

Planning Applications Report

Planning Committee

5 June 2014

**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: -

UDP	The adopted Unitary Development Plan 2005
RSS	Regional Spatial Strategy for the North West of England 2008
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:-

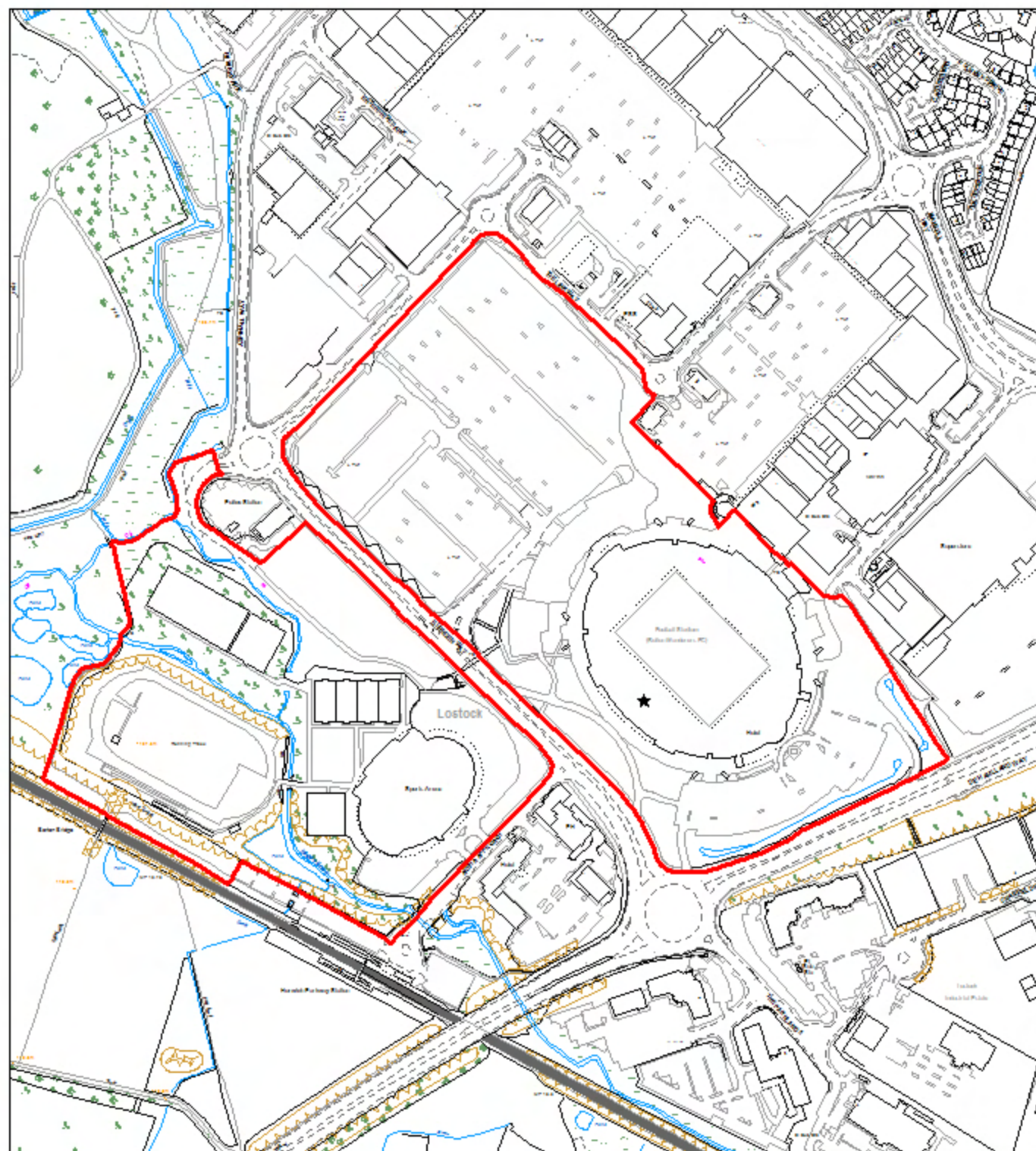
www.bolton.gov.uk/planapps

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Application No.

89159/12



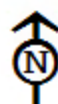
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**Bolton
Council**

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Date of Meeting: 05/06/2014

Application Reference: 89159/12

Type of Application: Outline Planning Permission
Registration Date: 11/12/2012
Decision Due By: 11/03/2013
Responsible Officer: Jon Berry

Location: REEBOK STADIUM AND BOLTON ARENA, BURNDEN WAY, HORWICH, BOLTON, BL6 6JW

Proposal: DEVELOPMENT OF IMPROVED SPORTS AND EDUCATION FACILITIES; MIXED USE DEVELOPMENT OF RESIDENTIAL AND HOTEL BUILDINGS WITH ANCILLARY RETAIL, RESTAURANT/CAFE, OFFICE, AND ASSEMBLY/LEISURE USES; CAR PARKING; AND ASSOCIATED WORKS.

Ward: Horwich and Blackrod

Applicant: Burnden Leisure PLC and Bolton Middlebrook Leisure Trust Ltd
Agent : Nathaniel Lichfield & Partners

Officers Report

Recommendation: Delegate the decision to the Director

Background

Members will recall that a decision on this application was deferred at the Planning Committee meeting on 12th December for the following matters to be addressed:

1. The application and the submitted Transport Assessment needed to be analysed in light of the full consideration by the Council's Highways Officers and Transport for Greater Manchester (TFGM) of the Transport Assessment and highways implications of the Rivington Chase application by Horwich Vision for the redevelopment of the former Horwich Loco Works site;
2. Further clarification on the progress on the free school and education element of the proposal;
3. Further clarification on the use of the free standing new build office development being proposed and the Applicant's intentions for commercial provision at the site.

With respect to the first matter, the Council has now received comments from TFGM and the Council's Highways Engineers regarding the highway implications of the Rivington Chase development masterplan at the nearby former Horwich Loco Works site (Application no. 91352/14). TFGM and the Highways Engineers consider the Transport Assessment and traffic modelling undertaken by Horwich Vision is appropriate and robust and includes potential traffic generation from both the Logistics North and the Burnden Leisure proposals. The combined comments of the Highways Engineers and TFGM

highlight that the mitigation measures proposed in the schemes would ensure all of the developments could be accommodated on the local highway network. The information in all of the Transport Assessments has been quantified and they have advised that they raise no objections to this application subject to Condition 3 recommended at the end of this report. This requires highway improvement works to be undertaken at the Spirit of Sport Roundabout; the signalised junction of Burnden Way/Stadium Way; the Burnden Way exit to De-Havilland Way; Junction 6 M61 (comprising the part signalisation and the widening of the approach from the A6); and the A6 Chorley Road/De-Havilland Way roundabout (comprising the widening of the approach from De-Havilland Way and improvements to the circulating carriageway), as indicated on the application drawings. The applicant needs to enter into a section 278 agreement with the Highways Authority for the design and supervision of the works. All works should be complete prior to any occupation of the uses associated with the Grand Arc and the West Stand of the Reebok Stadium.

A Section 106 Agreement is also required to secure a contribution of £50,000 towards potential improvements at the Beehive Roundabout and a contribution of £50,000 towards public transport infrastructure initiatives within the vicinity of the site, which would help towards improvements at Horwich Parkway train station. The trigger point for the release of the funding would be when 100,000 square feet of the development is completed in the Grand Arc/Reebok Stadium.

Therefore, Officers advise that the proposed masterplan and scheme at the former Horwich Loco Works would raise no significant issues in terms of the consideration of this application before the Committee and it is confirmed that the Burnden Leisure development would not unduly prejudice the delivery of Rivington Chase.

With regards to the proposed education facility the Applicant has advised that the Education Funding Authority (EFA) has confirmed its commitment to the Eddies Davies Educational Trust Free School to now fund and immediately develop a new free school on the overspill car park site between the Arena and Horwich Police Station. Indeed they have clarified that the EFA and themselves have been in discussions with regards to making provision within the Stadium's East Stand for the initial cohort of the free school in September 2014, with the target date for the new school building to be open for the start of the Autumn term in September 2015.

Concerning the proposed freestanding new build office space, the Applicant considers that there are potential occupiers who would only choose a prestige site adjacent to the Stadium and not other sites including within the town centre, Horwich Loco Works, or at Logistics North. This element of the proposal is therefore speculative. Burnden Leisure does not currently intend to submit a further application for major office development at the site, (over and above the 2,500 square metres of floorspace proposed in the Grand Arc and the 3,000 square metres extension to the Reebok Stadium), as this requirement would need to be driven by an occupier and market led. However, to cover this possibility the Applicant has made representations in support of commercial designation for the Grand Arc area to the Planning Inspectorate at the recent Public Examination of the Council's Allocations Plan Inquiry.

Additional Objection

In addition to the objections detailed in the report below, the Council has also received a further letter from Emerson Group, (which has been appended to this report), raising

concerns regarding the implications for the car parking provision at Middlebrook arising from the development, particularly during periods of high demand on Bolton Wanderers match days. They raise the suggestion by Burnden Leisure that no dedicated parking would be available in association with the proposed restaurant, commercial and leisure uses at such times and that Stadium operators could use spaces by the new hotel. The surrounding car parks can be full to capacity and the pressure could be increased. It is also pointed out that the presence of legal covenants may prevent or delay provision of a car deck. They consider that a detailed car parking management plan, (dealing with overspill/peak time issues), is needed with the involvement of all landowners in the vicinity and the additional 314 parking spaces put forward by Burnden Leisure should also be in place prior to first occupation of the development.

The Applicant is of the view that the further objections do not raise any additional planning considerations material to the determination of this current application. There is a separate legal requirement for parking management, and any capacity issues would be addressed during later phases and the subsequent reserved matters applications, or otherwise outside of the planning process.

Officers recommend conditions to secure a car parking management plan and the provision of an additional 314 spaces at the reserved matters stages.

Recommendation

Accordingly the Officer recommendation to the Planning Committee is to delegate the decision to the Director of the Development and Regeneration Department and approve the conditions attached to this report. A Section 106 Agreement is also required to ensure that the education and sporting facilities are implemented in the first phase of the development; to tightly control the floorspace limits put forward in the application; to secure the necessary scheme of highway improvement works and financial contributions towards junction improvements and public transport infrastructure initiatives; and to restrict the use of the West Stand extension to the Reebok Stadium to be ancillary to the Bolton Wanderers operation.

In terms of the time limit for the commencement of development, the Applicant has requested that Members consider extending this from the standard 3 years to 15 years, given the complexity of the project. However, Officers suggest that a period of 7 years would be proportionate to the scale of the proposed scheme, particularly bearing in mind that much of the infrastructure is in place.

The above background section provides an update for Members on the progress made with the application since the deferral at the Planning Committee meeting on 12th December 2013. The original report is as follows:

Proposal

The application as submitted, is in outline for a mixed development as described below. It seeks approval for means of access details only and all other matters are reserved for later approval, (those being the details of appearance, scale, layout and landscaping).

The access proposals are as follows;

- Vehicular access to the Grand Arc will be provided from Stadium Way with traffic accessing the site using the signalized junction with Burnden Way and Stadium Way.
- Various junctions will be improved in the surrounding area, including at the

junction of the A673 Chorley New Road and De Havilland Way, the Spirit of Sport roundabout, the M61 Junction 6 and the exit from Burnden Way on to De Havilland Way.

The building/uses proposed within the application comprise the following elements:

An upgraded and reconfigured Arena building for full time sports college/academy use, providing accommodation for up to 500 students.

The construction of a new sports building (measuring approximately 105 metres long, 45 metres wide and 20 metres high), linked to the Arena, to accommodate flexible sports halls, tennis courts and changing, welfare and administration facilities at ground floor level and an indoor football pitch with viewing lounge at first floor level.

Upgraded sporting facilities within the existing Arena complex, including;

- improvements to the running track area,
- the provision of a 3G artificial match football pitch and improved spectator facilities,
- the retention and upgrading of the Multi Use Games Area (MUGA) and;
- the relocation and improvement of 5-a-side football facilities, replacing 4 existing floodlit pitches with 7 new floodlit pitches.

The erection of a new education building to the south of Burnden Way, providing approximately 5,000 sq.m. of accommodation over 5 storeys, associated with the Arena and free school/sports academy.

The restructuring and expansion of the West Stand to the Reebok Stadium, to provide up to 3,000 sq. m. of accommodation incorporating hospitality areas and administration facilities.

The erection of up to 27,740 sq. m. of floor space in a 'grand arc' of buildings of up to 7 storeys, on land adjacent the North Stand of the Reebok Stadium. The proposed floor space will comprise a mix of uses, potentially including:

- Up to 2,500 sq.m. of Class A1/A3 retail and food and drink floorspace;
- Up to 2,500 sq.m. of Class B1 office floorspace;
- Up to 2,500 sq.m. of Class D2 additional sports/leisure floorspace consistent with, and complementary to, the wider development scheme;
- A hotel (likely to be an aparthotel) of up to 60 rooms;
- Up to 200 residential apartments.

Some additional car parking for the apartments will be proposed, as well as potentially for the retail development. This will be provided by rationalizing the existing car parks and undeveloped land and/or providing decked/undercroft parking.

There will be limited works to the West Stand of the Reebok Stadium (including demolition) and to the northern elevation of the Arena.

Site Characteristics

The proposed development site measures approximately 25 hectares in area and comprises the Reebok Stadium and car park, the Bolton Arena complex and part of Burnden Way.

The Arena complex comprises the Arena building, a running track, football pitches, tennis courts and car parking. Middlebrook Police Station is also included within the 'red-edge' of the site.

The land forms part of the wider Middlebrook area, an out-of-town urban area comprising a mix of retail, leisure, employment and residential uses. Horwich Parkway Railway Station is located

immediately to the south of the development site and is also close to Junction 6 of the M61.

Horwich Loco Works is approximately 570 metres to the north west of the site, which has been allocated by the Council as a comprehensive mixed-used employment and residential development (8 hectares of land and 1700 dwellings are proposed respectively).

Red Moss SSSI and SBI are over 570 metres to the north west of the site.

Dwellings in the locality are in excess of 350 metres from the site (to the south) and 400 metres (to the north).

Policy

NPPF 2012

National planning policy guidance is provided by the NPPF and is a material consideration in the determination of this planning application. It states that the purpose of the planning system is to contribute towards the achievement of sustainable development and in that context identifies three core principles to sustainable development, economic, social and environmental, all of which should be taken into account in achieving sustainable development. Relevant to this application, NPPF states that policies and decisions on planning applications should achieve positive outcomes in terms of the provision of community facilities including, sport and other local services contributing to the improvement in sustainable communities.

Bolton's Core Strategy 2011

Strategic Objective 1

Seeks to maximise access to health, sporting and recreation facilities, especially for those living in the most deprived areas, and to increase opportunities for walking and cycling.

Strategic Objective 2

Seeks to increase opportunities for education and deliver improved educational facilities.

Policy CG1 seeks to enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development, and improving the quality and inter connectivity of wildlife corridors and habitats.

Policy CG2 requires development proposals to demonstrate the sustainable management of surface water run-off from developments. On brownfield sites the rate of run-off should be 50% less than conditions before development.

Policy CG3 encourages new development to secure high quality, inclusive design which contributes to a sustainable, attractive and accessible built environment. New development should be sympathetic to the character, appearance and landscape quality of the surrounding area in terms of the height, scale and form.

Policy A1 is directly reflective of Objective 2 regarding increased opportunities and delivery of education facilities and services.

Policy CG4 seeks to ensure that new development is compatible with surrounding land uses and occupiers in order to protect amenity, privacy, safety and security.

Policy IPC1 requires that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure.

Policy M7 confirms that the council will ensure that the scale and massing of new development along the M61 corridor respects the distinctive landscape qualities and relates sympathetically to the surrounding area.

Policy P1 identifies a need to deliver a sufficient supply of new employment land (between 145 – 165 ha. up to 2026) to meet requirements. The M61 corridor is identified as an area for economic growth where up to 110 ha. of the employment land should be focussed. This area includes the Horwich Loco works which is identified in Policy M1.

Policy OA2 states that the council and its partners will plan for changes in retailing and leisure at Middlebrook, provided there is no adverse effect on Bolton town centre or any other centres, and that there is no substantial increase in floor space.

Policy M1 Horwich Loco Works is identified as a Strategic Site that will be developed for a "sustainable mixed use community, primarily for employment and housing".

Policy M4 states that the council and its partners will seek to develop the remaining Middlebrook sites for office development.

Policy SC2 seeks to ensure that local cultural activities and community facilities are located in the neighbourhoods that they serve.

Policy S1 promotes road safety in the design of new development.

Saved UDP Policy A18 states that the Council will safeguard the Strategic Route Network and will support the development of public transport and improvements for cyclists.

Draft Allocations Plan

M61 Corridor and siting within Flood Zones 1, 2 and 3.

Supplementary Planning Guidance

Sustainable Design & Construction SPD (2012)

Analysis

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.

The main impacts of the proposal are:-

- * impact on development plan and current planning policy
- * impact on flood risk
- * impact on noise nuisance/disturbance
- * impact on air quality

- * impact on the surrounding highway network
- * impact on ecology
- * impact on land contamination
- * impact on landscape and visual amenity

Impact on development plan and current planning policy

Middlebrook is a mixed-use development centred on the Reebok Stadium, and includes retailing, employment, leisure and housing. It is clear that the key areas within the current application, in terms of planning policy are around the additional retail, leisure and office accommodation, particularly as it is a key element of the Core Strategy to limit such development at Middlebrook and to concentrate such land uses primarily in Bolton Town Centre, other identified centres and at designated development zones at Rivington Chase (Horwich Loco Works) and Logistics North (Cutacre).

Notwithstanding the above, the changes made to the application (originally 29,000 sq. m. of commercial/office accommodation was put forward), to propose limited levels of new build freestanding A1/A3 (combined), B1 and D2 uses - up to a maximum floorspace of 2,500 sq. m. each - and the subsequent inclusion of alternative, additional residential development within the 'Grand Arc' (200 units) the broad mix of uses is now not considered to unacceptably compromise the principles of the development plan.

The proposals are essentially compliant with the aim of concentrating development in the urban area and in the main on previously developed land with the improvements to the sporting and leisure facilities at a key hub for such uses with excellent access by varied means of transport. In addition, the creation of a new education facility based on a sporting academy theme also is supported by current planning policy. The application also proposes additional ancillary accommodation at the Reebok stadium and includes provision for a new 'Aparthotel' a development that is compatible with its surroundings and a welcome addition to facilities in the general area and Bolton in the wider sense.

Representations have been received from the Emerson Group, Horwich Vision and Bluemantle (and the final submissions are appended to this report for inspection by Members of the Planning Committee). Included in these are concerns about the proposed provision of town centre uses in this location and the need for sequential and impact assessments relative to Bolton Town Centre and its satellite towns. It is considered that the relationship between the sports and education development with the wider elements should be justified in terms of cross-funding guarantees and scheme viability.

Officers in response would recommend that, in order to ensure the sports and education development is prioritized in the first phase of implementation, and to secure tight control of the floorspace limits set out in the application, a Section 106 Agreement is entered into. The Applicant considers that these objectives can adequately be achieved via conditions but has also confirmed a willingness to agree to enter into discussions and this legal process should Members be minded to delegate the decision to the Director of the Development and Regeneration Department. This would enable the Council to make sure that the retail, office and leisure components are not provided without the accompanying educational and sports facilities (in a timely manner) and that they remain proportionate and ancillary to the broader development to which they will make a financial contribution from returns in the longer term.

The assertion of the Emerson Group that the additional 3,000 sq. m extension to the West Stand of the Reebok Stadium means there would be 5,500 sq. m of new office floorspace in total has been considered and the solution is that the legal agreement will

state this provision shall be for the sole use by Bolton Wanderers in direct association with the existing administration and hospitality facilities. The Emerson Group points out that there is sufficient office floorspace available and permitted (but not yet built) at the Linkway and Parklands and further offices proposed on part of Rivington Chase to meet demand for approximately the next nine years but Officers do not consider that the application should be refused for this reason as the planning system generally does not discourage development on the grounds of competition.

It is envisaged that the proposed A1/A3 element would consist mainly of restaurant and cafe uses, though a small convenience store is a possibility. Providing that this is directly linked and only created in association with the wider development, and the overall floorspace is controlled through the aforementioned legal agreement, then it is not considered necessary to impose a condition that sales should be restricted to bulky goods only to protect the nearby local town centres.

Pursuant to the various technical representations received, which are set out below, the proposals do not, subject to conditions, compromise matters of highway safety and capacity, landscape and visual amenity, ecology, flood risk, contamination, noise nuisance and air quality. Officers consider that the development, whilst at this stage only being in outline, offers opportunities for significant investment with the associated benefits of economic growth, jobs/employment, educational/sporting facilities and housing in a sustainable location, to the benefit of the local community and the wider borough. Furthermore, looking at the retail and office proposals, in relation to Middlebrook, The Parklands and Lostock Industrial Area, these proposals are, proportionately, relatively small and thus likely to have a negligible impact on land use planning policy.

Impact on flood risk

Middlebrook flows through the site which lies within Flood Zones 1, 2 and 3a and thus the development site is potentially at risk of fluvial flooding. The 'grand arc' and extension to the stadium would be within Flood Zone 1 and the sports building would be in Flood Zone 2 ("less vulnerable" developments). The education building and outdoor sports facilities would be in Flood Zone 3a.

The 'Technical Guidance to the NPPF' classified the proposed open air sports facilities as "water compatible" however, the education building is identified as a "more vulnerable" development and therefore is not suitable for a Flood Zone 3 area, a point that is made by the Emerson Group. In order to mitigate this, the developer proposes to elevate its finished ground floor level to 600mm above the relevant 1 in 100 year plus climate change risk level. This would then place the education building in Flood Zone 2. Other measures proposed include a reconfiguration of the existing unsurfaced area to the west of Burnden Way in order that the flood plain volume would still equate to that provided by the current topography. It is also proposed to limit new surface water runoff flow rates which will provide a net benefit to third parties downstream where flood risk will decrease.

All the submissions and assessment have been developed and agreed in consultation with the Environment Agency who have confirmed, subject to conditions regarding the floor levels of the education building as submitted, that the development is not inappropriate.

Impact on noise nuisance/disturbance

The nearest dwelling to the development site is approximately 350 metres to the south of the Arena with dwellings to the north at The Meadows approximately 400 metres from the site the latter being shielded from the proposed development by the existing

Middlebrook development. The wider area is already subject to the noise resulting from the nearby M61 and surrounding main roads and on limited occasions by crowd noise and related traffic for events at the Reebok Stadium. There are also two hotels nearby which could be noise sensitive at night however design of these buildings will have incorporated measures to mitigate against such noise sources. None of the proposed uses are likely to be significant noise sources in themselves and therefore, based on their siting which is well away from existing residential properties, such nuisance is not anticipated to constitute an obstacle to the development as proposed. Any external mechanical plant could be controlled if necessary and acoustic measures incorporated at reserved matters stage.

The proposed new residential properties closest to the Reebok Stadium will inevitably be affected by short periods of noise. However, prospective occupiers would expect this and are therefore not anticipated to perceive this as a nuisance. Notwithstanding this, standard acoustic mitigation methods could be incorporated in the detailed design of the buildings and controlled at the reserved matters stage. Noise nuisance is not therefore considered to preclude the proposed development. It is also not predicted that additional traffic would unduly increase disturbance.

Impact on air quality

The updated Air Quality Assessment submitted with the planning application concludes that the proposed development would have a negligible impact on local air quality, even if further development identified within the Core Strategy and shown on the Draft Allocations Plan goes ahead.

Impact on the surrounding highway network

The Transport Assessment submitted with the original planning application for a mixed use development of up to 32,000 sqm of office floorspace and additional sports and education development was fully considered by the Council's Highways Officers, its advisors at Transport for Greater Manchester and the Highways Agency (all of whom are aware of the permitted office floorspace at the Linkway and Parklands, the Logistics North planning applications and the forthcoming Rivington Chase masterplan). As a result of the proposed amendments to the development (that being to the uses and floor space of the 'grand arc') a supplementary note to the Transport Assessment has been submitted by the developer.

The original Transport Assessment demonstrated that the only likely material impacts of increased traffic movements (that being where the increase in traffic flow exceeds 5%) are at the junctions of the A6027 with the M61 and Burnden Way. The assessment went on to indicate that highways improvements are appropriate at the junction of the A6027 with Burnden Way, the junction of the A6027 with the A6, and at the M61 roundabout (and a contribution to the Beehive roundabout is proposed) to accommodate the proposed development, the extant previously permitted (but not yet built) office developments at the Linkway and Parklands and the future development of Rivington Chase. The findings of the assessment have concluded that the transportation impacts arising from the proposal would not be significant and could be properly mitigated via the planning conditions recommended at the end of this report (numbered 3 and 4). Furthermore, there is no reason to believe a grant of consent would prejudice the delivery of the aforementioned commitments in the area.

The car parking demands of the development (as amended) would be accommodated by surplus capacity within the existing car parks to the north of the stadium (subject to a car parking management plan) and by providing some additional dedicated car parking for

the proposed apartments, and potentially for the proposed retail/restaurant development. It is considered that the operation of the stadium on event days would be unaffected.

The Council's Highways and Engineering Division are satisfied that additional capacity can be achieved at the affected junctions. Transport for Greater Manchester have assessed the further submissions by transport consultants and have carried out additional sensitivity testing, taking account of the provisional internal road layout for Rivington Chase to determine an appropriate traffic distribution. They have concluded that the submissions are robust and there is no suggestion at this stage that the local road network could not accommodate the Burnden Leisure proposal in addition to that at Rivington Chase, the Linkway and Parklands. Accordingly, subject to conditions relating to highway and junction improvements as proposed, no objections are raised via Transport for Greater Manchester or Bolton Council's Highways and Engineering Division.

The full picture will be complete once the Transport Assessment for Rivington Chase has been formally submitted for consideration under the forthcoming outline masterplan application. This is due to be registered with the Council on 20th December 2013. The findings by the Council's Highways Engineers, Transport for Greater Manchester and the Highways Agency should then be available by the end of January and if there are any new significant traffic problems identified, towards which this scheme would contribute, then this application would be brought back before the Planning Committee for further consideration. This is another reason as to why Officers recommend that the Planning Committee delegates the decision back to the Director of the Development and Regeneration Department.

Impact on ecology

An Ecological Assessment report has been submitted with the planning application, which includes a desk top survey and extended Phase 1 Habitat Survey of the site (including a survey of Middle Brook for water voles).

Red Moss SSSI is located over 500 metres away from the development site. Given this distance and as the site is already predominantly previously developed it is considered unlikely that there would be any adverse impact on the SSSI.

There are non-statutory SBIs within a 2 kilometre radius of the site, the nearest being at Red Moss. The proposed development would not encroach into this area and thus there would be no direct impacts on any SBI. The developer has stated in their submissions that appropriate working methods would undertaken to avoid any indirect impacts during the construction period.

Water voles are reported to be present in the locality of the site and suitable measures would need to be implemented to protect their habitats. It is considered that this can be secured by conditions.

The ponds within and adjacent to the development are unlikely to support great crested newts. The last survey carried out by the Greater Manchester Ecology Unit found no evidence of their presence.

Scrub habitat on site provides suitable habitat for breeding birds, but adverse impacts can be avoided by removing any necessary scrub or other habitat features outside the bird breeding season.

There are not thought to be any structures and/or trees which would provide suitable

habitats for roosting bats.

No badger activity has been observed on the site.

Himalayan Balsam and Japanese Knotweed have been identified on site. Mitigation and or control of these invasive species would be controlled by condition.

Impact on land contamination

The developer's desk study indicates that the site is underlain by various deposited layers of clays, silts, sands, peat/organic deposits below which are loose grit and mudstone deposits. Such circumstances do not preclude development on the site however, it will be necessary, prior to construction taking place, for suitable boreholes and trial pits to be dug to determine ground conditions and establish suitable preparation works for foundations, drainage and services etc. The application is not within the likely zone of influence from coal workings and therefore there is considered to be no significant risk to the development.

The developer's appraisal around land contamination indicates that there is no potential for such to fetter any development as evidenced by the fact that the site is now reasonably defined as previously developed, it having been greenfield prior to the development in the mid-1990s. Furthermore there is no indication of any potential from off site.

The existence of the underlying peat/organic deposits do offer a moderate to high risk to the development and therefore ground gas and groundwater monitoring is recommended. The Applicant does however believe that standard gas protection measures can be incorporated to suitably mitigate any problem.

Impact on landscape and visual amenity

There are no landscape designations in or around the site but the Reebok Stadium is highly visible from the surrounding area, roads and railway line. The proposed development would, in parts, be similarly visible. Views of the buildings in isolation would be very limited as they are set against the backdrop of the stadium and the wider Middlebrook environment. The Council's Landscape Architects and the Emerson Group are concerned that the iconic appearance of the Reebok Stadium would be compromised but Development Officers, applying a subjective view, do not believe that such a disadvantage carries significant weight to justify a refusal of planning permission to prevent the benefits of the proposal in its entirety. In scale terms, it is considered that the scheme would not have an unacceptable impact on the existing development or on the wider landscape/townscape which is represented by urban construction of considerable massing with design ranging from the stadium to the more typical modern retail/leisure units. It should be noted that the application is still in outline form and that all elements related to design will be subject to further approval whereby the Local Planning Authority would ensure that appearance reflects and respects the existing character and context of the key attractions and promotes where appropriate unique contemporary design.

Other Matters

The Council and the Emerson Group hold land covenants within the application site area. Whilst these potentially could affect deliverability and how the development might progress this is not a material planning consideration or a basis upon which planning permission should not be granted.

Value Added to the Development

Extensive negotiations have taken place before and during the processing of this application and the context of the proposal now before Members has been substantially amended to suit current development plan policy. The aim has been to ensure that the proposal as a whole contributes to the broader description of sustainable development and to secure suitable provision of much needed education and employment opportunities for the local community, improved sporting facilities and a wider choice of housing, all of which are key objectives of the Core Strategy.

Conclusion

Officers consider that the scale, type and proportions of the uses proposed are compatible with the surrounding area and are unlikely to have any undue impact on Bolton Town Centre or other centres in the Borough. The development would provide much needed investment and employment opportunities together with improvements to education, leisure and wider community facilities in an urban setting and in a sustainable location, all of which is broadly supported by current development plan policy. Accordingly it is recommended that Members delegate the decision to the Director of Development and Regeneration, pending completion of negotiations linked to a Section 106 Agreement, setting details of the phasing of the scheme which requires that the education and sporting facilities are implemented in the first stage of implementation and to tightly control the floorspace limits put forward in the application. This would also enable the Council's Highways Engineers, Transport for Greater Manchester and the Highways Agency to consider the traffic implications of the scheme further in light of the Transport Assessment for Rivington Chase, which is due to be with the Council by 20th December 2013. If any significant problems were to arise, then this application would be presented back to the Planning Committee.

Representation and Consultation Annex

Representations

Letters:- No objections have been received from individual residents locally nor from any specific business occupiers of the Middlebrook development. There have however been objections from key developers/developer partners including Emerson, Orbit, Jones Homes, Blue Mantle, Horwich Vision (copies of the final letters of objection from Emerson, Blue Mantle and Horwich Vision are attached at the end of the agenda report).

The objections made are around;

- traffic generation and impact on the highway network,
- prejudice to Rivington Chase, Bolton Town Centre and Logistics North;
- excessive supply of offices in this location;
- the site is not allocated for the proposed purposes;
- lack of sequential and impact assessments;
- lack of cross-funding and viability justification;
- flood risk;
- design;
- land covenants; and
- need for a Section 106 Agreement to secure delivery of the sports and education development in a timely manner relative to the wider scheme.

Representations have also been submitted on behalf of the developers of the Logistics North (Optima and DTZ). Members are advised that following amendments to the proportion of business uses in this application those original objections have subsequently been withdrawn.

Petitions:- none received

Town Council:- Horwich, Blackrod and Westhoughton have all raised objection to the proposals primarily around the impact on traffic on the local highway network, flood risk and waste management.

Westhoughton Town Council have raised a further objection because the Middlebrook area is heavily developed, there are already two hotels and a heavy volume of traffic. There would be more traffic, the roundabout at the A6 is already congested and there are severe highway problems on Lostock Lane, Wingates and Church Lane, which have poor street lights, no pavements and are prone to flooding. Lostock Lane, Wingates Lane and Church Lane need to be improved to make them safer for pedestrians, cyclists and motorists.

Elected Members:- a Town Councillor has also raised objection stating that the development would prejudice other key developments at Horwich Loco works and in Bolton Town Centre

Consultations:-

Advice was sought from the following consultees:

Bolton Council Drainage, Rights of Way, Highways, Corporate Property, Landscape, Green Spaces, Trees, and Education.

Horwich Town Council

Ramblers Association

Peak and Northern Footpaths Society

Ramblers Association
Greater Manchester Ecology Unit
Greater Manchester Police Architectural Liaison Unit
Natural England
Sport England
Environment Agency
Highway Agency
Network Rail.

Responses received are as follows:

Bolton Council Rights of Way Officer;- raise no objection in principle to the development. request that an advisory note be added to any consent that makes it clear that existing public rights of way should remain open at all times and that should any closure or diversion be necessary, the appropriate approvals be obtained prior to any works taking place affected said rights of way.

Bolton Council - Drainage;- raise no comments.

Bolton Council- Environmental Health;- no objection subject to conditions around potential matters of ground contamination/stability and Japanese Knotweed.

Bolton Council - Tree and Woodland Officers;- no objections subject to landscaping details to be submitted (this is reserved for later approval).

Bolton Council - Open Spaces;- suggest that management Plan for landscaping and green spaces should be consistent with current local policy.

Bolton Council - Landscape;- landscape proposals for later approval should be robust and ensure they promote development of wildlife habitats and contribute to wider structure of landscape locally. Concern about the visual impact on the appearance on the Reebok Stadium.

Bolton Council - Highways;- commissioned Transport for Greater Manchester to undertake an assessment of the plans and implications and they have confirmed that, at this point in time based on the evidence presented to the Council and taking into account the views of TfGM, Highways and Engineering Division support the proposal subject to conditions relating to highway and junction improvements.

Greater Manchester Police;- request that the Reserved Matters application should include a Crime Impact Assessment.

Highways Agency;- raise no objection subject to conditions regarding highway and junction improvements as proposed.

Environment Agency;- raise no objections subject to conditions

Sport England;- comment that the proposals are supportive of National Planning Policy

Planning History

There have been many applications linked to the wider Middlebrook site which have established the existing character and nature of the development and Members are well versed in the original plans and the various cumulative developments and changes that

have taken place over time.

Recommendation: Delegate the decision to the Director

Recommended Conditions and/or Reasons

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

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

Reason

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

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

Reason

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

3. No development shall be commenced unless and until full design and construction details for the highway improvements at the following locations, as indicated on the application plans, have been submitted to and approved by the Local Authority under a Highways Section 278 Agreement:

The Spirit of Sport Roundabout; the signalised junction of Burnden Way/Stadium Way; the Burnden Way exit to De-Havilland Way; Junction 6 M61 (comprising the part signalisation and the widening of the approach from the A6); and the A6 Chorley Road/De-Havilland Way roundabout (comprising the widening of the approach from De-Havilland Way and improvements to the circulating carriageway).

All works must be completed entirely in accordance with the approved details prior to any occupation of the uses associated with the Grand Arc and the West Stand of the Reebok Stadium and be so retained thereafter.

Reason

In the interests of highway safety.

4. Pursuant Reserved Matters applications shall include a car parking management plan and details of the phased development of 314 additional car parking spaces to be approved by the Local Planning Authority prior to the commencement of development. The scheme shall be implemented entirely in accordance with the approved details and be so retained thereafter.

Reason

In the interests of highway safety and adequate car parking provision.

5. Prior to the development being first brought into use surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of

the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

- 1) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
- 2) Include a timetable for its implementation, and
- 3) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason

To ensure the site provides satisfactory means of surface water drainage.

6. No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of Water Voles, a protected species under [The Wildlife and Countryside Act 1981 as amended/ Habitats Directive Annex II], and their associated habitat during construction works and once the development is complete. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The Water Vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason

To ensure protection of [name species] and its habitat within and adjacent to the development site.

7. Trees and shrubs 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 development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape.

8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [November 2012/reference 2679/prepared by Integra] and the following mitigation measures detailed within the FRA:
 - a scheme of surface water regulation to be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority
 - details of floor levels, to be fully implemented and subsequently maintained
 - a scheme to provide compensatory storage volumes within the flood plain, be fully implemented and subsequently maintained
 - a scheme for the provision and management of an 6m metre wide buffer zone from bank top alongside the Middle Brook watercourse and tributaries, to shall be carried out in accordance with the approved scheme and retained thereafter. The scheme shall detail;

the extent and layout of the buffer zone
details of any proposed new planting, in particular trees in the buffer zone;
details of any proposed new fencing, lighting adjoining or within these key riparian wildlife corridors.

The mitigation measures shall be fully implemented prior to the development being first occupied or

brought into use and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent and or reduce the risk of flooding and ensure appropriate means of storage/disposal of surface water from the site.

9. Prior to the development hereby approved/permitted being first occupied or brought into use 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 before the development is first brought into use 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.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

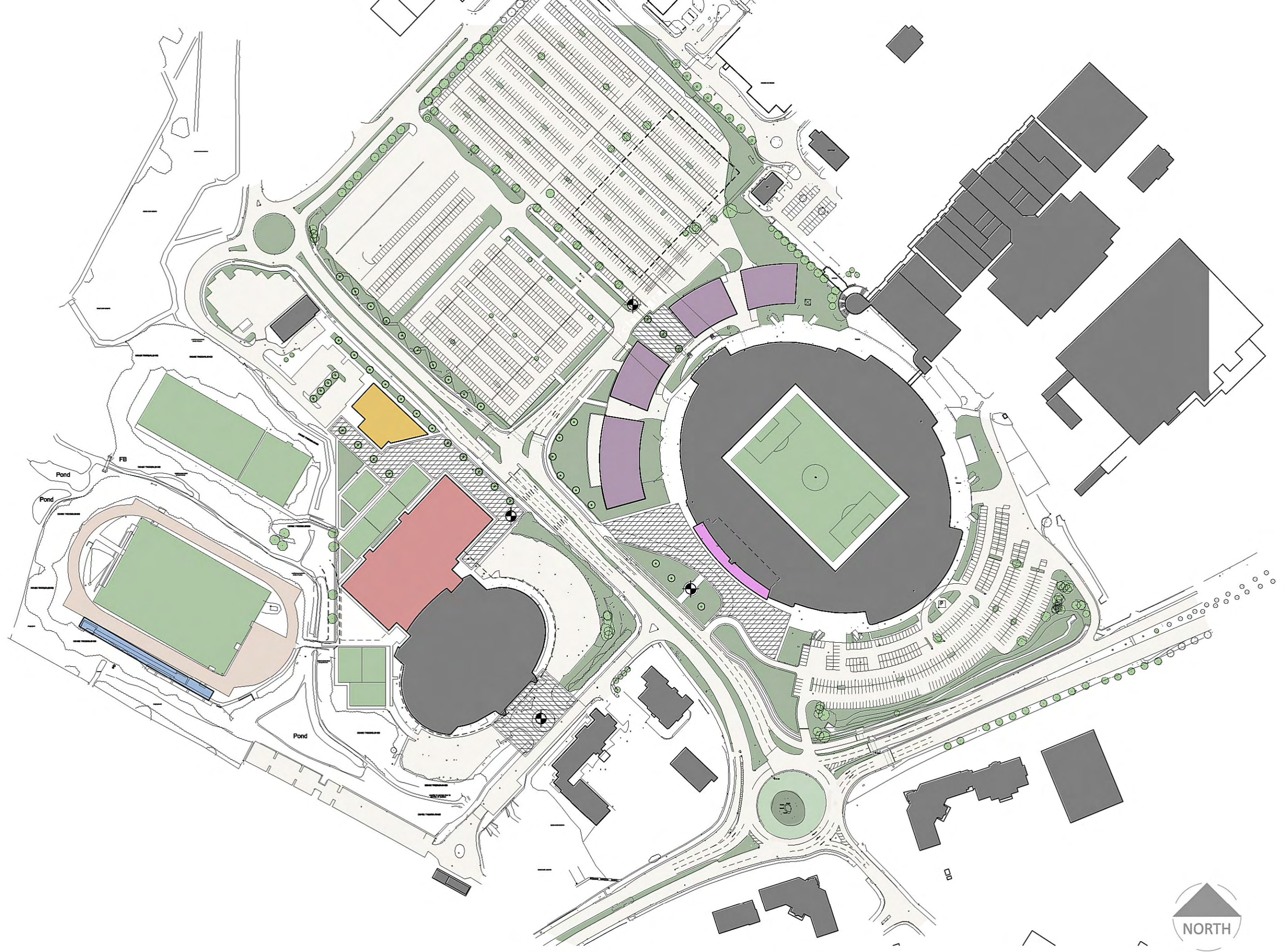
Reason

To prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

11. No development hereby approved/permitted shall be brought into use unless and until a detailed travel plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be thereafter be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of ensuring that the development is sustainable in terms of transport and travel



Our ref: MJC/BLU/SCN

19th November 2013

Mr Jon Berry
Planning Department
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Dear Mr Berry

Planning Application ref: 89159/12 – Letter of Objection on Behalf of Bluemantle Ltd

With regard to the above application we write to confirm that we would wish the comments made in our letter of 31st January to be taken fully into account when considering the revised application 89159/12.

The proposals continue to have significant implications for our company in two key areas:-

1. As owners of a significant part of the adjoining Horwich Loco Works where we are working closely with the Council and other stakeholders to bring about the regeneration of the wider Loco Works site and
2. As the part-owners and Bolton Council's development partner for the Church Wharf town centre regeneration scheme.

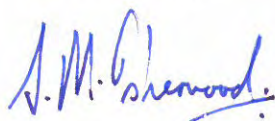
Our on-going concerns in relation to the former Horwich Loco Works are clearly set out in the Horwich Vision objection (Bluemantle has a 50% stake in Horwich Vision) which has also been submitted to the Council today.

The office element of the applicant's proposals causes us to object as owners and developers of the Church Wharf site. The applicant's proposals are clearly in conflict with Bolton's "town centre first" policy and we continue to dispute the applicant's argument that there are no suitable, alternative sites in or near to the town centre (see our objection dated 31st January for further details).

Whilst the former Horwich Loco Works contains an element of mixed use including offices in order to achieve a sustainable development, this land use was only endorsed following very close consideration by the Council and the Examining Inspector when scrutinising the Core Strategy. There is no policy support in either the adopted Core Strategy or the emerging Site Allocations DPD for further office development on the site that is the subject of this application.

We remain broadly supportive of the sporting and educational elements of the scheme, subject to the production of more satisfactory and robust flood risk and viability assessments.

Yours sincerely



P.P. **M J Caldwell**
Chief Executive
Bluemantle Ltd



Our ref: MJC/BLU/SCN

19th November 2013

Jonathan Berry
Head of Development Management
Development and Regeneration Department
Bolton Council
The Wellsprings
Bolton
BL1 1US

Dear Jon

**Outline Planning Application No. 89159/12 Reebok Stadium and Bolton Arena,
Burnden Way, Horwich, Bolton, BL6 6JW**

We write in relation to a letter dated 18th October 2013, written by Nathaniel Lichfield and Partners, which aims to respond to representations made by both The Emerson Group and Horwich Vision, to the revised proposals submitted in respect of the above planning application.

The letter does not alter our position relating to this application – we still have concerns relating to the impact of the proposals, as previously set out.

We are aware of a letter dated 15th November 2013 that has been submitted by The Emerson Group, and agree that further information and justification is required in relation to the planning application. In particular, we require confirmation from Bolton MBC that all the anticipated traffic flows from the allocated strategic site 'Horwich Loco Works' and permitted but unbuilt development at Middlebrook and Parklands, are taken account of and are acceptable. This should be agreed prior to consideration of the additional flows to be created by this development.

I trust you will take account of the above, and our previous comments, and will respond to us prior to taking this matter to a Special Planning Committee Meeting on 5th December 2013.

Yours sincerely

Mark Caldwell
Director

THE EMERSON GROUP

EST. OVER 50 YEARS

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TOM LOOMES BA DipTP MRTPI
ANGELA D PENNY

Our ref: GB/Planning

15 November 2013

By post and e-mail

Dear Mr Berry

RE: OUTLINE PLANNING APPLICATION 89159/12 - REEBOK STADIUM AND BOLTON ARENA, BURNDEN WAY, HORWICH, BOLTON, BL6 6JW

Thank you for forwarding on Nathaniel Lichfield and Partners (NLP) response of 18th October 2013 (on behalf of the applicants), to our representation letter of 4th October 2013.

The Emerson Group continues to welcome the principle of educational and sports facilities around the Bolton Arena site, and any viable enabling development to procure that, which accords with Policy.

We have read the NLP letter and we do not believe it adequately addresses the issues.

Whilst we set out our full position later in this letter, for ease of reference we summarise our points in the following brief Executive Summary;

EXECUTIVE SUMMARY

- *The office element of the proposal (5,500sqm), is not in accordance with Policy M4 of the Adopted Bolton Core Strategy. Clarification that this element cross-funds the sports and educational facilities should be confirmed and details of viability provided. There is sufficient office floorspace available and permitted (but not yet built) at Middlebrook and Parklands, and further offices proposed on part of the allocated former Horwich Loco Works site. Based on the above, and the take up of office space in this area in the last 15 years, there is around 9 years supply.*
- *We require confirmation from Bolton Council that all the anticipated traffic flows from the allocated strategic development site 'Horwich Loco Works' and permitted but unbuilt development at Middlebrook and Parklands are taken account of and are acceptable. This should be agreed prior to consideration of the additional flows to be created by this proposal.*
- *Contrary to Policy, the proposed educational facilities are located on land that floods.*
- *The design of the 'grand arc' will compromise the iconic Reebok Stadium.*
- *The retail element proposed falls outside the current Policy OA2 allocation of Middlebrook relating to retailing and leisure uses (Submission version of the allocations DPD). The town centre uses proposed should be subject to a thorough sequential test and impact on the neighbouring town centres should be fully assessed.*
- *The Emerson Group / Bolton Council benefit from land covenants which directly relate to deliverability of the scheme and in what form it might progress.*
- *Horwich Town Council and Blackrod Town Council still object to the proposals.*
- *Given the quantum of office, retail and leisure floorspace proposed in the grand arc and Reebok Stadium, which is not allocated for such uses, these elements need full justification. If they are required to cross fund the educational and sports facilities (which we believed to be the case) then a viability appraisal needs submitting to the Council to justify these elements. Evidence of funding and cross-guarantees need to be produced.*
- *A Section 106 Agreement would be required to ensure that the sports and educational facilities are delivered by the time a certain quantum of other elements has been built.*

DIRECTORS: PE JONES (CHAIRMAN) ME JONES (DEPUTY CHAIRMAN)
AE JONES AC WEATHERBY BA (Law) (SECRETARY) J EDWARDS BSc (Hons) FCMA CGMA (FINANCIAL)
SP WILSON JP BURGESS BA (Hons) Law MST ROYLE BA (Arch) JR CLABER BSc (Hons)
NON-EXECUTIVE DIRECTORS: AJ WHITE BEng A JONES THE LORD LEE OF TRAFFORD DL FCA JP ALLEN ACIB DipFS

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Expanding further on the above summary, we still have concerns and observations relating to the proposals, and the delivery of the whole project, in order to safeguard the sustainable delivery of the sports and educational facilities (which we understand was the primary function of the whole application – please confirm this is still the case?);

1. Policy M4 of the Adopted Bolton Core Strategy does not lend support to the office element of this proposal (5,500sqm), and this should be withdrawn. NLP attempt to deflect the issue of the large quantum of existing permitted and vacant office floorspace available in this area, by stating that the office element proposed will be aimed at, and respond to, any requirements of operators who have a functional need to be located at Middlebrook. However, we are best placed to confirm to you that there is sufficient office floorspace already available and permitted at Middlebrook and Parklands to meet this need. Add to that the former Horwich Loco Works (Rivington Chase), on which a planning application for the comprehensive redevelopment of the site is due to be submitted in the next few weeks (to include up to 10,500sqm of B1(a) floorspace), any offices required in this locality could be built out prior to that proposed in application 89159/12. Despite a representation from Burnden Leisure to obtain an office allocation within a 1.5ha area of the application site (proposed grand arc area), I understand that no area of the application site is to be allocated for office use in the advanced stage of the Bolton Allocations DPD (submission is expected this week), and this element is therefore still contrary to the Middlebrook Policy, as it is not a remaining site. Having attended and given evidence at the Bolton Core Strategy Examination, together with the Council, I cannot see how the Council would come to a different viewpoint on the meaning of the Policy. The applicants should put forward other uses that meet with Policy, or provide a robust and transparent viability case for the inclusion of this element.
2. The average take up of office floorspace at Middlebrook and Parklands over the last 15 years is approximately 2,930sqm per annum (including existing stock re-let). With around 26,000sqm of office floorspace still to build at Middlebrook and Parklands, and that to be applied for at the Former Horwich Loco Works, this equates to nearly 9 years supply. We consider this to be more than sufficient.
3. In relation to the Transport Assessment, we still await Bolton MBC's written response to confirm that it accepts that all the anticipated traffic flows from the allocated strategic development site 'Horwich Loco Works' (HLW) and permitted but unbuilt development at Middlebrook and Parklands are taken account of and acceptable. This should obviously be considered prior to the additional traffic flows to be created by this proposal. The principle of this was verbally confirmed at the meeting with the Council on 31st October 2013, when it was confirmed that nothing would be permitted that would prejudice the satisfactory delivery of the scheme. We await this written confirmation from you as soon as possible please.
4. Our concern relating to flooding on the proposed educational part of the site remains. We have already provided photographs of the reality of the current situation, with areas of the site under significant water following heavy rainfall events. Why can't the educational uses of the proposal be located in the 'grand arc'?
5. Whilst it is a matter of personal opinion in relation to the acceptability of the design of the grand arc on any potential reserved matters application, I note the Council's Landscape Regeneration Managers comments of 3rd January 2013 which included the text; 'the stadium has a very distinctive design and roofline, and forms an iconic element in the wider landscape. This will be diminished and compromised by placing higher buildings so close to it.' As adjoining landowners of a flagship North West development, we agree with this senior officer's comment.
6. It is our opinion that given the scale of this application, the uses applied for, and its potentially negative impact on the proposals for the allocated former Horwich Loco Works site, it is essential that the applicants provide details of the viability of the development proposals. Such viability information should be supported by an independent expert / surveyor and cost consultants. It

would be inappropriate if only certain elements of the scheme were brought forward, or applications were submitted in the future to vary uses substantially, due to a lack of viability. The viability case should be cast iron at this stage. This is too large / strategic an application to be considered, and possibly approved, in an abstract form, with detail to evolve. The delivery case needs to be fully made and justified so that Council Officers and Members, as well as third parties including ourselves, are left in no doubt that the scheme is well founded, achievable and viable. We would expect that the Council would require letters confirming funding support for the entire scheme and guarantees. Is this the case? If it is not the case that the other elements of the application are cross-funding the sports and educational uses, then there must be merit in them being two separate planning applications, as they raise entirely different planning issues. Will the Council consider the merits of this approach, in consultation with the applicant?

7. In relation to NLP's comment that the additional housing will complement the allocation at HLW, The Emerson Group have significant involvement in this strategically important scheme, and disagree with this statement.
8. We note that NLP acknowledge that the proposed retail element falls outside of the Middlebrook red-edge allocation (now in the submission version of the Bolton Allocations DPD). Nothing alters our concerns and previous comments relating to this element of the proposals. Irrespective of need, the sequential test needs satisfying, as does the associated impact, and from what we can ascertain from the applicants submitted Planning Statement these have not been undertaken, contrary to guidance in the NPPF. The cumulative amount of floorspace proposed by the office, retail and additional leisure elements is over 2,500sqm, and the Council have the ability to request this information, particularly if they perceive the local centres as being vulnerable. Sufficient evidence is required from the applicants to enable the Council to come to a full and balanced decision. New retail floorspace at Middlebrook is restricted to 'bulky goods' unless fully justified otherwise, and we presume this will be the case here.
9. The Emerson Group do not understand NLP's comments on the issue of land covenants. The Group benefits from land covenants, as the applicants have acknowledged in meetings with us. Covenants directly relate to deliverability and are fundamental to whether or not this scheme progresses, and in what form. They cannot simply be dismissed. As Council Officers and Members will be aware, one of the reasons for the covenants in 1996, related to the oversized infrastructure built by Emerson at Middlebrook at the outset, to provide for future development in the area which would contribute to those infrastructure costs at the relevant time, and there is nothing to suggest in the application that this has been addressed.
10. NLP's response relating to the car deck does not alter our concerns about this. It can not be delivered due to land covenants.
11. It would be helpful to those viewing the application on the web site, if documents that are revised are resubmitted in whole (including appendices), rather than searching through the 100+ items to find relevant parts. Is this possible?
12. The title 'Middlebrook Masterplan' may not be of concern to the applicants, but we believe it has added to confusion as to the involvement of The Emerson Group, with many people believing we are involved.

Whilst NLP mention a lack of other objections to the revised application proposals, it is our understanding that both Horwich and Blackrod Town Councils still object to the proposal as presently presented. Given that these town and ward councillors represent the residents of both Horwich and surrounding local area, I would suggest this is a significant level of objection and one that will be reported to the Planning Committee. I believe the revised application is still to go before Westhoughton Town Council (who previously objected).

The suggestion from NLP that 'no weight' should be given to our representation is bullish, dismissive, and not productive to the satisfactory progression of this application. I am confident the Council will

make its own judgement on this, and will give appropriate weight to our concerns in the Committee Report.

As stated at the outset, The Emerson Group would like to see the sports and educational facilities delivered, but the applicant needs to satisfactorily address and sufficiently demonstrate viability, delivery and long term sustainability. The Council should request confirmation that the educational and sports facilities are to be funded (partly) by the other elements of the application. Given our numerous concerns above, if the Council were minded to approve the application, it would be appropriate for the Council to require a S106 Agreement which addresses the appropriate phasing of this development, to ensure that the educational and sports facilities are delivered by the time a certain quantum of the other elements has been built, and no beneficial use of other elements is permitted unless and until the sports and educational facilities have achieved practical completion. Conditions restricting the retail use, subdivision, and removing permitted development rights to move between use classes would also be appropriate.

We would respectfully submit that the Council must be sure that they have fully considered the implications of approving this application, when considering the future viability and sustainability of the Middlebrook and Horwich Loco Works area. We made similar cautionary observations when the Council proposed to designate the former Horwich Loco Works a Conservation Area, raising our concerns about the future implications of this, and it has proven to be a complicating factor in the delivery of the regeneration scheme for that site. Similarly, we are of the opinion that a carefully considered and balanced approach needs to be taken to this application, elements of which we believe to be contrary to policy, and which has not proven (as submitted) an ability to procure the main benefit i.e. the provision of the sports and educational facilities, which was the welcome catalyst to this application.

We trust the above comments will be given serious consideration, and the Council will no doubt require further information from the applicants (or their advisers), so that we can consider the matter further, prior to determination on 5th December 2013.

We look forward to your written response to the above questions, issues and observations as soon as possible, in order that we can consider the matter further.

Yours sincerely,



Graham Bee
Assistant Group Planner

THE EMERSON GROUP

EST. OVER 55 YEARS

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Our ref: BL/HVL
06 May 2014

By post and e-mail

Dear Mr Berry

RE: OUTLINE PLANNING APPLICATION 89159/12 - DEVELOPMENT OF IMPROVED SPORTS AND EDUCATION FACILITIES; MIXED USE DEVELOPMENT OF RESIDENTIAL AND HOTEL BUILDINGS WITH ANCILLARY RETAIL, RESTAURANT/CAFE, OFFICE, AND ASSEMBLY/LEISURE USES; CAR PARKING; AND ASSOCIATED WORKS (OUTLINE APPLICATION: ACCESS DETAILS ONLY) - REEBOK STADIUM AND BOLTON ARENA, BURNDEN WAY, HORWICH, BOLTON, BL6 6JW

Following deferral of this application, we understand that the above planning application is to be taken back to Planning Committee shortly, following Bolton MBC receiving TfGM's formal comments relating to the Former Horwich Loco Works application.

We still have the same comments / concerns as set out in our previous letters of 4th October 2013 and 15th November 2013, however, should the application be approved (and following further review of BMBC's highways comments and that of TfGM), we also wish to raise the following matters which we believe merit serious consideration;

It is apparent from the Supplementary Information provided to the Planning Committee on 5th December 2013, that in relation to highways conditions, the Council require that 'a detailed scheme for the proposed additional 314 car parking spaces, either by rationalising existing land areas, by providing a partial decked / undercroft parking solution or through a combination of both, must be secured for the reserved matters stage'.

This is a reflection of the additional pressure to be placed on existing car parking as a result of the development, and is particularly relevant in the context of the amount of parking required for Bolton Wanderers on match days.

It is our understanding that, as stated by Vectos (the applicants highways consultant) at chapter 5 of the submitted Transport Assessment Addendum, a car park management plan is proposed that would not allow dedicated parking for the proposed A3 and D2 uses on match days, would also ensure that any parking associated with the proposed office element did not occur on match days, and that any car parking otherwise available by the proposed hotel would be available for use by the Stadium operators for match day use.

DIRECTORS: PE JONES OBE (CHAIRMAN) ME JONES (DEPUTY CHAIRMAN)
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EMERSON DEVELOPMENTS (HOLDINGS) LTD
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The above would have the clear implication of forcing cars associated with these uses onto the Middlebrook Car Parks on match days. As you will be aware, there are times during the year when the Middlebrook Car Parks are operating around capacity, and The Emerson Group therefore believe that they should be allowed to have input into the car park management plan because of the detrimental impact the development would have in this regard on the Middlebrook scheme.

There are significant periods of time (other than match days) when large areas of the Bolton Wanderers Home supporters car park is empty. By contrast, car parking at the Middlebrook Car Parks is extremely busy at peak shopping times such as Easter/Christmas/School Holidays. It would make sense to have a well thought out car park management plan / strategy, which utilises existing car parking areas to best effect. Of course, a possible car deck would currently still breach covenants with Bolton Council and The Emerson Group, and could not be built without the relaxation of the covenants.

We therefore propose that this matter (car park management plan), which is envisaged by the applicant and agent, can be dealt with by the Council as follows;

- No occupation of any part of the development until an additional 314 car parking spaces have been provided to the Councils satisfaction.
- No occupation of any part of the development without a car park management plan having been entered into with the Council and the owners of Middlebrook from time to time, dealing with overspill / peak time car parking.

As mentioned to you, this strategy was envisaged in the back to back agreement made between the parties on 16th October 1996, whereby the club is obliged to use all best endeavours on an on-going basis to ensure that users of the stadium do not park on any other part of the Middlebrook, and the club are obliged to liaise with Orbit to discuss and agree management of traffic / car parking within the overall scheme.

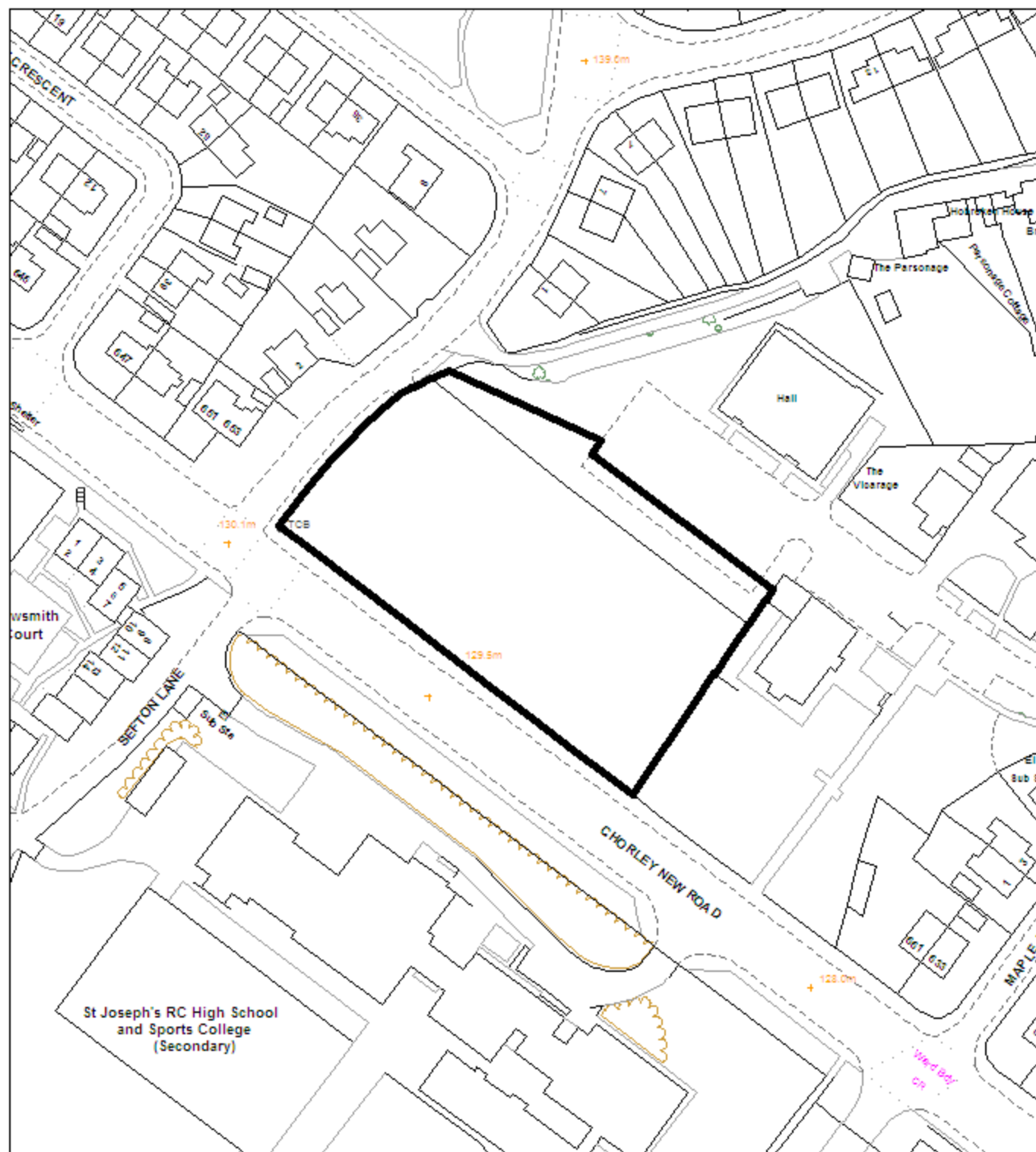
I trust you can consider this further, and discuss this with Bolton Wanderers.

Yours sincerely,



Graham Bee
Assistant Group Planner

91227/13

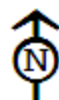


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Bolton Council

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Date of Meeting: 05/06/2014

Application Reference: 91227/13

Type of Application: Full Planning Application
Registration Date: 23/12/2013
Decision Due By: 23/03/2014
Responsible Officer: Helen Williams

Location: FORMER SWALLOWFIELD HOTEL, CHORLEY NEW ROAD, BOLTON, BL6 6GA

Proposal: ERECTION OF TWO BUILDINGS CONTAINING A TOTAL OF 42 APARTMENTS TOGETHER WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (AMENDMENTS TO FLOOR PLANS AND ELEVATIONS PREVIOUSLY APPROVED UNDER APPLICATION 73431/06)

Ward: Horwich North East

Applicant: Redrow Homes Ltd - Lancashire Division
Agent : LMP Ltd.

Officers Report

Recommendation: Delegate the decision to the Director

Background

Members will recall that this application was deferred at the Committee meeting of 6th March 2014 as Members felt that there should be a significantly higher affordable housing contribution for this development. Members requested that officers meet with ward councillors and the applicant to renegotiate this.

A meeting was held between the applicant (Redrow), the Council's Surveyor and the Planning case officer on 11th April 2014. Ward councillors were invited but did not wish to attend (Cllr. Kellet felt unable to contribute as she sits on Planning Committee and Cllrs. Silvester and McKeon believed that Planning Committee was the appropriate body for agreeing contributions, not ward councillors).

Redrow provided further financial information to officers at the meeting, which officers consider further supports Redrow's claim that they are making a loss on the site, even if they are not providing the four affordable units (which they are proposing to discharge of). Redrow have already had to write off £1.7 million from the site and they will be making a further loss of £122,000 (a loss of 3% rather than a profit).

Redrow have also provided substantial evidence that house prices for apartments in Horwich are down approximately 20% from the prices when they first negotiated the Section 106 Agreement (2007). These prices are also not rising, as suggested by Members during the Committee meeting in March.

As Redrow are keen to re-commencement development on site and to "get off the site"

as soon as possible due to the costs incurred and being incurred, they are now offering an increased sum of £50,000 towards off-site affordable housing provision rather than the £30,000 they offered in March. They maintain that this is their final and highest possible offer, as any further contribution would eat further into their losses.

Members should also be aware that Redrow have appealed the refused Section 106 modification application (which was refused by Committee on 9th January). This appeal is to be determined by way of an informal hearing. Should this appeal be allowed (which is considered likely given the financial evidence provided by Redrow) there would be no off-site contribution towards affordable housing. Furthermore the Council would not have control over how the £10,000 originally proposed for highways works and public art would be spent (Members will recall that ward councillors and town councillors had requested for this latest application that the £10,000 be spent solely on local highways works, which the applicant had agreed to).

This information has been reported to ward councillors, who have reiterated that they believe Planning Committee is the appropriate body to resolve this matter.

Members are recommended to accept the proposed contribution of £50,000 towards off-site affordable housing (Redrow's final offer) and the proposed amendments to the Section 106 Agreement to allow for the previously approved £10,000 to be spent solely on the local highway. Members are therefore recommended to delegate the decision to the Director to secure the amended Section 106 Agreement.

Original (March) report to Members:

Proposal

Planning permission was granted in August 2007 for the erection of two buildings containing 42 apartments (21 apartments each), car parking and landscaping (73431/06). This permission is extant as the development has commenced (internal roads, foundations to the buildings and underground services have been constructed).

The applicant now seeks to amend the elevations of the buildings and the internal floor plans. The approved number of units, the footprints of the buildings, the access arrangements and the car parking numbers and layout are not proposed to be altered.

The applicant also seeks to modify the Section 106 Agreement attached to the approved development. Members will recall that the applicant proposed to modify the Section 106 Agreement at the Committee meeting of 9th January 2014 by removing the requirement to transfer four of the apartments to a housing association. Members refused the proposed modification as they believed an off-site contribution towards affordable housing should be offered instead. The applicant is now offering £30,000 as a commuted sum for affordable housing, along with the previously agreed off-site sums. This is detailed further below.

Site Characteristics

The application site is the site of the former Swallowfield Hotel, which was a two storey building set back from Chorley New Road. The building was demolished in 2007 and the internal roads, foundations and underground services in connection with planning approval 73431/06 were constructed shortly afterwards. Construction works however ceased in early 2008 and the development has been stalled ever since (the site has been "mothballed").

The trees to the front of the site and along the Ainsworth Avenue boundary are protected

under Tree Preservation Order Bolton (Swallowfield Hotel, Chorley New Road, Horwich No.2). The site has been fenced off with security fencing.

Chorley New Road is a main road between Horwich and Bolton. Opposite the application site (on the other side of Chorley New Road) is St Joseph's RC High School. To the rear is Brazley Community Hall and to the east is Horwich Day Centre. There are residential properties to the west and north on Chorley New Road and Ainsworth Avenue.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: A1.4 Education Contributions; P5 Transport and Accessibility; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG1.5 Flood Risk; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod; IPC1 Infrastructure and Planning Contributions.

Saved UDP Policies: N8 Protected Trees.

PCPN2 Space Around Dwellings; PCPN7 Trees; PCPN10 Planning Out Crime; PCPN30 Education.

SPD Accessibility, Transport and Accessibility
SPD Affordable Housing

Analysis

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.

The main impacts of the proposal are:-

- * impact on urban regeneration
- * impact on the character and appearance of the area
- * impact on the highway
- * impact on trees
- * impact on the amenity of neighbouring residents
- * impact on local infrastructure

Impact on Urban Regeneration

The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land) and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy SC1.2 of the Core Strategy states that at least 80% of housing development will be

on previously developed land in accordance with the Regional Spatial Strategy. Policy OA1.4 states that the Council will concentrate sites of new housing in Horwich town centre, at Horwich Loco Works and on other sites within the existing urban area.

The proposed development of 42 apartments already has extant planning permission (under approval 73431/06). This application only seeks to amend the elevations of the two apartment buildings and the internal floor plans.

It is therefore considered that the proposal complies with Policies SC1 and OA1.4 of the Core Strategy.

Impact on the Character and Appearance of the Area

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 and landscape treatment. Policy OA1 states that the Council will conserve and enhance the character of the existing landscape and physical environment, and will ensure that development in Horwich and Blackrod respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

The only differences between the current application and the development approved under application 73431/06 are the proposed alterations to the external design of the two apartment buildings and their internal floor plans. There are no alterations proposed to the number of units, the footprint of the two buildings, the proposed access and car parking spaces and the layout of the development.

The amended buildings will be slightly taller than those approved, as the roof will now have a steeper pitch. It is considered that this change in height is only relatively minor and would not make the buildings any more prominent on the street scene than the previously approved buildings.

The buildings will also have less of a contemporary appearance, removing the flat roof elements and replacing them with pitched roofs. The amount of glazing to the elevations will also be reduced. It is considered that the proposed elevations will give the buildings a more suburban appearance than before, which is considered to be compatible with the suburban character of the area.

It is considered that the proposed development would be compatible with the character and appearance of the area, compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements and 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 developments.

The vehicular access into the development has already been approved under application 73431/06. No alterations are proposed to this access.

The Council's Highways Engineers raise no objection to the proposal given that the layout

has already been approved. They however state that it did not appear, during the determination of the last application, that the proposed access was Autotracked for a large refuse vehicle to enter the site. As the bin store is proposed at the eastern corner of the development a refuse vehicle would need to enter and leave the site to collect them from this location. A condition is therefore suggested to have the access Autotracked for a refuse vehicle. If the refuse vehicle cannot enter the site sufficiently the location of the bin store would have to be amended so that it is sited closer to the entrance. This also forms part of the suggested condition.

The proposed car parking layout has also not been amended following the last approved (52 car parking spaces are proposed).

It is considered that the proposal would continue not to jeopardise highway safety, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on Trees

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. Saved UDP Policy N8 refers specifically to protected trees.

The trees to the front and sides of the application site are protected under Tree Preservation Order Bolton (Swallowfield Hotel, Chorley New Road, Horwich No.2). As previously stated, the footprint of the buildings and the layout of the development is not proposed to be amended. The Council's Tree Officers therefore raise no objection to the proposal.

It is therefore considered that the proposal would safeguard the protected trees on the site, compliant with Policy CG1.2 of the Core Strategy and saved UDP Policy N8.

Impact on the Amenity of Neighbouring Residents

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. PCPN2 Space Around Dwellings sets out the Council's minimum interface distance between dwellings.

The siting of the buildings has not been altered and the height of the buildings is only proposed to be slightly increased. The interface distances between the proposed buildings and the neighbouring residential properties continue to exceed the minimum requirements.

It is therefore considered that the proposal complies with Policy CG4 of the Core Strategy.

Impact on Local Infrastructure

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 achieved the objectives of sustainable development.

A Section 106 Agreement accompanied planning approval 73431/06 and required the following:

- * 4 affordable units on site, to be transferred to a housing association;
- * A commuted sum of £12,615 to provide new primary school places in Horwich (prior to commencement of development);
- * A commuted sum of £5,000 for public art works in the vicinity of the site (on completion of development);
- * A commuted sum of £5,000 towards the cost of off-site road works in Ainsworth Avenue (prior to commencement of development).

Members will recall that the applicant proposed to modify the Section 106 Agreement at the Committee meeting of 9th January 2014 by removing the requirement to transfer four of the apartments to a housing association. The applicant had submitted a viability assessment to demonstrate that there would be no commercial incentive for the applicant to complete the development unless significant savings could be achieved. Members refused the proposed modification as they believed an off-site contribution towards affordable housing should be offered instead.

The applicant is now offering £30,000 as a commuted sum for affordable housing, along with the previously agreed off-site sums.

Cllr Richard Silvester, Cllr. Kevin McKeon and Horwich Town Council have requested that the £5,000 scheduled for public art provision is combined with the £5,000 scheduled for off-site highways works, so that £10,000 is instead made available for off-site highways works. The applicant has agreed to this approach. The Horwich councillors also request that the highways monies are used towards the cost of a Speed Activated Traffic Sign (to be located on Chorley New Road in the vicinity of St Joseph's School), a pedestrian refuge (in the vicinity of the junction of Chorley New Road with Claypool Road), and 20mph zone stencil roundels to be applied to the road surface of Ainsworth Avenue.

At the time of writing this report the case officer was awaiting confirmation off Highways Engineers that this suggestion was viable and appropriate. This will be reported directly to Members at the meeting. *[It was reported to Members at the meeting that Engineers had confirmed that the £10,000 could be utilised for their proposed scheme for a school zone for St. Joseph's R.C. School].*

The proposed amended Section 106 contributions are therefore now:

- * A commuted sum of £30,000 towards off-site affordable housing (prior to commencement of development);
- * A commuted sum of £12,615 to provide new primary school places in Horwich (prior to commencement of development);
- * A commuted sum of £10,000 towards off-site highways works in the vicinity of the site.

Conclusion

It is considered that the proposed amendments to the appearance of the two buildings will be compatible with the character and appearance of the area. It is also considered that the proposal will continue to contribute towards urban regeneration, will not jeopardise highway safety, will not impact on the protected trees and will not unduly harm residential amenity.

It is also considered that the applicant has been successful in addressing Members earlier concerns regarding the provision of an off-site contribution for affordable housing and to be compliant with the wishes of Horwich Town Councillors. Officers consider that the proposed Section 106 contributions make reasonable provision towards the cost of

appropriate infrastructure sufficient to enable the amended scheme to be acceptable.

Members are therefore recommended to delegate the decision to the Director to secure the amended Section 106 Agreement.

Representation and Consultation Annex

Representations

Letters:- One letter of objection has been received from a resident of 5 Lower Makinson Fold. This letter raises the following concerns:

- * Consider that the proposed ingress and egress to the site is no longer a practical option or solution;
- * Significant amounts of housing developments have been approved since the original plan was submitted. These proposals will greatly increase the usage of Chorley New Road;
- * The proposed access to this site is another impairment to the smooth traffic flow along Chorley New Road;
- * It is their opinion that an access road to the rear would be a far better option to the site and the proposed future development site to the rear.

Officer's comments: the proposed access arrangements and the principle of 42 apartments at this site were approved in 2007 and the Council's Highways Engineers have raised no objection to the (continued) proposal. Application 73431/06 has actually been implemented (internal roads, foundations to the buildings and underground services have been constructed) and therefore this permission is extant. As the developer could recommence the approved development at any time it is not considered reasonable or appropriate to reassess the proposal's impact on traffic generation in the area. Subsequent approved larger housing developments in the area will have taken into consideration the 2007 approval in their traffic data.

Horwich Town Council:- raised no objection to the proposal at their meeting of 23rd January 2014, as they felt that the site would be greatly improved by the development. With regard to the previously agreed Section 106 Agreement they requested that the monies for the proposed public art be combined with the monies for off-site highways works, to provide traffic calming and pedestrian safety measures on Chorley New Road, including a permanent speed sign in the vicinity of St Joseph's High School and a pedestrian refuge.

Elected Members:- Cllrs. Richard Silvester and Kevin McKeon have written in support of the proposal. With regard to the previously agreed Section 106 Agreement for the development the councillors request that the affordable housing element is retained, as is the commuted sum for education provision, but request that the monies scheduled for public art provision is combined with the monies scheduled for off-site highways works. They request that the highways monies are used towards the cost of a Speed Activated Traffic Sign (to be located on Chorley New Road in the vicinity of St Joseph's School), a pedestrian refuge (in the vicinity of the junction of Chorley New Road with Claypool Road), and 20mph zone stencil roundels to be applied to the road surface of Ainsworth Avenue.

Consultations

Advice was sought from the following consultees: Highways Engineers, Pollution Control Officers, Tree Officers, Economic Strategy Officers, Strategic Development Unit, Landscape Officers, Drainage Officers, Bolton Primary Care Trust and Greater Manchester Police's Architectural Liaison Officers.

Planning History

A proposed modification to the Section 106 Agreement (dated 9th August 2007)

accompanying planning permission 73431/06 was refused by Committee on 9th January 2014. The applicant sought to modify the Section 106 Agreement by removing the requirement to transfer four of the apartments to a housing association. Members refused the proposed modification as they believed an off-site contribution towards affordable housing should be offered instead.

Planning application 73431/06 was approved in August 2007 for the demolition of the Swallowfield Hotel and the erection of two buildings containing a total of 42 apartments, a car parking area of 52 spaces and landscaping. This permission was accompanied by a Section 106 Agreement.

An application for the demolition of the hotel and the erection of 48 apartments was withdrawn in December 2005 (71602/05).

Various extensions to the former hotel were approved under applications 54467/99, 53478/98, 53477/98, 48362/96, 35058/89 and 10228/79.

Recommendation: Delegate the decision to the Director

Recommended Conditions and/or Reasons

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

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of development samples of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness.
3. Prior to the commencement of development an Autrotrack plan illustrating how a large refuse vehicle would manoeuvre in and out of the site when accessing the bin store shall be submitted to and approved in writing by the local planning authority. Should the submitted plan show that a large refuse vehicle would be unable to adequately manoeuvre within the site a further plan shall be submitted to and approved by the local planning authority to show the design, location and size of an alternative bin store.

The approved bin store shall be implemented in full prior to first use / occupation of the development hereby approved and retained thereafter.

Reason

To ensure satisfactory provision is made for the storage and collection of waste materials.
4. Development shall not commence until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The contents of the scheme shall be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with Model Procedures for the Management of Land Contamination (CLR 11) and a written report of the findings must be produced. The written report shall be subject to the approval in writing of the Local

Planning Authority and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, property or the environment;
- (iii) an appraisal of remedial options and proposal for a preferred option.

Reason

To ensure the development is safe for use.

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

- 1. The trees within the site which 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 written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

To protect the health and appearance of the tree(s).

6. Trees and shrubs 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 development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape.

7. Prior to the development being first occupied or brought into use, details of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.

8. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Chorley New Road shall be constructed in accordance with the drawing ref: 13/105/P01.

Reason

In the interests of highway safety

9. Before the approved/permitted development is first brought into use no less than 52 car parking spaces shall be marked out and provided within the curtilage of the site, in accordance with drawing ref: 13/105/P01. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway

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

Reason

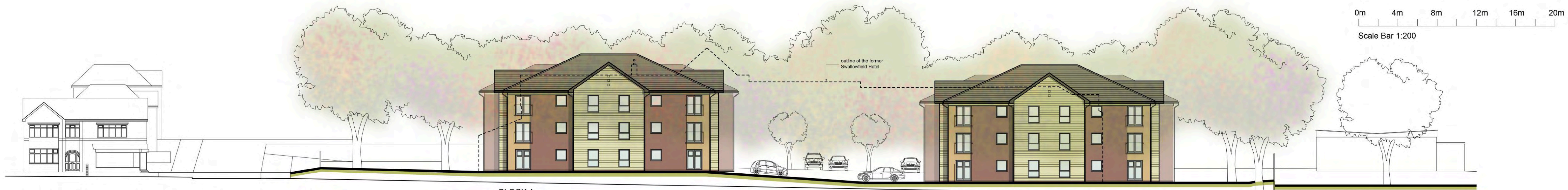
To encourage drivers to make use of the parking and circulation area(s) provided.

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

13/105/P01; "Proposed Site Layout & Street Scenes"; dated 19.12.2013
13/105/P02; "Proposed Floor Plans - Block A. Plots 1-12 & 14-22"; dated 19.12.2013
13/105/P03; "Proposed Elevations and Roof Plan - Block A. Plots 1-12 & 14-22"; dated 19.12.2013
13/105/P04; "Proposed Floor Plans - Block B. Plots 23-43"; dated 19.12.2013
13/105/P05; "Proposed Elevations and Roof Plan"; dated 19.12.2013
13/105/Sk02; "Proposed Elevations"; dated 12/12/13

Reason

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



CHORLEY NEW ROAD ELEVATION



AINSWORTH AVENUE ELEVATION



SITE LAYOUT & GROUND FLOOR PLAN

REDROW
www.redrow.co.uk

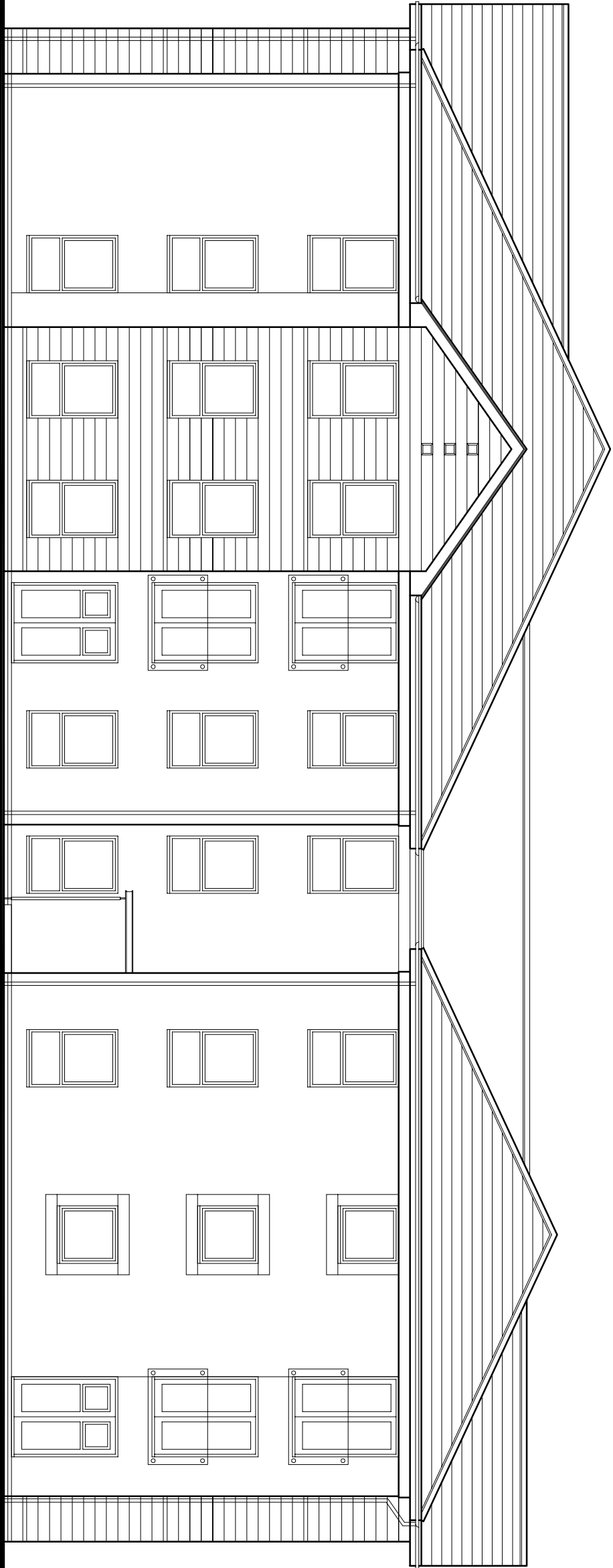
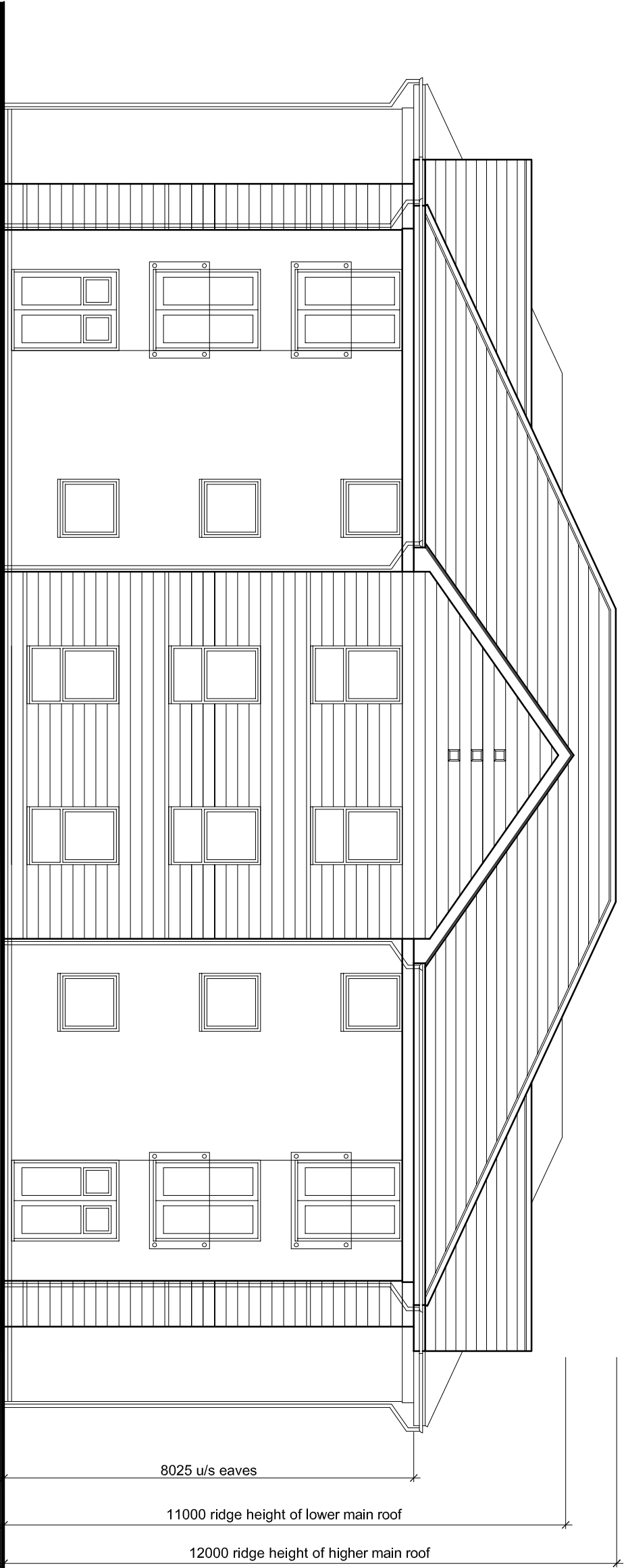
LMP
ARCHITECTURAL CONSULTANTS

CLIENT
Redrow Homes Ltd.
PROJECT
Proposed Apartments at
Swallowfield Court, Chorley New Road, Horwich, BL6 6GA.

DRAWING TITLE
Proposed Site Layout & Street Scenes.

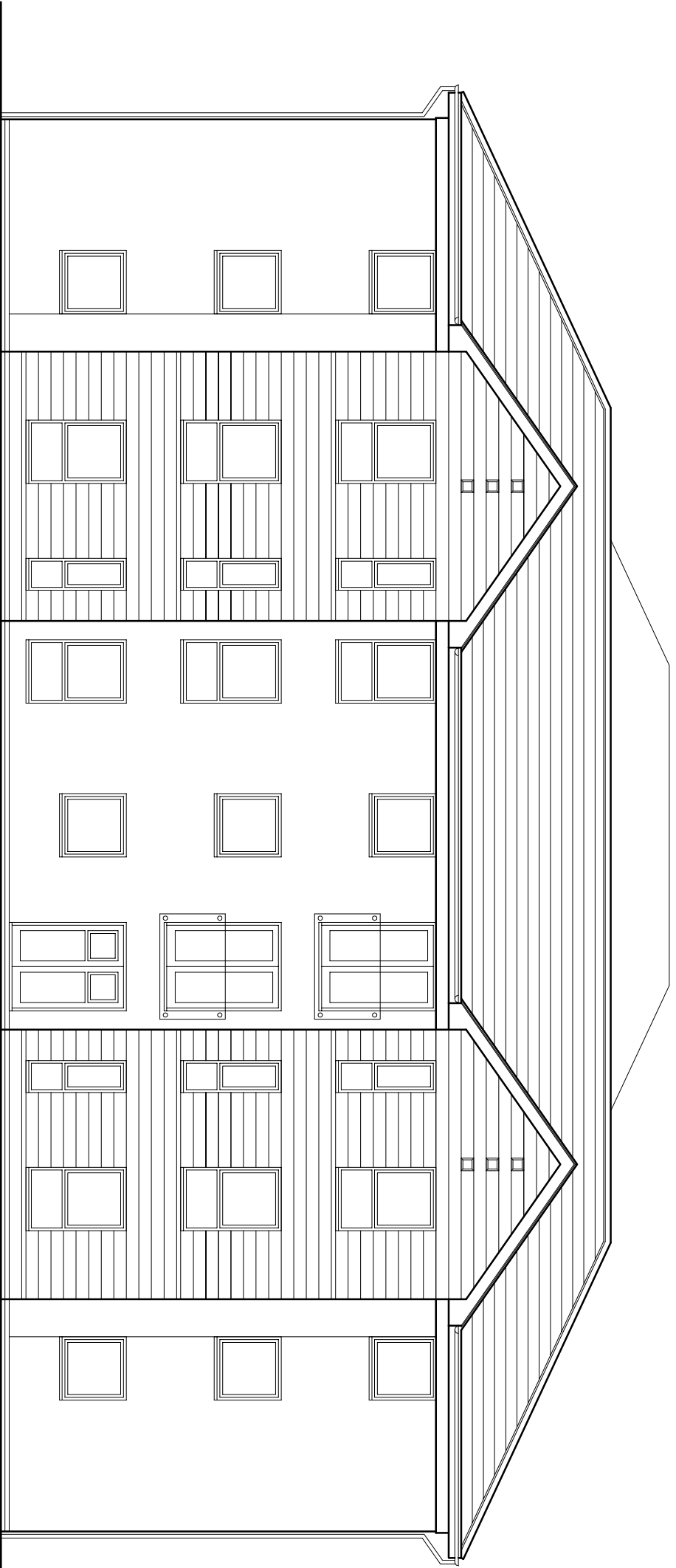
DATE 19.12.2013	SCALE 1:200 @ A1	DRAWN GJF	DRWG No. 13/105/P01	REV
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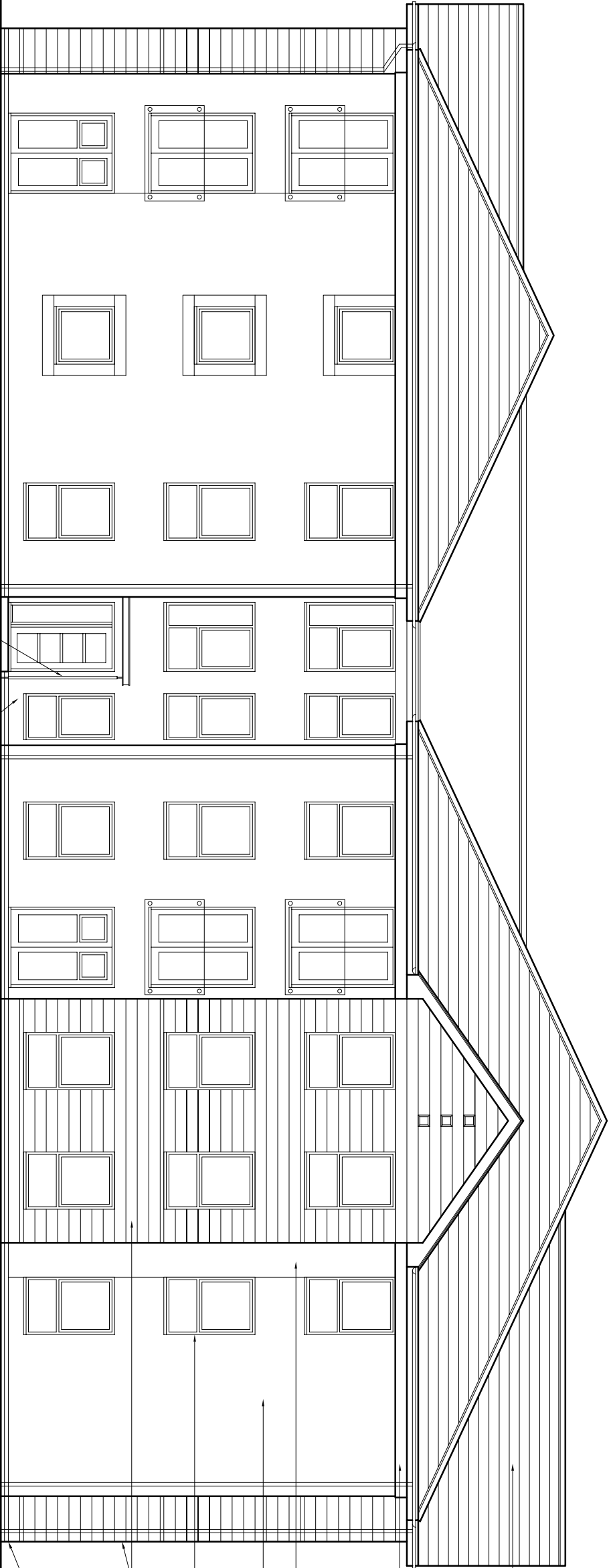


ELEVATION A (TO CHORLEY NEW ROAD)

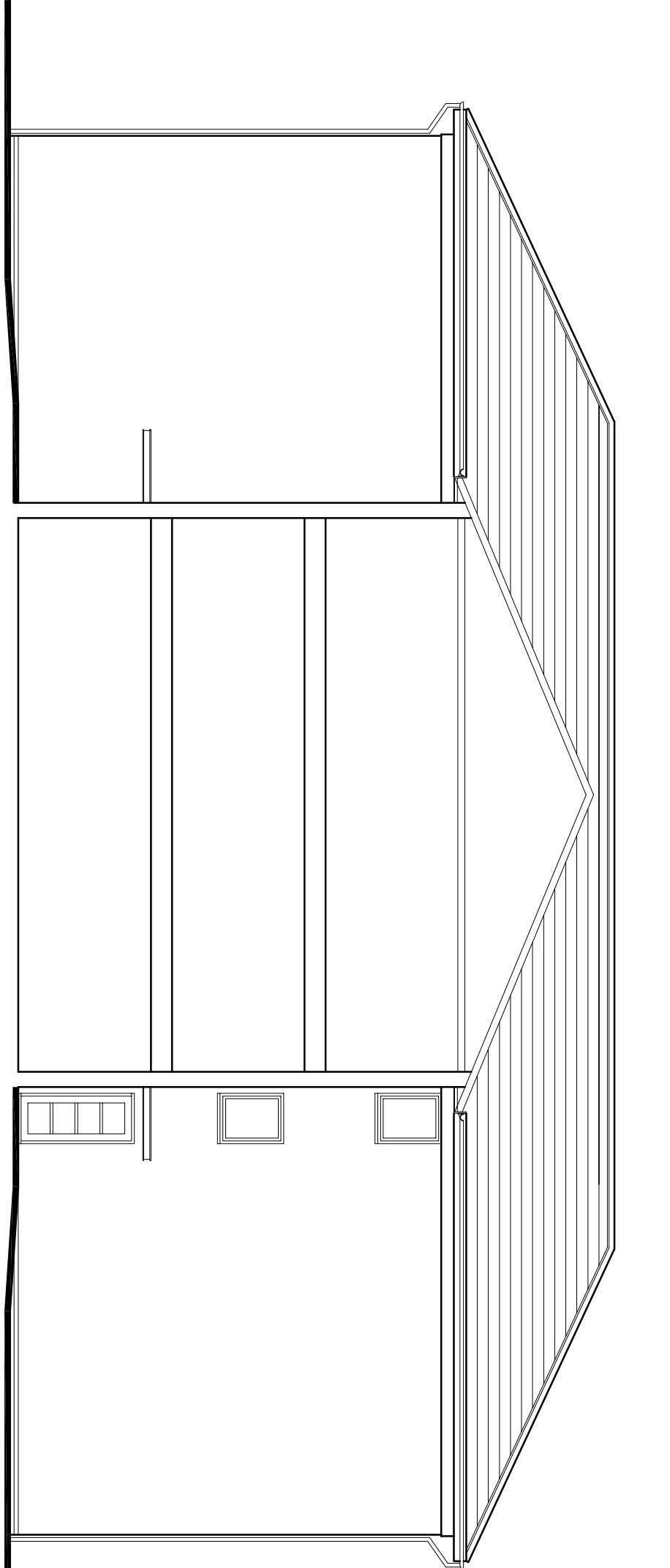
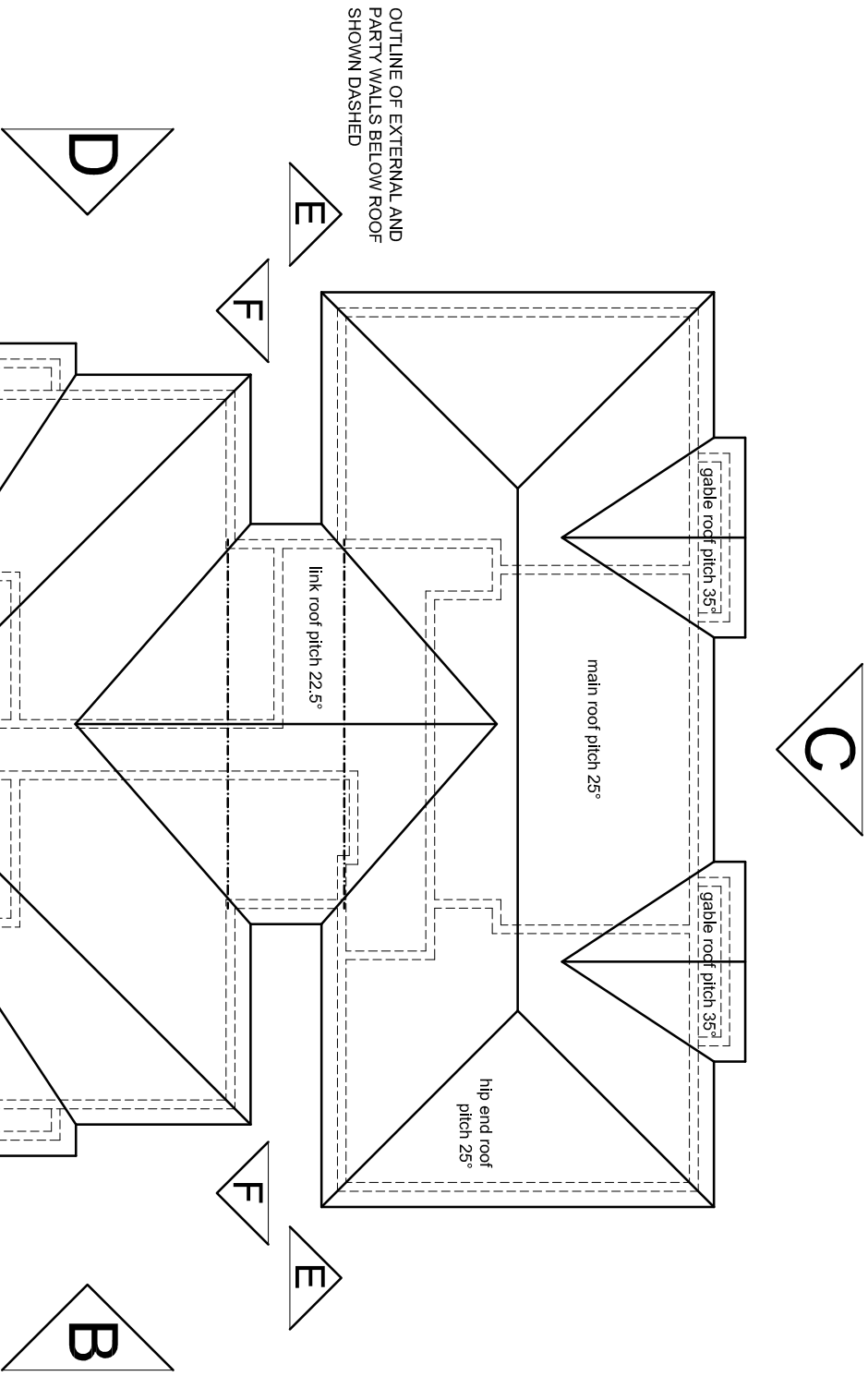
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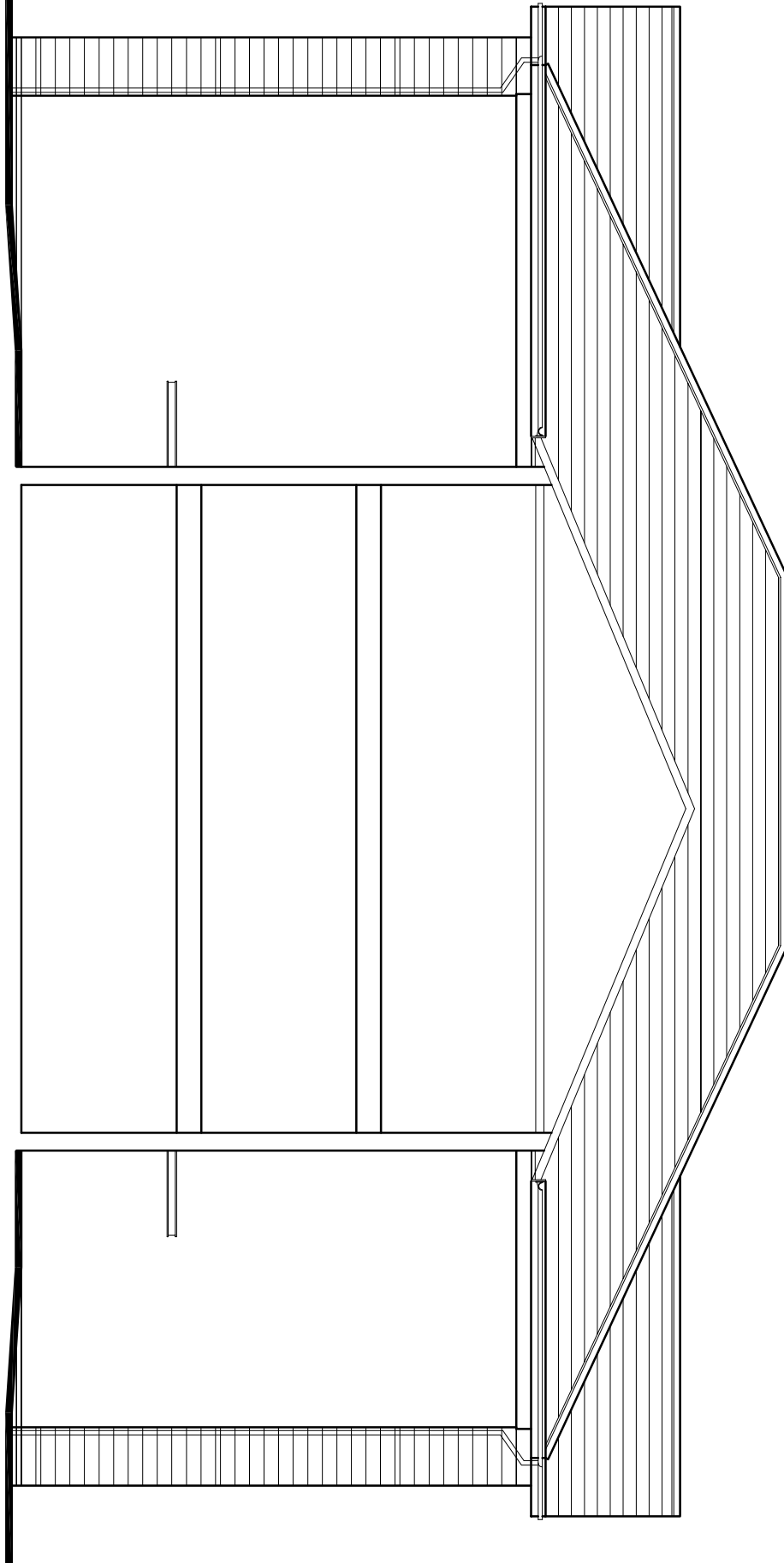
ELEVATION C



ELEVATION D



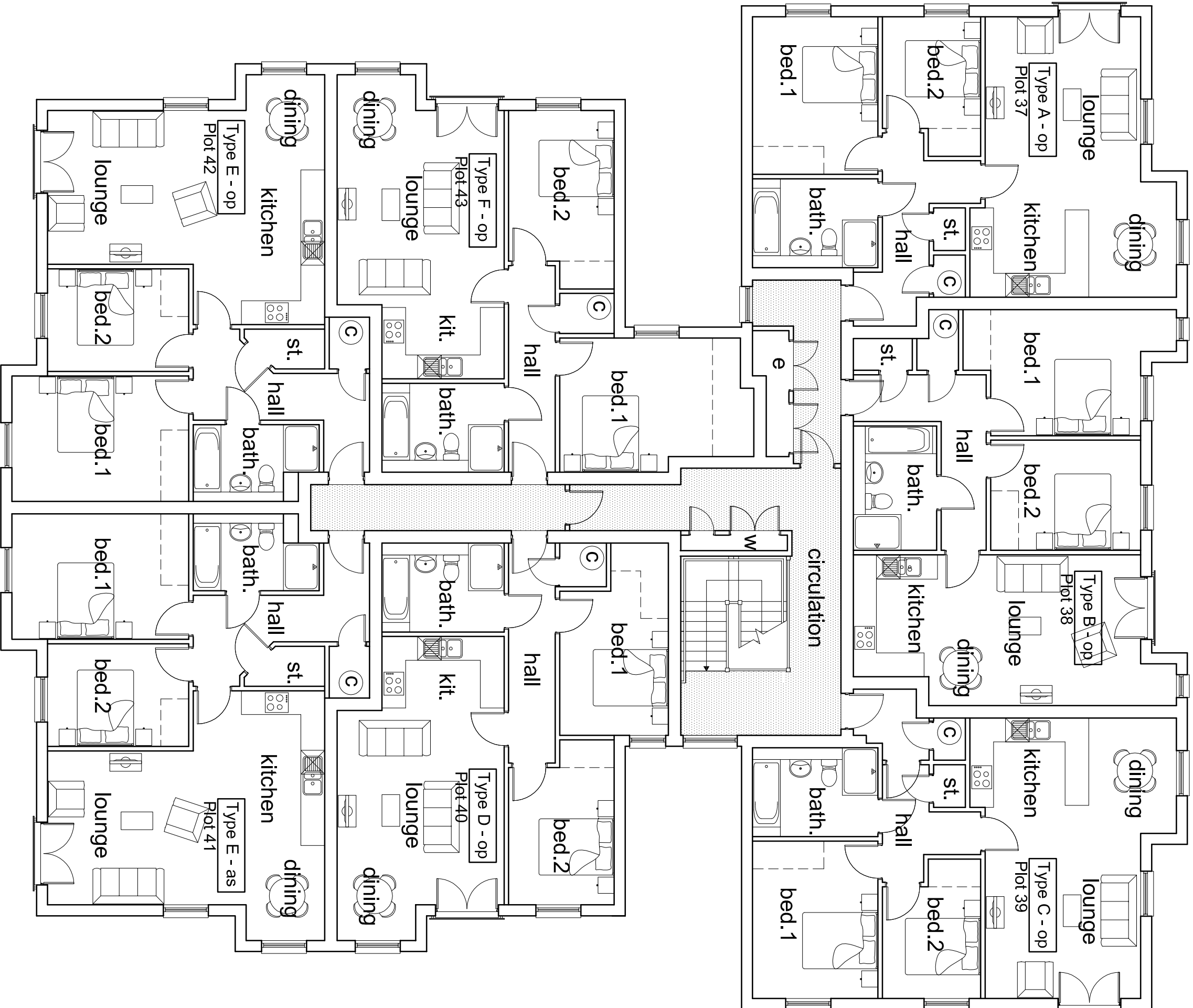
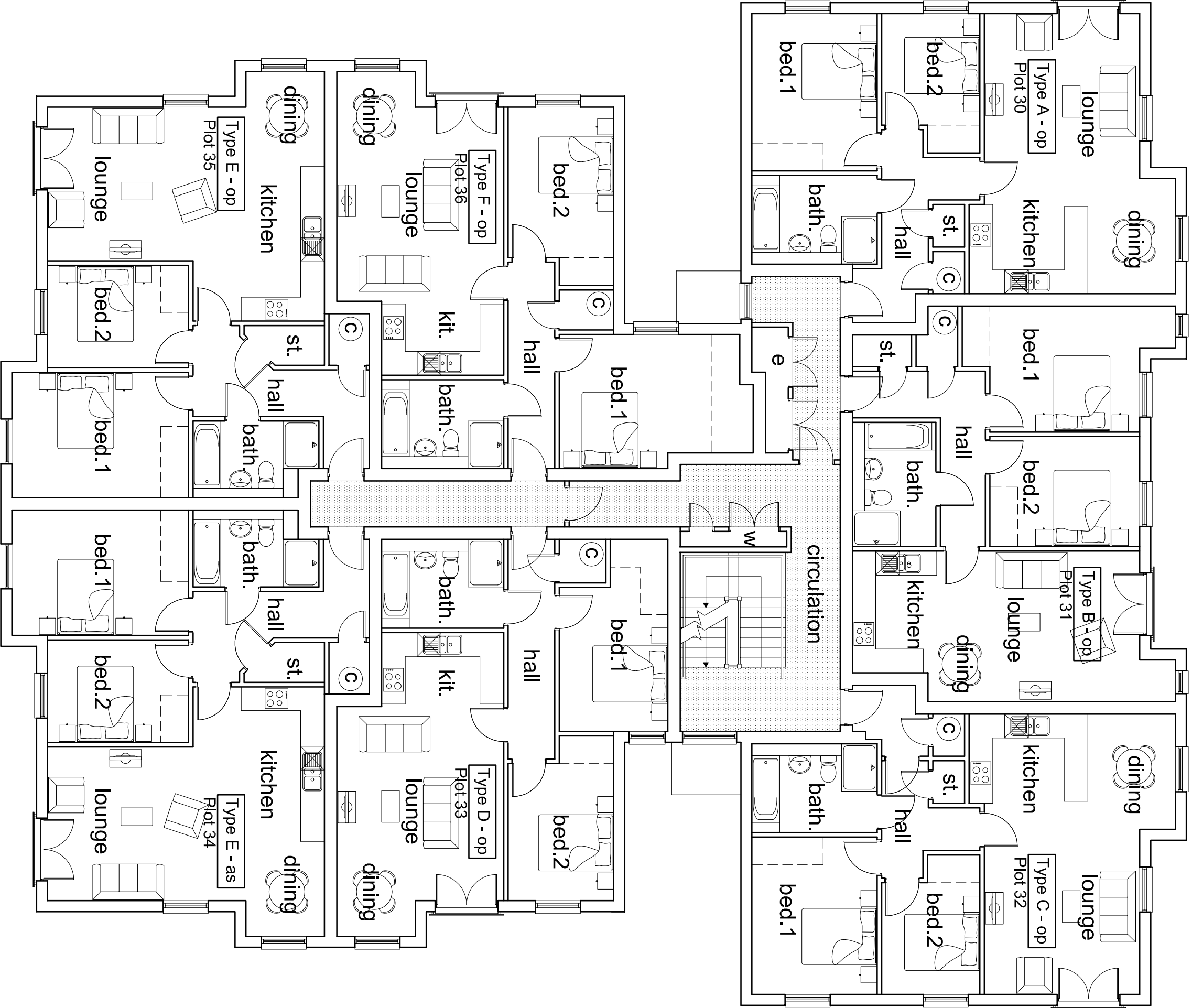
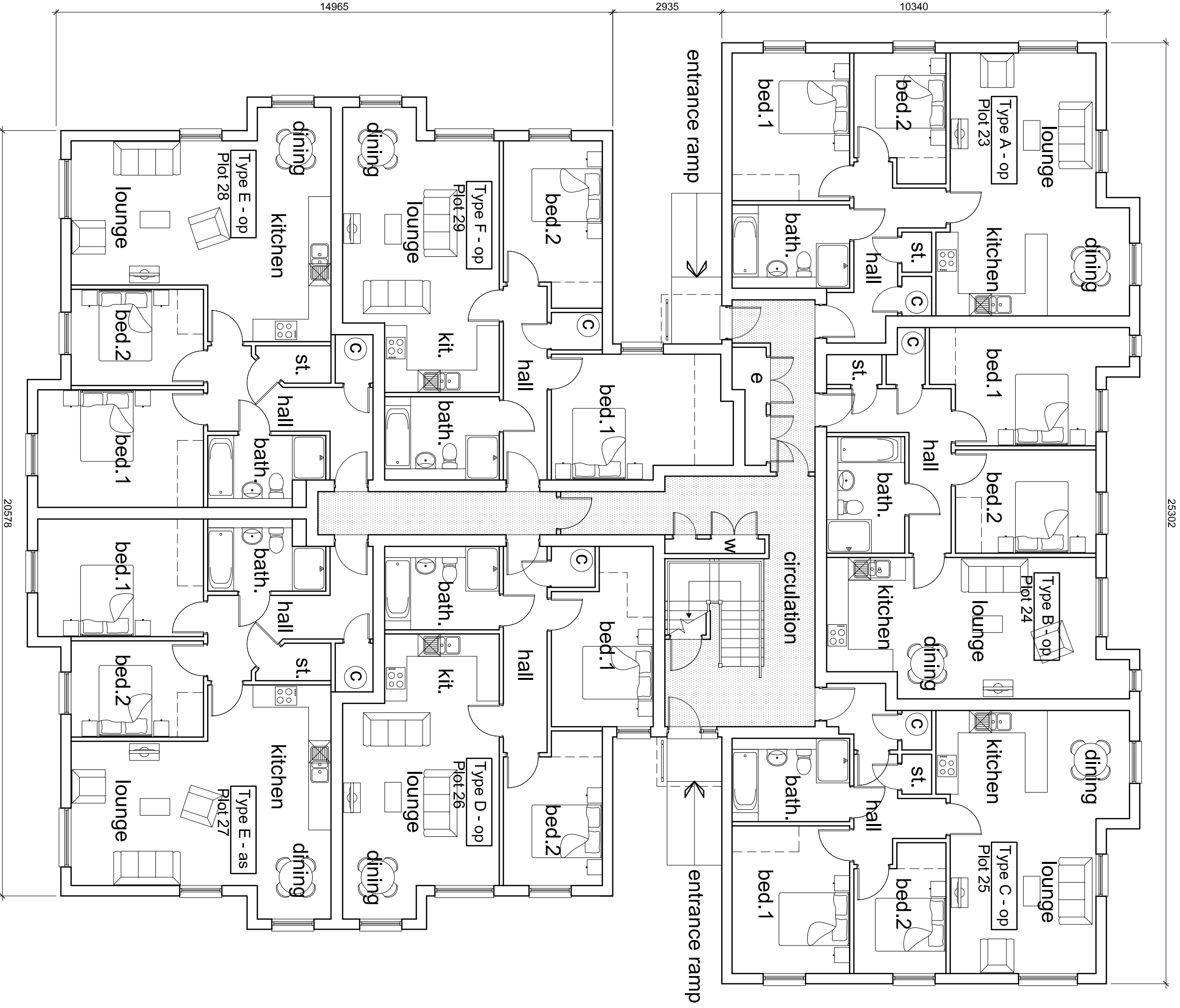
ELEVATION E



ELEVATION F

ROOF PLAN - 1:200

CLIENT Redrow Homes Ltd.				
PROJECT Proposed Apartments at Swallowfield Court, Chorley New Road, Horwich, BL6 6GA.				
DRAWING TITLE Proposed Elevations and Roof Plan - Block A.				
DATE 19.12.2013	SCALE 1:100 @ A1	DRAWN ASL	DWG No. 13/105/P03	REV



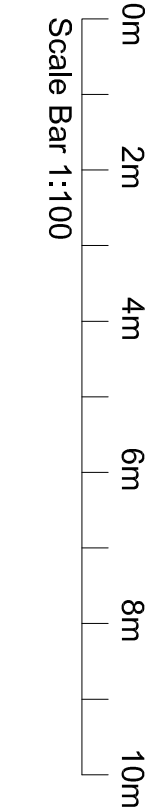
GROUND FLOOR PLAN

FIRST FLOOR PLAN

SECOND FLOOR PLAN

Schedule of accommodation.

Type	Floor Area	Units/floor	Units/Block
Type A	71.08sq.m. 765sq.ft.	1	3
Type B	71.45sq.m. 769sq.ft.	1	3
Type C	70.98sq.m. 764sq.ft.	1	3
Type D	67.35sq.m. 725sq.ft.	1	3
Type E	77.42sq.m. 833sq.ft.	2	6
Type F	71.35sq.m. 768sq.ft.	1	3
Totals		7	21



CLIENT Redrow Homes Ltd.			
PROJECT Proposed Apartments at Swallowfield Court, Chorley New Road, Horwich, BL6 6GA			
DRAWING TITLE Proposed Floor Plans - Block B. Plots 23 - 43.			
DATE 19.12.2013	SCALE 1:100 @ A1	DRAWN ASL	DWG NO. 13/105/P04
REV			

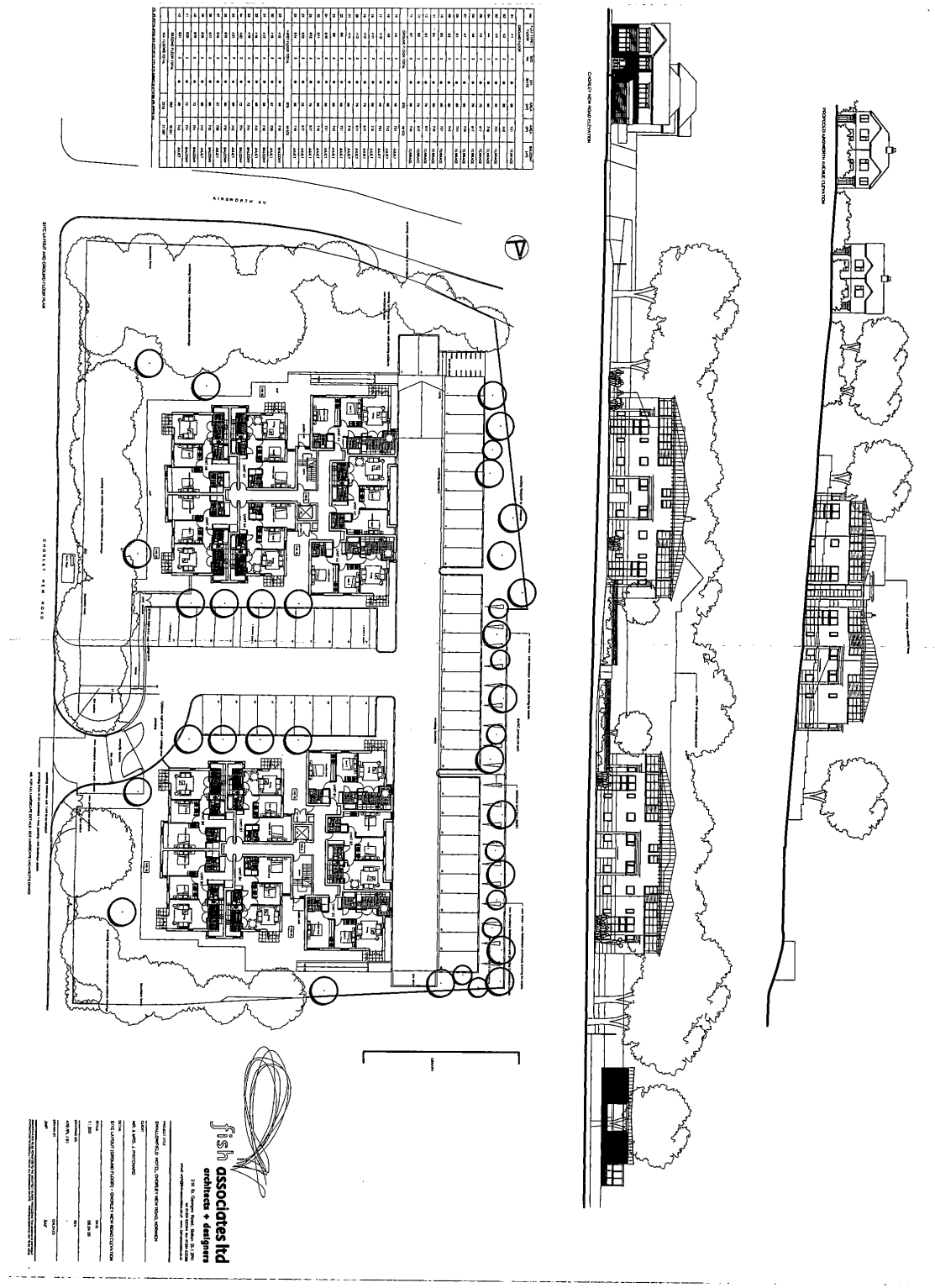


213 PRESTON ROAD
WHITTLE E.P. W0005
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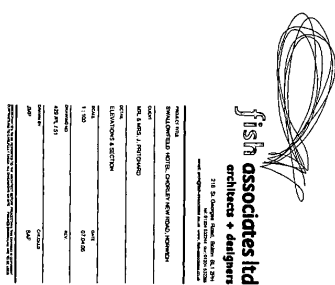
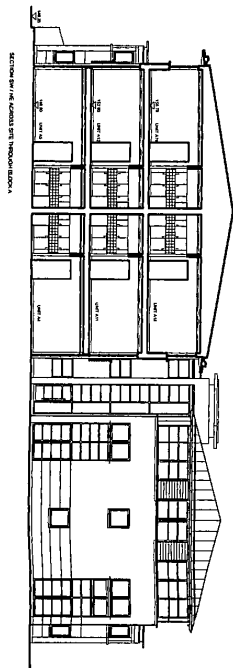
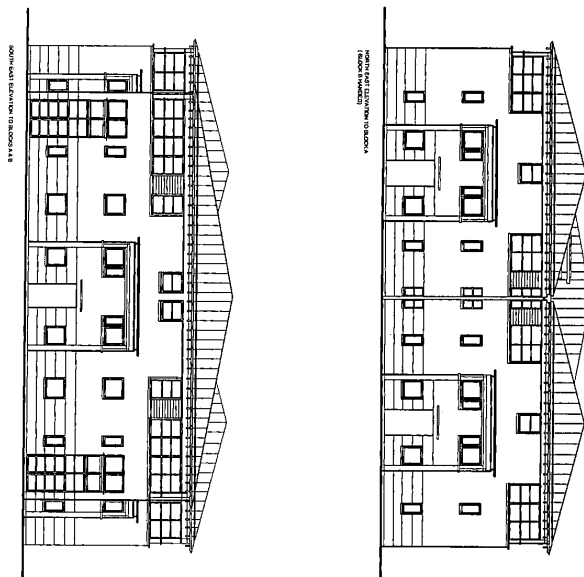
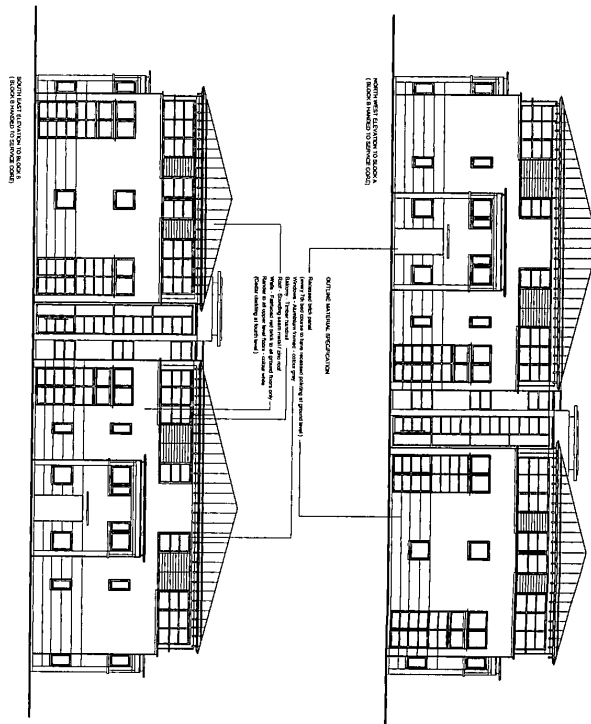


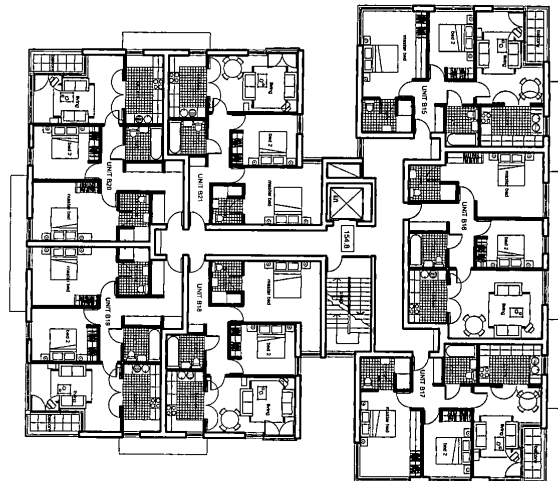
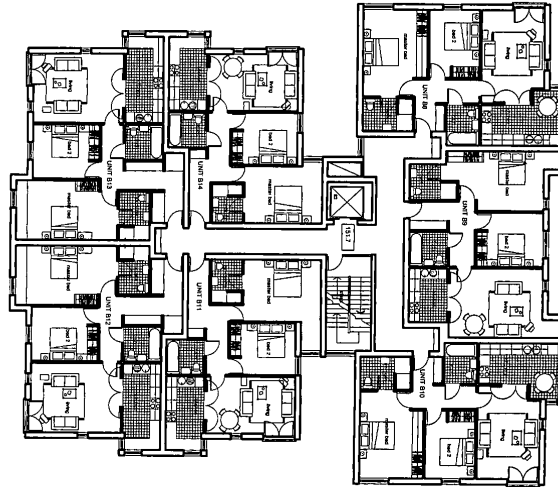
Approved plans (73431/06)



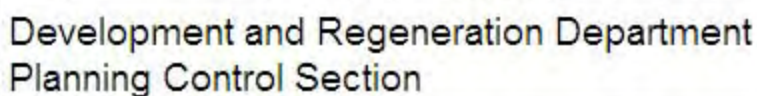
fish associates ltd
 architects & designers

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91358/14



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Bolton Council

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Date of Meeting: 05/06/2014

Application Reference: 91358/14

Type of Application: Outline Planning Permission
Registration Date: 23/01/2014
Decision Due By: 23/04/2014
Responsible Officer: Helen Williams

**Location: BOLTON COMMUNITY COLLEGE HORWICH CAMPUS,
VICTORIA ROAD, HORWICH, BOLTON, BL6 6ED**

**Proposal: OUTLINE APPLICATION FOR THE ERECTION OF 140
DWELLINGS (ALL MATTERS RESERVED).**

Ward: Horwich North East

Applicant: Bowsall (Horwich) Ltd
Agent : NJL Consulting

Officers Report

Recommendation: Refer to Secretary of State

Background

This application was deferred at the last Committee meeting for additional information and to allow the applicant and St. Mary's R.C. Primary School to have further negotiations about part of the application site being transferred to the school for its potential future expansion.

Transfer of land to St. Mary's R.C. Primary School

A meeting was held on 14th May between the applicant, the Council's Asset Management and Pupil Place Planning Manager and the planning case officer (Salford Diocese, on behalf of the school, have been kept informed of the negotiations). In this meeting the applicant agreed, in principle, to the transfer of some of the application site to the school to allow for their potential future expansion, which would be in lieu of the required Section 106 contribution towards primary education provision.

The amount of land to be transferred to the school has however not been formally agreed. The Council's Surveyors have calculated that 2,726 sq. metres of the application site would equate to £362,000, the contribution to primary education provision the applicant is required to pay within the Section 106 Agreement. The applicant does however believe that the application site has a higher land value than that given by the Surveyors and therefore believes the £362,000 would equate to a smaller piece of land.

As a compromise the applicant has offered 1,788 sq. metres of land within the application site (to the front of the site and adjacent the school) and will pay a financial contribution of £124,562 (the Council's Surveyor's estimated shortfall if 2,726 sq. metres of land equates to £362,000) towards primary education provision, along with the £400,000 required for secondary education provision.

The Council's Asset Management and Pupil Place Planning Manager however has stated that the smaller site (as offered by the applicant) would not be sufficient to enable the school to be appropriately enlarged, whereas the 2,726 sq. metre site would be. The applicant has responded to this by affirming that any transfer of land greater than that they are offering would significantly reduce the developable area of the application site, as well as posing technical difficulties. Due to the ground level differences on the site, the site needs to be re-graded and the proposal has been designed around this and to ensure that it can be delivered cost effectively. There is approximately a 5 metre change in levels along the length of the boundary between the school and the application site where the additional transfer of land would be and to facilitate its use by the school the level would need to be reduced significantly (this is not required for the indicative layout of the proposed development). The re-leveling of the site would require a significant retaining structure, which would also need to retain the proposed highway within the site; this would be expensive. The applicant therefore believes that it would not be technically feasible to transfer the additional area of land as requested. The area offered by the applicant would not be subject to these constraints.

The applicant has stated that if the Council is unwilling to accept the area of land they have offered for transfer along with contributions of £124,562 towards primary and £400,000 towards secondary education provision they are willing instead to contribute the originally requested contributions of £362,000 towards primary provision and £400,000 towards secondary provision.

An up-to-date position on these negotiations will be reported directly to Members at the meeting.

Third party comment that the flood risk assessment does not deal with potential impacts on St. Mary's School site

The submitted flood risk assessment (FRA) confirms that through the use of SuDS methods it will be possible to ensure that the rate of run-off from the site once it is developed is lower than, or at least does not exceed, the current position. Although the precise details of the drainage design will not be determined until the reserved matters stage the FRA contains a concept drainage design which would be capable of restricting the rate of discharge from the site to 155 litres per second compared to the current rate of 175 litres per second. The FRA commits the applicant to delivering this reduction in discharge rate at the reserved matters stage regardless of the form of the layout. This will ensure that the risk of flooding is not increased elsewhere. There is therefore no reason to suspect that the proposed residential development of the site would place the school at an increased risk of flooding.

Third party comment that the transport assessment does not take proper account of the school using part of the application site for parking (drop off and collection of pupils)

The school currently benefits from an informal arrangement with the college to use its lower car park; this would cease as a consequence of the proposed development. The applicant has stated that there is no guarantee that the informal arrangement would persist even if the proposed re-development of the site did not go ahead (the college is soon to close). The applicant has further commented that they are committed to paying the required commuted sum for highways improvements in the area, which are intended to cover the costs of a traffic management scheme on Victoria Road, which they believe will take into account the drop-off/collection arrangements for the school (but if this is not the case there is the opportunity to revise the traffic management scheme to ensure it is satisfactory). This would result in a permanent solution for the school rather than the

current temporary arrangement.

Update on Allocations Plan and use of school field

The Allocations Plan examination hearings have now finished and the sites in Horwich (including this application site) were discussed on 2nd May. The Planning Inspector's initial response to the Allocations Plan examination is that modifications will be needed to the Plan to find it sound, however at this stage no further details are available. If further details are available before the Committee meeting, these will be reported directly to Members.

Sport England have provided further comment, reminding that the Playing Pitch Strategy has not yet been adopted and fully considered. They also comment that there is a shortfall of youth football pitches and mini football pitches in the Two Towns area. These additional comments do not alter officers' opinion that the loss of the field would be to the detriment of pitch provision in the area, particularly given that the site is allocated for housing within the submitted Allocations Plan. Members are therefore still recommended to refer the decision to the Secretary of State.

Original Report to Committee

Proposal

Outline permission is sought for the erection of 140 dwellings on Bolton Community College's Horwich campus site.

All matters are reserved within this outline application, meaning that matters of appearance, layout, scale, access and landscaping will need to be applied for during the Reserved Matters stage of the proposal. This outline application is therefore only applying for the principle of erecting 140 dwellings on the application site.

Indicative plans however have been submitted with the application to illustrate how the application site could accommodate 140 dwellings (a variety of house types, including apartments). Though access is not formally applied for, the outline submission proposes two vehicular accesses to the development from Victoria Road.

A number of documents have been submitted with the planning application to support the proposal, including a Transport Statement, a Phase 1 Geo-Environmental Site Assessment, an Extended Phase 1 Habitat and Arboricultural Survey, a Bat Survey, a Flood Risk Assessment and a Sustainability Statement.

Site Characteristics

The application site measures 3.92 hectares and is occupied by the buildings and land associated with the Horwich campus for Bolton College. The applicant has stated that the use of the college has declined and that the site will be vacated during summer this year.

The site contains two large college buildings to the north of the site, a car parking area to the front and south east of the site, and fields to the east and south of the site. There are two vehicular accesses into the site off Victoria Road, opposite 276 Victoria Road and 302 Victoria Road. A path exists from Craven Street East into the southernmost corner of the site, but this is not a public right of way.

The application site slopes steeply down towards Victoria Road; the college buildings are elevated from Victoria Road and the land continues to rise steeply to the north and east. The west of the site contains a number of plateaus that have been cut into the hillside. Nellie's Clough is culverted under the site to the south of the site.

Victoria Road links Chorley New Road in the south with Church Street in the north. Chorley New Road (A673) and Church Street (B6226) are the two main thoroughfares through Horwich.

Immediately to the south of the application site is St. Mary's R.C. Primary School and immediately to the north is Horwich Golf Club. The remainder of the site is neighboured by residential properties, with terraced rows immediately across Victoria Road to the west and to the south on Dale Street West, flats and town houses to the east at Craven Court and on Gloucester Avenue, and semi-detached and detached dwellings to the north on Victoria Road.

St. Mary's Primary School is at a lower ground level than the application site whilst the houses on Gloucester Avenue and Craven Court are at a higher ground level and overlook the site.

The site is unallocated within the Council's Proposal Map (adopted 2005) but is allocated within the Council's Allocation Plan as a housing site (not yet adopted). The Allocations Plan was submitted to the Planning Inspectorate for examination in November 2013 and the hearings for the plan begin on 28th April, with the housing allocations for Horwich due to be considered on 2nd May.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: H1.2 Health Contributions; A1 Achieving Bolton; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod; IPC1 Infrastructure and Planning Contributions.

Saved UDP Policies: O7 Public Rights of Way; A18 The Road Network.

SPD Accessibility, Transport and Road Safety
SPD Affordable Housing

PCPN1 Health, Well Being and Quality of Life; PCPN2 Space Around Dwellings; PCPN8 The Provision for Children's Play within New Residential Developments; PCPN10 Planning out Crime; PCPN17 Nature Conservation; PCPN22 Provision of Public Art.

Analysis

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.

The main impacts of the proposal are:-

- * impact on urban regeneration
- * impact on the highway
- * impact of the loss of the former playing field
- * impact on biodiversity
- * impact on the character and appearance of the area
- * impact on the amenity of neighbouring residents
- * impact on flooding
- * impact on public rights of way
- * impact on local infrastructure

Impact on Urban Regeneration

The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed (brownfield land) and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy SC1 of the Core Strategy states that the Council will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026 and ensure that at least 80% of housing development will be on previously developed land. Policy OA1.4 states that the Council will concentrate sites for new housing in Horwich town centre, at Horwich Loco Works and on other sites within the existing urban area.

The application site is a previously developed site within an urban area of Bolton. The site is unallocated within the Council's Proposal Map (adopted 2005) but is allocated within the Council's Allocation Plan as a housing site. The Allocations Plan was submitted to the Planning Inspectorate for examination in November 2013 and the hearings for the plan begin on 28th April, with the housing allocations for Horwich due to be considered on 2nd May. Although the Allocations Plan is not yet formally adopted it is considered that the proposed allocation of the application site should be given some weight as a material consideration in the determination of this application.

It is also considered that the application site is in a highly sustainable location, being close to Horwich town centre, local shops, schools, facilities, places of work and local transport links. Chorley New Road is well served by buses and Horwich Parkway train station is approximately 1.5 kilometres away.

Policy SC1.5 of the Core Strategy states that the Council will ensure that new housing has a density of at least 30 dwellings per hectare, and achieve higher densities where possible taking into account local character. The proposed development (140 dwellings within 3.92 hectares) will have a density of 35.7 dwellings per hectare.

It is considered that the proposed development would contribute towards additional housing provision in the borough, on a highly sustainable previously developed site within the urban area. It is therefore considered that the proposal would comply with Policies SC1 and OA1.4 of the Core Strategy.

Impact on the Highway

Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to

reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that costs effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 states that the Council will promote road safety in the design of new development. Saved UDP Policy A18 states that the Council will safeguard the Strategic Route Network along which major traffic flows will be directed.

SPD Accessibility, Transport and Road Safety provides advice on the preparation of Transport Assessments and Statements.

A Transport Assessment (TA) (prepared by the consultants Croft Transport Solutions) has been submitted in support of the outline application and has been assessed by Transport for Greater Manchester (TfGM). The TA also takes into account the proposed development at Horwich Loco Works (Rivington Chase) (1,700 dwellings together with B1, B2 and B8 uses).

Local highway network traffic surveys were undertaken by the applicant's transport consultants at the junctions of Church Street/Victoria Round (roundabout), Chorley Old Road/Stocks Park Road (priority junction), Chorley New Road/Victoria Road (priority junction), Chorley New Road/A6027 (Beehive roundabout), and the Bolton College access junctions, in order to assess the traffic impact of the proposed development. TfGM compared the recorded traffic flows against their data and the data submitted with the TA for the Horwich Loco Works outline planning application, and found that the flows presented in this application's TA were robust.

TfGM have also confirmed that the submitted TA itself is robust and that the calculations and processes appear to have been executed accurately.

The TA for the proposed development (which takes into account other proposed development in the area) indicates that:

- * The site access junctions are predicted to operate well within capacity;
- * The Chorley Old Road/Victoria Round roundabout and the Chorley Old Road/Stocks Park Drive junction are not predicted to experience any changes in traffic;
- * The Beehive roundabout is predicted to experience an increase in traffic of 1.6% and 1.1% during the weekday am and pm peaks respectively; and
- * The Chorley New Road/Victoria Road junction is predicted to experience an increase in traffic of 3.6% and 3.1% during the weekday am and pm peaks respectively.

TfGM consider that the impact on the Beehive roundabout would be relatively insignificant in real terms.

TfGM state that, while the change in traffic flows at the Chorley New Road/Victoria Road junction is small when considered as a proportion of all movements through the junction, the changes on key turns (such as the Victoria Road southbound right turn and the Chorley New Road westbound right turn) will be more significant. TfGM and the Council's Highways Engineers however conclude that the proposed development would not result in

a material impact on the local highway network.

The accident statistics (for the last 5 years) in the vicinity of the application site also show no discernible pattern.

In addition to the satisfactory TA, the applicant has agreed to contribute £25,000 towards a traffic management scheme for Victoria Road between Ramsbottom Road and Chorley New Road, in order to allay any remaining public concerns about the local highway network. This scheme was originally designed by the local highway authority in 2009 but was never implemented due to a lack of funding. The proposed contribution would be sufficient to cover the cost of the scheme and Highways Engineers request that this contribution be included within the Section 106 Agreement.

Highways Engineers have also commented that the two accesses into the proposed development shown on the submitted indicative plans (from Victoria Road) are satisfactory and would be suitable for adoption. Waiting restrictions would be required on Victoria Road along the frontage to the site to protect junction visibility and to encourage residents to use the rear parking courts.

It is considered that the proposed residential development of the application site (taking into consideration also the proposed development at Horwich Loco Works) would not materially impact on the local highway network and would not jeopardise highway safety. It is therefore considered that the proposed development would be compliant with Policies P5 and S1.2 of the Core Strategy and saved UDP Policy A18.

Impact of the Loss of the Former Playing Field

Policy CG1.3 of the Core Strategy states that the Council will safeguard and enhance parks, gardens, allotments, civic spaces, cemeteries and playing fields and improve the quality and multi-functional benefits of these assets.

There is a 'school' field to the east of the site, on the plateaued area to the south east of the college buildings. This field has formerly been used as a football pitch, but it is not allocated as protected recreational space within the Council's Proposal Map, nor is it allocated as such within the forthcoming Allocations Plan (it is instead allocated as housing land, subject to being adopted following the Planning Inspectorate's hearing in May).

Sport England have been consulted on the planning application. Sport England are only a statutory consultee for developments which affect land in current use as a playing field, land used as a playing field at any time in the last five years (and which remains undeveloped), or land which is allocated for use as a playing field in the Council's development plan. As stated above, the field is not allocated as a playing field in the Council's development plan. The field is also not currently used as a playing field. There however is disagreement as to whether or not the field has been used as a playing field within the last five years.

The applicant (the college) has stated to the Council that the field has not been used as a playing field/football pitch within the last five years. Third parties (objectors to the proposal) have however stated that Horwich RMI JFC have used the pitch within the last two years and have submitted a lease agreement as evidence to support this assertion. Sport England have commented that the pitch is now disused and overgrown but it is unclear to them when it was last used, therefore as a precautionary approach they have objected to the proposal as there is no reference to any proposed replacement provision

within the application and as the findings of Bolton's latest Playing Pitch Strategy are not yet known (that is, whether or not the site is surplus to need).

There is no specific reference to any replacement football pitch provision within the application, however as part of the required Section 106 Agreement the applicant would have to contribute £138,460 towards public open space provision. Some of this sum could be used towards improved footballing facilities at other sites in Horwich.

The Council is currently preparing its Playing Pitch Strategy Assessment Report, which updates the 2007 Outdoor Sports Facilities Assessment Report. Although this report is not finalised it has been before a special Policy Development Group meeting on 14th April, meaning that it can now be used as evidence. The field/pitch at the application site is not included within the assessment as it is considered to be currently disused.

The Playing Pitch Assessment identifies 12 existing football pitches available for community use within the Two Towns area (Horwich and Blackrod), six for adults, five for youths and one mini pitch. There are 17 further pitches with the Two Towns area that are currently unavailable for community use. 10 senior men's adult teams, 14 boys youth teams and 26 mini soccer teams have been identified in the area. The assessment states that there is no unmet demand expressed by the clubs or the leagues (Horwich RMI AFC were the only team, when asked by the Council, to say that they could develop more teams in the future if more pitches were made available).

Of the 12 pitches available for community use nine have been identified as falling below carrying capacity and therefore are potentially able to accommodate additional play. From this it is considered that Horwich currently has sufficient provision of football pitches for both its adult and youth teams and the loss of the field/pitch at the application site would not be to the detriment of provision in the area.

However, as information has been submitted to suggest that the playing field has been used within the last five years then the application would need to be referred to the Secretary of State if Members are minded to approve the scheme.

Additional information reported to Members at the meeting of 1st May via the Schedule of Supplementary Information:

Members are respectfully advised that the issue of whether or not the pitch has been used within the last five years is not a determining issue for this application: it only determines whether or not the application should be referred to the Secretary of State for a decision. Evidence has been submitted by third parties to support their claim that Horwich RMI JFC have used the pitch within the last five years, including a lease agreement between the football team and Bolton College and photographs of the area being mown. The Council's Planning Solicitor has however advised that the agreement can only be considered as evidence of the team's intention to use the pitch, not as evidence that it has been used. Furthermore the submitted photographs are not dated and do not show the pitch being played on. However, to err on the side of caution, officers recommend that Members refer the decision to the Secretary of State.

Paragraph 74 of the NPPF is the relevant policy should the pitch be regarded as a playing field (used within the last five years). The paragraph states that playing fields should not be built on unless:

- an assessment has been undertaken which has clearly shown the land to be surplus to requirements; or*

- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs of which clearly outweigh the loss.*

It has been concluded in the officer's report that Horwich currently has sufficient provision of football pitches for both its adult and youth teams (as evidenced within the Council's Playing Pitch Strategy Assessment Report) and that the loss of the field/pitch at the application site would not be to the detriment of provision in the area. The pitch is surplus to requirement and therefore the proposal meets the first criterion with paragraph 74 of the NPPF.

Impact on Biodiversity

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, and improving the quality and interconnectivity of wildlife corridors and habitats.

An Extended Phase I Habitat and Arboricultural Survey of the application site has been carried out and submitted to accompany the planning application. Greater Manchester Ecology Unit (GMEU) have confirmed that this is a thorough ecological assessment.

Trees

A number of trees will be lost as a result of the proposed residential redevelopment of the site. The majority of the trees on site are however only of low landscape and ecological value and it is GMEU's opinion that they could be mitigated for by replanting on site.

Invasive species

Large areas of Japanese knotweed and Himalayan balsam have been identified within the application site along with small strands of other invasive species. GMEU have therefore recommended that a condition be attached to any approval for a method statement to be undertaken prior to any earthworks, to avoid, control and eradicate the invasive species.

Nesting birds

A number of trees and shrubs will be lost as a result of the proposed residential development of the site, which are potential bird nesting habitat. GMEU therefore recommend a condition that no vegetation is removed between 31st March and 31st August unless a suitably experienced ecologist has verified the absence of occupied bird nests. The applicant also proposes the inclusion of bat boxes within the proposed development.

Bats

The buildings on site have low bat roosting potential and the trees have negligible potential. GMEU have advised that the site is of low importance to bats but recommend that the buildings are re-assessed for bats immediately before demolition.

Great crested newts

The application site has been assessed as being low risk. GMEU confirm that there are no records of great crested newts from this part of Bolton and that there is only one water body nearby, which will not be directly impacted upon by the development. GMEU recommend that a pre-cautionary amphibian survey be undertaken at the small lodge to the north of the application site prior to any earthworks.

Reptiles

The majority of the application site is low risk, with the highest potential habitat along the line of Nellie's Clough being retained. GMEU recommend a pre-cautionary reptile survey be undertaken prior to any earthworks.

Impact on Red Moss Site of Special Scientific Importance (SSSI)

There is potential hydrological connectivity between the application site and Red Moss SSSI via the brook culverted under the site from Nellie's Clough and the smaller tributary brook leading from the small lodge on the golf course. GMEU have confirmed that it will be possible to avoid any cumulative harmful impacts from the development and the Horwich Loco Works development on the SSSI.

For these reasons it is considered that the proposed development of the site, subject to the recommended conditions, would safeguard local biodiversity, compliant with Policy CG1.2 of the Core Strategy.

Impact on the Character and Appearance of the Area

Policy CG3 states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA1 states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that development in Horwich and Blackrod respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

The submitted application is an outline application with all matters reserved. The appearance, layout and scale of the proposed dwellings are therefore not applied for as part of this application (they would need to be applied for within a reserved matters application should this outline permission be approved).

An indicative site layout has however been submitted with the application, to illustrate how 140 dwellings could be accommodated within the site.

The topography of the site will limit some of the area of the site where buildings can be proposed; this will allow for a more low density scheme with family homes being able to benefit from spacious gardens. The indicative plan also shows that an active street frontage could be achieved (houses facing directly onto Victoria Road), which would reflect the existing urban grain of the area and is considered to be of good urban design. The spacious layout of the scheme would also allow for sufficient new tree planting, which would help soften the appearance of the development and replace those lost by the development.

It is considered that the proposed development of the application site for 140 dwellings would be compatible with the character and appearance of the area, subject to further details being submitted at the reserved matters application stage, compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

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.

PCPN2 Space Around Dwellings requires a minimum interface distance of 21 metres between two storey dwellings. An interface distance of 21 metres can be achieved between the front of the existing houses on Victoria Road and the proposed dwellings on the Victoria Road frontage of the development.

Sufficient interface distances can also be achieved between the proposed development and the neighbouring houses at Craven Court and Gloucester Avenue.

It is therefore considered that the proposed development would not unduly harm the amenity of neighbouring residents (subject to further details being submitted at the reserved matters stage), compliant with Policy CG4 of the Core Strategy.

Impact on Flooding

Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk. Policy CG2.2c states that proposals should demonstrate the sustainable management of surface water run-off from development. On brownfield sites the rate of run-off should be 50% less than conditions before development.

The culverted watercourse of Nellie's Clough (classified as a main river) crosses the application site to the south and east and there is another culverted watercourse (an ordinary watercourse) at the north west of the site. There are adopted sewers within the site (for the college).

A flood risk assessment has been submitted to accompany the planning application. The site is located within Flood Zone 1, meaning that there is a low risk of flooding from fluvial or tidal sources.

Redevelopment of the site will inevitably result in an increase in the impermeable area, resulting in a corresponding increase in surface water run-off. The Council's Drainage Officers have therefore recommended that a condition requiring a sustainable urban drainage system (SUDS) be attached to any approval.

Storm water discharges will be split into three outfalls (the adopted sewer within Victoria Road, the watercourse along the northern boundary, and into Nellie's Clough). The redevelopment of the site is not expected to displace any flood waters and fluvial flooding of the site is not anticipated.

It is therefore considered that the proposed development would comply with Policies CG1.5 and CG2.2c of the Core Strategy.

Impact on Public Rights of Way

Saved UDP Policy O7 states that development proposals affecting public rights of way will be permitted provided that they retain their integrity.

Public footpath HOR183 runs outside the application site (through Craven Court to the south east) and therefore is not affected by the development.

There is pedestrian access into application site from Craven Street East (the south eastern corner of the site) however this is not a public right of way.

There may be an opportunity at reserved matters stage for a link between the development and the houses to the east, to increase the permeability of the development and the area.

It is not considered that the proposed development would affect the integrity of the adjacent public footpath, therefore the proposal complies with saved UDP Policy O7.

Impact on Local Infrastructure

Policy IPC1 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.

Core Strategy Policies H1.2 and A1.4 seek contributions from new developments to meet the health, educational and training needs they generate, and Policy SC1.3 states that the Council will ensure that on previously developed land 15% of total provision should be affordable.

SPD Affordable Housing and PCPNs 1, 8 and 22 provide policy guidance regarding contributions.

A Section 106 Agreement would need to accompany any outline planning permission for this proposed residential development.

The following contributions have been requested from the applicant:

- * Affordable housing - 21 houses on site to be affordable (15% of the number of dwellings proposed), 15 at 60% discount off open market value for affordable rent and 6 at 30% discount off open market value for intermediate sales;
- * Education - £362,000 towards primary school provision and £400,000 towards secondary school provision;
- * Public open space - £138,460 for off-site provision;
- * Health - £31,360 for off-site provision;
- * Highways - £25,000 towards a traffic management scheme for Victoria Road between Ramsbottom Road and Chorley New Road (as referred to above);
- * Public art - 1% of total development costs for off-site provision or as a planning condition for on-site provision.

At the time of writing this report the applicant had not confirmed acceptance of these contributions. This will instead be reported directly to Members at the meeting.

Also at the time of writing this report, the applicant was due to speak with the Council's Asset Management and Pupil Place Planning Unit regarding the proposed education contribution and whether or not it would be possible for the applicant to offer part of the site to the neighbouring St. Mary's R.C. Primary School to allow for their future expansion. Again the outcome of this will be reported directly to Members at the meeting.

Additional information reported to Members at the meeting of 1st May via the Schedule of Supplementary Information:

The applicant has confirmed acceptance of the requested Section 106 Agreement contributions, as listed within the officer's report. A Section 106 Agreement will therefore

be drawn up in accordance with these figures. The public art contribution is to be conditioned.

Discussions between the applicant and the Council's Asset Management and Pupil Place Planning Unit regarding the possibility of the applicant offering part of the site to the neighbouring St. Mary's Primary School for their future expansion have not been forthcoming.

Conclusion

For the reasons discussed above it is considered that the proposed development would contribute towards the provision of housing on previously developed land in the borough, would not jeopardise highway safety or materially impact on the local highway network, would not be detrimental to the provision of football pitches in the area, would not harm biodiversity, would be able to contribute to the character and appearance of the area without unduly harming residential amenity, would not increase flooding, and would not affect the adjacent public right of way. Members are recommended to delegate the decision to the Director to secure the Section 106 Agreement.

Representation and Consultation Annex

Representations

Letters:- 23 letters of objection have been received from residents of Horwich, St. Mary's R.C. Primary School, Diocese of Salford and New Chapel Residents Association. These letters raise the following concerns:

- * Horwich will lose another football pitch, the area has already lost too many. Pitches have been lost at Grundy Hill, Green Lane and British Aerospace;
- * Though the football pitch is not in use at the moment it could be used in the future if it is maintained;
- * Horwich Victoria FC currently have to play outside the town;
- * The pitch is only unused as residents have not been given the opportunity to play there;
- * Horwich RMI JFC have used the pitch in the last two years; Have been informed that Horwich RMI JFC used the pitch last season but were refused to do so this season as the land was being sold;
- * Horwich cannot offer decent football facilities for its residents. There will be 2000 more houses over the next 10 years but nothing is being done to improve sports facilities for residents;
- * The developer must invest some money into Horwich for sports or relocate the football pitch;
- * There will be an increase in commuter traffic on an already congested road network;
- * The increase in traffic will make it harder to travel to the east of Horwich;
- * There are already daily traffic queues at the junction of Victoria Road with Chorley New Road;
- * The local roads are not adequate for the proposed number of homes;
- * Extra traffic on Victoria Road will make it even more dangerous;
- * The safety of the children attending the neighbouring primary school (St. Mary's) will be jeopardised;
- * Loss of parking for parents dropping off and picking up their children from St. Mary's School. Parents can currently use the college's car park, this car park is not proposed to be replaced;
- * Parking on Victoria Road for residents will become more difficult, people already park there on match days;
- * The submitted transport assessment contains flaws and omissions. It underestimates the volumes of traffic. The traffic assessment should be recommissioned;
- * Water and dirt on the roads during construction. Noise from construction work and its impact on children being taught at the school;
- * Impact on Horwich's infrastructure from this development and the proposed Loco Works development. Many schools are already oversubscribed. Local schools should be extended first;
- * St Mary's School should be able to use the land for expanding the school. The development will restrict the school from expanding in the future;
- * The flood risk assessment does not consider the impacts on neighbours. Concerns about surface water;
- * The culvert which runs under the college from Nellie's Clough should be opened up;
- * The houses will have unrestricted views of St. Mary's School;
- * There has been aggressive house building in Horwich over the years with no regard to the existing residents;
- * The proposed development will cause Horwich to become over-developed;
- * This will add to the problem of over-bearing and out of character houses that are being built in Horwich and will compromise the historic character of the town;

- * The site has been allocated for housing in the Council's Housing Allocations Plan, but this has not been adopted yet; this designation should be challenged;
- * Nice views over the field will be ruined with new building (*officer's comment: loss of views are not material planning considerations*).

One letter of comment has also been received, which states that their son played football on the site during the 2012/2013 season and that residents have walked across the site for over 20 years.

Horwich Town Council:- sought to defer making a decision on the application at two of their meetings (20th February and 20th March 2014) for further information and discussion. Any comments from their meeting of 24th April will be reported directly to the meeting.

Reported to Members at the meeting of 1st May via the Schedule of Supplementary Information: Horwich Town Council heard the application again at their meeting of 24th April. They objected to the proposal but asked that Bolton Planning Committee bear in mind their following recommendations:

- * *That the proposed development should be reduced to 100 houses with the playing field taken out, and with an amount of the Section 106 funding being used to bring the field back into use.*
- *Two pedestrian refuges to be included in the highways proposals*
- *Introduction of a 20mph speed restriction from Ramsbottom Road to Abernethy Street.*
- *Two speed activated traffic signs on Victoria Road and Chorley New Road.*
- *Adequate parking for bicycles and 20mph restriction included within the development.*

Elected Members:- Cllrs. Silvester and McKeon have requested an advanced site visit.

Consultations

Advice was sought from the following consultees: Highways Engineers, Pollution Control Officers, Wildlife Liaison Officer, Greenspace Officers, Drainage Officers, Bolton Community Homes, Education Officers, Strategic Development Unit, Economic Strategy Officers, Transport for Greater Manchester, Sport England, Greater Manchester Ecology Unit, Environment Agency, Greater Manchester Police's Architectural Liaison Officers, United Utilities, Peak and Northern Footpaths Society, the Open Spaces Society and the Ramblers Association.

Planning History

Permission was granted in August 2005 for the installation of a replacement sign on the front elevation (71382/05).

Permission was granted in June 1995 for the formation of a new car park (46918/95).

Alterations to elevations by facing the walls with brick cladding and the erection of pitched roofs were approved in April 1995 (46581/95).

A new entrance with canopy and access ramp was approved in January 1993 (42301/92).

Permission was granted in July 1984 for the use of land for instruction of heavy structural engineering and the erection of a garage for ancillary storage (23415/84).

A single storey extension to the existing engineering workshop was approved in February 1979 (9868/78).

Recommendation: Refer to Secretary of State

Recommended Conditions and/or Reasons

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

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

Reason

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

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

Reason

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

3. Prior to the commencement of development, a scheme for the provision of public art shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme.

Reason

The Council, in accordance with Core Strategy Policy IPC1 expects public art from all development above one hectare in area.

4. Should the approved Phase 1 Report recommend that a Phase 2 Report is required, then prior to commencement of any site investigation works, design of the Phase 2 site investigation shall be submitted to, and approved in writing by, the Local Planning Authority. Site investigations shall be carried out in accordance with the approved design and a Phase 2 Report shall then be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The Phase 2 Report shall include the site investigation data, generic quantitative risk assessment, detailed quantitative risk assessment (if required) and recommendations regarding the need or otherwise for remediation.

Reason

To ensure the development is safe for use.

5. Prior to the commencement of development full details of the highway works at Victoria Road comprising measures to prohibit waiting along the frontage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety.

6. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter retained, managed and maintained in accordance with the approved details. Those details shall include:
- 1) A timetable for its implementation, and
 - 2) A management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the site provides satisfactory means of surface water drainage.

7. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to the Local Planning Authority as part of the reserved matters submissions prior to the commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of tackling climate change.

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

Reason

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

9. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans prior to the first occupation of the development and retained thereafter.

Reason

To ensure a satisfactory means of drainage.

10. Prior to any earthworks a method statement detailing avoidance, control and eradication measures for invasive species (Japanese knotweed, Himalayan balsam, *Cotoneaster* spp, Japanese rose and *Monbretia*) shall be submitted to and approved in writing by the local planning authority.

Reason

Large areas of Japanese knotweed and Himalayan balsam have been identified on site, along with small stands of other invasive species.

11. Immediately prior to demolition all buildings shall be re-assessed for bat roosting potential and emergence surveys carried out, the findings of which shall be submitted to and approved in writing by the local planning authority. Any new ecological impacts that may emerge from these surveys not addressed in the previous approved scheme should be mitigated for via a revised or new bat mitigation scheme, to be submitted to and approved in writing by the local planning authority.

Reason

Due to the delay between the submission of the outline planning application and the potential

commencement of development.

12. Prior to any earthworks on site an amphibian survey shall be undertaken of the small lodge to the north of the site, to inform the preparation and implementation of ecological measures required through condition 13. Survey methods shall follow national good practice guidelines.

Reason

Due to the delay between the submission of the outline planning application and the potential commencement of development.

13. Prior to any earthworks a pre-cautionary survey for reptiles (common lizard) shall be undertaken to inform the preparation and implementation of ecological measures required through condition 13. Survey methods shall follow national good practice guidelines.

Reason

Due to the delay between the submission of the outline planning application and the potential commencement of development.

14. Prior to the commencement of development an ecological mitigation plan shall be submitted to and approved in writing by the local planning authority. The content of the mitigation plan should include:
- Information on existing features to be retained and or enhanced;
 - * Information on habitat creation and replacement tree planting;
 - * Provision of bird nesting opportunities;
 - * Provision of bat roosting opportunities;
 - * Details of how ecological connectivity will be retained from north to south for commuting bats;
 - * Details of habitat enhancement for other ecological constraint identified through conditioned surveys;
 - * Details of maintenance and monitoring of all proposed mitigation measures.
- The approved plan shall be implemented in accordance with the approved details.

Reason

To control the ecological enhancement of the site.

15. Prior to the development hereby approved/permitted being first occupied or brought into use the two means of vehicular access to the site from Victoria Road shall be constructed to a minimum width of 5.5 metres with 10 metres radii and 2no. 2 metres wide footways.

Reason

In the interests of highway safety

16. Prior to the development hereby approved/permitted being first occupied or brought into use any existing vehicular accesses onto Victoria Road (that are not proposed as part of the development) shall be closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards.

Reason

In the interests of highway safety.

17. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 59 metres shall be provided at the junction of the accesses with Victoria Road, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

To ensure traffic leaving the site has adequate visibility onto the highway.

18. No vegetation shall be removed between the 31st March and 31st August in any one year unless a suitably experienced ecologist has verified the absence of occupied bird nests in writing, to be submitted to and approved in writing by the local planning authority.

Reason

The trees and shrubs on the site are potential nesting habitat.



Notes

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Rev	Description	Date	By

Jennings Design Associates
Architects

C	Concept	G	Tender
D	Planning	J	Construction
E	Building Regs	L	As Built
F	Production	Sk	Sketch

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Client:
Bowsall (Horwich) Ltd

Project:
Bolton College, Horwich

Scale:	1:1000	11 original size	A3	Date:	16-01-2014	Drawn by:	ST	Checked by:	RH
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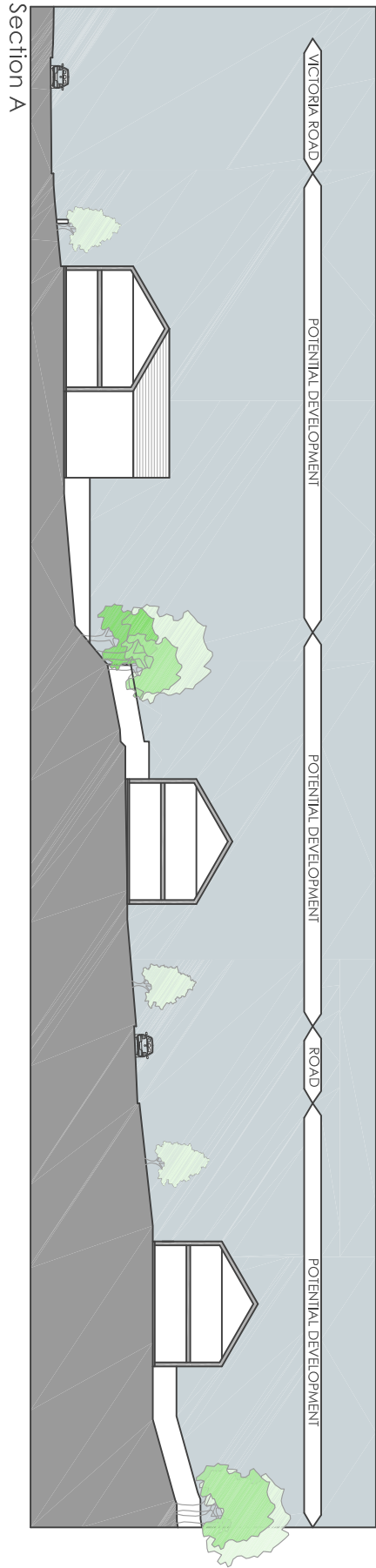
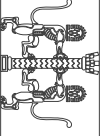
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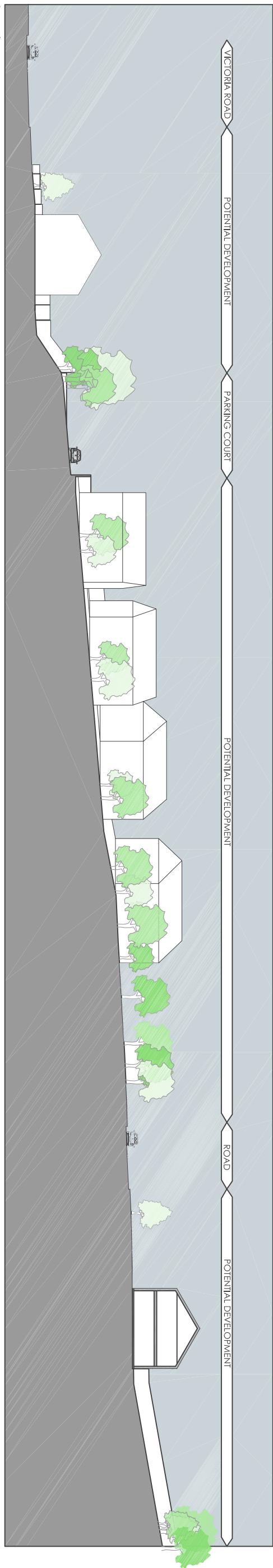
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Notes

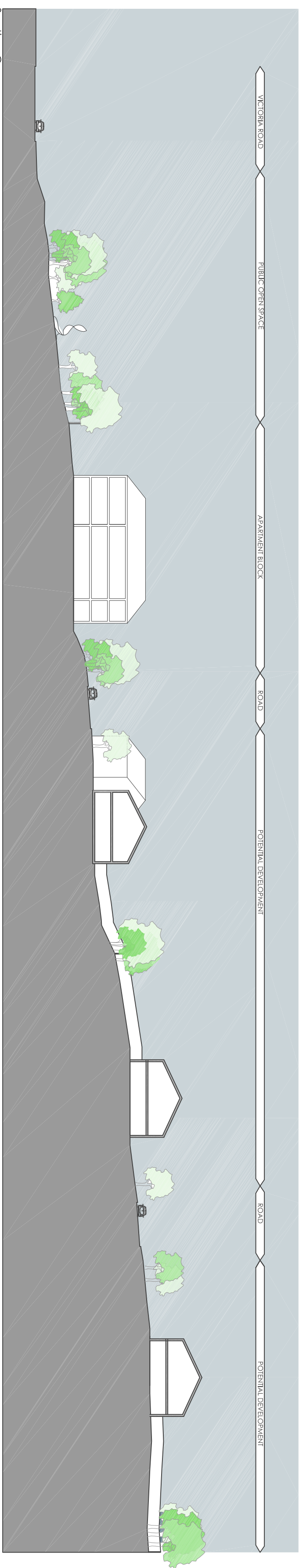
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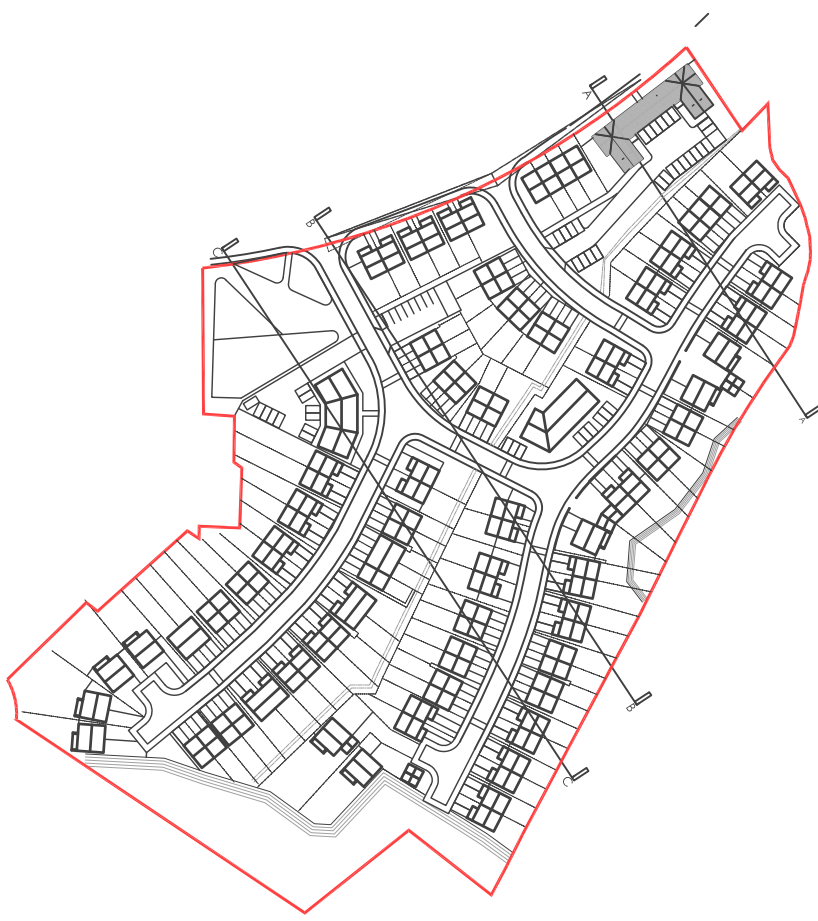
Section A



Section B



Section C



Key Plan 1:2500

Rev	Description	Date	By
-	-	-	-

Jennings Design Associates

Architects

C	Concept	G	Tender
D	Planning	J	Construction
E	Building Regs	L	As Built
F	Production	Sk	Sketch

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Client: Bowsall (Howich) Ltd

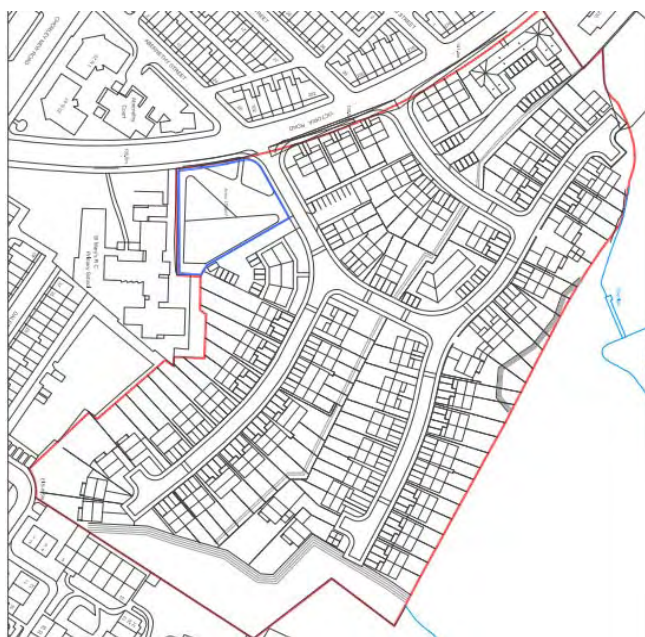
Project: Bolton College, Horwich

Scale	to original size	Date	Drawn by	Checked by
1:500	A2	17/01/14	TK	RH

Draw Number	Description	Rev
751	A 003 Indicative scale sections	



Land offered by applicant to be transferred to St. Mary's R.C. Primary School

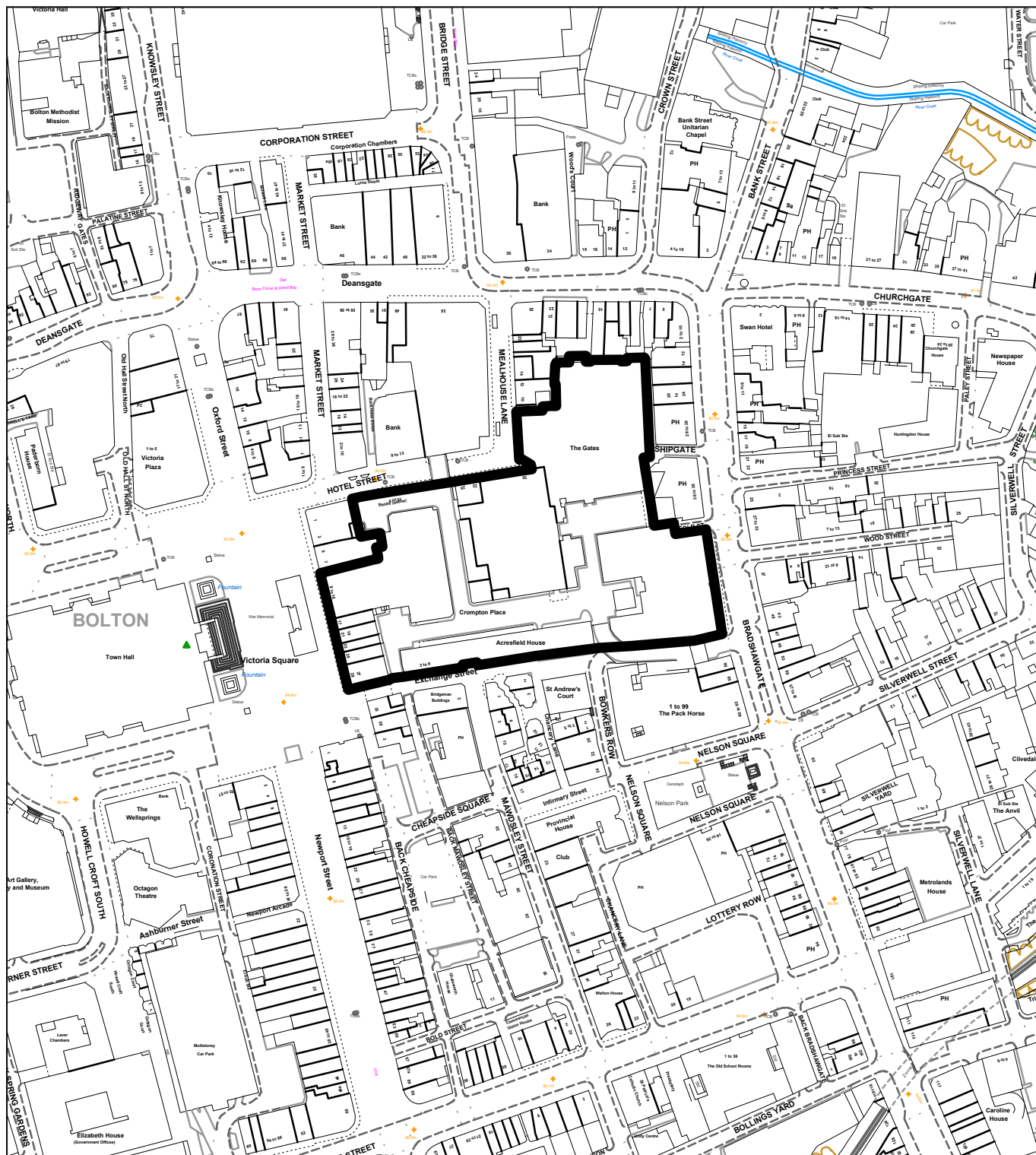


Rough plan of land requested to be transferred, by the Council and Salford Diocese (NB this plan shows 3,926 sqm instead of the 2,726 sqm requested)



Application No.

91383/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399

**Bolton
Council**

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11

Date of Meeting: 05/06/2014

Application Reference: 91383/14

Type of Application: Full Planning Application
Registration Date: 11/02/2014
Decision Due By: 12/05/2014
Responsible Officer: Martin Mansell

Location: CROMPTON PLACE SHOPPING CENTRE, MEALHOUSE LANE, BOLTON, BL1 1DF

Proposal: DEMOLITION OF PART FIRST AND SECOND FLOORS AND ERECTION OF MULTI-SCREEN CINEMA, PART CHANGE OF USE OF FIRST AND GROUND FLOORS TO RESTAURANT TOGETHER WITH EXTERNAL ALTERATIONS.

Ward: Great Lever

Applicant: Santander (CF Trustee) Limited
Agent : Simply Planning Limited

Officers Report

Recommendation: Approve subject to conditions

Proposal

Consent is sought for an 11 screen cinema at the Crompton Place Shopping Centre. The development comprises x main elements:

- the introduction of a Class D2 leisure use, a cinema, into the existing retail planning unit
- conversion of 10 internal retail units (Midas Jewelers, Pound Empire, Crystal Nails etc) into four restaurants with additional mall frontage seating
- conversion and extension of the existing first floor consisting New Look, Games Workshop, the vacant former TK Maxx unit and mall circulation space into 11 cinema screens and an additional restaurant
- demolition of plant rooms, storage space and other services at second floor level and new construction to form the upper volume of the 11 cinema screens and additional restaurant
- alterations to the Hotel Street elevation of the original Arndale Centre (above New Look and Clarks) comprising the addition of rainscreen cladding and a signage zone
- removal of the existing projecting oriel window above the Mealhouse Lane entrance to the Centre and replacement with a flat glazing system

- alterations to elevations internal to the rooftop servicing area to facilitate the introduction of the cinema and restaurants

Members are advised that the proposal originally sought consent for the installation of cladding and signage to the Mealhouse Lane elevation (the facade of the original Bolton Evening News offices) but this element of the scheme has been deleted following comments from the Council's conservation consultant. No changes are now proposed to the heritage element of the Mealhouse Lane elevation. A tower feature above the entrance between Boots and New Look has also been deleted.

Members will of course be aware planning consent was recently granted for a 9-screen cinema together with restaurants at the Market Place Shopping Centre in Bolton town centre.

Site Characteristics

Crompton Place Shopping Centre as a whole occupies an irregular site bounded by Victoria Square, Hotel Street, Mealhouse Lane, service alleys rear of Deansgate and Bradshawgate, the Primark frontage and service ramp entrance to Bradshawgate together with retail and office uses fronting Exchange Street.

The complex comprises two distinct, yet adjoining buildings:

- The southern building, which is the original Bolton Arndale Centre, constructed in the 1960s. This building has an appearance consistent with its period of construction and is generally excluded from the surrounding Conservation Areas, with the exception of the frontage to Victoria Square
- The north building was originally the offices and printing presses of the Bolton Evening News. This building was significantly altered internally in the mid-1990s to form the "Shipgates" complex, together with significant extensions to the east behind Bradshawgate. This intervention retained the Mealhouse Lane facade, which is noted in the Building Bolton SPD as a street frontage of significant visual value and a building of high value in terms of its contribution to local distinctiveness. It is not a Listed Building, but its facade clearly has significant heritage and streetscene value.

The complex is sited in a central location in the middle of Bolton town centre, within the inner highway box and served by public transport nodes at Moor Lane, Newport Street, Bradshawgate and Knowsley Street. Dedicated car parking is provided below the southern building, accessed from Bradshawgate and Great Moor Street via Nelson Square and Chancery Lane

Crompton Place falls within the town centre designation of the Civic and Retail Core and is surrounded by the boundaries of, and clearly visible from parts of, the Town Hall, Deansgate, Silverwell Street and Mawdsley Street Conservation Areas. However, the large rooftop servicing area and its related buildings are of a functional appearance and are not generally visible from public vantage points.

Policy

National Planning Policy Framework - Building a strong and competitive economy, ensuring the vitality of town centres, promoting sustainable transport, requiring good design, conserving and enhancing the historic environment

Core Strategy Objectives

SO1 Access to Recreation, SO3 Economic Opportunities of Bolton Town Centre, SO4 Transforming Bolton Town Centre, SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO11 Built Heritage

Core Strategy Policies

P1 Employment Sites, P2 Retail and Leisure, P5 Transport

S1 Crime and Road Safety

CG2 Sustainable Development, CG3 Design and the Built Environment, CG4 Compatible Uses

SC2 Cultural and Community Facilities

TC1 Civic and Retail Core,

Building Bolton

Deansgate Conservation Area Character Study

Other Documents

Sustainable Community Strategy 2007 - 2017

Bolton Economic Strategy 2011

Report of the Director of Development & Regeneration to the Council's Cabinet on the progress of the strategy for Bolton town centre, dated 17th June 2013

Online National Planning Practice Guidance

Analysis

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.

The main impacts of the proposal are:-

- * impact on the Character and Appearance of the Area
- * impact on Heritage Assets
- * impact on Nearby Uses
- * impact on Bolton Town Centre
- * impact on Economic Development and Employment
- * impact on the Road Network

Impact on the Character and Appearance of the Area

Section 39 of the Planning and Compulsory Purchase Act 2004 places a general duty on Local Planning Authorities that in the exercise of their powers they have regard to the desirability of achieving good design.

The National Planning Policy Framework recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and

places can improve the lives of people and communities. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including replacing poor design with better design. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

On 6 March 2014, the Department for Communities and Local Government launched a range of Planning Practice Guidance as a web-based resource. This guidance is a material consideration in the determination of a planning application. In terms of the issue of design, the guidance reiterates the National Planning Policy Framework but goes on to add that development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations. Local planning authorities are required to take design into consideration and should refuse permission for development of poor design. Local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and techniques. Planning permission should not be refused for

buildings and infrastructure that promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings. Core Strategy Policy CG3 seeks to ensure that development proposals display innovative, sustainable design that contributes to good urban design, respects and enhances local distinctiveness, and has regard to the overall built character and landscape quality of the area. Proposals should also be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment including hard and soft landscaping and boundary treatment. Historical associations should be retained where possible.

Building Bolton, a Supplementary Planning Document, provides a detailed assessment of design issues in Bolton Town Centre and offers guidance on incorporating new development within the existing built form.

This proposal is for a town centre leisure use in an accessible location and therefore promotes sustainability. Alterations visible from public vantage points are limited to the works to the Hotel Street elevation described above and changes to the functional and largely invisible rooftop servicing areas. The limited alterations to the appearance of the building are considered to be compatible with the existing townscape and good design has been incorporated by the use of quality materials.

The new volume proposed is largely limited to the rooftop servicing area. It is very difficult to gain views of this area from public vantage points, therefore the impact on the streetscene will be very limited. The projecting oriel window and the appearance of the 1960s Hotel Street first floor are considered to be unremarkable. The limited changes proposed will refresh the appearance of the building.

The impact on the street scene is considered to be acceptable due to the absence of ground floor level changes, the constrained viewpoints and the fact that the heritage value of the Mealhouse Lane frontage will not be affected. The proposal is considered to comply with policies seeking to protect the character and appearance of the area.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities that in the exercise of their powers with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 66 of the Act places a general duty on Local Planning Authorities that in considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

On 6 March 2014, the Department for Communities and Local Government launched a range of Planning Practice Guidance as a web-based resource. This guidance is a material consideration in the determination of a planning application. In terms of the issue of the impact on heritage assets, the guidance reiterates the National Planning Policy Framework but goes on to add that conservation is an active process of maintenance and managing change and that generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. It states that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations, though these are not necessarily the sole considerations. The way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. A clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm.

Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings. Core Strategy Policy CG3 seeks to ensure that development proposals conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings. Historical associations should be retained where possible.

Core Strategy Policy TC11 relates specifically to development in Bolton Town Centre and states that the council and its partners will protect, strengthen and enhance the distinctive townscape qualities of Bolton town centre. Development should conserve and enhance the special nature of the conservation areas and listed buildings.

The shopping centre as a whole is generally excluded from the surrounding Conservation Areas, but is clearly visible from them. Nevertheless, only views from the Deansgate Conservation Area will be affected. As these changes are limited, and the heritage value of the Mealhouse Lane frontage will not be affected, officers conclude that there will be no harmful impact on heritage interests in relation to the Conservation Area.

Impact on Nearby Uses

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and reduce pollution.

On 6 March 2014, the Department for Communities and Local Government launched a range of Planning Practice Guidance as a web-based resource. This guidance is a material consideration in the determination of a planning application. In terms of the issue of the impact on nearby uses, the guidance reiterates the National Planning Policy Framework but goes on to add that Local Planning Authorities should consider whether or not an adverse effect is occurring or likely to occur and whether or not a good standard of

amenity can be achieved.

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

This part of the town centre is not characterised by residential uses, though the site is accessed from Bradshawgate and Nelson Square, which do contain such uses. However, they are considered to be sufficiently distant from the site to not be materially affected. In any case, the cinema is unlikely to operate later than any other common town centre uses such as bars, nightclubs, takeaways. No outlooks are affected, nor is privacy. Relationships with other nearby uses such as retail and offices are entirely typical of town centre and retail/leisure complex development.

There will be no material impact on nearby uses.

Impact on Bolton Town Centre

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should promote the vitality of our main urban areas. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity. They should require applications for main town centre uses (such as retail, offices and leisure) to be located in town centres.

On 6 March 2014, the Department for Communities and Local Government launched a range of Planning Practice Guidance as a web-based resource. This guidance is a material consideration in the determination of a planning application. In terms of the issue of the impact on town centres, the guidance reiterates the "town centre first" approach of the National Planning Policy Framework but goes on to add that Local Planning Authorities should support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work. The guidance recognises the benefits of a positive vision or strategy for town centres and states that Local Planning Authorities should be responsive to changes in the market as well as the changing needs of business.

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

The Core Strategy proposes to increase the quantity of retail floor space in the borough, concentrated mostly in Bolton town centre. A transformed and vibrant Bolton town centre

is essential to Bolton's prosperity. The quality and scale of retailing will ensure that Bolton town centre is vibrant, safe, active and prosperous. It will act as a retail centre to serve the whole of the borough, as well as a wider catchment area. There is existing capacity within the town centre for further retail development, and this will provide for most of the additional comparison floor space. The Retail and Leisure Study also shows that Bolton town centre needs more high quality retail units, building on developments that have recently been completed or are proposed. Tourism and leisure attractions will be concentrated in Bolton town centre, making the most of the existing visitor attraction at Bolton Museum and Aquarium, and the potential for new visitor attractions, such as a cinema and swimming pool. Good urban design is recognised as being essential for producing attractive, high-quality, sustainable places in which people will want to live, work and relax. It is of particular importance for creating a successful and flourishing town centre.

Core Strategy TC1 is a spatial policy which relates specifically to Bolton Town Centre and states that the Council will continue to support the civic and retail core as the principal location in the borough for retailing with an emphasis on renewal and improvement to achieve high quality floor space; support the expansion of restaurants, food-orientated public houses, and financial and professional services; promote Victoria Square for leisure and civic activities, and outdoor seating ancillary to restaurant and café uses and give priority to providing good pedestrian links to Bolton transport interchange and car parks.

The Core Strategy notes that the civic and retail core is at the heart of the town centre and includes the Town Hall, Victoria Square and the surrounding principal shopping streets. This area will continue to be the most significant retail location in the borough over the next 15 years. There are limited opportunities for major new development, but there is a constant need to renew retail floor space as it becomes outdated. Where opportunities do arise for redevelopment, it will be mostly for retail uses. There are already some restaurants, public houses, and financial and professional service uses in the area. Some expansion of these will be allowed, provided that they do not impinge on the area's principally retail character and are focused on food and drinks that cater for all ages rather than uses where the sale of alcohol is the main or only purpose.

Policies SO3, SO4 and SO5 of Bolton's Core Strategy are strategic objectives within the "Prosperous Bolton" theme and seek to take advantage of the economic opportunities presented by Bolton town centre and ensure that these opportunities benefit everybody in Bolton, including those people living in the most deprived areas, together with creating a transformed and vibrant Bolton town centre and ensuring that Bolton takes full economic advantage of its location in the Greater Manchester City Region.

The Council adopted its revised Economic Strategy in March 2011. This sets out a strategy and a range of measures for the Town Centre which are aimed at delivering, and are in accordance with, the adopted Core Strategy objectives and policies.

Cinemas are a leisure use and are therefore considered to be acceptable, in principle, in a town centre location. The Core Strategy notes the potential for a new cinema in Bolton Town Centre. The last remaining cinema in Bolton Town Centre, the Cannon 123 on Bradshawgate, closed in 1998 and was subsequently demolished and the site redeveloped for flats.

The Director of Development and Regeneration presented a report to the Council's Cabinet on 17th June 2013 that updated Members on progress on a range of town centre issues and set out some aspirations for the future. One of these was that, as a result of

consultation and analysis, the Council should consider intervening to diversify and improve the evening economy/leisure offer with the key priority of delivering a cinema and associated leisure facilities. The report notes that Church Wharf was always intended to be anchored by a cinema development, but it was considered that this should change to focus on increasing activity in the civic and retail core of the town centre. It goes on to state that choosing the right location is important and recognises the benefits of the resultant attraction of family restaurants and related facilities, rebalancing the evening and night time economy. As such, the report suggested further work is done on understanding and appraising available options.

Officers take the view, following advice, that this report is capable of being a material planning consideration, but that its weight in the decision making process in this case should be very limited, for the following reasons:

- The report did not purport to amend, or suggest any amendment to, the established planning policy position set out in the Core Strategy. Nor did it indicate or recommend that any further supplementary planning documents be prepared to provide additional guidance. An SPD would certainly carry greater weight, particularly if it had been adopted following public consultation. However, the Council has no plans to prepare any such document, as the Core Strategy and NPPF provide a sufficient policy framework;
- 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. The Core Strategy already recognises the benefits of a town centre cinema and the June 2013 report to Cabinet does not contradict this - it does not "indicate otherwise". Neither the Core Strategy nor the June 2013 report seek to place a limit on the number of cinemas located within the town centre, therefore one or more cinemas within the town centre could be considered to be acceptable in principle in planning policy terms.

Practically, it is accepted that demand is only likely to be sufficient for one town centre cinema at the scale proposed by the Market Place and Crompton Place schemes. It has been put to the Council that, because of this, the two applications need to be considered against each other, with a comparative assessment of the two schemes' respective planning merits including their contribution to regeneration and to the vitality and viability of the town centre.

Officers have carefully considered this argument. It is certainly the case that, where one scheme does not meet the requirements of policy and a more suitable alternative location, in planning terms, exists and is similarly proposed for development, then that could be a significant factor in determining whether to grant permission for one rather than the other. There may be other cases where, on the facts, an alternative and more suitable location should be preferred in planning terms. However, it is generally accepted that the planning system should not seek simply to interfere in the market where there is competition.

In the current circumstances, both sites fall within the town centre and the uses proposed in each are ones which are acceptable in town centres, and are encouraged through the development plan. On this basis it is not considered that there is a *prima facie* case for distinguishing or choosing between the schemes in terms of town centre policy and so it should be for the market to determine which of the schemes, if both should in due course

obtain consent, comes forward (or if indeed both are realised).

The objection to this application does not set out detailed evidence which would suggest that the location is either intrinsically unacceptable or would perform poorly in economic or regeneration terms against other alternative locations either within or outside the Town Centre, or indeed setting out an economic assessment to support a need to apply any restrictions in principle on town centre cinema permissions.

Both the Market Place and Crompton Place centres have been operating for several years in the Town Centre and are anchored by national retail chains. From key points in the Town Centre (for example, on Deansgate between Knowsley Street and Bridge Street, and Victoria Square) both centres are equally visible and the differences in pedestrian walking time to access each are marginal. As such, it is not considered that the either site is less well-located than the other.

While the scale of the Crompton Place cinema element is larger, both are of a broadly similar scale. Both schemes utilise underused existing space within the centres and so are not entirely new or additional floorspace. The wider and more ambitious changes to the Market Place previously approved by Planning Committee indicate that the contribution of the cinema, while significant, is not the only factor in relation to attractiveness or footfall that might be expected. In addition the overall scheme, including the cinema and associated leisure uses, would (as noted by English Heritage) contribute to the long-term successful use and retention of the Listed Market Hall as an important building within the Town Centre. Indeed it could be argued that - given the ambitious scale and nature of the physical alterations and extensions - the Market Place scheme as a whole has the potential for greater overall benefit to the objectives of the Core Strategy and the Economic Strategy (as revised in June 2013) than the Crompton Place scheme.

From a planning perspective officers are of the view that it is not self-evidently the case that the Crompton Place cinema proposal should be regarded as preferable; and it is certainly not the case that the arguments in relation to the impact on the Town Centre for either scheme are determinative and should lead to the other being recommended for refusal.

However, unlike the Market Place proposal, the proposal at Crompton Place would involve the loss of significant amounts of retail floorspace, some of which is currently occupied by retailers. However, the retail frontages to Mealhouse Lane and Hotel Street would remain as existing, and it is also noted that much of the retail floorspace is not a ground floor level (the former TK Maxx, Games Workshop and the upper floor of New Look) and is therefore more difficult to let and more difficult to successfully trade from. It is also noted that the former TK Maxx unit has been vacant for some five years. Officers recognise national trends away from traditional retailing in town centres and towards a broader mix of used such as leisure and family uses.

In conclusion, officers believe that this is a beneficial proposal, which is likely to increase and extend activity in the area into the late evening, and particularly to broaden the appeal of the Town Centre in terms of family-oriented leisure and entertainment.

Impact on Economic Development and Employment

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should proactively drive and support sustainable economic development to deliver the infrastructure, business and industrial units and thriving local places that the

country needs. In the section "Building a Strong, Competitive Economy" it states that significant weight should be placed on the need to support economic growth through the planning system.

On 6 March 2014, the Department for Communities and Local Government launched a range of Planning Practice Guidance as a web-based resource. This guidance is a material consideration in the determination of a planning application. In terms of the issue of the impact on economic development and employment, the guidance reiterates the National Planning Policy Framework but goes on to add that the increasing diversity of employment generating uses (as evidenced by the decline of manufacturing and rise of services and an increased focus on mixed-use development) requires different policy responses and an appropriate variety of employment sites.

The Council has adopted the Sustainable Community Strategy which identifies two main aims - to narrow the gap between the most and the least well off and to ensure economic prosperity. It seeks an improved town centre with good quality leisure facilities and increasing the number of jobs in the town centre. The Core Strategy is consistent with this, seeking a prosperous Bolton by making sure that jobs are provided in accessible locations in a range of different sectors.

The existing operative retail units do provide a degree of employment and economically beneficial activity, however it is also accepted that much of the affected floorspace is vacant or used as storage and servicing. The proposed cinema is likely to increase employment at the shopping centre as a whole, provide an economically beneficial activity and is supported by the Council's Strategic Development Officers.

Impact on the Road Network

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On 6 March 2014, the Department for Communities and Local Government launched a range of Planning Practice Guidance as a web-based resource. This guidance is a material consideration in the determination of a planning application. In terms of the issue of the impact on the road network, the guidance reiterates the National Planning Policy Framework but goes on to add that a positive approach to town centres should include seeking to improve the quality and quantity of parking available.

Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety.

Crompton Place contains a basement car park with capacity for 244 vehicles. Officers accept the Applicant's argument that, apart from some overlap at evenings and weekends, peak demand times for the existing retail element and the proposed leisure element will not generally coincide - and even if they do, the centre is generously provided with basement parking and sufficient parking exists elsewhere in the town centre. The site is sustainably located within the Retail and Civic Core of Bolton Town Centre and is therefore accessible by a range of modes of transport, including public transport.

The impact on the road network is considered to be acceptable.

Value Added to the Development

Following advice from the Council's conservation consultant, the scheme has been improved by the removal of the proposed cladding to the Mealhouse Lane elevation and the adjacent tower feature.

Conclusion

This leisure use is acceptable in a town centre context and is welcomed due to the absence of a cinema from Bolton Town Centre for the past 15 years. The Core Strategy contains reference to the benefits of a cinema use. The external alterations have been kept to a minimum and generally involve a change of appearance and materials at existing built form, much of which is not in a prominent location and currently has a functional appearance. No heritage assets will be altered or affected.

The proposal is considered to be beneficial and complies with the relevant policies.

Representation and Consultation Annex

Representations

A letter of objection has been received from Bolton Methodist Mission, based at Victoria Hall, Knowsley Street. The grounds of objection are:-

- recent steps taken towards creating family leisure and other uses including restaurants are to be welcomed
- However, there is a concern that the proposed development at Crompton Place, taken together with proposed works at Newport Street and the new interchange may cause a geographical shift that further isolates the Deansgate and Central Street areas and encroaches upon the Conservation Area that includes Mealhouse Lane
- The proposals at the Market Place were supported by the Mission as a revitalised Victoria Hall, Knowsley Street and Central Street are essential to the town and its people

Consultations

Advice was sought from the following consultees: Highway Engineers, Strategic Development, Conservation adviser

Planning History

28338/86 Change of use of former printworks and newspaper offices to shopping centre

31598/88 Erection of a shopping centre

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

2. Prior to the commencement of development samples of the materials to be used for the external walls and roof, shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be implemented in accordance with the approved details and retained in full thereafter.

Reason

To ensure the development reflects local distinctiveness.

3. Prior to the commencement of development a detailed specification for all doors and windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The

approved scheme shall be implemented in full before the development is [**first occupied or brought into use**] and retained thereafter.

Reason

To ensure the development reflects local distinctiveness.

4. The existing windows to the Mealhouse Lane elevation of the former Bolton Evening News shall be retained and repaired in accordance with a schedule of works to be submitted and agreed in writing by the LPA before development commences.

Reason

To prevent harm to this heritage asset.

5. The existing and new floorspace hereby approved shall only be used as a cinema and as restaurants in accordance with the approved internal layout plans and for no other purposes including any use within Class D2 of the Use Classes Order.

Reason

For the avoidance of doubt as to what is permitted.

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

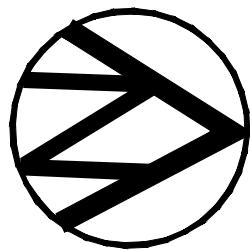
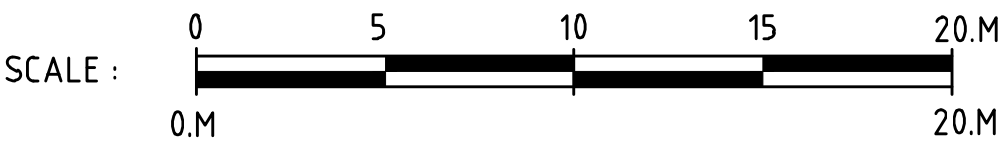
1284/BO-015 rev B

Reason

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



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Rev	By	Date	Notes	Checked
A	A.P	22.01.14	Updated floor areas	



Client Name :- Bourne Wood Partnership Ltd

Project Name :- Proposed Cinema Development
CROMPTON PLACE, BOLTON

Drwg Title :- SCHEME B
Proposed First Floor Plan
@1-200 scale

NBDA

Northern Building Design Associates Limited

Architects • Interior Design • Planning

The Old Church Palmerston Street Bollington Cheshire. SK10 5PW

Telephone : 01625 575550

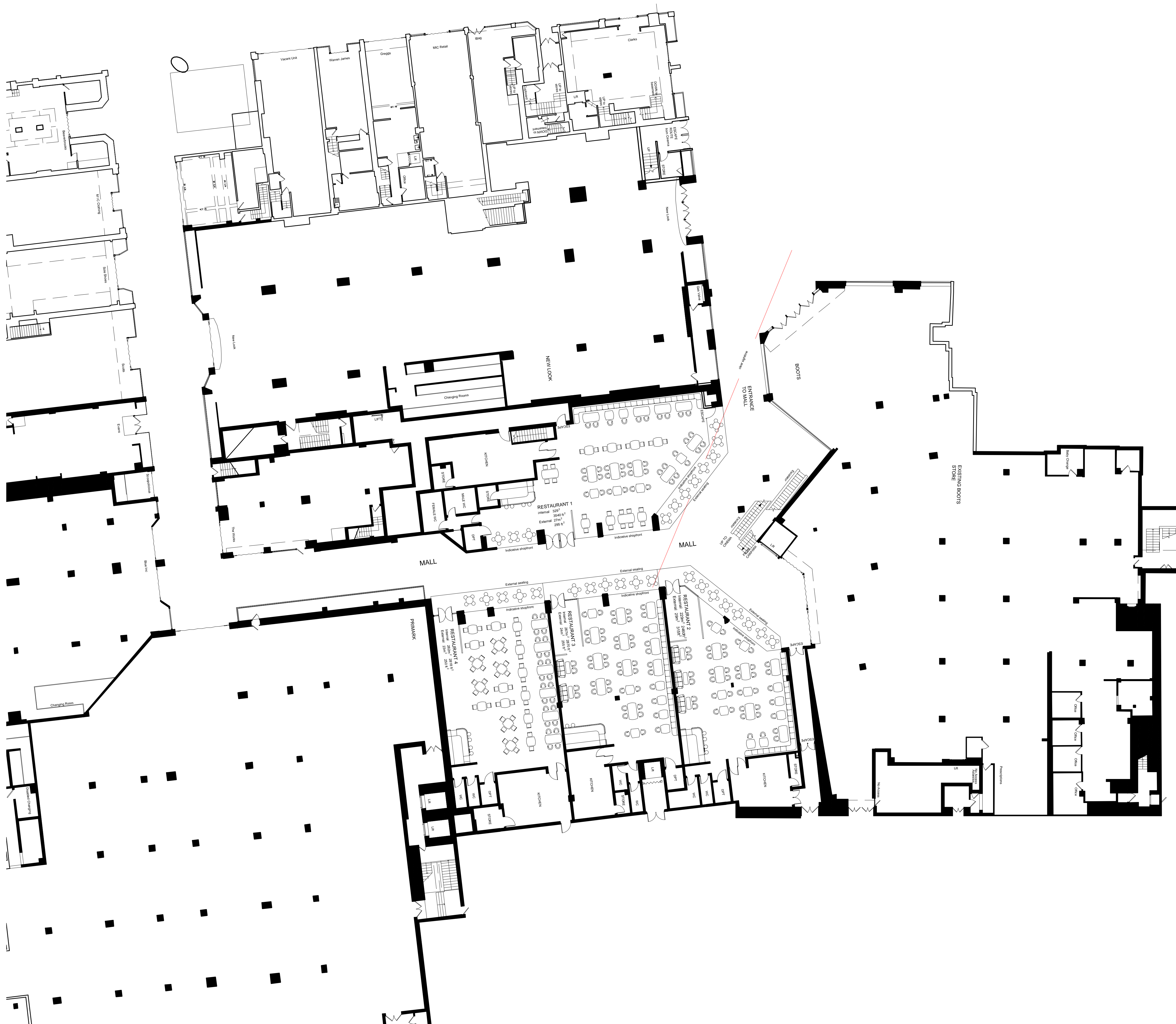
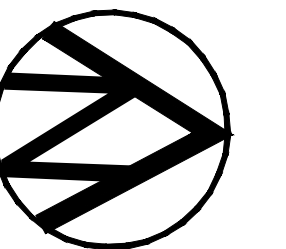
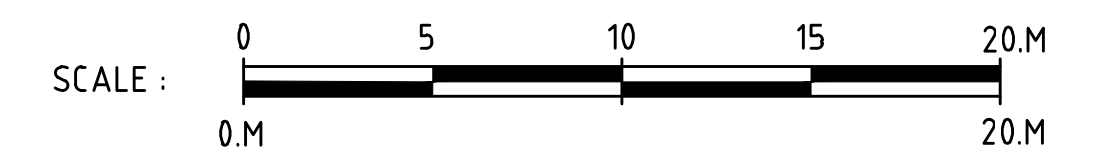
Fax : 01625 576606

Email : design@nbda-architects.co.uk

Drawn : EB	Disc : 21.01.14	Scale : 1:200@A1	Project : 1284-BO-217	Rev : A
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Rev	By	Date	Notes -	Checked
A	A.P	22.01.14	Updated Floor Areas	



Client Name :- **Bourne Wood Partnership Ltd**

Project Name :- **Proposed Cinema Development
CROMPTON PLACE, BOLTON**

Drwg Title : SCHEME B
Proposed Ground Floor Plan
@1-200 scale

NBDA

Northern Building Design Associates Limited

Architects • Interior Design • Planning

The Old Church Palmerston Street Bollington Cheshire. SK10 5PW

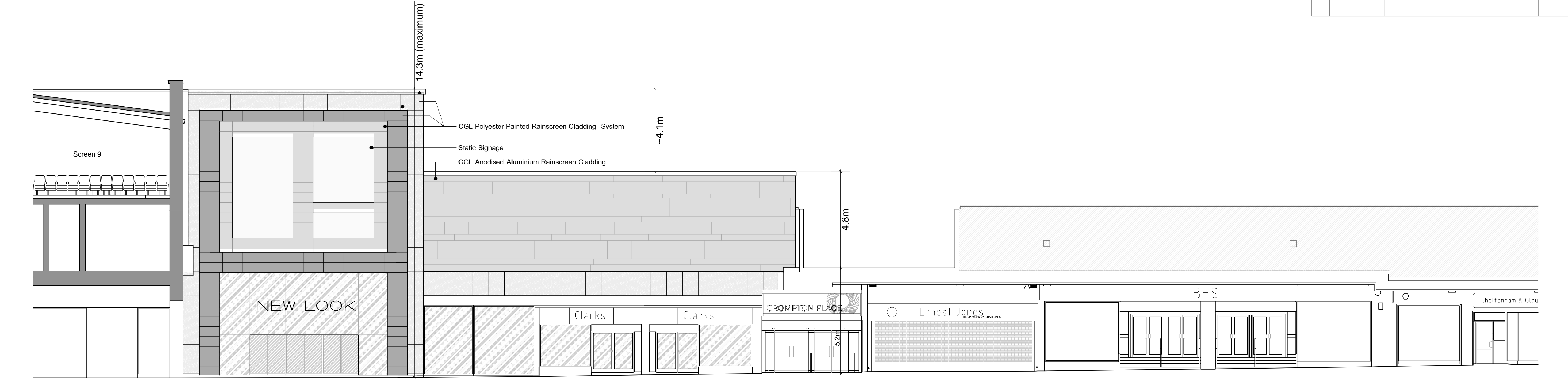
Telephone : 01625 575550

Fax: 01625 576606

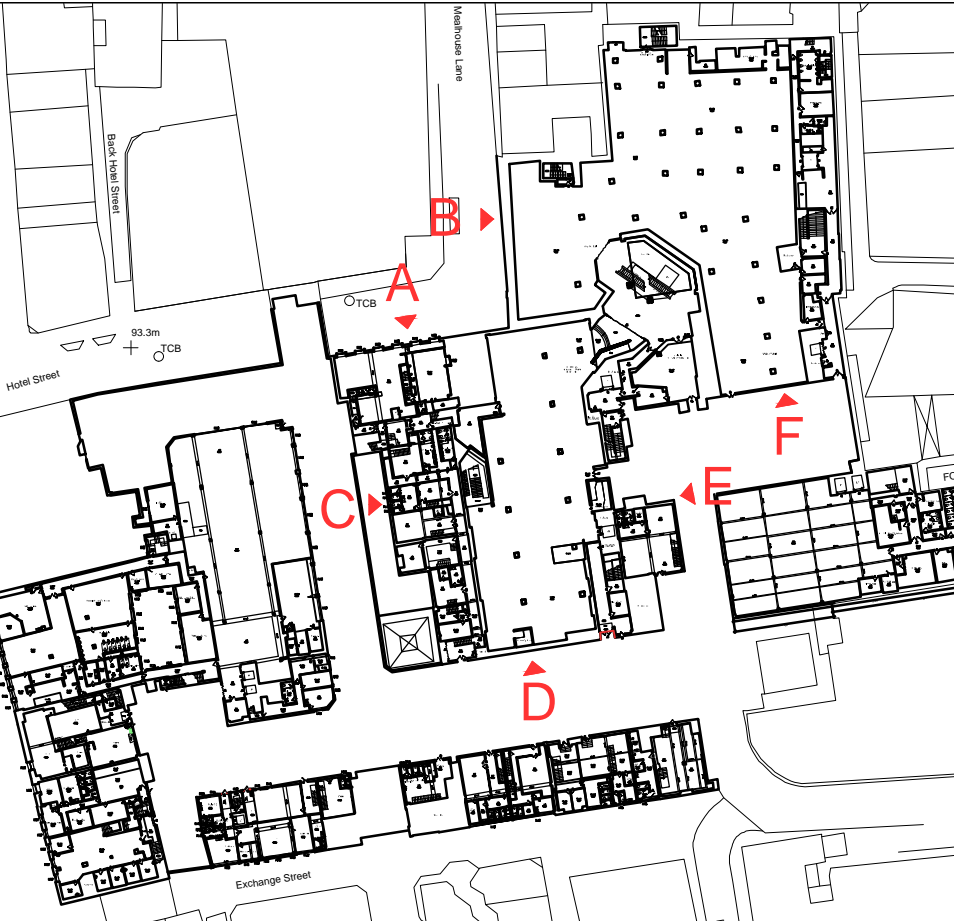
Email : design@nbda-architects.co.uk

Drawn >	EB	Date >	21.01.14
Created >		Scale >	1:200@A1

Rev.	By	Date	Notes :-	Checked
A	EB	25.03.14	Elevation treatment to Mealhouse lane revised: Tower and over cladding removed.	
B	AC	13.05.14	Oriel window removed and replaced with modern glazing. Removal of Oriel window shown on Ele A Height of New Look elevation reduced to match Mealhouse Ln	



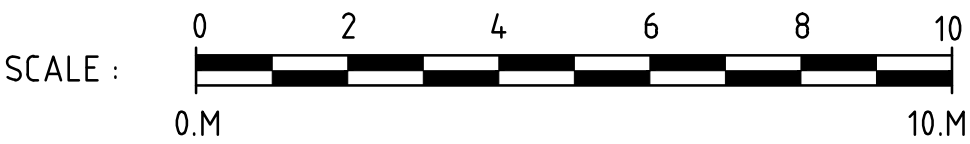
ELEVATION A –HOTEL STREET 1:100@A1



SITE PLAN INDICATING ELEVATION LOCATION 1:1250@A1



ELEVATION B – MEALHOUSE LANE 1:100@A1



Client Name :- Bourne Wood Partnership Ltd.

Project Name :- CROMPTON PLACE BOLTON
PROPOSED CINEMA DEVELOPMENT

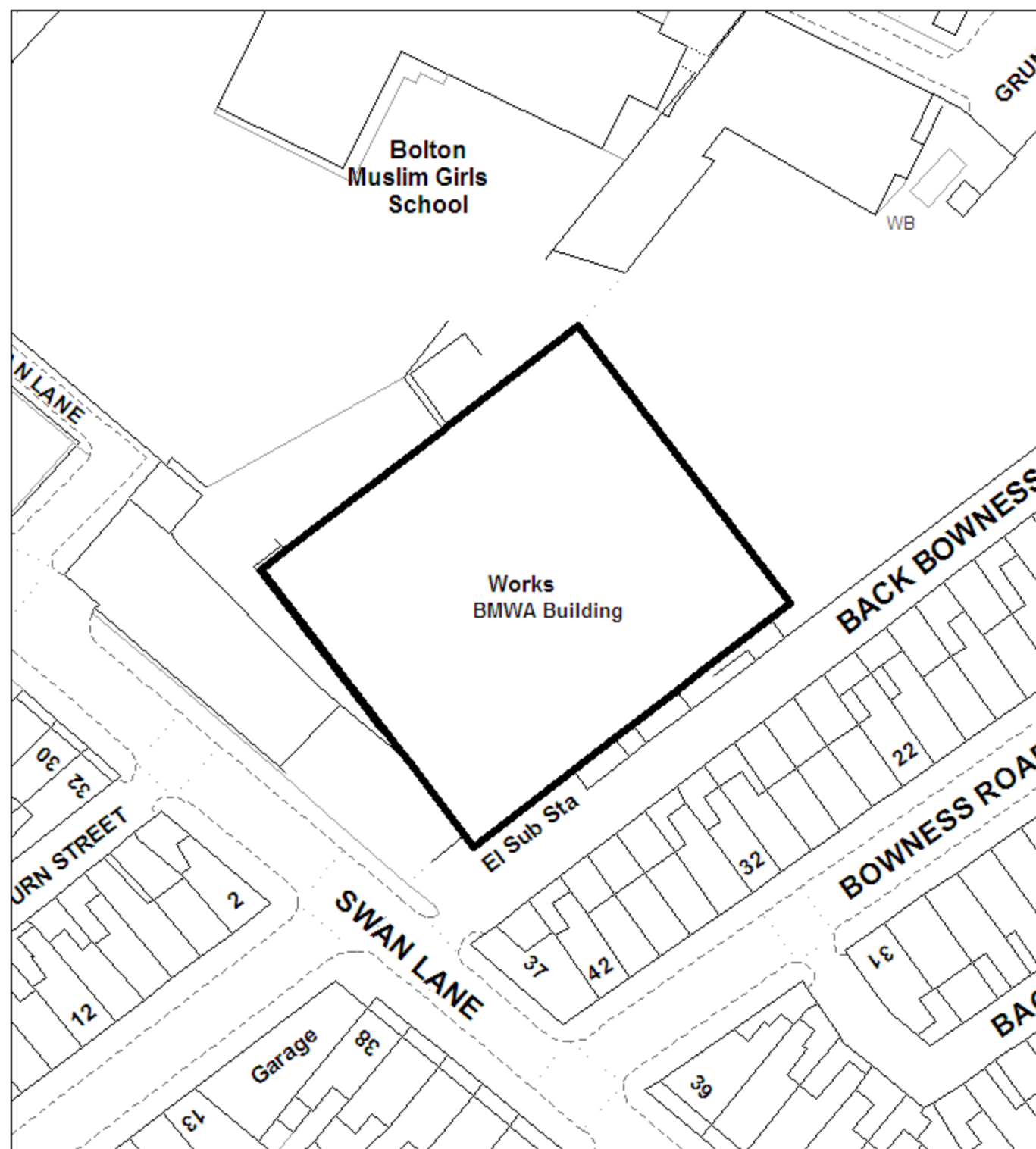
Drwg Title :- PROPOSED ELEVATIONS
SHEET 1 OF 3

NBDA
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The Old Church Palmerston Street Bollington Cheshire, SK10 5PX
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Email : design@nbda-architects.co.uk

Drawn by	A.C.	Date	05.12.13	Project No.	1284/BO-015	Rev.	B
Checked by		Scale	1:100@A1				

Application No.

91387/14



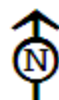
Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399

**Bolton
Council**

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Date of Meeting: 05/06/2014

Application Reference: 91387/14

Type of Application: Full Planning Application
Registration Date: 29/01/2014
Decision Due By: 25/03/2014
Responsible Officer: Alex Allen

Location: BMWA BUILDINGS, HIGH STREET, BOLTON, BL3 6TA

**Proposal: CHANGE OF USE TO TEACHING & COMMUNITY FACILITY
(FIRST FLOOR ONLY)**

Ward: Rumworth

Applicant: Mr Yahyah
Agent : RA Design & Project Management

Officers Report

Recommendation: Approve subject to conditions

Proposal

The applicant proposes the use of the first floor of an existing mill premises for the provision of a teaching facility including a teaching room, classroom, quiet study areas, stores and a hall area. The proposed hours of use of the premises are 0800 hrs until 2000 hrs Monday to Saturday. A car parking area would be provided at the front of the premises adjacent to Swan Lane making provision for 6 car parking spaces, including one disabled parking space.

Due to the current dilapidated state of the first floor of the mill building the applicant proposes to phase the refurbishment of the level by initially providing a classroom, quiet study areas, wc block and store area and then with a second phase of refurbishment involving the provision of a teaching room with the last phase providing an additional classroom and hall.

The site has the benefit of also using the existing car parking accessed off High Street which is shared by ground floor users of the mill and Bolton Muslim Girls School.

To facilitate an enhanced access into the Swan Lane elevation the current proposal makes provision of a new porch of the existing front entrance to the first floor with the existing steps retained together with a new ramped access at the corner of the front/side elevation.

Site Characteristics

The application site relates to an existing 3 storey industrial building/mill located with dual aspect with direct access to the first floor of the mill from Swan Lane and another access to the ground floor of the mill which is accessed from High Street to the east. The mill has hardstanding to Swan Lane which is used for historic delivery/service access to the

first floor of the mill which has a stepped/ramped pedestrian access. The access off High Street is shared with users of the ground floor of the Mill/BMWA building and the adjacent Bolton Muslims Girl School. There is direct pedestrian access between High Street and Swan land using access through the Mill building.

Back Bowness Road forms the southern boundary of the site with residential properties on Bowness Road overlooking the existing side elevation of the Mill. Residential properties on Swan Lane are on the western side of Swan Lane overlooking the existing front elevation of the Mill building.

The Mill/BMWA building is currently underused with the first floor having not been used for a considerable amount of time. The remainder of the mill is also underused and in need of refurbishment/regeneration.

Policy

National Planning Policy Framework

Core Strategy P5 Accessibility, S1 Safe, CG3 The Built Environment, CG4 Compatible Uses, A1 Achieving, RA1 Inner Bolton and Appendix 3 Car parking standards.

Planning Control Policy Notes: No. 21 Highways Considerations.

Analysis

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.

The main impacts of the proposal are:-

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

Principle of the change of use

Core Strategy policy A1 seeks to ensure the development of new educational facilities in accessible locations along transport corridors and in renewal area especially in locations which are accessible to the communities they serve.

The proposed use of the first floor of the mill would be located within the area whose community it seeks to serve, which is a short walk from St Helens Road / Derby Street with excellent access to all the local facilities which this area provides.

It is considered that the proposal complies with policy.

Impact on surrounding land uses and occupiers

The character of the area has been long established with the existing mill and adjoining terraced houses having been in existence for a long time. Both uses having a close relationship with each other.

Some reservations have been expressed by one property on Bowness Road with regard to loss of privacy. Other than the proposed new ramped entrance and door located in the South East corner of the property no additional changes to the external appearance of the building will be made. It is noted that an existing industrial end user could use the first floor of the building without any further planning permissions with a similar impact on occupiers of Bowness Road to the south. The key issue is that the first floor of the building has not been used for a long time and therefore residents may have got used to people not being able to see into their rear yards/windows.

As this is the very nature / character of the area it is not considered appropriate to place any restrictions on future tenants of the first floor or building. It is envisaged that due to the use of the first floor, structural and cosmetic improvements will be made to the southern and western elevations of the Mill building which in turn will improve the outlook of local residents.

It is considered that the proposal fully complies with the Council's policies.

Impact on character and appearance of the area

Core Strategy policy CG3 seek to ensure that new development proposals are compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscaping. Core Strategy policy seeks to conserve and enhance the existing physical environment respecting and strengthening.

As outlined above it is considered that the proposal would result in an improvement in the external appearance of the property and would bring a largely vacant mill back into use.

It is considered that the proposal would comply with policy.

Impact on highway safety

Core Strategy policies P5 and S1 seek to ensure that new development proposals make provision for sufficient off road parking, servicing and access arrangements which promote road safety.

The proposal would provide 6 car parking spaces to the front/Swan Lane elevation of the property together with the benefits of shared use of the car parking area accessed off High Street.

The Council's Highways Engineers have commented that the proposed change of use is likely to lead to an increase in on-street car parking in the locality.

It is considered that the proposal would largely provide a facility for local children to use for study purposes. As a result it is unlikely that a large proportion of users will arrive by car. If they do there is considered to be ample car parking both at the front and rear of the premises to prevent on street parking in the area.

It is considered that the level of car parking provision would be satisfactory given the nature of the proposed use, the close proximity to Derby Street and St Helens Road,

Bolton town centre and the existing parking facilities which are available within the site curtilage.

The proposal complies with policy.

Conclusion

The proposal provides for the re-use of one part of the existing Mill building which will result in its regeneration, providing an educational facility serving the local community whilst providing adequate off road car parking. The proposal would not be detrimental to the living conditions of existing residents and complies with policy. The change of use is recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- two letter of objection and one letter of support have been received. The letters of objection raise concerns about the following:

- Potential loss of privacy with existing windows looking into residents windows in the adjoining streets (Bowness Road);
- Parking - requested clarification if there will be a car park with the proposed change of use;
- Queries from Solicitors working on behalf of the lease holders of the Mill building with concerns over the proposed use (community facilities are not an acceptable use within the current lease) and issues over who notice was served on for the planning application. ***The issue of whether there is a restrictive lease is not a material planning consideration.*** Relevant notice has been served on the representatives of the adjoining Muslim Girls School who it is believed retain the leasehold of the application site. It is therefore considered that sufficient notice has been provided.

Petitions:- no petitions received.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees: the Council's Highways Engineers, Design for Security (Greater Manchester Police).

Planning History

Planning permission was refused in 2000 for the change of use of the first floor from light industrial to the sale of wholesale furniture and a carpet warehouse. Permission was refused due to the site's unsuitability to be served by HGVs and potential impact on residential amenity (Ref: 57027/00).

Planning permission was refused in 2007 (Ref: 79009/07) for a change of use from B1 industrial to a snooker hall (D2 use). It was considered that the proposal would be an incompatible use resulting in an increase in and around the site whilst providing insufficient parking. It was considered there was a lack of clarity whether the car parking areas associated with the mill building were in the control of the previous applicant.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

2. Before the approved/permitted development is first brought into use no less than 6 car parking spaces with minimum dimensions of 2.4 metres by 4.8 metres shall be marked out and provided within the curtilage of the site, in accordance with Drawing Ref: RAD/756/14/4/Rev A. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway

3. Prior to completion of development a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented in full and retained thereafter.

Reason

To encourage future occupiers to access the site by means of transport other than the private car.

4. The first floor of the building shall only be used for teaching purposes only (Use Class D1) and for no other purpose.

Reason

For the avoidance of doubt as to what is permitted.

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

08:00 and 20:00 Mondays – Saturdays

No opening shall take place on Sundays.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

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

Reason

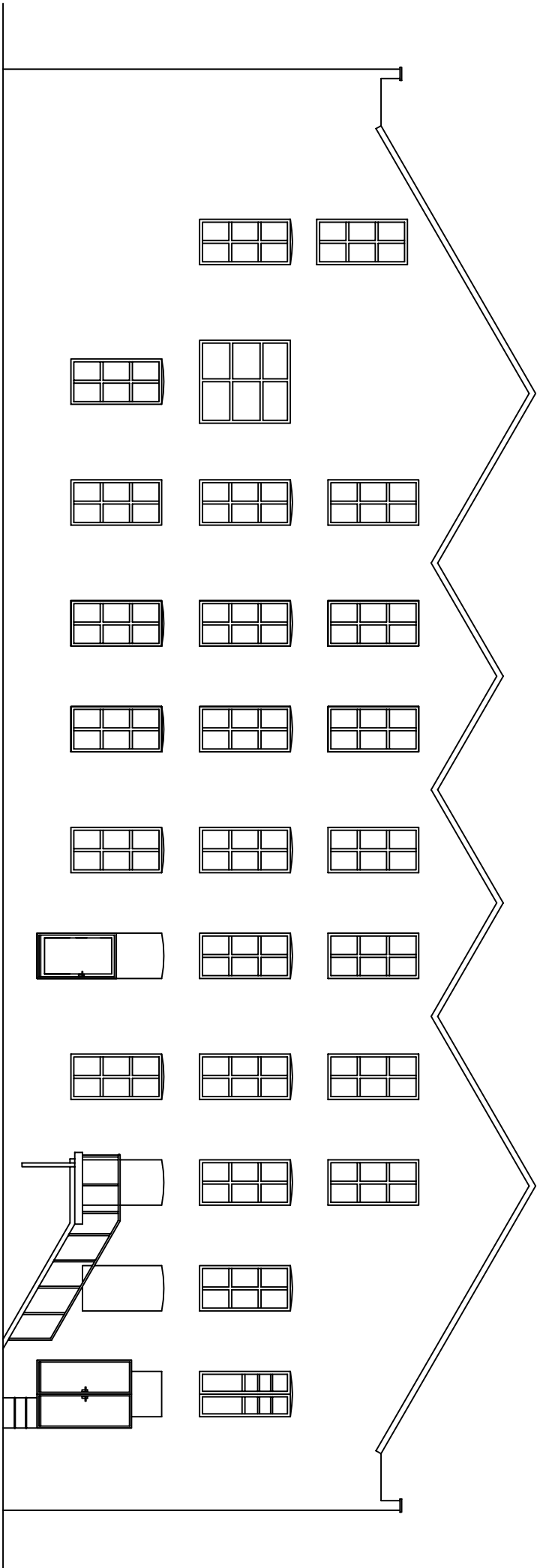
To ensure the development visually reflects the existing building.

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

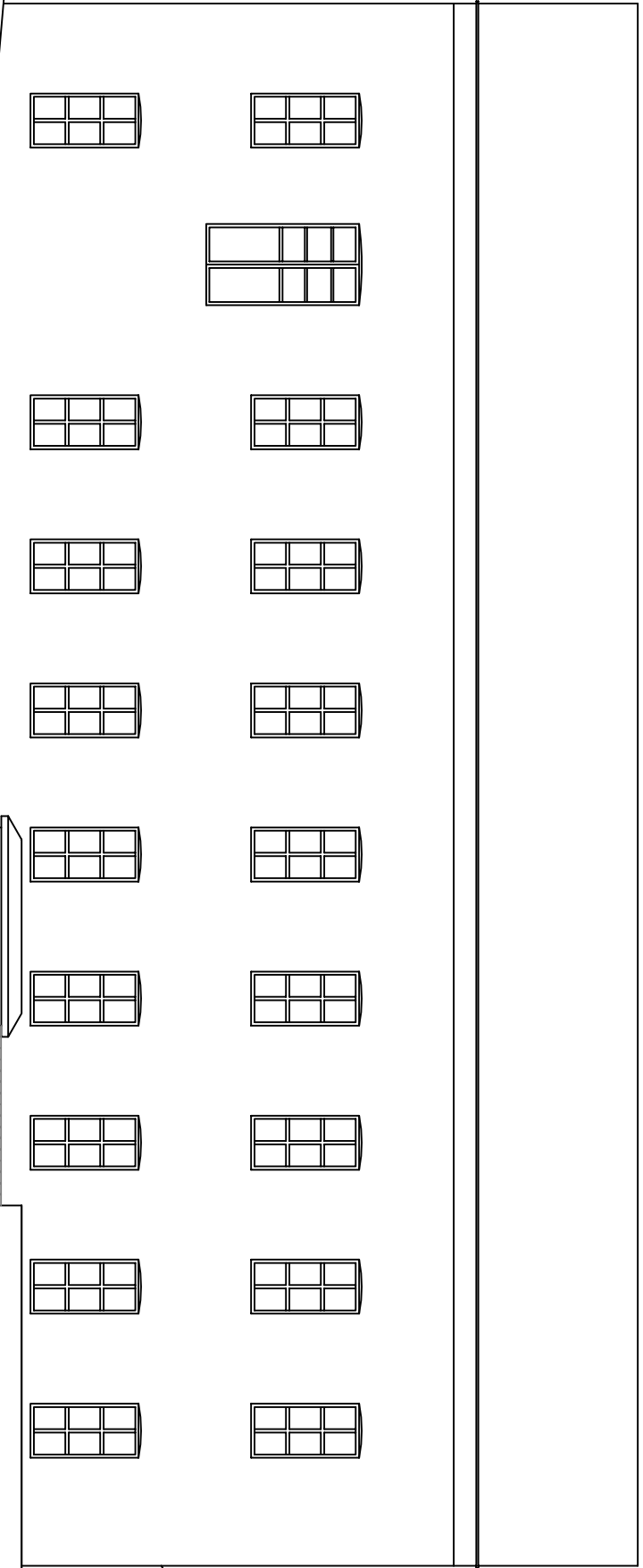
**RAD/756/14/1 Existing Elevations scanned to file 24/04/14;
RAD/756/14/2 Rev A Existing Plans scanned to file 24/04/14;
RAD/756/14/3 Proposed Elevations scanned to file 24/04/14;
RAD/756/14/4 Rev A Proposed Plans scanned to file 24/04/14;
RAD/756/14/5 Addition Information scanned to file 24/04/14;**

Reason

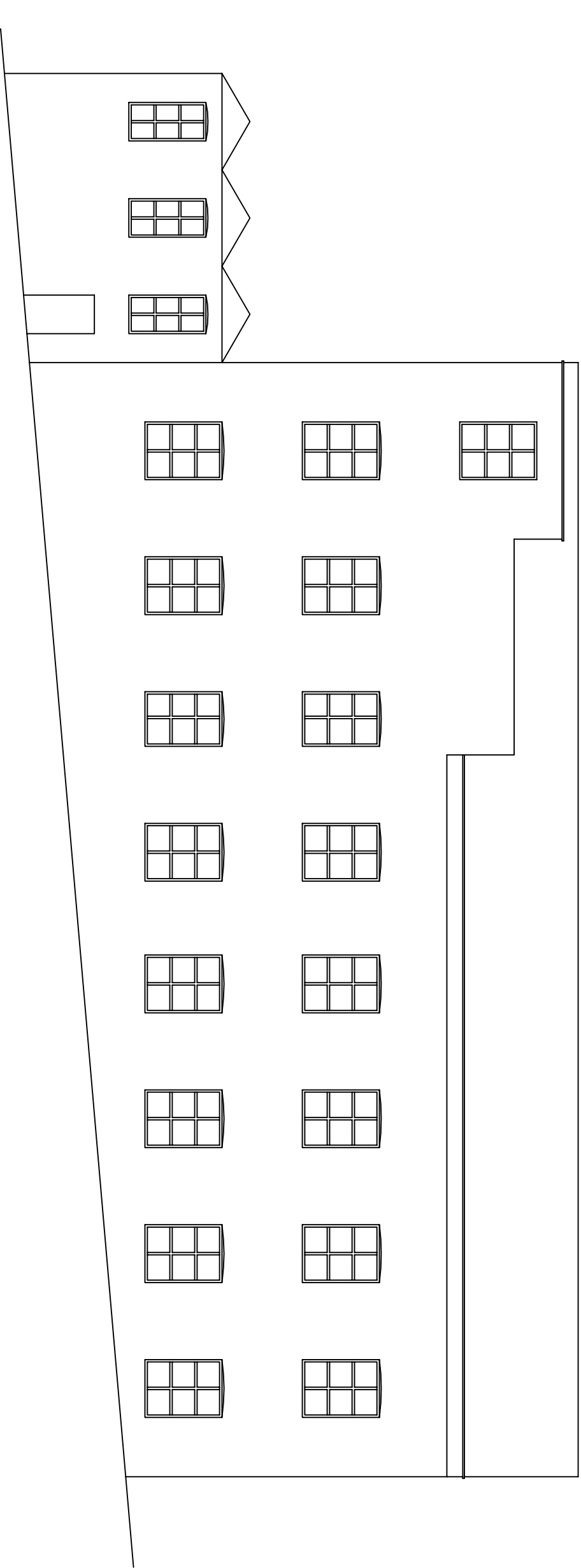
For the avoidance of doubt and in the interests of proper planning.



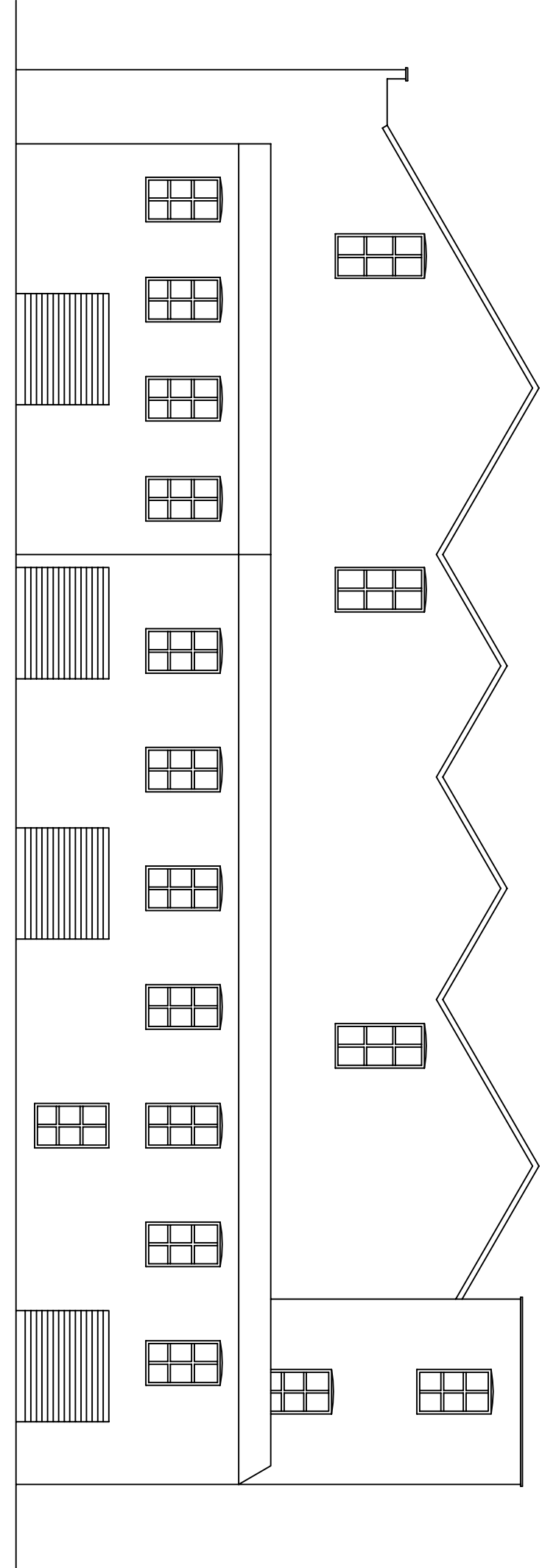
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EXISTING SIDE (01) ELEVATION

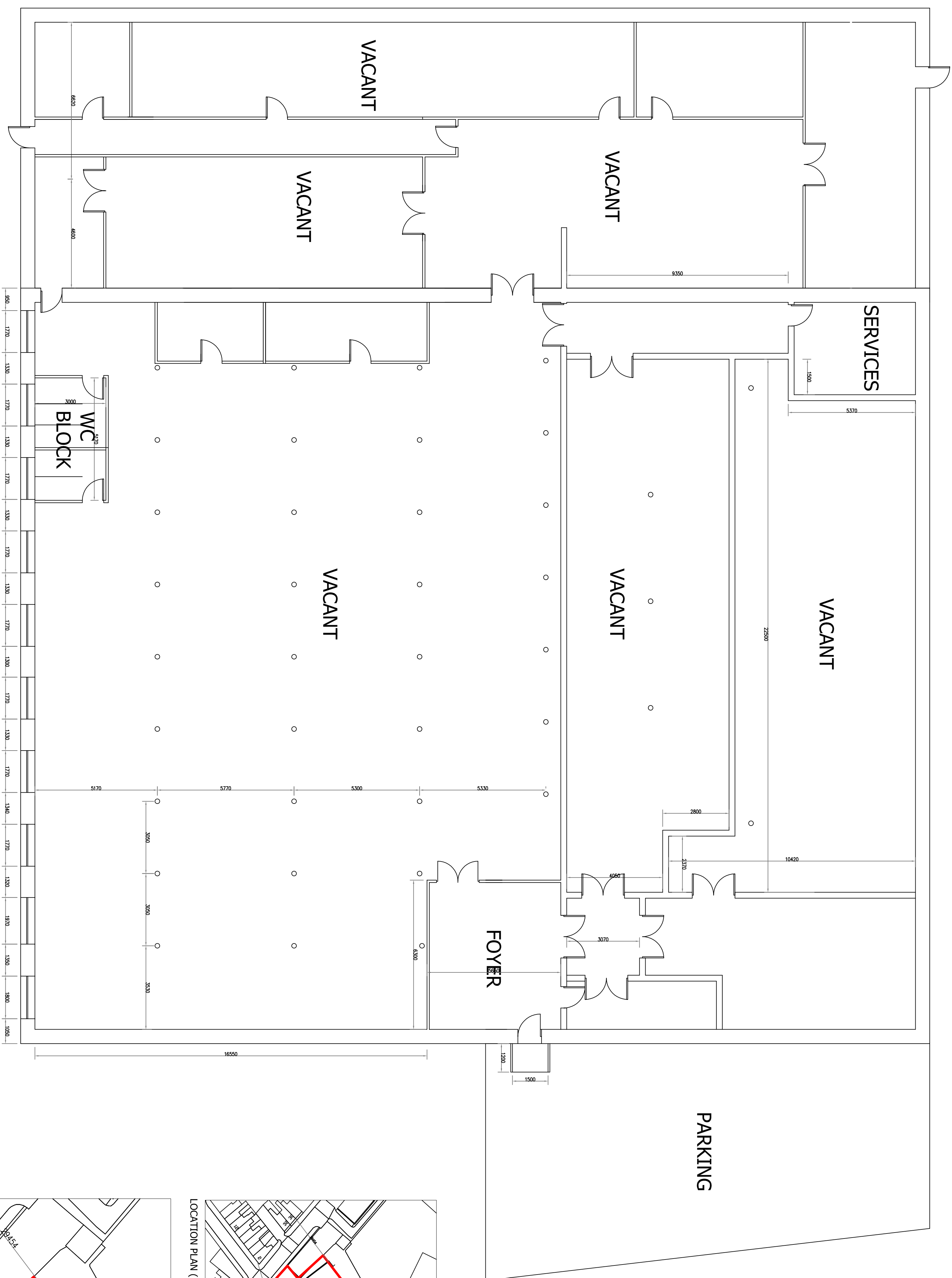


EXISTING SIDE (02) ELEVATION



EXISTING REAR ELEVATION

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EXISTING FIRST FLOOR PLAN

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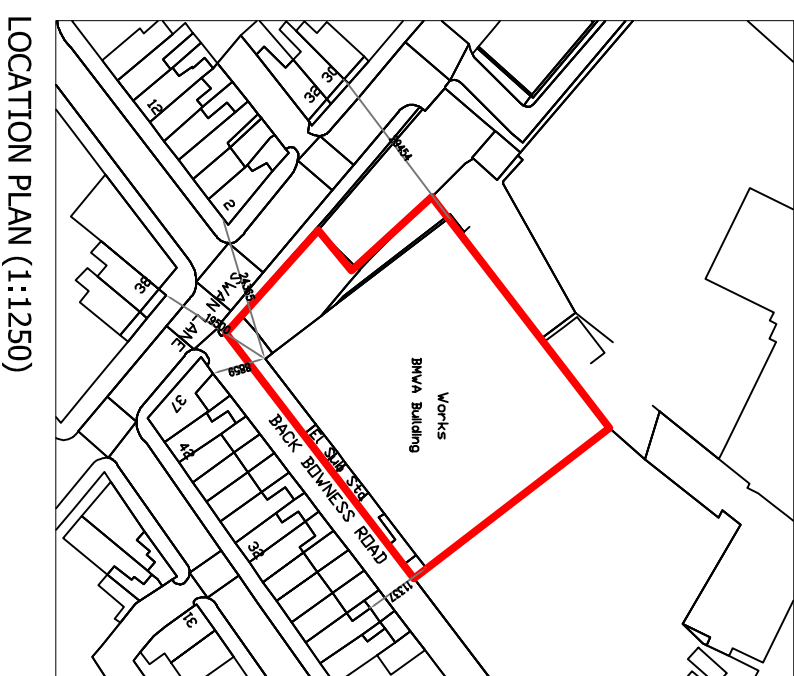
The whole of the works to comply with current Building Regulations. No work to commence without Building Regulations approval.

Notes

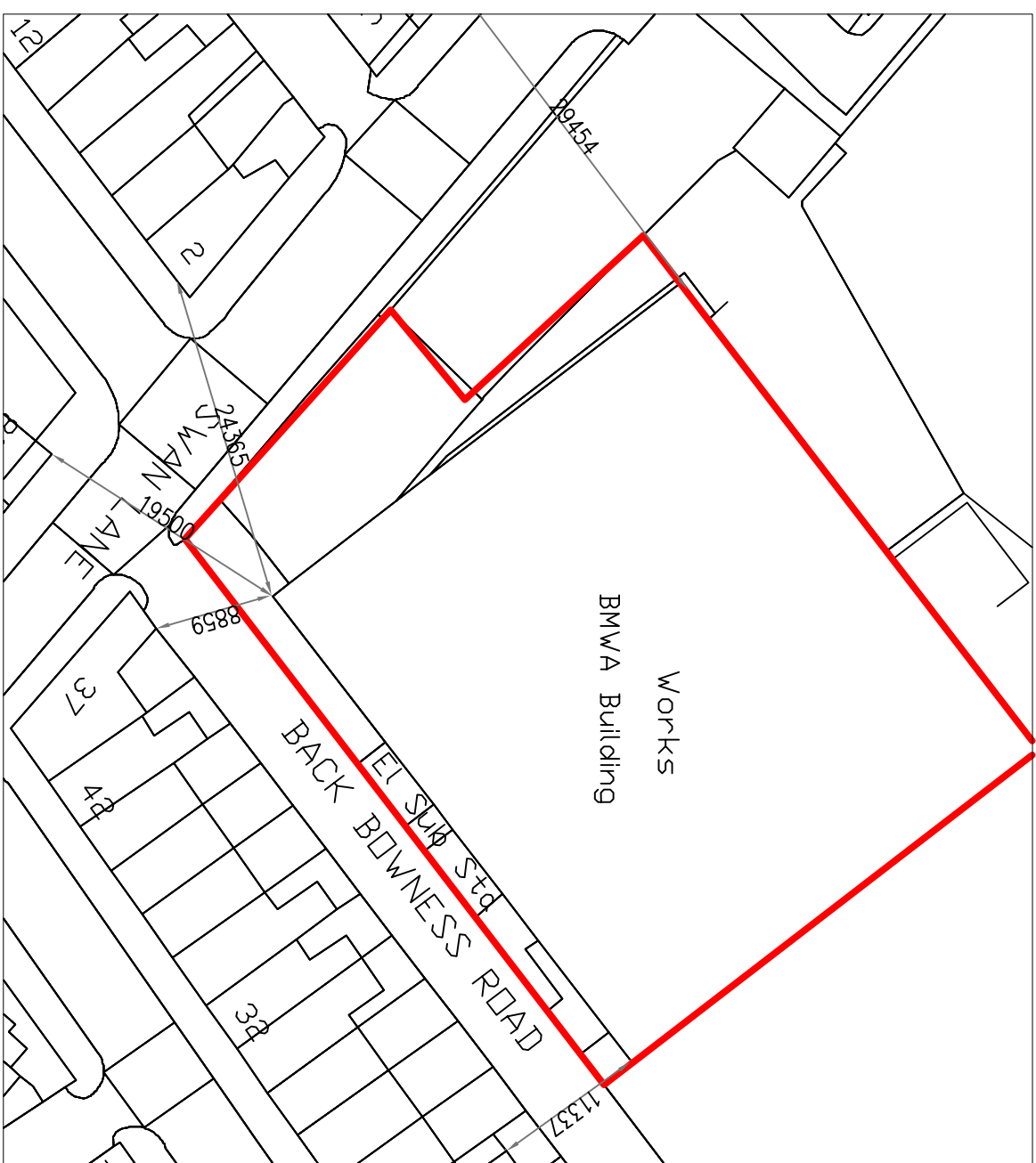
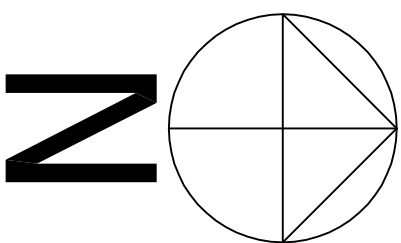
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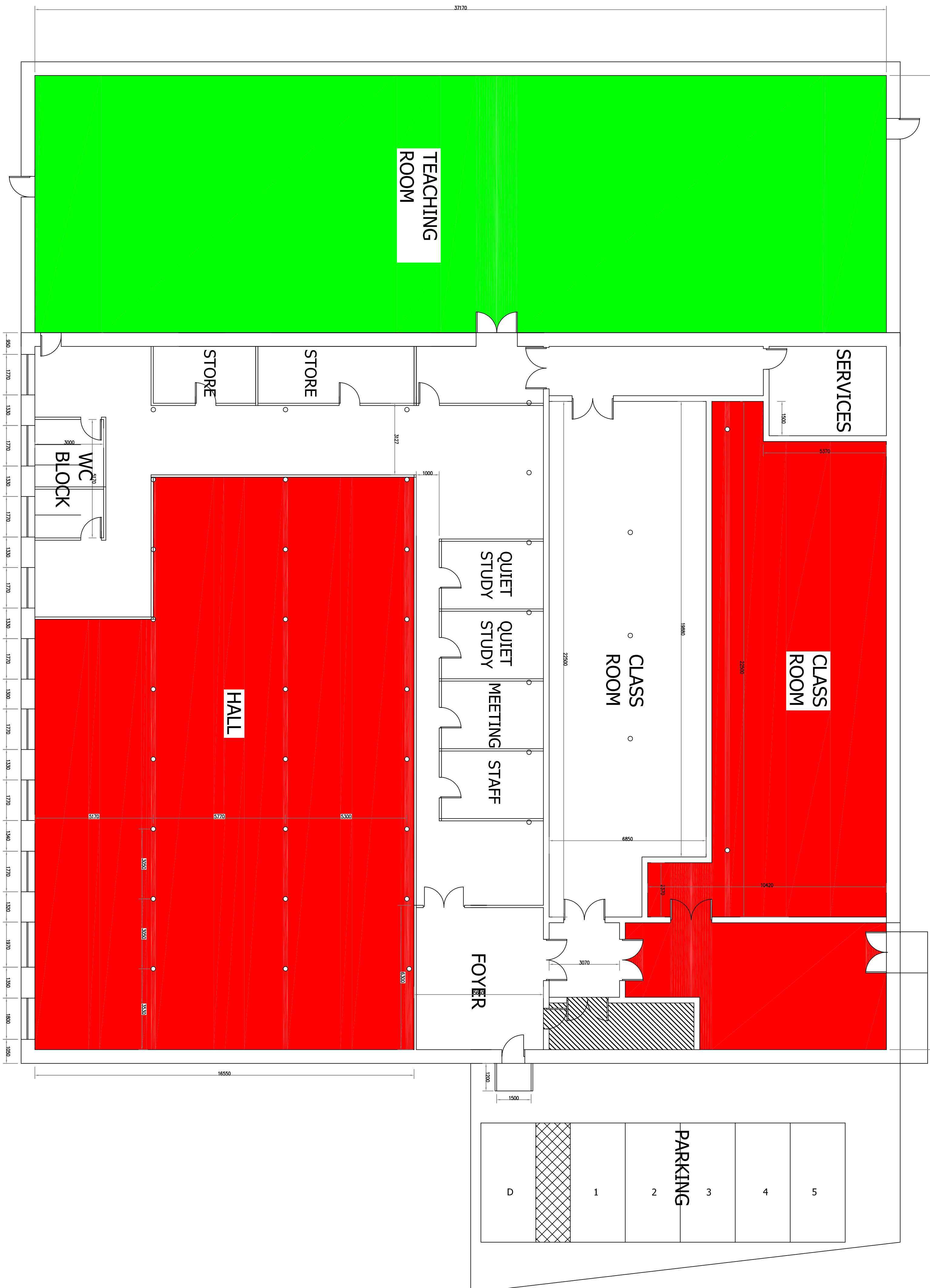
Tel : 07790 361104
Email : rahatanwar@hotmail.com

Project	PROPOSED TEACHING & COMMUNITY FACILITY, BMW BUILDINGS, SWAN LANE, BOLTON BL3 6TA	
	Client	MR YAHYAH
	Drawn	RA
Title	Date	JANUARY 2014
	Scale	1:100
	Drawing Number	RAD/756/14/2/RevA



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PROPOSED FIRST FLOOR PLAN

UPPER FLOOR ACCESS

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Notes

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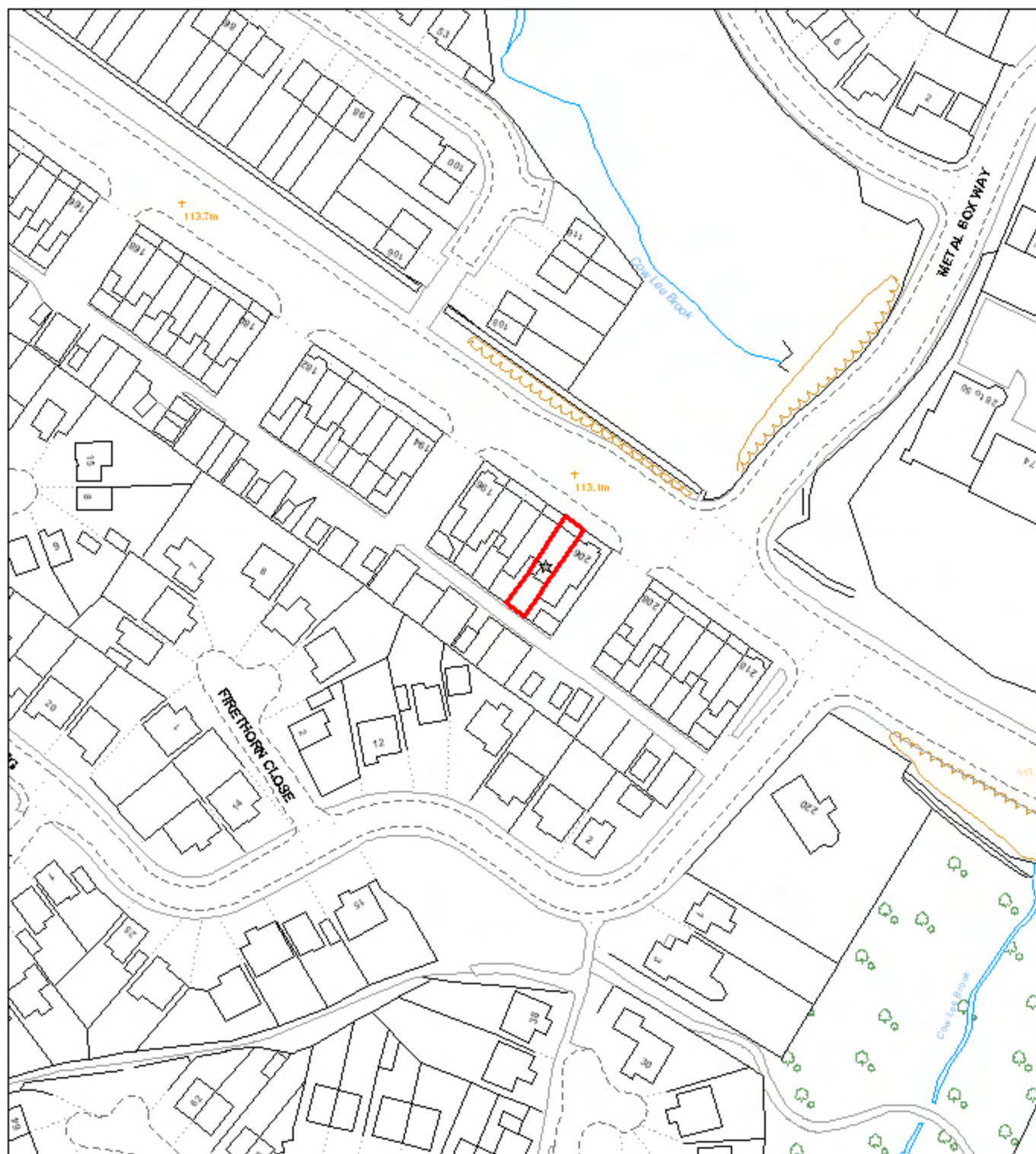
Tel : 07790 361104

Email : rahatanwar@hotmail.com

Project	PROPOSED ISLAMIC EDUCATION FACILITY, BMWVA BUILDINGS, SWAN LANE, BOLTON BL3 6TA	Client	MR YAHYAH
		Drawn	RA
		Date	JANUARY 2014
Title	PROPOSED PLANS	Scale	1:100
		Drawing Number	RAD/756/14/4/RevA

Application No.

91399/14



**Development and Regeneration Department
Planning Control Section**

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399

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Date of Meeting: 05/06/2014

Application Reference: 91399/14

Type of Application: Full Planning Application
Registration Date: 29/01/2014
Decision Due By: 25/03/2014
Responsible Officer: Simon Coles

Location: 204 MANCHESTER ROAD, WESTHOUGHTON, BOLTON, BL5 3LA

Proposal: ERECTION OF PART SINGLE/PART TWO STOREY EXTENSION AT REAR.

Ward: Westhoughton North

Applicant: Mr M Morris
Agent : Mr R Potter

Officers Report

Recommendation: Refuse

Proposal

The application proposes the erection of a part two storey/part single storey extension at rear to provide a kitchen and W.C. at ground floor level and a bedroom and bathroom at first floor level.

The two storey element will project from the existing two storey outrigger by approximately 3.3 metres bringing it flush with the rear of number 206 Manchester Road. The single storey projects a further 2.8 metres and is sited along the boundary with number 206 Manchester Road. This extension is 1.4 metres wide. An existing store sited to the rear boundary is to be demolished.

Site Characteristics

This is a terraced property with an existing two storey outrigger that projects 3 metres. There is a detached store to the rear boundary.

The property at number 202 Manchester Road has a two storey outrigger (the same length as the application property) with a single storey kitchen extension at rear. There is also a detached store to the rear boundary. There is a principal window at first floor level which serves a main bedroom and a window at ground floor level that serves a through lounge.

The property at number 206 Manchester Road has a two storey outrigger at the rear that is set out further than number 204 by about 3.3 metres. The property has a cantor levered structure sited to the boundary with number 204 and has a store to the rear boundary.

Policy

National Planning Policy Framework (NPPF)

Core Strategies Policies: CG3 The Built Environment; CG4 Compatible Uses and OA3 Westhoughton.

SPD House Extensions and PCPN2 Space Around Dwellings

Analysis

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.

The main impacts of the proposal are:-

- * impact on the adjoining neighbours
- * impact on the character and appearance of the property and the surrounding area

Impact on the adjoining neighbours

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.

SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on neighbouring properties, particularly in relation to natural light, privacy and overlooking. PCPN2 Space Around Dwellings sets out the Council's minimum interface standards between dwellings.

Impact on number 202 Manchester Road

The two storey element proposed projects approximately 3.3 metres bringing it in-line with the rear of number 206. Number 202 has windows at ground floor and first floor level which serve a through lounge and a main bedroom. Both these windows are set within the infill closest to the boundary with the application property.

SPD House Extensions states that rear single or two storey extensions on terraced properties of up to 4 metres in length (taken from the original rear elevation of the property) will normally be considered acceptable. Single storey extensions longer than 4 metres may be acceptable if the space remaining at the end of the yard would be unusable or if the impact on the neighbour would be limited by screening – for example, where there is an existing extension which the proposal would abut in the adjacent dwelling.

However, by taking into account the existing two storey outrigger which projects approximately 3.1 metres, a further 3.3 metres would provide a two storey extension with a projection of approximately 6.4 metres that would provide an over dominant effect on the neighbouring residents at number 202 Manchester Road, impinging on the first floor

main bedroom window to a degree which would represent an unacceptable impact on the outlook and living conditions of the residents at this property. Furthermore, given the orientation of the properties the proposal would cause loss of light to this main room window.

Impact on number 206 Manchester Road

The proposed two storey extension would tie in with the existing two storey outrigger at this property and due to the a lean-to shed it is considered that the further single storey projection would not have a detrimental impact on the living conditions of the residents at this property.

Further to the above, it is considered that the proposal is not acceptable due to the detrimental impact on the living conditions of the residents at 202 Manchester Road by way of loss of light and outlook and therefore does not comply with Policy CG4.

Impact on the character and appearance of the property and the surrounding area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA3 of the Core Strategy relates specifically to developments in Westhoughton and states that the Council will conserve and enhance the character of the existing physical environment

SPD House Extensions provides general advice on house extensions and offers guidance relating to the effect of extensions on the appearance of the dwelling itself and the effect of extensions on the street scene and the character and appearance of the area.

Within this row of terraced properties the end two, namely numbers 196 and 206 Manchester Road benefit from larger two storey outriggers. The mid terrace properties all have smaller two storey outriggers at similar lengths, with some having added further single storey extensions.

In this case the scale, massing and architectural design of the extension is not considered to be in-keeping with the existing property and the surrounding area.

Conclusion

The proposal is not consistent with the guidelines contained in SPD - House Extensions (2012) by reason of the unacceptable impact the first floor extension would have on the outlook and living conditions of the neighbouring residents at number 202 Manchester Road. Similarly the proposal is not consistent with Bolton's Core Strategy (2011) by reason of its scale and massing.

Members are therefore recommended to refuse this application.

Representation and Consultation Annex

Representations

Letters:- Two letters of objections have been received with the following concerns: -

- extension is the size of a small house;
- disturbance and probable damage of brickwork, foundations and roof to objectors property;
- loss of light to kitchen window from single storey element; (*Officer's comments: a kitchen is not treated as a main room window and therefore any impact would not be considered material*)
- loss of natural light into lounge window from two storey element.

Town Council:- Westthoughton Town Council requested that the application be determined by the Planning Committee.

Elected Members:- Councillor Peacock has requested that the application be determined by the Planning Committee.

Consultations

Advice was sought from the following consultees: None.

Planning History

None.

Recommendation: Refuse

Recommended Conditions and/or Reasons

1. The proposed extension would, by virtue of its design, height and siting be detrimental to the character and appearance of the area and in particular would impact detrimentally on the outlook and living conditions of neighbouring residents at 202 Manchester Road and is contrary to Policy CG3 and CG4 of Bolton's Core Strategy and Supplementary Planning Document - "House Extensions".

again capped

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kitchen

through lounge

№ 202

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REPOSITION
R|FUE
ROSLER

PROPOSED EXTENSIONS AT
204 MANCHESTER RD
WESTHOUGHTON BL 53A

FILE	EXISTING	PROPOSED

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2011

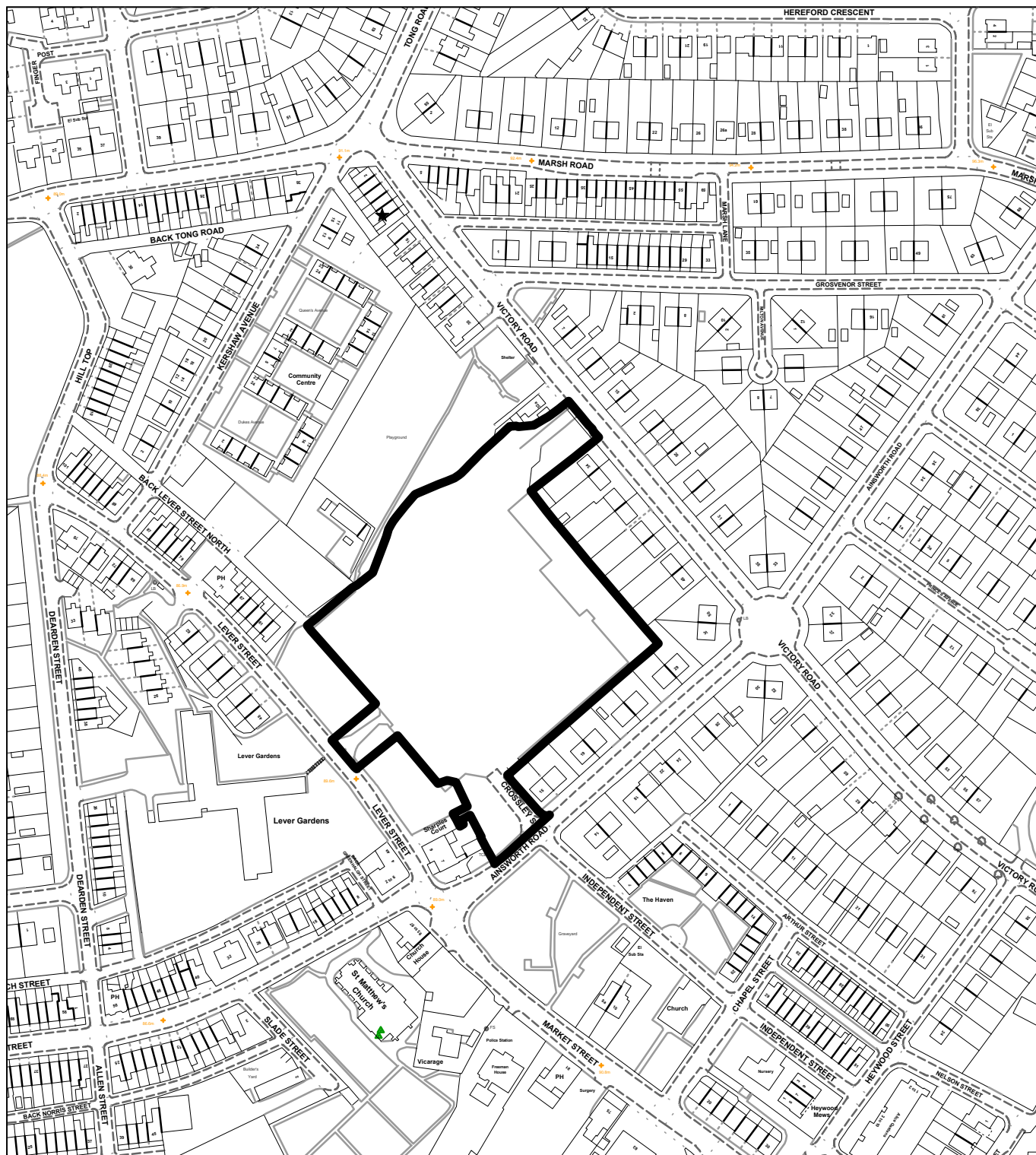
LEVEL: 1
RATION: 1

PART GROUND FLOOR PLAN : EXISTING

PART GROUND FLOOR PLAN : PROPOSED

Application No.

91431/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399

**Bolton
Council**

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11

Date of Meeting: 05/06/2014

Application Reference: 91431/14

Type of Application: Full Planning Application
Registration Date: 03/02/2014
Decision Due By: 04/05/2014
Responsible Officer: Alex Allen

Location: FORMER BRADLEY MILL, LEVER STREET, LITTLE LEVER, BOLTON, BL3 1BA

Proposal: VARIATION OF CONDITION 34 ON APPLICATION 86999/11 REGARDING BREEAM RATING.

Ward: Little Lever and Darcy Lever

Applicant: Peveril Securities Ltd
Agent : Zerum Consult Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

The applicant is seeking the variation of Planning Condition No. 34 on planning permission 86999/12 which sought the following:

Prior to commencement of development, a scheme which assesses the proposed BREEAM rating of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall achieve a BREEAM (Retail) Very Good standard (or such national measure of sustainability for commercial retail design that replaces that scheme). Within 3 months of the occupation of the building a Final BREEAM Certificate has been issued for it certifying that the approved scheme/standard has been achieved.

The applicant has submitted information to support the fact that they are not able to provide a development which would achieve a Very Good BREEAM standard. However, the applicant is committed to provide a building which is built to a high environmental/sustainable standard i.e. a Good BREEAM standard. The applicant is also committed to providing the other elements required under Core Strategy policy CG2 i.e. reductions in surface water run-off and carbon dioxide.

Whilst no objections have been raised to the current proposal, the item is brought to Planning Committee as it does not fully comply with Core Strategy Policy CG2.

Site Characteristics

The site has been under construction for a number of months. The development site was the former Pennine Pet Foods Factory/Bradley Mill which had access from Ainsworth Road (via Crossley Street), Lever Street and Victory Road. Two storey semi detached residential properties and their rear gardens form the boundary of the site on Victory Road and Ainsworth Road. The site is set back from the boundary with Lever Street. Directly to the north is an operational children's day nursery and to the north west vacant/derelict site which has an extant permission for a three storey block of apartments.

Facing the site to the west on the opposite side of Lever Street is a block of sheltered housing (Lever Gardens) together with terraced properties which back onto Back Lever Street North.

Policy

National Planning Policy Framework

Core Strategy CG2 Sustainable Design and Construction.

Analysis

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.

The main impacts of the proposal are:-

- * impact on sustainability;
- * other materials considerations.

Impact on sustainability

Core Strategy policy CG2 requires new retail developments are: (i) built to a BREEAM Very Good rating; (ii) reduce carbon dioxide emissions of predicted regulated and unregulated energy usage to by 10% by the use of low carbon energy sources/renewable or decentralised energy sources and (iii) reduce surface water drainage from the site by 50%.

BREEAM rating

To achieve a Very Good BREEAM rating the development as a whole would have to achieve a score of 55% through a range of commitments across the development as a whole. When Officers and Members considered the original development proposal for the site the applicant at the time had provided a pre-assessment of the scheme which stated that a Very Good BREEAM rating would be able to be achieved.

The applicant has reviewed the earlier study with updated information and it has come to light that the development would achieve a Good BREEAM rating (a score of between 45% and 54.9% . The design / construction of the development has not changed nor

has the applicants commitment to providing a development which is built to a high standard. The applicant proposes a number of measures to achieve a Good BREEAM rating including the following:

- Construction site environmental management;
- Low levels of construction waste;
- Low carbon design / reduction in carbon dioxide emissions from the development;
- Efficient lighting within the scheme;
- Provision of cycle parking provision within the scheme;
- Low water use sanitary specification;
- Provision of a Sustainable Urban Drainage based surface water drainage solution.

Subsequently the applicant has provided a revised BREEAM assessment that confirms the proposal would meet the Good standard. It is intended to retain a condition which requests the provision of a post completion certificate for the development which demonstrates that it would achieve a Good BREEAM standard.

Other sustainability requirements

The applicant have provided information to substantiate that the other two requirements of Core Strategy policy CG2 would be fully implemented. These are covered by separate planning conditions under the original planning approval which would remain valid.

Other materials considerations

As outlined in 2012 the proposal would result in a development which has the capacity to assist in the regeneration of Little Lever town centre and meets a clear need in respect of the provision of convenience goods. Once open the scheme has the potential to retain retail expenditure within Little Lever which as a result would provide for more sustainable traffic movements i.e. less vehicle movements / shorter distance vehicle movements.

Conclusion

The proposal does not fully meet the requirements of Core Strategy policy CG2. However, it is considered that the following material considerations outweigh the modest reduction in BREEAM rating which can be achieved. These include the following:

(i) the new store would have a Good BREEAM rating, (ii) a store design which reduces carbon dioxide emissions by 10% and a development which as a whole reduces surface water run-off by 50%, (iii) the physical regeneration of the site, (iv) economic regeneration of Little Lever town centre, (v) retention of shoppers in Little Lever and (vi) more sustainable means of travel when shopping as a result.

It is considered the wider benefits of the development outweigh the shortfall in the physical sustainability of the scheme. The proposed variation is recommended for approval subject to the scheme being built to a Good BREEAM standard.

Representation and Consultation Annex

Representations

Letters/petitions:- no representations received.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees: the Council's Sustainable Development team.

Planning History

Planning Committee members granted planning permission for the erection of a supermarket together with car parking, access, landscaping and associated works in August 2012 (Ref: 86999/12).

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

1. The development hereby granted shall be built in accordance with the approved scheme. Such a scheme shall achieve a BREEAM (Retail) Good standard (or such national measure of sustainability for commercial retail design that replaces that scheme). Within 3 months of the occupation of the building a Final BREEAM Certificate has been issued for it certifying that the approved scheme/standard has been achieved.

Reason:

To reduce the impact on climate change and to improve the sustainability of the site.

Application No.

91521/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399

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Date of Meeting: 05/06/2014

Application Reference: 91521/14

Type of Application: Full Planning Application
Registration Date: 24/02/2014
Decision Due By: 20/04/2014
Responsible Officer: Jeanette Isherwood

Location: 11 RUBY STREET, BOLTON, BL1 8LE

Proposal: ERECTION OF TWO STOREY EXTENSION AT REAR

Ward: Crompton

Applicant: Mr Ismail
Agent : Mr S Oxford

Officers Report

Recommendation: Approve subject to conditions

Proposal

The application proposes the erection of a two storey extension to the rear of the property.

The proposal will be 3 metres wide and 4.2 metres long, extending the full length of the rear yard whilst leaving a small access path to the side abutting the party boundary with 13.

Site Characteristics

This is a mid terraced property with no existing extensions.

The adjoining property at 13 has a full length single storey extension to the rear, abutting the party boundary with 11. To the first floor this property has a principal bedroom window nearest to 11.

The adjoining property at 9 has not been extended. To the ground floor there is a kitchen window, to the first floor is an obscure glazed bathroom window.

The immediate vicinity is one of terraced properties, the majority of which have been extended at ground floor.

Policy

National Planning Policy Framework 2012

Bolton's Core Strategy: -
CG3 – Cleaner and Greener- The Built Environment

CG4 – Cleaner and Greener – Compatible Uses

RA1- Inner Bolton

Planning Control Policy Note:-
No. 2 Space around Dwellings

Supplementary Planning Guidance - House Extensions (2012)

Analysis

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.

The main impacts of the proposal are:-

- * impact on the adjacent properties
- * impact on the character and appearance of the area

Impact on the adjacent properties

Supplementary Planning Document - House Extensions states that rear single and two storey extensions on terraced properties of up to 4 metres in length (taken from the original rear elevation of the property) will normally be permitted.

The purpose of the above is to ensure that neighbouring properties are not unduly affected in terms of their living conditions by reason of being overshadowed by any development to a degree where reasonable outlook would be lost.

The Council has taken the view that applications to extend such properties need to be considered more sympathetically. These principles may also be applied to more modern terraced and town houses which, by reason of style and fashion at the time they were built, also offer very limited accommodation to meet growing demands for home owners.

In this case the proposal will be 4.2 in length which is in excess of this guidance. However the adjoining property at 13 has a full length single storey extension abutting the party boundary with 11 and the proposal will be sited away from this boundary, minimising the additional impact here.

The proposal will be sited on the party boundary with 9. This property has not been extended and although it is acknowledged that the proposal will have some impact on 9, the benefits in terms of improving the living conditions of residents overall is a significant consideration which should attract substantial weight.

Based on site conditions and the marginal additional length of the proposal it is

considered that the extension will not unduly harm the living conditions of the adjacent properties.

One objection was received from a neighbouring property concerned that the height of the proposal would lead to a loss of light to the property. This objection however has now been superseded by a letter of support from this property.

Five further letters of support have been received from surrounding properties.

A condition will be added to the approval to obscure the first floor side window to further protect the privacy of the adjoining neighbour.

Impact on the character and appearance of the area

The NPPF in paragraph 56 states "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Bolton's Core Strategy (2011) policies CG3.2 and CG3.3 require proposals to respect and enhance local distinctiveness, and be compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape treatment, including hard/soft landscaping and boundary treatment. Policy RA1 refers specifically to developments in Inner Bolton and ensuring new development proposals are compatible with the area, in terms of massing, materials, streetscaping, good urban design. (RA1.12 and RA1.13)

Supplementary Planning Document - House Extensions states that a well designed extension should be subordinate in relation to the dwelling and should be of a size and scale which is in proportion to the existing house.

The immediate vicinity is one of terraced properties the majority of which have full length single storey extensions. The properties to the rear line Blackburn Road and were all originally constructed with large two storey outriggers and therefore this proposal is not thought to have a detrimental impact on the street scene.

In this case the scale, massing and architectural design of the extension is considered to be in-keeping with the existing property and integrates well with the original house design and that of similar extensions in the immediate vicinity.

The property retains a small area for the storage of household refuse bins.

Conclusion

The proposal has been presented to Committee as it does not comply with present policy. However it is considered to be consistent with the spirit of this guidance and enables the occupiers to maintain residence whilst providing affordable accommodation to meet their needs.

The proposal is therefore recommended for approval.

Representations and Consultation Annex

Representations

Letters:- One letter of objection and 6 letters of support

Consultations

None sought

Planning History

None relevant

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Before the first occupation of the building/extension hereby permitted the first floor side window facing 13 Ruby Street shall be fitted with obscure glazing whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely obscure) and shall be permanently retained in that condition thereafter.

Reason

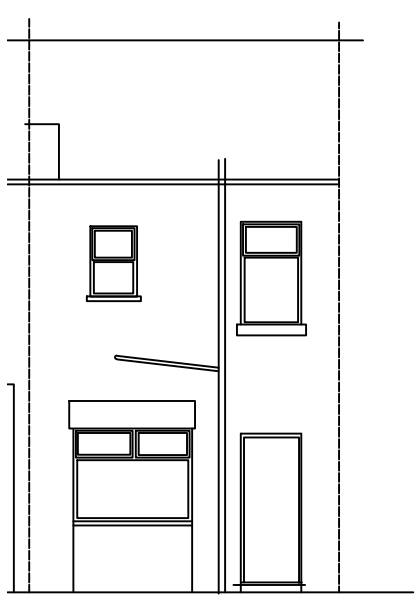
To protect the privacy, outlook and living conditions of neighbouring occupiers.
3. The external surfaces of the extension hereby permitted shall be of a similar colour, texture and size of those of the existing building, and shall be retained thereafter.

Reason

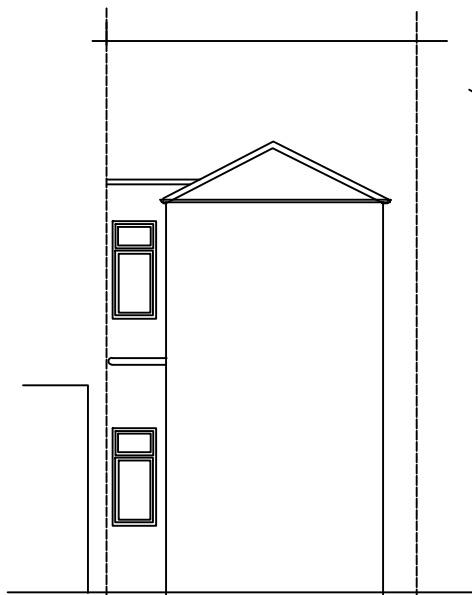
To ensure the development visually reflects the existing building.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no windows or doors shall be formed in the development hereby approved other than those shown on the approved drawings, nor shall those approved windows or doors be enlarged or altered.

Reason

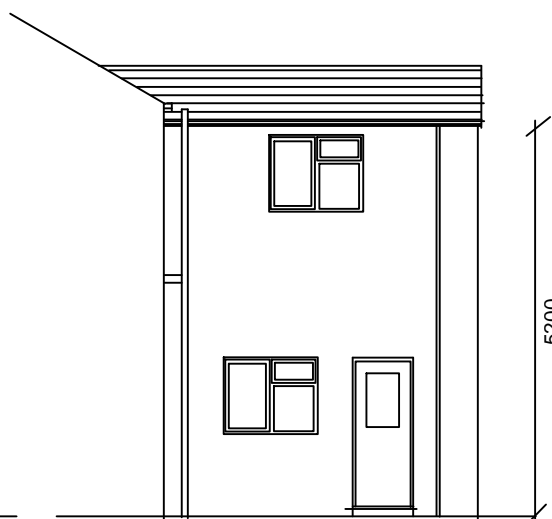
To safeguard the outlook, privacy and living conditions of neighbouring residents.



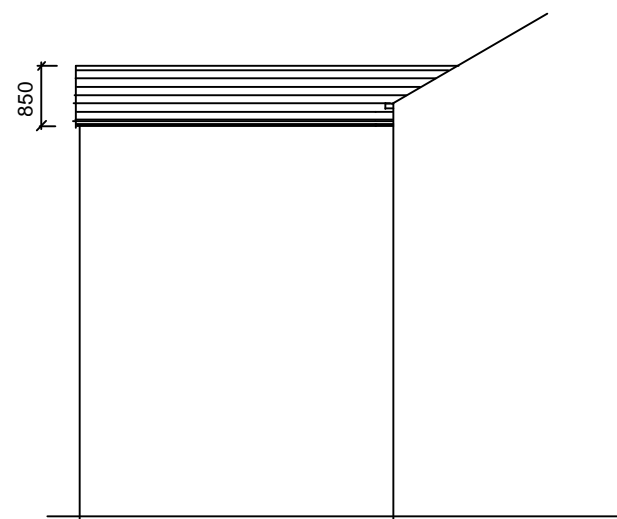
EXISTING REAR ELEVATION



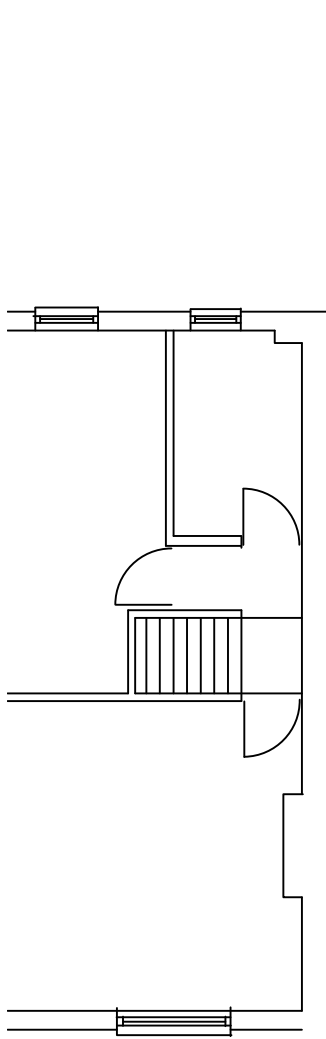
PROPOSED REAR ELEVATION



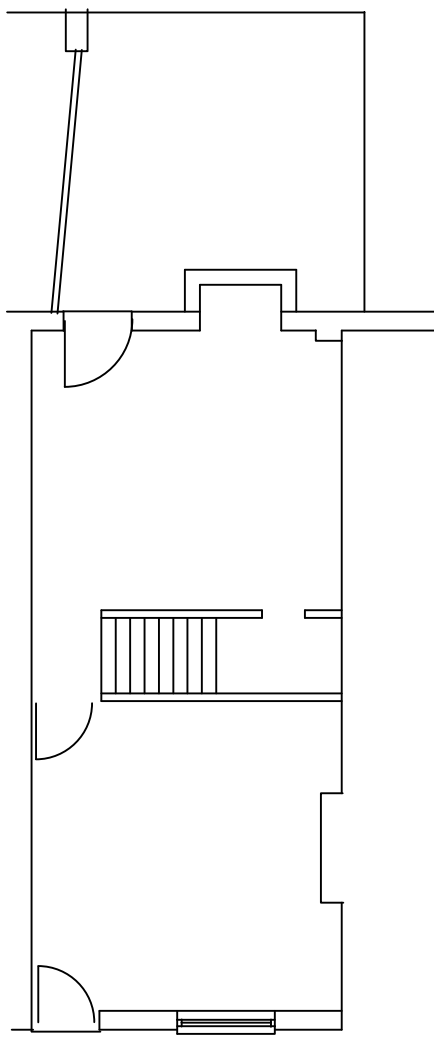
PROPOSED SIDE ELEVATION



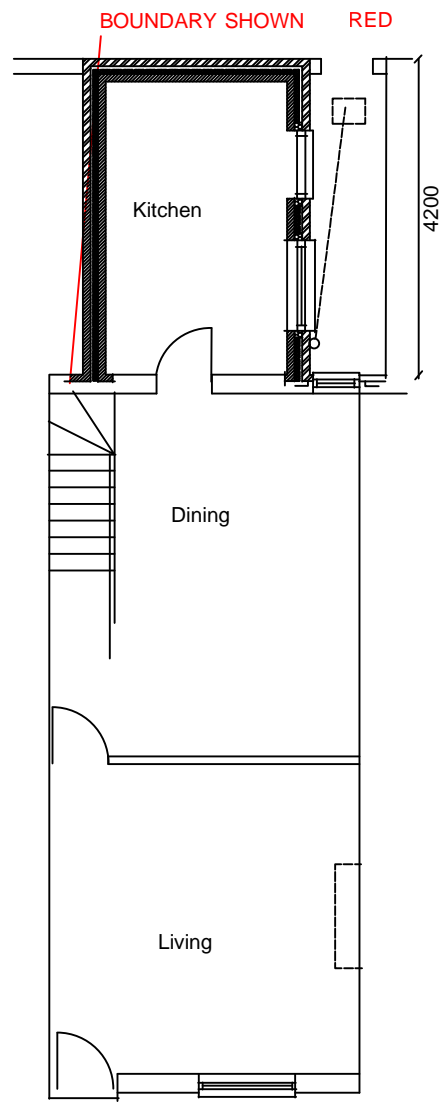
PROPOSED SIDE ELEVATION
FROM NO 9



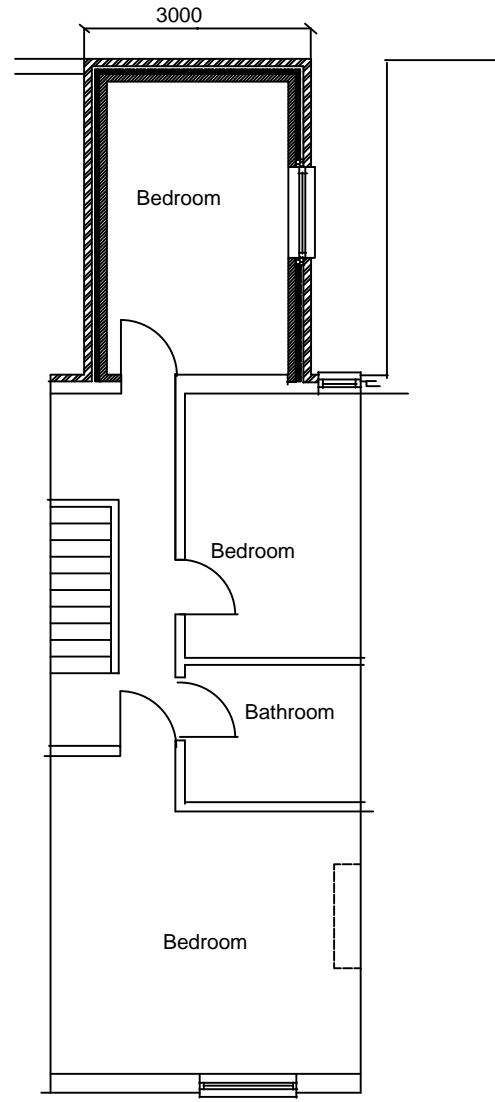
EXISTING GF PLAN



EXISTING FF PLAN



PROPOSED GF PLAN



PROPOSED FF PLAN

PROPOSED TWO STOREY EXTENSION 11 RUBY ST BOLTON

Application No.

91613/14



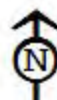
Development and Regeneration Department
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Date of Meeting: 05/06/2014

Application Reference: 91613/14

Type of Application: Full Planning Application
Registration Date: 05/03/2014
Decision Due By: 29/04/2014
Responsible Officer: Helen Williams

Location: BLACKROD INDUSTRIAL ESTATE, SCOT LANE, BLACKROD, BOLTON, BL6 5SG

Proposal: ERECTION OF 14 NO. COMMERCIAL/INDUSTRIAL UNITS

Ward: Horwich and Blackrod

Applicant: James Industrial Limited
Agent : Steven Abbott Associates LLP

Officers Report

Recommendation: Approve subject to conditions

Background

This application was deferred at the last Committee meeting for further information. This information is presented as follows:

Hedgerow replanting condition

Members had suggested at the last meeting that the damaged hedgerow should not be replanted with whips (as per the suggested condition) but with three year bushy hawthorn. The Council's Wildlife Liaison Officer has been consulted on this and he believes this would not be a suitable option for the following reasons:

- * A three year hawthorn is unlikely to be that bushy and would be more of a tall whip.
- * Most hawthorn whips will actually be two years old (one year in the nursery bed and one year transplanted and grown).
- * The establishment of a young whip would be quicker and more successful than a larger bushy plant.
- * Hawthorn bushes would be very expensive compared to whips.

The Officer therefore advises that the planting of whips would be the better option, at a stocking rate of five whips per metre and protected with stock netting to aid quick establishment.

Member request that the building is finished in matt green rather than grey/silver

The applicant has stated that this cannot be done as the cladding would have to be replaced with new green cladding to achieve this. The case officer would comment that once the hedgerow is re-established the building would not be particularly visible from outside the industrial estate. Furthermore other buildings within the estate are constructed from grey/silver cladding.

Details of a drainage scheme

Details of how the building/site will be drained will be reported directly to Members at the meeting.

Improvement to access junction

The conditions requested by the Council's Highways Engineers are to be attached to any approval, as Members' considered these were necessary.

Rubbish to the rear of the building

The applicant has confirmed that they will remove all the items stored to the rear of the building. Any update on this will be reported to Members at the meeting.

Proposal

Permission is sought for the retention of a commercial/industrial building containing 14 units that has been erected at the northern edge of Blackrod Industrial Estate. The building measures 67.5 metres long and 8.5 metres wide, and is 5.018 metres in height (total height). There is a total floorspace of 573 sq. metres. The building contains 14 roller shutter doors (one to each unit) and is constructed from grey micro rib profile steel cladding (walls and roof).

The building has already been erected and came to the attention of the local planning authority by way of an enforcement complaint.

A gym currently occupies three of the units (the easternmost three). The applicant has confirmed that the other units are either fully let or committed to users (such as a piping contractor, computer servicing/repair, and overnight storage of vehicles/plant).

There is a car parking area to the front of the units that can accommodate 24 vehicles. Vehicular access to the units is through the existing industrial estate, off Scot Lane.

Site Characteristics

The application site is a 0.13 hectare area of land to the north of Blackrod Industrial Estate. The application site formerly contained a number of buildings, a yard and a scrap yard. The site now contains the large metal clad building and car park that is currently being applied for.

Blackrod Industrial Estate contains numerous industrial and commercial buildings and operations, and is a long established industrial estate. The estate is allocated as a major developed site in the Green Belt.

Access to the application site is taken through the industrial estate, off Scot Lane. Scot Lane (B5238) is the main road between Blackrod and Aspull.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P1 Employment Land; P5 Transport and Accessibility; S1 Safe Bolton; CG1.1 Rural Biodiversity; CG2.2c Surface water run-off; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

Saved UDP Policies: G5 Infilling at Major Developed Sites in the Green Belt

Analysis

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.

The main impacts of the proposal are:-

- * impact on the existing major developed site in the Green Belt
- * impact on the character and appearance of the area
- * impact on the highway
- * impact on the adjacent hedgerow
- * impact on the amenity of neighbouring uses
- * impact on drainage

Impact on the Existing Major Developed Site in the Green Belt

Saved UDP Policy G5 states that the Council will permit development proposals for limited infilling, or the complete or partial redevelopment, of the existing major developed sites within the Green Belt, that are identified within the policy and defined on the Proposals Map, providing that the proposal:

- (i) is contained within the boundary shown on the Proposals Map;
- (ii) has no greater impact upon the purposes of including land within the Green Belt than the existing development;
- (iii) does not exceed the height of the existing buildings on the site; and
- (iv) does not lead to a major increase in the developed proportion of the site.

The application site is allocated as being contained within Scot Lane Industrial Area on the Council's Proposals Map. Scot Lane Industrial Area is listed as a major developed site in the Green Belt in saved UDP Policy G5.

The new building replaces former buildings and commercial/industrial operations on the application site. It is not considered that the building will have a greater impact upon the purposes of including land within the Green Belt than the previous uses of the site, which the applicant has stated included a vehicular repair garage/recovery, a milk distribution business, building contractors and a storage yard and a scaffolding contractor.

A gym currently occupies three of the units (the three units to the east of the building). A gym use is a Class D2 use (assembly and leisure), rather than a B1, B2 or B8 use (industrial, storage and distribution) that are currently permitted within the industrial estate. The gym however provides employment and it is considered that an industrial estate is an appropriate site for such a use (the site is not an allocated employment site). The applicant advises that due to the limited success of this gym business the gym is

likely to reduce its size to a single unit (111 sq. metres of floorspace). It is therefore suggested to condition the floorspace of this existing gym use to up to 111 sq. metres, with the remainder of the units being limited to B2 and B8 uses. The applicant has agreed to this condition.

The new building does not exceed the height of other existing buildings on the site and does not lead to a major increase in the developed proportion of the site (as it was previously developed).

The units are intended to serve a local demand for smaller good quality commercial units and the applicant has estimated that the new building will accommodate 30 jobs. The applicant has also stated that there is a strong level of commercial interest in the units, with all the units having been fully let or committed to an end user.

It is considered that the proposed development would comply with saved UDP Policy G5, as well as creating additional jobs and economic activity in Blackrod, to the benefit of the area.

Impact on the Character and Appearance of the Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA1 of the Core Strategy states that the Council will conserve and enhance the character of the existing landscape and physical environment, and will ensure that development in Horwich and Blackrod respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

Although the building is large in scale (14 units in a row) it is considered that it is appropriate in its context, a large industrial estate comprising other sizeable industrial units. The building is located some distance from Scot Lane and again is viewed in context with the other industrial units and operations within the estate.

The building is of a typical design for industrial/commercial units, being constructed of grey profile steel cladding with roller shutter fronts.

It is considered that the design and scale of the building is compatible with the character and appearance of the existing industrial estate, compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] freight movement for industrial and storage uses, servicing arrangements and parking. Policy S1.2 states that the Council will promote road safety in the design of new developments.

The Council's Highways Engineers have raised no objection to the proposal but have requested that the junction of the access road into the industrial estate with Scot Lane be improved by widening the carriageway and radii and by providing footways. Engineers have stated that they have requested these junction improvements as there will be an intensification of use at the estate.

The applicant has responded to the Engineers' comments by stating that there is no evidence to suggest that the 14 industrial units will generate materially greater or different patterns of traffic generation than the historic uses of the site or from the general pattern of traffic generating from the wider industrial estate. Supporting this stance they have quoted paragraph 32 of the NPPF, which states, "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Officers agree with the applicant that it would be unreasonable to request the junction improvements to the entrance of the industrial estate as the building is only replacing previous industrial operations on the site, the proposal is not increasing the extent of the industrial estate and the proposed units are only intended to be small "starter units". Furthermore, Highways Engineers have not commented that the proposal would have such severe impacts (paragraph 32 of the NPPF) to necessitate the junction improvements.

A car park has been provided to the front of the units, which is able to accommodate 24 vehicles. This is considered to be acceptable and it is suggested that a condition be attached to any consent to ensure that this car park is available at all times the premises are in use.

For these reasons it is considered that the proposed development would not jeopardise highway safety, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on the Adjacent Hedgerow

Policy CG1.1 of the Core Strategy states that the Council will safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value.

The Council's Wildlife Liaison Officer has visited the site to view the hedgerow to the rear of the new industrial buildings following allegations from Blackrod Town Council that it had been damaged. The officer believes that the hedgerow is between 50-60 years old given its stem diameter (not 300 years old as claimed). They have confirmed that sections of the hedge have been damaged, though it is difficult to quantify the extent of the damage as the hedgerow is "gappy" in the base. The officer however states that there is no evidence that grubbing-up of roots has taken place and the brash piles in the adjacent field do not appear to contain any root material. The officer also believes that, given the remaining sections of the hedge, it would not qualify as an important hedgerow.

The Wildlife Liaison Officer has advised that it would be more proactive to seek to repair the hedgerow rather than seek redress through the Hedgerow Regulations 1997. They therefore recommend that, should planning permission be granted, a condition be attached to the approval to require the re-stocking of the damaged sections of the hedgerow with Hawthorn whips and protected with spiral guards. The following condition is therefore suggested:

"Within a month of this decision, a scheme detailing the proposed re-stocking of the damaged section of the hedgerow to the north of the proposed buildings (with Hawthorn (*Crataegus monogyna*) whips at the rate of 5 whips per metre planted in a double, staggered, row and protected with spiral guards) shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented fully in

accordance with the approved details within the next planting season."

The officer states that action via the Hedgerow Regulations 1997 would achieve the same thing on the ground, although a fine for the perpetrator would also be incurred.

Impact on the Amenity of Neighbouring Uses

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.

The Environment Agency have raised no objection to the proposed development.

The application site is located within an existing and long established industrial estate and is approximately 150 metres away from the nearest residential properties on Scot Lane. However, to safeguard the amenity of the area, conditions are suggested to limit any noise generated within the building or from associated plant, and to ensure there is no open storage on the site. It is considered that it would be unreasonable to restrict the hours of operation of the new units as no other buildings on the site have their hours of operation restricted.

It is considered that the proposed development would not unduly harm the amenity of neighbouring uses, compliant with Policy CG4 of the Core Strategy.

Impact on Drainage

Policy CG2.2c of the Core Strategy states that the Council will ensure that non-residential proposals of 500 sq. metres or greater floorspace will demonstrate the sustainable management of surface water run-off from developments.

United Utilities have raised no objection to the proposal. They comment that the site must be drained on a separate system, with only foul drainage connected into the foul sewer, and surface water discharged to the surface water sewer located in Scot Lane.

To comply with Policy CG2.2c of the Core Strategy a condition requiring a sustainable urban drainage system for the site is suggested, as is an informative (to be attached to any decision) to ensure that the applicant is aware that no surface water should be discharged either directly or indirectly to the combined sewer network.

Conclusion

It is considered for the reasons discussed above that the proposed development would be appropriate development within an existing major developed site within the Green Belt (Blackrod Industrial Estate), would be compatible with the character and appearance of the area, would not jeopardise highway safety, would not unduly harm the amenity of neighbouring uses, and would be adequately drained. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Blackrod Town Council:- At their meeting of 7th April 2014 Councillors stated they had very strong concerns about the application. Their concerns are as follows:

- * The application was registered with the wrong address. Chamberlain Doors were forced to send out letters to local residents to inform them that the application was not from them (*officer's comment: the address was changed to the correct address soon after it was registered. Any third parties viewing the application online would have noted where the application site was within the plans*);
- * The application should be a retrospective application as the units are already erected;
- * The application should include a change of use to include leisure usage as a significant part of the application refers to leisure use (*officer's comment: the application need not refer to a change of use as the application is applying for a new building, not the new use of an existing building with permission. The leisure use of part of the building is addressed within the officer's report*);
- * Public safety issues regarding footpaths and access;
- * Insufficient sanitary arrangements and this could lead to environmental health issues (*officer's comment: sanitary arrangements are not a material planning consideration*);
- * The building does not appear to have guttering in place or be connected to main sewerage systems (*officer's comment: the building does have guttering and the applicant states that the building is connected to the main sewer*);
- * The erection of the building has destroyed a 300 year old hedge, breaking branches and causing roots so much damage that the trees and hedgerow will not re-establish itself. No concern has been given to the owner of the hedge/tree;
- * For previous applications for the estate Highways have raised several concerns regarding unsuitable assess, substandard radius and road safety;
- * Councillors have requested that a site visit should take place between United Utilities and Bolton Council representatives (*officer's comment: United Utilities have not objected to the proposal. It is therefore not considered necessary for officers to meet with United Utilities regarding this proposal*).

Consultations

Advice was sought from the following consultees: Highways Engineers, Pollution Control Officers, Economic Strategy Officers, Strategic Development Unit, Environment Agency, Greater Manchester Police's Architectural Liaison Officers and United Utilities.

Planning History

Permission was granted in February 1997 for alterations to the elevations of a building on the site, together with improvements to the estate roads, footpaths, security barrier and parking facilities (49962/96).

The continued additional use of a building for cable stripping was approved in July 1990 (36930/90).

Permission was granted in July 1987 for the continued use of the scrap yard for the storage of timber and pallets (29374/87).

Permission was granted in December 1984 for the continued use as a scrap metal and vehicle dismantling yard (24090/84).

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. Within 1 month of this decision, a scheme detailing the proposed re-stocking of the damaged section of the hedgerow to the north of the proposed buildings (with Hawthorn (*Crataegus monogyna*) whips at the rate of 5 whips per metre planted in a double, staggered, row and protected with spiral guards) shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented fully in accordance with the approved details within the next planting season.

Reason

The hedgerow to the rear of the units has been damaged during their construction and the applicant did not apply to the local planning authority (did not submit a hedgerow removal notice) before the work commenced.

2. Within 3 months of this decision surface water drainage works should be implemented in full in accordance with details to be submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

- 1) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
- 2) Include a timetable for its implementation, and
- 3) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason

To ensure the site provides satisfactory means of surface water drainage.

3. Within 3 months of this decision an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The contents of the scheme shall be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with Model Procedures for the Management of Land Contamination (CLR 11) and a written report of the findings must be produced. The written report shall be subject to the approval in writing of the Local Planning Authority and shall include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to human health, property or the environment;
 - (iii) an appraisal of remedial options and proposal for a preferred option.

Reason

To ensure the development is safe for use.

4. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Scot Lane (the northernmost access to the site) shall be constructed to a minimum width of 6 metres with 10 metres radii and 2 no. 2 metres wide footways in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety

5. Prior to the development hereby approved/permitted being first brought into use a visibility splay

measuring 2.4 metres by 59 metres shall be provided at the junction of the northnmost access into the industrial estate with Scot Lane, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

To ensure traffic leaving the site has adequate visibility onto the highway.

6. The building and any fixed plant/equipment should be designed to give a rating level, as defined in BS4142:1997, 5dB below the night time LAF90 (5 min) or the daytime LAF90 (1 hour) whichever is the most appropriate, as measured 4 metres from the nearest residential property. The monitoring information and the acoustic calculations together with the proposed specifications of the building and any fixed plant/equipment and any sound attenuation proposed should be submitted to and approved by the Local Planning Authority in writing prior to a second unit being brought into use or a new occupier occupying the unit/s currently occupied by the gymnasium.

Reason

To minimise the impact of noise on the general and residential amenity from the increase and alteration of commercial and/or industrial uses in the area.

7. The approved gymnasium use of the building shall not occupy more than 111 square metres of floorspace.

Reason

For the avoidance of doubt as to what is permitted.

8. With the exception of the permitted gymnasium use referred to in condition 3 the building hereby approved/permitted shall only be used for B2 and B8 purposes and for no other purpose.

Reason

For the avoidance of doubt as to what is permitted.

9. The car park shall be made available for the parking of at least 24 cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway

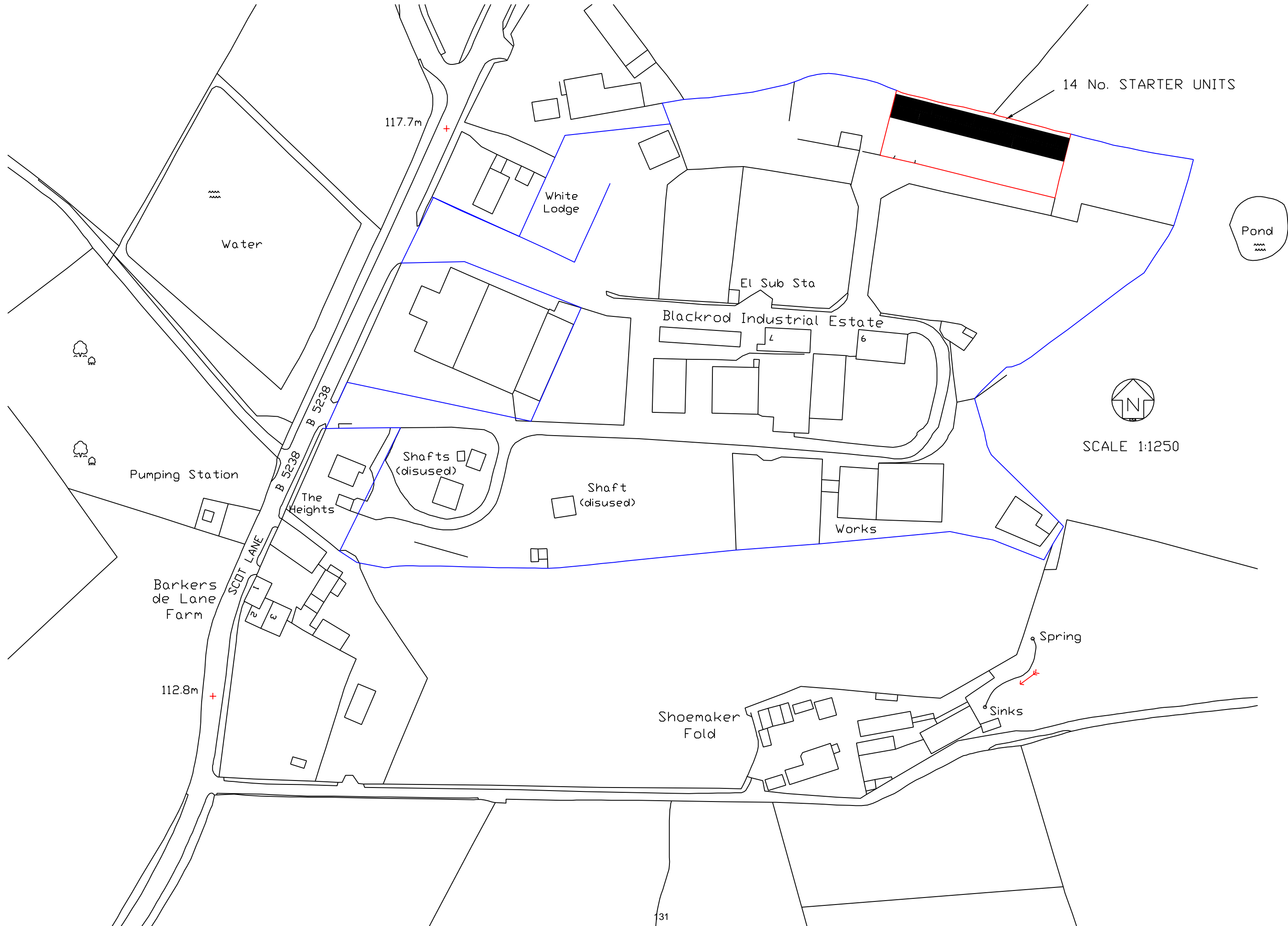
10. There shall be no open storage within the confines of the application site.

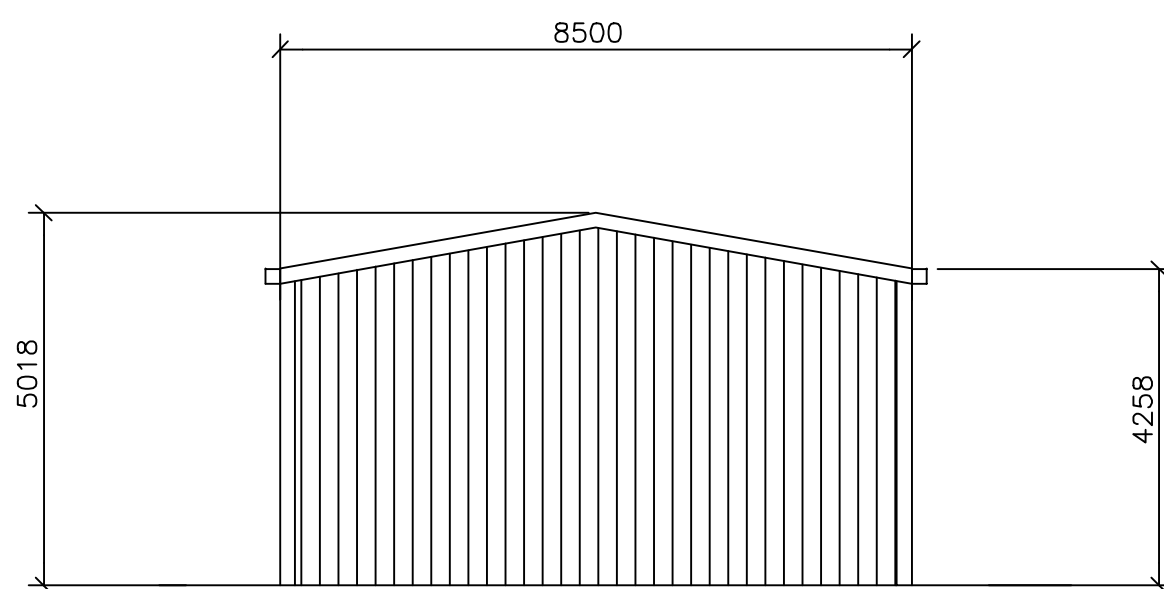
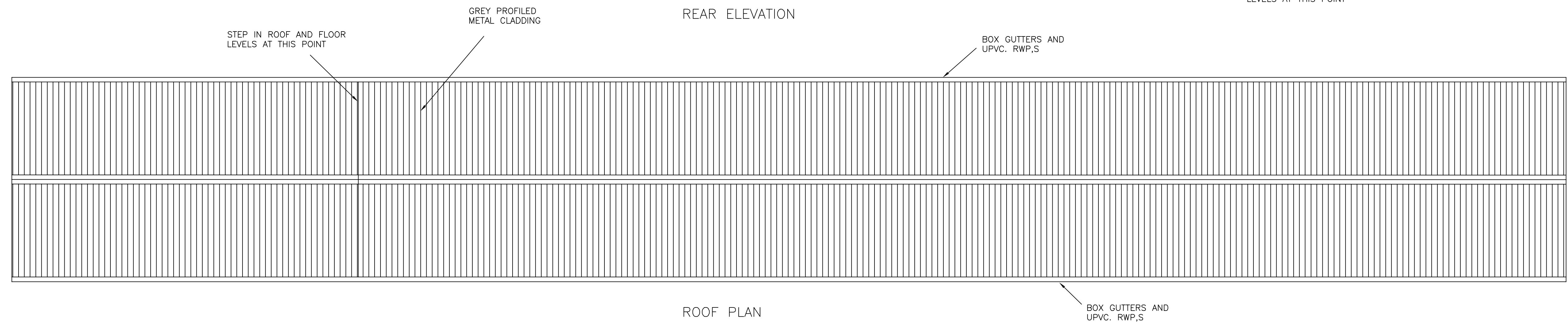
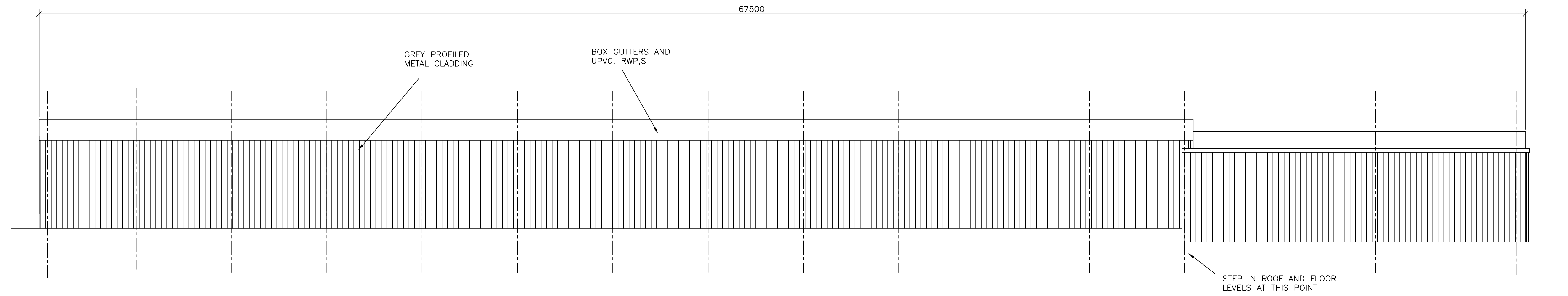
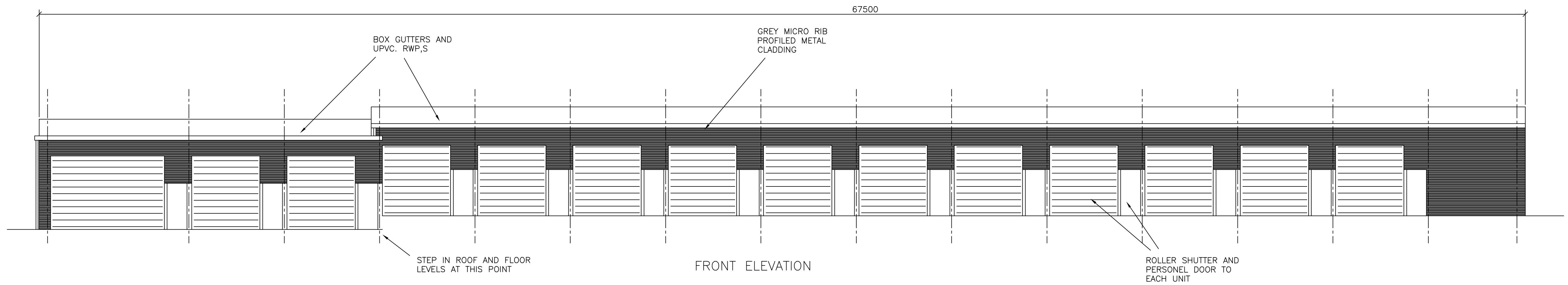
Reason

To safeguard the visual appearance and amenity of the area and to ensure that the parking spaces are left clear.

Satellite image of what the application site formerly looked like







STARTER UNITS, BLACKROD INDUSTRIAL ESTATE.

Rev 0

Client.
Mr M. JAMES

Drawing Title.
**STARTER UNITS, BLACKROD
ELEVATIONS**

MICHAEL JAMES PROPERTIES

SCALE: 1:100 DATE: FEB. 14

DRAWN: JSH CHECKED: CF

CONTRACT No: DRAWING No:

MJ13-2 1

Application No.

91625/14



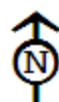
Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399

**Bolton
Council**

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Date of Meeting: 05/06/2014

Application Reference: 91625/14

Type of Application: Full Planning Application
Registration Date: 03/04/2014
Decision Due By: 28/05/2014
Responsible Officer: Helen Williams

Location: 651-653 CHORLEY NEW ROAD, HORWICH, BOLTON, BL6 6LH

Proposal: CHANGE OF USE TO BEAUTY SALON AND HAIRDRESSERS (GROUND FLOOR) AND USE CLASS B1 OFFICES (FIRST FLOOR), INCLUDING THE CREATION OF ADDITIONAL HARDSTANDING AT THE FRONT FOR AN ADDITIONAL PARKING SPACE

Ward: Horwich North East

Applicant: Mr Dickson
Agent :

Officers Report

Recommendation: Approve subject to conditions

Proposal

Permission is sought for the change of use of the premises to a hairdressers and beauty salon (A1 use) on the ground floor and offices for a graphic design business (B1 use) on the first floor. The premises were formerly used as a shop (A1 use) ("Chester Formal Menswear"), associated storage and residential accommodation (within the 651 Chorley New Road part of the premises).

The proposed hours of opening for the upstairs offices are between 09:00 and 17:30 hours Monday to Friday.

The current hours of opening for the hairdressers and beauty salon are:

Tuesday 09:30 to 17:00

Wednesday 09:30 to 18:00

Thursday 09:30 to 20:00

Friday 09:30 to 18:00

Saturday 09:00 to 16:00

The hairdressers is closed on Mondays and Sundays.

It is proposed to extend the area of hardstanding to the front of the property (by extending it to the front of 651 Chorley New Road) so that an additional car parking space can be provided.

The ground floor of 653 Chorley New Road is already in use as a hairdressers (this part of the proposal did not require planning permission on its own).

Site Characteristics

The application premises comprise the semi-detached properties of 651 Chorley New Road (a dwelling) and 653 Chorley New Road (a shop). 653 Chorley New Road was formerly "Chester Formal Menswear". The premises are now occupied by "Serenity Hair and Beauty Salon".

The premises has hardstanding to the front and side of number 653, which is used for on-site parking. There is a garden to the front of number 651. A low rise wall to the front of 651 has recently been removed.

The application property stands at the junction of Chorley New Road with Ainsworth Avenue. The surrounding area is predominantly residential in character with dwellings immediately neighbouring the application site to the north and west. To the east of the site (across Ainsworth Avenue) is the vacant former Swallowfield Hotel site, and to the south west is St. Joseph's High School.

Chorley New Road is a main road between Horwich and Bolton.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P2 Retail and Leisure; P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

SPD Accessibility, Transport and Road Safety

Analysis

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.

The main impacts of the proposal are:-

- * impact on the amenity of neighbouring residents
- * impact on the highway
- * impact on the character and appearance of the building and the surrounding area

Impact on the Amenity of Neighbouring Residents

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.

Permission is sought for the change of use of the ground floor of both 651 and 653 Chorley New Road to a hairdressers and beauty salon (A1 use) and the first floor of both properties to a graphic design office (B1 use). The opening hours for the office use are proposed as between 09:00 and 17:30 hours Monday to Friday. The opening hours for the hairdressers/beauty salon are detailed in the proposal section above.

653 Chorley New Road is an existing A1 shop. The change of use of this part of the premises to a hairdressers does not require planning permission. The proposal would change the retail and residential use of the application site to a retail and office use.

The application site is neighboured to the north and west by residential properties. It is considered that the proposed change of use would be acceptable at this site given that number 653 is already in retail use and as the proposed hours of operation are reasonable (for a commercial use within a predominantly residential area). The proposed B1 use of the first floor would not involve visiting members of the public and there is considered to be sufficient car parking provision proposed within the curtilage of the site for the two proposed uses (as discussed below). The neighbouring dwellings at 649 Chorley New Road and 2 Ainsworth Avenue are also sufficiently sited away from the application building.

It is therefore considered that the proposed change of use of the application property would not unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport and 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.

Horwich Town Council have raised an objection to the proposal as they are concerned about road safety at the junction of Chorley New Road and Ainsworth Avenue.

There is an existing car parking area to the front and side of 653 Chorley New Road, which was previously used for "Chester's Formal Menswear". It is proposed to extend this area, to the front of number 651, which will provide one further on-site parking space. Eight parking spaces are therefore proposed within the curtilage of the building for the two proposed uses. Appendix 3 of the Core Strategy sets out the Council's maximum parking standards. For A1 uses it recommends a maximum of one space per 30 sq. metres and for B1 uses one space per 35 sq. metres. The proposed A1 floorspace within the building is 52.8 sq. metres (a maximum of two spaces required) and the proposed B1 floorspace is 62 sq. metres (a maximum of two spaces required). The proposal therefore will provide four parking spaces more than is required within appendix 3 of the Core Strategy.

Furthermore it is considered that the application site is in a highly sustainable location, close to the homes of potential customers (for the hairdressers) and on a bus route (for staff).

There are double yellow lines around the junction of Chorley New Road with Ainsworth Avenue, which would stop any overspill parking from the premises at this location.

The Council's Highways Engineers have raised no objection to the proposal. The angle at

which the four proposed parking spaces to the front of the building are sited have been amended following advice from the Engineers and the originally proposed railings to the side of the site have been removed.

It is considered that the proposed change of use provides for adequate on-site parking and the proposal would not jeopardise highway safety, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on the Character and Appearance of the Building and the Surrounding Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA1 of the Core Strategy states that the Council will conserve and enhance the character of the existing landscape and physical environment, and will ensure that development in Horwich and Blackrod respects street patterns, the grain and the form of predominant architectural styles.

No external alterations are proposed to the building within this application. Any new signage would require additional permission.

It is proposed to extend the hardstanding to the front of the property, to the front of number 651, where there is currently a front garden. It is not considered that this additional hardstanding would be detrimental to the character and appearance of the area given that the majority of the curtilage is already hard surfaced.

It is therefore considered that the proposal would comply with Policies CG3 and OA1 of the Core Strategy.

Conclusion

It is considered, for the reasons discussed above, that the proposed change of use would not unduly harm the amenity of neighbouring residents, would not jeopardise highway safety, and would not harm the character and appearance of the area. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- one letter of support has been received from a neighbouring resident. They state that they cannot see that the proposal would have an impact on any neighbouring properties as the premises has a private car park, which does not back out onto Chorley New Road. They comment that the work has been done very well and has had little impact. They end their letter stating that they live opposite the site and cannot see any negative about the proposal and are pleased that the building is not empty.

Horwich Town Council:- raised objection to the proposal at their meeting of 24th April 2014 due to concerns about traffic safety at the junction of Ainsworth Avenue with Chorley New Road.

Consultations

Advice was sought from the following consultees: Highways Engineers and Greater Manchester Fire and Rescue Authority.

Planning History

A first floor extension over the garage/store at 651 Chorley New Road to form a games room was approved in February 2001 (58398/01).

Permission was granted in March 1982 for the demolition of the existing garage, store and shed at 651 Chorley New Road and the erection of a single storey extension at the rear of 653 to form a garage and store (18600/82).

An internally illuminated projecting fascia sign was approved in October 1979 (12071/79).

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

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

09:00 - 18:00 Mondays to Saturdays

No opening shall take place on Sundays or Bank Holidays.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

3. The hairdressers and beauty salon subject of this consent shall not be open for trade outside the following hours:-

09:00 to 18:00 Mondays to Saturdays (excluding Thursdays)

09:00 to 20:00 Thursdays

No opening shall take place on Sundays or Bank Holidays.

Reason

To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance.

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

"B) Improved layout"; received 16.05.14

"Ground floor" and "First floor"; received 06.03.14

Reason

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

1:200 SCALE

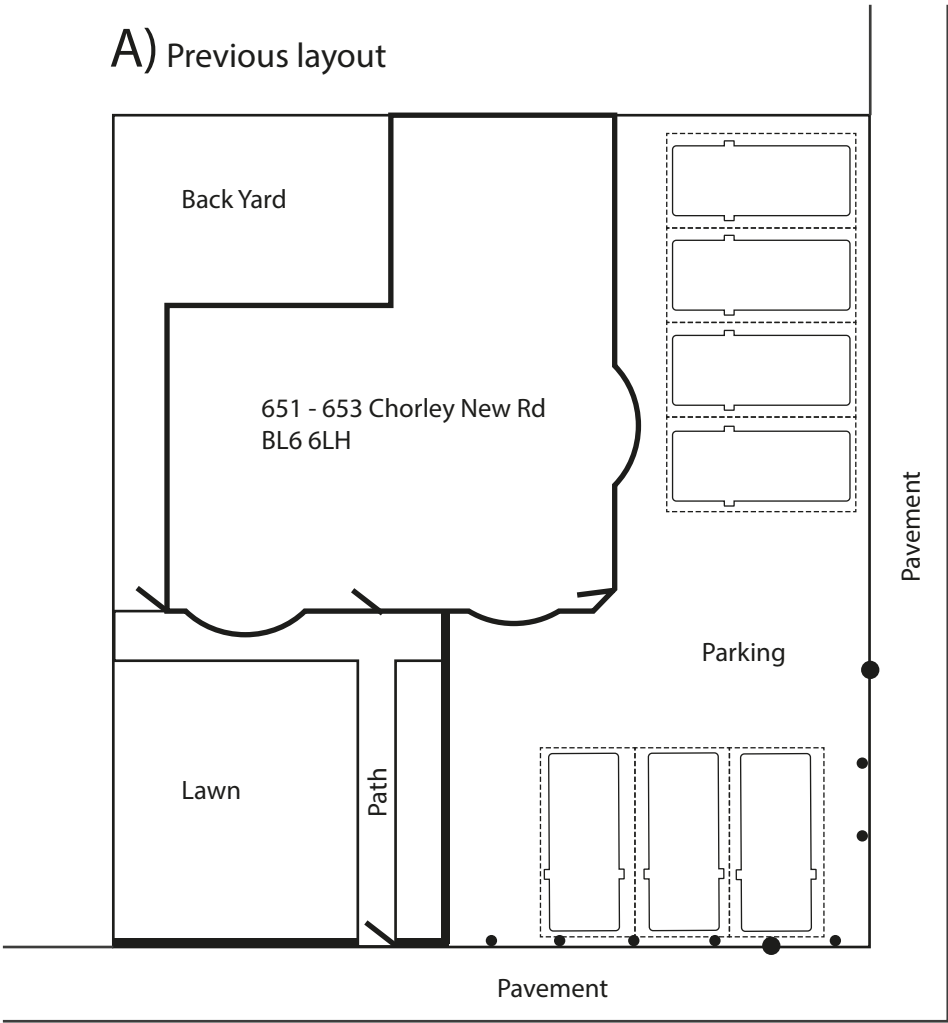
1 metre = 5 millimetres

10 metres = 50 millimetres



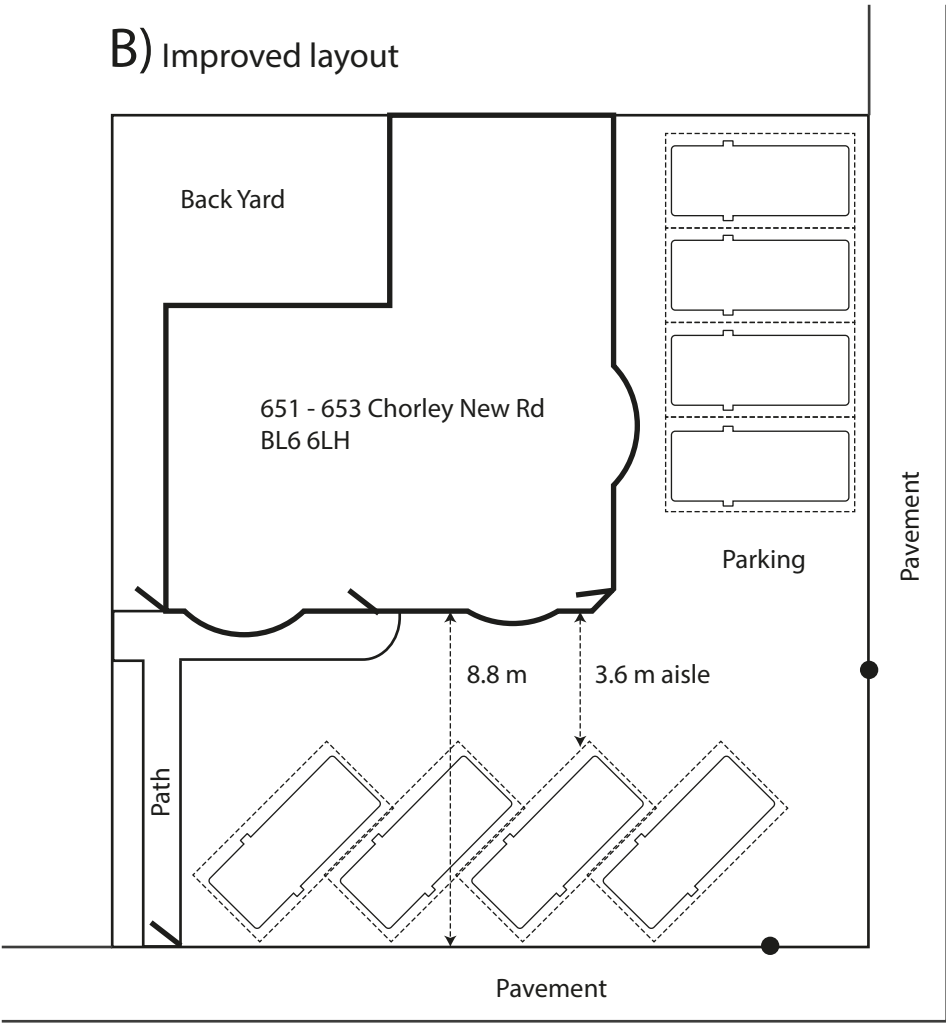
- Lamp posts
- Old broken concrete bollards
- Dilapidated old brick wall

A) Previous layout



A673

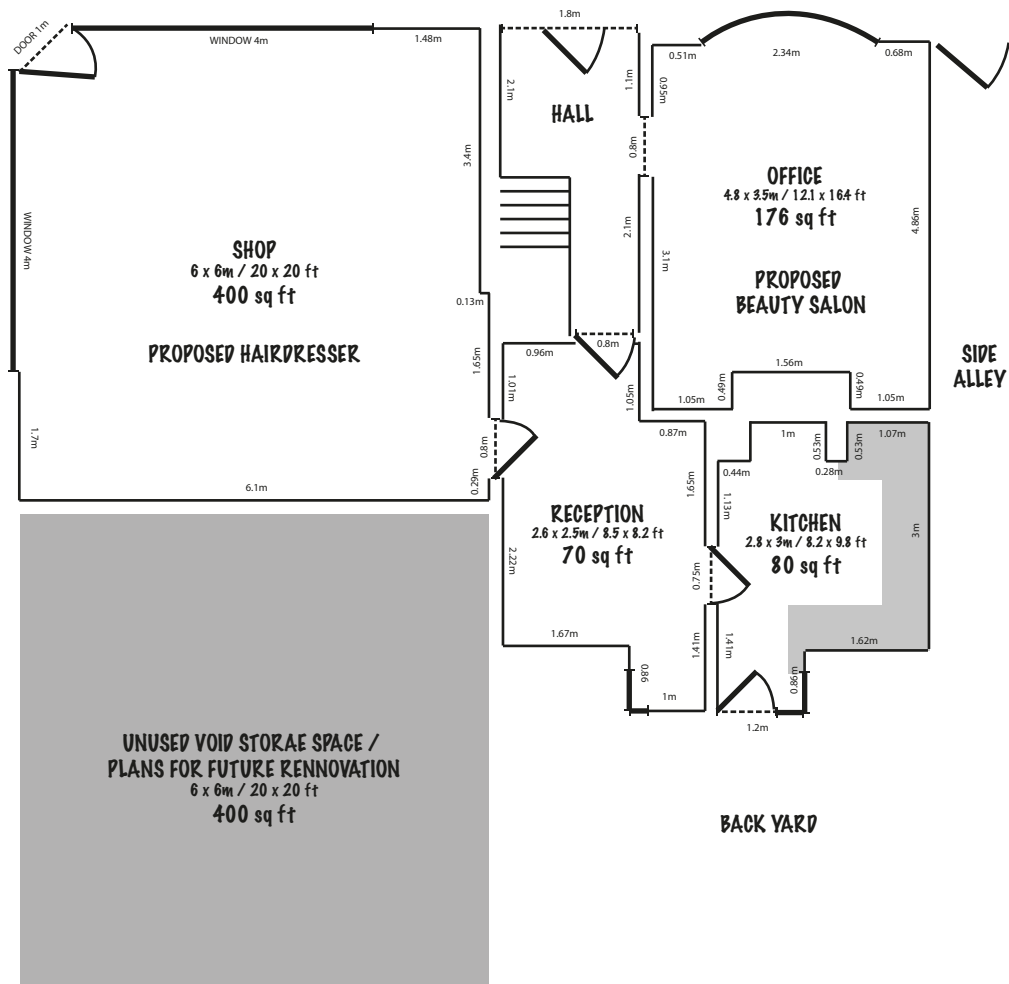
B) Improved layout



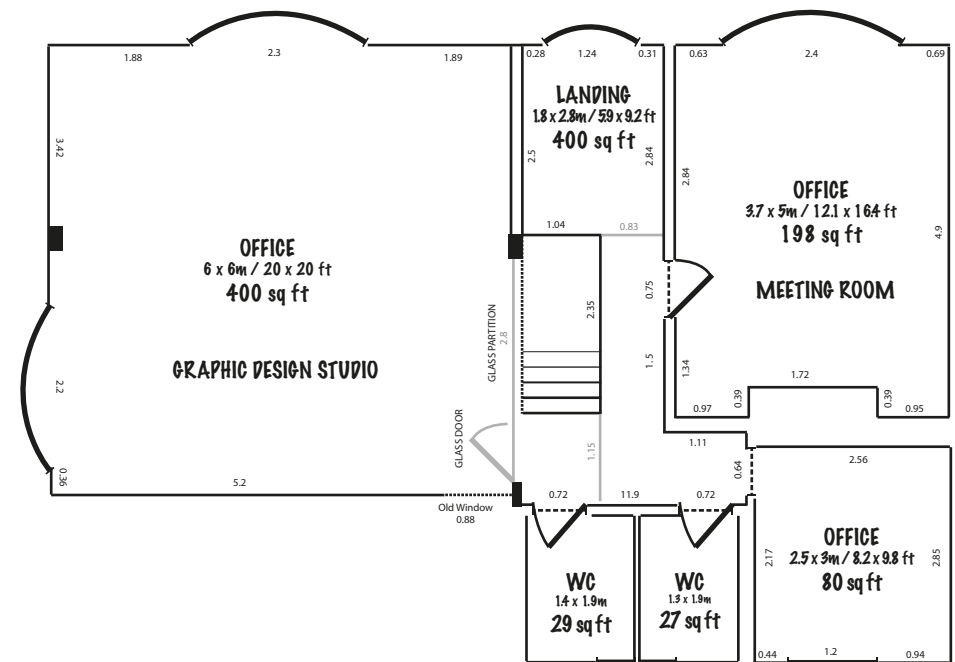
A673

14-68008
651-653 Chorley New Road, Bolton.

GROUND FLOOR



FIRST FLOOR



Application No.

91626/14



Development and Regeneration Department
Planning Control Section

Town Hall, Bolton, Lancashire, BL1 1RU.
Telephone (01204) 333333
Fax (01204) 336399

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Date of Meeting: 05/06/2014

Application Reference: 91626/14

Type of Application: Full Planning Application
Registration Date: 19/03/2014
Decision Due By: 13/05/2014
Responsible Officer: Jeanette Isherwood

Location: 69 WINTER HEY LANE, HORWICH, BOLTON, BL6 7NT

Proposal: ERECTION OF SINGLE STOREY DWELLING

Ward: Horwich and Blackrod

Applicant: BID Property Ltd
Agent : Kreative Design Solutions Limited

Officers Report

Recommendation: Refuse

Proposal

The application proposes the erection of a one bedroom detached bungalow, parking off-road for one vehicle and a bin store.

The proposed dwelling measures 4.8 metres in length and 6 metres in width. The height to the ridge is 3.8 metres.

Site Characteristics

The site consists of an area of yard to the rear of 69 Winter Hey Lane. 69 is a commercial property and there is an associated flat at 69a. Winter Hey Lane is predominantly commercial as it forms a main shopping area within Horwich Town Centre. The surrounding area is mainly terraced properties sited in a characteristic grid pattern together with some smaller areas of semi-detached properties.

To the rear of the site is a back street and a strip of spare land abutting Abbott Street which contains a small row of 4 semi-detached properties.

To the side is a row of terraced houses on Robinson Street, with 2 and 4 directly overlooking the site.

Policy

National Planning Policy Framework 2012

Bolton's Core Strategy: -

P5 - Transport and Accessibility

CG3 – Cleaner and Greener- The Built Environment

CG4 – Cleaner and Greener – Compatible Uses

OA1- Horwich and Blackrod

SC1 - Housing
S1 - Safe Bolton

Appendix 3

Planning Control Policy Note:-
No. 2 Space around Dwellings

Analysis

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.

The main impacts of the proposal are:-

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

Impact on the character and appearance of the area

Policy CG3 of the Bolton Core Strategy states that the Council expects development proposals to contribute to good urban design, respect and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area. Policy OA1 of the Core Strategy states that the Council will conserve and enhance the character of the existing landscape and physical environment and will ensure that development in Horwich and Blackrod respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

The site is garden land at the rear of 69 Winter Hey Lane. The NPPF advises that Local Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area (para 53).

The siting of the proposed dwelling would constitute an over-development of the site, highlighted by the fact that the applicant has not shown the availability of any outdoor amenity space, not only for the new dwelling but alternative amenity space for the property at 69.

PCPN2 - Space Around Dwellings requires new properties to have an area of private outdoor space of 65 square metres. The proposal will result in the site have less than 50 square metres serving the new building and the existing properties at 69 and 69a. The majority of this space will be utilised by an additional car parking spaces and bin storage areas.

Officers consider that the proposed garden development represents inappropriate development that would cause harm to the local area, therefore failing to comply with para 53 of the NPPF, Core Strategy policies CG3 and OA1 and PCPN2 - Space around Dwellings.

Impact on residential amenity

Policy CG4 aims to ensure that new development is compatible with surrounding land uses and occupiers and protects amenity.

It is not considered that the proposed dwelling would unduly impact on the living conditions of the occupiers to the side and rear at Robinson Street and Abbott Street.

The proposed dwelling would however be sited within 3.3 metres of 69a resulting in an unacceptable impact on the living conditions of this property and therefore fails to comply with Core Strategy policy CG4 and PCPN2.

Impact on the highway

Policy P5 of the Core Strategy states that the Council will take into account [amongst other things] parking. Appendix 3 of the Bolton Core Strategy recommends that 2 car parking spaces be provided for new dwelling houses that provide two or more bedrooms.

Policy S1 requires road safety be taken into account in the design of new development.

The applicant has provided one off-road car parking space to serve the one bedroom property. This is considered to be acceptable and Highways have raised no issues with this provision.

The proposal complies with Core Strategy policy S1 and Appendix 3.

Conclusion

The proposed dwelling would unduly affect the character and appearance of the area, the living conditions of nearby residential occupiers and fails to comply with local and national planning policy and guidance.

Members are therefore recommended to refuse this application.

Representation and Consultation Annex

Representations

Two letters of objection were received with the main concerns being as follows:-

- Loss of outdoor space
- Increase in refuse bins
- Loss of parking during construction
- Additional noise during construction
- Inadequate access to new property
- Inadequate security lighting

Town Council

Horwich Town Council raised no objection to the proposal at their meeting of 24th April 2014.

Consultations

Advice was sought from the following consultees: Highways, Environmental Health, GMP Design for Security and BMBC Economic Strategy.

Planning History

None.

Recommendation: Refuse

Recommended Conditions and/or Reasons

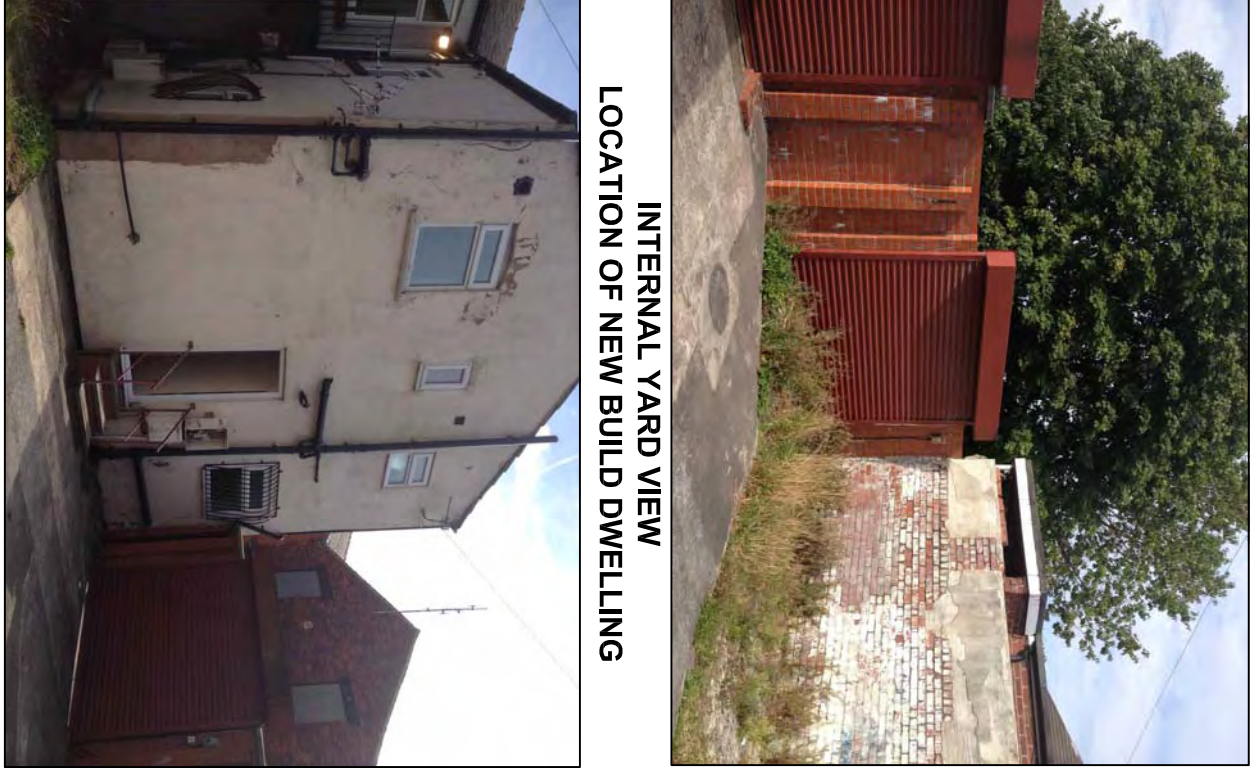
1. The proposed development, by virtue of its design, scale and siting, would fail to contribute towards good urban design, would represent an overdevelopment of the site resulting in insufficient private useable amenity space for both the proposed and existing properties, and would be detrimental to the character and appearance of the surrounding area, contrary to Policies CG3 and OA1 of Bolton's Core Strategy and Planning Control Policy Note No. 2 "Space Around Dwellings".
2. The proposed dwelling would, by virtue of its siting, impact detrimentally on the outlook and living conditions of neighbouring residents at 69a Winter Hey Lane and is contrary to Policy CG4 of Bolton's Core Strategy and Planning Control Policy Note No. 2 "Space Around Dwellings".



STREET REAR/CORNER VIEW



STREET SIDE VIEW (FROM ROBINSON STREET)



INTERNAL YARD VIEW
LOCATION OF NEW BUILD DWELLING



INTERNAL YARD VIEW 3

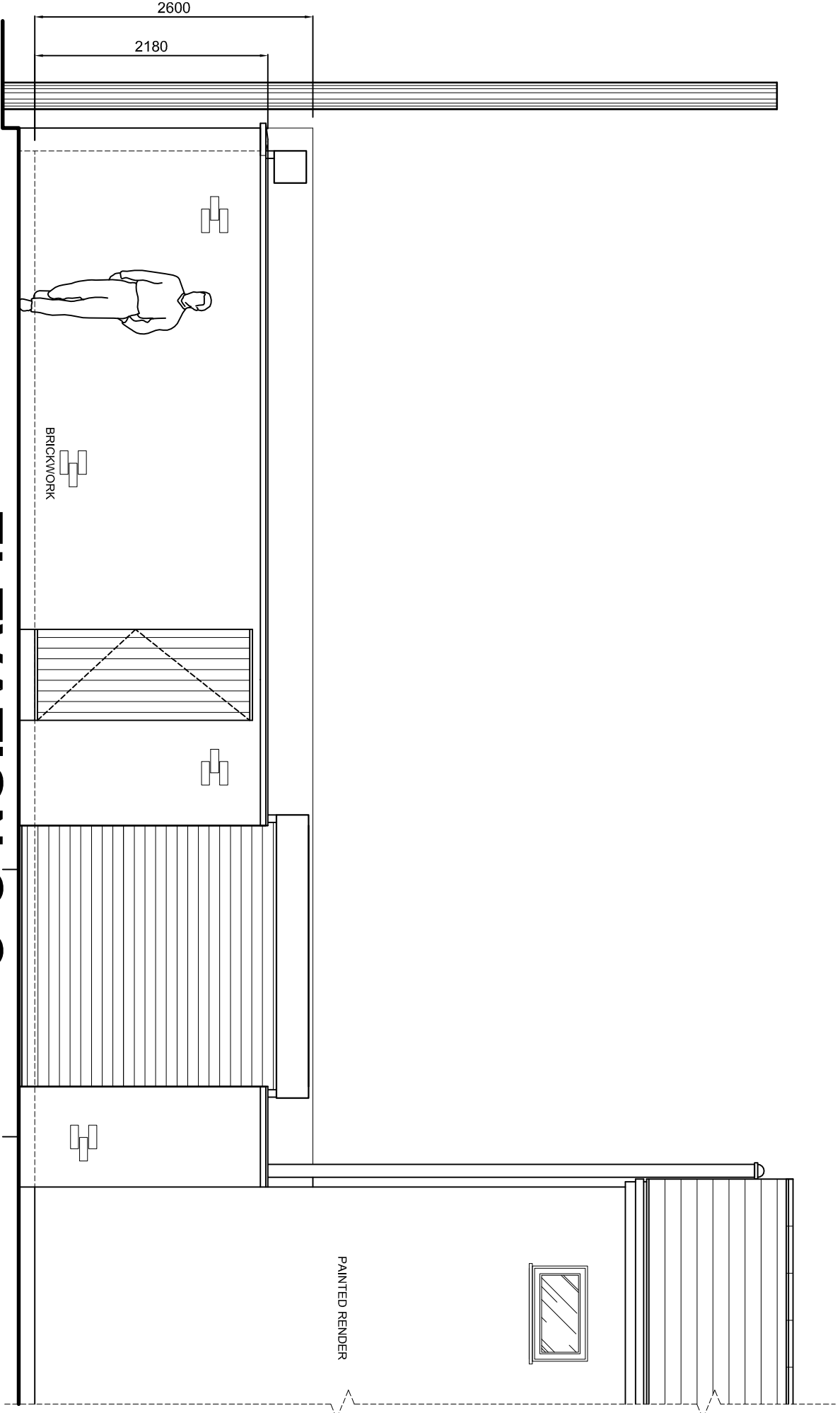


INTERNAL YARD VIEW 1

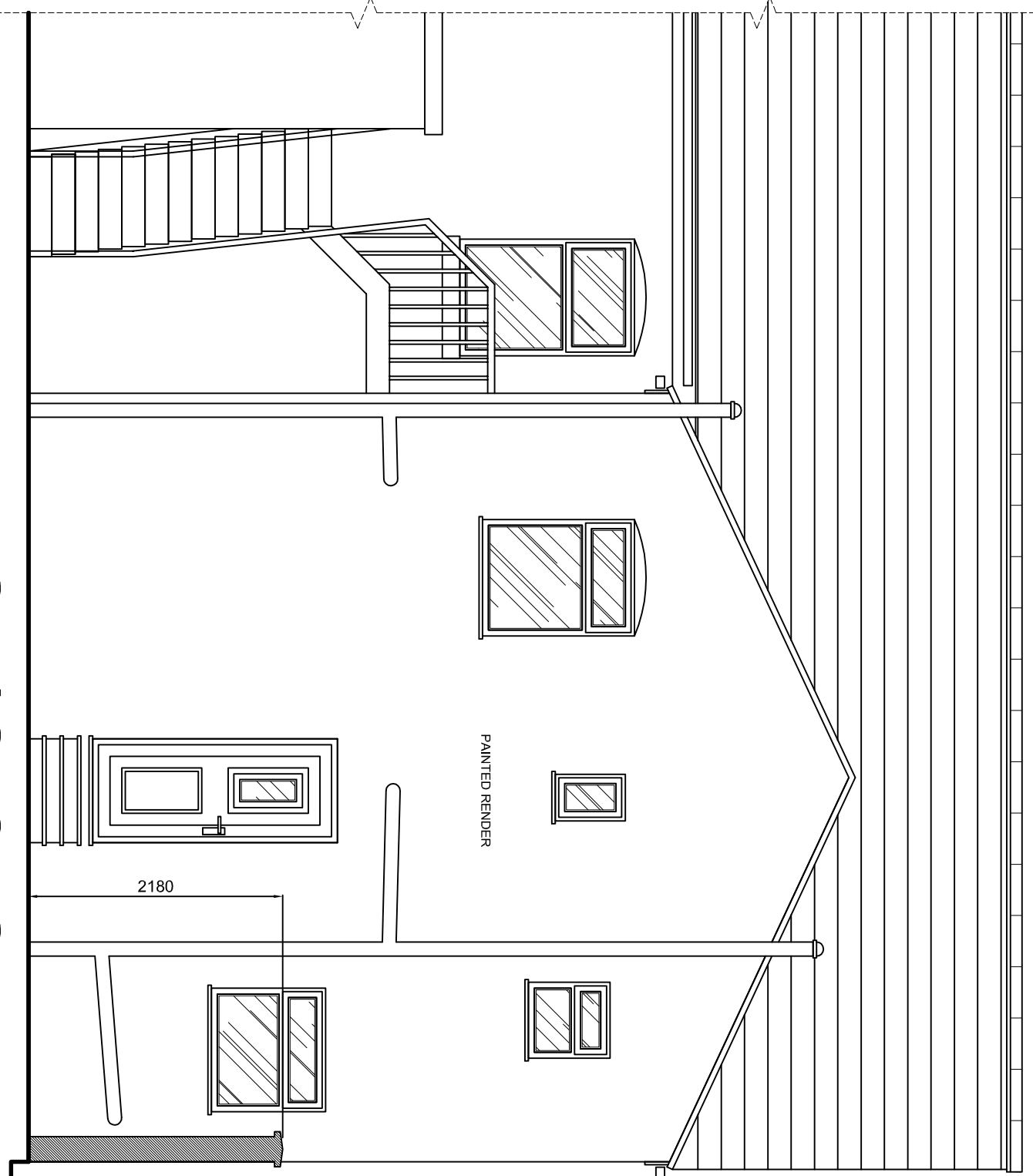


INTERNAL YARD VIEW 2

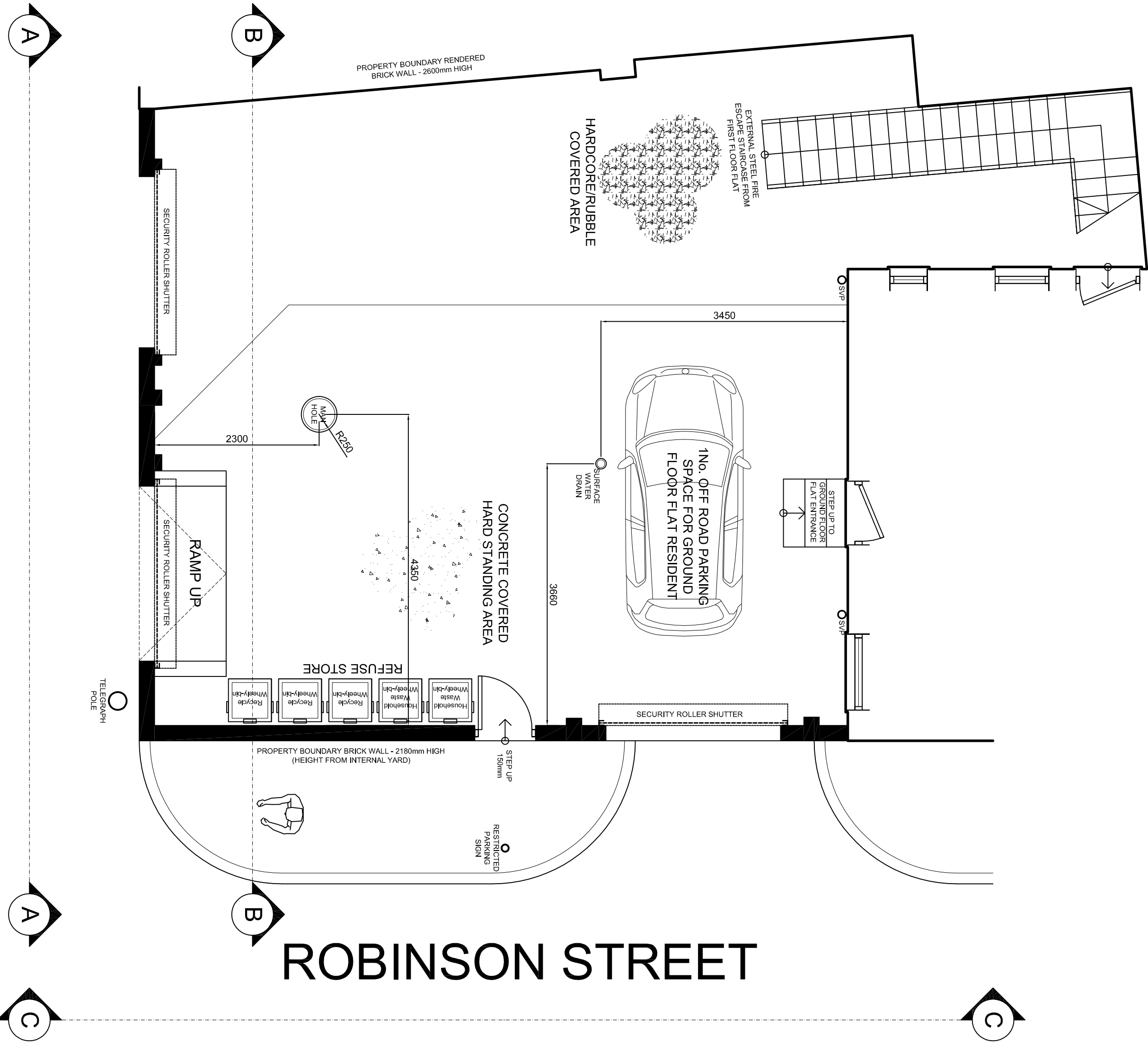
SITE PHOTO'S



ELEVATION C-C

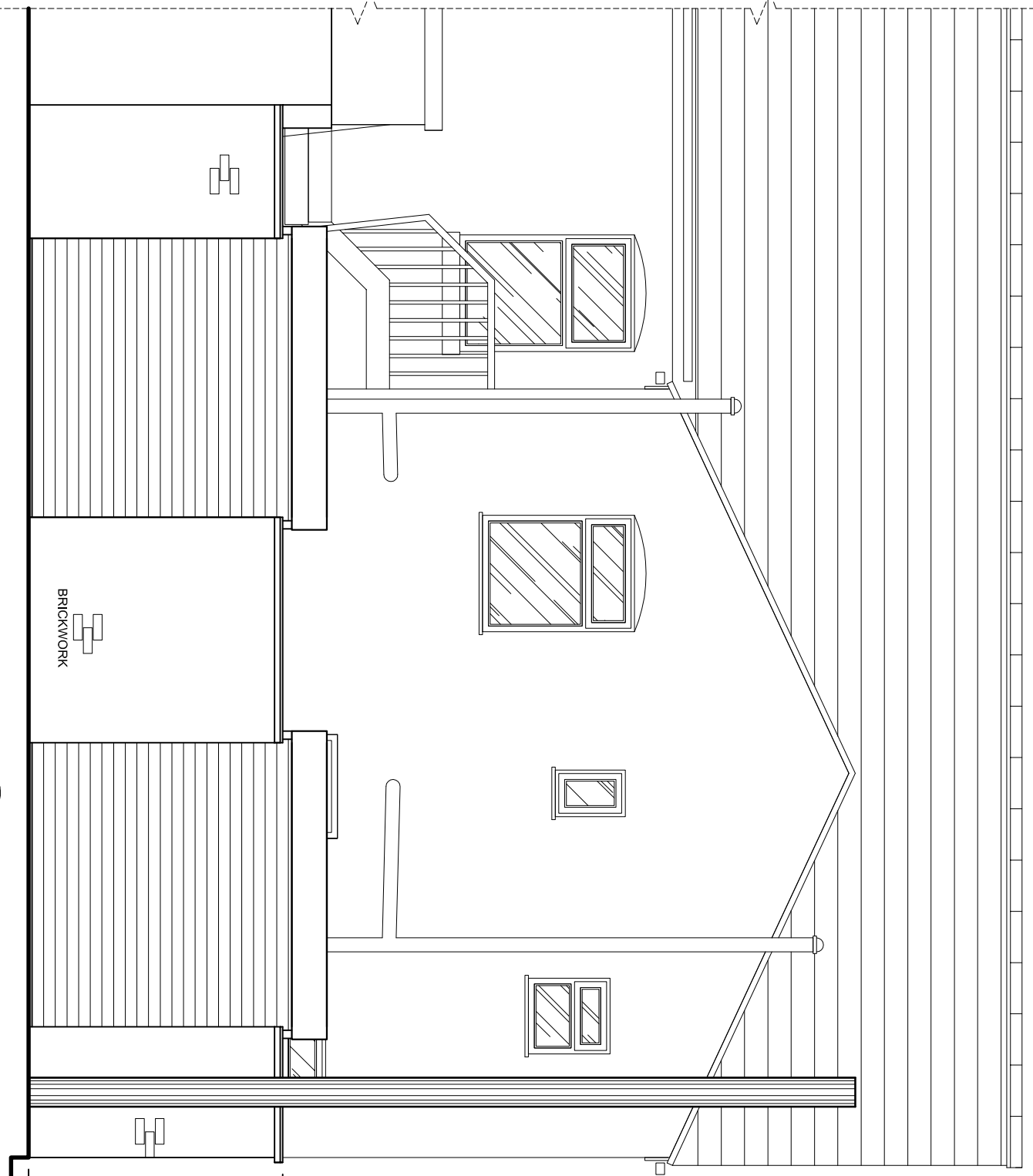


ELEVATION / SECTION B-B



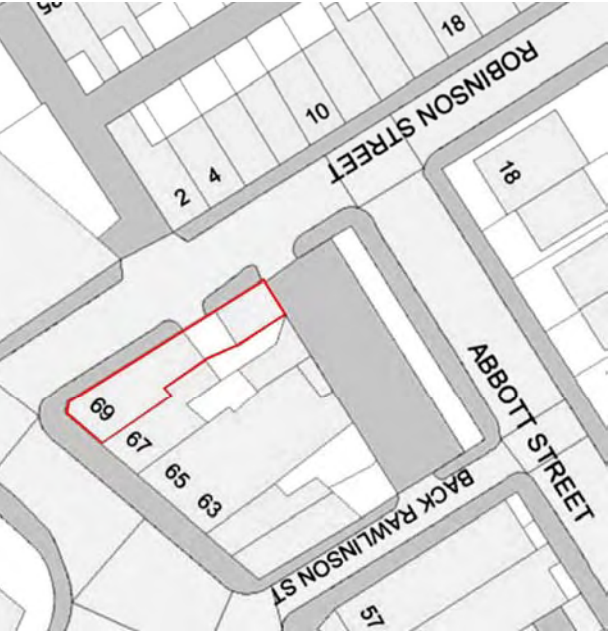
ROBINSON STREET

LAYOUT PLAN



ELEVATION A-A

NOTES:-
ALL DIMENSIONS TO BE CHECKED ON SITE BY BUILDING CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORKS.
THIS DRAWING IS SUBJECT TO PLANNING & BUILDING REG APPROVAL.
DO NOT SCALE FROM THIS DRAWING.



SITE LOCATION PLAN NTS

PLANNING DRAWING

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Contractor to check all dimensions on site
before commencing any works
Do not scale from this drawing

KREATIVE DESIGN SOLUTIONS
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w: www.kreativedesignsolutions.co.uk
m: 07940 353461

DATE 25.9.13

SCALE 1:50 @ A1

TITLE **Site Plans as Existing**
(Rear Yard at
69 Winter Hey Lane)

CONTRACT 69 Winter Hey Lane

CLIENT Horwich
BL6 7NT

Mr. Thompson

DWG NO.

KDSWHL01

REVISIONS

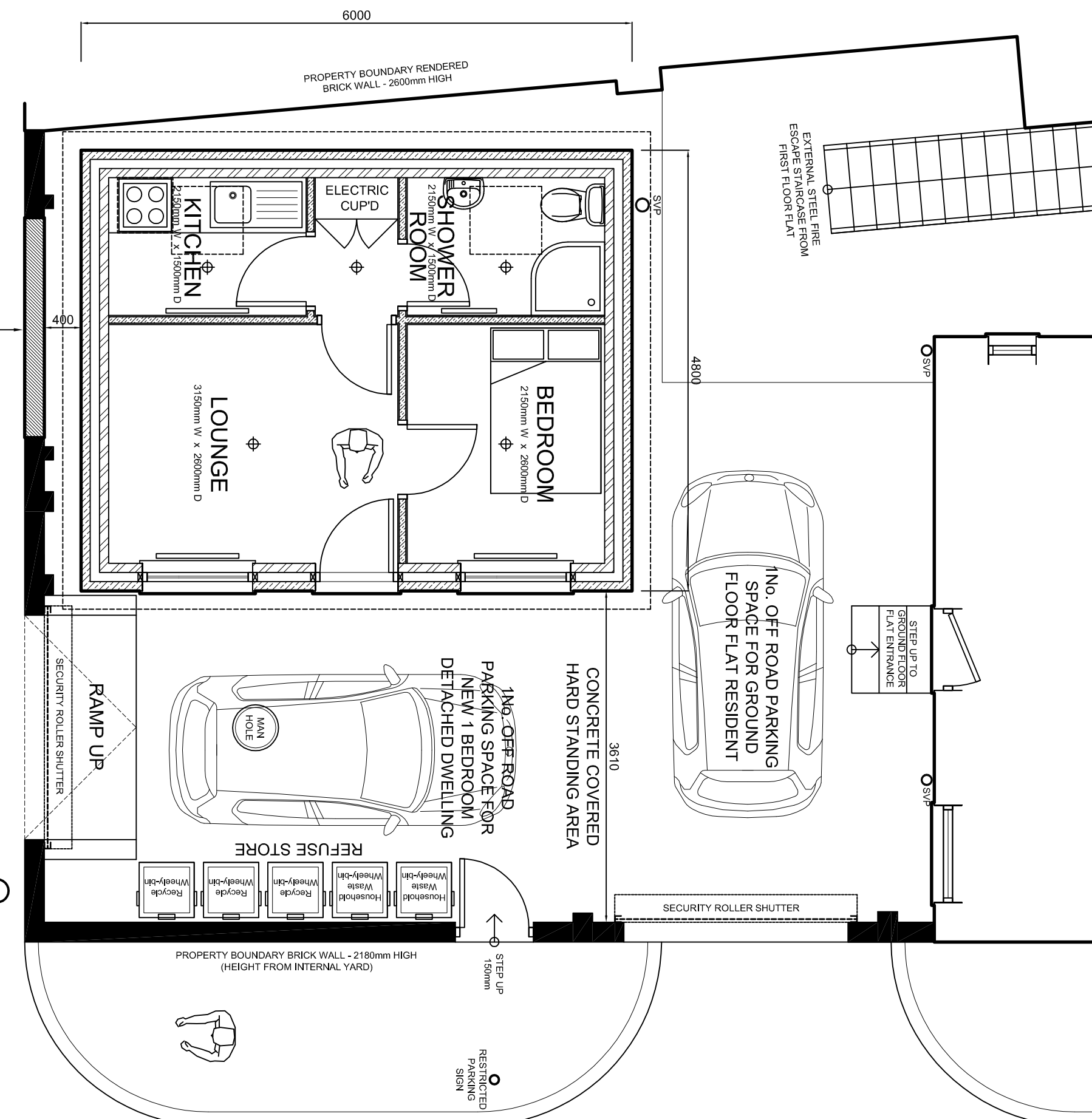


FRONT / RH SIDE VIEW

FRONT / LH SIDE VIEW

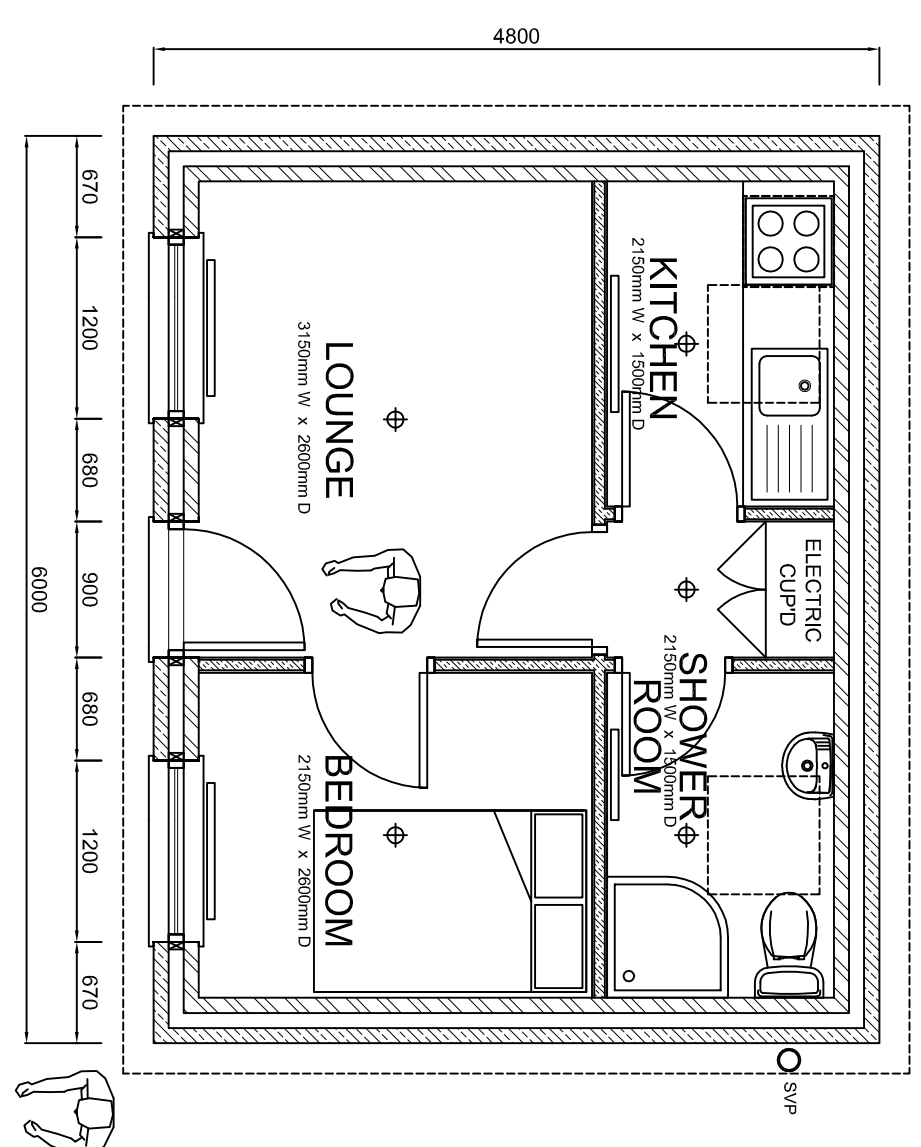
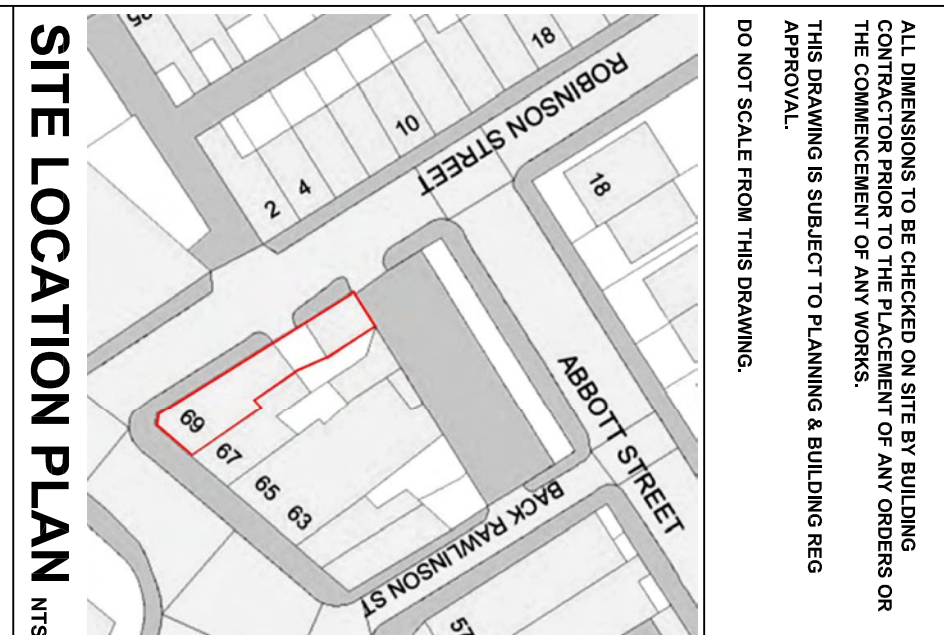
REAR / RH SIDE VIEW

3D VISUALS - PROPOSED 1 BEDROOM DETACHED DWELLING

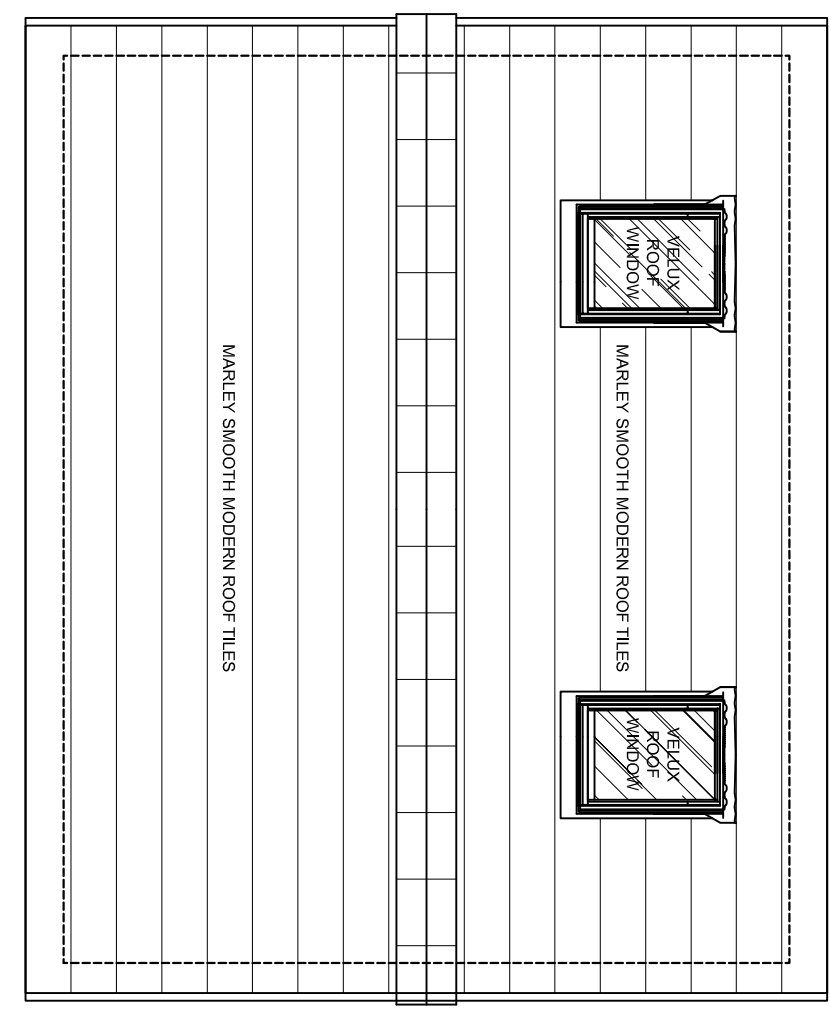


SITE PLAN AS PROPOSED

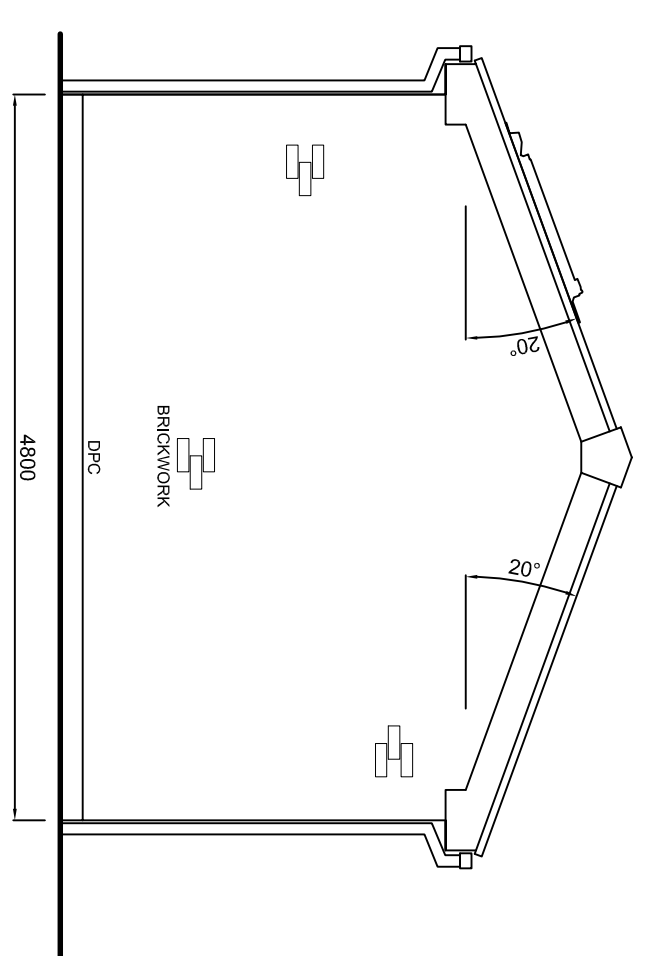
ROBINSON STREET



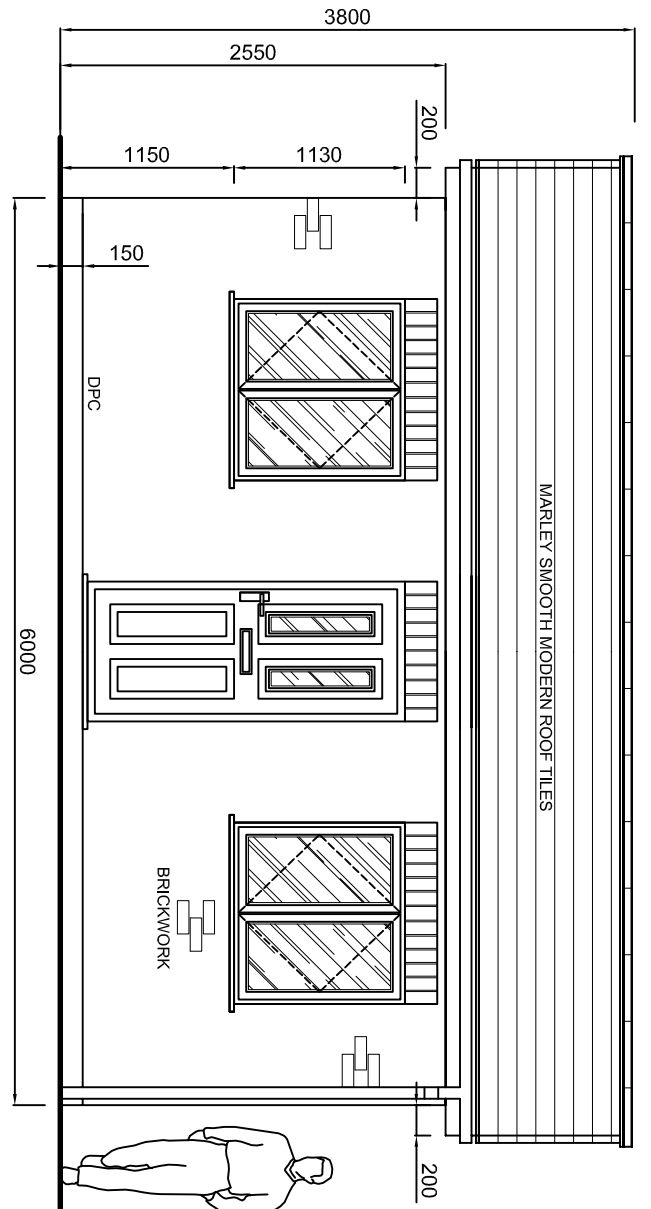
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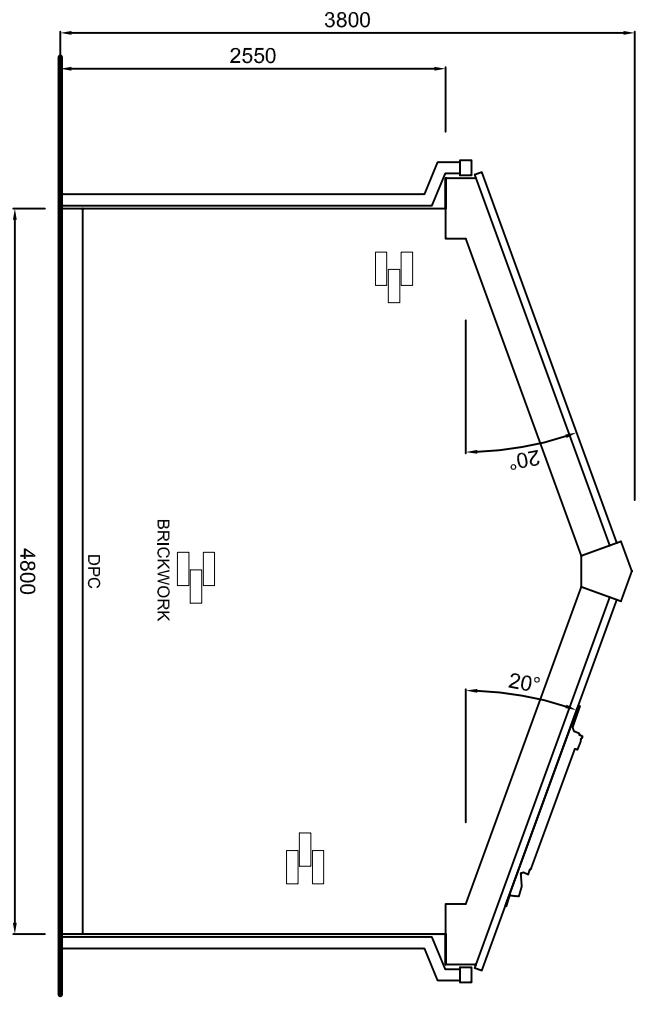
ROOF PLAN



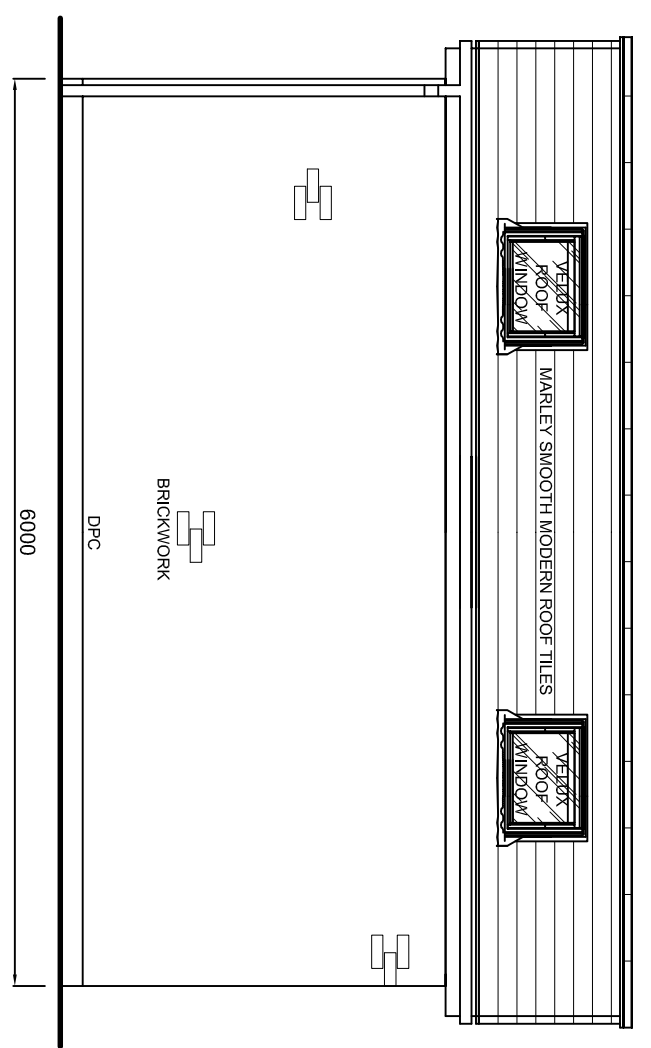
LH SIDE ELEVATION



FRONT ELEVATION



RH SIDE ELEVATION



REAR ELEVATION

PLANNING DRAWING

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w: www.kreativedesignsolutions.co.uk
m: 07940 355461

DATE 25.9.13

SCALE 1:50 @ A1

TITLE Dwelling Plan as Proposed
(1 Bedroom detached
dwelling with existing rear
Yard at No. 69)

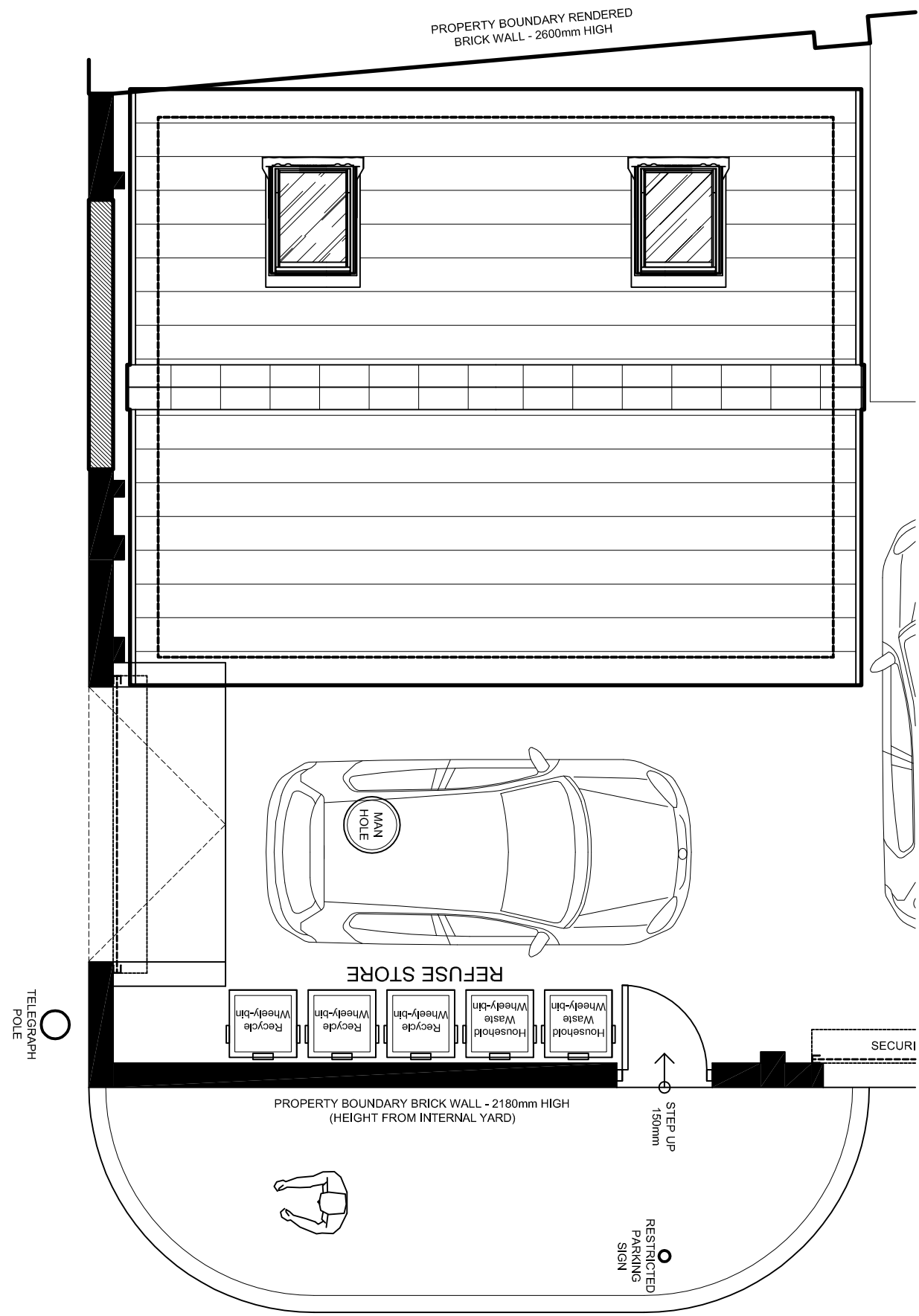
CONTRACT 69 Winter Hay Lane
Horwich
BL6 7NT
Mr. Thompson

CLIENT

DWG NO.

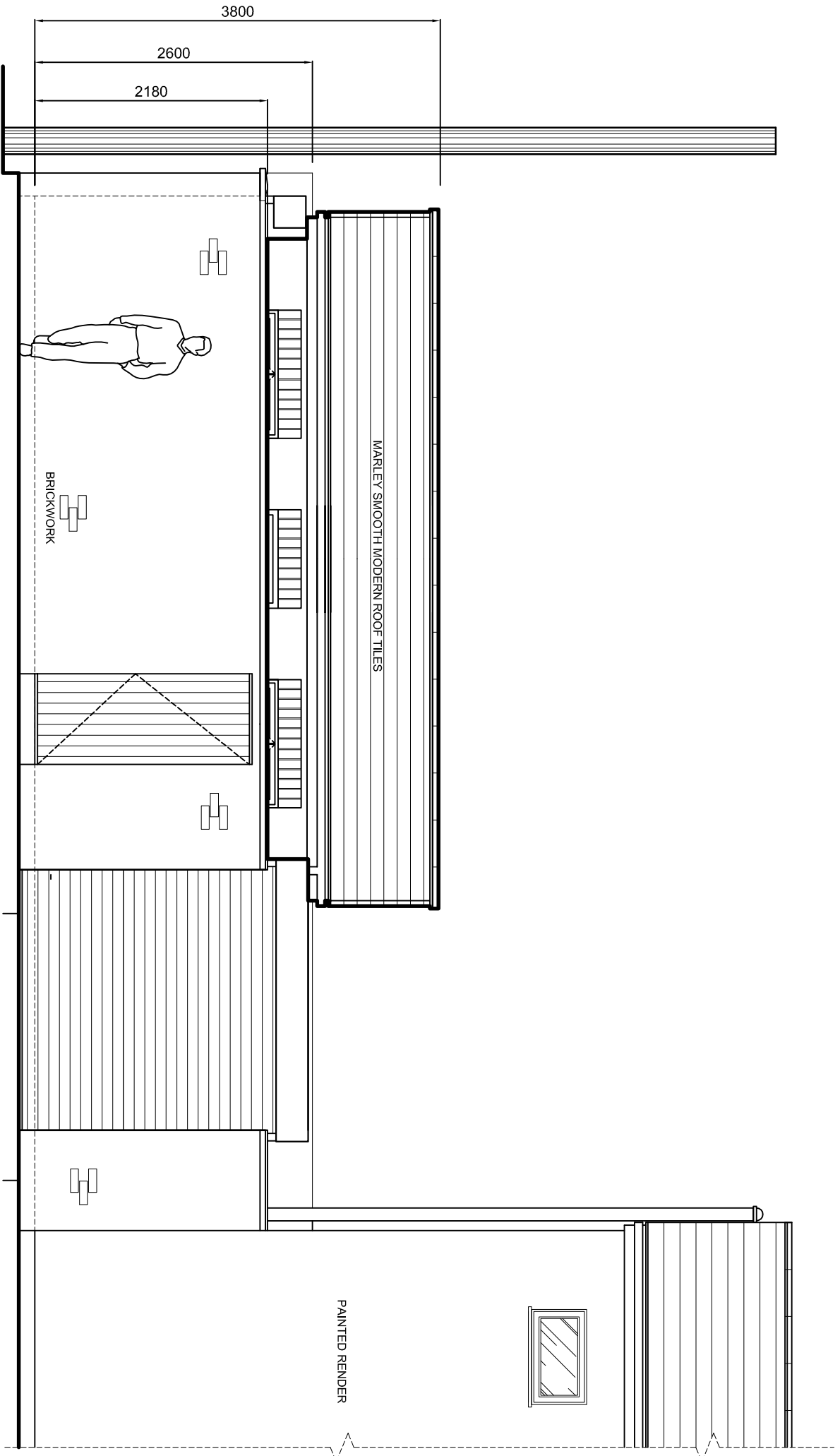
REVISIONS KDSWHL03

ROOF PLAN

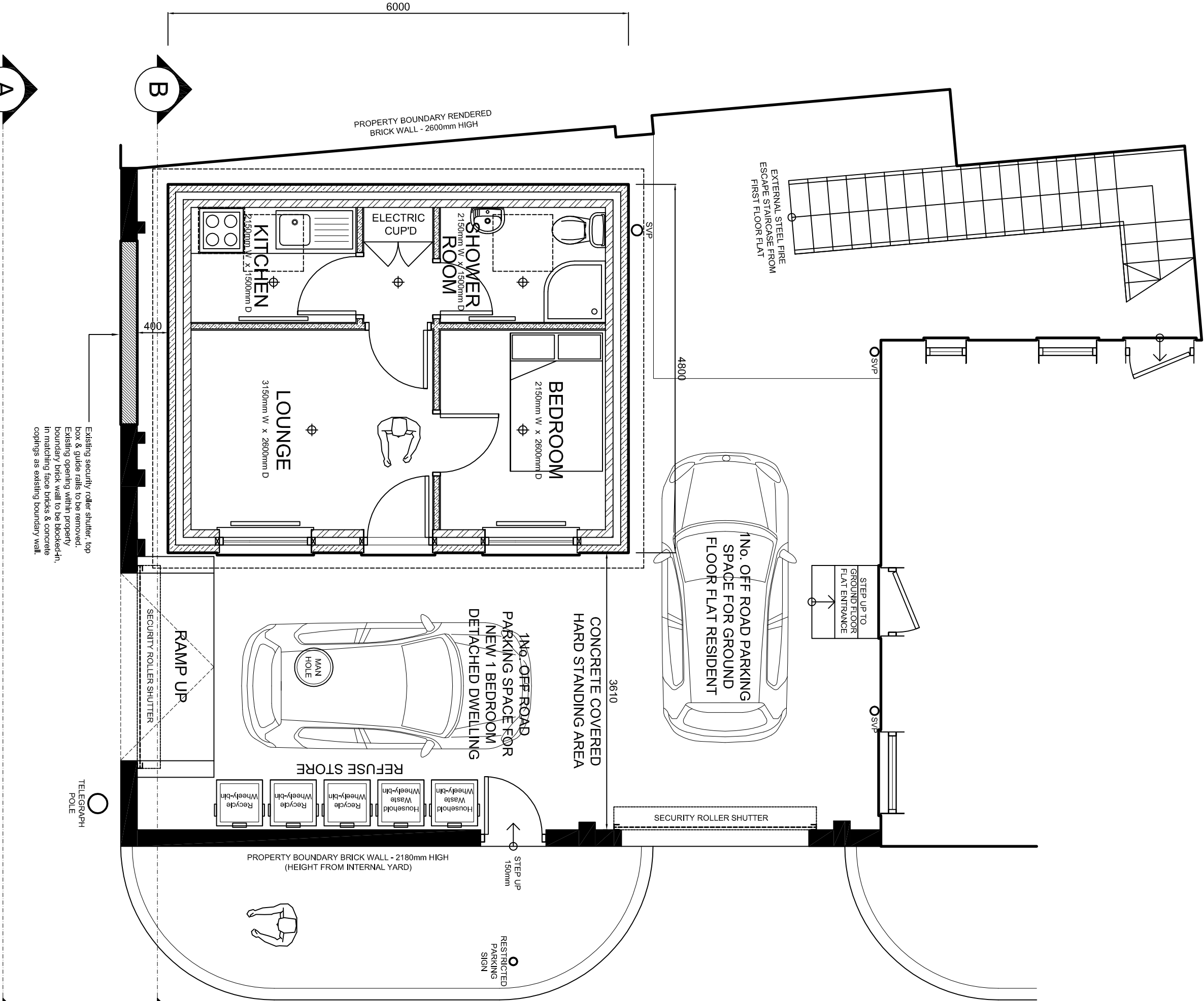


ROBINSON STR

ELEVATION C-C

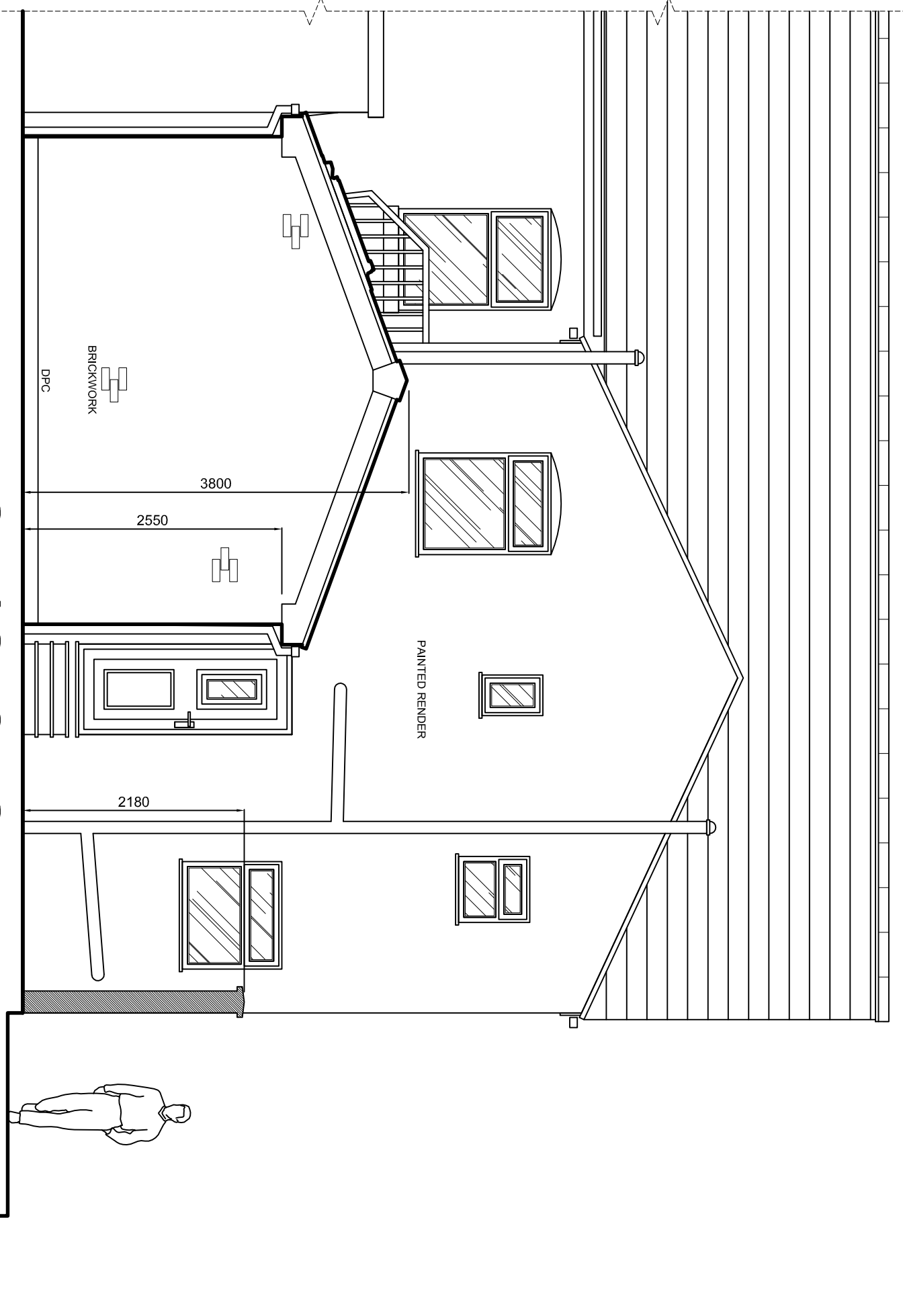


LAYOUT PLAN

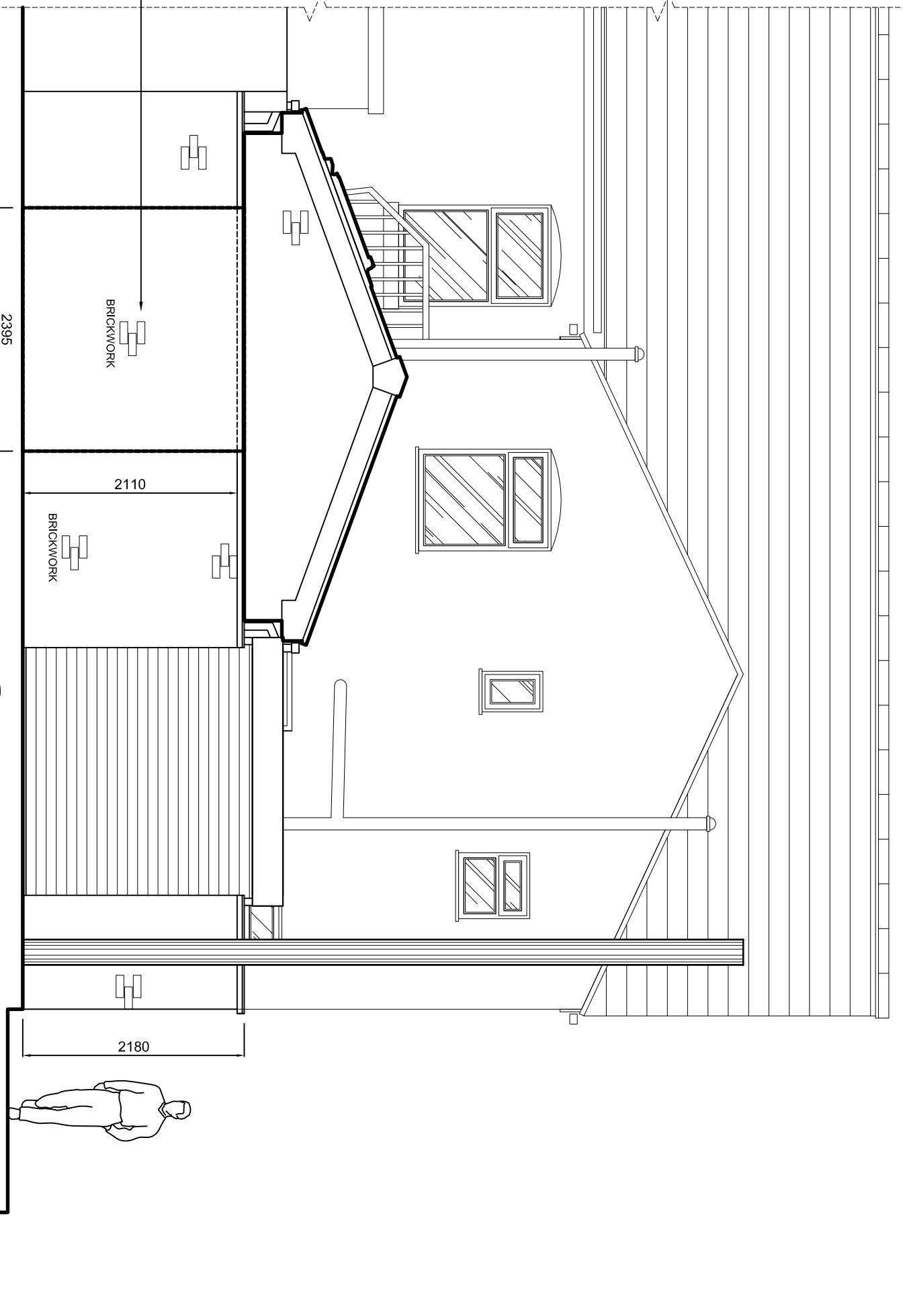


ROBINSON STREET

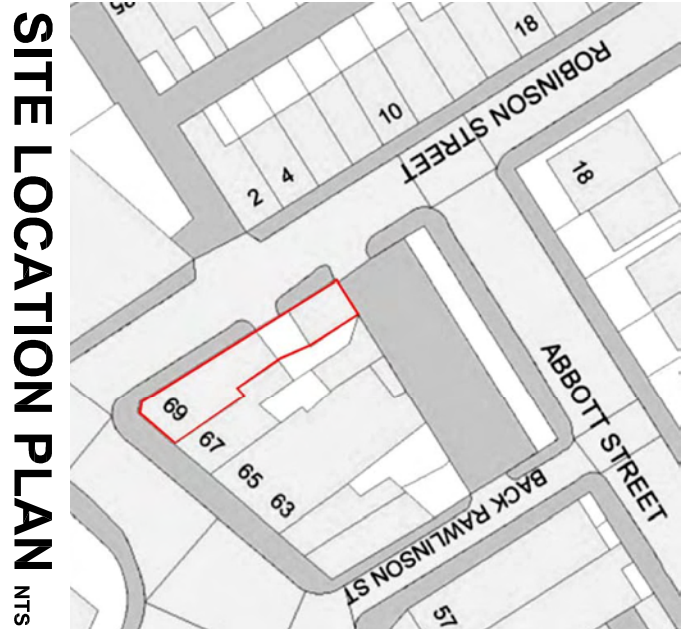
ELEVATION / SECTION B-B



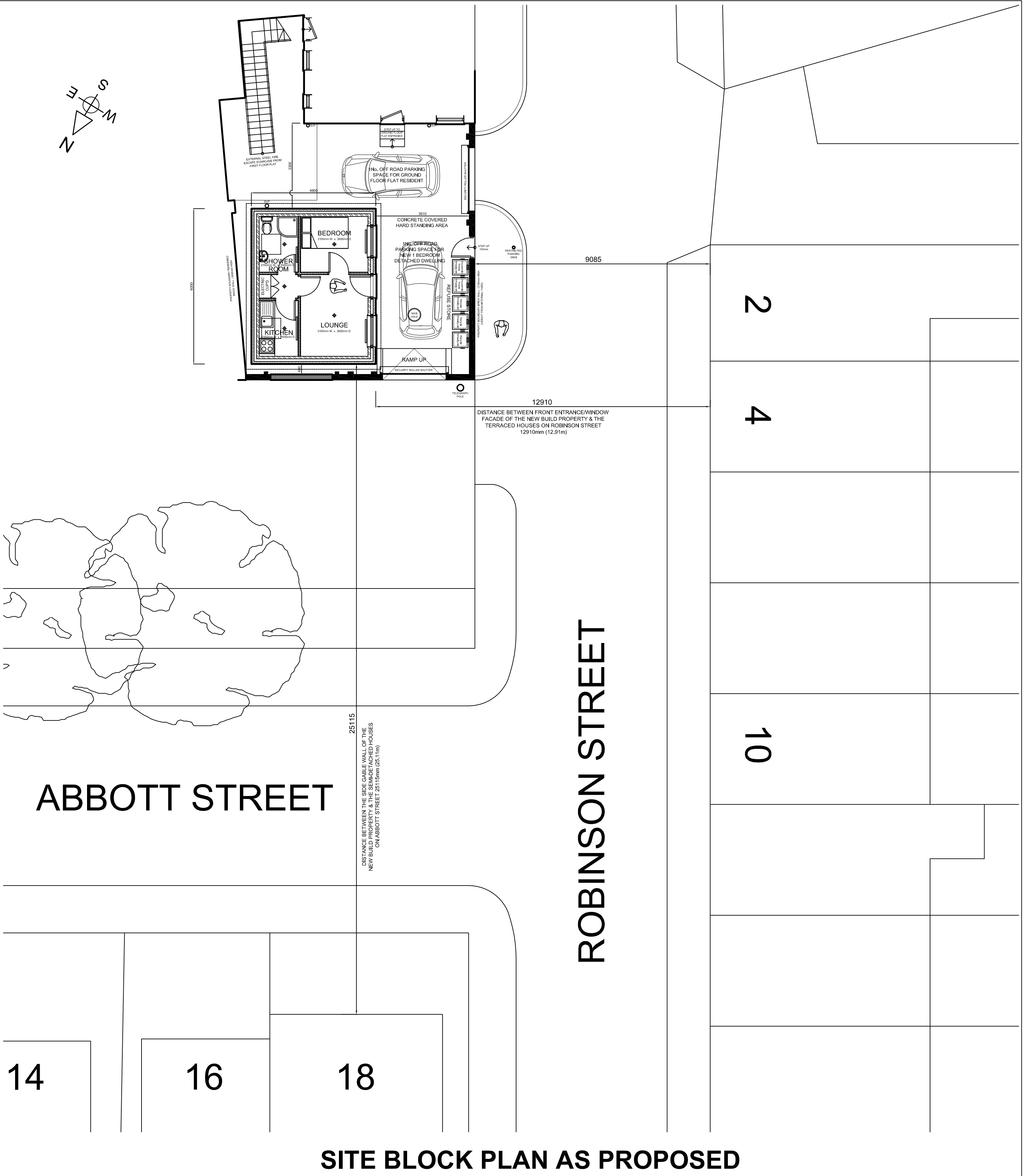
ELEVATION A-A



NOTES:-
ALL DIMENSIONS TO BE CHECKED ON SITE BY BUILDING
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DATE	25.9.13
SCALE	1:50 @ A1
TITLE	Site Plans as Proposed (1 Bedroom detached dwelling with existing rear Yard at No. 69)
CONTRACT	69 Winter Hay Lane Horwich BL6 7NT
CLIENT	Mr. Thompson
DWG NO.	KDSWHL02
REVISIONS	



SITE BLOCK PLAN AS PROPOSED



NOTES:-
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PLANNING DRAWING		TITLE	Site Block Plan as Proposed (1 Bedroom detached dwelling with existing rear Yard at No. 69)
COPYRIGHT OF THIS DRAWING RESERVED CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORKS DO NOT SCALE FROM THIS DRAWING		CONTRACT	69 Winter Hey Lane Horwich Bolton BL6 7NT
KREATIVE DESIGN SOLUTIONS Architectural + Interior Design e: info@kreativedesignsolutions.co.uk w: www.kreativedesignsolutions.co.uk m: 07940 393481		CLIENT	Mr. Thompson
DATE	25.9.13	DWG NO.	KDSWHL05
SCALE	1:100 @ A2	REVISIONS	