

Planning Applications Report

Planning Committee
24TH June 2021

**Bolton
Council**

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

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

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

The following abbreviations are used within this report: -

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

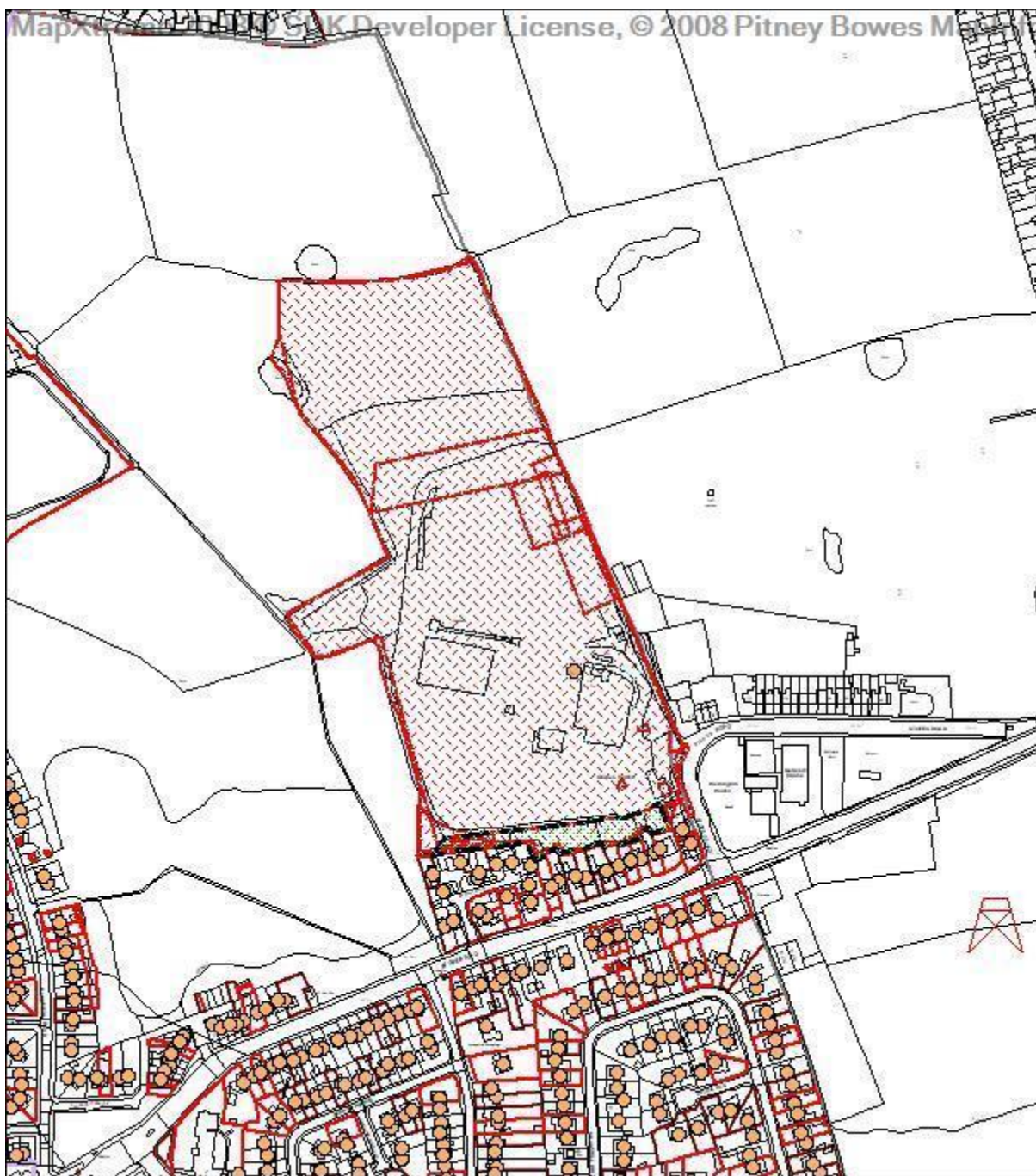
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

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Application number
09616/20



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Date of Meeting: 24/06/2021

Application Reference: 09616/20

Type of Application: Outline Planning Permission

Registration Date: 16/10/2020

Decision Due By: 14/01/2021

Responsible Officer: Jodie Turton

Location: FORMER TARMAC BUILDING MATERIALS LTD, STOPES ROAD, LITTLE LEVER, BOLTON, BL3 1NN

Proposal: OUTLINE PLANNING APPLICATION FOR DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF UP TO 132 NO. RESIDENTIAL DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE (ACCESS DETAILS ONLY)

Ward: Little Lever and Darcy Lever

Applicant: Harworth Group

Agent : Satplan 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.

Executive Summary

- Outline application seeking approval of access details only, for a residential development of up to 132 dwellings.
- The site access falls within the Borough of Bury and therefore a tandem application for the site access only was considered and approved by Bury's Planning Committee in April 2021 (66064).
- The site can roughly be divided into three sections:
 - The southern section of the application site is previously developed, until recently occupied by Tarmac. This area benefits from a housing allocation.
 - The middle section of the application site is within the allocated Green Belt. It is previously developed land (PDL) (forming part of the former Tarmac site) and housing development is proposed within this area.
 - The northern third of the site is within the allocated Green Belt and is greenfield, having not been previously developed, and no development is proposed in this area.
- The principle of residential development on the PDL Green Belt area of the site is assessed against impact on the openness of the Green Belt and whether the housing proposed has any greater impact on openness than the extant industrial use (paras 23-51), taking into consideration:
 - Spatial and visual openness,
 - Duration of development and remediability, and

- Degree of activity generated.
- The Green Belt impact section concludes (para. 51): "Given the extant use, the extent of the previously developed land and the assessment of openness no greater harm is identified from the proposed residential development of the site than the extant industrial use, however no benefit on openness is identified either. The proposal is thereby considered neutral in terms of impact on openness."
- There are mature trees along the southern and part of the western boundary which are protected by TPO. The trees are to be retained and no tree related objections have been received (paras 78-82)
- The submission includes a landscape parameters plan which includes biodiversity enhancements (paras 73-77).
- The site access details have been assessed by Highway Engineers and Greater Manchester Fire Service and as a result a main access point and an emergency access are proposed to meet the safety requirements. The access arrangements will be conditioned (52-59).
- No objections have been raised by technical consultees in terms of noise, drainage, public right of way, contaminated land or land stability.
- The Applicant has agreed to meet the commuted sum requirements of policy IPC1 in full and a section 106 Agreement will be required for affordable housing, education, on site public open space provision and maintenance, as well as to secure Traffic Regulation Orders (paras 88-94).
- One letter of general comment has been received from a local resident, comments are summarised in the representations section of the report.
- Cllr Evans has objected to the application on the grounds of traffic generation and congestion in Little Lever.
- Members are recommended to support the application, however to delegate the decision to the Director for it to be referred to the Secretary of State and for the S106 to be signed.

Proposal

1. This is an outline application for the demolition of the existing buildings on the site and the erection of up to 132 residential dwellings. The application seeks permission for access details only. Access to the site falls within the borough of Bury, therefore a tandem application has been submitted to Bury Council.
2. Access to the site is from Stopes Road. The site access is the existing access into the former Tarmac site and is sited on a sharp bend in Stopes Road, adjacent to Sheiks restaurant/take away. A secondary emergency access is proposed to the south of the main access for use in emergencies only.
3. An illustrative masterplan has been submitted with the application which demonstrates that up to 132 dwellings can be accommodated within the confines of the site's previously developed land. The masterplan also shows the land to the north of the site, which is greenfield and undeveloped as being retained for open space, with no development proposed within this area.
4. A parameters plan has been provided which seeks to establish the limits and principles of the development proposal which will shape the reserved matters scheme:
 - * Redevelopment of the Site with up to 132 dwellings;
 - * Development is to be restricted to the previously developed areas of land only;
 - * The field that forms the northern part of the Site is to remain as open land, that will form part of the public open space for the benefit of existing and new residents;
 - * All buildings to be no more than two and a half storeys in height in the housing allocation section of the site and two stories in the middle section of the site;

- * The existing vehicular access into the site off Stopes Road will be retained and enhanced;
- * A pedestrian link from footpath 'LIL025' on the western boundary of the site connecting the proposed open space that forms the northern part of the site, will be provided as part of the scheme;
- * Retention and enhancement of the trees along the southern boundary which benefit from a Tree Protection Order;
- * Retention and enhancement of the trees along the western boundary to create a recreational and ecological corridor as well as providing a strong landscaped buffer to the site boundaries;
- * Lower development density in the Green Belt area of the site;
- * A village green will be provided at the site entrance to create a welcome space and ensure all residents have easy access to open space; and
- * Inclusion of a hierarchy of streets in accordance with Manual for Streets.

Site Characteristics

5. The application site comprises approximately 6.23 hectares and is largely rectangular in shape. The site can be divided into distinct areas: the former Tarmac operation was until recently accommodated across two thirds of the site (the southern third and middle third); and the greenfield area (open field) in the northern third of the site. The southern third of the site (2.2ha) is allocated for housing in the Bolton Allocations Plan (55SC). The middle and northern thirds of the site fall within the allocated Green Belt. The site is on the border of Bolton and Bury metropolitan borough areas. The site access sits within Bury, whilst the developable area of application site, other than the access is within Bolton.
6. The northern section of the site is identified in the Bolton Landscape Character Appraisal (2001) as part of a wider Urban Valley.
7. Until recently, the site was occupied by Tarmac and has been in active use for the manufacture and storage of concrete blocks. Having been recently purchased by the Applicant, the site has been cleared of the remaining blocks and machinery.
8. The site access is situated at the south eastern corner of the site, on an almost 90 degree bend in the road (Stopes Road) with a builders merchant office and yard to the south and a takeaway/restaurant to the north. On the opposite side of Stopes Road is an industrial premises and yard in active use and beyond that a wallpaper centre. Beyond the restaurant on the northern side of Stopes Road are residential properties. The area is evidently mixed in character along this section of Stopes Road.
9. To the south of the application site are the rear of residential properties on Stopes Road and Bexhill Close, separated from the site by a band of mature trees which are protected by Tree Preservation Order.
10. To the west of the site are a band of mature trees and open land traversed by a public right of way (LIL025).
11. To the east of the site there are mature trees, shrubbery and hedging, dividing the site from the open fields. This boundary forms the boundary with Bury.
12. A palisade fence bounds most of the site, including dividing the previously developed land from the open greenfield land to the north of the application site.
13. The site is strongly bound and defined by mature trees and the satellite imagery of the site clearly distinguishes the previously developed land from the adjacent open greenfield areas.

Policy

The Development Plan

Core Strategy:

CG1 Cleaner and Greener, CG2 Sustainable Construction; CG3 Built Environment, CG4 Compatible Uses, OA6 Little Lever and Kearsley, SC1 Housing, P5 Accessibility, S1 Safe Bolton, IPC1 Infrastructure Contributions, and Appendix 3 - Parking Standards.

Allocations Plan:

CG7AP Green Belt; P8AP Public Rights of Way; Appendix 4 Allocated Housing Land

Other material considerations

SPD General Design Principles

SPD Accessibility, Transport and Road Safety

SPD Sustainable Design and Construction

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Draft Greater Manchester Spatial Framework (2019) - The status of the draft GMSF is as follows: The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016. A revised consultation draft was published in January 2019. The weight to be given to the GMSF as a material consideration will normally be limited given the early stage in the adoption process.

Analysis

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

15. The main impacts of the proposal are:-

- * principle of development
- * impact on the purposes and openness of the Green Belt
- * impact on the highway
- * impact on the character of the area
- * impact on residential amenity
- * impact on biodiversity and trees
- * other matters
- * infrastructure contribution
- * whether any harm identified outweighs the benefit of housing provision

Principle of Development

16. Paragraph 4.50 of Bolton's Core Strategy (CS) recognises that the CS is a key determinant in quantity, location, quality, type and tenure of new housing. Policy SC1.2 of the CS encourages housing developments to utilise previously developed land. The most recent Annual Monitoring

Report for Bolton (2018-2019), utilising the Standard Housing Methodology (as required by the National Planning Policy Framework) and including a 20% buffer for under delivery (applied when delivery over the last three years has been below 85% of target), identifies a housing need calculation of 787 dwellings per annum.

17. The site falls within the Little Lever and Kearsley area of the borough. The area is covered by Core Strategy policy OA6, OA6.3 seeks to concentrate sites for new housing within the existing urban area. The middle and northern thirds of the application site are within the allocated Green Belt (covered by policy CG7AP of the Allocations Plan). The southern third of the site benefits from a housing allocation (55SC), which identified a potential yield of 101 dwellings. The principal of residential development of the southern third of the site is therefore already established.
18. The northern section of the site is split into two almost identically sized areas, the northern most section is greenfield and no development is proposed on this area of the site. The middle section of the application site is previously developed land, forming part of the Tarmac site. As this area falls outside of the housing allocation the development of the land for housing is therefore contrary to Green Belt policy (CG7AP), the details of this will be considered in the section below.
19. Where Councils cannot demonstrate a 5-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged (along with footnote 7) which requires consideration as to whether the most important policies relating to the determination of the application are out-of-date.
20. The most up-to-date published information on the Council's housing supply is contained within Housing Delivery Test Action Plan 2020. This shows a 3.7 year supply. A material consideration of this application is therefore that the Council cannot demonstrate a 5-year supply of deliverable housing sites.
21. The delivery of a residential scheme on this site would contribute, to the local authority's requirement to deliver a 5-year supply of housing. The Applicant has provided a Delivery Statement, confirming that it is their intention to undertake onsite remediation, treatment of mineshafts and groundworks, aiming to start these works by the end of 2021. Interest from housebuilders has already been expressed for the site, it is anticipated that the reserved matters application will be submitted in mind/late 2022 with first houses coming onto the market in 2023. Estimating a conservative build rate of 35 dwellings per year, the Applicant states a likelihood that the site could provide 80-90 units towards the end of March 2026.
22. The provision of up to 132 residential units is a benefit of the proposed development which should be given weight in the consideration of the application proposal. The following report will therefore consider the impact of the development proposal with regard to the 'tilted balance' and whether any harm identified outweighs the benefit of housing provision.

Impact on the Purposes of and Openness of the Green Belt

23. Policy CG7AP of the Bolton Allocations Plan states that the Council will not permit inappropriate development in the Green Belt. Inappropriate development includes any development which does not maintain the openness of land or which conflicts with the purposes of including land within the Green Belt, and the erection of new buildings with a number of exceptions, for example buildings for agriculture and forestry, outdoor sport and recreation, replacement buildings provided the building is in the same use and not materially larger than the one it replaces. Local policy OA6.6 seeks to, *"Maintain current Green Belt boundaries."*
24. It is considered that Policy CG7AP is generally consistent with national Green Belt policy contained within Section 13 of the NPPF.

25. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 sets out the five purposes of Green Belt, which are a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling or derelict and other urban land.
26. The site was assessed as part of the Greater Manchester Green Belt Assessment (2015), the site formed part of a wider Green Belt area Parcel BU36 which straddles Bolton and Bury. Assessing the wider BU36 parcel the GMBA concluded that this parcel plays a 'strong' role in the first purpose of the Green Belt, that of checking unrestricted urban sprawl of large built up areas; a moderate role in the second purpose, that of preventing neighbouring towns merging together; and a 'moderate' role in the third purpose, that of safeguarding the countryside from encroachment. Thus it is concluded that the wider BU36 parcel does provide an important green buffer between Little Lever and Radcliffe.
27. Of relevance to the application proposal is para 144 of the NPPF, which states, "*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt...*" Para 145 goes on to identify exceptions where the construction of new buildings within the Green Belt may be acceptable, 145(g) is relevant to the application proposal:
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- not have a greater impact on the openness of the Green Belt than the existing development."
28. The Planning Practice Guidance (PPG) provides further guidance on the factors to be taken into account when considering the potential impact of development on the openness of the Green Belt; these include but are not limited to:
- openness – spatial and visual;
 - the duration of development and its remediability;
 - the degree of activity likely to be generated, such as traffic generation.
29. The planning submission identifies the central part of the site as previously developed land within the Green Belt. The area formed part of the wider Tarmac site and is a hard surfaced area of land which has extant permission for aggregate recycling and storage dating back to 2007/8. It is relevant to note that the historic planning permission placed no limits on the height of storage in this area. Until recently, the site has been in active operation and this central area, although no permanent structures are located here, did support large aggregate spoil heaps and the storage of concrete blocks (up to 20 blocks in height).
30. The argument put forward for the development of this area of the site, alongside the southern parcel of land which benefits from a housing allocation is that the proposal would allow for the comprehensive re-development of the site as to develop the housing allocation in isolation would result in access to the industrial area being through a housing estate, which could result in highway safety concerns, noise and disturbance to future residents. Whilst this is a consideration, only limited weight can be attributed to this argument as it is unlikely that without the production

and manufacturing function on the southern part of the site that the adjoining section would continue to be used for aggregate recycling and storage. Moreover, considering the housing allocation and the Green Belt location it is unlikely that alternative storage or industrial permissions would be granted here.

31. The second argument put forward is that the proposed development meets the exception criteria set out in para 145(g) of the NPPF, that the land is previously developed and the proposal would not have a greater impact on the openness of the Green Belt.
32. Firstly, it is necessary to establish whether the land is previously developed. Annex 2 of the NPPF defines PDL as:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure."

33. The area of land in question is not occupied by any permanent structures, although it is within the curtilage of the developed land (the southern portion of the application site), is hard surfaced and has been in active use as part of the wider Tarmac operations. The land may therefore be considered to be previously developed and it is necessary to consider whether the proposal would thus have a greater impact on openness. When considering this, the guidance in the PPG must be assessed: the spatial and visual impact on openness, the duration of development and the degree of activity likely to be generated.

Spatial and Visual Impact

34. When in full operation this area of the site was intensively used, block towers dominated the central and western areas (up to 4 metres in height) and towering spoil heaps were sited around these, dominating the outer areas. It is clear from the site plans, photos provided with the application submission and from the case officer's site visit that the site was dominated by these forms and that they were visible from outside of the site despite the strong boundary treatment along the eastern and western perimeters. Despite this, in the intervening period between the submission of the planning application and the present day, the site has been largely cleared. Tarmac have vacated the site and the block towers have been removed. Given the site has extant permission, the storage could however recommence at any time.
35. The application is for outline permission and the layout plans submitted are indicative only, the intention is to set parameters which will shape the future form of development. The initial plans showed over half of the proposed housing to be sited in the central Green Belt section of the site, with dwellings pushed out towards the site boundaries which maximised the built form on this part of the site. Officers considered that the level of development proposed in this area was too extensive, that the views into the site would be dominated by residential built form, which would have a permanence that the block towers and spoil heaps did not have. Although an outline application and details of height and siting are not sought, it is considered vital to the integration of the development and the protection of the openness of the Green Belt to fix parameters which would limit the built form in this sensitive part of the site.
36. Following discussions with the Applicant amended plans have been submitted which reduces the number of dwellings on the site from 140 to 132, increases the landscape buffer along the eastern boundary to 3 metres in depth, provides a less dense and more spacious layout with greater spacing between plots, more opportunities for greening and the removal of the western projecting section of the site and an area to the north east of the PDL from the development area, which will return 2,800 sq m of PDL back to greenfield land along the western projection

and adjoining the greenfield land to the north. In addition, the formal road along the northern boundary of the development area has been replaced with a private drive to provide a softer transition to the open space. The submitted parameters plan (which will be conditioned if the application is approved) details that properties in the Green Belt section of the site will be limited to 2 storeys in height, whilst in the southern section they may be up to 2.5 stories. These are also shown as detached on the indicative layout which will allow for much greater views through and an improved sense of visibility through the site.

Landscape and Visual Impact Assessment (LVIA)

37. A Landscape and Visual Impact Assessment has been submitted with the application, which evaluates the potential impact of the proposed development from a landscape and visual impact perspective, having consideration of the short term (construction phase) and long-term impact of the development. Given the temporary nature of the construction phase, the operation or long-term impact is considered to have the most impact and will be given most consideration here. The LVIA considers the magnitude of change on the site itself to be medium and the level of effect to be minor beneficial given the habitat and recreational enhancements proposed, the housing will not be uncharacteristic of the wider area and the scale and extent of the proposal will be contained within the previously developed land. Similarly, the LVIA concludes that the impact upon the wider urban fringe farmland/urban valley will have a low magnitude of change and the level of effect will be minor beneficial; primarily due to the enhancement of boundary habitats, condition and intactness and consequent increase in value of these features as characteristic field boundaries to the benefit of adjoining pasture fields.
38. A number of receptors are identified in the LVIA's assessment of the visual impact of the proposal, these include recreational users of the public footpaths/rights of way (high sensitivity), road users (low sensitivity), local residents (high sensitivity) and local workers and students (medium sensitivity).
39. The LVIA considers 11 viewpoints into the site and their potential for sensitivity to change as visual receptors. The landscape to the north and east is undulating farmland. Public views from the east are limited, however there will be views from the rear of residential properties. Views from the north will largely be of the area of the site which is to be retained as green open space and the existing and enhanced boundary treatment will further filter any views of the proposed residential development.
40. The most sensitive receptors are the public right of way (Little Lever 025 and 028), which cuts directly to the west of the site and towards the north. The application site is on a higher level than the PRow and therefore the development will be visible from this receptor, especially during winter months when the deciduous tree buffer is not in leaf. It is noted however, that when Tarmac was in operation the extensive block towers and mounds were visible from the footpath providing an industrial perception to the views into the site. The LVIA identifies the magnitude of change to be medium for users of the closest footpaths, reducing to low for the footpaths to the north, east and south east. The level of effect in the long term is considered minor adverse for the closest footpaths and negligible for other routes.
41. The dwellings to the east of the site on Sunningdale Avenue and Wentworth Close are over 340 metres away from the site, across undulating farm land. The proposal will undoubtedly have an urbanising effect on distant views from the rear of these properties, however given the industrial views that this will replace, Officers agree with the LVIA that the magnitude of change will be medium and depending on the reserved matters scheme, the final site layout and the height of the proposed dwellings along the eastern boundary in particular, the level of change could be described as minor adverse.

42. During the application process the submission has been amended to address some of the concerns of the Council's landscape officers and planning officers regarding impacts on openness. Plans were amended to reduce the number of dwellings from up to 140 to up to 132, to pull dwellings away from site boundaries, increase the landscape buffers, return 0.28ha of land to Green Belt, reassurances were also provided via the Parameters Plan that the northern greenfield area would be retained as informal open space and would not be urbanised or tamed which would impact on its character and landscape contribution.

Duration of Development and Remediability

43. The PPG refers to, *"the duration of development and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness."*
44. Until recently the site has been in operational use (since approximately 1989) for concrete block and aggregate production, manufacture and storage. The use ceased in 2020 and the site has since been operational for the clearance of the remaining blocks and spoil heaps. It is possible that the site could re-open and begin the industrial and storage operations again, there is no planning reason why this could not occur. However, given the housing allocation on the southern section of the site, the purchase of the site by the Applicant and the planning application under consideration, the intentions for the site are clear.
45. The removal of the concrete block towers and spoil heaps has resulted in an improved state of openness. However, the site remains previously developed, with extant permission for aggregate storage, with no limit on the height of storage, which is a material consideration which must be given weight in the planning balance. The positioning of the spoil heaps and towers of concrete blocks was at odds with the open Green Belt setting of the site and had a detrimental impact on the open nature of the area, protruding into the open Green Belt and visible from the nearby public footpaths. It is not desirable for the industrial use of the site to continue, unrestricted in storage height and level of activity, especially given the relationship of the site with nearby residential properties, public footpaths and open greenfield areas. Furthermore, the application proposes returning two areas of the site back to open Green Belt, the western protrusion, which sits adjacent to and at a higher level than the public footpath and a section to the north western corner of the site, which will provide a buffer to the more sensitive public footpath views, this is considered a benefit of the proposal which should be given weight in the planning balance.
46. In conclusion, the site has been in operational use for over 30 years, with coal mining activity prior to this. The remediation of the site is feasible, demonstrated by the removal of the physical forms on the site over recent months; however the site remains previously developed with a possibility that it may return to industrial use if planning permission is not awarded in conjunction with the housing allocation on the southern section of the site.

Degree of Activity Generated

47. Given the extant use of the site is for manufacturing and storage purposes, with associated HGV movements in and out of the site as well as industrial vehicle movements within the site, the proposed residential use presents a significant improvement in terms of the degree of activity generated. Of particular note in this respect is the activity within the PDL Green Belt parcel of land, which generated noise and activity to the detriment of the adjacent public right of way.
48. The replacement of the extant use with dwelling houses, will result in increased activity and disturbance during the construction phase, however once built the residential use will have a much lower degree of activity and disturbance associated with it and will thus have a lesser impact on the openness of the Green Belt in this respect.

Openness Conclusion

49. Having considered each of these issues relating to openness, Officers conclude that the development of the site for residential use would potentially have an equal or lesser impact on the openness of the Green Belt than the extant concrete manufacture, recycling and storage use. The level of impact will to some extent be dependent on the reserved matters scheme. The submitted proposed design parameters will be conditioned and will steer the reserved matters submission to design a scheme within acceptable limits.
50. Officers retain some reservations about the number of dwellings shown on the Green Belt area of previously developed land despite the indicative layout and parameters plan. However, it is noted that the outline proposal is for up to 132 dwellings, the level of detail in the reserved matters submission in terms of design, height, siting, landscaping (both along external boundaries and within the site in the form of street trees, public areas and residential gardens) will have a bearing on the ability of this area of the site to accommodate the number of dwellings shown without impacting unacceptably on openness. When the reserved matters details are submitted it may be that a lower number/density development or dwellings of a single storey nature in parts of the site are more acceptable for example, however this will be for consideration at the detailed design stage.
51. Given the extant use, the extent of the previously developed land and the assessment of openness no greater harm is identified from the proposed residential development of the site than the extant industrial use, however no benefit on openness is identified either. The proposal is thereby considered neutral in terms of impact on openness.

Impact on the Highway

52. Policy P5 of the Core Strategy states that the Council will ensure that development takes into account [amongst other things] accessibility by different types of transport, prioritising pedestrian, cyclists, public transport users over the motorised vehicles users, servicing arrangements and parking. Policy S1.2 seeks to promote road safety in the design of new development. Appendix 3 of the Core Strategy sets out the Council's maximum parking standards.
53. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
54. The site access falls within the borough of Bury. A separate planning application for the access has therefore been submitted to Bury Council which was being dealt with in tandem to the Bolton application. This application was approved by Bury's Planning Committee in April 2021 (ref: 66064).
55. The application site is considered to be sustainable in its proximity to the shops and services of Little Lever and also to sustainable modes of transport – there is a bus stop conveniently located on Stopes Road.
56. A Transport Assessment (TA) has been submitted in support of the application and TfGM have reviewed this due to the potential impact on the key route network. Having assessed the TA and application submission Bolton's highway engineers have concluded that the TA is robust in terms of its assessment of the traffic impact. The applicant has offset the traffic impact from the extant use of the site (a concrete block storage and manufacturer), which is justifiable under national guidance. Assessing the impact on the Bolton highway network (roads into and around Little

Lever) the impact on the baseline traffic scenario is considered to be negligible and highway officers conclude, *"should be accommodated with little additional detriment/severity to road safety and the operational capacity of the surrounding highway network."*

57. Ward Councillors have raised some concern about the impact of the development on the highway, particularly in relation to traffic calming. As the access road is onto Stopes Road in Bury, Bolton MBC cannot secure or implement any traffic calming here. Officers have spoken to Bury Council and they are not seeking any traffic calming for this section of Stopes Road. With regard to the wider area, given the extant use of the site as an industrial site, the net increase in traffic onto the highway network from the new development would be negligible. Coupled with the reduction in HGVs and the low accident record in the vicinity of the site, no traffic calming is proposed to be sought.
58. The submitted plans show a single access point to serve the residential development, which will utilise the existing access point from Stopes Road. In addition, as the access will serve in excess of 100 dwellings and have a cul-de-sac length in excess of 250m, an emergency vehicle access point is proposed directly to the south of the existing access. Under national guidance (Manual for Streets) it is a requirement that all new residential layouts that do not meet guidance recommendations are risk assessed by the emergency services to ensure that the layout meets their requirements for accessibility under their preservation of life remit. Greater Manchester Fire and Rescue Service have assessed the access arrangements and consider these to be acceptable on the basis that information is provided on the provision for access in the event of an emergency, for example removable bollards. In addition, the emergency access should be designed to have a carrying capacity of 12.5 tonnes and a minimum width of 3.7 metres and should be maintained to ensure it will be suitable for use. It is the Applicant's intention that the internal roads are to be adopted, the emergency access and the principal access have been designed to adoptable standards and Highway Engineers have confirmed that the requirements of the Fire Service will be covered by the Section 38 adoption process.
59. The proposal is not considered to present a significant impact on traffic generation or highway safety, is well served by public transport and the access arrangements are considered acceptable. The proposal complies with Core Strategy policies S1 and P5.

Impact on the Character and Appearance of the Area

60. 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.
61. Local area policy OA6 of the Core Strategy seeks to concentrate sites for new housing within the existing urban area (OA6.3), conserve and enhance the character of the existing physical environment (OA6.9) and respect and enhance the built form and pattern of existing development (OA6.10).
62. As this is an outline application the finer details of design and layout will be considered in detail at the reserved matters stage. The impact on openness section of the report assesses the impact on the Green Belt setting, intrinsic to this is the impact on the character.
63. The proposed design parameters seek to ensure that the future development proposal will be compatible with the wider residential character of the area.

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 and does not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.
65. Policy S1 of the Core Strategy seeks to ensure that the design of new development takes into account the need to reduce crime and the fear of crime.
66. SPD General Design Principles sets out the Council's minimum interface standards between dwellings and amenity space standards.
67. A noise assessment was submitted with the application, this identified an issue between the site area closest to Stopes Road and noise from the business on the opposite side of the Stopes Road. Amendments to the access arrangements and the introduction of the emergency access point have naturally led to dwellings being pushed further into the site and this will reduce opportunities for noise disturbance on future residents. Pollution Control are satisfied with the information submitted to date, however will require further information secured via condition to ensure that any noise mitigation is secured to protect future residents (if required when the design and layout of the site is agreed at reserved matters).
68. The indicative layout shows that the site can accommodate up to 132 dwellings whilst maintaining adequate interface distances to existing dwellings and between proposed dwellings, as well as achieving adequate garden sizes in excess of SPD guidelines. A condition is recommended to ensure that the reserved matters submission respects the LPA guidelines on interface distances.
69. Comments are awaited from Pollution Control on air quality and will be reported to Members via the List of Supplementary Information regarding conditions in this respect.
70. A crime impact statement will be required for submission with the reserved matters application when details of layout and design can be assessed in detail.
71. In respect of the planning balance, some harm may arise for future residents from noise from nearby commercial uses, however given the amendments to the site layout any harm should be minimal and mitigated against. No planning harm is identified in respect of interface distances. The proposal will have the benefit of removing an industrial use from a predominantly residential area, which will result in benefit to existing residential amenity. The proposal is considered to comply with Core Strategy policy CG4 and S1.

Impact on Biodiversity and Trees

72. Core Strategy policy CG1.2 seeks to, "safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees ...from adverse development, and improving the quality and interconnectivity of wildlife corridors and habitats."

Biodiversity

73. An Ecological Impact Assessment has been submitted with the application which assesses the site for bats, Great Crested Newts, nesting birds, other protected species and landscaping and enhancement.
74. Buildings on the site were assessed for the potential to support roosting bats and were judged to have negligible to moderate potential, however no evidence of bats was found. The trees to the

perimeter of the site are likely to be the foraging/commuting routes around the site and should be adequately protected during construction work. A condition is recommended for biodiversity lighting as well as replacement bat roost features and enhancements.

75. The site was also assessed for the presence of Great Crested Newts and Badgers, as well as other protected species. Neither protected species was found at the site, however as the site close to ponds and considered to be potentially suitable relevant conditions are recommended.
76. Given the nature of the site and the surrounding area, as well as the greenfield area to the north of the application site, it is relevant to seek ecological enhancements which will improve the biodiversity of the site as well as improving screening from the wider Green Belt, boundary improvements and recreational links. The submitted Landscape Strategy Plan details some positive enhancements which will assist in the improvement and integration of the site into the wider area whilst also delivering biodiversity benefits. The strategy details footpath links, a village green – with the possibility of incorporating play equipment, street tree planting, native species planting palette, green fringe and green infrastructure network. A condition is therefore recommended to secure these measures via the landscape plan to be submitted with the reserved matters submission.
77. The S106 Agreement will need to secure the lifetime management and maintenance of the landscape areas and play equipment (if proposed as part of the reserved matters scheme).

Trees

78. The site benefits from strong boundaries with tree belts around a large proportion of the site. The tree belt to the southern boundary benefits from a Tree Preservation Order. A topographical survey was submitted with the application identifying and plotting the trees. Six trees within the site will be lost due to the development proposal, however the intention is to strengthen tree cover around the external perimeter of the site.
79. Tree Officers identify that, *"All sections of woodland within and adjacent to the site are considered to be of local ecological importance due to their connectivity to the wider landscape and/or designation as a Priority Habitat."* *"The boundaries trees and hedgerows are also considered to be habitat of Local Ecological importance due to its status as an LBAP habitat and UK Priority Habitat."*
80. Given the importance of trees and hedgerows within and around the site, it is essential that the detailed design and layout at reserved matters stage takes into consideration the existing trees and is designed to sensitively accommodate the residential development, including consideration for potential overshadowing and the relationship of the houses to the existing tree cover, notably in the south eastern corner and eastern boundary of the site. It is possible that when considering the detailed design, this may result in a reduction in the number of dwellings the site can accommodate below 132 houses in order to ensure that dwellings and the natural environment can thrive together and that a successful residential environment is created.
81. Tree officers make a number of recommendations to be included in an Arboricultural Method Statement which should be submitted alongside the reserved matters submission to ensure that trees are protected in the development proposal.
82. The ecological enhancements at the site are considered a benefit of the development and should be secured via the landscaping submission at the reserved matters stage. Any loss of trees would have some harm, however given the submitted design parameters which are to be conditioned and will ensure that the new development will increase tree cover within the site and site

boundaries, the long term tree cover will be increased, which would be a benefit of development.

Other Matters

83. Drainage/Flooding (CS policy CG1.5 and CG2) – the application site is within flood zone 1, which has the lowest risk of flooding. A culvert has been identified under the site and further investigative works need to be undertaken to determine the precise siting, which will have a bearing on the layout submitted at reserved matters stage. Floodrisk consider the information submitted to date to be sufficient and the site parameter details (which are to be conditioned) include provision for the final residential masterplan to take full account of the culverted water course. A further condition is recommended requiring provision of a sustainable urban drainage system.
84. Contaminated Land (CS policy CG4) a phase I risk assessment has been submitted with the application. An appropriate condition is recommended to require the submission of a more detailed phase II report.
85. Coal Mining Legacy (CS policy CG4) – a Coal Mining Risk Assessment has been submitted with the application. The Coal Authority are satisfied with the submitted details however further investigations are required to inform the site layout at reserved matters stage. Pre-commencement conditions are therefore recommended to ensure the safe development of the site with regard to coal mining legacy.
86. Public Right of Way (AP policy P8AP) – the public rights of way (LiL 025 and 028) are outside of the application site and should not be affected by the proposed development. A link to the PRoW is proposed which will serve to enhance and provide improved access to the footpath for existing and future residents, this will be secured via conditioning the proposed Design Parameters document.
87. Sustainable Design and Construction (CS policy CG2.2) – the reserved matters application should be supported by an energy assessment to demonstrate that the proposed dwellings can meet the requirements of Core Strategy policy CG2.2 in terms of sustainability and energy efficiency.

Infrastructure Contribution

88. 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.
89. Policy IPC1 continues that for new residential development specific contributions will be sought for:
- 90. Affordable housing
 - 91. Open space provision and maintenance
 - Health and well-being
 - Education
 - Community facilities
- SPD "Affordable Housing" (adopted February 2013) provides further detail to the policies in

the Core Strategy that concern affordable housing. On previously developed land 15% of the total provision of dwellings should be affordable.

- Of the above listed contributions, affordable housing, open space provision and education are applicable here. No confirmation of need has been received from Bolton CCG regarding the need and justification for a health and well being contribution. With regard to community facilities, the development proposal will not result in the loss of any community facilities and no additional community facilities have been identified to enhance the sustainability of the new community, therefore no contribution is sought for health or community facilities.
- Asset management and pupil place planning have confirmed that no contribution is required for primary school places in the Little Lever area, stating that, *"The latest pupil projections for this area suggest that there will be sufficient capacity within local (Little Lever, Bolton) primary schools to accommodate the expected primary age children that we might see as a result of this development."*
- The following contributions have therefore been agreed with the Applicant:
 - Affordable housing – on site provision of 15% of the total dwellings.
 - 92. Education - Secondary school places x 25 = £438,242.76 (which would equate to £3,320.02 per dwelling)
 - 93. Highways - Traffic regulation orders = £10,028.80
- A condition is recommended for the provision of on-site public art.
- The commuted sums relating to affordable housing and education are considered to be benefits of the proposed development.

Financial benefits of the proposal

For housing developments:

Local finance considerations

94. 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:

95. New Homes Bonus for the 132 proposed dwellings – this is not a material planning consideration.

Conclusion

96. For the reasons discussed above, and taking into consideration the planning balance, it is not considered that the proposed development would result in harm on the highway or highway safety, land contamination, floodrisk, biodiversity, the residential amenity of existing residents. Some harm is identified in terms of the short to medium term due to the loss of some trees (6 trees) on the site, however a long term benefit will counter this due to proposals for tree planting and biodiversity enhancements.

97. The benefits of the proposal are the provision of housing and the development of an allocated housing site, biodiversity enhancements, affordable housing provision, removal of an industrial use close to residential properties.

98. One of the main issues to consider however is the impact of the proposed development on the openness of the Green Belt. As the site is previously developed and thus falls into the exception

criteria of para 145(g) of the National Planning Policy Framework, the proposal has been assessed against the three factors detailed in the PPG: openness (spatial and visual); the duration of development and its remediability; and the degree of activity. When assessing the proposal against these factors Officers conclude that the development of the site for residential use would potentially have an equal or lesser impact on the openness of the Green Belt than the extant concrete manufacture, recycling and storage use. The proposal is thereby considered acceptable in this respect and no greater harm on the Green Belt is identified than the extant industrial use. Officers therefore consider that the benefits of the proposed residential development outweigh any harm when taking into consideration the tilted balance.

99. Members are therefore recommended to delegate the decision to the Director to secure the signing of the accompanying Section 106 Agreement and also to enable the decision to be referred to the Secretary of State. The decision would need to be first referred to the Secretary of State, as the development comprises inappropriate development on land located as Green Belt and includes the provision of buildings with over 1,000 square metres of floorspace (required under section 77 of the Town and Country Planning Act 1990 and the Town and Country Planning (Consultation) (England) Direction 2009).

Representation and Consultation Annex

Representations

Letters:- one letter of comment was received from a local resident, raising the following points:

* No objection to new housing on brownfield sites.

* Concerns raised that the trees between the houses on Stopes Road and Bexhill Close are factored into any development proposal and are not removed unless absolutely necessary. It is vital we not only maintain and preserve the trees but in fact plant more. (Officer comment: the trees referred to are protected by a Tree Preservation Order and the removal of these would not be supported and they must be incorporated into the design and layout at reserved matters, as well as additional tree planting at the site)

* The increase in the number of houses will inevitably mean more traffic on Stopes Road meaning more pollution (Officer comment: the development will lead to an increase in the number of residential cars, however a reduction in HGV movements on the roads due to the replacement of the industrial use).

Petitions:- none received.

Elected Members:- A letter of objection has been received from Cllr Evans, raising concerns about traffic gridlock in the area and pollution from emissions, which will impact on the clean air policy. The gridlock will add to commute times causing significant congestion and inconvenience to residents.

Consultations

Advice was sought from the following consultees:

Bolton Council: Highways, Trees, Design and Conservation, Floodrisk, Greenspace, Landscape, Economic Strategy, Education – Pupil Places, Housing and Public Health, Public Rights of Way, Strategic Housing.

External Consultees: The Coal Authority, Greater Manchester Ecology Unit, Bury Council, GM Police, Peak and Northern Footpaths, Primary Care, Ramblers Association, Open Spaces Society.

Planning History

Planning permission was approved in 1989 for the erection of a production building for the manufacture of concrete blocks together with associated hopper conveyor belt silos and aggregate bins and portacabin (33522/89)

Planning permission refused in 1990 for the erection of a concrete batching plant (36114/90)

Planning permission approved in 2007 for the use of land as an aggregate recycling facility (78009/08)

Planning permission approved in 2008 for the erection of aggregate stocking bays (79914/08)

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. RESERVED MATTERS COMMENCEMENT

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. RESERVED MATTERS

Details of the 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 (excluding demolition, ground remediation works, site-wide utilities connections, site-wide drainage connections and earthworks) 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. DESIGN PARAMETERS

The reserved matters application shall be developed in full accordance with the following approved documents:

- 100.Outline Design Parameters (Version 1)
- 101.Parameters Plan, Ref HAR001PP01, Rev G, dated March 2021

Reason

To ensure that the reserved matters submission accords with the design parameters and landscape strategy agreed during the outline planning application and in order to comply with Core Strategy policies CG1 and CG3 as well as Allocations Plan policy CG7AP.

4. PROPOSED LEVELS

The reserved matters application shall be supported by full details of the existing and proposed finished floor levels of all buildings and structures. The development shall be carried out in full accordance with the approved details and retained thereafter.

Reason

To safeguard the visual appearance and or character of the area and in order to comply with Core Strategy policies CG3 and CG4.

5. LANDSCAPING

The landscape scheme to be submitted with the reserved matters application shall incorporate the principles of the Landscape Strategy Plan, ref: 13010/P15d, Feb 2021, to include:

- 1. Village green - details of play equipment to be incorporated shall be included in the submitted

details.

2. Street trees.

- Strengthened boundary planting of native trees and hedgerows.
- Green infrastructure network.
- Treatment of the northern 'green fringe' area of the site.
- Landscaping details of the linear park area (southern and western boundaries) and links to the PROW network to the west of the site.

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.

6. BIODIVERSITY ENHANCEMENT

The development shall be carried out in full accordance with the biodiversity enhancement measures detailed in the Ecology Impact Assessment by Tyler Grange, 7th Sept 20. The reserved matters submission in relation to design, layout and landscaping shall include provision for:

- Retention and enhancement of semi-natural habitats (grassland to the north and boundary trees/hedgerows around the site);
- Management of grassland for biodiversity, use of locally native species and protection and enhancement of green infrastructure;
- Creation of wildlife networks within the developed area, notably creation of permeable barriers between gardens to allow hedgehogs to move through.
- Bat roosts and enhancements;
- Enhancements for bird nesting, both within the proposed new buildings (as per 4.16 of the submitted Ecology Impact Assessment), but also for other species of birds by encouraging wet grassland/ponds in the area of the site to the north.
- Additional native tree/hedgerow planting and provision of species rich grassland.

Reason

To safeguard on site biodiversity and encourage biodiversity enhancement and in order to comply with Bolton's Core Strategy policy CG1.

7. NOISE PROTECTION

As part of the reserved matters application, a noise report shall be submitted which specifies the provision to be made to protect future occupants against externally generated noise, in order to achieve internal and external noise levels in accordance with BS8233:2014, with particular regard to the adjacent transport yard. Such details as approved shall be implemented in full before the development is first brought into use and retained thereafter.

Reason

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

8. CULVERTED WATERCOURSE

Prior to, or alongside, the reserved matters submission a detailed survey shall be submitted to and approved in writing by the local planning authority, showing the route, depth, size and material of the existing culvert at the site. The reserved matters layout shall provide a minimum 3 metre easement (either side of the pipe) between the proposed dwellings and the line of the culverted watercourse. Should the submitted survey require a diversion of the culvert, then details of the proposed culvert diversion including plans, the route, size, materials, depth, levels, flow rates, capacity and method of construction should be submitted to and approved by the Local Planning Authority for approval in writing prior to commencement of the development. The culvert diversion shall be completed in accordance with the approved plans and within 12 months of the date of the commencement of development and retained thereafter.

Reason

To minimise the risk of flooding by ensuring the pipe is not put at risk through the location, layout and design of the proposed development and to comply with policy CG1.5 of Bolton's Core Strategy.

Pre-commencement reason

The position of the culvert will have a bearing on the final site layout of the proposed residential development. If the proposal is to divert the culvert details will need to be approved prior to the commencement of development as the works will need to commence during groundworks.

9. LEVELS DETAILS

Prior to commencement of development (excluding demolition) full details of the existing and proposed ground levels within the site and on adjoining land including spot heights and cross sections shall be submitted to and approved in writing by the local planning authority.

Reason

To safeguard the visual appearance and or character of the area, to ensure the development does not impact detrimentally on existing trees and in order to comply with Core Strategy policies CG1, CG3 and CG4.

Reason for Pre-Commencement Condition:

Any changes in land levels on site could affect the character and amenity of the area and the living conditions of nearby residents, thereby details of existing and proposed land levels must be agreed with the LPA prior to commencement.

10. SUSTAINABLE URBAN DRAINAGE

Prior to the commencement of development (other than demolition or groundworks), full details of the proposed surface water drainage works shall be submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out to investigate 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:

- 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.
- Include a timetable for its implementation, and
- 1. 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

The approved works shall be implemented in full prior to the occupation of the buildings hereby approved and those works as approved shall be retained thereafter.

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.

Reason for pre-commencement condition:

The solution for surface water disposal must be understood prior to works commencing on site as it could affect how underground works are planned and carried out.

11. ARBORICULTURAL METHOD STATEMENT

Prior to the commencement of development (excluding demolition) an Arboricultural Method Statement detailing how the following elements of the site will be constructed without causing harm or damage to the trees and hedgerows to be retained, shall be submitted to the local planning authority. The specified areas are:

2. Treatment (retention/removal) of existing road surfacing within the root protection zones of retained trees.
3. Cross sections and detail in respect to level alterations and finished floor levels where these are to change in the proximity to root protection zones of retained trees.
 - Increased tree survey detail in respect to trees along all boundaries to ensure specific clearances in line with BS5837 (2012) Trees in Relation to Design Demolition and Construction are established, as opposed estimated values.
 - New boundary treatments or retention of old boundary treatment confirmed and method statements for implementation where required.
 - Surface water drainage works in relation to the existing pipe located on the western boundary of the site.
 - Details of service and utility routes.
 - Details of works to the removal and replacement of existing boundary features and new boundary treatments.

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

Reason

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

Pre-Commencement Reason

Any groundworks could impact detrimentally on the trees and would be contrary to Bolton's Core Strategy policies CG1 and CG3.

12. COAL MINING LEGACY

Prior to the submission of the reserved matters:

- The undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow mining / mine entries);
 - The submission of a report of findings arising from the intrusive site investigations and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of a suitable 'no-build' zone;
1. Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.
 2. Following implementation and completion of the approved remediation scheme and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason:

The site has a known coal mining legacy and full details are required, including intrusive site investigations, to ensure the safe development of the site.

Pre-commencement reason:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

13. TREE PROTECTION MEASURES

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

1. The trees and hedgerows within or overhanging the site which are to be retained/or are subject of a Tree Preservation Order (TPO) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).
3. No development shall be started until a minimum of 14 days notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

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

Reason for Pre-Commencement Condition:

Tree protection measures must be implemented prior to the commencement of works to protect the health and appearance of the tree(s) during the construction phase.

14. BADGERS

Prior to commencement of development, an updated survey for badgers should be undertaken to ensure that no new setts are present and the findings of the survey and any additional mitigation measures proposed submitted to and approved in writing by the Local Planning Authority, the appropriate mitigation measures and contingency plans shall be implemented in accordance with the approved details.

Reason

To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to policy CG1 of Bolton's Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition

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

15. CONTAMINATED LAND

The development hereby approved shall be carried out in full accordance with the following approved Preliminary Risk Assessment: Stopes Road, Bolton Phase 1 desk study, dated 4th September 2020 (ref: 15220-Hyd-XX-XX-DE-GE-0001) by Hydrock.

3. Prior to commencement a land contamination site investigation shall be completed. 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 shall be presented and approved by the Local Planning Authority.

4. 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.
1. 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.
2. 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.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise 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.

Reason for Pre-Commencement Condition:

Any works on site could affect contamination which may be present and hinder the effective remediation of any contamination causing a risk to the health of future occupiers and harm to the environment, hence the initial investigation must be carried out prior to the commencement of any works on site.

16. EXTERNAL LIGHTING

Prior to the development hereby approved being first occupied/brought into use, details of the external lighting to be provided on site shall be submitted to and approved in writing by the local planning authority. The lighting must be designed to minimise the impact on nocturnal wildlife such as bats. The lighting should be designed in line with the Institute of Lighting Professionals guidance 2018 (or equivalent updated guidance). The lighting shall be retained as approved thereafter and no other lighting shall be erected on site other than that approved.

Reason

To protect nocturnal wildlife and in order to comply with Boltons Core Strategy policy CG1.

17. PUBLIC ART

Prior to the development hereby approved being first occupied details of the public art to be provided on site shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full within 6 months of the first occupation of the dwellings hereby approved and in full accordance with the approved details and retained thereafter.

Reason

To enhance and improve the appearance of the building and to provide on site public art in accordance with policies CG3 and IPC1 of Bolton's Core Strategy.

18. SOIL TESTING METHODOLOGY

No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in

writing by the Local Planning Authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material.

Prior to the development being first brought into use or occupied 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.

19. VEHICLE ACCESS

Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Stopes Road shall be constructed to a minimum width of 5.5 metres with 2no. 2.0 metres wide footway(s) in accordance with the drawing ref: **Proposed Site Access, VN201653-D108, Rev A, dated 17.02.21**

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'.

20. GREAT CRESTED NEWTS

The development hereby approved shall be carried out in full accordance with the Great Crested Newt Reasonable Avoidance Measures as outlined in Appendix 4 of the Ecological Impact Assessment Report by Tyler Grange, dated 7th Sept 2020.

If the development has not commenced within 3 years of the first great crested newt survey (May 2020), then the eDNA survey should be repeated and the findings submitted to and approved in writing by the local planning authority. The development shall then be carried out in full accordance with the updated approved details.

Reason

To ensure a satisfactory form of development and to afford appropriate protection of protected species and to comply with policy CG1 of Bolton's Core Strategy and the National Planning Policy Framework.

21. APPROVED DRAWINGS

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

Proposed Emergency Vehicle Access Arrangement, VN201653-D104, dated 01.12.20

Emergency Vehicle Strategy, VN201653-D107, Rev A, dated 29.01.21

Proposed Site Access, VN201653-D108, Rev A, dated 17.02.21

Reason

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

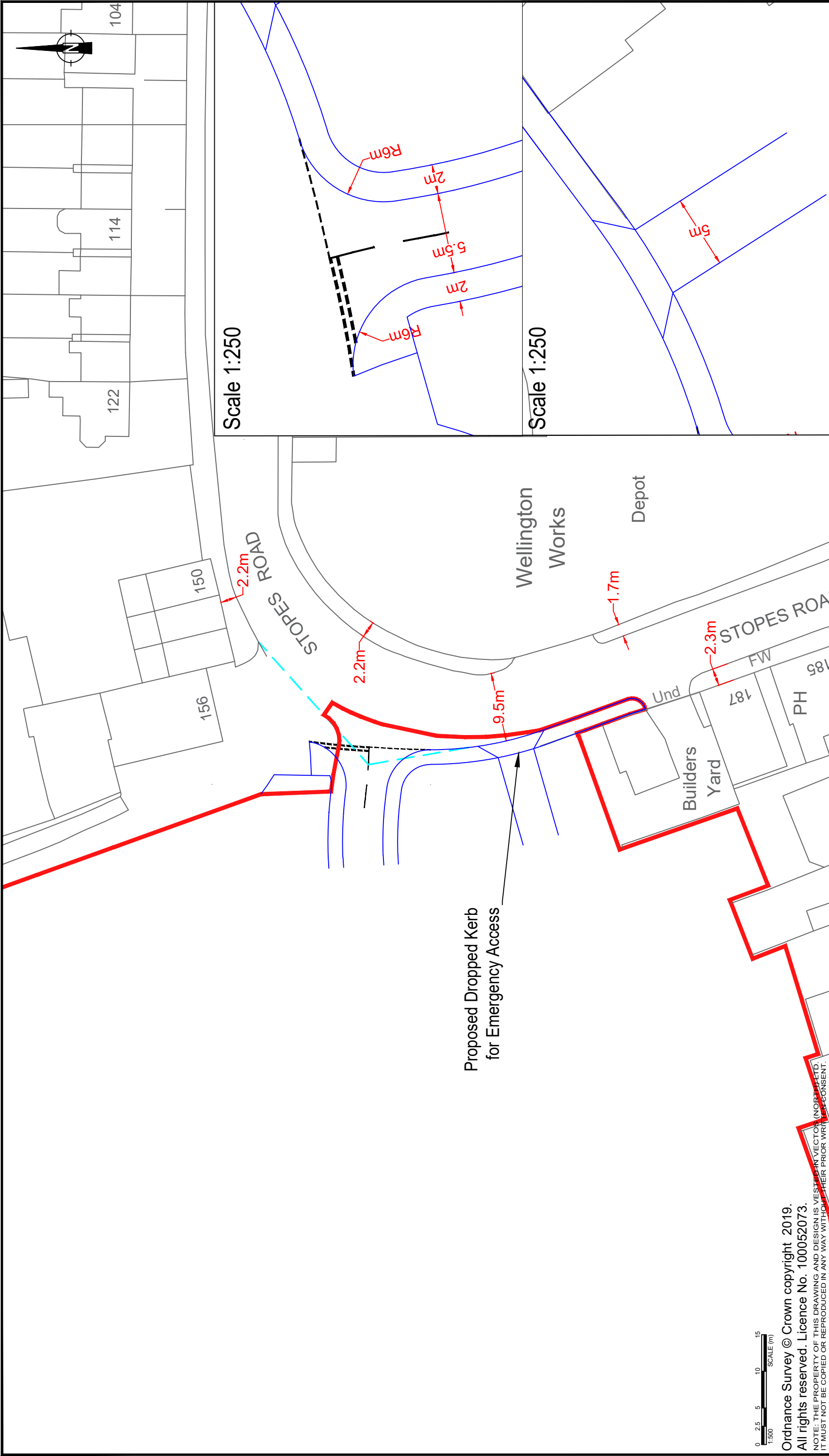
ILLUSTRATIVE MASTERPLAN



- Key**
- Site boundary - 6.23Ha
 - Total POS area - 2.17Ha
 - Residential development of upto 132 dwellings
 - Vehicular access via Stopes Road. This is subject to detailed design drawing ref: VN201653-D100 REV A
 - Primary Route / Avenue
 - Secondary Routes/Lanes
 - Shared Surface
 - Proposed Village Green
 - Existing trees and hedgerows retained and enhanced
 - Proposed development blocks
 - Public Open Space 'no build zone'
 - Existing substation
 - Enhanced ecological planting & recreational corridor along western boundary
 - Potential link to existing Public Right of Way



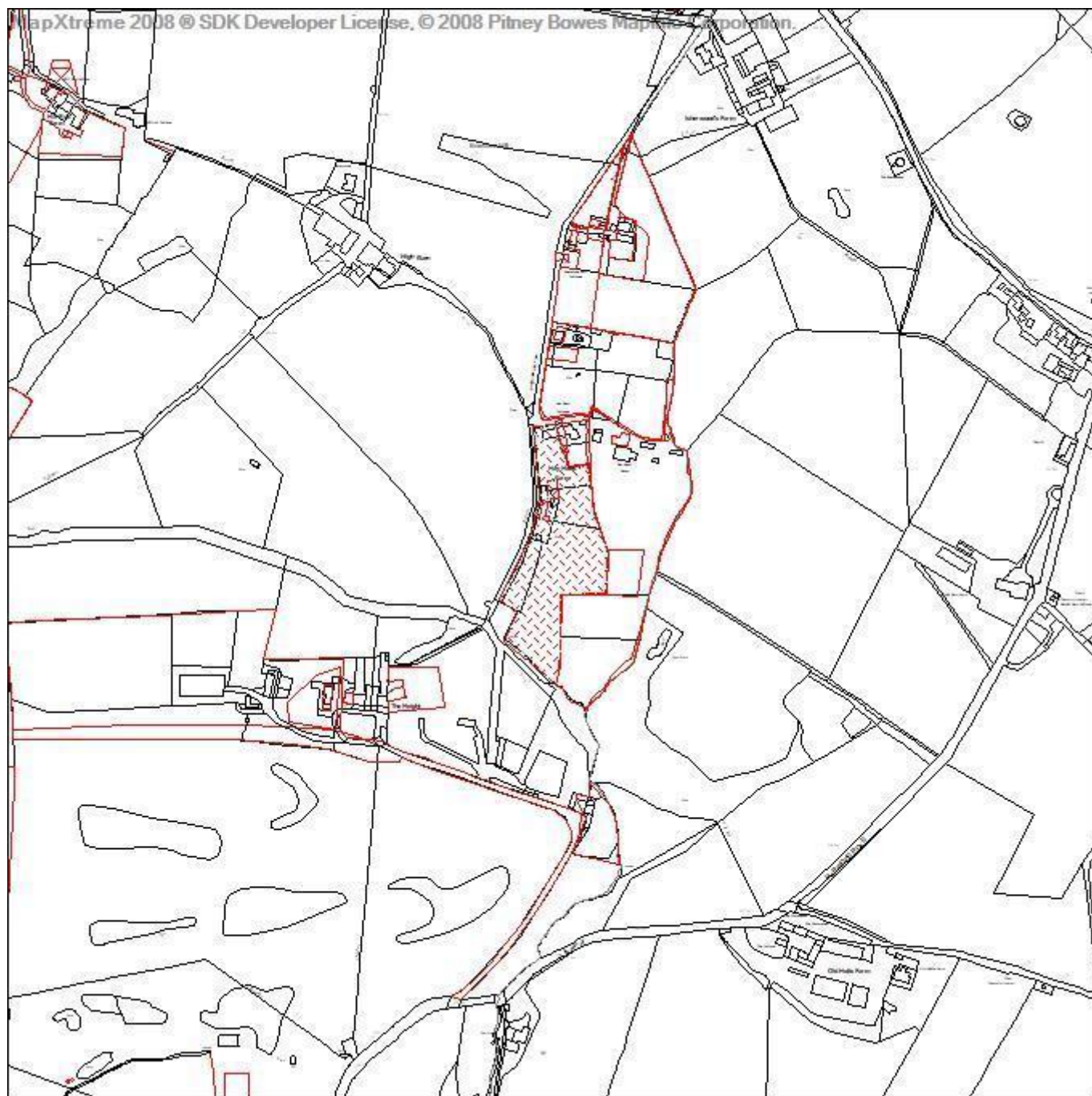
Existing Public Right of Way



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REV	DETAILS	DRAWN	CHECKED	DATE	Notes:			
A	Amendments made to emergency access route	WD	AS	01.03.21	1. This is not a construction drawing and is intended for illustrative purposes only. 2. White lining is indicative only.			
					--- Visibility splay - 2.4m to Tangent of Kerb			
					Proposed Site Access			
					Stopes Road - Little Lever, Bolton			
					Harworth			
					<div>4th Floor Oxford Place, 61 Oxford Street, Manchester, M1 6EQ 0161 228 1008 e: manchester@vectos.co.uk</div> <div></div>			
					DRAWN: WD	CHECKED: AS	DATE: 17.02.21	SCALES: 1:500 at A3 - Unless Shown
					DRAWING NUMBER: VN201653-D108			REVISION: A

Application number
10212/21



Directorate of Place
Development Management Section

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

Bolton
Council

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Date of Meeting: 24/06/2021

Application Reference: 10212/21

Type of Application: Full Planning Application

Registration Date: 13/01/2021

Decision Due By: 09/03/2021

Responsible Officer: Lauren Kaye

Location: HEYHEAD FARM, BOWSTONE HILL ROAD, BOLTON, BL2 4LS

Proposal: RETROSPECTIVE CHANGE OF USE TO MIXED USE TO ACCOMMODATE RESIDENTIAL AND EDUCATIONAL USE ALONG WITH TEMPORARY PERMISSION FOR TWO YEARS FOR A TWO STOREY EDUCATIONAL FACILITY

Ward: Bradshaw

Applicant: Mrs A Bailey

Agent : MACMARSHALLS

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- * This application is before Planning Committee at the request of Cllr. Haslam.
- * The application is for the retrospective change of use to mixed use to accommodate residential and education use. The application is also for the temporary permission for two years for a two storey educational facility.
- * The school provides a safe learning environment for vulnerable children and children and adults with learning disabilities. The school has a number of contracts with schools within Bolton, Bury and Prestwich. The school would have no more than 25 students present a day with 3 members of staff and 2 volunteers.
- * The site is within Green Belt. The development proposal does not meet any of the exception categories for development in the Green Belt and is therefore defined as inappropriate development. The applicant has put forward Very Special Circumstances to justify the proposal. Para. 144 of the NPPF is clear that, "substantial weight is given to any harm to the Green Belt". Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The report therefore assesses the development proposal identifying any planning harm as well as the benefits of the development in order to fully assess the planning balance.
- * Officers find that the development would not harm neighbouring residential amenity, and would not have a harmful impact on highways, biodiversity, flood risk or land contamination.
- * The main benefits of the development will come from the provision of an alternative form of education from the 'traditional' by way of a development that will widen choice in education and to allow the continued running of the school with covid-19 safety measures in place.

- * For the reasons discussed within this report, Officers consider that the benefits associated with the development (the combination of the very special circumstances) clearly outweigh the harm that has been identified to the openness and purposes of the Green Belt.
- * Members are recommended to approve the application with conditions.

Proposal

1. The application proposes the erection of a two storey educational facility for a temporary period of two years along with the retrospective change of use from residential to mixed use to accommodate residential and education use.
2. The application is to secure the change of use and also to provide suitable facilities that meet covid restrictions so the pupils can return to the school allowing them to adhere to government guidelines.
3. The application includes demolishing a single storey classroom and replacing it with a two storey building to the south of the residential dwelling along the western boundary. The building will be built into the slope of the land, appearing single storey from the ground level of the residential property.
4. The building would provide a classroom, a classroom/kitchenette, office, hallway and toilet facilities.
5. There will be up to 25 pupils on site each day (Monday - Friday).

Site Characteristics

6. The application site currently comprises a semi detached 4 bedroomed farmhouse, an L shape stable block used to house animals, a store room used for wellies, incubators and feed, a small classroom, shipping container used for storage, emu shelter and 2 animal shelters in the paddocks, as well as hardstanding areas used for parking and access and some 2.5 acres of grazing land located to the east of the stables.
7. The application site, along with the neighbouring dwellings, is located along a single-track road, Bowstone Hill Road. To the north, south and west the site adjoins open fields. To the east lies the adjoining neighbouring properties, no.1 and 2 Heyhead Cottages. The site is located within the Green Belt.
8. Bowstone Hill Road carries public right of way TNB063 and this continues along the western boundary of the site.

Policy

The Development Plan

Core Strategy: H1 Healthy Bolton; A1 Education Provision; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener; CG2 Sustainable Development; CG3 Built Environment; CG4 Compatible Uses; OA5 North Bolton; Appendix 3 - Parking Standards.

Allocation Plan: CG7AP Green Belt; P8AP Public Rights of Way

Other material considerations

National Planning Policy Framework (NPPF).

SPD General Design Principles

SPD Accessibility, Transport and Road Safety

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:-

- principle of development
- impact on the purposes and openness of the Green Belt
- impact on the character and appearance of the area
- impact on residential amenity
- impact on the highway
- impact on biodiversity and trees
- impact on flood risk
- impact on public rights of way
- other matters
- whether the very special circumstances put forward by the applicant clearly outweigh the harm identified

Principle of Development

11. SO2 of the Core Strategy seeks to [amongst other things], "provide everyone in Bolton with the chance to learn".

12. The NPPF at para. 94 states, "It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications."

13. Para. 96 of the NPPF recognises the importance to access to high quality open spaces in contributing to the health and well-being of communities.

Impact on the Purposes and Openness of the Green Belt

14. Policy CG7AP of Bolton's Allocations Plan states that the Council will not permit inappropriate development in the Green Belt. Inappropriate development includes any development which does not maintain the openness of land or which conflicts with the purposes of including land within the Green Belt, and the erection of new buildings. The policy however lists six criteria where new building in the Green Belt may not be inappropriate development.

15. It is considered that Policy CG7AP is generally consistent with national Green Belt policy contained within Section 13 of the NPPF.

16. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 sets out the five purposes of Green Belt, which are a) to check the

unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling or derelict and other urban land.

17. The Planning Practice Guidance (PPG) provides further guidance on the factors to be taken into account when considering the potential impact of development on the openness of the Green Belt; these include but are not limited to:
 - * the duration of development
 - * the degree of activity likely to be generated.
18. The development proposal does not fall into any of the exception categories for development in the Green Belt detailed in policy CG7AP of the Development Plan nor those detailed in para. 145 of the NPPF. By definition, the proposed development is therefore inappropriate and should not be approved except in very special circumstances.
19. Para. 144 of the NPPF states that, "When considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."
20. Paragraph 5.17 of Allocations Plan Policy states that it is the responsibility of the applicant to prove that such circumstances exist.
21. The following sections of the report will therefore consider the other impacts of the proposed development and identify if there is any further harm. The analysis will conclude with the consideration of the very special circumstances put forward by the applicant and these will be weighed against the harm identified, to assess whether the very special circumstances associated with the development clearly outweigh the harm to the Green Belt and any other harm identified.

Impact on the Character and Appearance of the Area

22. Policy CG3 of the Core Strategy states [amongst other things] that the Council will conserve and enhance local distinctiveness, ensuring development has regard to 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 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 schemes should enhance biodiversity and be compatible with the nearby landscape character types identified by the Landscape Character Assessment.
23. Policy OA5.5 seeks to, "Maintain current Green Belt boundaries". Policy OA5.10 seeks to ensure special attention to be given to the massing and materials used in new development. OA5.11 seeks to ensure that new development does not harm the landscape setting and protects views from public areas to the surrounding landscape. Policy OA5.12 seeks to, "Ensure that development respects the large amounts of open space and the open aspects of North Bolton".
24. Section 12 of the NPPF seeks to achieve well-designed places. 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.

25. The application site currently comprises a semi detached 4 bedroomed farmhouse, an L shape stable block used to house animals, a store room used for wellies, incubators and feed, a small classroom, shipping container used for storage, emu shelter and 2 animal shelters in the paddocks, as well as hardstanding areas used for parking and access and some 2.5 acres of grazing land located to the east of the stables. There are small clusters of residential and agricultural development to the north, east and south. A public footpath runs along the west of the boundary screened by hawthorn hedging.
26. The existing smaller single storey outbuilding/classroom which is to be demolished to provide part of the area for the proposed development has a floor area of 22.05sqm and measures 2.5m from the ground level of the residential property. The proposed development will replace this with a two storey building which will be built into the sloping ground level and therefore would appear single storey in height from the ground level of the residential dwelling measuring at 2.8m high with a low pitch roof. It would have a floor area of 54sqm. It would be retained within the cluster of the buildings within the site located between the stables and the residential dwelling and would not impose further into the site.
27. The sympathetic design of the proposed development illustrates that the applicant has endeavoured to reduce its impact on the character and appearance of the area and has tried to make its presence as incongruous as possible with the use of timber cladding offset against the hawthorn hedging along the boundary to the west. The applicant has also agreed for the building to be for a temporary two year period.
28. It is therefore considered that the proposed development complies with Policies CG3 and OA5 of the Core Strategy.

Impact on Residential Amenity

29. 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, nor cause detrimental impacts upon water, ground or air quality.
30. SPD General Design Principles sets out the Council's minimum interface standards between dwellings and amenity space standards.

The Building

31. The orientation of the educational building has been designed to avoid directly facing the neighbouring dwellings no. 1 & 2 Hey Head Cottages. There is an increase in the ground levels of the site from the south to the north with the proposed building sitting at a lower ground level to the Hey Head Farm (the residential property) and the neighbouring properties therefore the building would be sited on a lower ground level over 47 metres from these neighbouring properties which exceeds the interface distance guidance in SPD General Design Principles.
32. The neighbouring property to the east, Hey Head House is sited over 67 metres from the proposed educational building whilst the neighbouring properties to the southwest are over 200m. It is considered that these exceed the interface distances set out in the guidance in SPD General Design Principles.
33. The neighbouring properties to the north on Bowstone Hill Road are sited on a higher ground level and would not have a direct view on the proposed educational building.

The Use

34. Educational sites can often generate noise from a number of sources. This can be from when students are outside. It can be from plant and machinery associated with the operation of the building. Pollution Control have been consulted and the officer has requested that a noise/odour scheme for the installation of equipment to control the emission of fumes and noise from the educational building shall be submitted to and approved by the Local Planning Authority (by way of a condition) and has no other comments regarding the use.
35. The applicant has advised that there would be no more than 25 students on site at any given time. It is considered that this is minor and can be controlled by way of condition.
36. The proposed development is not considered to present any detrimental impact to neighbouring residential amenity on the basis of the above assessment and with the necessary conditions.

Impact on the Highway

37. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] parking, in accordance with the parking standards set out in Appendix 3. Policy S1.2 states that the Council will promote road safety in the design of new development.
38. 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.
39. The site is accessed from Bowstone Hill Road which adjoins Tottington Road. The access track is used by a number of users for both residential, agricultural and commercial. To the side of the property is hardstanding for parking for a number of vehicles. The applicant has advised that the pupils mainly arrive on the bus (480) and walk to the farm, others from Bury College arrive in a minibus which drops them off at the end of the road/ the junction of Tottington Road/Bowstone Hill Road.
40. The Highways department has been consulted and they have commented the following:
41. "According to the Council's Highway Asset Register, Bowstone Hill Road which would be the main point of access to the site from the local highway network (Tottington Road) is unadopted public highway. This means that it is maintained by the street managers (property/landowners at that location) and not at public expense. This access also carries a public right of way. The track appears to be unmade serving an existing number of properties including Heyhead Farm and appears to be scaling at approximately 4.0m in places which is only suitable for one vehicle at a time.
42. Given the number of pupil/staffing numbers (25 pupils per day/3 members of staff and 2 volunteers) indicated to be the maximum numbers that would be conditioned under this new consent. Acting on the information that has been indicated in terms of modes of transport, assuming as correct then a high percentage use sustainable modes of transportation. If the numbers indicated are correct along with the travel patterns then the potential additional impact on the access road it should be minimal and should be accommodated with little additional detriment to road safety/residential amenity and the operational capacity of the surrounding highways. On that basis, no objections on highway grounds to what is being proposed under this application."
43. Officers suggest that a school travel plan condition is included, should the application be approved, to encourage alternative and more sustainable travel to the facility.

44. The proposed development is not considered to have a detrimental impact on the highway. The proposal is considered to comply with policy in this respect and no harm is identified in terms of the planning balance.

Impact on Biodiversity and Trees

45. Core Strategy policy CG1.2 seeks to, "safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees from adverse development, and improving the quality and interconnectivity of wildlife corridors and habitats."

Trees

46. The Tree and Woodland Officer has been consulted and he has advised that there are four trees within the influence of the proposed development. The Sycamore to the west of the existing unit is already influenced by the base/foundation of the unit. This is a small early mature tree of low amenity value. The Ash tree immediately to the southwest corner of the existing unit will be impacted upon by the newly proposed foundation. However as with the Sycamore tree it is of low amenity value and poor form. There are two Hawthorns that will be to the west of the new extended part of the development but these can be retained.
47. The Tree and Woodland officer has suggested that if the Sycamore and Ash trees are to be removed that additional Hawthorn hedging is planted along the western boundary of the new build.

Biodiversity

48. An Ecology report has been submitted assessing the site's biodiversity and any necessary mitigation measures. Greater Manchester Ecology Unit (GMEU) and Council Greenspace officers have assessed the submitted information.
49. GMEU has commented on the ecology report that has been included with this submission (JWK Wildlife Surveys, 21/08/2020). GMEU have no objections to the proposals. The site has no nature conservation designations, legal or otherwise. They recommend that measures to ensure any vegetation clearance is undertaken outside the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present. The ecology report also provides additional measures for the development to provide enhancements for biodiversity, which should be incorporated into the scheme where possible. GMEU recommend that additional hedgerow planting is provided as compensation should the immature sycamore and ash trees be lost to accommodate the scheme: this is in line with the Tree officer's comments.
50. The Council's Greenspace officers commented that the Ecological Assessment (JK/19/01) of August 2020 provides sufficient guidance on the existing habitat quality and protection of native species. Presence or otherwise of protected species, and the extent that they may be affected by the proposed development has been established, therefore the planning permission may be determined with all relevant material consideration in relation to biodiversity having been addressed in making the decision.
51. Overall, the proposed development is not considered to present any identified biodiversity harm, tree losses are minimal and on this basis the proposal complies with policy and no planning harm is identified in this respect.

Impact on Flood Risk

52. 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.

53. Bolton Council's Flood Risk Team has been consulted and they advised that they had no comment to make regarding flood risk and/or known surface water drainage assets at the location/in association with this application.

54. It is therefore considered to comply with policy.

Impact on Public Rights of Way

55. Allocations Plan Policy P8AP states that the Council will permit development proposals affecting public rights of way provided that the integrity of the right of way is retained. Paragraph 98 of the NPPF states that, "Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way network"

56. A public footpath runs along the outer western boundary of the site - Public Right of Way Turton Bradshaw North 063. The Council's Public Right of Way Team has confirmed that it should not be affected by the granting of planning permission.

57. The boundary treatment to the western boundary, which comes closest to the PRoW, currently benefits from Sycamore and Ash trees and Hawthorn hedging. If the trees are to be removed, additional Hawthorn hedging will be conditioned to be planted along the western boundary of the new build as not to impact on the aesthetic of the public right of way.

58. Overall, the proposed development is not considered to have a detrimental impact on the integrity of the public right of way. The retention of the existing Hawthorn hedging and additional hedging along the western boundary of the new build is also welcomed. On this basis the proposal complies with policy and no planning harm is identified in this respect.

Other Matters

59. Land contamination (CS policy CG4) – Pollution control has been consulted and they have requested a preliminary risk assessment. This can be secured by way of condition.

Whether the Very Special Circumstances put forward by the applicant clearly outweigh the harm identified

60. The NPPF para. 144 states, "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

61. In relation to the Green Belt balance in NPPF para. 144, it should be noted that very special circumstances ("VSC") is the outcome of a balance, it is not an input into it. VSC exist where the harm to Green Belt, together with any other harm is "clearly outweighed" by the benefits of the scheme. As such, NPPF para. 144 is best seen as a "replacement" for the standard balance which instead of requiring benefits to outweigh harm, requires the benefits to clearly outweigh that harm. NPPF para. 144 also specifies the degree of weight to be given to harm to the Green Belt as substantial.

62. Officers have identified the following harm in relation to the proposed development:

Substantial harm to the Green Belt:

63. The proposed development of a two storey educational facility on the application site constitutes inappropriate development in the Green Belt, as it does not fall into any of the exception categories for development in the Green Belt detailed in policy CG7AP of the Development Plan nor those detailed in para 145 of the NPPF.

64. For this reason, the proposal will harm the openness and purposes of the Green Belt.

Some harm on landscape visual impact:

65. The scale and siting of the proposed two storey building would impact on the visual openness of the Green Belt, however the applicant is removing an existing outbuilding with a floor area of 22.05sqm and measuring 2.5m high from the location of the proposal and the two storey building would be built into the sloping land level due to the topography of the area which would overall lessen the impact, along with the building being retained within the cluster of site which includes a number of outbuildings including stables. The proposed use of timber cladding would also be sympathetic to the rural character of the area and other smaller outbuildings on site.

66. Public right of way: there will be some harm to users of the public right of way (Turton Bradshaw North 063). This will come from the adverse impact of the view of the development proposal from the footpath and also from the proximity of the proposal to the boundary, however the Tree and Woodland Manager and the Public Right of Way officer have both supported the retention of the existing hedging and the addition of further Hawthorn hedging to be planted along the western boundary of the new build.

The following information has been submitted by the applicant as the 'very special circumstances' to support their proposal:

Covid 19 response/Community Provision

67. The proposed development is for the erection of an educational facility (classroom and baking area) to accommodate students in accordance with COVID - 19 restrictions imposed by the government on school facilities.

- The school has been commissioned by Bury Council as an educational facility. Heyhead Farm has been working in partnership with Bury College for over 2 years. All their Animal Care students (level 1,2 and 3) use Heyhead Farm to gain the practical experience needed to pass their course. Without the practical experience it is impossible for them to qualify. The school has 5 full time students who attend the school on a full time basis (Monday to Friday 9-3). The students are on a rota and they facilitate between 50-60 students throughout the year. The applicant states that without the new build she cannot provide a 'bubble' room in which they can have breaks, lunch and get changed. Which means they cannot attend the farm under any circumstances. This means that 50-60 students who have already had their education so badly disrupted cannot complete their College courses. The school also has existing contracts which cannot be fulfilled with Prestwich Arts College, Hazelwood College (Bury), Lifebridge College (Bolton).
- The school is well established and is now a vital resource for schools and colleges in Bolton and Bury, providing first class education to its students. Many of the students are classified as vulnerable and are listed on the child's protection register. These vulnerable children rely on Heyhead to provide them a safe place to learn, the colleges send the children to continue their education whilst trying to streamline their return to mainstream education. Whilst Heyhead is not a mainstream school, it provides essential teaching for its pupils. The NPPF supports similar developments; it states that local authorities should take a proactive and positive approach that will widen choice in education. It is clear that the school is providing an essential service and has

grown exponentially over the past few years to a level where they are unable to take on further pupils.

- Heyhead Farm accommodates vulnerable children. At present two schools in Bury send a 'Nurture Group' to the farm each week. These children struggle settling into school and often have other additional needs at both home and school. For these children Heyhead Farm is a haven where they feel safe, relax and grow in confidence. With the school closures and the isolation many of these children have said Heyhead Farm is needed more than ever. Unfortunately, again without the additional building these children cannot be accommodated especially at a time they need it most.
- Heyhead Farm have commissioned work from Bury Council - Children with Education, Health and Care Plans (EHCPs) who are referred to Heyhead by Bury Council's Special Educational Needs department. These are children who cannot attend mainstream education and therefore attend Heyhead Farm full time for their entire school education. Due to social distancing they can only accommodate 4 students at present. These are currently the only students attending the farm. They are unable to take any more referrals unless they can expand our premises. The applicant has stated that again, it is some of the most vulnerable members of society that lose out.
- Furthermore, the farm accommodates adults with learning disabilities. Many disabled adults attend the farm from Life Bridge College in Bolton, these are adults with severe learning difficulties who love to attend the farm and interact with people and the animals. These are some of the most vulnerable members of society from both Bolton and Bury. They are referred to Heyhead via social workers so that they can continue with their education and socialise. This group of individuals have been hit really hard by the pandemic as many of them live in social care and have been particularly isolated. The applicant has individuals who have been signed up to attend Heyhead Farm for the academic year 20-21. At present there are very few options available to them and they have no alternative places to go as everywhere is limited due to social distancing and most of them require personal assistants or carers. Without the new building they cannot accommodate any of these individuals, this will have a very negative impact on their well being and education. Unfortunately, due to the restrictions, the applicant is unable to accommodate them at the farm anymore and has had to put their courses on hold.
- The applicant has stated that it is clear from the submission that VSCs do exist for the new building to allow children and staff to return to the school following coronavirus legislation. The many students who attend the school are often on the child's protection register and use it as a haven to learn. The school is an essential 'step up' into mainstream education for some of the children, which will allow them to succeed in finding employment. Although the proposal is inappropriate development by virtue of development in the Green Belt, the applicant considers that it would have very limited impact on the openness of the Green Belt in which it is located and would not be contrary to any of the purposes of including the land in the Green Belt. The requirement for the new building is to meet government guidelines which is supported by National Planning Policy. The building would provide an essential facility to support the vulnerable children on site and ensure that students are safe. In the applicant's opinion, these 'other considerations' outweigh any harm to the Green Belt, and accordingly they believe the very special circumstances exist in this case to justify approving the proposal.

Employment Needs/Covid-19 Response

- Heyhead Farm employs a number of staff, due to most of the groups being cancelled the staff have had to be furloughed. Unfortunately, unless the new building is passed, which will allow the children to come back to the farm and reopen for all our groups these staff members will lose

their jobs. Without the groups attending there is no income to support staff.

- If the building is not approved it could put the future of the school in jeopardy. It is the applicant's sole income and without any students no money is being generated to keep the school running.

Ecology Benefit

- The agent notes that an ecologist has visited the site and that the farm is already very environmentally conscious and already assigns 20% of the land (1 Acre) to 'Nature' furthermore, there are numerous bird boxes, feeding stations, insect houses, log piles and nettle patches on the land. Suggestions stated within the report for bird boxes, invertebrate habits etc are already in existence: there is already significant ecological benefit.
- Officers agree with the applicant that very special circumstances exist in this instance given the special nature of the proposed development. However, to satisfy planning policy, the very special circumstances must be considered to sufficiently outweigh the harm to Green Belt caused by the inappropriate development.

68. The key attribute of the Green Belt is the openness of land. The application site currently comprises a semi detached 4 bedroomed farmhouse, an L shape stable block used to house animals, a store room used for wellies, incubators and feed, a small classroom, shipping container used for storage, emu shelter and 2 animal shelters in the paddocks, as well as hardstanding areas used for parking and access and some 2.5 acres of grazing land located to the East of the stables. There are small clusters of residential and agricultural development to the north, east and south. A public footpath runs along the west of the boundary screened by hawthorn hedging.

69. The proposed two storey building will replace an existing smaller single storey outbuilding/classroom and will sit between the dwelling and the stables to the south of the site. It will be built into the sloping ground level and therefore would appear single storey in height from the ground level of the residential dwelling. It would be retained within the cluster of the buildings within the site and would not impose further into the site. The erection of the proposed building will no doubt have an affect on the openness of the area due to its scale however consideration has been given to a number of design elements:- inset into the sloping levels, a low pitched roof and the use of timber cladding in a rural area, resiting of building from previous submission, removal of existing classroom which attempts to reduce its impact on the visual amenity of the Green Belt in this area.

70. The sympathetic design of the proposed development illustrates that the applicant has endeavoured to reduce its impact on the Green Belt and the surrounding area and has tried to make its presence as incongruous as possible. The applicant has also agreed for the building to be for a temporary two year period.

71. It is considered that, on balance, the very special circumstances provided by the applicant for the need for the development in this particular location outweighs the harm the development would have on the Green Belt. The proposal is therefore considered to comply with policy.

Conclusion

72. For the reasons discussed within this report, it is considered that, on balance, the harm that will be caused to the Green Belt in this instance is outweighed by the very special circumstances presented by the applicant and therefore complies with Green Belt policy. The proposed

development is also considered not to detrimentally harm the amenity of neighbouring residents, would not jeopardise highway safety or impact on the local highway network, would not increase the risk of flooding, would not impact detrimentally on land stability or contamination, and would safeguard biodiversity.

73. Members are therefore recommended to approve the application with conditions.

Representation and Consultation Annex

Representations

Letters:- 4 objections have been received on the following grounds:

74. Bowstone Hill Road is a single-track dirt lane unsuitable for the volume of traffic created by the centre. As the main users of the lane, no repairs are carried out by them. The road is unsafe and the proposal will result in traffic volume increase. *(Officer comment: please see highways comments.)*
- The applicant drives at speeds of over 20mph on the single-track lane around the blind corner. How can this be a safe environment when the applicant and staff can't drive at a sensible speed. *(Officer comment: this is not a material planning consideration.)*
 - The lane is also a public footpath used more than ever since covid. It is well used by walkers (part of Village Link) and horse-riders. *(Officer comment: please see officers report regarding highways and public right of way.)*
 - Unsupervised kids cause damage to dry stone walling. *(Officer comment: this is not a material planning consideration.)*
 - Students and staff passing by neighbouring properties giving verbal abuse (cases logged with the police). *(Officer comment: this is not a material planning consideration.)*
 - Covid 19 non-compliance. *(Officer comment: this is not a material planning consideration.)*
 - The applicant's case of VSCs for the development is Covid 19 which is a temporary situation, but the proposed building would be permanent. *(Officer comment: the application is for a temporary period of two years.)*
 - Concern once Covid regulations relax more teaching space will become available so the proposed building will engage the Education Centre to grow exacerbating the current harms of noise and access. Learning often takes place at high volume. *(Officer comment: the number of students will be conditioned.)*
 - The location is amongst a group of homes; not on a farm, nor an education campus. *(Officer comment: please see officer's report.)*
 - It is unclear if the Highways comments refers to the unadopted Bowstone Hill Road as well as the surrounding highways of Tottington Road, Watling Street and Bradshaw Road. The proposal will have little impact on the latter 3, its affect would be significant and negative on Bowstone Hill Road which is an unmetalled, single track cul-de-sac with one passing place. Its dry stonewalls and surface are very vulnerable. It is the only access for 7 homes. Traffic to and from HEC is already problematic. Walking is not an option for some students. Tutors and carers always drive. *(Officer comment: please see highways comments - as the road is unadopted this means that it is maintained by the street managers (property/landowners at that location) and not at public expense.)*
 - Change of use permission has not be obtained for this business. The use of retention of in the description suggests that an application has already been made which cannot be located. *(Officer comment: the change of use has been included in the proposal and description for this application. No other applications have been received in relation to the change of use.)*
 - Incorrect information has been given about the area of floorspace. The lower ground floor has been omitted. The total is 77m2 not 60m2.
 - An additional classroom exists but is not shown on the plan. The photos (planning statement 5.5) are of this additional classroom and not the proposed building location. *(Officer comment: this classroom as referred to is to be demolished to the location of the proposed building.)*
 - The trees/hedges (images: planning statement 7.4) are not at the proposed building location. *(Officer comment: please see Tree officer's comments.)*
 - the volume of noise of the outdoor learning that is the central to the provision made by Heyhead Education Centre is too great given the very close proximity of my home. *(Officer comment: Pollution Control have been consulted and it is considered that the use is acceptable.)*
 - When the business was first mooted, in a letter to neighbours, the applicant cited up to 10

students attending over 3 days a week. In the planning application the number of student is significantly greater and the business operates over 5 days.

- If change of use permission is granted, I request that a maximum number of students is stipulated. Heyhead Farm is a business - the applicant refers to its 'exponential growth' - and as this business grows, the greater will be the problems of access and noise. Given the different patterns of student attendance described by the applicant, the cap should perhaps be expressed as the maximum number of attendees at any one time. (*Officer comment: the number of students at any one time will be conditioned.*)
- No rationale for the temporary status of the proposed building is given. Possibly it presumes the ending of Covid restrictions which comprise the core of the argument for VSCs for Green Belt development. I have two major concerns. First, that no changes have been made to the plan of the building to reflect its short lifespan. Second, that when the building is removed after two years, its footprint will have been established and could be the basis for another building. (*Officer comment: Please see officer's report.*)

6 letters of support have been received stating the following:

- the development brings benefit to the young people of Bolton and surrounding districts who are unfortunate enough to have learning difficulties and require additional facilities to support them. They deserve to enjoy green spaces that we all take for granted; the only way they can do this is in an environment they are supported and protected.
- there is documented evidence of the advantages of adults and children with learning disabilities from interacting with animals and Heyhead gives them this opportunity.
- the farm has been a positive provision for students at the school focusing on nurture. We look forward to continuing our positive relationship.
- in full support of Heyhead Education Centre receiving planning permission to have a building erected for the benefit of all Heyhead Farms service users. Without the plans for welfare facilities such as toilets, warm running water and a common room, this proposed exciting development can put our student's development of animal care professionals at risk to meet a high standard of educational needs and teaching. If successful Bury Colleges students would Benefit from such facilities 5 days a week with Practical and Classroom based learning opportunities.
- despite thorough and rigorous pursuit of developing a safe haven of learning for those most vulnerable in our community AND developing conservation areas that encourage wildlife and bio diversity, these plans have been thwarted at every turn. I cannot understand that anyone would deny those young adults access to education, life skills and friendship.
- Heyhead Education Farm is a therapeutic, holistic, specialist setting for children, young people and adult learners who are not able to attend mainstream settings or for adults with learning difficulties. The students can engage in a recognised alternative form of learning through animals on the farm, science, maths, art and cooking, along with transferable life skills with qualified SEND teachers. This comes under the education legal term ETOAS, (Education Other Than At School) within children's EHCP (Education and Health Care Plan) valid until 25 years old. Some of the children who attend are care experienced and through no fault of their own have had breath-taking neglect and harm done to them by the very people who should care.
- It is well document (See Children's Commissioner link below) vulnerable SEND students are unable to cope in a large mainstream school. Unfortunately, many mainstream and special schools are not experienced enough nor equipped to work with care experienced children. The students at the farm are not disruptive, aggressive, and nor do they cause trouble. What they are in desperate need of is a calm, quiet, very small nurturing environment. Including ample opportunities to be outside with nature and animals in order for them to re-engage with, recover from their early trauma, learning at a pace that works for them.
- The planned extension to the facilities will enable Heyhead Farm to expand what they are able to offer - often to people and children for whom there are no suitable alternatives. With this letter, I

am providing my full support to the planning application for planning permission in order to be able to extend the learning facilities. I would hope that you too will extend your full support in this worthwhile endeavour.

- Heyhead Farm offers education within a natural, quiet environment enabling formal learning as well as an appreciation of and knowledge of animal care and the rural environment. It makes a valuable contribution to the local community, within which it is recognised there is a significant shortage of alternative education provision.

Elected Members:- Councillor Haslam has requested that the planning application be heard at Planning Committee due to the proposal being inappropriate development within the Green Belt. The location whilst in Green Belt is not isolated but has neighbours who will be impacted by the noise and disturbance of the use which is already being used for education purposes and has not received planning permission. Councillor Haslam also noted that the access via the unadopted track of Brownstone Hill which also serves other properties constitutes a potential road safety risk which given the nature of the users of this facility is particularly relevant. The access road, not the roads around the site of Tottington Road etc should be a material highway consideration. Also noted that the loss of hedgerows will compromise the rural nature of the site.

Consultations

Advice was sought from the following consultees:

Bolton Ramblers, National Grid, Public Right of Way Team, The Open Spaces Society, Peak & Northern Footpath, Asset Management & Pupil Placement, Highways, GMEU, Bury Council, Tree and Woodland, Pollution Control, Greenspace Management.

Planning History

53419/98 – ERECTION OF AN AGRICULTURAL STORAGE BUILDING. - Refused

55783/99 – ERECTION OF A SINGLE STOREY TACKROOM, STORE AND LOOSE BOXES. - Approved

66110/03 – ERECTION OF A SINGLE STOREY EXTENSION AT REAR TO FORM DINING ROOM WITH BALCONY OVER. - Refused

08748/20 - ERECTION OF TWO STOREY EDUCATIONAL FACILITY TO PROVIDE CLASSROOM, BAKING AREA, TOILETS AND OFFICE FACILITIES - Withdrawn by the applicant

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The permission for the two storey educational facility shall be for a temporary period expiring on **28th June 2023** when the development hereby approved shall be discontinued and the building removed in accordance with a scheme to be approved in writing by the Local Planning Authority before the expiry of this permission. The approved scheme shall be implemented in full and retained thereafter.

Reason

The applicant has only applied for temporary permission and the assessment of the developments effects is difficult and a temporary permission will enable the Local Planning Authority to review the matter, in the interests of safeguarding the purposes and openness of the Green Belt and compliant with policy CG7AP of Bolton's Allocations Plan.

2. 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.

Reason for Pre-Commencement Condition:

Any works on site could affect contamination which may be present and hinder the effective remediation of any contamination causing a risk to the health of future occupiers and harm to the environment, hence the initial investigation must be carried out prior to the commencement of any works on site.

3. Before the use of the two storey educational building hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and noise from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 14 days of the use commencing and retained thereafter. The requirements of the scheme shall be in line with EMAQ Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018.

Reason

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

4. Hawthorn hedging shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the two storey educational building being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of the building 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.

5. Prior to the first use of the two storey educational building hereby approved, a detailed School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall include provision for a detailed Action Plan and details of the proposed initiatives and proposed monitoring and review of the Action Plan. The approved Travel Plan shall be implemented in full including a regular review and monitoring as approved.

Reason

To ensure that opportunities for the use of more sustainable transport modes are maximised in order to reduce the impact of development on the living conditions of local residents including the impact

on local air quality in order to comply with Core Strategy CG4.

6. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref:

Proposed Elevations and Floor Plans - Drawing number C151 Rev A, Date drawn 7th January 2020

Reason

For the avoidance of doubt as to what is permitted and in order to comply with Bolton's Core Strategy policy CG3.

7. The hours of use of the educational facility subject of this consent shall not be open outside the following hours:-

08:00 - 16:00 Mondays – Fridays

No opening shall take place on Saturday, 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.

8. There shall be no more than 25 pupils attending the educational facility hereby approved at any one time.

Unless otherwise agreed to in writing, these limits shall be adhered to for the lifetime of the school use on site. This restriction shall continue to be adhered to in the event that any outbuilding or other addition to the school is subsequently granted planning permission, and shall not be exceeded unless expressly agreed in writing by the Local Planning Authority.

Reason

To ensure that the development does not give rise to undue nuisance to surrounding properties, and to comply with policy CG4 of Bolton's Core Strategy.

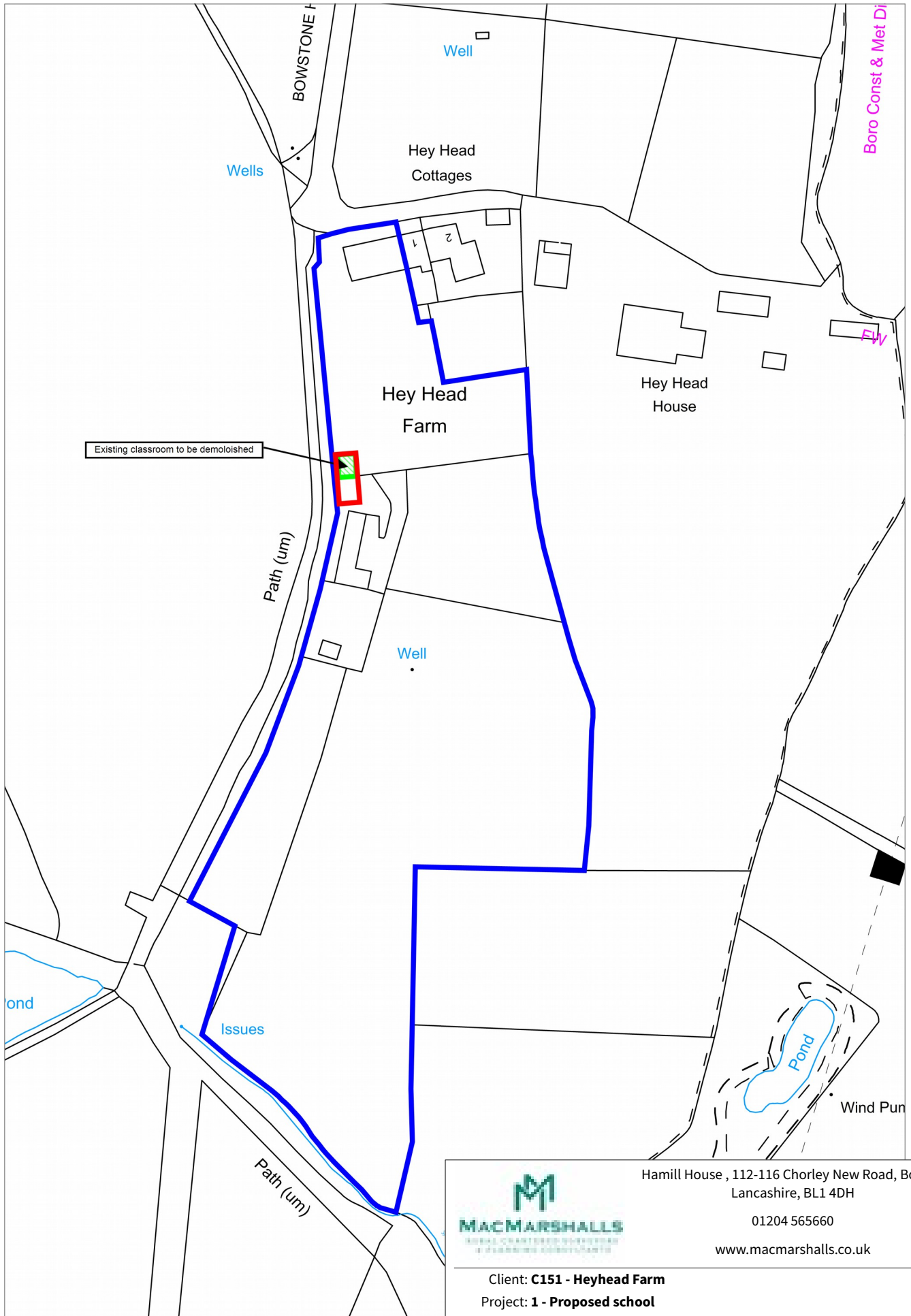
9. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Proposed Elevations and Floor Plans - Drawing number C151 Rev A, Date drawn 7th January 2020

Site Plan - Drawing number C151/1/V1 - Date drawn 10th November 2021

Reason

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



Hamill House , 112-116 Chorley New Road, Bolton,
Lancashire, BL1 4DH

01204 565660

www.macmarshalls.co.uk

Client: **C151 - Heyhead Farm**

Project: **1 - Proposed school**

Title: **Site plan**

Scale: 1:1250 @A4

Drawn By: RJM

Date: 10 Nov 2020

Drawing No: C151/1/V1

Application number
10453/21



**Directorate of Place
Development Management Section**

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

Bolton Council

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Date of Meeting: 24/06/2021

Application Reference: 10453/21

Type of Application: Full Planning Application

Registration Date: 12/02/2021

Decision Due By: 08/04/2021

Responsible Officer: Jack Seddon

Location: 2-4 GREYSTOKE DRIVE, BOLTON, BL1 7DW

Proposal: ERECTION OF TWO STOREY PORCH EXTENSION AND ALTERATIONS TO ROOF AT FRONT, APPLICATION OF RENDER TO FRONT ELEVATION, BI-FOLD DOORS TO REAR AND DROPPED KERB.

Ward: Astley Bridge

Applicant: Mr S Usman Ally

Agent : Mr Z Sufi

Officers Report

Recommendation: Refuse

Executive Summary

- The application is before Committee as Councillor Fairclough has requested a Planning Committee determination.
- This householder application has been submitted for the erection of a two storey front extension, addition of a front gable and changes to the materials of the front elevation.
- Two neighbour objections have been received - see 'Representation Annex' for details and Officer response.
- Members are recommended to refuse this application on character and appearance grounds.

Proposal

1. Proposed two storey front extension: would project 1.4 metres and would be 4.2 metres wide with a pitched roof 5.5 metres to the eaves and 7.4 metres to the ridge.
2. Proposed addition to front roof plane to form front facing gable: would project from the ridge of the existing roof 5.3 metres and would be 4.6 metres wide with an eaves height of 5.6 metres and a ridge height of 8.7 metres, both to match the existing roof.
3. Proposed changes to the exterior wall material to render on the front elevation together with alterations to windows and doors within front and rear elevations.

Site Characteristics

4. This application relates to a detached property on Greystoke Drive. The surrounding area is characterised by a mixture of single and two storey detached dwellings.

Policy

Development Plan

5. Core Strategies policies: P5 Transport and Accessibility; S1.2 Road Safety; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; OA5 North Bolton.

Other material considerations

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

Analysis

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

Impact on the Character and Appearance of Surrounding Area

10. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and require development to be compatible with the surrounding area in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.
11. Policy OA5 refers specifically to developments in North Bolton and states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that development respects street patterns.
12. Paragraph 5.1 of the House Extensions SPD 2012 states that the siting, design or layout of a house extension should not have an unacceptable effect on the wider street scene or the character of the locality. This might occur for example where extensions protrude in front of a clear and consistent building line, where roof heights are proposed to be increased, or where side extensions might create a "terracing effect". It may be the case that an extension represents a significant change in the overall consistency of house types which might impact more noticeably on the local character than house extensions in more mixed areas or where a

range of extension types and styles already exist, prompting the need for a more sensitive design approach.

13. The surrounding area is one of minimally mixed property types with single storey and two storey properties that are uniform in construction. It is considered that the proposed additions would change the character of the existing dwelling meaning it would have a significant impact on the surrounding street scene.
14. Paragraph 5.3 of the House Extensions SPD 2012 states that front extensions (which include porches) can unduly impact on the existing street scene. However - if carefully designed to reflect and respect the appearance of the host building whilst also appearing subordinate to it - extensions to the front of dwellings may be acceptable, particularly where they can be justified in respect of creating variety and continuity within the street scene.
15. The proposed front extension is two/three storeys tall, constructed with an extensive glazed front wall. It is considered that, within the surrounding street scene, it would have a significant impact as it would not be in keeping with any of the surround properties.
16. The external material for the front elevation is to be changed from brick to white render. The application property is a large property set at the entrance to a large section of the surrounding estate. There is little to no render present within the surrounding street scene, where the main material types are brick and stone cladding. The proposed render would have a significant impact on both the character of the existing dwelling and the surrounding street scene.
17. In view of the above, it is considered that the proposed development is out of keeping with the host dwelling house and would detract from the character and appearance of the street scene. Therefore, it is considered that the proposal would not be in accordance with policies CG3 and OA5 of the Core Strategy and the NPPF.

Impact on the Amenity of Neighbouring Residents

18. 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.
19. 30 Whitehill Lane is set to the front of the application property, the proposed would be over 24 metres from the main room windows within the neighbouring property, it is therefore considered acceptable.
20. Summerhill Cottage Whitehill Lane is set to the rear of the application property. The proposed changes to the windows and doors within the rear elevation would be over 22 metres from the main room windows within the front elevation of the neighbouring property, it is therefore considered acceptable.
21. Kermors Cottage, 19, 21 and 23 Whitehill Lane are set to the side of the application property. The proposed would be over 32 metres from the neighbouring properties main room windows, it is therefore considered acceptable.
22. 1 Threlkeld Road is set to the front of the application property. The side elevation of the neighbouring property that would face the proposed, contains no main room windows, it is therefore considered acceptable.
23. 6 Greystoke Drive is set to the side of the application property. The proposed extensions would

not impact on the 45 degree line from the main room windows within the front elevation of the neighbouring property, it is therefore considered acceptable.

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

Impact on Parking

25. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] parking, in accordance with the parking standards set out in Appendix 3. Policy S1.2 states that the Council will promote road safety in the design of new development.

26. SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on highway safety.

27. Highways provided the following comment: *"Acting on the submitted information, the proposal has the potential to generate negligible additional traffic onto the highway network at that location in comparison to the existing property. This will potentially be accommodated with minimal additional detriment/severity to road safety and residential amenity at that location. The property already benefits from an access onto Greystoke Drive and it is a proposal to extend the additional vehicle access crossing to aid additional parking provision for the property. On this basis, the Local Highway Authority cannot reasonably object to what is being proposed under this application."*

28. It is therefore considered that the proposed would comply with policy P5.

Impact on Trees

29. Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development.

30. Tree and Woodland provided no comment. It is therefore assumed there are no objections on tree grounds to what is being proposed under this application.

31. It is therefore considered that the proposed would comply with policy CG1.2.

Conclusion

32. The proposal is not considered to comply with the relevant local and national planning policies, in that it is considered that the proposed development would be out of keeping with the host dwelling house and would detract from the character and appearance of the street scene.

33. Members are therefore recommended to refuse the application.

Representation and Consultation Annex

Representations

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

- The proposed render would not be in keeping with the surrounding properties (Officers comment: it is considered that the proposed render would have a significant impact on the surrounding street scene due to the minimal use of such a material within the street scene).
- The proposed is not in keeping with the surrounding street scene (Officers comment: it is considered that the addition of the proposed development would significantly impact on the character and appearance of the surrounding street scene).

Elected Members:- Cllr. Fairclough requested for application to be determined by Planning Committee.

Planning History

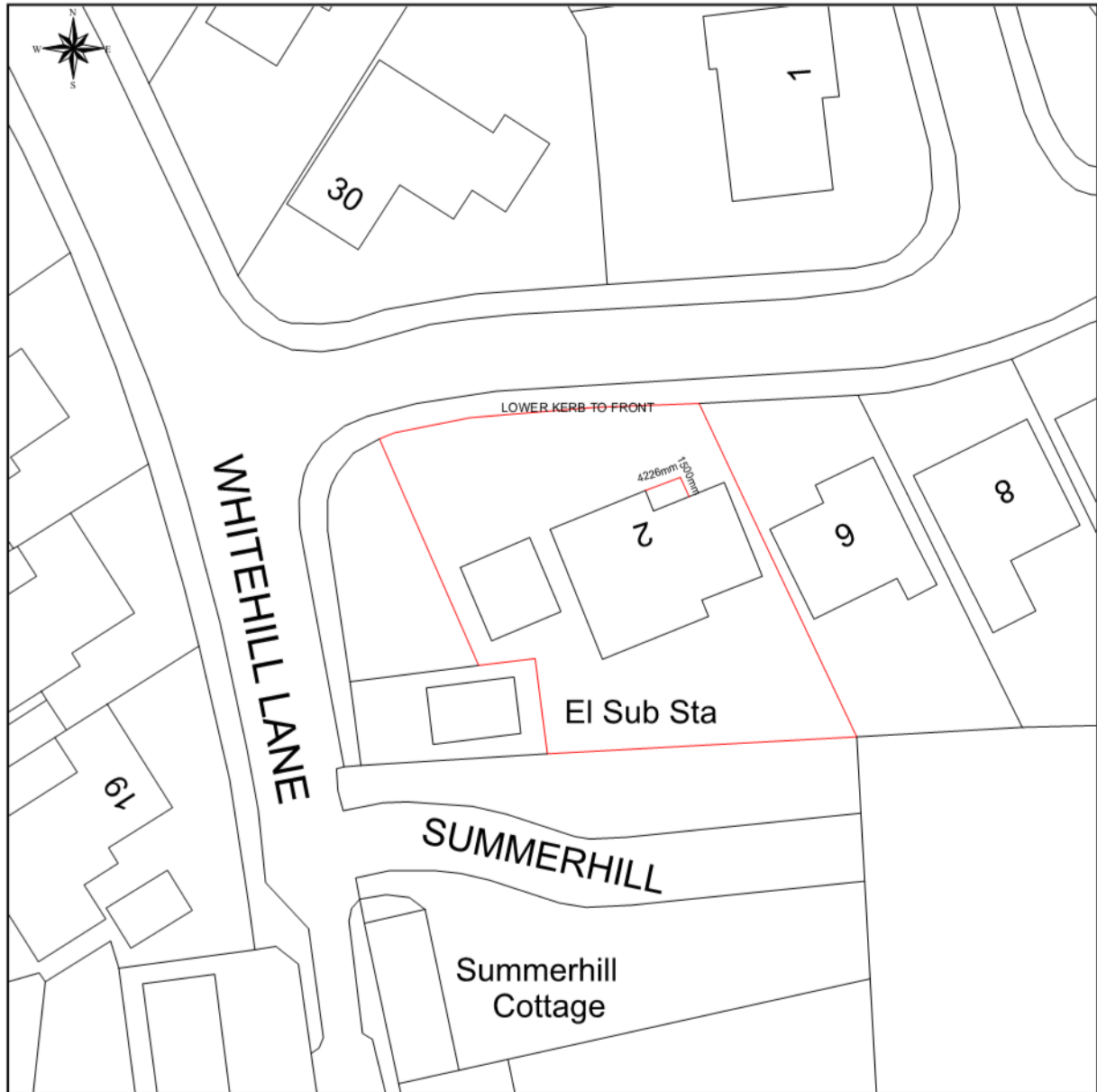
09872/20 - Refused - Erection of a two storey extension to front porch, together with change to part roof at front, erection of dormers to front and rear, bifold doors to rear, render house and garage, and drop kerb at front.

Recommendation: **Refuse**

Recommended Conditions and/or Reasons

The proposed development, by virtue of the proposed use of render and proposed expanse of glazing on the front elevation, along with the dwelling's prominent siting within the street, would be detrimental to the character and appearance of the area and is contrary to Policies CG3 and OA5 of Bolton's Core Strategy and Supplementary Planning Document - "House Extensions".

2 GREYSTOKE DRIVE BOLTON BL1 7DW

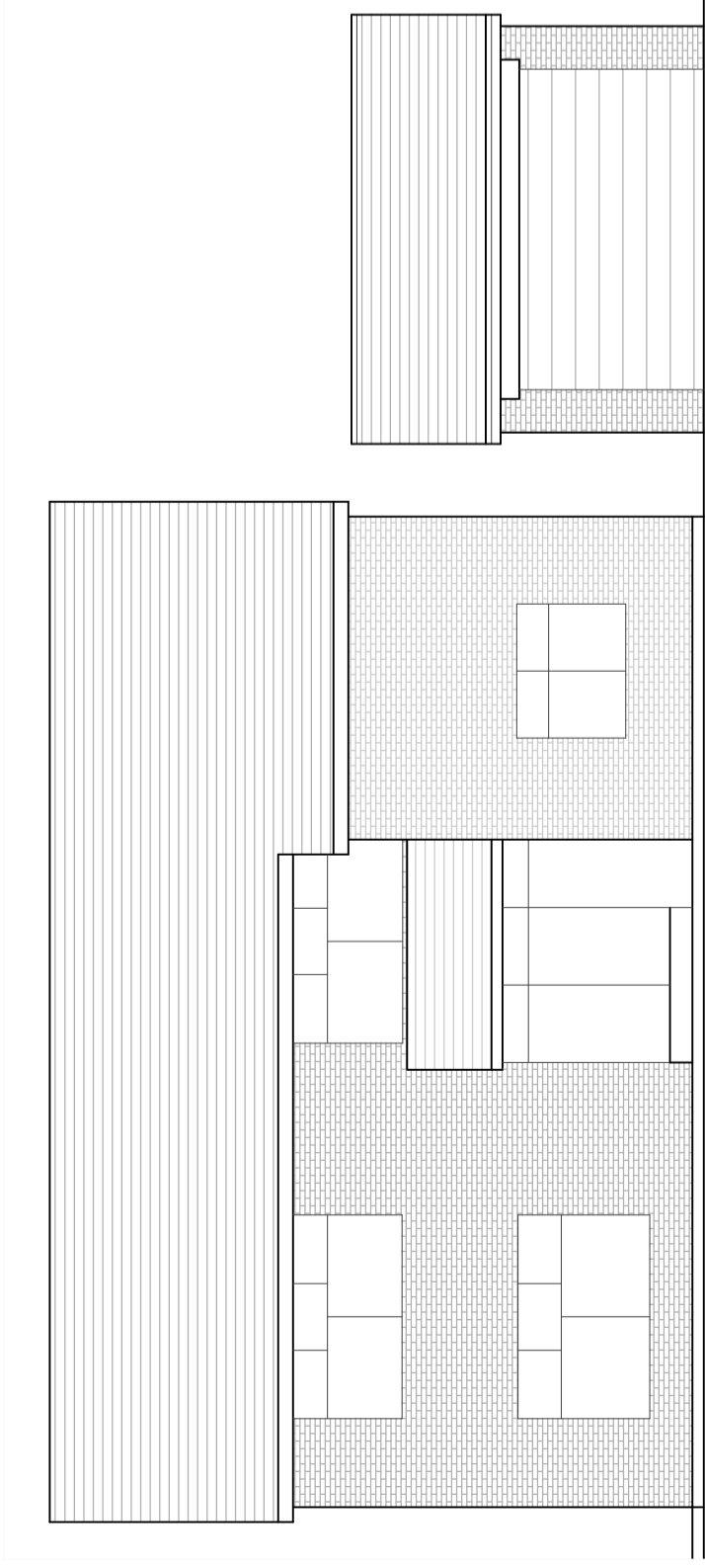


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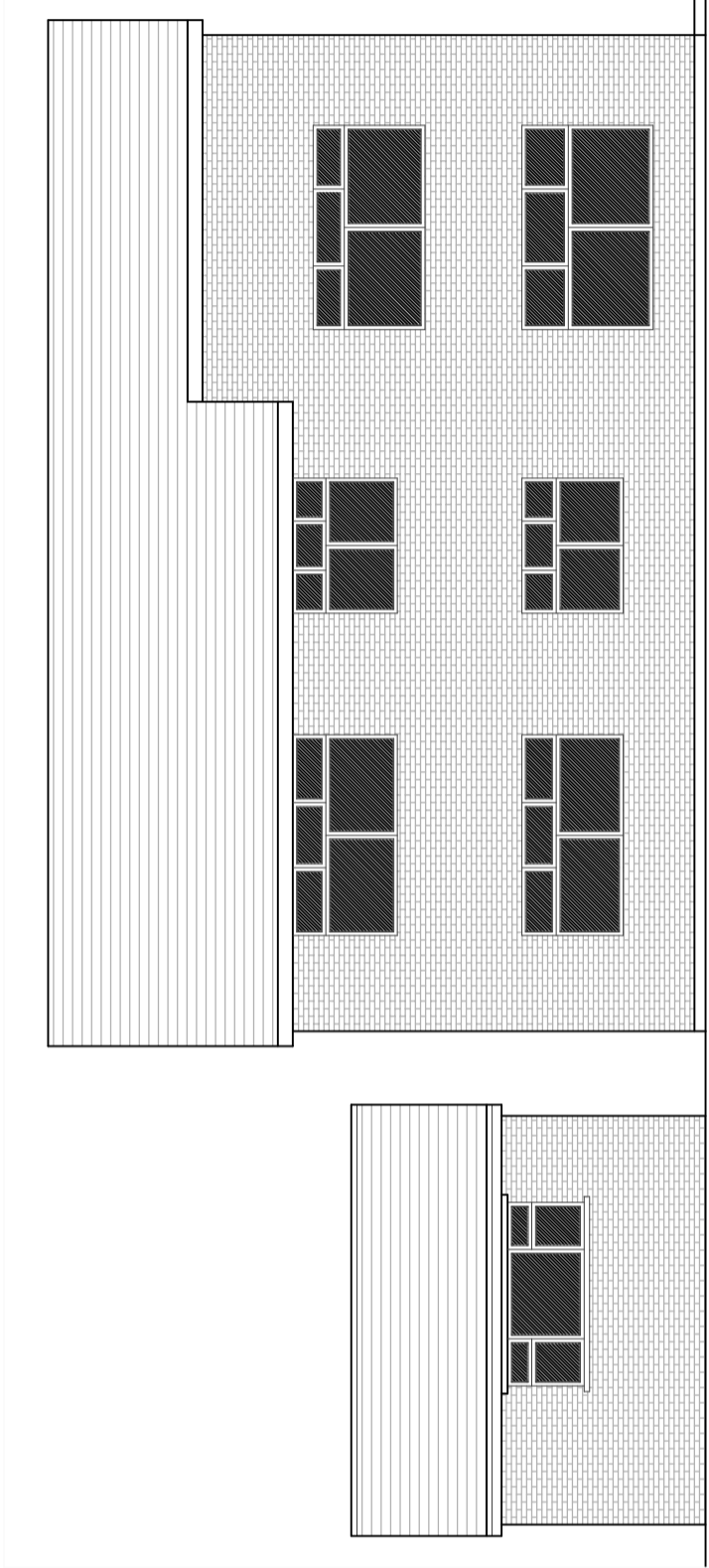
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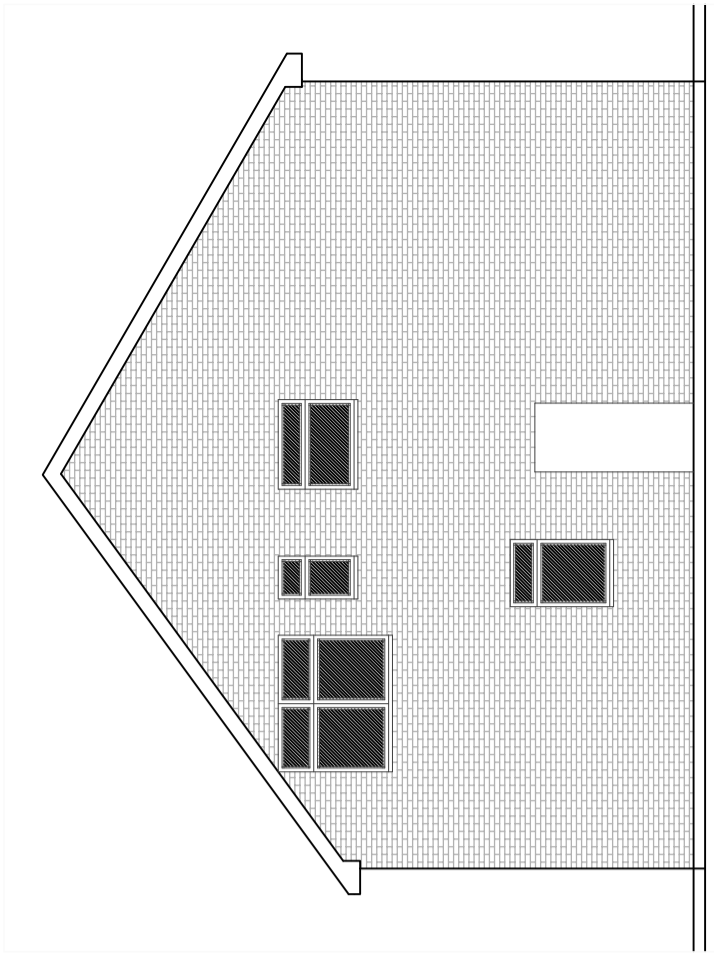
PROPOSED DOUBLE STOREY PORCH TO FRONT,
PROPOSED CHANGE TO PART ROOF TO FRONT, RENDER
HOUSE AND GARAGE TO FRONT,
BI FOLD DOORS TO REAR



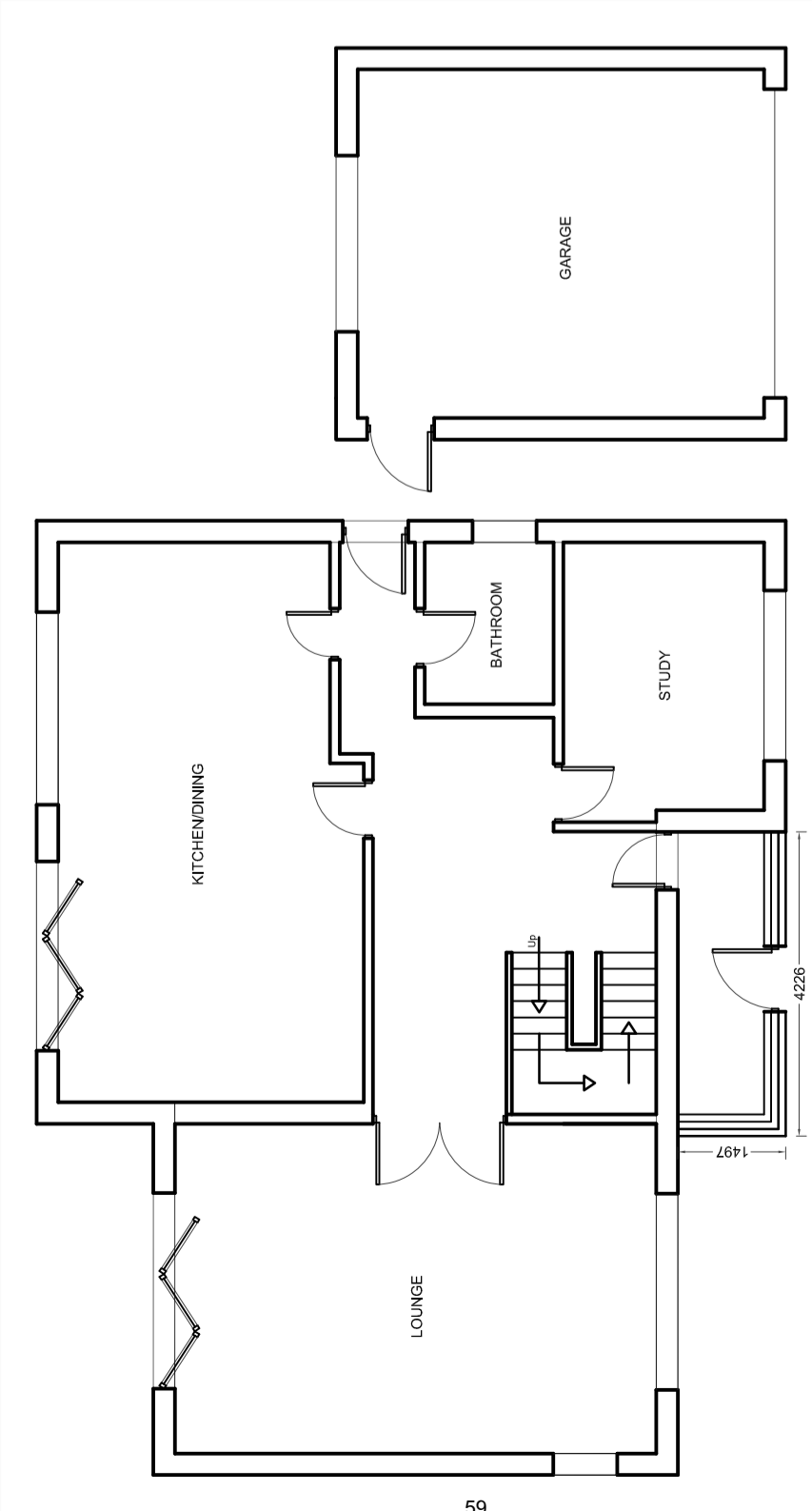
EXISTING FRONT ELEVATION
SCALE 1:100



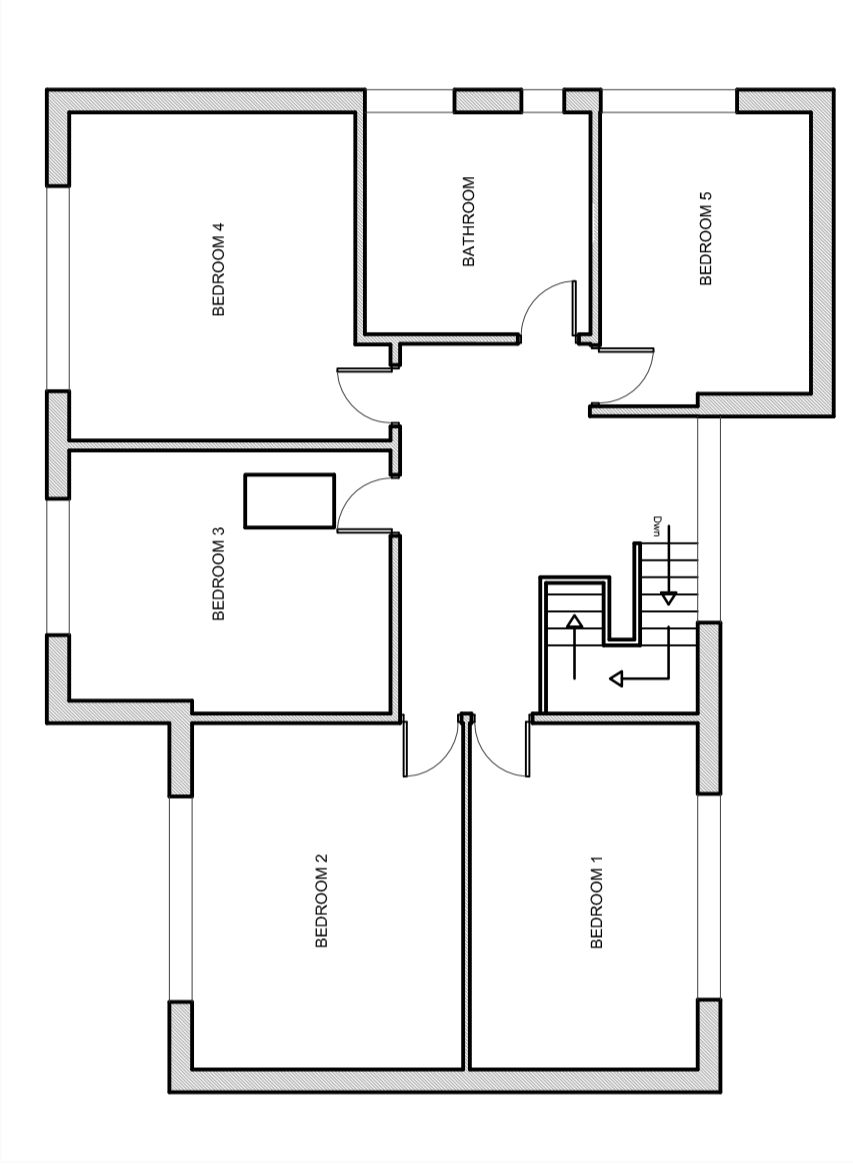
EXISTING REAR ELEVATION
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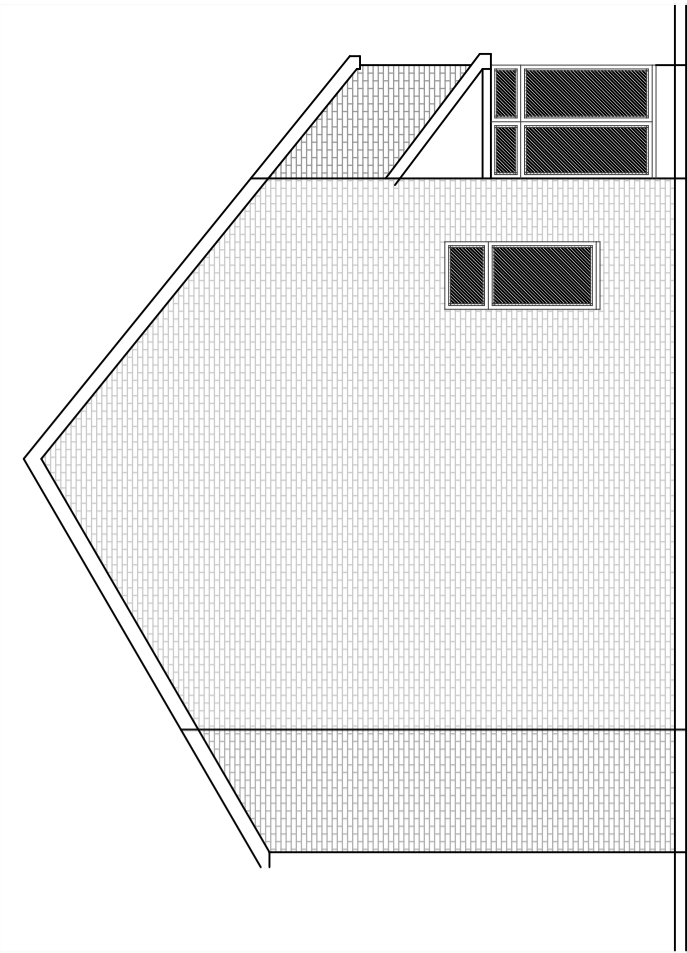
EXISTING SIDE ELEVATION
SCALE 1:100



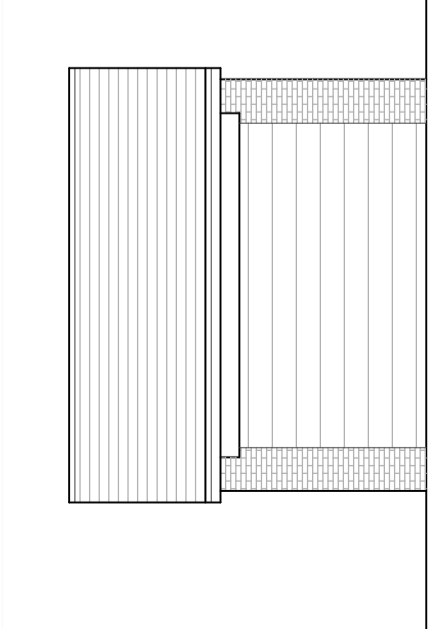
EXISTING GROUND FLOOR PLAN
SCALE 1:100



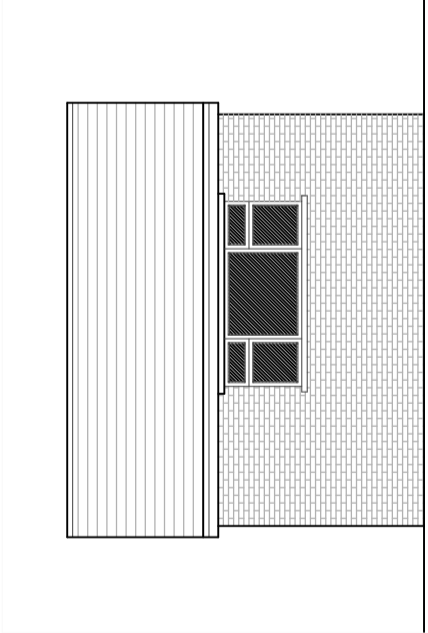
EXISTING FIRST FLOOR PLAN
SCALE 1:100



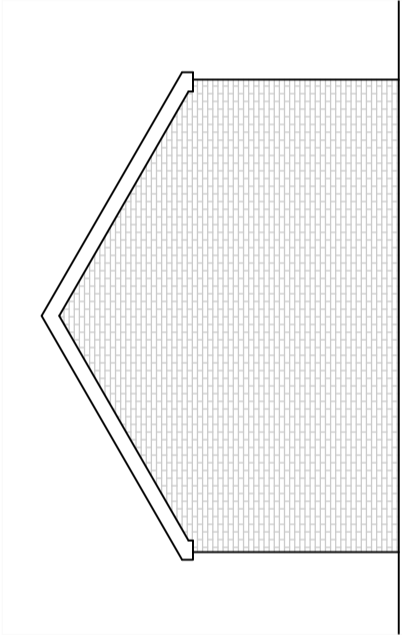
EXISTING SIDE ELEVATION
SCALE 1:100



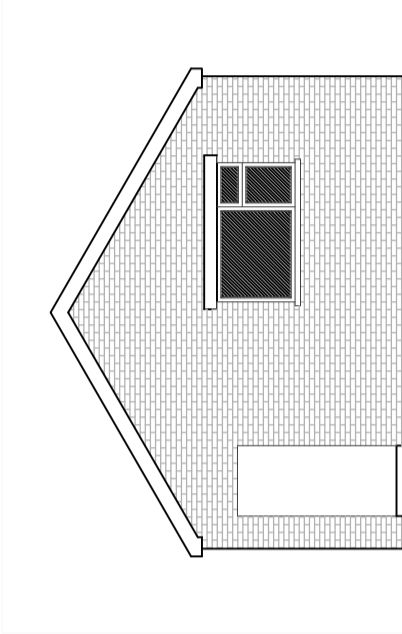
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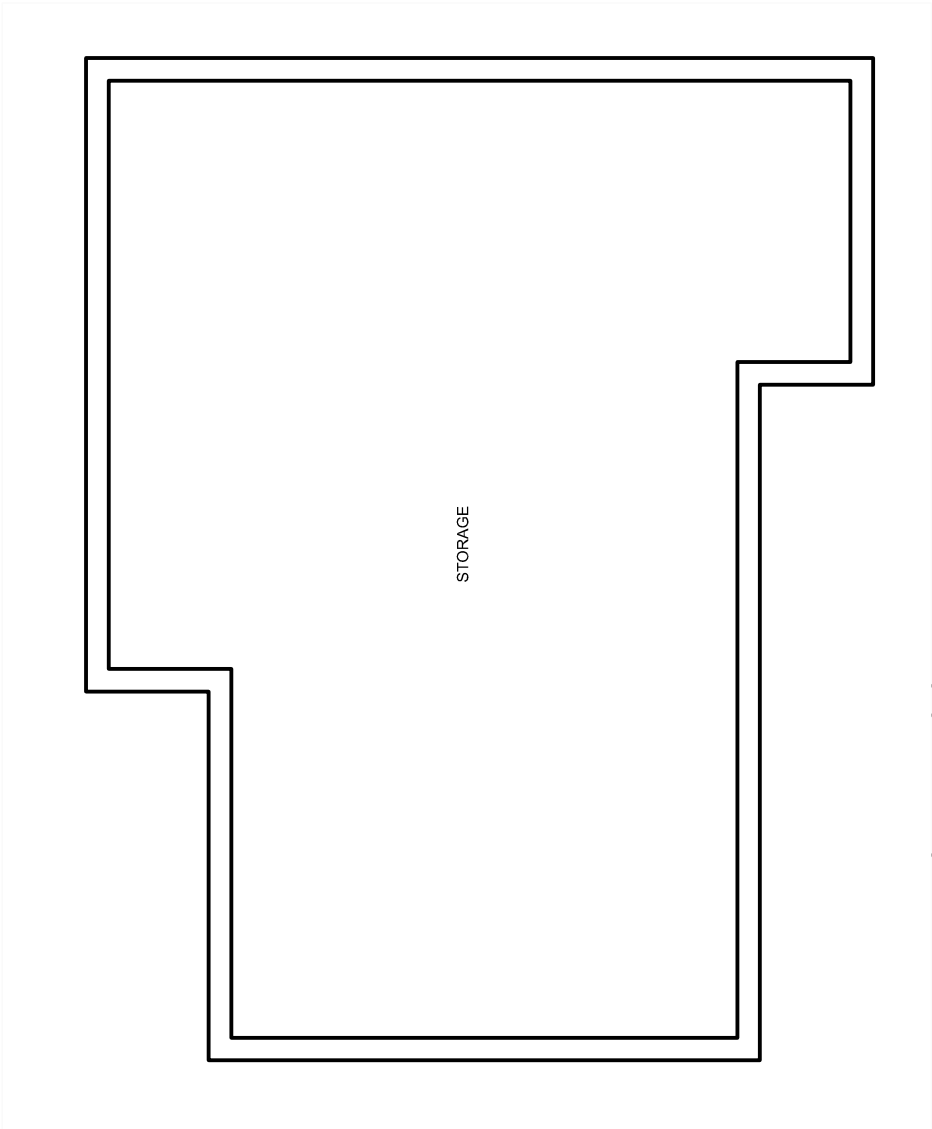


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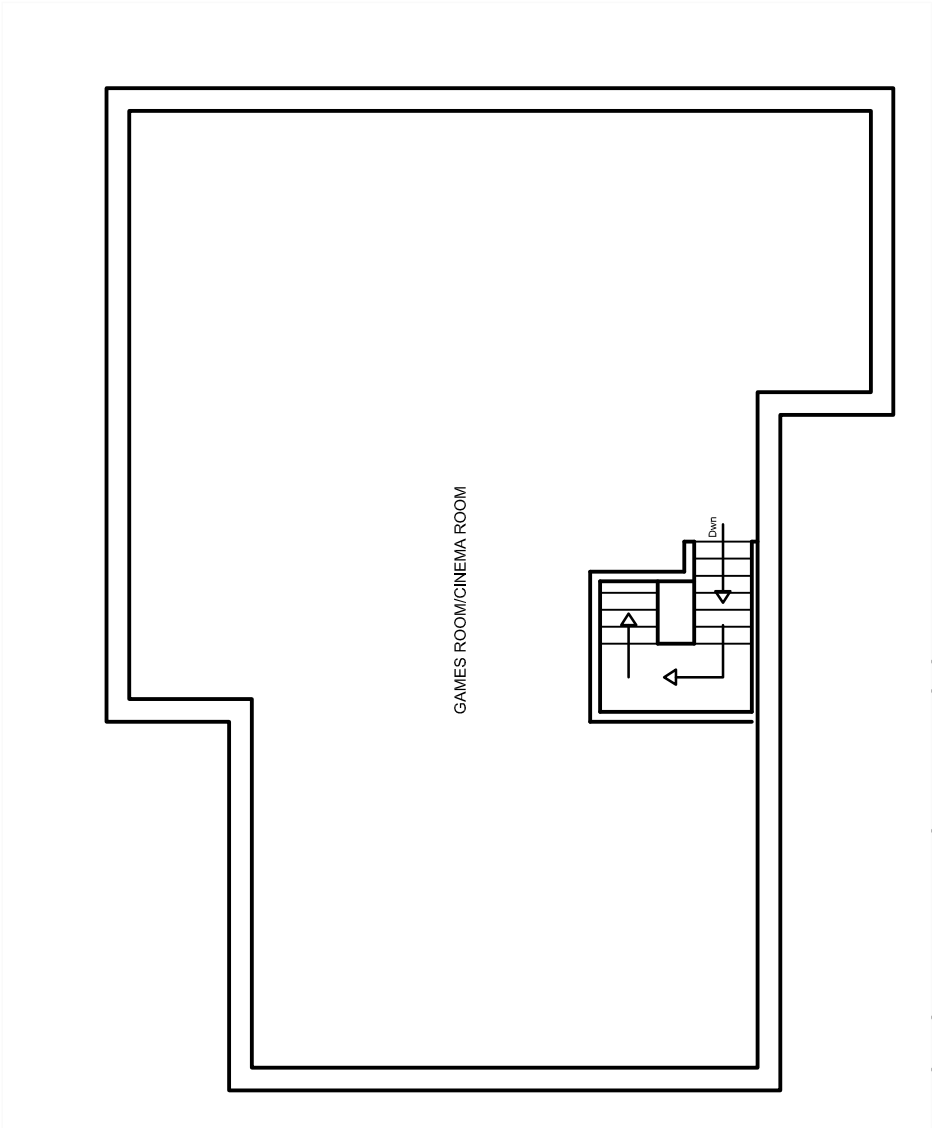


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		Title	Date
		EXISTING PLANS AND ELEVATIONS	
		Email: zahid.suff@gmail.com Tel: 0774956733	

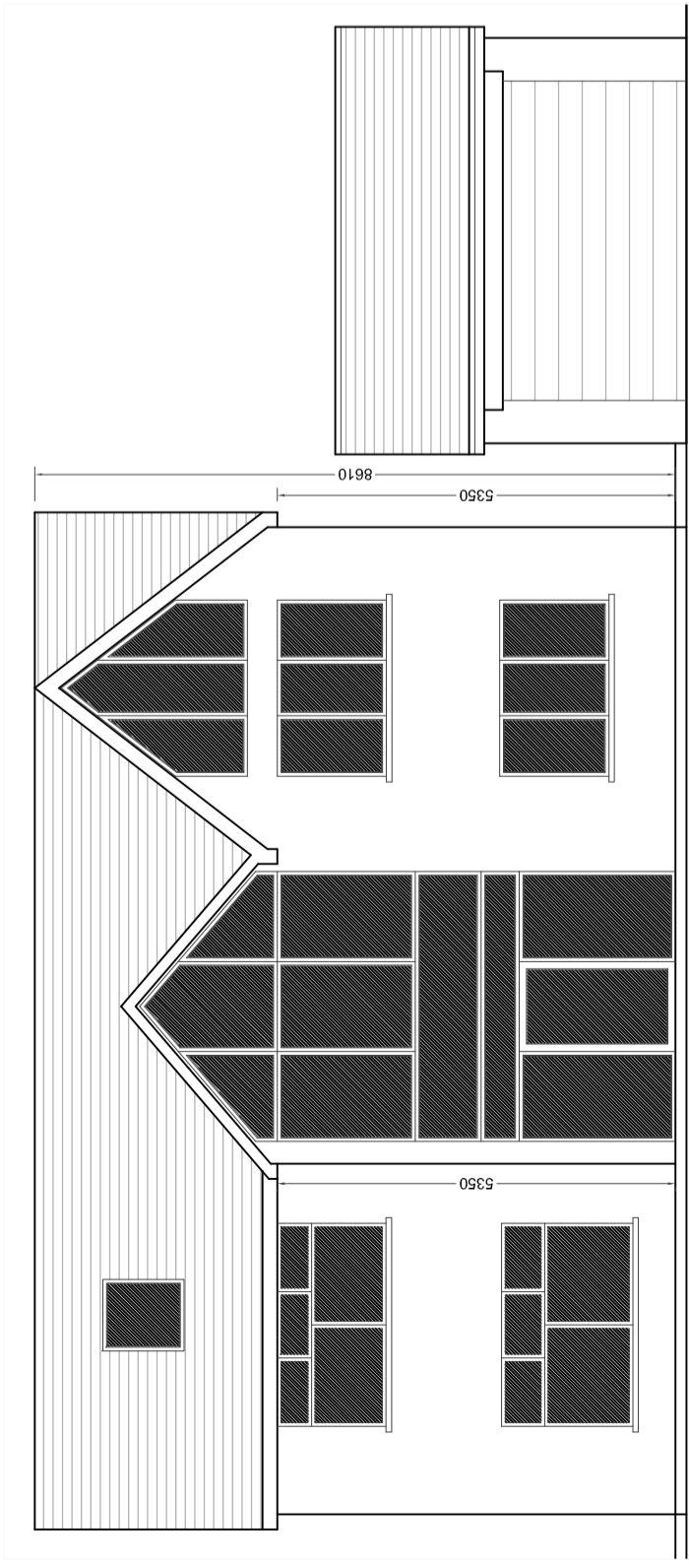


EXISTING SECOND FLOOR PLAN
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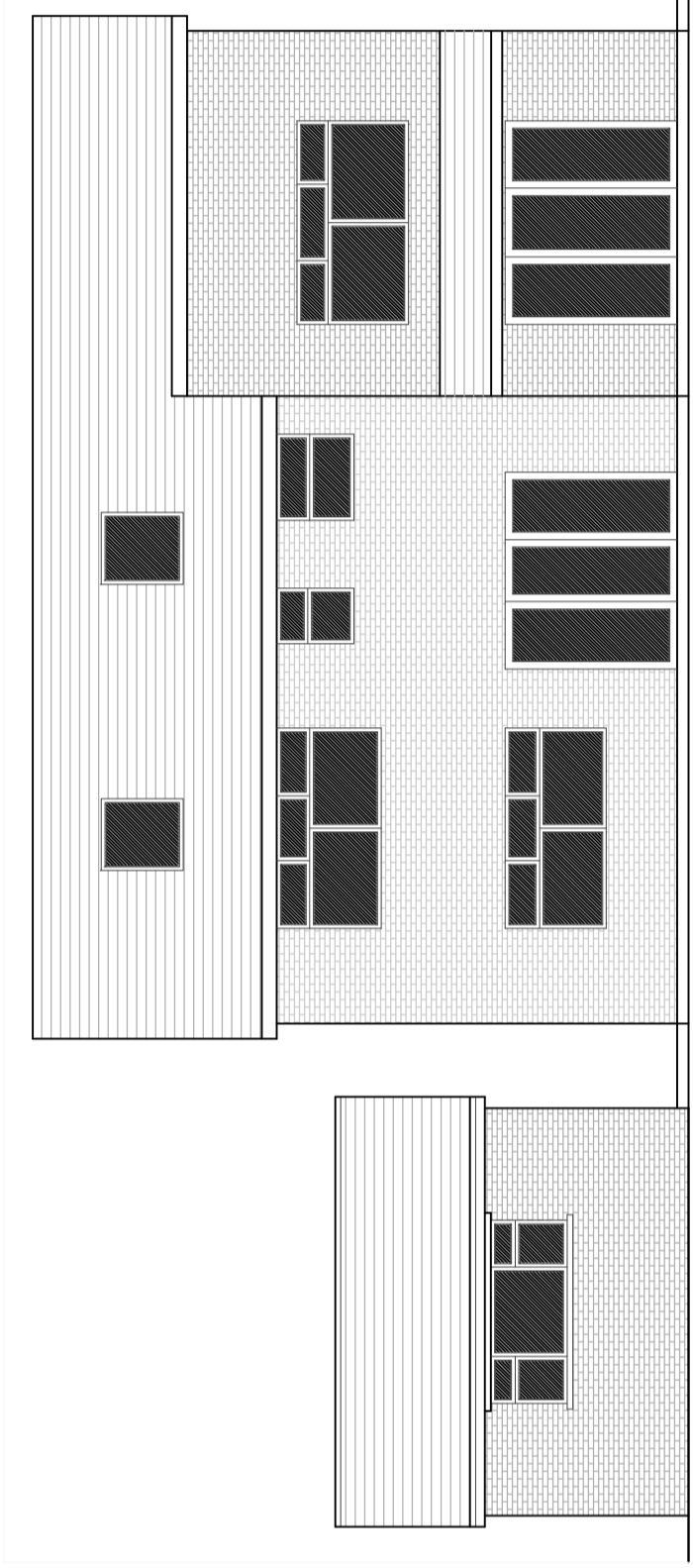


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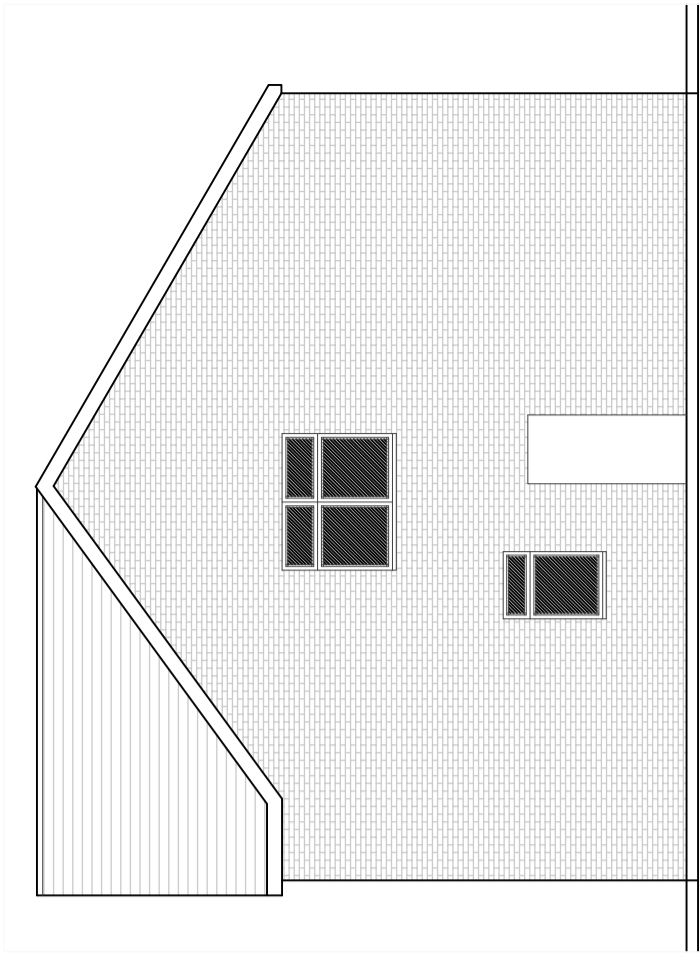
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	Drawn By	Project		Revision
	Z.S.	PROPOSED DOUBLE STOREY PORCH TO FRONT, PROPOSED CHANGE TO PART ROOF AT FRONT, RENDER HOUSE AND GARAGE TO FRONT, BIFOLD DOORS TO REAR		A
	Checked By	Drawing Title		Date
	Z.S.	EXISTING SECOND FLOOR PLAN		
Email: zahidsuffi@gmail.com Tel: 07745056733				



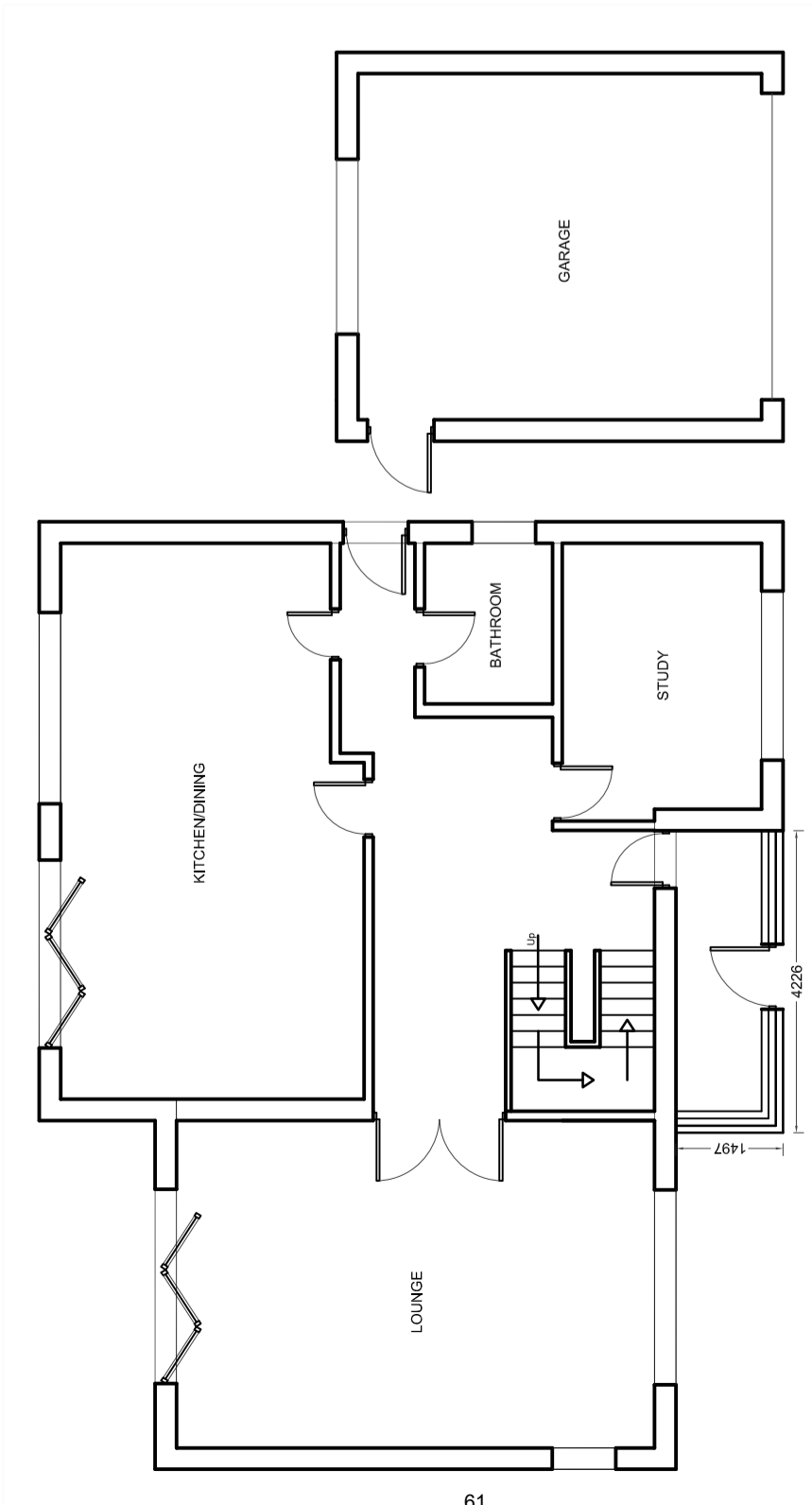
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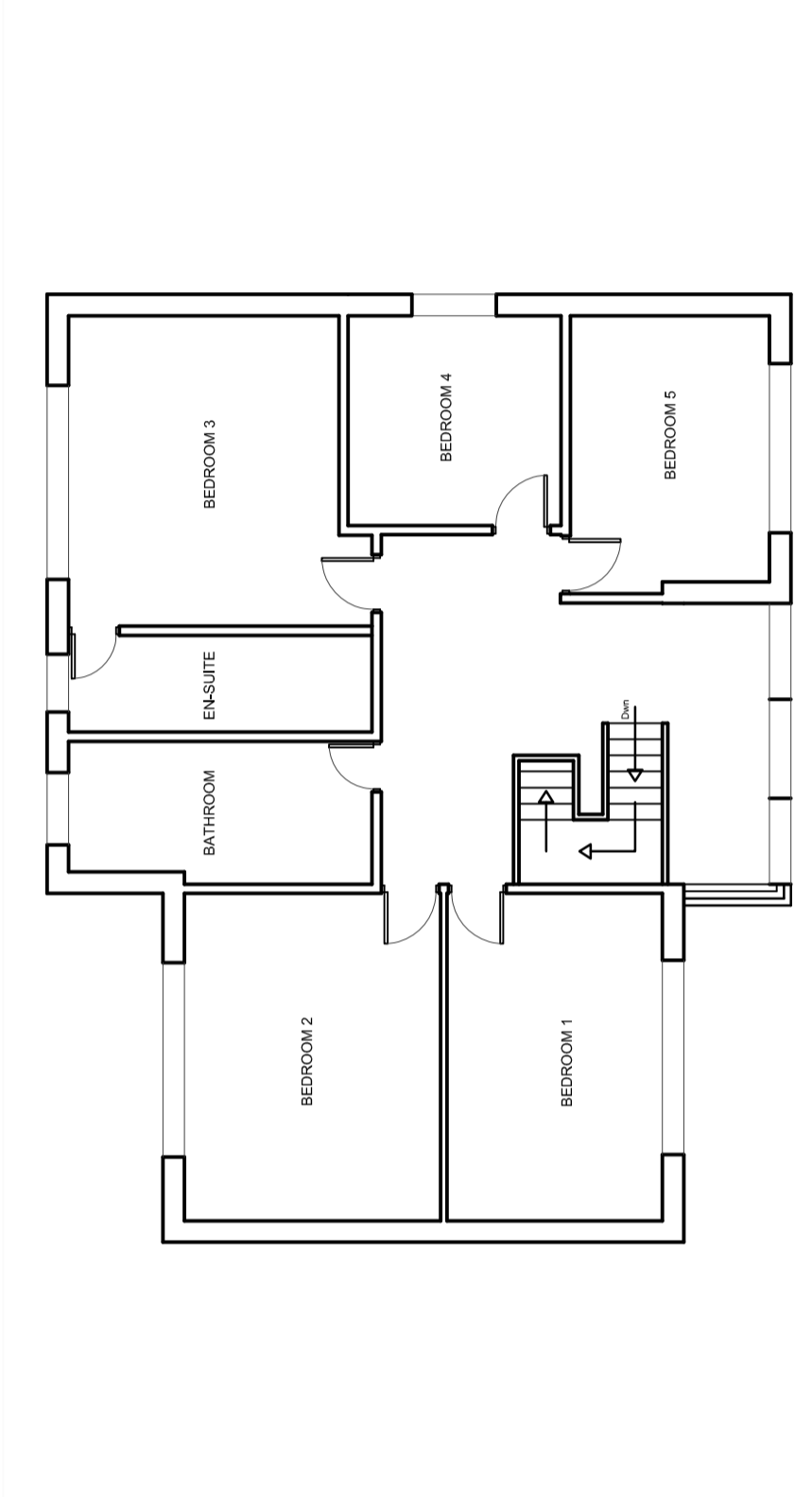
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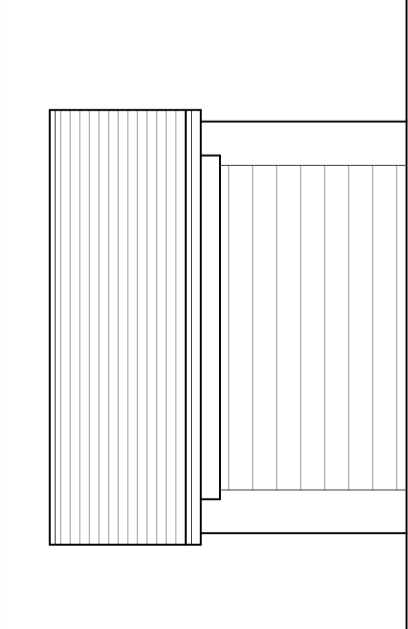
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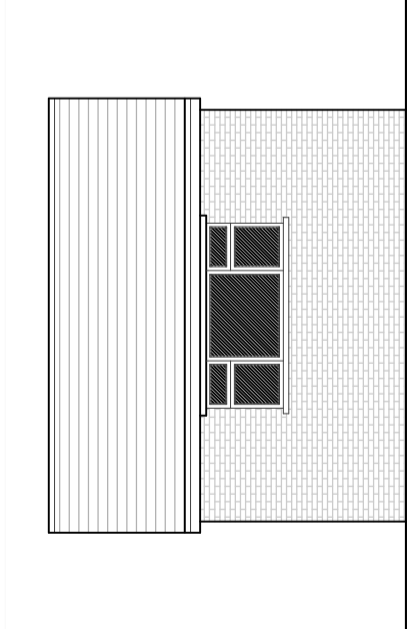
PROPOSED GROUND FLOOR PLAN
SCALE 1:100



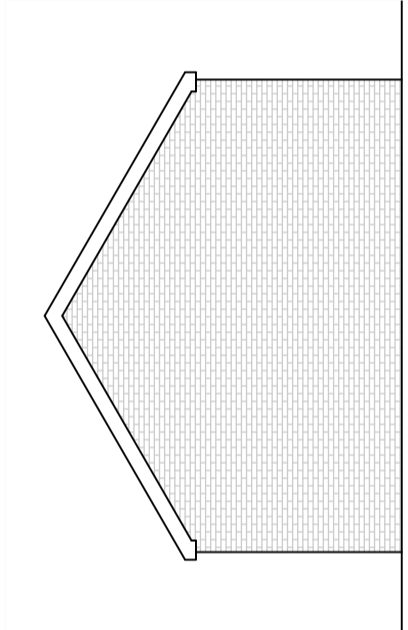
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SCALE 1:100



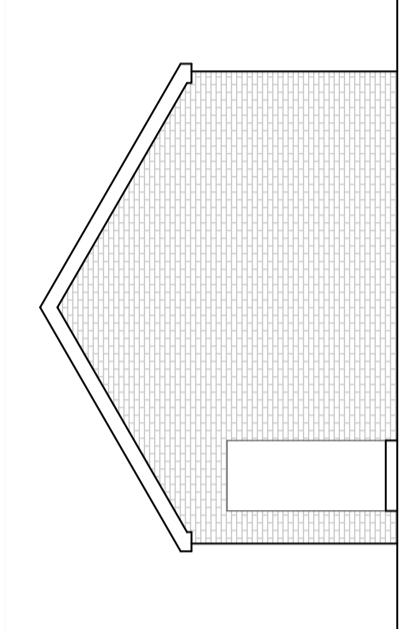
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PROPOSED REAR ELEVATION
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PROPOSED SIDE ELEVATION
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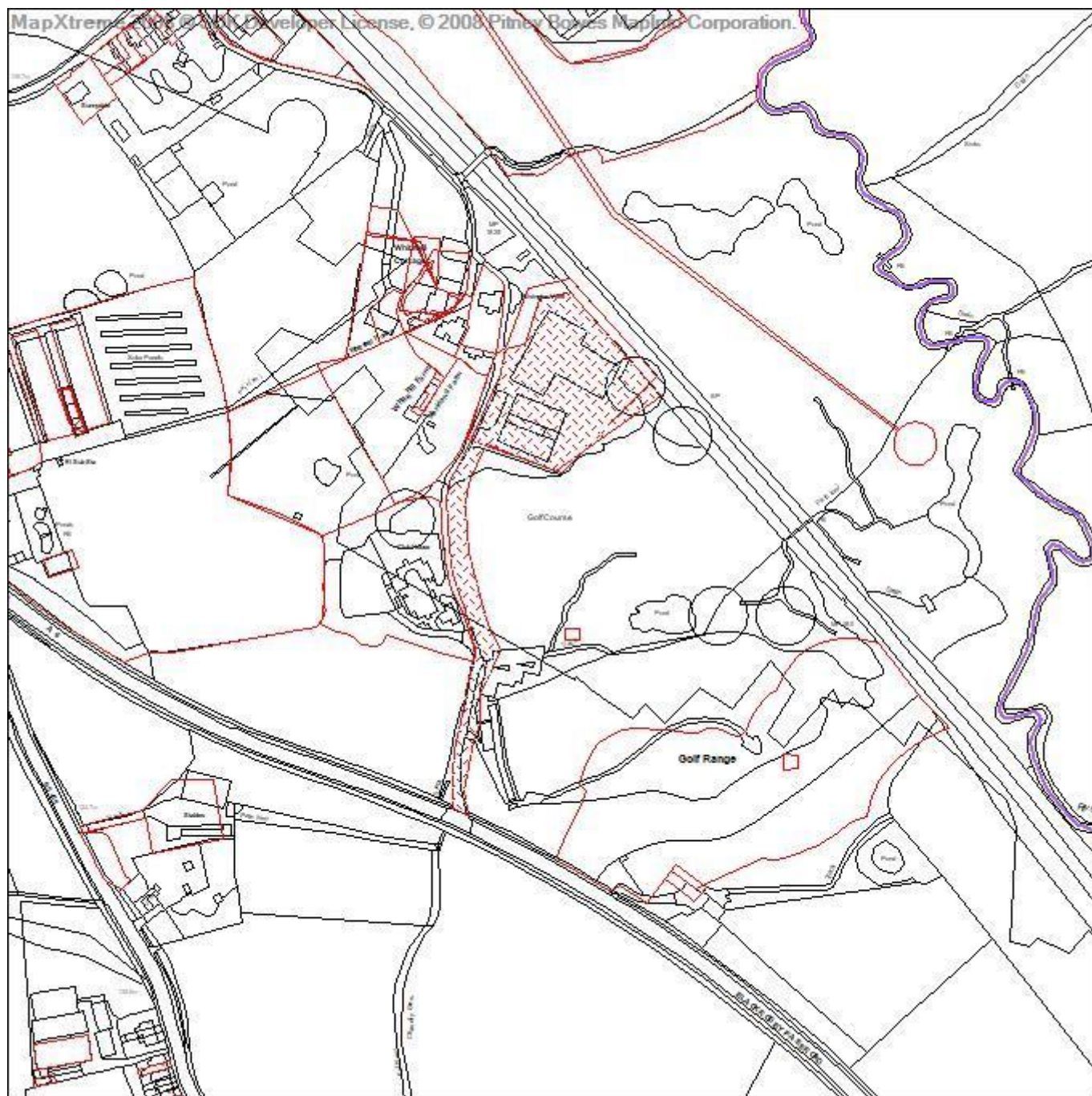
PROPOSED SIDE ELEVATION
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DRAWING ISSUE:		Drawing No.	Client	Scale
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<input checked="" type="checkbox"/> BUILDING REGULATIONS		PROPOSED DOUBLE STOREY PORCH TO FRONT, PROPOSED CHANGE TO PART ROOF AT FRONT, RENDER HOUSE AT FRONT, BIFOLD DOORS TO REAR		Revision A
<input type="checkbox"/> TENDERING				Date
<input type="checkbox"/> CONSTRUCTION				

Checked By: Z.S.
Drawing Title: PROPOSED PLANS AND ELEVATIONS
Email: zahisulfi@gmail.com
Tel: 0774956733

Application number 10613/21



**Directorate of Place
Development Management Section**

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

Bolton Council

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Date of Meeting: 24/06/2021

Application Reference: 10613/21

Type of Application: Full Planning Application
Registration Date: 01/03/2021
Decision Due By: 30/05/2021
Responsible Officer: Helen Williams

Location: MARKLAND FARM, GRIMEFORD LANE, BLACKROD, BOLTON, BL6 5LD

Proposal: VARIATION OF CONDITION 7 (OPEN STORAGE) AND REMOVAL OF CONDITION 9 (WOOD FUEL) ON APPLICATION 80569/08

Ward: Horwich and Blackrod

Applicant: Mr & Mrs Downes
Agent : Emery Planning

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- * This application is before Committee at the request of Cllr. Baines and also as it is a major application that has attracted more than 5 objections.
- * The application has been submitted following an enforcement complaint.
- * The proposal seeks to allow for some external storage of the wood fuel and wood chip end-product at the eastern end of the application site. The applicant states that it is an insurance requirement that the wood is stored externally owing to its combustible nature: the material cannot be stored internally until it has been dried out.
- * The applicant proposes to remove condition 9 but to vary condition 7 to limit the area for external storage to the eastern end of the site and to limit the height of the stored material to 5 metres. This would mean that the stored material would be no higher than the existing screen bunds around the site.
- * Officers considered that the imposition of conditions 7 and 9 on the wood fuelled gasification plant do not meet two of the six condition tests of the NPPF (para. 55) in that they are not relevant to the development permitted and are unreasonable, as they do not allow the applicant to operate their business safely.
- * Officers do not consider that the external storage of material to the east of the site and to a maximum height of 5 metres would harm the character and appearance of the area, or the openness of the Green Belt, as the material would not, with the exception of at the entrance to the site, be seen from outside the site.
- * It is not considered that the outside storage of the wood fuel and end-product would unduly harm the amenity of neighbouring residents, and the Council's Pollution Control Officers have raised no objection.
- * Members are therefore recommended to approve this application.

Proposal

1. Planning application 80569/08 for the demolition of existing industrial buildings and the erection of one replacement industrial unit, a wood-fuelled 4MWE gasification plant for renewable energy generator and an associated chip store was granted at Planning Committee in December 2008.
2. The applicant now seeks to vary condition 7 of approval 80569/08 and to remove condition 9, to allow external/outside storage of the wood fuel and the end-product wood chip. The applicant states within their submission that not allowing for external storage makes the operation of the business impossible as it is an insurance requirement that the wood fuel is stored externally owing to the combustible nature of both the raw material (fuel in the form of logs and pallets) and the end-product (in the form of wood chip): these cannot be stored internally within the industrial unit until they have been dried out, for use. The applicant also argues within their planning submission that as the external storage is fully within the confines of the application site, there is no impact on the open character or visual amenity of the area.
3. Condition 7 of approval 80569/08 states, *"There shall be no open storage within the confines of the application site"*. The reason given for the imposition of the condition is, *"To safeguard the visual appearance and character of the area"*.
4. The applicant seeks to vary condition 7 to allow for some external storage to take place within the application site, but to limit it to specific areas within the site. Furthermore, the applicant is willing to limit the height of the stored material to 5 metres, which is below the height of the surrounding screening bund. The applicant is therefore suggesting the following amended wording, *"The external storage of both raw materials and finished products shall be restricted to areas X, Y and Z as indicated on Emery Planning Location Plan ref. 19-402 Dwg. 1. The height of the approved storage shall not exceed 5 metres."*
5. Condition 9 of approval 80569/08 states, *"All the wood fuel brought on to the site shall be deposited, stored and retained within the buildings. There shall be no open storage of wood fuel in the open"*. The reason given for the imposition of the condition is, *"To safeguard the visual appearance and character of the area"*.
6. As the applicant asserts that condition 9 makes it impossible for their business to operate, as the applicant would be in breach of the stipulations set down within their business insurance (fire risk), they seek to have this condition removed.
7. The applicant holds an Environment Agency Waste Exemption S2 for the storage of wood. They have held this exemption since 2014 and this is renewed every 3 years (most recently in July 2020).
8. This Section 73 application has been submitted following an enforcement complaint about the external storage of material on the application site.

Site Characteristics

9. The application site comprises the industrial building approved under application 80569/08, which houses a wood-fuelled 4MWE gasification plant and an associated chip store, and two previously existing workshop units. The site is located to adjacent/within the confines of Douglas Valley Golf Club and to the immediate south of the Blackpool to Manchester railway line. A landscaped mound/screening bund has been constructed to the south and east of the application site.
10. To the west of the application site runs a road which carries public right of way BLA073. This

access road serves the small industrial/business complex at Markland Farm and also the houses to the east (The Willows, Markland Farm, Whitehill Farm, Whitehill House, Whitehill Cottage and Rivington View, addressed as Grimeford Lane).

11. The application site is located within the Green Belt.

Policy

15. The Development Plan

Core Strategy Policies: CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

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

Blackrod Neighbourhood Plan Policies: DES1 Design Principles; TR1 Public Rights of Way and Access.

16. Other material considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance on the Use of Conditions (NPPG)

Analysis

17. 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.

18. Section 73 of the Town and Country Planning Act 1990 concerns the determination of applications to develop land without compliance with conditions previously attached. On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.

19. The main impacts of the proposal are:-

- * Whether conditions 7 and 9 on approval 80569/08 meet the six condition tests of the NPPF
- * Impact on the character and appearance of the area
- * Impact on the Green Belt
- * Impact on the amenity of neighbouring residents

Whether Conditions 7 and 9 on Approval 80569/08 Meet the Six Condition Tests of the NPPF

20. Paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum and only used where they satisfy the following tests:

- i) Necessary
- ii) Relevant to planning
- iii) Relevant to the development to be permitted
- iv) Enforceable
- v) Precise; and
- vi) Reasonable in all other respects

21. These tests are referred to as the "6 tests", and each test must be satisfied for each condition a Local Planning Authority imposes on an approval.
22. As reported in the "Proposal" section of this report, since the wood-fuelled gasification plant has been in operation there has been a requirement by the applicant's insurance company that, due to the combustible nature of both the raw material (fuel in the form of logs and pallets) and the end-product (in the form of wood chip), this material cannot be stored internally before it has been dried for use. It therefore must be stored externally. Officers therefore agree with the applicant that there are legitimate health and safety reasons (a potential fire risk) if the wood material can only be stored inside the industrial unit.
23. The applicant further contends that if the storing of any wood fuel externally is not an option for them they will be in breach of the stipulations laid down within their business insurance and subsequently they would not be able to continue to operate.
24. Officers agree that, as the wording of conditions 7 and 9 currently do not allow the applicant to operate their business safely, the conditions are not relevant to the development permitted and are unreasonable. They therefore fail two of the tests of paragraph 55 of the NPPF.
25. The reason given within the decision notice for the approval of 80569/08 states that conditions 7 and 9 were imposed solely, *"To safeguard the visual appearance and character of the area"*. The impact of allowing for some external storage of the material is therefore considered next, and this will determine whether or not the imposition of the original conditions and the proposed re-wording of condition 7 are also "necessary".

Impact on the Character and Appearance of the Area

26. Policy CG3 of the Core Strategy states that the Council will [amongst other things] conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and maintain and respect the landscape character of the surrounding countryside and its distinctiveness. Policy OA1 specifically concerns developments in Horwich and Blackrod and states that the Council will [amongst other things] conserve and enhance the character of the existing landscape and physical environment and ensure that new development does not harm the landscape setting and protects views from public areas to the surrounding landscape.
27. Policy DES1 of the Blackrod Neighbourhood Plan states that all new developments, extensions and alterations to existing buildings should demonstrate good quality design and respect the character and appearance of the surrounding area. Development proposals should [amongst other things] recognise and reinforce the distinct local character and consider the visual impacts of proposals on key views and vistas of the local landscape and adequately mitigate adverse impacts on these views and vistas.
28. As previously stated, the sole reason given for imposing conditions 7 and 9 (no external storage) on planning approval 80569/08 was, *"To safeguard the visual appearance and character of the area"*. The applicant is seeking to remove condition 9 but to amend the wording of condition 7 to restrict the area allowed for external storage to three areas at the eastern corner of the application site, and to restrict the height of the stored material to 5 metres.
29. By restricting the external storage to the east of the site and to a maximum height of 5 metres, the wood material would not be discernible from outside the application site owing to the height of the existing screening bund (around the east and south of the site) and the siting and scale of

the existing buildings. The material would be barely visible from public right of way BLA073 (to the west of the site) owing to the tight siting of the buildings (a portion of the storage material would only be visible to a user of the footpath at the entrance of the application site).

30. Given that the proposed siting and height of the external storage would not be readily discernible from outside the application site it is not considered that the original conditions 7 and 9 are "necessary". It is however considered necessary to restrict any external storage to the areas indicated by the applicant (at the eastern corner of the site) and to a maximum height of 5 metres to ensure that the material does not become a dominant feature within the landscape.
31. Officers therefore consider that, subject to the suggested re-wording of condition 7, the proposed variation and removal of conditions would not harm the character and appearance of the area, compliant with Policies CG3 and OA1 of the Core Strategy and Policy DES1 of the Blackrod Neighbourhood Plan.

Impact on the Green Belt

32. Policy CG7AP of Bolton's Allocation Plan states that the Council will not permit inappropriate development in the Green Belt. Inappropriate development includes any development which does not maintain the openness of land or which conflicts with the purposes of including land within the Green Belt, and the erection of new buildings (apart for a number of listed exceptions). Section 13 of the NPPF also concerns development in the Green Belt.
33. The proposed variation of condition 7 and the removal of condition 9 would allow for some external storage within the confines of the application site. No new buildings are proposed.
34. As discussed above, it is not considered that the stored material would be readily discernible from outside the application site. Views across the site will not be affected by the proposal and therefore it is not considered that the openness of the Green Belt land will be affected by the proposal. There is no conflict with the purposes of the Green Belt given that the application site is an historic industrial/commercial site.
35. The proposal would not constitute inappropriate development in the Green Belt, compliant with Policy CG7AP of the Allocations Plan and section 13 of the NPPF.

Impact on the Amenity of Neighbouring Residents

36. 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, nor cause detrimental impacts upon water, ground or air quality.
37. The Council's Pollution Control Officers have raised no objection to the proposal. They have stated that wet wood can increase emissions and therefore the wood fuel should be dried first.
38. Third party concerns have been raised within regards to dust. These concerns are addressed within the representations section.
39. It is not considered that the proposed external storage of wood fuel and end-product would unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

Other Matters

40. Network Rail have been consulted on the proposal as the site is adjacent the railway line. They

raise no objection to the proposal, noting that the wood storage would be sited away from the railway boundary, preventing any overspill on to the railway.

Conditions to be carried over/still relevant from the original permission

41. This application does not seek to vary or remove any of the other conditions attached to the original planning permission for the development (application 80569/08), therefore the following relevant conditions will again be imposed should this latest application be approved:

- * Condition 2: B1 Use Class restriction for Unit 2 – but to be amended to reflect the amendments to the Use Classes Order (now Class E(g)).
- * Condition 3: Units not to be subdivided or amalgamated.
- * Condition 4: Hours for repair of plant and machinery and movement of plant restricted to between 08:00 and 18:00 Monday to Saturday.
- * Condition 5: Operational hours of Unit 2 from between 08:00 and 18:00 Monday to Saturday.
- * Condition 6: No deliveries between 08:00 and 18:00 Monday to Saturday.
- * Condition 7: Open storage – to be varied as a result of this application.
- * Condition 8: Extraction and filtration – no evidence of the scheme having being formally agreed, therefore this condition will again be imposed with a new timeframe.
- * Condition 10: Noise restriction of all fixed plant and equipment.
- * Condition 11: External lighting restriction.
- * Condition 12: Oil or chemical storage tank restrictions.
- * Conditions 15 and 16: Turning areas for vehicles - no evidence of this being formally agreed or implemented, therefore these condition will be imposed again with a new timeframe.
- * Condition 17: Drainage scheme – approved, but condition to be amended to ensure approved drainage is retained.

42. Conditions no longer relevant:

- * Condition 1: Commencement – the development has commenced.
- * Condition 9: All wood to be stored within the buildings – the applicant has applied to remove this condition.
- * Condition 13: Details of external walls – condition discharged and works completed.
- * Condition 14: Radii improvement at junction with Blackrod Bypass – the Council's Highways Engineers have commented that the access onto the Bypass appears sufficiently wide enough to accommodate service vehicle movements in association with the industrial units and there are historic radii improvements.
- * Condition 18: Contaminated land – condition discharged and works completed.
- * Condition 19: Landscaping – scheme approved and now five years following permission.
- * Condition 20: Ecological survey – condition discharged.

Conclusion

43. For the reasons discussed above it is considered that the imposition of conditions 7 and 9 on the wood fuelled gasification plant do not meet two of the six condition tests of the NPPF (para. 55) in that they are not relevant to the development permitted and are unreasonable, as they do not allow the applicant to operate their business safely.

44. Officers consider that condition 9 should be removed and that condition 7 should be varied, in line with the applicant's suggestion, to limit the storage of wood to the eastern area of the site and to limit the height of the stored material to 5 metres, so that it is no higher than the screen bund surrounding the site.

45. It is not considered that the proposed variation of condition 7 would harm the character and

appearance of the area, the openness or purposes of the Green Belt, or the amenity of neighbouring residents.

46. Members are therefore recommended to approve this application, subject to the suggested conditions.

Representation and Consultation Annex

Representations

Letters:- 7 letters of objection have been received, which raise the following concerns:

- * Detrimental effect on the Green Belt;
- * Detrimental effect on the appearance of the area;
- * Wood is currently being stored in areas not proposed within the applicant's plan (*Officer comment: it was noted from the officer's site visit that logs were being stored to the front of the unit, however this would not be permitted following the approval of this application*);
- * Adverse impact on neighbouring properties; residents are finding dust on their cars, windows and garden furniture (*Officer comment: the prevailing winds in the UK are from the west/south west, therefore incidents of blown dust to the neighbouring properties to the west should be uncommon. Furthermore, the wood is proposed to be sited to the east of the site and screened from neighbouring properties by the industrial/gasification unit*);
- * Health concerns from the dust (*Officer comment: the gasification process and the storage of wood (waste) is regulated by the Environment Agency and the applicant had their Waste Exemption renewed in July 2020*);
- * Health concerns from the burning of material (*Officer comment: the gasification plant has extant planning permission and the impact of this on neighbouring residents was fully considered during the determination of application 80569/08. The process is regulated by the Environment Agency*);
- * A public footpath runs through the site (*Officer comment: Public right of way BLA073 runs along the road to the west of the application site, not through it*);
- * There has been no landscape screening between the site and the neighbouring properties (*Officer comment: there are trees along the western boundary of the application site. The area where the storage is proposed would be screened from view, from the houses to the west, by the existing buildings*);
- * Plant is being operated outside the permitted hours within approval 80569/08. Original conditions are not being adhered to (*Officer comment: this is not considered material to this latest proposal. This matter has been raised as an enforcement case and the applicant has been reminded of their permitted operational, delivery and repair hours. Where officers do not have evidence that the original conditions have been complied with, these are to be imposed again*);
- * Large vehicles left on the public right of way obstruct pedestrians (*Officer comment: this concern is not considered to be material to this latest proposal*);
- * Object to further development of the site (*Officer comment: the proposed variation and removal of the two conditions would not lead to any further development of the site, only external storage to the eastern corner of the site*).

Concerns without a specific officer comment are addressed within the analysis of the report.

Blackrod Town Council:- Town councillors objected to the proposal at their meeting of 29th March 2021 as it had been reported that other conditions imposed by the original permission had not been adhered to (*Officer comment: following an enforcement complaint the applicant has been reminded of the conditions they need to continue to adhere to. Any non-compliance of other conditions is not considered to be a determining issue when considering this latest planning proposal. Where officers do not have evidence that the original conditions have been complied with, these are to be imposed again*).

Elected Members:- Cllr. Susan Baines has requested that the application be heard before Committee for the following reasons:

- * Impact on the neighbourhood;

- * Impact on air quality.

Consultations

Advice was sought from the following consultees: Pollution Control Officers, Highways Engineers and Network Rail.

Planning History

An application for a certificate of lawful development for the proposed introduction of additional fuel inputs to the existing gasification plant was refused in October 2016 (97204/16).

Application 86383/11 for the extension of time for implementation of the gasification plant approved under application 80569/08 was withdrawn by the applicant in March 2012 as it was proven by the applicant that the development approved under application 80569/08 commenced in November 2011.

Permission was granted at Planning Committee in December 2008 for the demolition of all industrial buildings and erection of one replacement industrial unit, a wood-fuelled 4MWE gasification plant for renewable energy generator and an associated chop store (application 80569/08).

Planning permission was granted in December 1996 for the change of use from poultry houses to rural workshops (Use Class B1) (application 49622/96).

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. Within 1 month of the date of this decision a scheme showing details of the means of extraction and filtration of odorous emissions shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full within 1 month of being approved and retained thereafter at all times.

Reason

To minimise the impact of odour on nearby residential properties and in order to comply with Bolton's Core Strategy policies CG3 and CG4.

2. Within 1 month of the date of this decision a scheme shall be submitted to and approved in writing by the Local Planning Authority for the parking/turning/loading/unloading of vehicles within the curtilage of the site to enable vehicles to enter and leave the site in forward gear. The approved scheme shall be implemented in full within 1 month of the details being approved and retained thereafter and not to be used for any purpose except the parking/turning/loading/unloading of vehicles.

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. Unit 2 shall be used for Class E(g) use only (The Town and Country Planning (Use Classes) Order 1987 (as amended)) and for no other purposes.

Reason

For the avoidance of doubt as to what is permitted.

4. The units hereby permitted shall not be subdivided or amalgamated.

Reason

For the avoidance of doubt as to what is permitted.

5. No repair of plant and machinery and movement of plant shall be carried out on the premises except between the hours of 08:00 and 18:00 Monday to Saturday. No activities shall take place on the premises on Sundays and Bank Holidays.

Reason

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

6. No operations shall be carried out at Unit 2 except between the hours of 08:00 and 18:00 Monday to Saturday. No activities shall take place on the premises on Sundays and Bank Holidays.

Reason

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

7. No deliveries shall be taken at or dispatched from the site except between the hours of 08:00 and 18:00 Mondays to Saturdays and no deliveries shall be taken or dispatched from the site 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.

8. The external storage of both raw materials and finished products shall be restricted to areas X, Y and Z as indicated on Emery Planning Location Plan ref. 19-402 Dwg. 1. The height of the approved storage shall not exceed 5 metres.

Reason

To safeguard the visual appearance of the area in order to comply with Bolton's Core Strategy policy CG3.

9. All fixed plant and equipment should be designed to give a rating level, as defined in BS4142:1997, 5dB below either the day time LAF90 (1 hour) or night time LAF90 (5min) dependent on the time of day the plant or equipment is to be active, as measured 4 metres from the nearest residential properties.

Reason

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

10. All external lighting equipment shall be directed and shielded so as to avoid nuisance to residential accommodation in close proximity. The lighting shall be designed to provide a standard minimum illumination (LUX) as measured at the nearest residential properties affected, of no more than 5 LUX. No other lighting equipment may be used within the development.

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.

11. Any oil or chemical storage tanks on the site shall be sited on an impervious base and surrounded by liquid retentive bund walls. The bunded area shall be capable of containing 110% of the volume of the largest tank and all fill pipes and sight gauges shall be enclosed within its curtilage.

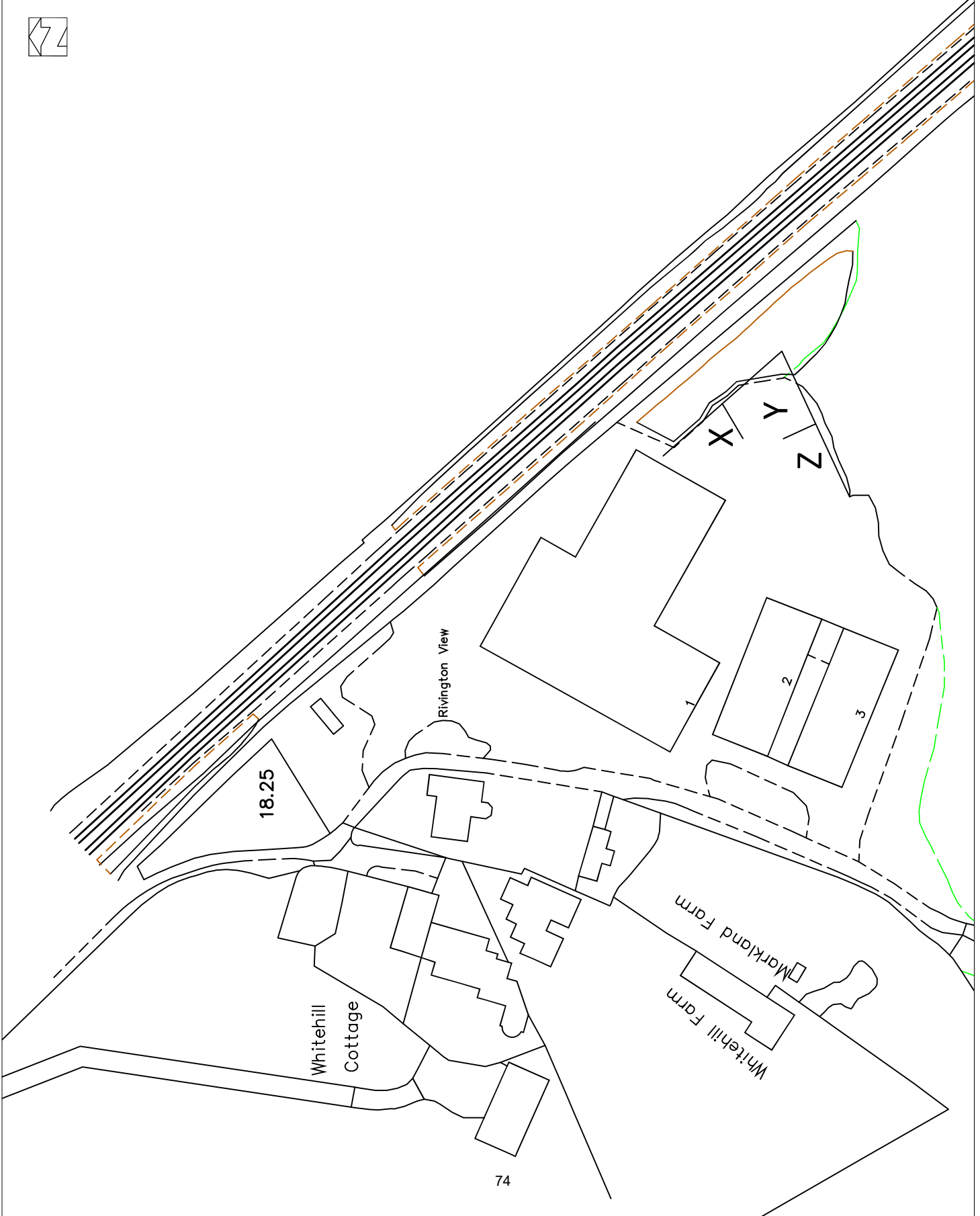
Reason

To protect the visual appearance of the area and avoid pollution and to comply with policies CG3 and CG4 of Bolton's Core Strategy.

12. The approved drainage scheme for the development (drawing refs. C-0596-01 & C-0596-02) shall be retained.

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.



Site Address
Markland Farm Grimeford Lane Bolton BL6 5LD

LOCATION PLAN

Date	01-12-2020	Drawing Ref:	19-402
Scale	1:1250@A4	Drawing No.	2

These dimensions have been taken from
ordnance survey and are for planning
purposes only. They are not
to be used for construction purposes.