longworth Road. It must be noted that openness of the Green Belt is epitomised by the lack of development, not by developments that are unobtrusive, camouflaged or screened in some way. The agent states that the development would cover less than 5% of the applicant's land. While this may be the case, this does not mean the development will not impact upon the openness of the Green Belt and does not provide justification to outweigh the harm, by reason of inappropriateness, the proposed development would have to the Green Belt.
38. Officers have no reason to conclude that the proposed dwelling would not achieve its design objective of using a combination of available technologies to create a zero-carbon dwelling. However, the building would use materials and employ technologies that are now considered well-established and have been used in combination with others. A number of dwellings have been built to this zero-carbon standard within Bolton and even more within the North West region and nationally, thus it is not considered that the dwelling would represent innovative design.
39. Officers accept that the scheme is a genuine effort to create a well-designed dwelling which has undergone a well-considered and thoughtful approach to create a contemporary dwelling with high-quality architectural features. It is acknowledged that the independent design panel have provided positive comments about the proposal throughout the design process, however Officers have seen no evidence that the panel consider the proposed dwelling to be "truly outstanding" or "innovative" (the words used within paragraph 79 of the NPPF). Officers need to consider whether the design of the dwelling and offering up of land to a local school to become an outdoor learning area amounts to very special circumstances. Appeal decision ref: APP/D0840/A/14/2221558 provides clarification on determination of an isolated dwelling in the countryside house with the inspector stating:

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

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

40. It is noted that a paragraph 79 dwelling located a short distance from the application site (ref: 91189/13), which has now been built out is of a similar design and appearance to the one proposed in this application and was also a "modern interpretation of a traditional farmstead, similar to the approach taken with this application. The applicant has also made reference to this approval and comments that this application was approved without having been to an independent design review.
41. The approval of application 91189/13 was, for its time, considered to be of an innovative and exceptional design, however it must be noted that this was the first paragraph 55 (as in the NPPF 2012) dwelling within Bolton and was indeed exceptional at the time. The agent has submitted a summary explaining why he feels there are notable differences between the 2013 approval and that currently proposed. These comments have been noted but the differences highlighted do not take away from the fact that the current proposal, while recognised as being

of high quality architecture, is not representative of cutting edge technology and innovative building methods today. Thus, given the above, it is considered that while well thought out, the proposal does not represent a unique, innovative and exceptional proposal as a whole.

42. On balance, the Local Planning Authority considers that the design would be neither exceptional nor innovative and would not be exemplar of regional or national significance. Given the above, the proposal would be contrary to the aims of paragraph 79 of the NPPF, and would be contrary to the Green Belt guidance with the NPPF and policy CG7AP of the Allocations Plan.

*Significantly enhance its immediate setting/be sensitive to the defining characteristics of the local area*

43. The application site is open in character and is essentially rural. Officers acknowledge that, due to its siting and aesthetics, the dwelling would have less of an impact on the Green Belt than a conventional dwelling and would sit well within the landscape. On the one hand, improvements would be made to the appearance of the site by the significant natural landscaping of the site. On the other hand, the proposal would introduce inappropriate development, as defined by paragraph 145 of the NPPF, with a residential development that has the potential to bring with it cars and other domestic paraphernalia and would involve a significant quantum of built development. By the very nature of the development, the site would appear less open than at present.

44. The proposal has been taken before an independent design review panel who have provided comments on each of the iterations of the scheme as it has been developed. The design review panel conclusions, submitted with the application, state that the design of the building is a modern interpretation of a traditional farmstead. The main living areas are akin to the outbuildings and barns found on nearby farms and the central atrium area is an interpretation of the traditional farm courtyard often found amongst the outbuildings and barns, etc. It is acknowledged that the comments from the design review panel were positive and indicated that the panel were content that the development design progressed in a positive direction with each iteration considered to be an improvement on the last.

45. The panel considered matters of design in terms of their architectural merit; it can be said the architectural quality of the building is of a high standard. However, it is not the role of the panel to make a judgement on any other matters in relation to the wider area or Green Belt designation, or indeed the planning merits of the development. The design review panel provided commented:

*"In summary, you have a concept that has resonance for this site, but still needs more clarity. The landscape is now making a clear contribution, but could do even more. The siting of the building now feels appropriate and the landscape can be used to create secure the lines between the functions, as well as opening up and closing down the views. The volumetric building forms now have a greater clarity and the material expression has moved in the direction appropriate to a farmstead language. You have reached this point through incremental changes and you are now urged to step back one more time, assert the narrative of your proposal, to be bold and use the 'devil in the detail' to make this even more convincing."*

46. The design review panel comments further:

*"The Forest School is an individual and unique addition to this house and its strategy. The Panel celebrated the generous nature of this, which is a substantial plus point. The scheme now incorporates the stables and the proposal for this building is a simple paired back appropriate design response. The existence of the farmstead typology elsewhere in the borough does not negate its validity in relation to the context of this site. As such, the Panel thought, the inclusion of historic stone from a demolished building could be well appropriated in the design narrative"*

*and building forms. The Panel is not in a position to make comparisons between this proposal and any other applications, approved or otherwise, within the borough, which we have not been asked to review. We praise the client's desire to use sustainable technology and whilst not new or innovative, these do provide support to the narrative."*

47. Whilst it is clear that the design review panel are confident that the scheme represents high quality architecture and are positive about the proposal, they do not confirm, in their professional opinion and experience, that the design is outstanding or exceptional in its nature. The panel comment that the site would be enhanced with significant natural native landscaping. Furthermore, the panel state the sustainable technology proposed is not new or innovative but does provide support for the narrative.
48. Appeal Decision ref: APP/L3815/W/17/3178811 discusses the issue of how a proposal failed to significantly enhance its immediate setting and was not considered sensitive to the defining characteristics of the local areas follows:  
*"The main built-up part of Highleigh lies to the north of the appeal site and is separated from it by a large open field. In the vicinity of the appeal site, and further south, development is much more sporadic and loose knit, and in places notably well screened from the road. As such this area has a far more rural character and appearance. Although set back from the road the proposed house, and some fairly substantial ancillary development, would be visible from the highway. Additional built form in this area, even of the rural design proposed, would consolidate existing sporadic development to a degree that would detract from the rural character and appearance of the area. Existing hedgerow screening would have only a limited effect on the extent to which the proposed development would be seen and in any event could not be guaranteed in perpetuity. New planting would be likely to take a considerable time to take effect and there is no substantial evidence to suggest that it would form an effective screen or substantially minimise the extent to which the site would appear developed"*
49. Similarly, for this site the main built-up area of Egerton lies to the east, with Longworth Clough and Delph Brook providing a physical barrier and separation. To the south lies Dunscar Golf Club with the remaining land either open or occupied by intermittent, relatively isolated dwellings, thus being of a more rural character. Again, similar to the above appeal decision the property would be set back from the road and would be screened by landscaping but would still be partially visible from Longworth Road. Introducing built form in this area would result in a consolidating effect, sited between two existing buildings, which would detract from the rural character and appearance of the area.
50. The agent has contested that the above appeal is not relevant as it is in a different part of the country and the schemes are different (design, siting, landscape etc). However, it is considered that the principles of the appeal decision are applicable to this site and as such the above assessment is valid.
51. Thus, the Local Planning Authority can reasonably conclude that, whilst the proposal could improve the appearance of the area in general terms, it would nevertheless detract from the area's character as an area of open land close to the wider built up area of Bolton. On this issue, Officers believe that the scheme would be detrimental and harmful to the open character and appearance of the Green Belt contrary to Policy CG7AP of the Allocations Plan and paragraph 79 and section 13 of the NPPF.

#### *Change of Use to Outdoor Learning Area*

52. Given the location of the site within the Green Belt and next to Longworth Clough Nature Reserve it is considered the use of the land for an OLA for use by a local primary school and after school

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

*Lack of a five-year supply of deliverable housing land*

53. The Council has accepted that it cannot demonstrate a five-year supply of deliverable housing sites (it is currently estimated that there is only a 3.5 year supply).
54. Guidance contained within National Planning Policy Guidance states that the contribution of a development proposal towards unmet housing need in itself is unlikely to comprise a "very special circumstance". Officers consider that this matter carries very limited weight in the planning balance of the determination of this application, given that the proposal would only deliver one dwelling.
55. In conclusion, the proposal amounts to inappropriate development in the Green Belt. The potential benefits of the scheme are not matters that could only apply on this site and so Officers do not consider them to be 'very special', nor do they outweigh the harm to the Green Belt (as identified above). The lack of harm with regard to some other issues, such as the OLA and landscaping, is not considered to outweigh the harm of the proposal as a whole. The scheme is contrary to CG7AP of the Bolton's Allocations Plan and Green Belt guidance contained within the NPPF.
56. It is also concluded that the proposal does not satisfy the criteria of NPPF paragraph 79, even if the dwelling were considered to be an isolated home in the countryside.

Landscaping

57. Policy CG3 of the Bolton Core Strategy states that the Council expects development proposals to contribute to good urban design, respect and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area. Policy CG3.7 states that the Council will maintain and respect the landscape character of the surrounding countryside and its distinctiveness. any soft landscaping and landscape enhancement scheme should enhance biodiversity and be compatible with the nearby landscape character types identified by the Landscape Character Assessment.
58. The proposal would introduce new landscaping across the site with most of the tree planting contained to the perimeter of the site. No trees are proposed to be felled to accommodate the proposal. The site is an irregular shaped parcel of Green Belt land currently used for grazing.
59. The character of the site is one which has been used for grazing. It is contained within the Green Belt and is formed of grassland and the wooded clough area to the south. The Landscape Character Appraisal of Bolton was published in 2001. This land is allocated as being within a landscape character area, defined as the 'Upland Moorland Hills' designation.
60. The document also goes on to state that the key landscape features are:
- ) Glaciated rounded hills, generally lower in altitude and less severe than the highest moorland plateaux.



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

### Impact on Residential Amenity

64. 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.
65. Given the site's location in respect of the nearest residential dwelling, which is located approximately 65 metres away, it is not considered that the proposed dwelling would result in an unacceptable impact on neighbouring residents, in accordance with policy CG4. Additionally, there is some screening along the southern boundary of the site with significant landscaping including the planting of mature trees proposed.

## Impact on Parking and Highways

66. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility, servicing arrangements and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.
67. Access to the dwelling is proposed via a driveway off Longworth Road to the north of the application site. There is sufficient on-site parking proposed in relation to the dwelling. The proposed OLA would also be accessed via Longworth Road. It is not expected that the use of the

OLA would lead to significant trip generation, nor a great influx of vehicles accessing the site at one time. There is sufficient space within the site to safely park and manoeuvre a mini bus which is the expected form of travel to this area. Information has been provided indicating the visibility splays at the access onto Longworth Road, which appear well above the requirements for the speed limit of the road.

68. Highways Engineers raise no objection to the proposal and the development complies with Policies P5 and S1.2 of the Core Strategy.

#### Impact on Flood Risk and Drainage

69. 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.
70. The Council's Drainage Officers have raised no objection to the proposed development, but advise a condition is necessary to secure details of the implementation, maintenance and management of the proposed sustainable drainage scheme.

#### Ecology and Nature

71. 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.
72. The proposed development is located directly adjacent to the Longworth Clough Site of Biological Importance. The Council's Greenspace Officers raise no objection, stating that the proposal would not cause significant impact upon the biodiversity of the area. The Design and Innovation Statement (October 2018) and the Landscape Masterplan (Dwg.15068-25-A) provide for enhancement and development of habitats in accordance with the Council's Strategic Objective 12 and policy CG1.2.
73. Natural England have raised no objection to the proposal and confirmed that the West Pennine Moors SSSI does not represent a constraint for this site.
74. It is therefore considered that the proposal would comply with policy CG1.1 of the Core Strategy.

#### Other Matters

75. The applicant has stated he is willing to place a restrictive covenant on the land to ensure no further development takes place. Officers however recommend that the applicant would instead need to enter a legal agreement with the Council to ensure this (should the application be approved).

#### **Conclusion**

76. The proposed development represents inappropriate development within the Green Belt. For the reasons discussed, it is not considered that the circumstances put forward by the applicant amount to "very special circumstances". The proposed development is considered to be harmful to the openness and purposes of the Green Belt in this location and there are no very special circumstances that would clearly outweigh this harm (para. 144 of the NPPF). The application is contrary to Policy CG7AP of Bolton's Allocations Plan and the guidance contained within section 13 (Proposal affecting the Green Belt) of the NPPF.
77. Members are therefore recommended to refuse this application.

## **Representation and Consultation Annex**

### **Representations**

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

### **Consultations**

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

### **Planning History**

96247/16 Erection of Zero Carbon Dwelling – Refused 27.05.2016

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

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

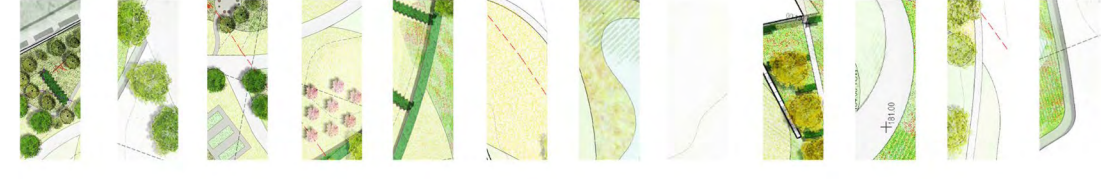
**Recommendation:            Refuse**

### **Recommended Conditions and/or Reasons**

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



# KEY



Proposed native woodland (transplant and feathered woodland planting)

Proposed native trees

Proposed feature trees

Orchard

Hedgerow

Wildflower meadow

Wetland planting

Acidic grassland area

Ornamental planting beds / gardens

Resin bound gravel road

Gravel path

'Haha'

1. Stable

2. Food growing area with raised planters and storage shed

3. Outdoor classroom seating

4. Informal play area with stone steps, logs

5. Wildlife pond

6. Attenuation pond

7. Natural pond

8. Retained existing stone wall

9. Existing services

10. Access Gate





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b	March 18	JH	Revised for planning resubmission
a	Nov 16	BT	Revised for planning resubmission
Rev	Date	Drawn by	Comments

Client  
**Mr D Norris**

Project  
**Middle Critchley fold  
Egerton, Lancashire**

Drawing	Proposed Elevation East	Scales
Date	September 2018	Drawn by JH / JP
		1:50 @ A1

Job No - Dwg No - Rev

**15068 - 17 - C**



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House obstructed from view by landscaping

b	March 18	JH	Revised for planning resubmission
a	Nov 16	BT	Revised for planning resubmission
Rev	Date	Drawn by	Comments

Client

Mr D Norris

Project

Middle Critchley fold  
Egerton, Lancashire

Drawing	Proposed Elevation North	Scales
Date	March 2018	Drawn by JH / JP
		1:50 @ A1

Job No - Draw No - Rev

15068 - 16 - C



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b	March 18	JH	Revised for planning resubmission
a	Nov 16	BT	Revised for planning resubmission
Rev	Date	Drawn by	Comments

Client  
Mr D Norris

Project  
Middle Critchley fold  
Egerton, Lancashire

Drawing	Proposed South Elevation	Scales
Date	March 2018	1:100 @ A1
	JH / JP	

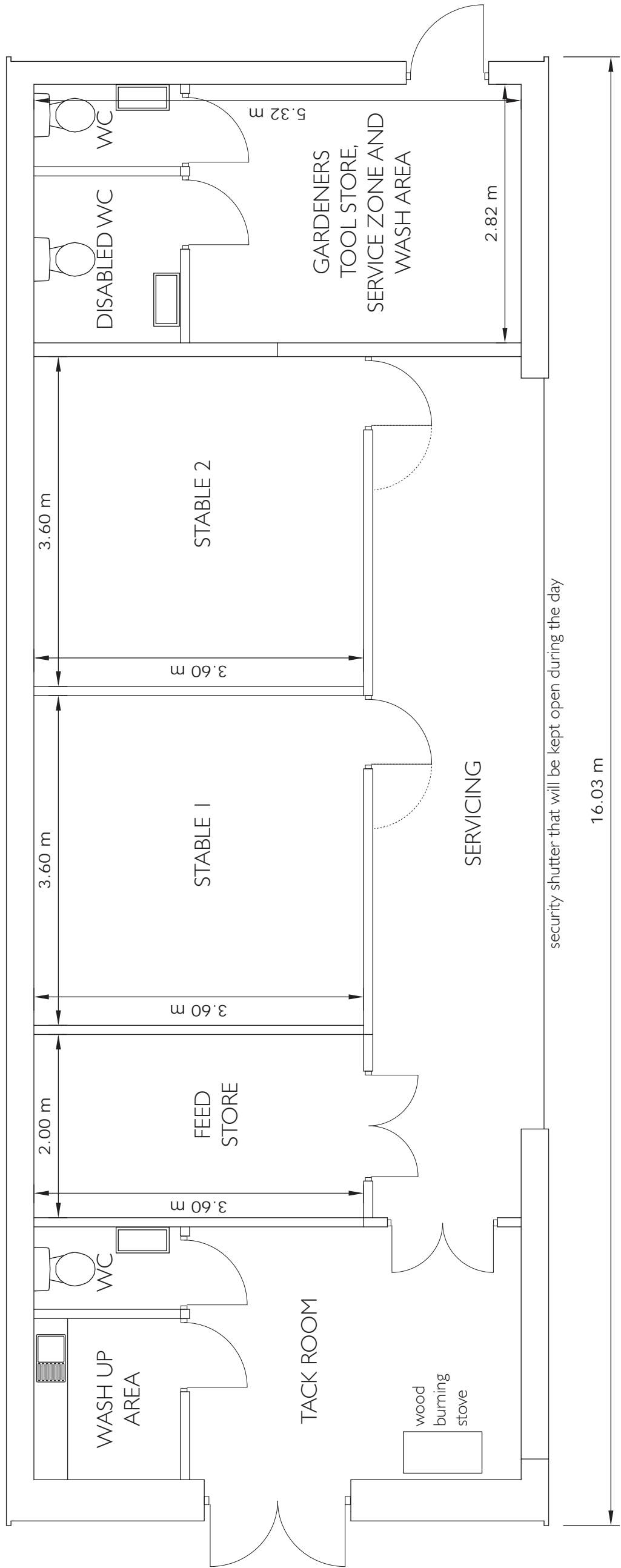
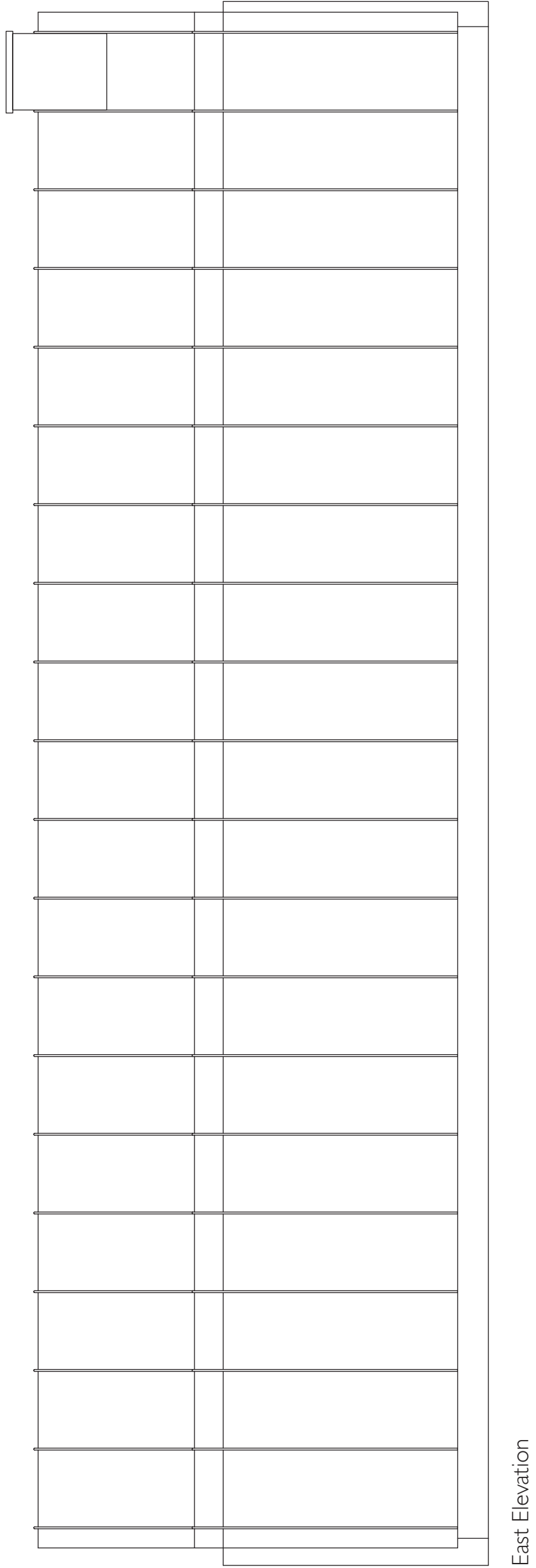
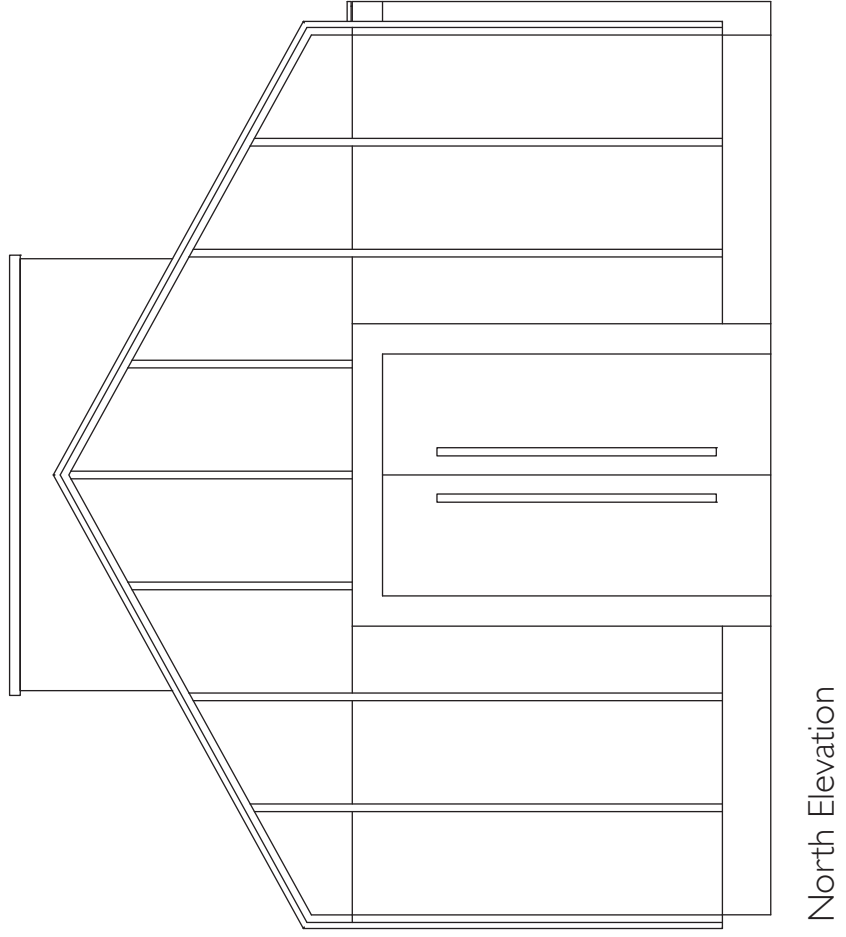
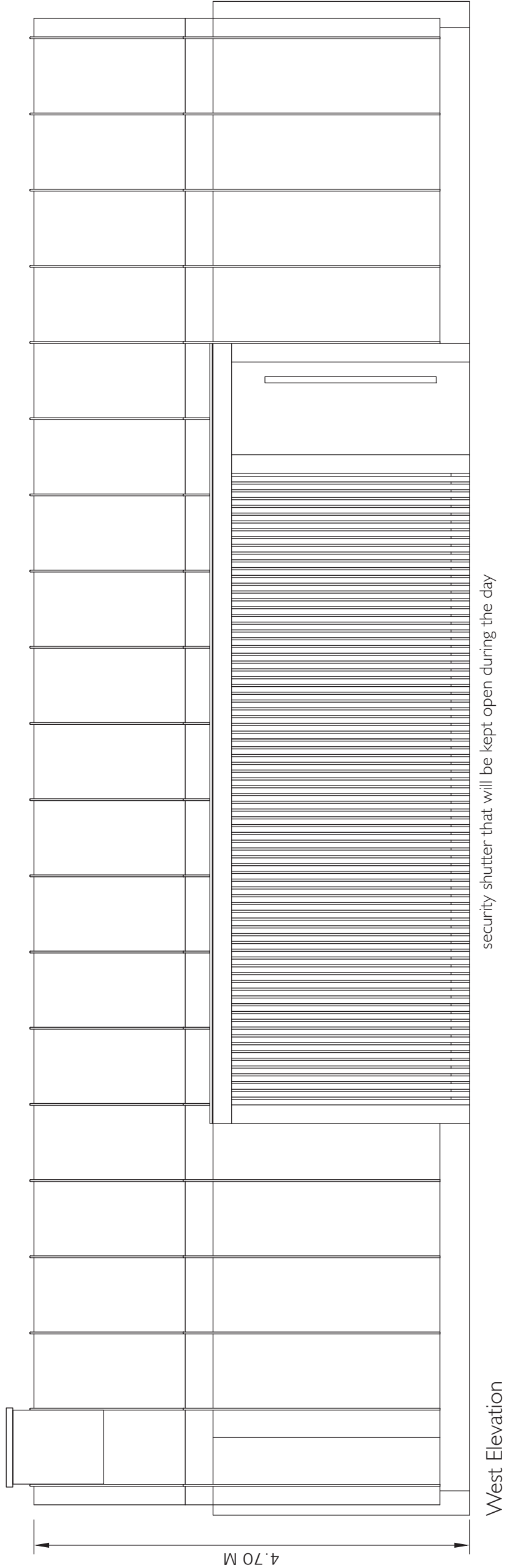
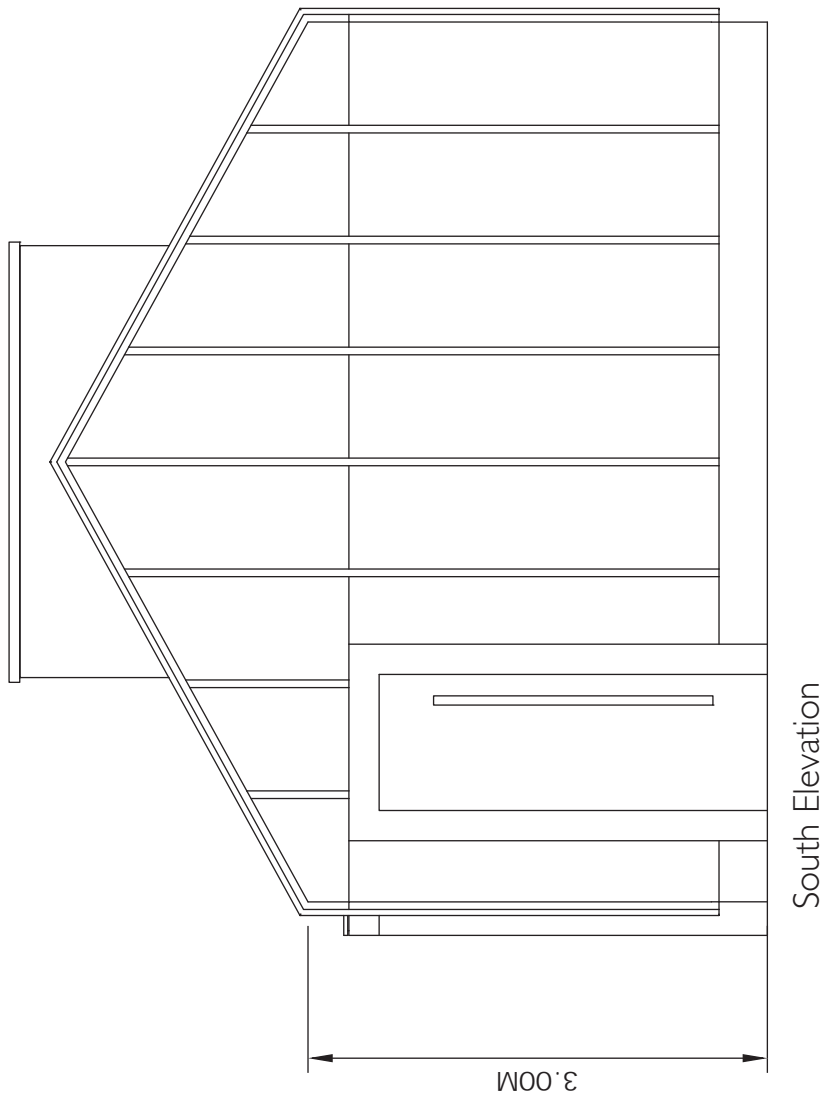
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Client

Mr D Norris

Project

Middle Critchley Fold

Drawing

Stables Plan & Elevation

Date

JANUARY 2018

Drawn by

JH / JP

Scales

1:50 @ A1

Job No - Dwg No - Rev

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b	March 18	JH	Revised for planning resubmission
a	Nov 16	BT	Revised for planning resubmission
Rev	Date	Drawn by	Comments

Client

Mr D Norris

Project

Middle Critchley fold  
Egerton, Lancashire

Drawing	Proposed Elevation West	Scales
Date	September 2018	Drawn by JH / JP
		1:50 @ A1

Job No - Dwg No - Rev

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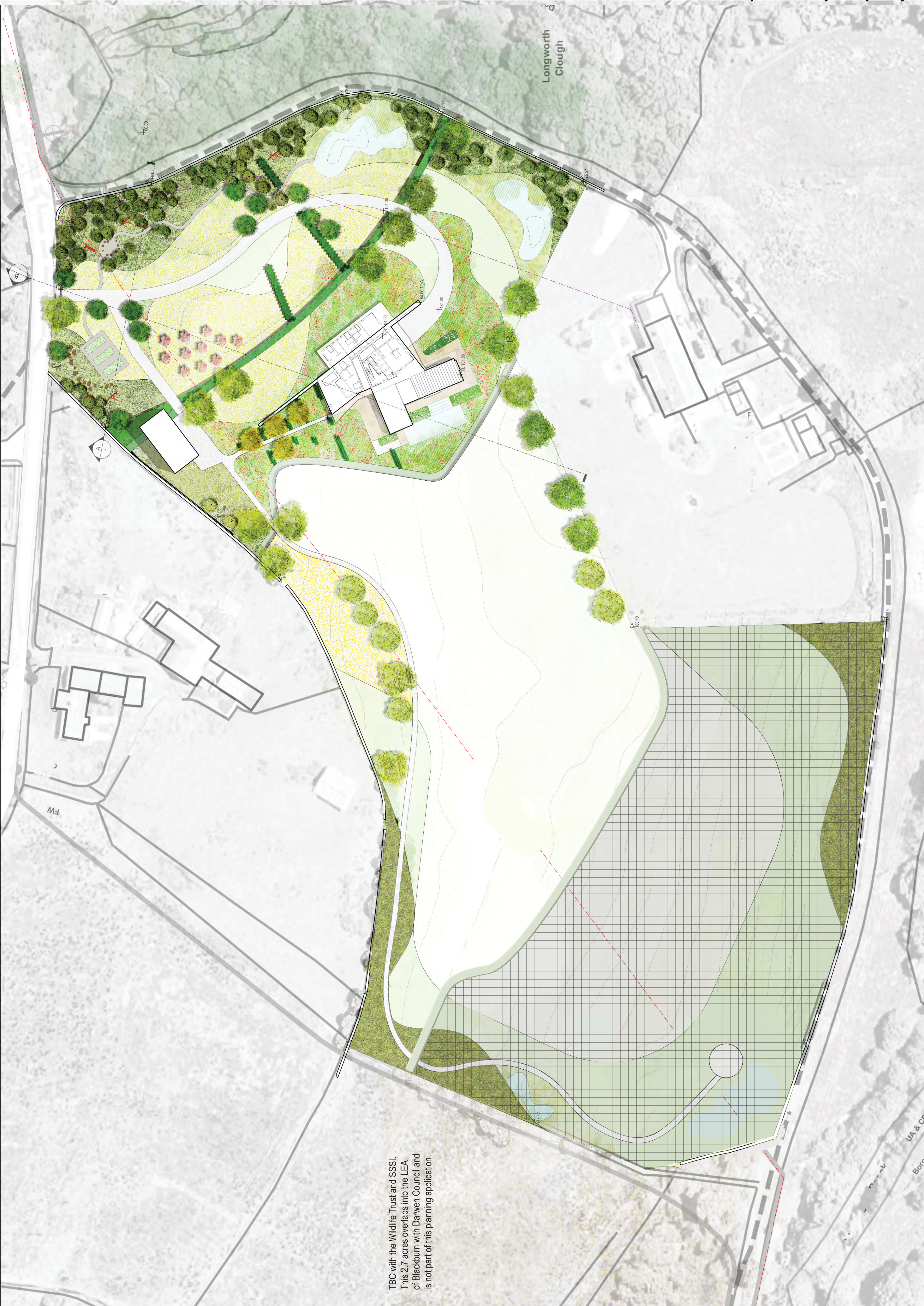
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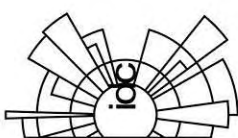
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B	18.10.2018	JH	Amended following architects feedback
A	24.10.2018	BT	Amended following client feedback
Rev	Date	Drawn by	Comments

Client	Mr D Norris
Project	Middle Critchley Fold New House
Drawing	Proposed Site Plan
Date	January 2018
Job No - Dwg No - Rev	JH / JP 1:500 @ A1
15068 - 11 - B	



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**Application number**  
**04803/18**



**Directorate of Place**  
**Development Management Section**

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

**Bolton**  
**Council**

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**Date of Meeting: 07/02/2019**

**Application Reference: 04803/18**

**Type of Application: Full Planning Application**

**Registration Date: 02/11/2018**

**Decision Due By: 27/12/2018**

**Responsible Officer: Monika Dubacka**

**Location: ST CATHERINE'S ACADEMY OFF NEWBY ROAD, BOLTON, BL2 5JA**

**Proposal:** INSTALLATION OF ARTIFICIAL GRASS PITCH INCLUDING FLOOD LIGHTING, 4.5 METRES HIGH BALL STOP FENCING, 1.2 METRES HIGH SEPARATION BARRIER, 2 TEAM SHELTERS AND A CONTAINER

**Ward: Bradshaw**

**Applicant: c/o Artisan Investment Group Limited**

**Agent : Surfacing Standards Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

1. Permission is sought to construct an all-weather pitch (measuring 101.4 metres by 61 metres) which will be facing Newby Road and will be situated to the east of the school buildings at St Catherine's Academy. The pitch will be constructed from an artificial grass pitch surface with a hardstanding to one side for pedestrian access along with two team shelters, and there would be an equipment container at the north-east corner of the pitch.
2. The proposal would contribute to the improvement of hockey and multi-sport facilities for match play and training at Bolton St Catherine's Academy and would replace one of a grass surfaced playing pitches and an existing unusable overgrown area within the playing fields off Newby Road. The remaining playing pitches are to be re-orientated in order to better maximise the sporting provision that the Academy can gain from the playing field area.
3. During the school day the proposed all-weather football pitch would be used exclusively by the school. Outside school hours the pitch would be open to the public, but for pre-booked use only.
4. The pitch would be surrounded by mesh style fencing and gates, which would be 4.5 metres in height and dark green in colour (RAL 6005). Six floodlights are proposed around the pitch, three on each horizontal side. The proposed lighting columns will be 12 metres in height and would accommodate up to twenty metal halide luminaires and fittings finished aluminium.
5. The application applies for opening hours from 0800 to 2200 Monday to Friday and 0900 to 1800 Saturday and Sunday as these are the same opening hours as the Sports Centre.



6. No hours for floodlights use have been proposed, but it is understood that the lighting would be required in winter months and on dark evenings. The applicant has stated that the lighting would be controlled by a time clock and movement/daylight sensors to ensure they are not in operation when not required.

### **Site Characteristics**

7. The application site is located to the south east of the school buildings and is currently used as a part of wider playing pitches for the school, used when the surface is suitably dry. Surrounding the site to the north are residential properties with grassed sports pitches immediately to the east, west and south. The site faces on Newby Road which along with the adjacent Lime Tree Drive to the north is predominately residential.
8. A hedgerow and trees run along the southern and northern boundaries of the surrounding sport pitches.
9. The site is not allocated within Bolton Council's Allocation Plan.

### **Policy**

10. Core Strategy Policies: S1 Safe Bolton; CG1.2 Urban Biodiversity; CG1.5 Flood Risk; CG3 The Built Environment; CG4 Compatible Uses; RA3 Brightmet, SC2 Cultural and community provision.
11. SPD General Design Principles
12. National Planning Policy Framework (NPPF)

### **Analysis**

13. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. 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.

14. The main impacts of the proposal are:-

- Γ impact on the amenity of neighbouring residents
- Γ impact on the character and appearance of the area
- Γ impact on crime, anti-social behaviour and litter

### **Principle of the Proposed Development**

15. 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 ensures that development respects the large amounts of open space and recreational open space in Brightmet.
16. Paragraph 91 of the NPPF advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places which (amongst others) enable and support healthy lifestyles, for example through the provision of safe and accessible green infrastructure and sport facilities

etc. Paragraph 92 recognises importance of the social, recreational and cultural facilities and services the community needs which should be provided throughout positively planning 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.

17. The proposal would be built over the existing playing field within the curtilage of the St Catherine's Academy, which means that the open space would be able to be used more often, enabling a more efficient use of the space, and improving its value as recreational open space.
18. The new facility will complement the extensive remaining open playing fields surrounding the application site, allowing a more diverse range of sports to take place at the School. For these reasons it is considered that the development complies with the provisions of national and local policies and is acceptable in principle.
19. Sport England reviewed the submission and confirmed that whilst not objecting to the proposal they would asked for:
  - i) confirmation of where and how the two existing rounders teams will be accommodated within the site, which has been subsequently provided on the amended plan and would be secured by a planning condition.
  - ii) a planning condition requiring a community use agreement to be prepared in consultation with Sport England to be submitted to, and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review.
20. The above requirements are to secure well managed safe community access to the sports facility/facilities and to ensure sufficient benefit to the development of sport and to accord with the above mentioned policies.

#### Impact on the Amenity of Neighbouring Residents

21. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.
22. The application site is currently an overgrown piece of land within the area designated as playing fields for the adjacent school. The proposal comprises the construction of an all-weather (synthetic turf) football pitch surrounded with weldmesh fencing and gates and eight 12 metres high floodlights. The introduction of floodlights will enable the new pitch to be used during the evenings and the new surface will also allow it to be used in wet weather conditions (the existing pitch is unlit and can only be used when it is suitably dry).
23. It is noted that General Design Principle SPD provides policy guidance regarding the siting and operation of floodlights in relation to residential properties in a distance of up to 50 metres, suggesting hours restrictions as:
  - ) 09.00 and 21.00 Monday to Friday,
  - ) 09.00 and 18.00 Saturdays, and
  - ) 09.00 and 17.00 Sundays.
24. In this instance, the rear elevations of residential properties to the east of the site are over 70 metres away from the application site. The house at Earls Farm to the north is approximately 56 metres away whilst the properties to the south along Newby Road are approximately 57 metres away from the proposed grassed pitch. Thus, the suggested hours of operation in the above

mentioned SPD do not apply.

25. Whilst the school did not provide proposed hours of use for the floodlights, the Council's Pollution Control Officers, after discussing this application with the applicant, recommend that the floodlights should be permanently switched off by 20.30 Monday to Friday and 18.30 on Saturdays.
26. Pollution Control Officers also recommend that the pitch should not be used outside of the hours of 9.00 to 21.00 Mondays to Fridays and 9.00 to 18.00 Saturdays, with no use on Sundays and Bank Holidays.
27. It is recommended that the hours of usage for both the pitch and the floodlights are conditioned, to safeguard the amenity of neighbouring residents.
28. In addition to the above, the applicant has confirmed that the floodlights would not be constantly on during these hours as the lighting would be controlled by a photocell detector and timer switch to ensure that any lighting does not adversely impact neighbouring residential amenity and are not in the operation when they are not required.
29. The applicant has further explained that control switches and time clocks will be installed to the floodlights to ensure they do not remain on any later than the permitted curfew hour and therefore mitigate impact to the surrounding environment. Controls will be located within a secure steel lockable feeder pillar unit which would be located by the side of the new synthetic pitch. This unit would be similar to those currently installed at St Catherine's between the existing 3G pitch and car park.
30. Furthermore, the lights would be position downwards, not facing any of the surrounding properties, with external louvres to be installed to each floodlight in order to further reduce spillage. This is recommended to be secured by a planning condition, to ensure that the proposed lighting does not result in light pollution.
31. Concerns have been raised by neighbours regarding the noise that would be generated from the proposed pitch. As stated above, it is recommended that the hours of use for the pitch are restricted to those proposed by the Council's Pollution Control Officers. These are considered to be reasonable given that the pitch will be approximately 56 metres away from the nearest residential properties.
32. In addition, a separate planning condition would be attached to any decision to ensure that the proposed kickboards around the pitch are appropriately insulated so they do not create unacceptable levels of noise.
33. The proposal would not result in a significant intensification in the use of the play area and consequently it is not considered that the proposal raises any issues in terms of exposing neighbouring residents to levels of noise and disturbance above that which they should reasonably expect to experience given the location of their properties adjacent to a school. This view is reached on the basis that the existing grassed area currently provides an area for a playing field used by school. On this basis any impact in terms of noise and disturbance would be negligible compared to the existing arrangements and therefore is not considered to warrant withholding planning permission.
34. No additional planting is being proposed with this application. However, the site is part of wider playing fields which are surrounded to the east, north and south by row of trees and shrubs

which already screens the existing playing fields from the surrounding properties and will also provide a buffer to the proposed pitch.

35. It is also noted that Pollution Control Officers recommend that hours of construction are restricted through a planning condition, as follows:

- Γ 0800 to 1800 Monday to Friday.
- Γ 0800 to 1300 Saturday.
- Γ No construction operations on Sundays or public holidays. 0800 to 1800 Monday to Friday.

36. The applicant has acknowledged the above and has confirmed that they agree with the suggested construction hours. However, given that construction phase would only cause a temporary impact and is not controlled by planning legislation, an informative will instead be attached to any decision notice to notify the applicant of the recommended construction hours.
37. In view of the above it is considered, subject to the recommended conditions, that the proposed development would not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy and the advice contained within the General Design Principles SPD.

#### Impact on the Character and Appearance of the Area

38. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy RA3 states that the Council will ensure that development respects the large amounts of open space and recreational open space in Breightmet.
39. The playing fields facing Newby Road are relatively flat with a slight slope/embankment towards the fence at the back of the pavement. A land levels plan has been provided and the applicant has confirmed that no changes in land levels are being proposed: this would be secured by a planning condition.
40. 4.5 metre high, dark green, weldmesh fencing and gates are proposed around the new green synthetic turf pitch, along with eight 12 metre high floodlights. These proposed structures would disrupt existing open views of the school field from outside the site, however this is not considered that this would be to a detrimental extent (the wider site is a school and its playing fields, rather than a protected landscape). The open nature of the weldmesh fencing and gates and its proposed dark green colour would help the development better assimilate into its setting.
41. 4.5 metre high, dark green, weldmesh fencing and gates are proposed around the new green synthetic turf pitch, along with eight 12 metre high floodlights. These proposed structures will disrupt existing open views of the school field from outside the site, however this is not considered to be to a detrimental extent (the wider site is a school and its playing fields, rather than a protected landscape). The open nature of the weldmesh fencing and gates and its proposed dark green colour will help the development better assimilate into its setting.
42. The proposed container will also be coloured in dark green and well set back from the street scene. This will be screened to a degree by the new green mesh fence line that it would sit inside, which would visually help to tie the container in with the rest of the development.
43. Whilst no additional landscaping is being proposed, the existing trees to the east, south and

north of the wider pitch would be retained and would also, to some extent, screen views from the surrounding properties.

44. It is not considered that the proposed development would detrimentally harm the character and appearance of the area, compliant with Policies CG3 and RA3 of the Core Strategy.

#### Impact on Crime, Anti-Social Behaviour and Litter

45. Policy S.1 of the Core Strategy states that the Council will ensure that the design of new development will take into account the need to reduce crime and the fear of crime.
46. Concerns have been raised by neighbouring residents about the security of the proposed development and potential anti-social behaviour.
47. It is considered that the greater use of the area should reduce anti-social behaviour due to there being a greater visible presence on the site.
48. It is considered that the proposed development would not in itself increase crime and the fear and crime and therefore complies with Policy S1.1 of the Core Strategy.

#### Impact on Highway Safety

49. Core Strategy policies P5 and S1 and the maximum car parking standards provided in Appendix 3 of the Core Strategy seek to provide adequate off road car parking and to promote road safety in the design of new development.
50. Bolton's Highways have been consulted and raise no objections to the proposal. The proposed extension to the playing field would not result in the loss of any car parking, nor would it have any impact upon visibility splays or increase the amount of traffic flow associated with the school site. Any community use would be when the school are not using the facility and therefore there would not be a substantial increase in traffic to the site. It is therefore considered that the development would be in accordance with the above mentioned policies as it would not have an adverse impact upon highway safety.

#### Contamination

51. Policy CG4 of the Core Strategy, in line with the NPPF, requires all new development to ensure any risk of contamination is identified and adequately managed.
52. Paragraph 170 of the NPPF state that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location and that adequate site investigation information, prepared by a competent person, is presented with applications.
53. The initial information provided with this application identify a risk of mine gases in the area, thus a Desktop Contamination Study has been requested before the determination and submitted in respect of potential land contamination.
54. The Council's Pollution Control Officers have reviewed the submitted report and, considering the sensitive end use, have recommended a condition requiring a watching brief to be undertaken during construction and should unforeseen contamination be found on site that has not been previously identified, this shall be reported to the Local Planning Authority

55. It is considered therefore that subject to conditions the land would be suitable for the proposed use in accordance with policy CG4.3.

#### Flood Risk

56. Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 163 of the NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.
57. The application site is located within Flood Zone 1 and is therefore within an area defined as having lowest risk of a flooding event occurring (less than 1 in 1,000 annual probability of flooding from rivers or the sea) therefore, it is considered that the proposed scheme would not in principle be at significant risk of a flooding event and would not result in any significant additional risk of flooding elsewhere.
58. The Council's Drainage teams have raised no objections subject to informatives and a planning condition to secure the provision of surface water drainage scheme. A condition has therefore been recommended requiring the approval and implementation of a drainage scheme in line with the requirements for surface water drainage based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions.
59. In light of the above and subject to conditions, it is considered that the proposal would not be at unacceptable risk of flooding and so is in accordance with NPPG and the NPPF.

#### Coal mining

60. The application site is located within a coal referral area.
61. The Coal Authority believes it would be disproportionate to request a Coal Mining Risk Assessment in this instance. Therefore the Coal Authority does not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of development proposed in this particular case and does not object to this planning application, but recommends a standard informative.

#### **Conclusion**

62. For the reasons discussed above it is considered that the proposed development would not unduly harm the amenity of neighbouring residents (by reasons of light and noise disturbance), would not detrimentally harm the character and appearance of the area, and would not result in the increase in crime and the fear of crime, compliant with policy. Members are therefore recommended to approve this application.



## **Representation and Consultation Annex**

### **Representations**

**Letters:-** 1 letter of objection has been received which raises the following concerns:

- Γ There is already enough noise from the existing all-weather pitch which is a good distance away;
- Γ The proposal would be too close to their property, increasing disturbance, noise and intrusive lighting;
- Γ Presumably the new pitch would be used for at least 12 hours per day, 7 days a week;
- Γ The existing fencing is inadequate and the field is used for "rough noisy play" by local youths, who leave litter behind;
- Γ There are no toilet facilities;
- Γ If a new facility is proposed it should be an enclosed indoor facility with proper supervision, security and toilet facilities.

**Elected Members:-** no comments received

### **Consultations**

Advice was sought from the following consultees: Pollution Control Officers, Drainage Officers, Coal Authority, Highways, Sport England

### **Planning History**

None applicable.

**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. Prior to the commencement of any groundworks, surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out submitted to and approved in writing with the Local 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:
  - i) 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
  - ii) Include a timetable for its implementation, and
  - iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason

To ensure the site provides satisfactory means of surface water drainage and in order to comply with Core Strategy policies CG1.5 and CG2.

3. During the period of construction, should unforeseen contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate remediation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed remediation measures.

Prior to first use/occupation of the development hereby approved a Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that no unforeseen contamination was found, or that all remedial works undertaken on site were completed in accordance with those agreed by the Local Planning Authority.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

4. Prior to first use of the development hereby approved the rounders pitch(es) shall be clearly marked out in accordance with the approved plan 'Proposed Site Plan' drawing number SSL2538 03 rev.03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order amending, revoking or re-enacting that order), the rounders pitches shall be retained and not be used other than for outdoor sport.

Reason

To protect the playing field/outdoor games area/sports facility from loss and/or damage, to maintain the quality of and secure the safe use of sports pitch/es /sporting provision and to accord with Core Strategy Policies SC2, RA3 and the National Planning Policy Framework.

5. Prior to first use of the development hereby approved a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and include details of:
  - i) pricing policy
  - ii) hours of use,
  - iii) access by non-educational establishment users
  - iv) management responsibilities, and
  - v) a mechanism for review

The development shall comply with the approved agreement.

Reason

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Core Strategy Policy SC2 and paragraph 97 of the National Planning Policy Framework.

6. Prior to first use of the development hereby approved the fencing surrounding the pitch and the container shall be colour treated in green RAL 6005 and retained as such thereafter. The container shall be placed in the location as specified on the approved plan and retained in that location thereafter.

Reason

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



7. Prior to first use of the development hereby approved kickboards and goals shall be installed and noise insulated in full in accordance with the approved plan 'Proposed AGP Layout' drawing number SSL2538 04 rev.05, and retained thereafter.

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.

8. The floodlights, hereby approved, shall not be switched on outside the following hours:-

**9:00- 20:30 Mondays – Fridays**

**9:00 - 18:30 Saturdays**

No lighting shall be used on Sundays and Bank Holidays.

Reason

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

9. The external lighting/floodlighting, hereby approved, shall be designed to an illumination value of 5 lux at the nearest residential property. The beam angle of any lights directed towards any potential observer should be kept below 70 degrees and external louvres shall be installed to each floodlight in order to further reduce spillage in accordance with the approved plan 'Proposed Floodlight Plan' drawing number SSL2538 06 rev. 02. Any subsequent new or replacement external lighting/floodlighting installed at the premises shall comply with the above requirements.

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.

10. The sport pitch, hereby approved, shall not be used outside the following hours:-

**9:00- 21:00 Mondays – Fridays**

**9:00 - 18:00 Saturdays**

No operations shall take place on Sundays or Bank Holidays.

Reason

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

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

**Proposed AGP Layout drawing number SSL2538 04 rev.05 dated 17.01.2019**

**Proposed Floodlight Plan drawing number SSL2538 06 rev. 02 dated 16.01.2019**

**Topographical Survey & Site Development drawing number SSL2538 09 dated 17.01.2019**

**Proposed Site Plan drawing number SSL2538 03 rev. 03 dated 19.12.2018**

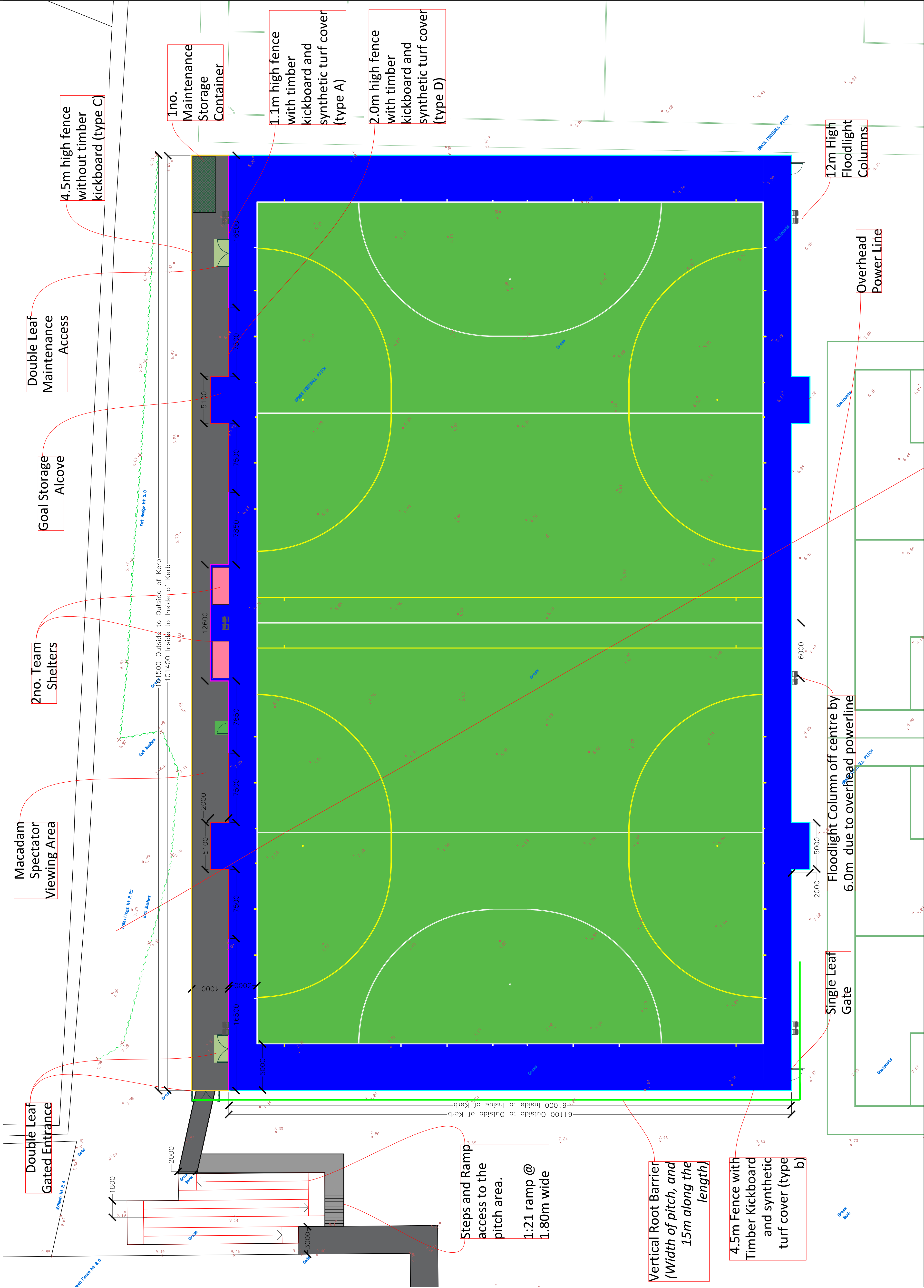
**Proposed Elevations drawing number SSL2538 05 dated 07.09.2018**

**Block Plan drawing number SSL2538 02 dated 07.09.2018**

Reason

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

## Artificial Turf Pitch



Nick McLaren	TITLE		
	Bolton St Catherine's Academy Artificial Turf Pitch Proposed AGF Layout		
	PROJECT	SCALE	SIZE
	<b>SSL2538</b>	1:200	A1
	DRAWING No		REVISION
	04		05

Nick McLaren

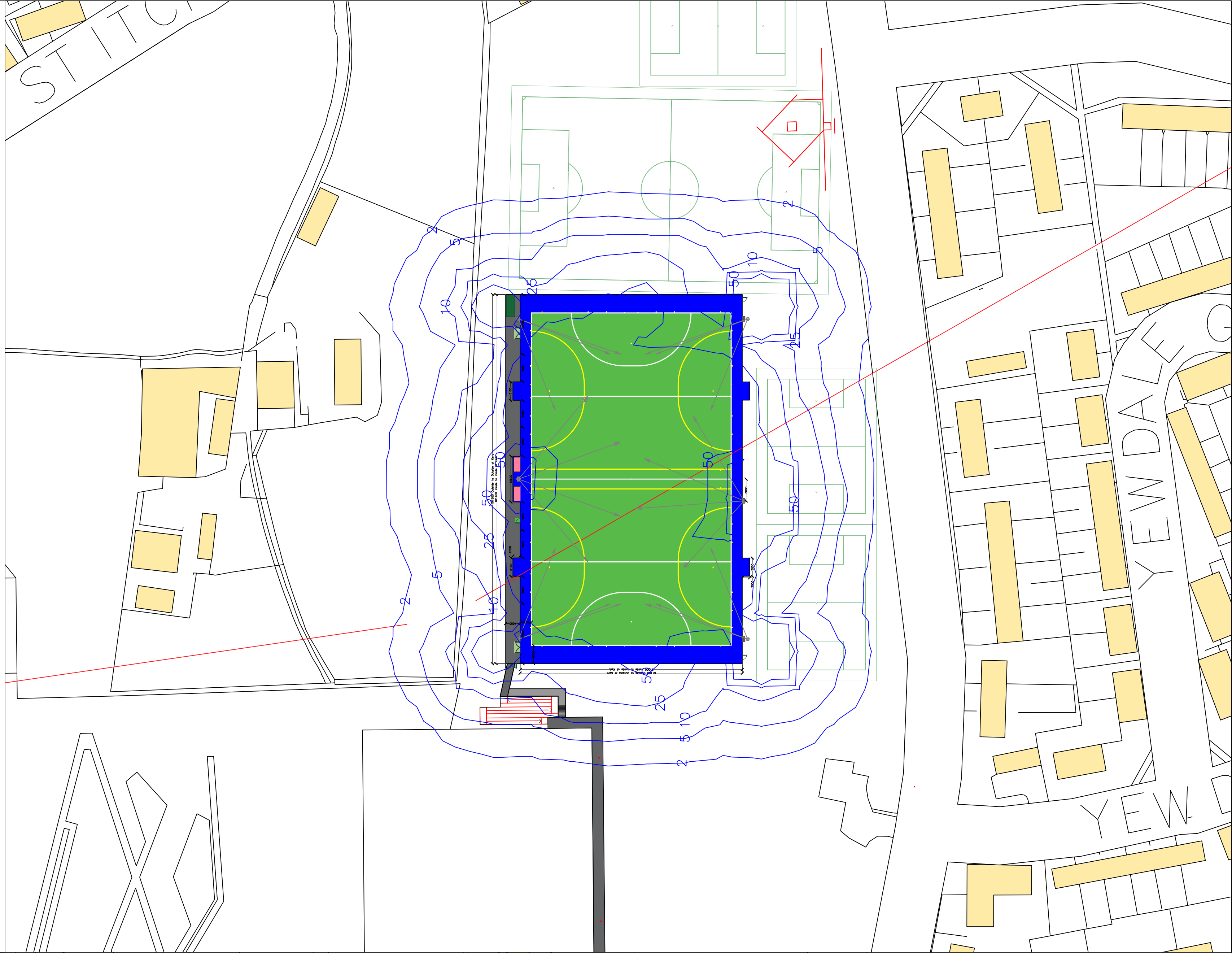
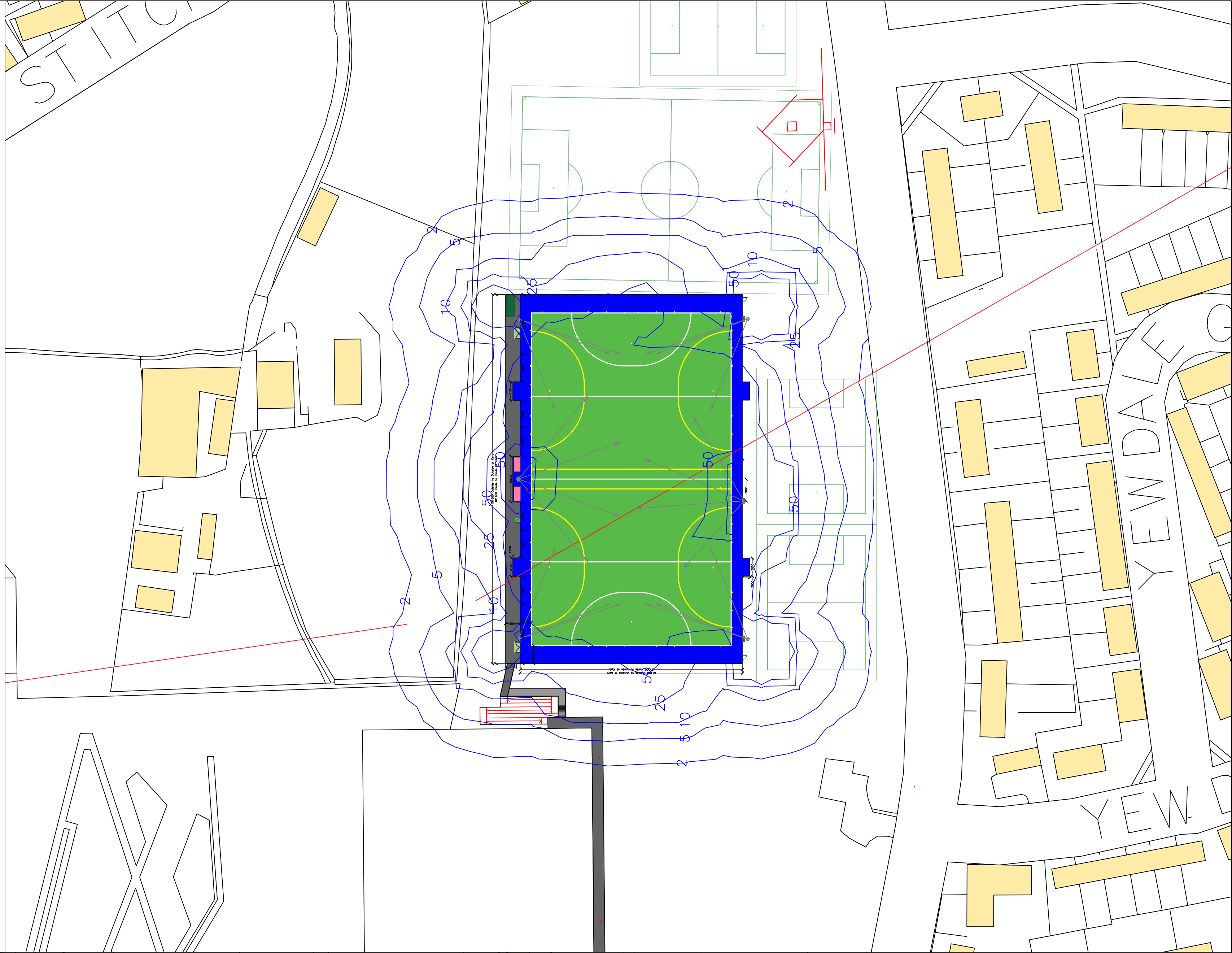
**Bolton St Catherine's Academy**  
**Artificial Turf Pitch**  
**Proposed AGP Layout**

PROJECT	SCALE	SIZE
<b>SSL2538</b>	1:200	<b>A1</b>
DRAWING No		REVISION
<b>04</b>		<b>05</b>



## Artificial Turf Pitch

## Vertical Illuminance and Spillage at 1.75m Height



FIH 350lux Class | Floodlighting Scheme  
Vertical Illuminance and Spillage at 1.75m Height

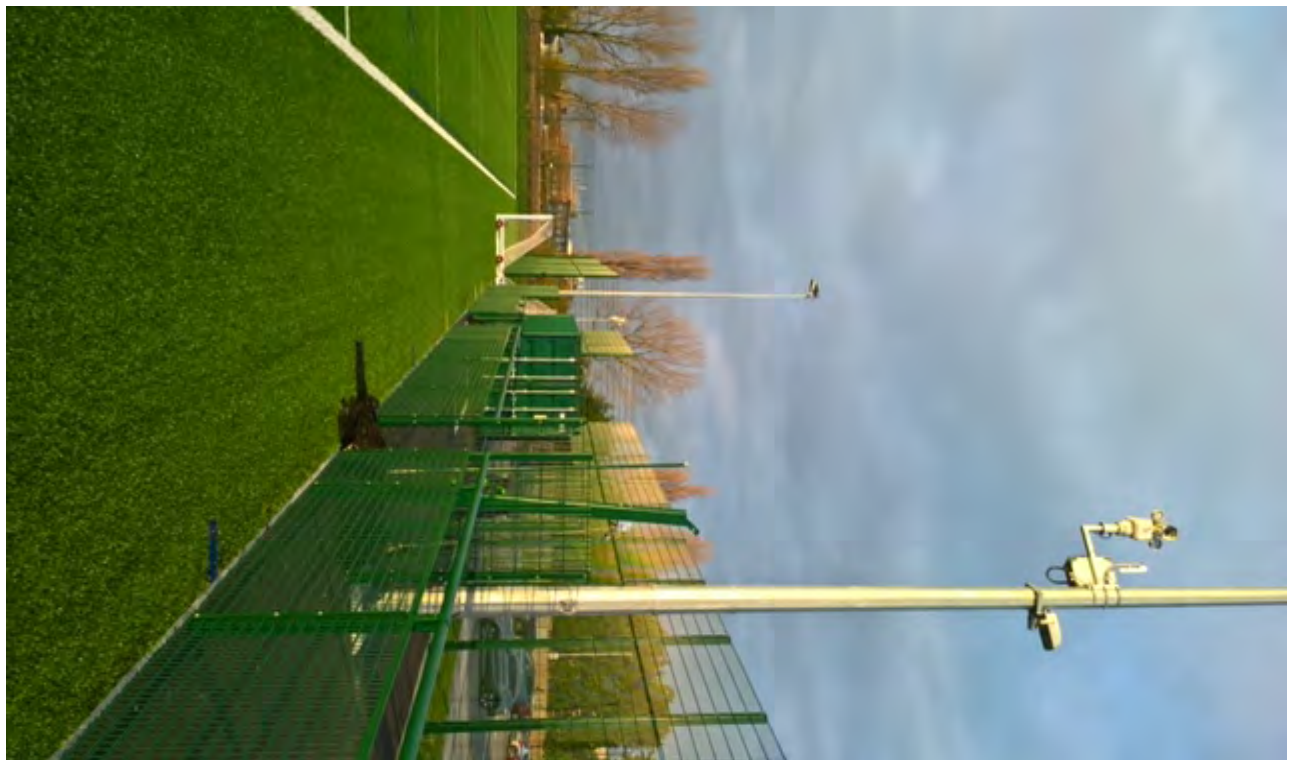


Additional external louvers to be installed to each floodlight in order to further reduce spillage. These are to be Philips Opti-Visors or equal approved.

Q#	PLANNING ISSUE	DATE	BY	CHK DATE	BY
01	SECOND ISSUE	15.10.19	NM		
	REV / DESCRIPTION	15.10.19	NM		

Nick McLaren	TITLE	Bolton St Catherine's Academy Artificial Turf Pitch Proposed Floodlighting Plan		
	PROJECT	SCALE	SIZE	A1
	SSL2538	1:750	REVISION	02
	06			







**Application number**  
**05040/18**



**Directorate of Place**  
**Development Management Section**

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

**Bolton**  
**Council**

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**Date of Meeting: 07/02/2019**

**Application Reference: 05040/18**

**Type of Application: Full Planning Application**

**Registration Date: 27/11/2018**

**Decision Due By: 21/01/2019**

**Responsible Officer: Beth Bradburn**

**Location: 20 BOLTON ROAD, FARNWORTH, BOLTON, BL4 7JW**

**Proposal:** DEMOLITION OF EXISTING OUTBUILDING AND CHANGE OF USE FROM DENTAL SURGERY TO 6-BED HOUSE OF MULTIPLE OCCUPANCY (HMO)

**Ward: Farnworth**

**Applicant: Leaving Care Services Ltd**

**Agent : JK Technical Services (NW) Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

1. This application is a resubmission of the application 04446/18 which sought permission for the demolition of the existing outbuilding and the change of use from a dental surgery to 7-bed house of multiple occupancy (HMO), and which was refused by Committee at the November 2018 meeting for the following two reasons:

*1. The proposed development represents an over development of the site which will result in harm to the living conditions of the future occupiers of the property by virtue of the limited proposed outdoor amenity space and the limited size of proposed bedroom 4, and is thus contrary to Policy CG4 of Bolton's Core Strategy and Supplementary Planning Documents 'General Design Principles'.*

*2. The proposed development makes insufficient provision for car parking in connection with the proposed use which is likely to result in on-street traffic and parking problems, and is thus contrary to Policies P5 and S1.2 of Bolton's Core Strategy.*

2. Planning permission is now sought for the change of use of an existing dental surgery (D1) to a house in multiple occupation (HMO) with 6 bedrooms for the occupancy of up to 6 residents (Sui Generis). Again, to facilitate the change, the single storey outbuilding would be demolished and the existing entry to the outbuilding would be made good with materials to match the existing wall. The existing garage would also be demolished; however the entrance way at the rear wall would remain to serve the bin/bike store. All fenestration within the existing elevations would remain as existing. Two additional drainage pipes would be added to the rear elevation.
3. The property will accommodate bedroom 1, bedroom 2, a communal lounge, kitchen/dining



room, a utility room and W/C at ground floor. At first floor, the development would accommodate bedrooms 3 ,4, 5 and 6 as well as a communal bathroom, a shower room, and a communal study/home office. Bedroom 6 would also have an en suite.

### **Site Characteristics**

4. The application relates to an end terrace property with accommodation for the dental surgery at ground and first floor, located on Bolton Road. The property has hard standing to the front of the property which is accessed via Granville Street, dwarf walls are located to the front boundary with Bolton Road and approximately 2 metre high walls area located to the rear and side boundaries. The other dwellings within the terrace row are residential. The wider area is predominantly residential featuring a variety of housing types, however opposite the application site is a restaurant (A3 use) and in the wider area are other commercial uses. Sughra Mosque is sited immediately west of the application site and the wider area is more mixed in nature.

### **Policy**

5. Core Strategy Policies: P5 Transport and Accessibility; S1 Safety; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; RA2 Farnworth;
6. Allocations Plan Policy P7AP Strategic Route Network
7. Supplementary Planning Documents: Accessibility, Transport and Road Safety and General Design Principles.
8. National Planning Policy Framework (NPPF)

### **Analysis**

9. 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.

10. The main impacts of the proposal are:-

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

### **Impact on Housing Provision**

11. Policies SO14, SO15 and SO16 of Bolton's Core Strategy are strategic objectives within the "Strong and Confident Bolton" theme and seek to provide housing that meets the needs of everybody, reflecting the needs of an ageing population and a growth in the number of households, focus new housing in the existing urban area, council-owned housing areas and in mixed-use developments on existing older industrial sites and to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.

12. Policy RA2 relates specifically to Farnworth and states that development should make efficient use of land in this area due to existing higher levels of development density, requiring development to provide adequate privacy and amenity space and conform to the overall spatial approach.
13. Paragraph 55 of the NPPF states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Section 11 of the NPPF seeks to make effective use of land and states that planning decisions should promote and support development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, cars parks, lock-ups and railway infrastructure).
14. The NPPF features no specific guidance on the subject of houses in multiple occupation, although the general guidance at paragraph 60, on the need for authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, is relevant.
15. The existing D1 use will be lost as a result of the conversion; however a form of lower cost housing will be provided which will meet a particular need, thereby making a small but positive contribution to the number of households and mix of housing available over the plan period in accordance with the above national and local policies.

#### Impact on the Character of the Area

16. To facilitate the change of use, the existing outbuilding and garage will be demolished. These structures are not visible from the street and make no positive contribution to the host building or the wider area; their loss is not opposed. The fenestration on all elevations of the property will be upgraded, the external grounds to the rear will be fully redone with modern boundary fence panels and access, along with landscaping. The front hardstanding will be modernised and planting tidied and improved. The roof will also be repaired and all guttering replaced for new. The proposal would therefore have no adverse impact on the character of the area and would also help improve the appearance of the property.
17. Policies CG3 and RA2 seek to conserve and enhance the distinctive character of the existing physical environment. The properties surrounding the application site are predominantly terraced town houses with alternative architectural frontages. As the elevations of the property are not proposed to be altered, the proposal would have no impact onto the appearance of the physical environment in accordance with Policies CG3 and RA2.

#### Impact on the Amenity of Neighbours and Future Occupiers

18. Core Strategy Policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. In terms of the impact on neighbours, it is recognised that as a dwellinghouse, the property is an end dwelling, therefore the main impact would be on the only adjoining property of no. 18 Bolton Road. The rooms located next to the party wall would be a bedroom, a utility room and lounge at ground floor and two bedrooms and shower room at first floor. It is acknowledged that the current use of this dwelling is a dental surgery, however it is presumed it would have originally been a large family dwelling. As only two bedrooms at first floor would be located to the party wall at first floor, a lounge communal room and a further bedroom at ground floor would be located to the party boundary, this would not be too dissimilar to the amount of bedrooms and communal areas in a



typical large family dwelling. It is therefore not considered that the proposed development would result in any adverse impact onto the amenity of no. 18 Bolton Road.

19. The majority of the original treatment rooms of the surgery would be occupied by bedrooms or other communal rooms. Within the side elevation of the property there is two windows serving the kitchen diner at ground floor and a shower room window at first floor. There are also no windows within the side of no. 22 Bolton Road therefore the windows within the side elevation would have no impact onto the amenity of this dwelling. Directly to the rear of the application site is Sughra Mosque, therefore the proposed main room windows to the rear would result in no impact onto amenity. The bedroom windows to the front of the property meet the required interface distances as set out within the General Design Principles SPD and would cause no adverse impact onto no. 19 Bolton Road or no. 1 Alfred Street.
20. Due to the scale of the dwelling it is considered that noise would not be significantly different to that associated with a typical large family dwelling. The likely comings and goings may be more intense compared to the previous D1 use as the dental surgery was controlled by hours of operation, but not to the extent that it would cause unacceptable harm to neighbouring residential amenity. Furthermore, the Council's Environmental Health Department have been consulted and have no objections to the proposal.
21. For future occupiers, each bedroom within the ground and upper floors will have at least one window that will provide an adequate level of light and outlook. The communal kitchen/dining area will be on the ground floor, utilising windows to the side and rear of the property for light, outlook and ventilation. This shared kitchen and dining area has a floor space of approximately 30 square metres which is considered acceptable, especially in addition to the individual bedrooms which range from 14 square metres to 23 square metres. Occupiers will also have the use of a shared lounge and study/office.
22. According to the Council's standards for houses in multiple occupation the following space standards are required to be met:-
  - ) Single occupancy bedroom (with no separate living room) – 10.22sqm
  - ) Double occupancy bedroom (with no separate living room) – 15sqm
  - ) Combined kitchen/dining room for 10-12 occupants – 19.5sqm
  - ) HMO occupying between 6-10 persons 2 full bathrooms AND 1 separate WCs with WHBs.
  - ) HMO occupying between 11 – 15 persons 3 full bathrooms AND 1 separate WCs with WHBs
23. All rooms exceed 15 square metres in area. Furthermore, the kitchen/dining room exceeds the required space standards for a HMO occupying between 6 residents. There is also an additional lounge at ground floor. Due to the HMO proposing a W/C at ground floor, a full bathroom at first floor, an additional shower room and an en suite to bedrooms 5 and 6, the proposal would only be capable of housing up to a maximum of 12 persons. Taking the above assessment into account, it is considered that future occupants of the proposed HMO will be provided with a satisfactory level of light, space and outlook. However the Applicant has confirmed that this HMO is only proposed to occupy a maximum of 6 people (1 per bedroom). A condition is therefore suggested to ensure that only 6 people reside in the HMO at any one time.
24. The General Design SPD outlines amenity space standards for flat and bedsit developments, it advises of 18sqm adequately screened communal amenity space per bedsit, whilst this policy guidance specifically relates to the conversion of dwellings into bedsits, it is considered that the principle of this policy can be applied. Policy CG4.1 refers to protecting amenity, privacy, safety and security. The privately screened garden area to the rear of the building measures approximately 40sqm which breaks down to 6.6 square metres of space per bedroom. However,

given that the nature of the HMO which proposes a large communal dining/kitchen area and lounge, the private garden area is considered appropriate for the size of the HMO, and will afford occupiers an adequate level of private external amenity space. Although the size of the garden has not been enlarged, fewer people are proposed to be accommodated within the HMO, therefore the outdoor yard would be better suited to the number of people residing at the property.

25. This proposal has sought to address the previous reasons for refusal by re-configuring the interior of the HMO as to reduce the number of bedrooms, and thereby removing bedroom 4. Furthermore, an additional bathroom/en suite has been added to bedroom 6 and a utility room has been introduced. The scale of the communal garden is more appropriate as 6 bedrooms are now proposed rather than 7. This latest proposal therefore improves the facilities and living conditions for future occupiers.
26. The proposal has been reviewed by the Council's Housing Standards Officers who have advised that the proposed layout of the property is such that it meets the Council's HMO standards and would have the potential to be licensed for up to 12 persons. However in order to address the previous reasons for refusal for application 04446/18 the Applicant has confirmed that this HMO would only occupy a maximum of 6 people with (1 per bedroom) and therefore a condition would be attached as to ensure that only 6 people will reside in the HMO at any one time; this will ensure that there is less pressure on the facilities in the HMO.
27. There is an adequate level of space around the dwellings to accommodate a suitably sized bin store. Although a store has been plotted on the floor plan, additional details and elevational drawings are required. A condition is therefore suggested requiring details of the siting and proposed bin shelter to be agreed prior to occupation of the dwellings.
27. It is noted that there is a mosque directly to the rear of the application site, however a condition was attached to the decision made under the application 91314/14 ensuring there would be no amplified calls to prayer by way of loudspeakers, amplifiers, bells, tannoys, or other similar public address systems sounded, broadcast or otherwise transmitted from the building or the site or in any other way in association with the mosque approved under the application 91314/14. The mosque would therefore have no impact onto the future occupiers of the application property. Furthermore, the Council's Environmental Health department has been consulted and raise no concerns over this proposal.

#### Impact on Crime and Anti-Social Behaviour

28. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are therefore material considerations that a local authority should take into account when exercising its planning functions under Town and Country Planning legislation. The National Planning Policy Framework states that planning decisions should aim to ensure that developments should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
29. Bolton's Core Strategy notes that the town's recorded crime levels are reducing but perception of crime remains high. The Core Strategy's most important direct contribution to reducing crime and the fear of crime is through the design of new development. A contributory factor to improving safety is to create and sustain a sense of place that enables people to identify with their surroundings or locality. This can be achieved through appropriate layout, high quality architecture, good lighting and landscape design. In considering design, the Council takes into



account national advice as currently set out in the Government publication "Safer Places – the Planning System and Crime Prevention."

30. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks, amongst other things, to reduce crime and the fear of crime, by ensuring that neighbourhoods are attractive and well-designed. Policy S1 is part of the "Safe Bolton" Sustainable Community Strategy theme and states that the Council and its partners will ensure that the design of new development takes into account the need to reduce crime and the fear of crime. Policy CG4 of Bolton's Core Strategy seeks to ensure that new development protects, amongst other things, safety and security.
31. Crime and anti-social behaviour often figure higher in the concerns of neighbours in the determination of applications for new HMOs but the planning appeal record has generally found that such concerns are not based in fact.
32. Only minor external changes are proposed and it is noted that the site and all access points benefit from good natural surveillance due to its location surrounded by a main network route and the mosque to the rear. The impact on crime and anti-social behaviour is considered to be acceptable.
33. Greater Manchester Police Design for Security have been consulted, however no comments have yet been received. Only minor amendments have been made to the interior of the dwelling when compared with the previous application 04446/18. The below recommendations are therefore still relevant to this application:
  - ) The main communal entrances to the apartments should operate on a audio/video access control system, allowing residents to vet visitors before granting them access in to the building.
  - ) All aspects of the building, particularly doorways should be illuminated with dusk till dawn lighting.
  - ) All bedroom doors should be certified to BS PAS 24.
  - ) Any new external doors and ground floor windows should be certified to a Secured by Design recognised security standard (PAS 24 or LPS 1175).
  - ) We would recommend that the ground floor windows which face 'Granville Street' are accompanied by belly bars. To prevent unauthorised access. Please see attached Image as an example.
  - ) The existing rear upper floor windows should have at least one layer of lamination as they are deemed vulnerable due to the climbing aids.
34. A condition will be imposed to ensure the details of the security measures which are to be incorporated into the development are submitted to the local authority prior to the occupation of the dwelling.
35. A number of the objectors raise concern in relation to the people who will reside in the HMO. The LPA has no control over who the future residents may be, in the same way there is no control over who resides in a dwellinghouse.

#### Impact on the Highway Network

36. 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.

37. 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.
38. Objections have been received on the basis that there will be an increase in traffic exacerbating existing parking problems on the street. For HMO uses it is often the case that residents have a low level of car ownership. In addition, it is recognised that the existing property could be occupied by a large single household which may give rise to even greater parking requirements than a multiple occupation use. On appeal, inspectors have accepted that greatly reduced or nil parking requirements for HMOs are acceptable given the likely demand based on an evaluation of the particular case - proximity to public transport, shops etc being important factors as well as capacity on and off site and roadside parking controls operating.
39. However, in this case, the location plan appears to indicate that 3 car parking spaces are proposed to be associated with the property. The Council's Highway Engineers note that the proposed change of use will potentially generate less traffic and pose less parking issues than the extant use-class associated with the premises, furthermore Highways Engineers have stated that the hard standing to the front of the property would have the potential to accommodate 4-5 vehicles. The property is also situated within an accessible location, close to sustainable transport provision and town centre amenities. Acting on this, Highways Engineers state they cannot reasonably object to this proposal and despite the location plan only displaying 3 car parking spaces, Highways Engineers note it could potentially accommodate a further 2 spaces which would further reduce the pressure on on-street parking.
40. Furthermore, a condition is suggested to ensure that the secondary vehicle access that allowed entrance to the existing outbuilding, which is now proposed to be demolished, is closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards.
40. A condition is also recommended to ensure that the secure and sheltered parking for cycles shown on the proposed site plan is available for use prior to occupation of the dwellings.
41. The comments of the objectors are noted but, for the reasons set out above, it is not considered that the proposed use is of such a scale to represent a severe impact, in accordance with the NPPF. The impact on the road network is considered to be acceptable.

### **Conclusion**

42. For the reasons discussed above it is considered that the applicant has sufficiently addressed the previous reasons for refusal for the change of use of the application property to an HMO. It is not considered that the development will harm the character and appearance of the area and will not pose an unacceptable harm to the amenity of neighbours or future occupiers. The proposal will not represent a severe impact on the highway network and would provide a form of lower cost housing which will meet a particular need.
43. The development is considered to be in accordance with the relevant policies contained within



Bolton's Core Strategy and the guidance contained within the SPDs and the NPPF. Members are therefore recommended to approve this application, subject to the recommended conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:** 4 objections have been received from neighbours. The issues raised can be summarised as follows:

-  Unacceptable increase in traffic resulting in more vehicles parking on Park Street and causing difficulties for passing pedestrians;
-  The development represents overdevelopment;
-  Intensive use would lead to an increase in noise;
-  Lack of community cohesion leading to anti-social behaviour;
-  HMOs are occupied by less desirable tenants;
-  Lack of bin storage;
-  There are already HMOs in the area;
-  Bedroom 6 has an en suite which could suggest that there is a proposal for a residential manager and would therefore question the exact use of the premises rather than just being a simple HMO;
-  HMOs attract criminal behaviour;
-  The HMO will reduce property values in the area;
-  The development will not enhance the street;
-  Only one bedroom has been removed;
-  Lack of internal communal areas.

**Petitions:** One petition has been received on the following grounds:

-  Increase parking issues;
-  The development would have the potential to increase anti-social behaviour;
-  Disturbance on surrounding properties;
-  The proposal is an inappropriate development for the area.
-  Bedroom 6 has an en suite which could suggest that there is a proposal for a residential manager and would therefore question the exact use of the premises rather than just being a simple HMO.

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

-  The impact on the highway as a result of limited space for parking;
-  Noise and disturbance;
-  Lack of bin storage;
-  Lack of amenity space for residents;
-  The number of HMOs in the area;
-  Increase in antisocial behaviour which would put attendees of the mosque at risk;
-  The development represents overdevelopment.

### **Consultations**

Advice was sought from the following consultees: Environmental Health; Highways; Housing and Public Health; Design for Security.

### **Planning History**

An application for a change of use from a garage to a workshop for dental Technician was approved under the application reference 36427/90.

Application 04446/18 for the demolition of existing outbuilding and change of use from dental surgery to 7-bed house of multiple occupancy (HMO) was refused at Committee in November for the following two reasons:



*1. The proposed development represents an over development of the site which will result in harm to the living conditions of the future occupiers of the property by virtue of the limited proposed outdoor amenity space and the limited size of proposed bedroom 4, and is thus contrary to Policy CG4 of Bolton's Core Strategy and Supplementary Planning Documents 'General Design Principles'.*

*2. The proposed development makes insufficient provision for car parking in connection with the proposed use which is likely to result in on-street traffic and parking problems, and is thus contrary to Policies P5 and S1.2 of Bolton's Core Strategy.*

**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.     Prior to the commencement of development, full details of the highway works at Granville Street comprising of the vehicular access to the previous outbuilding to the rear, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document "Accessibility, Transport and Road Safety".

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

Reason

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

4.     Prior to the development hereby approved being first occupied, the existing vehicular access off Granville Street which previously allowed access to the rear outbuilding shall be closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards.

Reason

In the interests of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

5.     Before the development is first brought into use a detailed scheme shall be submitted to and approved by the Local Planning Authority showing the design, location and size of a facility to store refuse and waste materials. The approved scheme shall be implemented in full prior to first

occupation of the premises and retained thereafter.

Reason

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

6. Prior to first occupation of the development hereby approved, details of security measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The security measures, as a minimum, shall include an audio/video access control system at the main communal entrance to the building, the provision of a secure side gate to the south of the building, dusk until dawn lighting to the front and rear doors and belly bar specification to the ground floor windows facing Gransville Street.

The approved security measures shall be implemented in full prior to first occupation and retained as such thereafter.

Reason

To improve site security reduce, to reduce the fear of crime and to comply with policy S1 of Bolton's Core Strategy.

7. No more than 6 persons shall be resident at the premises at any time.

Reason

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

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

**Proposed Plans, Drawing no. 03, Rev A, Dated 03.08.2018, Validated 28.11.2018**  
**Proposed Elevations, Drawing no. 04, Rev A, Dated 03.08.2018, Validated 28.11.2018**  
**Existing Plans and Elevations, Drawing no. 05, Dated 03.08.2018, Validated 28.11.2018**

Reason

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



[illegible][illegible]

# Proposed Ground Floor Plan

Scale 1:100

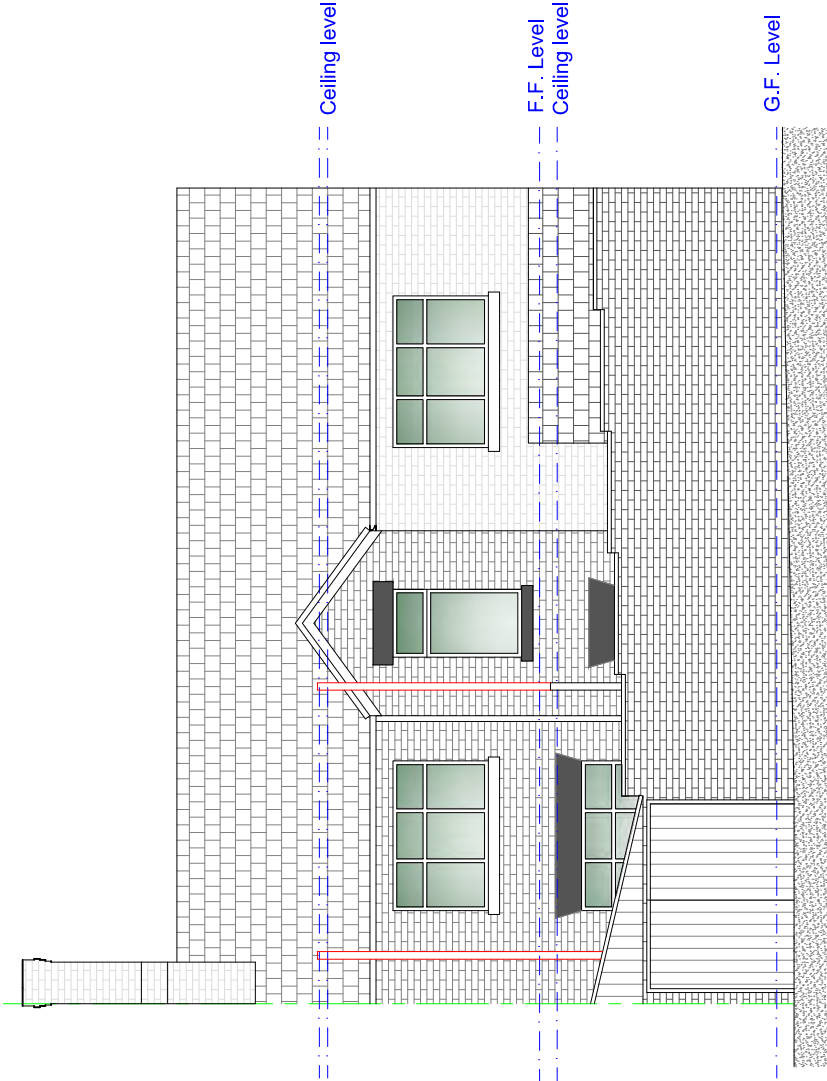
Issued For : INFORMATION PURPOSES ONLY

**Project**  
Demolition of existing outbuilding and change of use from a dental surgery to 6-bed HMO'.  
20 Bolton Road, Farnworth. BL4 7JW

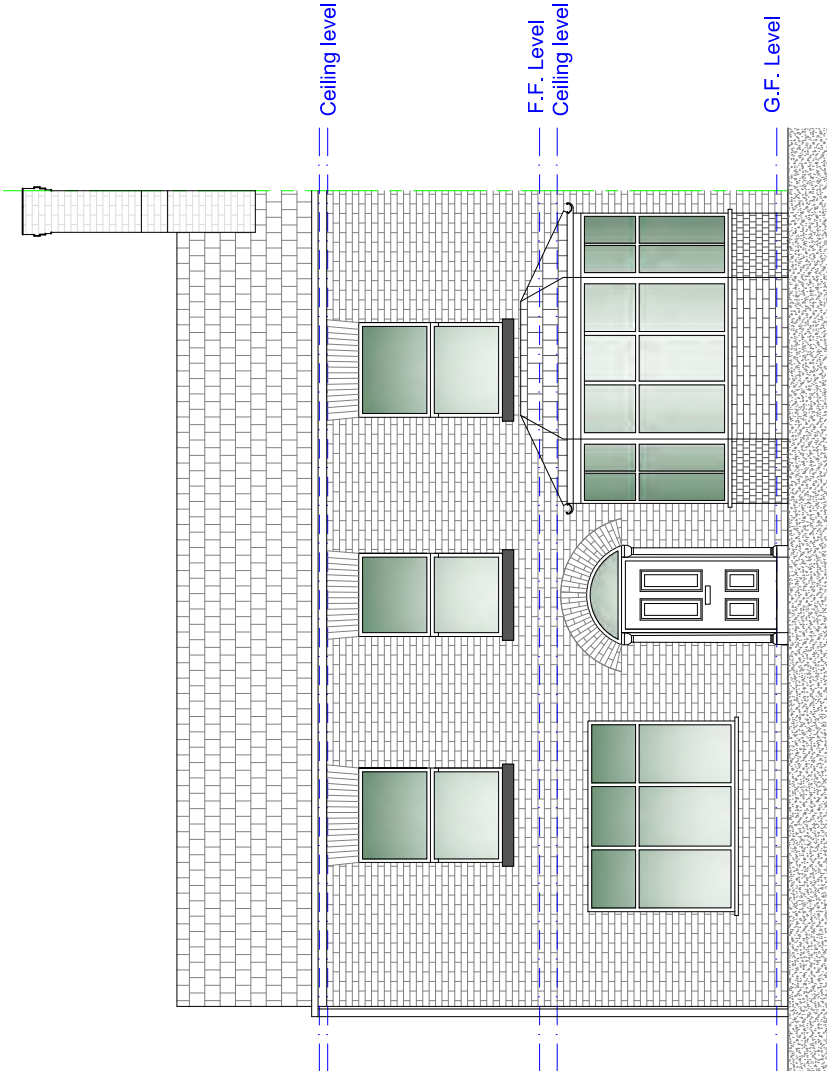
03	A	Date	03.08.18
Drawing No.	Revision	Scale	1:100 @A3



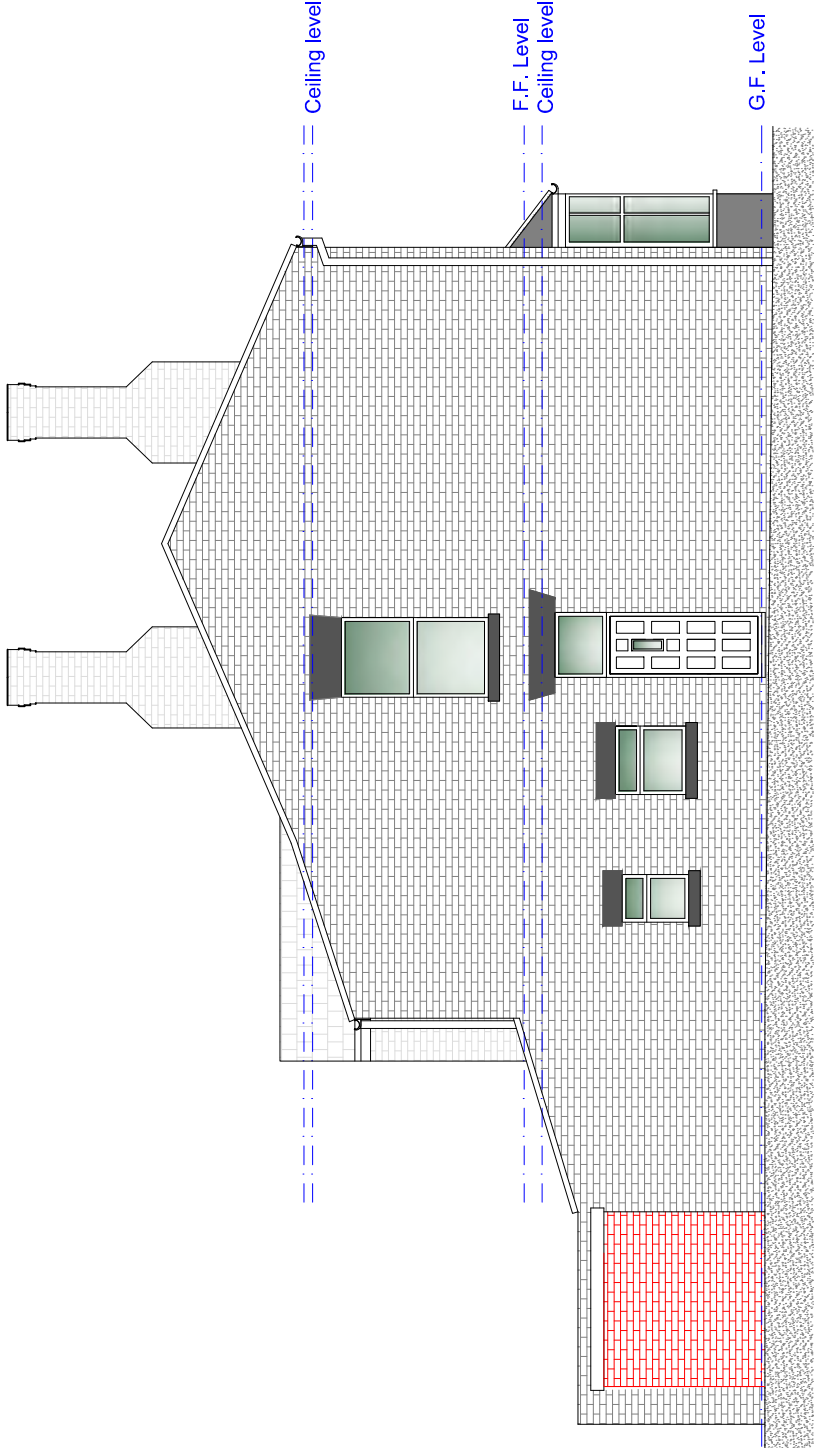
All dimensions are to be checked on site. This drawing shall not be scaled to ascertain dimensions.




Proposed Rear Elevation  
Scale 1:100



Existing Rear Elevation  
Scale 1:100

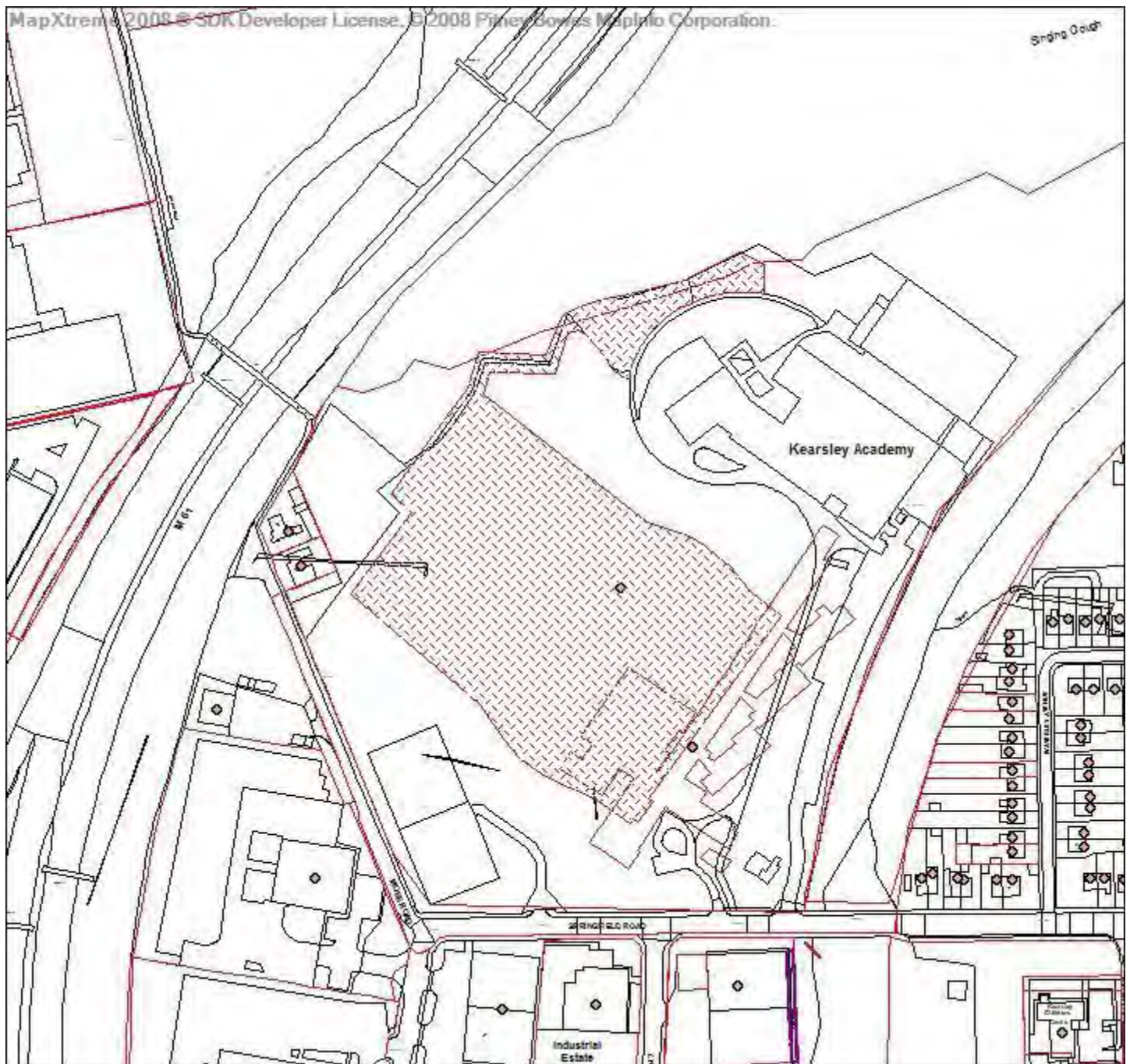


Proposed L/H Side Elevation  
Scale 1:100

Rev	Date	Description	Client	Project
A	15.08.18	Client's comments added.		
Issued For: INFORMATION PURPOSES ONLY				
Scheme - Drawing Title				
Proposed Elevations				
Reconstruction of existing outbuilding and change of use from a dental surgery to 6-bed HMO.				
20 Bolton Road, Farworth, BL4 7JW				
Scheme - Drawing Title				
Proposed Elevations				
04	A	Date	03.08.18	Revision
Drawing No.		Scale 1:100 @A3		
				
DOMESTIC, ARCHITECTURAL & SURVEYING SERVICES, HOUSE EXTENSIONS, GARAGE/LOFT CONVERSIONS, PLANS FOR PLANNING & BUILDING CONTROL, <a href="http://www.jktechservices.co.uk">www.jktechservices.co.uk</a>				



**Application number**  
**05154/18**



**Directorate of Place**  
**Development Management Section**

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

**Bolton**  
**Council**

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**Date of Meeting: 07/02/2019**

**Application Reference: 05154/18**

**Type of Application: Full Planning Application**

**Registration Date: 17/12/2018**

**Decision Due By: 17/03/2019**

**Responsible Officer: Beth Bradburn**

**Location: KEARSLEY ACADEMY, SPRINGFIELD ROAD, KEARSLEY, BOLTON, BL4 8HY**

**Proposal:** CONSTRUCTION OF 3G ALL WEATHER SPORTS PITCH WITH 4.5M HIGH BALL STOP FENCING AND LED FLOOD-LIGHTING ON 15M COLUMNS , AND THE ADJACENT ESTABLISHMENT OF A USABLE NATURAL GRASS SPORTS FIELD, WITH SPACE FOR MULTIPLE SPORTS, AND PIPED SUB-SOIL LAND DRAINAGE OUT TO AN EXISTING DRAINAGE SWALE AND ONWARDS TO THE SINGING CLOUGH CULVERT

**Ward: Kearsley**

**Applicant: Northern Education Trust**

**Agent : Bolton Council**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

1. The application proposes the creation of a new artificial 3G pitch principally for football use which would be located to the south west of the main Kearsley Academy School building along with a natural grass sports field with space for multiple sports. The specifications for each facility are outlined below:
  - ) Construction of a new all-weather pitch measuring 106 metres in length and 70 metres in width and surfaced with a green 3G synthetic turf with pitch markings and fenced along its edge with a 4.5 metre high dark green weld mesh fence. 8 floodlights would be provided along the edge of the new pitch, mounted on 15 metre high columns. The lighting would be on a controlled timer.
  - ) A new grass playing pitch adjacent to the 3G pitch measuring c. 101 metres in length and c. 75 metres in width. The grass pitch would provide opportunities for cricket, athletics, rounders, rugby and football.
2. In order to provide the 3G pitch, the importation of c.250mm compacted hard core will be required together with permeable tarmacadam, shock pad and carpet. A pozidrain blanket is also proposed underneath the 3G pitch. Piped drainage will be incorporated into the construction which would link in with proposed land drainage for the grass playing pitch. The drainage for the scheme would flow into the existing pond which is located within the school site before



flowing into the Singing Clough culvert which lies adjacent to the site.

3. The current field comprises of a heavily compacted mix of rubble and sub soil which lacks a top soil layer. This has created a boggy site which is unsuitable for sports use. To rectify this matter it is intended to import sub-soil to form a level platform and import and spread top soil over a graded platform to a minimum depth of c. 160 mm across the grass pitch area.
4. It is also intended to provide a new pick up drain along the base of the adjoining mounded slopes to prevent run-off from the mounding accumulating on the field.
5. The works have been altered from the previously approved application 03038/18 to include the importation of sub-soil underneath the natural sports field due to the existing contaminated ground. Raising the levels will ensure that the topsoil and grass is not disturbed. This application proposes to complete the development in 2 phases. Phase 1 will be the construction of the 3G artificial pitch; phase 2 will be the provision of the grass playing field.
6. The points where the land levels will be increasing most for phase 1 of the development would be to the south west and north west of the proposed 3G pitch where there would be an increase of 1300mm.
7. The points where the land levels will be increasing most for phase 2 of the development would be to the eastern corner of the proposed grass playing field where there would be an increase of 1600mm.
8. The application is brought to Committee for Members' consideration as the agent for the application is Bolton Council.

### **Site Characteristics**

9. The proposed site is currently an open area in front of the school to the South, where the former George Tomlinson School buildings used to stand. These buildings were demolished about 5 years ago after the new Kearsley Academy was opened. The area was then intended to be used as sports pitches. However the field has never been used for PE by the Academy as the existing ground has drainage problems and the ground conditions mean that the grass does not grow effectively.
10. The development site is bounded to the East by the school entrance road and car park, and beyond that by a partially wooded disused railway cutting. Beyond the cutting is the residential development of Waverley Avenue and Pilkington Road.
11. To the south of the application site is Springfield Road and beyond that the Lyon Road Industrial Estate - a medium sized commercial zone with a mix of companies, including a commercial bakery, a haulage firm and a waste management depot. To the West of the site there are two residential properties at the end of Moss Lane, and beyond these the site is bounded by the M61 motorway (Kearsley spur). The two properties on Moss Lane have a high ball stop fence between them and the school, constructed at the time of the academy build in c.2013. The closest of these houses would be some 97m from the edge of the floodlit pitch; moreover they are orientated so as not to be directly overlooking the synthetic pitch and the second house has high evergreen hedging to its rear.

### **Policy**

12. Core Strategy Strategic Objectives: SO1 - Maximise access to health facilities, sporting and recreation facilities, SO6 Transport Infrastructure, SO9 - Road safety, SO11 Conserve and

enhance heritage and landscape, SO13 Management of flooding, SO16 - Develop mixed communities and ensure access to community and cultural facilities.

13. Core Strategy policies: A1 Achieving, P5 Accessibility, S1 Safe, CG1 Cleaner Greener, CG3 The Built Environment, CG4 Compatible Uses and OA6 Little Lever and Kearsley.
14. Supplementary Planning Documents: Accessibility, Transport and Safety SPD and General Design Principles SPD.
15. National Planning Policy Framework (2018)

### **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.
17. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission.
18. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission.
19. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
20. The main impacts of the proposal are:-
  - \* principle of the provision of sports facilities;
  - \* impact on residential amenity;
  - \* impact on surface water run - off / drainage; and
  - \* impact on land stability and contamination;
  - \* impact on highway.

### **Principle of the Provision of Sports Facilities**

21. Core Strategy Strategic Objective 1 seeks to maximise access to health facilities, sporting and recreation facilities and to supplies of fresh food. In addition, Core Strategy policy CG1.3 states that the Council and its partners will safeguard and enhance, amongst other things, playing fields and the multi-functional benefits of these assets.
22. As detailed above, the area which is the subject of the current application was designated as playing fields on the original permission for the Academy school in 2011. However, the pitches were never implemented and the School has been reliant on using the existing MUGA facility on site.
23. As referred to by a number of people who have written in support of the proposal, the current application, if implemented, would provide pitches which would help the school provide playing fields to meet the needs of their pupils whilst also providing access to the facilities for members of the public and local sports teams.
24. The proposal would provide essential sport and recreation facilities which provide health and wellbeing benefits for pupils and other users of the facility.



25. A Community Use Agreement has been submitted. Sport England have been consulted on the proposal and have no objection to the proposal which is considered to meet paragraph 97(c) of the NPPF. However the Football Foundation has raised some issues/queries which are set out below:
26. Both the applicant, via the Planning Statement, and consultation with the Football Foundation on behalf of the Football Association, confirm the AGP will meet a strategic need and provide sporting benefits that outweigh the loss of playing field. However the Football Foundation would like to bring the following points to the attention of the applicant:

Community Use Agreement (CUA)

) The FF note that Community Usage of a weekday is until 9.30pm only. Typically, we would recommend facilities are available until 10.00pm. Additionally, we note the supporting Community Use information states "The cost of hire and use of facilities is authorised by the Central Team." We would encourage the applicant to liaise with Lancashire FA in order to establish a pricing policy that is competitive with other like for like facilities and maximises community usage. Sport England advises the applicant to liaise with Lancashire FA to ensure the pricing policy contained within Appendix 2 of the CUA is appropriate.

) Pricing - Pricing policies must be affordable for grass roots football clubs and should be agreed with the local County Football Association. This should include match-rate at weekends equivalent to the Local Authorities price for natural turf pitches

Testing

) The 3G pitch is tested and subsequently FA registered (on completion and then every three years for grassroots football). This will enable the 3G to be used for league matches and therefore help the 3G pitch to be used to its maximum potential by programming matches at peak times.

Sinking fund

) Ensure that sinking funds (formed by periodically setting aside money over time ready for surface replacement when required – FA recommend £25k per annum (in today's market for a full size pitch) are in place to maintain 3G pitch quality in the long term.

27. The above points with regards to the CUA, testing and sinking fund have been queried with Sport England, who have confirmed that the above points can be included in the decision via an informative note to the Applicant.
28. The principle and siting of the sports pitches in this location has previously been granted approval and this proposal only makes slight changes to the previously approved application 03038/18. This proposal would enhance the land at the Academy resulting providing a multi-functional benefit. The proposal would comply with Strategic Objective SO1 and Core Strategy policy CG1. It is also noted that Sport England do not object to the proposals subject to the provision and implementation of a Community Use Agreement for the new pitches.

Impact on Residential Amenity

29. Core Strategy policy CG4 seeks to ensure that the Council will ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Development should not generate unacceptable nuisance, odours, fumes, noise or light pollution.
30. It is noted above that when the site was granted approval for redevelopment for the now built Kearsley Academy, permission was granted for the provision of sports pitches in the location

which is now proposed. The scheme approved under 03038/18 and this current scheme is a different proposal than originally approved, in that the 3G pitch is now where the originally approved grass pitch was and the grass pitch is now where the previously approved 3G pitch was located. In addition, the proposal now differs slightly from the previous application as the levels will be altered due to the importation of sub-soil underneath the natural sports field due to the existing potentially contaminated ground. Raising the levels will ensure that the high quality topsoil and grass is not disturbed.

31. The overall preparation of the land including drainage will also result in the levels of the land rising slightly to enable material to be imported and the provision of an effective land drainage proposal.
32. The grass pitch at its nearest point would be 7m from the boundary to the properties on Moss Road. The levels would be raised by 600mm. It is not considered that this raise in land level by 600mm would adversely impact onto the outlook and living conditions of no. 19 Moss Road.
33. In respect of the floodlighting, this is only proposed around the 3G sports pitch with a total of 8 floodlights provided on 15 metre high columns. The applicant has provided both a lux level plan and the details of the proposed lighting. The submitted plan shows that the closest light would be some 104 metres away from the closest residential property (No. 19 Moss Road) and 100 metres away from the closest property on Waverley Avenue.
34. Guidance contained within the General Design Principles SPD (Paragraph 6 page 10) provides advice on the impact of light pollution on the character and landscape of the area and the impact on the amenity of adjoining uses. There is a requirement for a maximum of 5 LUX at the elevations of the nearest residential property. In addition, there are suggested hours of usage of the flood lights depending on how close the proposed floodlights are to residential properties.
35. The Council's EHO has assessed the application and considers that the proposal and lighting scheme would not be detrimental to the living conditions of the closest residential properties subject to a condition being imposed which limits the beam angle of any lights directed towards any potential observer to be kept below 70 degrees and which ensures that all pitch lighting should be fitted with spill shields. The EHO officer has also requested that the lighting should be permanently switched off between the hours of 0900 to 2100 hrs Monday to Friday, 0900 to 1800 hrs on Saturdays and 0900 to 1700 on Sundays and Bank Holidays.
36. In respect of noise pollution, the site is an existing school site which has planning permission for unrestricted use of the approved playing pitches in 2012. Officers consider that the use of the pitches is unlikely to result in significant noise issues over and above what can be normally expected adjacent to a school site. Furthermore, the application site is close to the motorway and there is a level of background noise which is expected in the local area.
37. It is considered that the use of the site as a playing field is wholly appropriate and complementary with the use of a school and would not be likely to result in unacceptable noise, disturbance or light pollution to local residents or other adjoining industrial uses. The proposal therefore complies with policy.

#### Impact on Surface Water and Drainage

38. Core Strategy policy CG1.5 seeks to ensure that new development proposals reduce the risk of flooding by minimising water run-off from new development.



39. When the new Kearsley Academy was constructed, drainage for the playing fields was never implemented and water runoff from the site was unrestricted.
40. In order to provide a suitable playing surface for both the proposed 3G and grass pitch drainage provision will be made. In addition, drainage is to be put in place at the base of the existing mounds which runs along the side of the pitches and a pozidrain blanket is also proposed underneath the 3G pitch.
41. A Flood Risk Assessment and Outline Drainage Strategy has been reviewed by the Council's Drainage team. They conclude that:
  - \ *The works have been altered to include the importation of fill underneath the natural grass sports field, it will need to be clarified whether this fill is also to be used for drainage infiltration or not. A Specification of the proposed imported fill material is required to be submitted. The Flood Risk Assessment and Drainage Strategy document (by LK) submitted is for the previous application and whilst the Flood Risk Assessment is still valid, the Drainage Strategy will need to be updated as to include the importation of fill beneath the playing surface and to revisit the hierarchy of drainage options in view of the importation of materials. Hydraulic calculations will need to be submitted showing how greenfield run off rates will be maintained when a more efficient drainage system is installed.*
  - \ *The Pozidrain layer is proposed to be included under the 3G pitch in the Proposed Layout Drawing (shown on S and C Slatter's drawing S18-163/dwg/DL0001.01 Titled "Proposed Drainage Layout"), it is not present on drawing no 3013/005 the pitch construction. It needs to be made clear whether the geomembrane under the 3G pitch construction is impermeable or not and whether the fill underlying the 3G pitch is to be used for infiltration or not, and if not why not.*
42. An addendum to the Flood Risk Assessment has been provided and has been approved by the Council's Drainage Team, however additional drainage and material information has been requested. Updated comments from the Council's Drainage Team regarding the specification of the fill material and the alteration to the drainage layout plan will be subsequently provided in the list of supplementary information.

#### Impact on Land Stability and Contamination

43. Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Development should not generate unacceptable nuisance, odours, fumes, noise or light pollution.
44. Core Strategy policy CG4.3 seeks to ensure that development proposals on land where it is suspected to or which are affected by either contamination or ground instability must include an assessment of the extent of the issues and any possible risks.
45. Whilst the application is located within a Development High Risk Area as defined by the Coal Authority the applicant has provided a Phase 1 Geo Environmental Desk study which concludes that the development is not considered to be considered sufficiently sensitive to subsidence to require further investigation. In addition, the report concludes that the proposals amount to peripheral development which does not require substantial foundations or earthworks.
46. The Coal Authority concur with the conclusion of the Desk Study and recommend an informative is placed on any decision.
47. In respect of contamination within the site, there is known to be asbestos located within the

existing grass bunds and below the ground of the existing grass pitch.

48. The councils Environmental Health Officer has reviewed the Phase 1 Geo Environmental Desk study and other associated documents and has deemed them to be acceptable subject to the following conditions:

- ) *Any earthworks below existing ground level would need to be carried out in accordance with The Control of Asbestos Regulations 2012.*
- ) *A geotextile separating layer shall be incorporated into the design of both the AGP and the grass pitch due to the existing contaminated ground. The geotextile layer will ensure that the topsoil and natural grass is not disturbed.*
- ) *All soil or soil forming materials brought to the site shall be tested using the methodology as set out in the submission by the LK Group for a validation report, including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information. This approved testing methodology shall be implemented in full during the importation of soil or soil forming material.*
- ) *A verification report including soil descriptions, laboratory certificates and photographs shall be submitted to and approved in writing by the Local Planning Authority.*

49. Subject to the implementation of the above recommended conditions it is considered that the pitches could be safely constructed and used in compliance with Core Strategy CG4.

#### Impact on Highways

50. Core Strategy policies P5 and S1 seek to ensure that Council and its partners will ensure that new developments take into account the requirements for accessibility by different modes of transport, including parking and servicing arrangements. In addition, there is a requirement that road safety is promoted in the design of new development.

51. The proposal differs from the previous application in that the development will be completed in 2 phases. Phase 1 will be the construction of the 3G artificial pitch; phase 2 will be the remediation of the grass playing field.

52. The new 3G artificial sports pitch will be constructed over part of the existing grass sports field in front of the school, fronting onto Springfield Road, which will require raising the levels of the ground. The remainder of the sports pitch area requires remedial works to bring it into use, which will involve importing sub - soil and topsoil to raise ground levels and then install land drains within the imported material. The 3G pitch will also require crushed stone to be imported to site as a foundation to the pitch surface (artificial carpet over tarmacadam).

53. The proposed scheme requires the importation of topsoil and sub-soil for the proposed grass pitch and base material for the proposed 3G pitch. The importation of this material requires a number of additional HGV movements. The applicant has submitted a Traffic statement which in summary concludes as follows:

#### Phase 1

Import subsoil = 806 loads over 20-30 days = 32 loads per day

Import pitch sub base stone = 240 loads over 10-12 days = 21 loads per day

Import macadam = 32 loads over 4 days = 8 loads per day

#### Phase 2



Import sub soil = 725 loads over 18-27 days = 32 loads per day

Import top soil = 176 loads over 15-23 days = 9 loads per day

54. The works will be temporary in nature and will be undertaken in two phases. It is likely the Phase 1 construction period will commence from spring 2019 and will be spread over a 4-6 months period, weather dependent, with some weeks of more intense activity. On busiest days this might involve 32 HGV deliveries per day. These would occur: Monday – Friday only at 7am-8.00am, 9.00-2.15, 3.15-5pm (approximate delivery times, with breaks for main school arrival and departure times. Vehicle access to the site would be via the former school entrance off Springfield Road to ensure separation between school traffic/pupils and HGVs.
55. The Council's Highways Engineers have stated that the impact on the existing highway is not considered to be severe, resulting in 16 deliveries per day (32 two-way vehicle movements) over an 8 hour working day which equates to 4 two-way trips per hour. It is noted that the construction traffic for this site is temporary and also that Springfield Road is used by a number of HGVs which go past the school site on their way to and from the adjacent Lyon Road Industrial Estate.
56. Whilst the Council's Highways Engineers have no objections they have recommended the provision of a wheel wash at the site and periodic use of road sweepers to ensure material is not deposited on the highway.
57. Officers do not consider that the requirement for a wheel wash is a planning requirement as this applicant would need to ensure roads were kept clean and any enforcement would be undertaken through the Highways Enforcement. The agent for the application has also confirmed that they have informed the Academy that there would be a requirement to ensure the importation of materials into the site together with related vehicle movements does not result in mud on the adjoining roads.

### **Conclusion**

58. The proposal would provide for enhanced playing field provision at an existing school providing pupils and the wider community with new facilities which are much needed without compromising the living conditions of the residential properties closest to the Academy site. Residents' concerns over drainage from the site would be addressed through the introduction of a new drainage scheme for the playing fields. The proposal would comply with policy and Members are recommended to grant planning permission for the proposal subject to conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** one objection and four letters of support have been received:

The support letters provide the following comments:

- ) Students need a quality facility to enable them to take part in all kinds of field sports;
- ) Proposal will benefit health and well-being and help children to develop their skills including team work and open pathways to employment;
- ) Community access to the facility - strengthen community cohesion and spirit as well as healthier lifestyles / tackles obesity problems;
- ) Students at the school have been unable to play a range of sports on site, there is a desperate need for this facility;
- ) Provides a valuable asset; and
- ) Need for a football training facility for local football teams.

The objection letter raises the following issues:

- ) The site has a drainage problem since the school was rebuilt - redirection of water drainage onto Moss Road;
- ) Possible subsidence of nearby properties due to excess water;
- ) Light and noise pollution from the site; and
- ) Increase in traffic resulting in a deterioration of the existing roads.

**Elected Members:-**no comments received.

### **Consultations**

Advice was sought from the following consultees: the Council's Highways Engineers, Council's Pollution Control Officer and Drainage team, Environment Agency, United Utilities, The Coal Authority and Sport England.

### **Planning History**

Demolition of the existing school and the erection of academy including sports pitches, floodlit multi-use games area, 54 parking spaces and landscaping was approved with conditions by Planning Committee in December 2011. This permission effectively allowed for the rebuilding of the former George Tomlinson School site, providing the school's main sports provision on the site of the former school and the new Academy building on the site of the former playing pitches (Ref: 86880/11).

The main pitches which now form the site of the current planning application were never implemented. To date the School has been reliant on the MUGA playing facility which is located in the north east corner of the School site.

Permission was granted in February 2013 to discharge Conditions 12 (control of lighting) and 14 on the 2011 permission (Ref: 88858/12).

Permission was granted in June 2018 for the construction of 3G all weather sports pitch with ball stop fencing and floodlighting together with new turf and drainage to playing pitches (Ref: 03038/18)

**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. All soil or soil forming materials brought to the site shall be tested using the methodology as set out in the submission by the LK Group for a validation report, including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information. This approved testing methodology shall be implemented in full during the importation of soil or soil forming material.

### Reason

To ensure the site is safe for use and in order to comply with Core Strategy policy CG4.

3. Prior to the development being first brought into use a verification report including soil descriptions, laboratory certificates and photographs shall submitted to and approved in writing by the Local Planning Authority.

### Reason

To ensure the site is safe for use and in order to comply with Core Strategy policy CG4.

4. The development shall be used in strict compliance with the approved Community Use Agreement 2018 - 2019.

### Reason

To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport to outweigh the loss of natural turf playing field and to accord with Development Plan Policy CG1 and paragraph 74 of the NPPF.

5. The approved lighting scheme shall be implemented in full before the development is first brought into use and retained thereafter. The beam angle of any lights directed towards any potential observer should be kept below 70 degrees. All pitch lighting to be fitted with spill shields.

The lighting shall be permanently switched off between the hours of 21.00 and 09.00 Monday to Friday, between the hours of 18.00 and 09.00 on Saturday and between the hours of 17.00 and 09.00 on Sundays and Bank Holidays.

### 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. Any earthworks below existing ground level would need to be carried out in accordance with The Control of Asbestos Regulations 2012.

### Reason

To ensure the site is safe for use and in order to comply with Core Strategy policy CG4.

7. A geotextile or impermeable separating layer shall be incorporated into both the 3G artificial pitch and the grass pitch in accordance with Drawing ref *3013/010 Proposed Levels and Drainage*.

Reason

To ensure the site is safe for use and in order to comply with Core Strategy policy CG4

8. The proposed fencing shall be erected fully in accordance with the approved design details contained on drawing ref: S18-163/DWG/FP0001.01 dated 11/12/2018 (Paladin style weld mesh fencing coloured Dark Green RAL 6005) and retained thereafter.

Reason

To ensure the development reflects the landscape and townscape character of the area and in order to comply with Bolton's Core Strategy policies CG3 and CG4

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

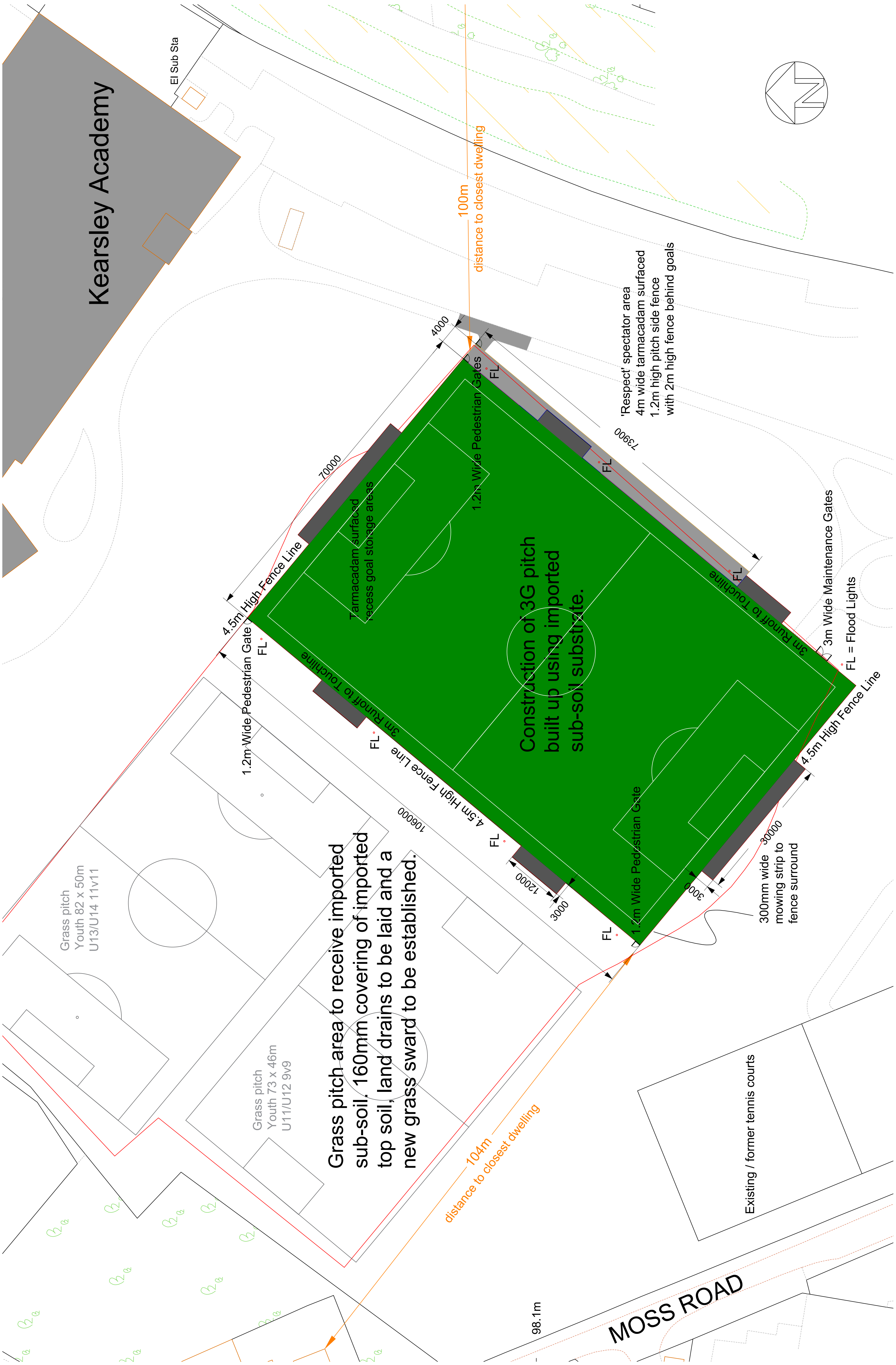
**Proposed Synthetic Rugby and Football Pitch Location Plan, Drawing no. 3013/002, Dated December 2017**  
**Drawing Number: S18-163/DWG/SP0001.01, Dated 11/02/2018**  
**Kearsley Academy, Proposed Synthetic Football Pitch Typical Details, Drawing no. 3013/005, Dated Feb 2018**  
**Proposed Floodlighting, Drawing no. HLS04125, Dated 08/05/2018**  
**Proposed Fencing Plan, Drawing no. S18-163/DWG/FP0001.0, Dated 11/12/2018**  
**Proposed Earthworth Design, Drawing no. S18-163/DWG/ED0001.06, Dated 13/12/2018**  
**Proposed Drainage Layout, Drawing no. S18-163/DWG/ED0001.01, Dated 13/12/2018**  
**Proposed Line Marking Plan - All Lines, S18-163/VW/LM0001, Dated 18/07/2018**  
**Proposed Line Marking Plan - Inlaid Lines S18-163/VW/LM0002, Dated 18/07/2018**  
**Proposed Synthetic Sports Pitch Levels and Drainage, Drawing no. 3013/010, Dated Jan 2019**

Reason

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



Notes  
All dimensions to be checked on site prior to work commencing.  
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RG20 0AA,  
Tel: 01635 345210 Fax: 01635 41024

Project Title:

Kearsley Academy

Project Number: S18-163

Drawing Title:

Proposed Site Plan

Drawing Number: S18-163/DWG/SP0001.01

Drawn By: Marc Pearce

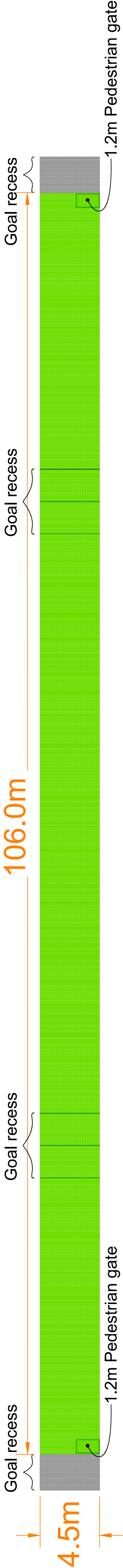
Checked By: Steve Ayres

Date Drawn: 11/02/2018

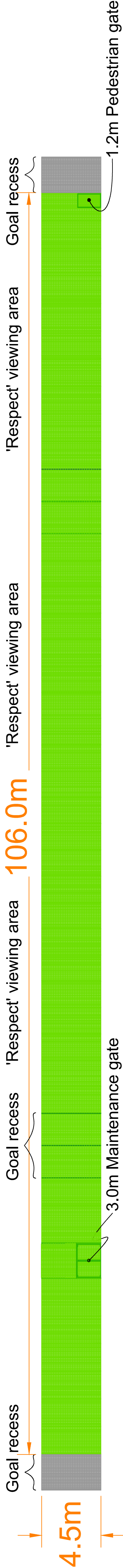
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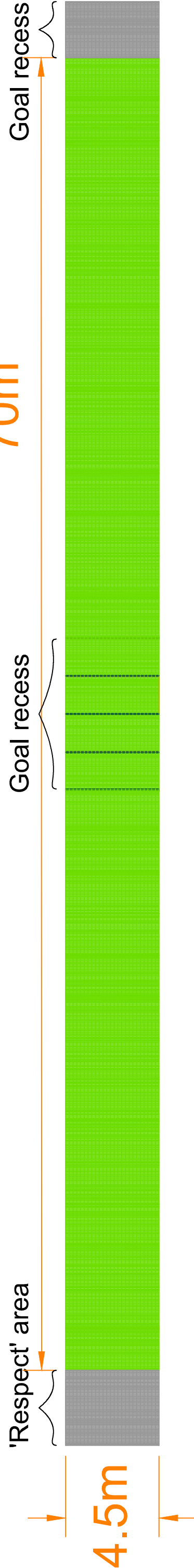
Elevation from the North-West 4.5m high



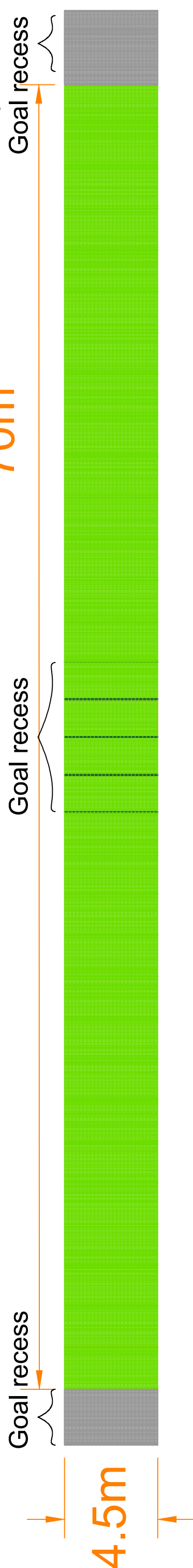
Elevation from the South-East 4.5m high



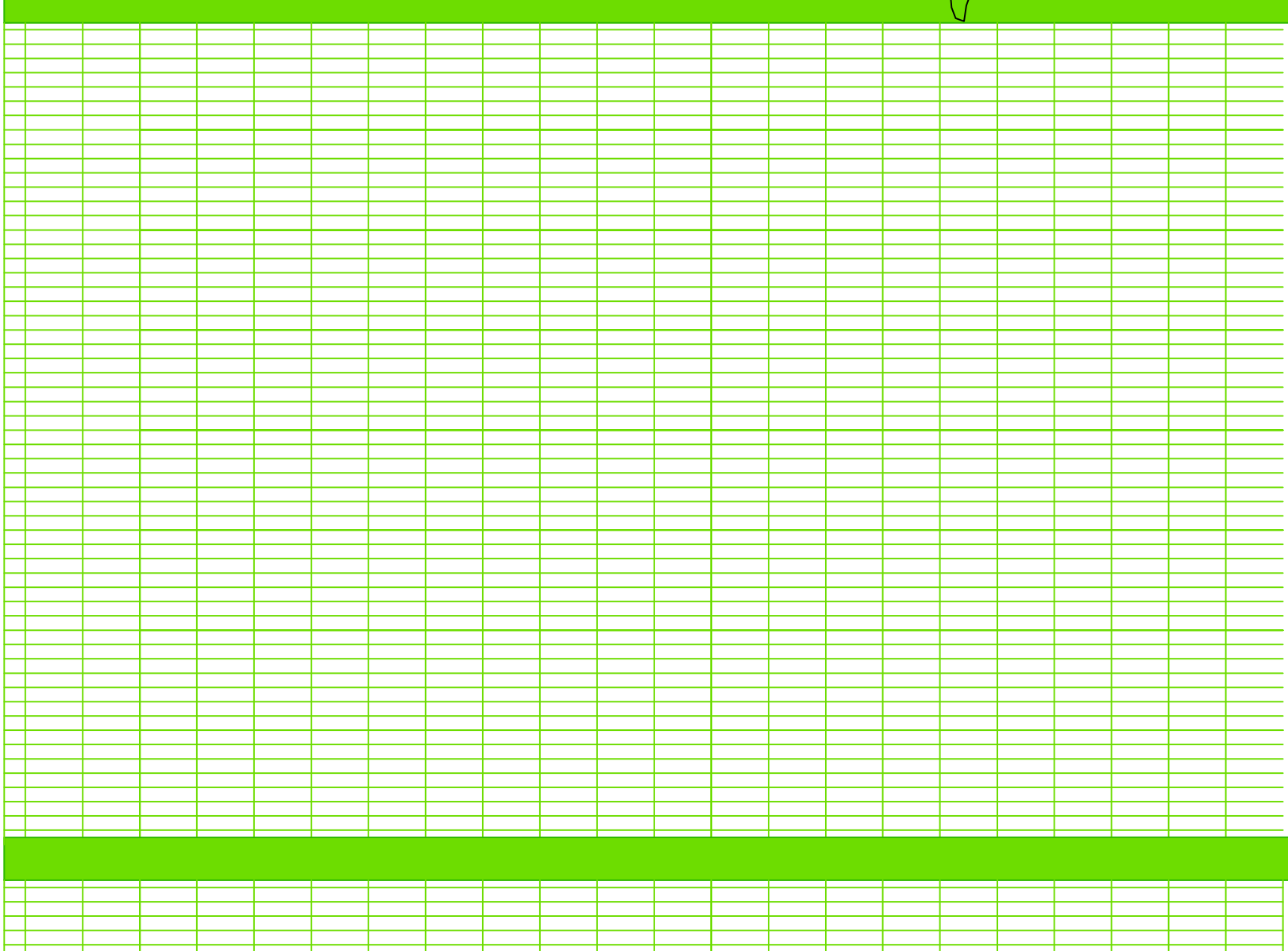
Elevation from the North-East 4.5m high



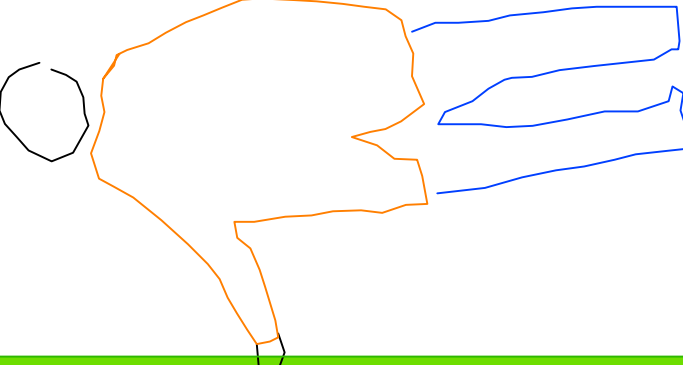
Elevation from the South-West 4.5m high



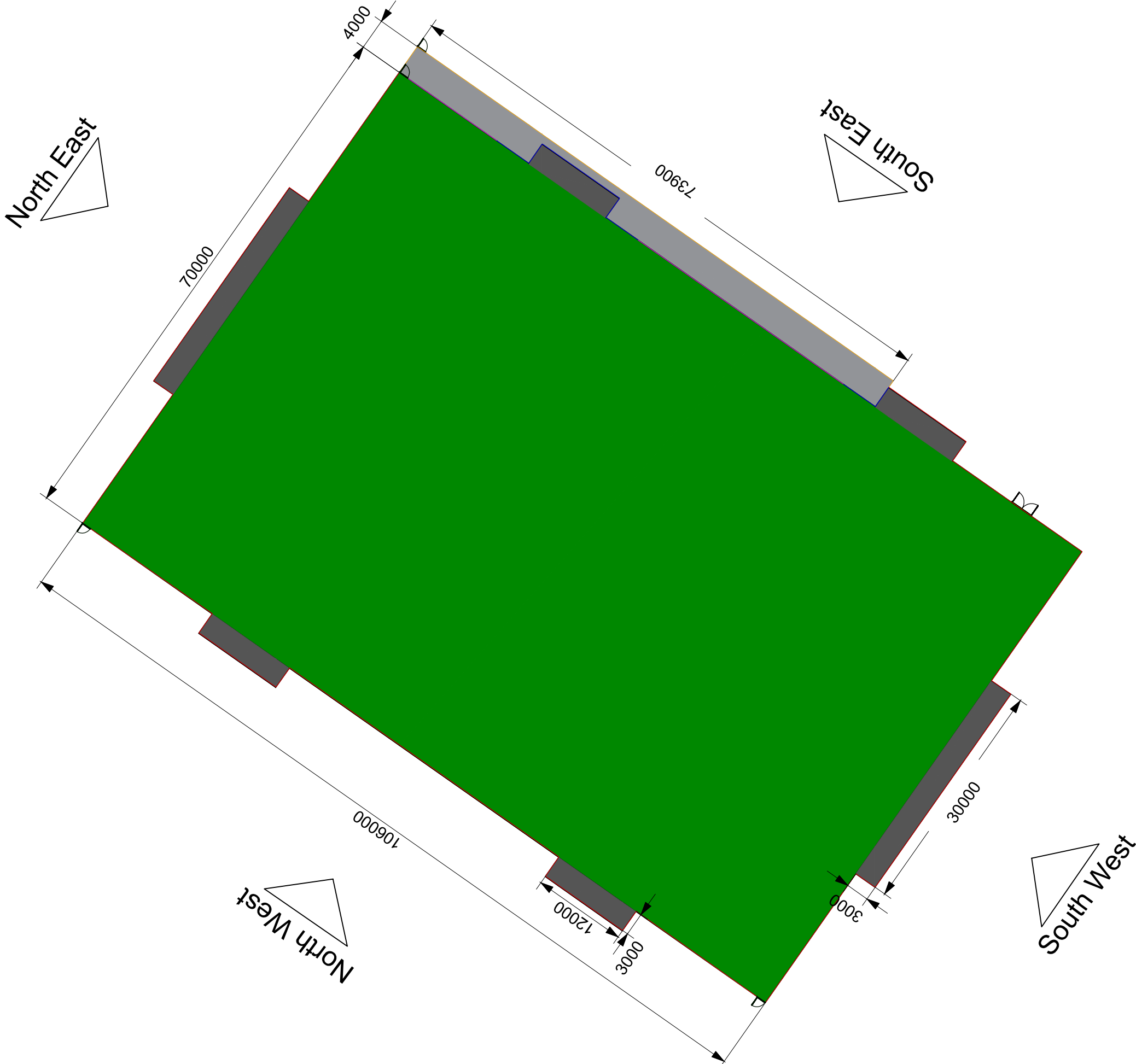
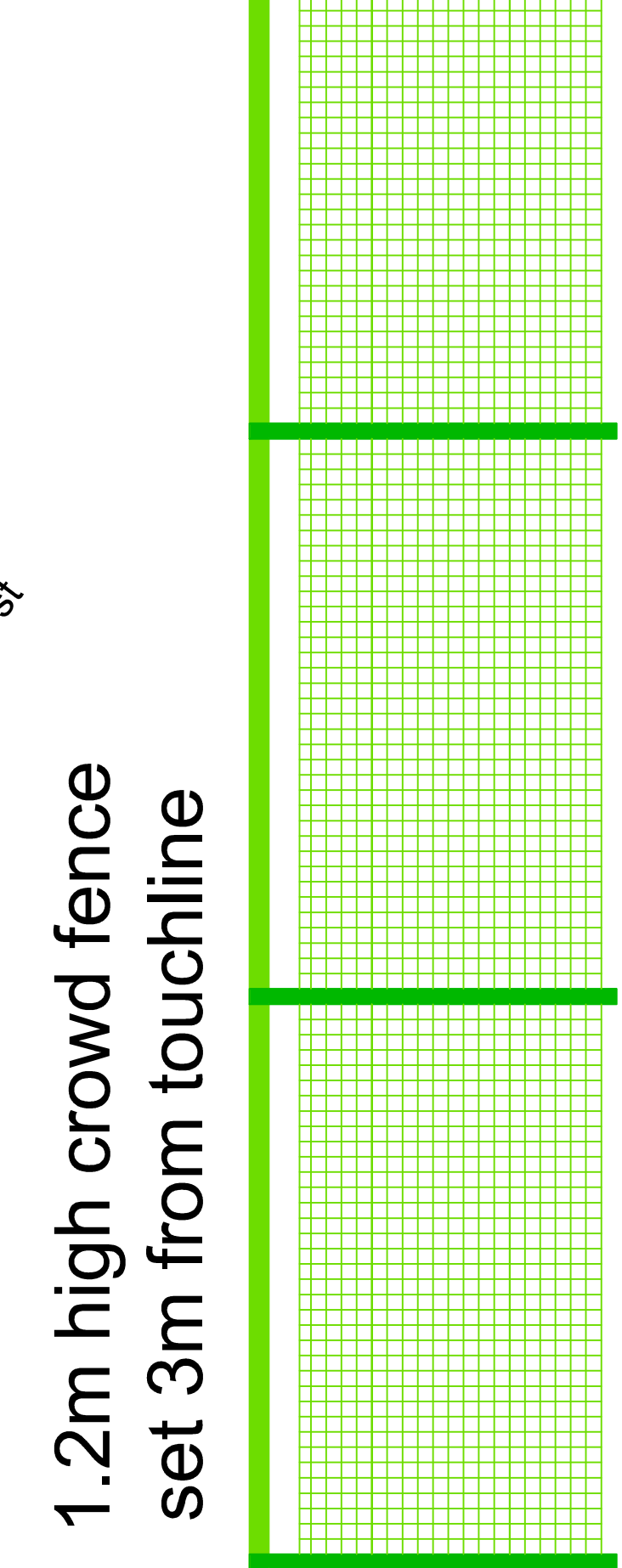
4.5m high ball stop fence



2m high ball stop fence behind goals in 'Respect' area



1.2m high crowd fence set 3m from touchline



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Tel: 01635 345210 Fax: 01635 41024

Project Title:

Kearsley Academy

Project Number: S18-163

Drawing Title:

Proposed Fencing Plan

Drawing Number: S18-163/DWG/FP0001.01

Drawn By: Marc Pearce

Checked By: Steve Ayres

Date Drawn: 11/12/2018

Paper Size: A1 Scale: As Shown

Notes

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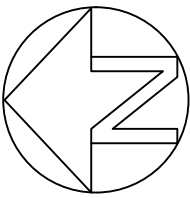
KEY:

4.5m high rigid panel fence with 1.2m rebound panels

4.5m high rigid panel fence

2m high rigid panel fence with 1.2m rebound panels

1.2m high rigid panel fence with rebound panels





**All Planning Appeals determined from 01/01/2019 to 29/01/2019**

**02701/18**  
LAND SOUTH WEST OF MOSSFIELD ROAD, KEARSLEY, BOLTON  
Decision date: **09-Mar-2018**      Decision: **Refused**  
Appeal decision date: **25-Jan-2019**      Appeal decision: **Dismissed**  
CHANGE OF USE OF LAND FROM GREEN FIELD TO AGRICULTURAL STORAGE INCLUDING NEW VEHICULAR ACCESS AND LANDSCAPING.

**04091/18**  
1 THORN LEA, BOLTON, BL2 3LN  
Decision date: **25-Sep-2018**      Decision: **Refused**  
Appeal decision date: **18-Jan-2019**      Appeal decision: **Dismissed**  
REMOVAL OF CONDITIONS 2, 3 AND 4 ON APPROVAL 00794/17 (OBSCURE GLAZING).

**All Planning Appeals determined from 01/01/2019 to 29/01/2019**

Total	
Dismissed	2
Total	2

**Enforcement Appeals determined from 01/01/2019 to 29/01/2019**

Appeal date:

Appeal decision:

**Enforcement Appeals determined from 01/01/2019 to 29/01/2019**



**ENFORCEMENT NOTICES ISSUED 01/01/2019 to 29/01/2019**

Type of notice:

Notice date:

Notice reference:

**ENFORCEMENT NOTICES ISSUED 01/01/2019 to 29/01/2019**