

**Planning Applications Report**

**Planning Committee**

**16<sup>th</sup> November 2017**

**Bolton  
Council**

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

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

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

The following abbreviations are used within this report: -

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

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

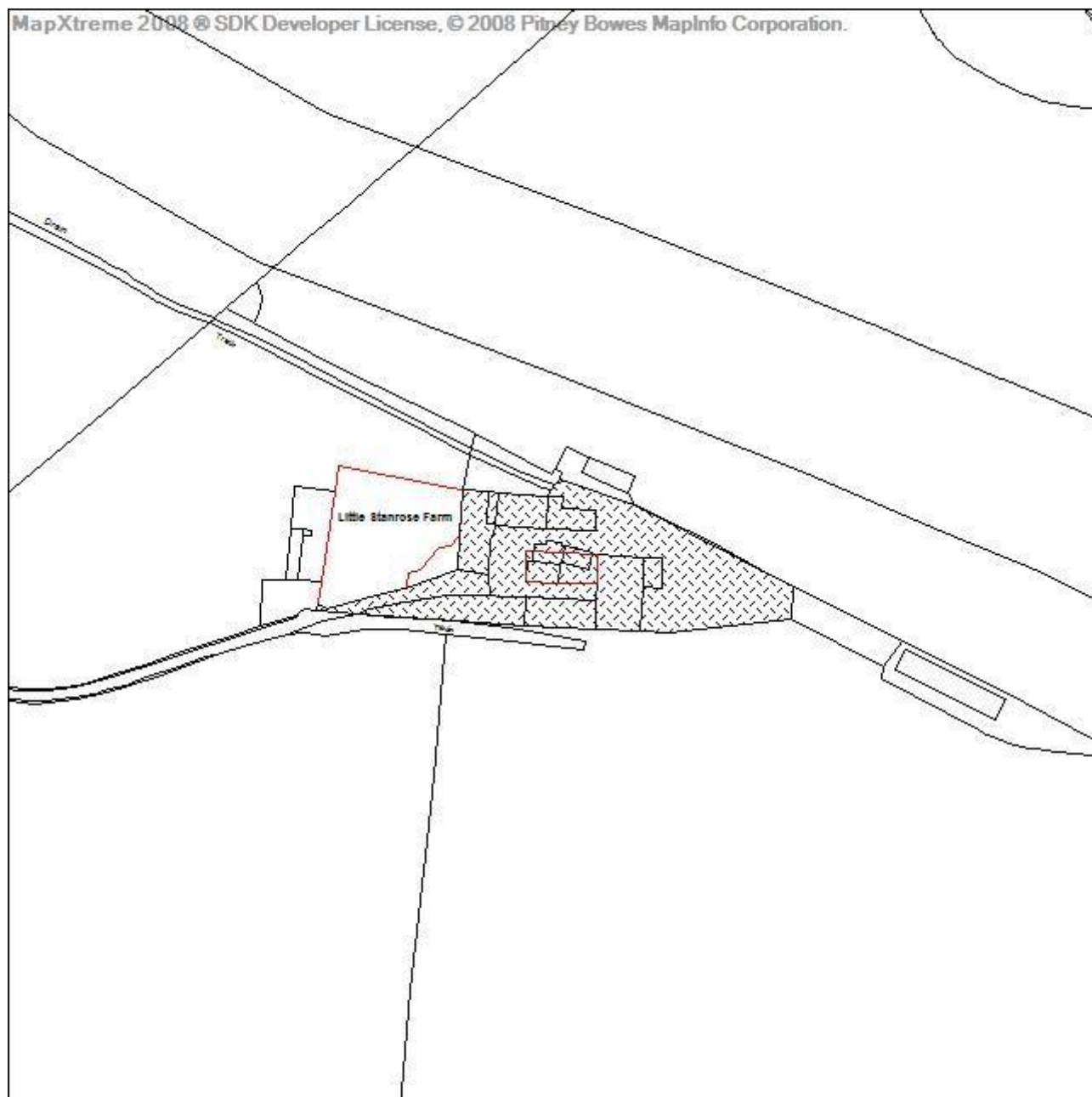
[www.bolton.gov.uk/planapps](http://www.bolton.gov.uk/planapps)



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**Application number  
00600/17**



**Development & Regeneration Dept  
Development Management Section**

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**Bolton  
Council**

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**Date of Meeting: 16/11/2017**

**Application Reference: 00600/17**

**Type of Application: Full Planning Application**  
**Registration Date: 10/04/2017**  
**Decision Due By: 04/06/2017**  
**Responsible Officer: Jeanette Isherwood**

**Location: LITTLE STANROSE FARM, COX GREEN ROAD, EGERTON, BOLTON, BL7 9RJ**

**Proposal:** DEMOLITION OF BOARDING KENNELS AND FORMER AGRICULTURAL BUILDINGS AND ERECTION OF TWO DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING. ALTERATIONS TO EXISTING FARMHOUSE INCLUDING CONVERSION OF ATTACHED BARN.

**Ward: Bromley Cross**

**Applicant: Gayle Taylor & Tracey Towers**  
**Agent : The Intelligent Design Centre**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Background**

1. The application was deferred at the Committee of 19th October 2017 to allow the applicant to respond to questions raised at the meeting.
2. The following questions were raised:-
  - Could the amount of glazing in the properties be reduced?
  - Could the materials being used for the cladding be clarified as 'less reflective'?
  - Why was one of the houses built outside the foot print of the existing structures.
3. The applicant has submitted amended plans to reduce the amount of glazing in the two properties.
4. The original farmhouse at Little Stanrose Farm, which has stood for more than 250 years, has 36% glazing to its south elevation. The original proposals showed 40% and 44% glazing to the south elevations of house 1 & 2 respectively.
5. Revised plans have been submitted that show a reduction in glazing to House 1 to 34% and a reduction in glazing to House 2 to 34%.
6. Comments raised with regard to balancing the demands of prospective occupiers with the appearance of farmstead buildings have been addressed by incorporating some smaller windows, which make reference back to traditional barn vents.

7. All floor to ceiling windows have been reduced from the original heights of 2.5m to 2.2m, allowing for more robust construction details.
8. The cladding will be metal standing seam and is to have a matt finish in dark grey, it will therefore not possess reflective qualities and will serve to absorb heat from the sunlight, contributing to a reduced heating demand. The inherent qualities of the materials contributing to the scheme sustainability.
9. In considering the overall redevelopment of this site the decision was taken to site House 2 in the position shown as it contributes to a linear arrangement alongside the public footpath. In doing so it serves to allow open views from the footpath between the houses back over Bolton and increases the openness between the farmhouse and House 1 dramatically. The overall reduction in the massing of the existing site by 47% by volume and 63% by footprint should also be considered.

### **Proposal**

10. The application proposes internal alterations to the existing farmhouse, with the existing single storey side element being replaced with a two storey addition. Also proposed is the erection of two new four bedroomed detached properties with associated garages and landscaping.
11. The footprints of the properties/additions are as follows:-
  - House 1 - Footprint: 113m<sup>2</sup> + 40m<sup>2</sup> garage giving an internal floor area of 198m<sup>2</sup>
  - House 2 - Footprint: 144m<sup>2</sup> + 40m<sup>2</sup> garage giving an internal floor area of 230m<sup>2</sup>
  - Replacement farmhouse extension - 33m<sup>2</sup> footprint giving an internal floor area of 60m<sup>2</sup>
12. The existing boarding kennels and redundant buildings are to be removed. The new build houses will stand partly on the footprints of the commercial buildings.
13. The total volume of the buildings to be demolished is 3,259 cubic metres and the total volume of the dwellings to be built is 1,740 cubic metres.
14. The applicant has detailed the use of natural stone and cladding in the construction of the new build properties, together with York stone flagging and natural landscaping.
15. The buildings on the site have not been used for agricultural purposes since 1988. Since that time they have been used for commercial storage of caravans, boats, motor homes and building materials. Caravans have also been stored on the site for a period in excess of 50 years. This was regularised in 1997 when a Certificate of Lawfulness was granted (application ref 50915/97).
16. This application is before Committee at the request of Cllr. Critchley.

### **Site Characteristics**

17. The site is approximately 150 metres by 55 metres in maximum dimensions and generally slopes down from north to south following the natural topography. The two-storey pebble dashed farm house is located to the northeastern corner of the site with a rectangular grassed lawn to the southwest of the farmhouse. Several former farm buildings are located to the south of the house. The buildings are generally of concrete block and render construction and are utilised as storage for building materials and dog kennels. The large building to the west of the site houses a boat, caravan, cars and other vehicles. An old hen house attached to the existing house also

houses dogs and garden tools, with a further building to the east utilised as a dog grooming parlour. To the rear of the farmhouse lies a linear building utilised as a cattery. This building is to remain. The open area to the east of the farm building is in use as caravan storage.

18. The main site area is predominantly laid to concrete, tarmacadam and gravel surfacing.
19. The site is accessed from the southeast via a single-track gravel road off Cox Green Road.
20. The application site is located within the Green Belt.

### **Policy**

21. National Planning Policy Framework (NPPF)
22. Core Strategy Policies: CG1.1 Rural Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; OA5 North Bolton; S1 Safe; P5 Parking and Appendix 3
23. Allocations Plan Policies: CG7AP Green Belt and P8AP Public Rights of Way
24. SPD General Design Principles; SPD Transport and Accessibility

### **Analysis**

25. 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.

26. The main impacts of the proposal are:-

- \* impact on the purposes and openness of the Green Belt
- \* impact on the character and appearance of the area
- \* impact on residential amenity
- \* impact on the highway
- \* impact on wildlife
- \* impact on trees
- \* loss of employment
- \* impact on Public Rights of Way

### **Impact on the Purposes and Openness of the Green Belt**

27. National Green Belt policy is contained within section 9 of the National Planning Policy Framework (NPPF). It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
28. Paragraph 89 goes on to state that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

29. Allocations Plan Policy CG7AP reflects this national advice.

30. In this case the site is considered to be previously developed land as it is currently used for commercial purposes. It is therefore considered that the last bullet point to paragraph 89 of the NPPF is applicable for the two new proposed dwellings.

31. The new proposals will result in a reduction of buildings at the site. The footprint of the existing buildings equates to approximately 810 sq. metres. The buildings are a mixture of single and two storey, and a mixture of dual pitched, mono pitched and flat roofs. In total the footprint of the new properties and garages equates to 297 sq. metres. This results in a significant reduction of building footprint on the site (by 513 sq. metres).

32. The total volume of the buildings to be demolished is 3,259 cubic metres and the total volume of the dwellings to be built is 1,740 cubic metres. Again the proposed development results in a significant reduction in the volume of buildings on the site (by 1,519 cubic metres, which is a 47% reduction).

33. House 1 would be sited within the footprint of an existing building on the site. House 2 would be sited to the east of the footprint of the existing buildings, however the 're-siting' of the building to this location would provide a linear form of development adjacent the neighbouring public footpath and would reduce the bulk of building to the south of the site/south of the farmhouse.

34. It is not considered that the siting, scale or massing of the proposed development would harm either the purposes or openness of the Green Belt in this location.

35. It is therefore considered that the proposed development would comply with the guidance set out within section 9 of the NPPF and Allocations Plan Policy CG7AP.

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

36. 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, 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, and will maintain and respect the landscape character of the surrounding countryside and its distinctiveness.

37. Great importance is placed on the design of the built environment in the NPPF and Bolton's Core Strategy. Good and accessible design is a key aspect of sustainable development. Schemes should contribute positively to making places better for people, enhance local distinctiveness and

be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture and landscape treatment (paras. 56 and 58 of the NPPF & Core Strategy policies CG3.2, CG3.3 and OA5.12).

38. The site at present consists of the main farm house and a cluster of barns and sheds which all appear to be in a dilapidated condition. It is noted that the buildings present differing materials used in their construction, from corrugated metal panels to block work, pebble dash and render which culminates in a disjointed overall appearance in this rural setting.
39. The houses have been designed to ensure there is a sensitive relationship between the houses and the surrounding landscape, whilst ensuring that the best is made of the topography of the land and the panoramic views that it offers.
40. Internally the applicant has designed the layout of the properties for the purpose of providing family homes. Externally, the appearance of the buildings present a modern interpretation of traditional materials typically associated with agricultural sites. Standing seam roofing and part wall cladding provides a smooth and reflective finish whilst also giving the new buildings texture. Random stone brought to courses responds to the existing site vernacular and links the new structures to those being retained and improved. Extensive glazing also gives the building a reflective quality to mirror the landscape and maximise views into the countryside from within.
41. The existing farmhouse will be re-dressed and have some windows and doors added or replaced to reflect the internal modifications. The alterations will modernise and regenerate the building internally and externally to create a comfortable, modern home whilst maintaining the overall mass and feel of the existing farmhouse.
42. It is considered that the materials proposed would ensure that the building assimilates well into the landscape without appearing incongruous or overly visually dominant within its setting.
43. In relation to landscaping, the applicant has amended the plans to incorporate a more natural and simplistic design using York stone flagging and grassed lawn.
44. It is therefore considered that the proposals comply with the guidance contained with the NPPF and Core Strategy Policies CG3 and OA5 and SPD General Design Principles.

#### Impact on Residential Amenity

45. Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.
46. The nearest residential properties to the site are located in excess of 200 metres away. The proposal will therefore not affect the privacy and outlook of the neighbouring residents and will not unduly affect their amenity.
47. The positioning of the houses within the site is such that there will be no negative impacts on the privacy or outlook of future occupiers.
48. It is therefore considered that the proposal complies with Policy CG4 of the Core Strategy.

#### Impact on the Highway

49. Policy S1 of the Bolton Core Strategy promotes road safety in the design of new development, whilst Appendix 3 provides parking guidelines for new properties.

50. The existing vehicular access to the site is a single track off Cox Green Road and will remain as existing. A new gated driveway will be created for access to the farmhouse.

51. Access to the two new build properties will be via a new access road to the south of the site.

52. Highways Officers have been consulted and had the following comments to make:-

*The development will generate negligible traffic volumes and less in comparison to its permitted use. The access roads from the highway are private and ample off-road parking provision is being proposed. Acting on this, no objections on highway grounds to what is being proposed.*

53. Subject to the attachment of conditions, it is considered that the development would not adversely affect the safety of highway users and therefore complies with Policies S1, P5 and Appendix 3 of the Core Strategy and SPD Transport and Accessibility.

#### Impact on Wildlife

54. Policy CG1.1 safeguards and enhances the rural areas of Bolton from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value, or its contribution to green infrastructure, reducing flood risk and combating climate change.

55. The applicant has submitted a full Bat Survey and the Council's Ecology Officers and Greater Manchester Ecology Unit have been consulted. It was noted that there was a low risk of bats in the existing buildings and Ecology Officers have raised no objection to the proposals subject to the precaution of inspecting the structure for nesting birds prior to demolition or undertaking such work outside the bird nesting season must be followed, as detailed in the report. It is considered beneficial if nesting provision could be incorporated into the design of the new building to help conserve this and other species.

56. It is therefore considered that the proposal would comply with Policy CG1.1 of the Core Strategy.

#### Impact on trees

57. Policy CG1.1 safeguards and enhances the rural areas of Bolton from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value, or its contribution to green infrastructure, reducing flood risk and combating climate change.

58. The Council's Tree and Woodlands Officers were consulted and noted that the trees to be removed are in a poor state of health with some being fire damaged. Officers also noted that the siting of the new build properties and access road had been amended, moving them slightly southward reducing the impact on the root protection zones of the mature hedgerow.

59. Officers had no objections to the development subject to conditions.

#### Loss of Employment

60. Objections have been raised to the loss of the boarding kennels and subsequent loss of employment at the site. However, the applicant states the following:-

*The kennels, cattery and house are currently let to our tenant Mr Williamson under the terms of a lease, which expires on 10 August 2018, this lease is contracted out of the Landlord & Tenant Act 1954 and therefore the expiry date is definite with no right of renewal.*



*I confirm, as freeholder of the premises that this lease will not be renewed beyond 10 August 2018 and the kennels & cattery will cease to trade at this time.*

61. The application site is not allocated as a protected employment site and therefore (it is considered) the loss of a business from this site can only be given very limited planning weight.

Impact on Public Rights of Way

62. Allocations Plan Policy P8AP states that the council and its partners will permit development proposals affecting public rights of way, provided that the integrity of the right of way is retained.

63. The Public Rights of Way Officer was consulted and had the following comments to make:-

*It is proposed to divert public right of way Turton Egerton 012 and should planning permission be granted, a legal order will need to be made and advertised to make changes to its current legal line before any development begins.*

64. The applicant has confirmed that the diversion of footpath 012 will be done at their own cost; a condition will be added to any approval to secure this. The diverted PROW will now offer a pathway down the new access road and through the centre of the site and therefore the integrity of the PROW will not be compromised and will be compliant with Core Strategy Policy P8AP.

**Conclusion**

65. For the reasons discussed above it is considered that the proposed development would not harm the purposes and openness of the Green Belt in this location, the character and appearance of the area, residential amenity, highway safety or biodiversity, and therefore would comply with policy.

66. Members are therefore recommended to approve the application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** 24 letters of objection have been received with the main concerns being as follows (Officer response in italics):-

- Loss of a thriving business - *Officers note that the lease for the kennels will end in 2018 with no right of renewal*
- Loss of wildlife - *Extensive surveys have been done and officers note that the Ecology Unit has no objections*
- Setting a precedent for building on Green Belt - *Officers note that the proposal is sited on previously developed land and therefore would not set a precedent*
- Loss of employment - *Officers note that the lease for the kennels will end in 2018 with no right of renewal*
- Inappropriate design - *Officers note that the applicant is using traditional materials typically associated with agricultural sites.*
- Impact of Public Right of Way - *Officers note that the diverted prowl will now offer a pathway down the new access road and through the centre of the site and therefore the integrity of the prowl will not be compromised.*
- Increase in traffic on Cox Green Road - *Officers note that as the site will no longer be in commercial usage there is likely to be a reduction in traffic*

12 letters of support for the proposal have also been received.

**Elected Members:-** Cllr Critchley requested that this application be brought before Committee and requested a site visit at the last Committee meeting.

### **Consultations**

Advice was sought from the following consultees: Highways, Greenspace, GMEU, Environmental Services, PROW, Trees and Woodlands, Ramblers Society, Peak and Northern Footpaths, Drainage and Landscapes.

### **Planning History**

Certificate of lawfulness - Approved - 50915/97 - storage of caravans.

**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 the development:-

- A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to

receptors focusing primarily on risks to human health, property and/or the wider environment; and

- The details of any proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority. The approved remedial works shall be incorporated into the development during the course of construction and completed prior to occupation of the development or the development being first brought into use; and

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

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

Reason

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

3. Prior to the commencement of development the details (samples if required) of the type and colour of materials to be used for the external walls and roof to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

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

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

1. The trees and hedgerows within or overhanging the site which are to be retained 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) and in order to comply with Bolton's Core Strategy policies CG1 and CG3.

5. Prior to the commencement of all work, including demolition, details shall be submitted to and approved in writing by the Local Planning Authority for alternative on-site nesting bird accommodation. The approved scheme shall be implemented in full and retained thereafter.

Reason

To ensure the favourable status of protected species and to comply with policy CG1 of Bolton's Core Strategy.

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

The no-dig root system protection system for the access road and driveway construction within the

root protection zones of the retained trees

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

Reason

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

7. Prior to the commencement of development a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and retained thereafter.

Reason

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

8. Before the approved development is commenced details of the existing and proposed ground levels within the site and on adjoining land including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason

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

9. Prior to the commencement of development public right of way Turton 012 is to be diverted and new signage erected in compliance with details to be submitted to and approved in writing by the local planning authority. The diverted public right of way is to remain available to the public at all times thereafter and must not be closed, diverted or altered in any way until the appropriate statutory procedures have been completed.

Reason

Public right of way Turton 012 crosses the application site and must be retained, and to comply with policy P8AP of Bolton's Allocation Plan.

10. Before the approved/permitted development is first brought into use no less than car parking spaces with minimum dimensions of 2.5 metres by 5 metres shall be provided within the curtilage of the site, in accordance with Drawing Ref: 16094 24 Rev D approved by the Local Planning Authority. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

11. Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how access roads and vehicle areas of the site are to be laid out, constructed, surfaced, drained and lit shall be submitted to and approved in writing by the Local Planning Authority. The

approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

Reason

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

12. Prior to the development hereby approved/permitted being first occupied or brought into use a scheme shall be marked out as indicated on Dwg No 16094 24 Rev D and approved in writing by the Local Planning Authority for the turning 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 turning of vehicles.

Reason

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

13. 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. A re landscaping plan showing additional native hedgerow planting on the southern boundary will also be required. The approved schemes shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

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

14. Prior to the development being first occupied, details (including a brick or masonry specification and colour scheme) 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 prior to first occupation 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 and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

15. The garage(s) hereby approved/permitted shall be made available at all times for the parking of motor vehicles.

Reason

The loss of garage spaces would be likely to lead to an increase in on-street parking to the general detriment of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5, Supplementary Planning Document 'Accessibility, Transport and Road Safety' and Appendix 3

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, fences, gates, walls, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

Reason

To safeguard the purposes and openness of the Green Belt and the character and appearance of the area, and to comply with policy CG7AP of Bolton's Allocations Plan and policy CG3 of Bolton's Core Strategy.

17. The curtilage of the dwellings hereby approved is being treated for planning purposes as that defined on the approved drawing ref: 24 Rev D.

Reason

For the avoidance of doubt as to what is permitted and to safeguard the purposes and openness of the Green Belt compliant with policy CG7AP of Bolton's Allocations Plan.

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

**Plot 1 Elevations - Dwg No.GT- 006 - dated 31/10/17**  
**Plot 1 ground floor plans - Dwg No. GT-004 - dated 31/10/17**  
**Plot 1 first floor plans - Dwg No. GT-005 - dated 31/10/17**  
**Plot 2 Elevations - Dwg No. GT-003 - dated 31/10/17**  
**Plot 2 ground floor plans - Dwg No. GT-001 - dated 31/10/17**  
**Plot 2 first floor plans - Dwg No. GT-002 - dated 31/10/17**  
**Proposed front and rear elevations farmhouse - Dwg No 16094 - 22 - Rev C - dated Dec 2016**  
**Proposed side elevations farmhouse - Dwg No 16094 - 23 - Rev B - dated Jan 2016**  
**Proposed floor plans farmhouse - Dwg No 16094 - 21 - Rev A - dated Dec 2016**  
**Proposed garages - Dwg No 16094-33**  
**Amended site layout - Dwg No - 16094 - 25 - dated 23/08/17**

Reason

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

Notes

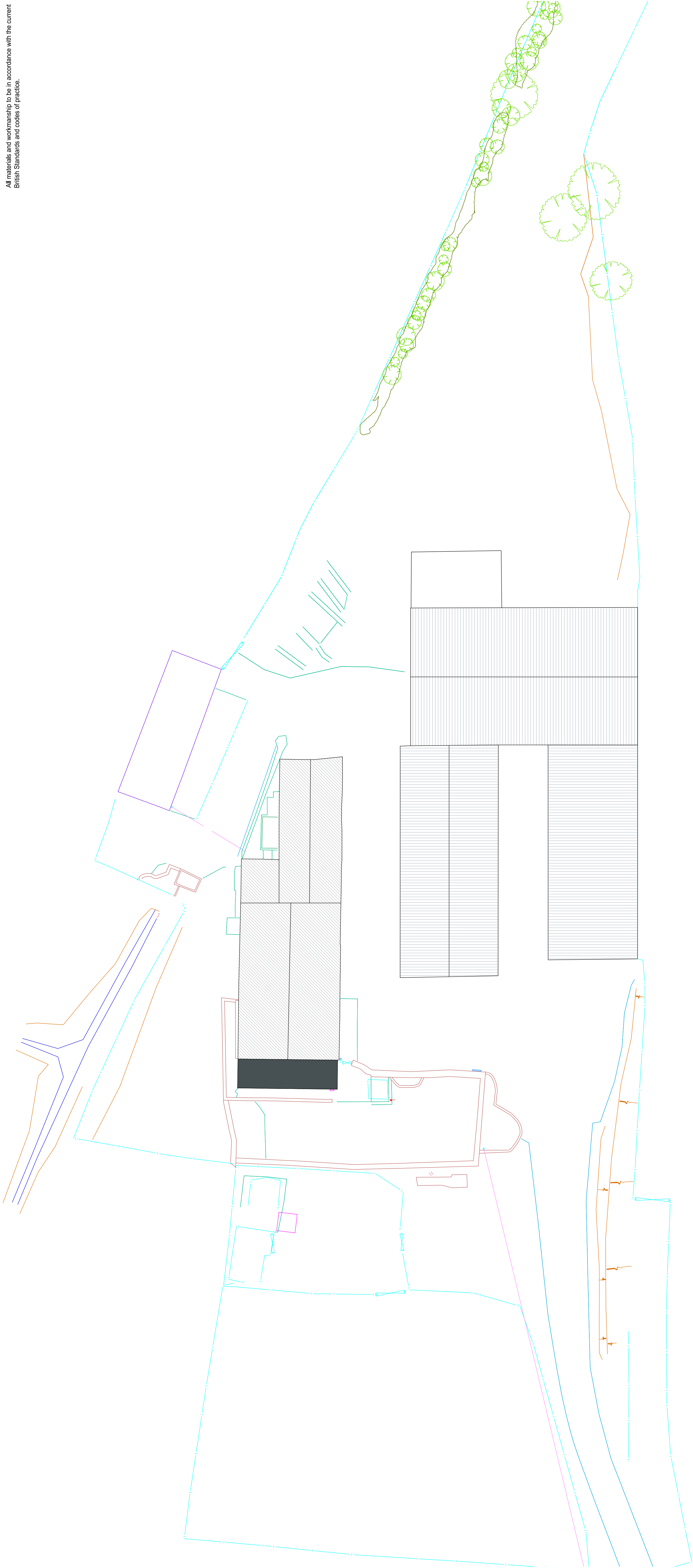
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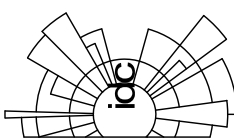
All dimensions are to be checked on site prior to construction, manufacture of any components and ordering of materials and equipment.

Any discrepancies are to be reported to the architect for clarification.

All materials and workmanship to be in accordance with the current British Standards and codes of practice.



Client			
Miss Gayle Taylor			
Project			
Little Stanrose Farm Redevelopment Bolton			
Drawing			
Existing Site Plan	Drawn by	Scales	
Date	December 2016	JPD/WBT	1:200 @ A1
Job No - Dwg No - Rev			
16094 - 02			



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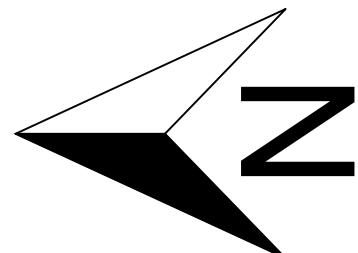
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Rev	Date	Amendment	By



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Manchester, M3 3HF  
Telephone: 0161 228 6411  
Fax: 0161 228 7354  
www.lsh.co.uk

Client
G Taylor & T Towers
Project
LITTLE STANROSE FARM COX GREEN ROAD EGERTON

Drawing  
SITE LAYO T

PLANNING	
Job No.	DWG No. Revision
16014	24 D
Scale	Date Drawn Checked
As Specified @ A0	23/08/17 GT GT



PROPOSED SITE LAYO T  
Scale 1:200 @ A0

Key:

EXISTING LEGAL LINE PROW

PROPOSED CHANGE TO LEGAL LINE PROW

DEMOLITION LINE

TREES TO BE REMOVED

TREES & HEDGEROW TO BE RETAINED

BODPAVE 40 OR SIMILAR SURFACE

YORK STONE FLAGGING

LAID TO LAWN

RESIN SET PERMEABLE  
HARDSTANDING



Notes

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Rev

Date

Amendment

By

Lambert  
Smith  
Hampton

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Client

Miss G Taylor & Mrs T Towers

Project

Little Stanrose Farm  
Cox Green Road  
Egerton  
Bolton

Drawing

House 2  
Proposed First Floor Plan

PLANING

Job No.

DWG No.

Revision

GT

002

-

Scale

Date

Drawn

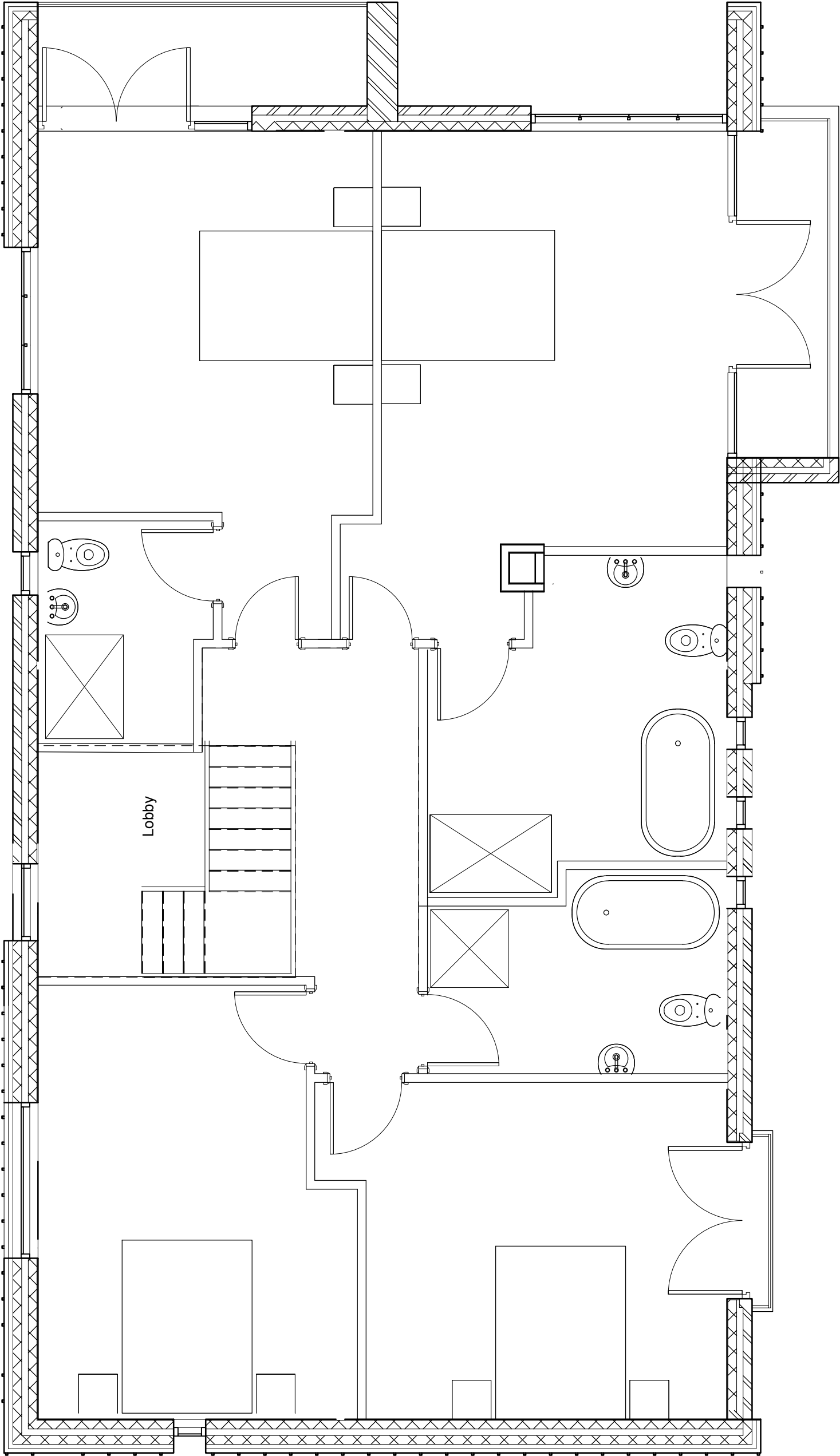
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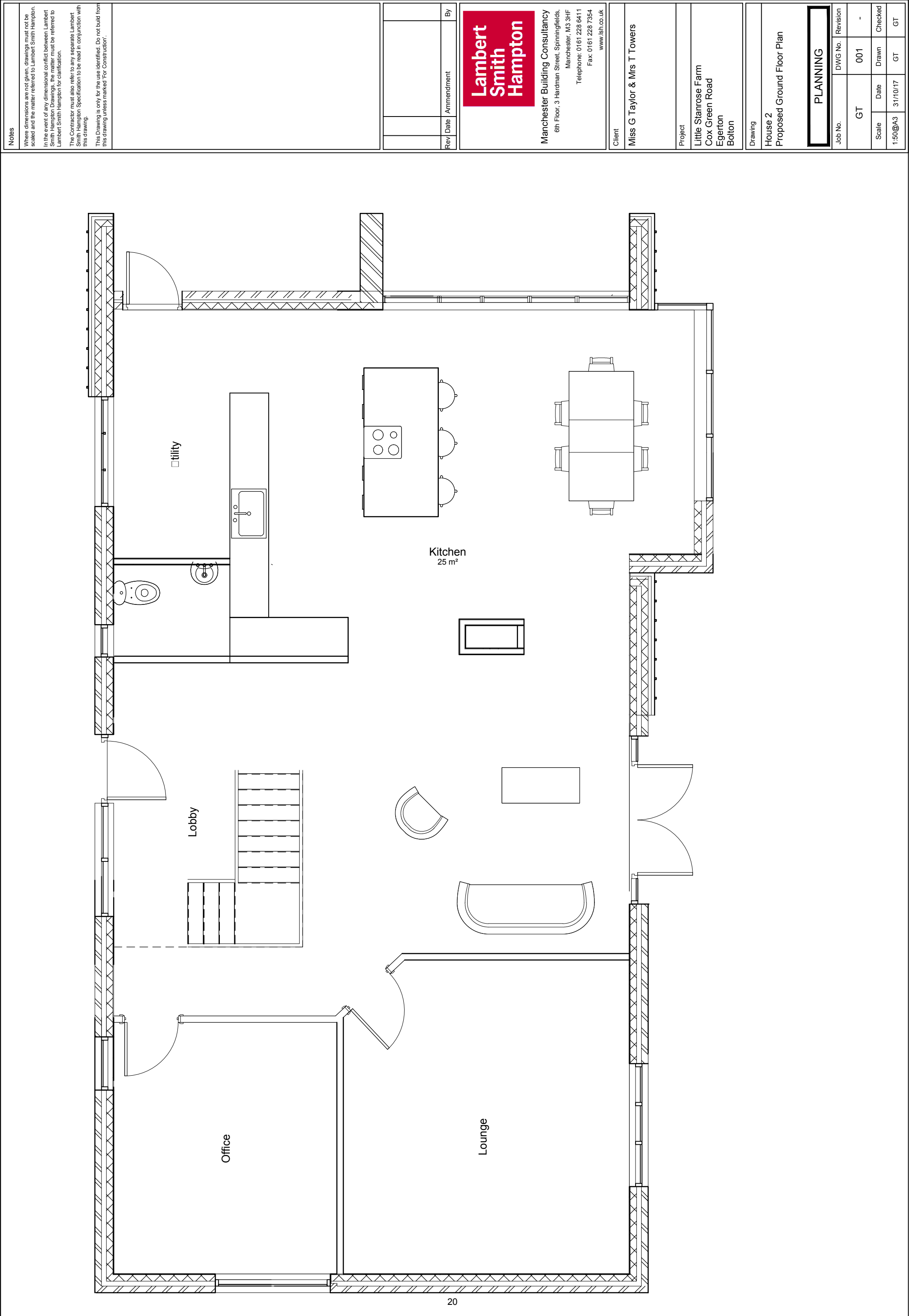
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31/10/17

GT

GT





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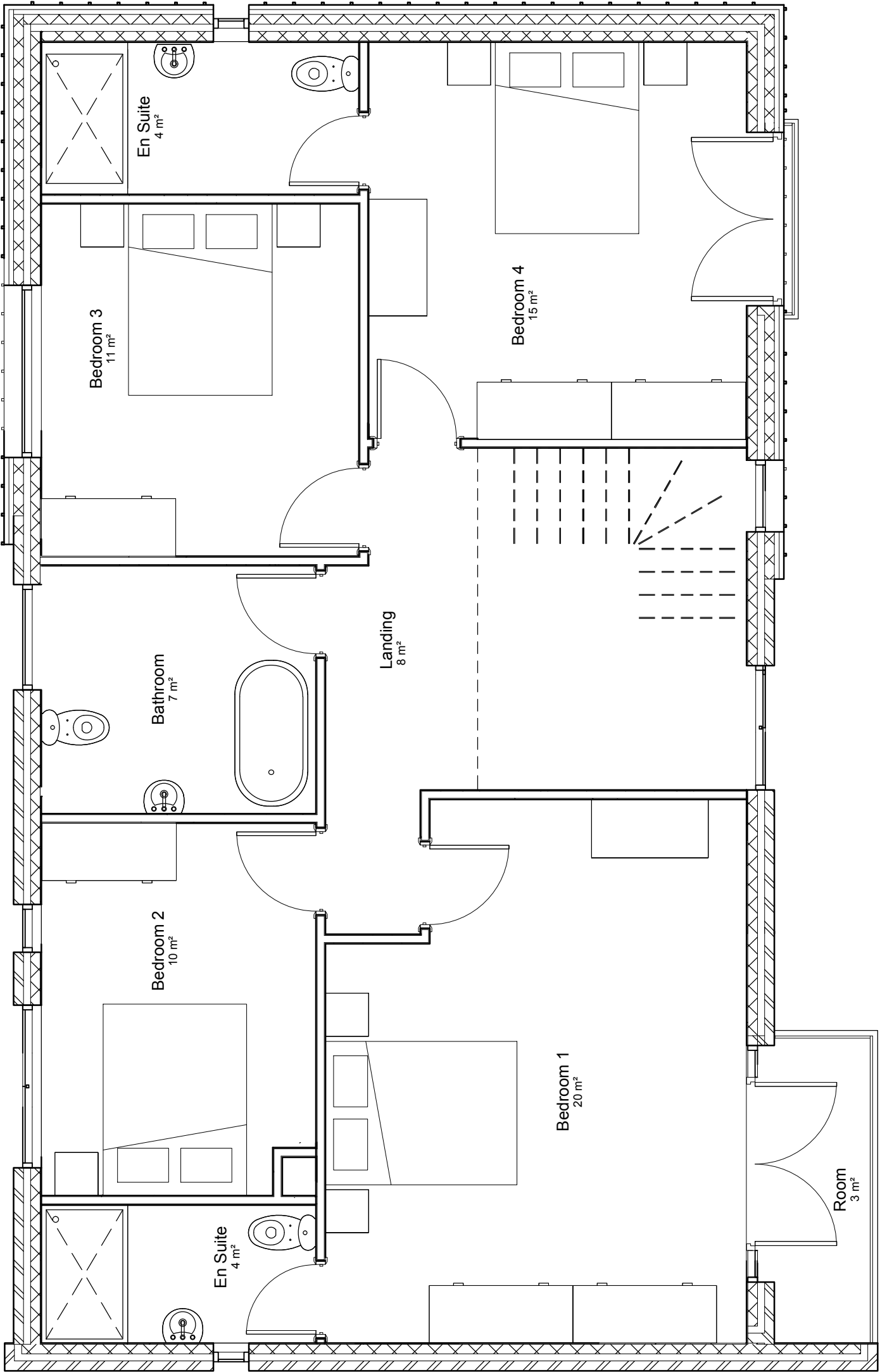


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Client			
Miss G Taylor & Mrs T Towers			
Project			
Little Stanrose Farm Cox Green Road Egerton Bolton			
Drawing			
House 2			
Proposed Ground Floor Plan			
PLANNING			
Job No.		DWG No.	Revision
GT		001	-
Scale	Date	Drawn	Checked
1:50@A3	31/10/17	GT	GT



Notes			
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Client			
Miss G Taylor & Mrs T Towers			
Project			
Little Stanrose Farm Cox Green Road Egerton Bolton			
Drawing			
House 1			
First Floor Plan			
<div>PLANNING</div>			
Job No.	DWG No.		Revision
	GT		005
Scale	Date	Drawn	Checked
1:50@A3	31/10/17	GT	GT



FIRST FLOOR PLAN

23



Notes

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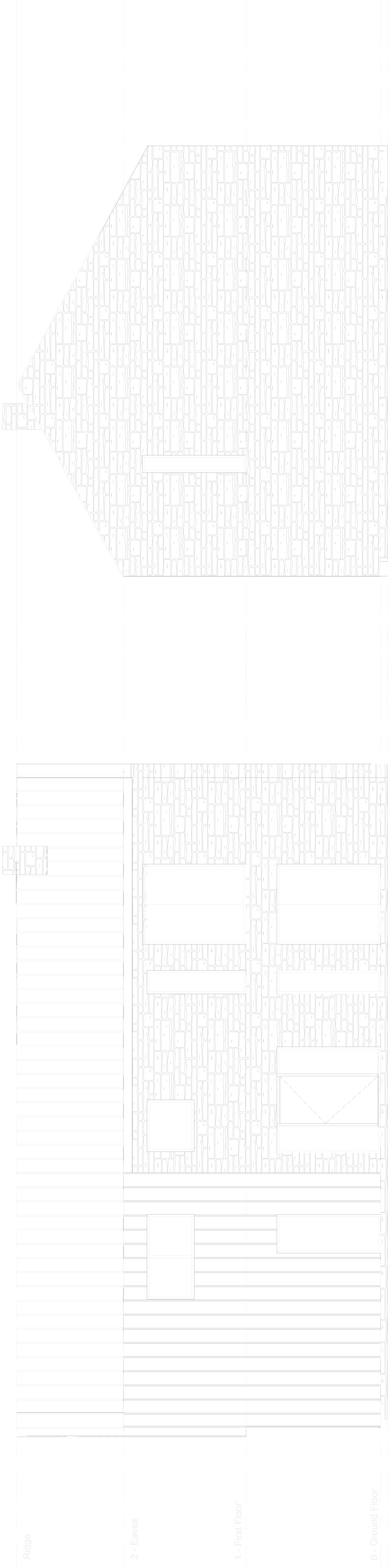
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Telephone: 0161 228 6411  
Fax: 0161 228 7354  
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Client	Miss G Taylor & Mrs T Towers
Project	LITTLE STANROSE FARM COX GREEN ROAD EGERTON

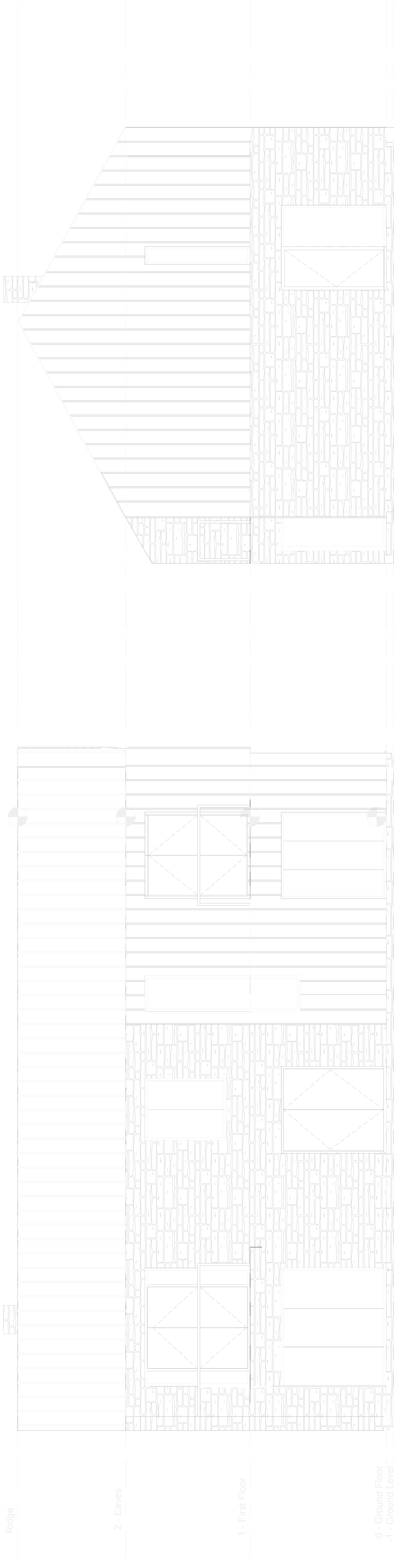
Drawing	PLOT 1 PROPOSED ELEVATIONS
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PLANNING			
Job No.		DWG No.	Revision
GT		006	-
Scale	Date	Drawn	Checked
1:50 @ A1	31/10/17	GT	GT



NORTH ELEVATION

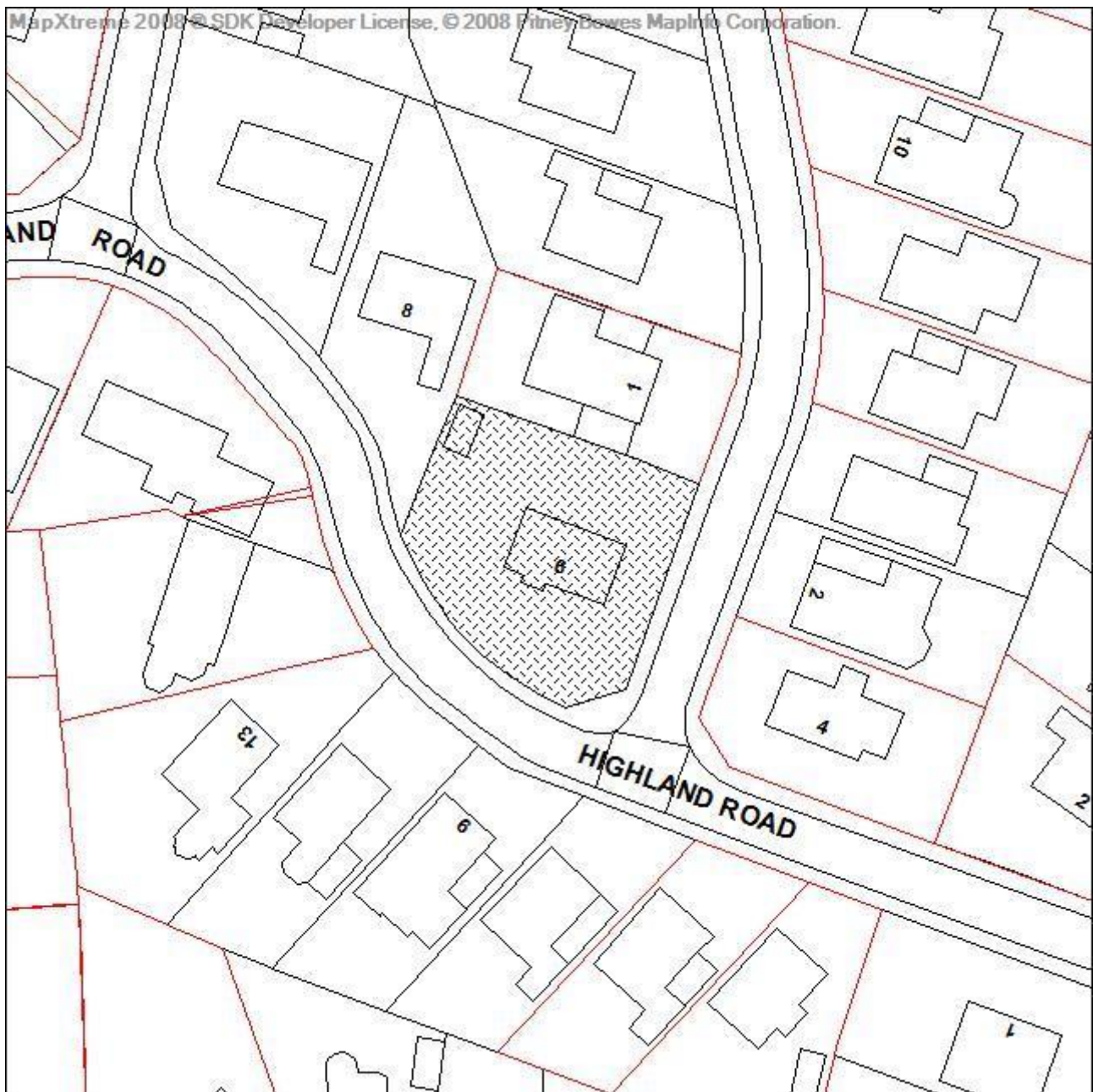
EAST ELEVATION



SOUTH ELEVATION

WEST ELEVATION

# Application number 01492/17



**Development & Regeneration Dept  
Development Management Section**

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

# Bolton Council

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**Date of Meeting: 16/11/2017**

**Application Reference: 01492/17**

**Type of Application: Full Planning Application**  
**Registration Date: 25/07/2017**  
**Decision Due By: 18/09/2017**  
**Responsible Officer: Andrew Cotton**

**Location: 6 HIGHLAND ROAD, BROMLEY CROSS, BOLTON, BL7 9NL**

**Proposal: DEMOLITION OF DWELLING AND ERECTION OF TWO DETACHED DWELLINGS WITH ASSOCIATED ACCESS.**

**Ward: Bromley Cross**

**Applicant: Mr Gregory**  
**Agent : SDA Architecture Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Background**

1. The application was deferred from consideration at the October 2017 Planning Committee meeting pending an advanced site visit.

### **Proposal**

2. Planning consent is sought for the demolition of the existing bungalow at No.6 Highland Road and the erection of two detached dormer bungalows (to be named No.6 and No.6a).
3. Each property would be identical in terms of external appearance and internal layout. The two properties would be located within the existing site boundary with vehicle access provided for each side off Highland Road, with the exception of a single vehicle access point off Longridge serving what would be No.6. Each dwelling would have three vehicular parking spaces.
4. The properties would be orientated at 90 degrees to the existing bungalow with their side gable elevations facing onto Highland Road.
5. Each dwelling would have a maximum height of 6.71 metres and would incorporate a footprint of 105m/sq. Each property would feature a modern design with a mix of brick and composite cladding. The bungalows would feature a large central dormer window that would extend down to the ground floor.
6. On the ground floor each property would be provided with a large kitchen/dining/living area, entrance hallway, toilet, sitting room, bedroom with en suite, utility and plant room. At first floor level each dwelling would have three bedrooms, each with en suite and a study.
7. The plans before Committee are amended plans, received during the life of this application.
8. The application in its original form was recommended for refusal. Bolton Planning Department



has a duty to work positively and proactively as per paragraphs 186-187 of the National Planning Policy Framework and as such the case officer informed the agent that in its original form the proposal was not acceptable and would be recommended for refusal. The agent requested that they be allowed to submit amended plans in an attempt to resolve the issues highlighted with the initial submission. As per good planning practice and in accordance with the NPPF the Planning Department allowed the submission of an amended scheme. Upon receiving the amended scheme neighbour notification letters were sent out to notifying neighbours and objectors of the amended plans and allowing a further 10 days to make additional comments on the amended scheme. Objections and comments received on both the original submission and amended scheme have been considered when assessing the application. Any comments or objections received after this report has been written, up until the day prior to Planning Committee will be summarised and included in the Schedule of Supplementary Information prior to Committee considering the application, as is normal planning practice.

### **Site Characteristics**

9. The application site is located on a corner plot at the junction of Highland Road and Longridge. The site is currently occupied by a bungalow dwelling which is of a modest height and a design similar to other properties in the area. The immediate surrounding area is open plan in nature and is occupied by detached bungalows which are similar in size, type and design and a number of which have front or rear dormers.
10. The building line along Highland Road is staggered, is therefore not uniform, and to some degree the building line follows the bend in the road.

### **Policy**

11. National Planning Policy Framework (NPPF)
12. Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG3 The Built Environment, CG4 Compatible Uses, SC1 Housing and OA5 North Bolton.
13. Supplementary Planning Documents: General Design Principles

### **Analysis**

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

15. The main impacts of the proposal are:-

- \* Principle of Residential Development
- \* Impact on the Character and Appearance of the Area
- \* Design for Security
- \* Impact on Residential Amenity
- \* Highway Safety/Parking Provision

### **Principle of Residential Development**

16. National policy on residential development is contained in the National Planning Policy

Framework. In order to promote more sustainable patterns of development, NPPF makes it clear that the focus for additional housing should be on existing towns and urban areas. It is important that new housing is located where it is accessible to jobs, shops and services by modes of transport other than the car. The inefficient use of land should be avoided and to this end maximum use should be made of previously developed land. This is consistent with advice contained within Core Strategy policy SC1 Housing.

17. At the heart of national policy within the NPPF is a presumption in favour of sustainable development. The NPPF maintains the importance of supporting sustainable economic development and delivering homes (paragraph 17). The NPPF sets out a presumption in favour of sustainable development. Given that the land is currently in residential use it is considered that to re-use the land for residential purposes is acceptable.

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

18. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness and will require development to be compatible with the surrounding area. Policy OA5 specifically concerns developments in North Bolton.
19. The proposal would introduce a pair of detached dormer bungalows on the site. The heights of the proposed dwellings are taller than the existing bungalow however the dwellings would only be slightly higher than the other bungalows located along Highland Road. However due to the rising land levels along Highland Road to the west and the lack of a defined building line, it is not considered that the proposed design of the dwellings would appear at odds with the wider character of the area in terms of height.
20. The proposed scheme has been designed with the front elevations of the two properties facing east. The property closest to the junction of Highland Road and Longridge (No.6) would face onto Longridge, and the other (No.6a) would face onto the rear elevation of the first property (No.6). Vehicle access would be provided off Highland Road with an additional singular vehicular access off Longridge for No.6.
21. While the entrances would in fact be within the front elevation of each dwelling, given the orientation of the properties it would appear from Highland Road that they were in the side elevation. Given its corner plot location No.6 would front onto Longridge, thus giving an active frontage to that street. Furthermore the layout of the properties is such that both pedestrian and vehicular access would be taken from Highland Road (with the exception of one vehicle space off Longridge).
22. The proposed dwellings would incorporate a modern design with a mix of brick and composite cladding, with large glazed areas to the front and side gable features. When considering design, it is important to consider both the context of the existing streetscene and the quality of the proposed design.
23. In this instance the surrounding houses along Highland Road and Longridge consist of a variety of materials, and are of a design suggesting 1960s era construction. It must be noted that No.4 Highland Road has in recent years been extended and remodelled under planning permission ref: 94005/15. The design of No.4 is similar to the proposed design under this application and as such to some extent provides precedent for this design. Additionally, the fact that the proposal introduces a pair of houses, which would be seen within the context of each other rather than a stand alone property, lends further support to the introduction of this design. While the design of the proposed bungalows is modern, it draws reference from the existing features of the 1960s architecture of the existing bungalows on Highland Road through the use of cladding, strip

windows, dormer windows and the window proportions in the side elevation and thus it is considered appropriate in this location.

24. Overall it is considered that the design of the proposed properties would appear of its time, introducing quality modern architecture while respecting the character of the area by incorporating some features of the existing properties on the estate.
25. The existing property is sited on a relatively spacious plot characterised by a large open plan lawned area to the front and a large fenced off private garden area to the rear; the plot is significantly larger than most of the other plots on the estate. The proposal would split the plot relatively equally in two with the resulting plots of a similar size to the other existing plots on Highland Road and Longridge. Each property would have in excess of the recommended 50 sq. metres of useable private amenity space, and would have open plan frontages onto Highland Road, according with the existing estate. While the driveway to No.6a is wide, considering the proposed areas of landscape to either side of the hardstanding it is considered that this would not introduce an incongruous feature into the area. Furthermore in order to ensure that the driveway is constructed of appropriate materials a condition is recommended for details of hardstanding to be submitted to the LPA for approval.
26. Considering these facts it is not considered that the proposal would constitute overdevelopment of the plot and would provide for adequate private amenity space and car parking provision for each dwelling whilst respecting the character of the area. The proposal is considered to be physically well related to the character and layout of existing buildings within the surrounding area and as such would not cause unacceptable detrimental harm to the surrounding area so as to warrant a refusal. Therefore, the proposed development is considered to accord with policies CG3 and OA1 of the Core Strategy and guidance within the NPPF.

#### Impact on Residential Amenity

27. Policy CG4 of the Core Strategy has the objective of ensuring that proposal do not adversely affect the level of residential amenity neighbouring occupants can reasonably expect to enjoy.

#### *Neighbouring Occupiers*

28. The main windows for the dwellings would either face to the east or to the south of the site.
29. All main habitable room windows, with the exception of bedroom one on the ground floor of each property, would be in the front elevation of each dwelling. Therefore the main room windows in the front elevation of No.6a would be screened by No.6. The main room windows in the front elevation of No.6 would maintain a distance of approximately 19.5 metres to the property on the opposite side of Longridge.
30. The main room window serving bedroom one at ground floor level of both properties would maintain a distance of 26 metres to the properties to the opposite side of Highland Road to the south.
31. It is noted that the introduction of the dormer window at No.6a would result in the side flank of the proposed dormer approximately 5.6 metres from the side dormer window of No.1 Longridge. However this would only partially extend across this window in the neighbouring property and considering that the neighbouring property No.1 Longridge is set at a higher land level the proposed property would not have a detrimental impact in terms of overshadowing on that window, and as such would not be so significant so as to warrant a refusal in this instance. Additionally it is noted that the property has been moved towards the western boundary of the site and therefore the dormer would not look directly onto the side elevation of the proposed

property.

32. For the reasons above, it is not considered that there would be a significant detrimental impact upon neighbouring occupiers amenity.

#### *Future Occupiers*

33. Section 3 of the General Design Principles SPD states that 50 sq. metres of private amenity space should be provided for each dwelling.
34. The Supporting Statement submitted with the application states that both properties would have in excess of the recommended 50 sq. metres private amenity space with No.6 being provided with 113 square metres and No.6a with 139 square metres. It is however considered that the calculations are not correct as the private amenity space that is included for this calculation must include the space to the front of the properties, which is not normally used in the same way as a private rear garden given the inherently less private nature of these areas. Furthermore the interface distance between the front elevation of No.6a and the rear elevation of No.6 is 8.4m, with only 0.8m between the rear elevation of No.6 and the boundary. It is noted that there is a difference in land levels which is shown on the streetscene drawing provided, however it is nonetheless considered that this arrangement would not result in a significant potential for overlooking for future occupiers, thus providing future occupiers with adequate levels of amenity.
35. Given the above it is considered that the proposed development provides for adequate protection of existing occupiers' amenity compliant with Policy CG4 of the Core Strategy and the General Design Principles SPD.

#### Design for Security

36. Policy S1 of the Core Strategy states that the Council will aim to ensure that the design of new development will take into account the need to reduce crime and the fear of crime.
37. In this instance Greater Manchester Police - Design for Security have provided comments regarding the proposal. A number of recommendations have been made to improve security on the site. It has been recommended that the development should be constructed to Secured by Design standards, ensure that all boundary treatments adjacent to publicly accessible land should be 2.1m in height and all boundary treatments should be a minimum of 1.8m so the rear of the properties is not accessible via the front or side of the properties.
38. Given the siting and orientation of the properties within the plots it is not considered that a boundary treatment to the front elevation of No.6 would be acceptable given that it would front onto Longridge. However given that there is limited private amenity space most of the plot benefits from good natural surveillance from the surrounding properties.
39. It is considered that the proposal is in accordance with policy S1 of the Core Strategy.

#### Highway Safety/Parking Provision

40. Policy P5 of the Core Strategy the Council will aim to ensure that parking provision and servicing arrangement are taken into consideration when it comes to new development. Policy S1 seeks to promote road safety in the design of new development.
41. Appendix 3 of the Bolton Council's Core Strategy states that a maximum of three car parking spaces should be provided for a four bedroomed property. It is considered in this instance the proposed development complies with the relevant guidance.

42. The applicant is proposing adequate off-road parking provision to support the level of development and adequate accessibility from Highland Road to the properties. The Highways department have raised no objection to the application subject to the inclusion of a number of conditions should permission be granted. However the Highways Department have advised that the Highways Authority is currently in the process of promoting a 20mph speed limit on Highland Road and that the applicant would need to ensure that the proposed development would be able to achieve the required visibility splays as per the national guidance (Manual for Streets).

### **Conclusion**

43. It is considered that the proposal, as amended, would respect and be compatible with the existing character and appearance of the area, would not harm the amenity of neighbouring residents, would provide ample parking provision on-site and would not jeopardise highway safety in the area.
44. Members are therefore recommended to approve this application, subject to the suggested conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** 57 objection letters were received from 55 individual properties in response to the initial consultation.

Below is a summary of the representations received as a result of the initial consultation on the original scheme:

#### **i) Matters already addressed in the main body of the report**

- \* Overdevelopment of the site/ High density housing which is over scale for the plot
- \* Not in keeping with the character of the area/ Design would not blend in and would not fit in the context of the area
- \* Over established building line/ Not set back from the road enough
- \* Sets a precedent for other properties in the area/ 'garden grabbing'
- \* Overshadowing
- \* Loss of privacy
- \* Blank gables presented to the north, south and west
- \* Lack of private amenity space for plot No. 6
- \* Road safety/ sight lines and visibility at the junction
- \* Increase in traffic
- \* Increased risk of flooding due to loss of greenspace
- \* No space for waste bins
- \* No private garden space
- \* Oblique views into the windows of No.1 Longridge
- \* Open plan spacious appearance is the main character of the estate

#### **ii) Other matters**

- \* Loss of small affordable bungalow – new houses will be unaffordable therefore not compliant with policy (*officer comment: an element of affordable housing provision on site is only required by policy where 15 or more dwellings are proposed*)
- \* Streetscene appears to be misleading
- \* Labelling the proposed properties as dormer bungalows/ proposal is for houses not for dormer bungalows
- \* Reference to Highlands Road rather than Highland Road and Longridge Road rather than Longridge
- \* No regard for existing residents
- \* Inaccurate description of the estate in the design and access statement
- \* 4m high hedge is not there between 1 Longridge and 6 Highland Road
- \* Dormer is not a recent development on No.1 Longridge

#### **iii) Neighbour notification and Council process**

- \* Lack of communication with surrounding residents regarding this major development (*Officer Comment: Bolton Planning Department has acted in accordance with all local and national guidance regarding the process for determining a planning application. The application is classed as minor development.*)

#### **iv) Concerns that are not material planning considerations**

- \* Hedges too high/ hedges around the properties would be contrary to deeds and covenants
- \* Loss of value to surrounding properties
- \* Development is purely for profit, a non-local landlord
- \* Loss of views

*(Officer Comment: Loss of view, loss of value of properties and whether or not the applicant is intending to carry out the development for personal use or as a business venture are not material planning considerations. Private rights and covenant are private rights and as such are civil matter and not for the Council to pursue.)*

Notification letters of the amended plans were sent to all neighbours originally notified as well as any addresses from which representations were received (a total of 55 individual properties) by letter dated 28th September 2017, allowing an extra 10 days from the date of the letter to make any additional comments.

Below is a summary of the representations received as a result of the above consultation on the amended scheme:

i) Matters already addressed in the main body of the report

- \* Overdevelopment of the site/plot
- \* Gardens too small
- \* Over established building line/ Not set back from the road enough
- \* Sets a precedent for other properties in the area
- \* Overshadowing
- \* Loss of privacy
- \* Hedges at the junction of Longridge and Highland Road still a safety concern
- \* Location of bin store too close to pavement
- \* Parking too close to pavement
- \* Now space for waste disposal bins but still beyond the building line

ii) Other matters

- \* Amended plans do nothing to address neighbour initial concerns/objections
- \* Changes that are proposed are minor
- \* Amended plans make matters worse
- \* Cluttered appearance

iii) Neighbour notification and Council process

- \* Concern as to why the LPA have allowed such large amendments seems contrary to their own policies
- \* Matters relating to this application appear to be unclear to the public as the applicant appears to believe that planning permission will be granted even before the closing dates for comments
- \* Concern over length of time given to make additional comments on amended plans

*(Officer Comment: Bolton Planning Department has acted in accordance with all local and national guidance regarding the process for determining a planning application. Paragraph 186-187 of the National Planning Policy Framework requires the Local Authority to work positively and proactively with the applicant as is good planning practice. The scale of the amendments is considered to be appropriate.)*

iv) Concerns that are not material planning considerations

- \* Restrictive covenants on the land which prevent development of two properties on one plot
- (Officer Comment: Private rights and covenant are private rights and as such are civil matter and not for the Council to pursue.)*

**Elected Members:-** Councillor Critchley has requested that this application is referred to planning committee for a decision and requested that committee makes a site visit prior to the meeting on 19th October 2017.

## **Consultations**

Advice was sought from the following consultees: Highways Engineers, Pollution Control Officers and Greater Manchester Police.

## **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. Prior to the commencement of development the details (samples if required) of the type and colour of materials to be used for the external walls and roof to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

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

3. Prior to the commencement of development a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and retained thereafter.

Reason

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

4. Prior to the commencement of development full details of the highway works to construct 2 no. vehicular access points (VAC) to facilitate access to the proposed off-road parking provision, removal of the redundant VAC and the re-grading of the footway at that location shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

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

5. Prior to commencement of development a site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority, to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken 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 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. This should include details of testing methodology for any soil or soil forming materials to be brought onto site.  
Prior to first use/occupation of the development hereby approved:
- (iv) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason

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

6. Before the approved/permitted development is first brought into use no less than 6 car parking spaces with minimum dimensions of 2.5 metres by 5 metres shall be provided within the curtilage of the site, in accordance with drawing Ref:0280-(S)2-02-PP REV C. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

7. 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 and drained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

Reason

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

8. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4m x 25.0m be provided at the access points to nearside kerbline, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

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

9. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 2.4 metres at the back of the footway shall be provided at the access points and back of footway, and subsequently remain free of all obstructions between the height of 0.6 metres and 2 metres (as measured above carriageway level).

Reason

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

10. 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 and in order to comply with Core Strategy policies CG1 and CG3.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, garages, outbuildings, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

Reason

To safeguard the character and appearance of the dwelling and as the plot size is limited and any extension could result in an unsatisfactory scheme, and to comply with policies CG3 and CG4 of Bolton's Core Strategy.

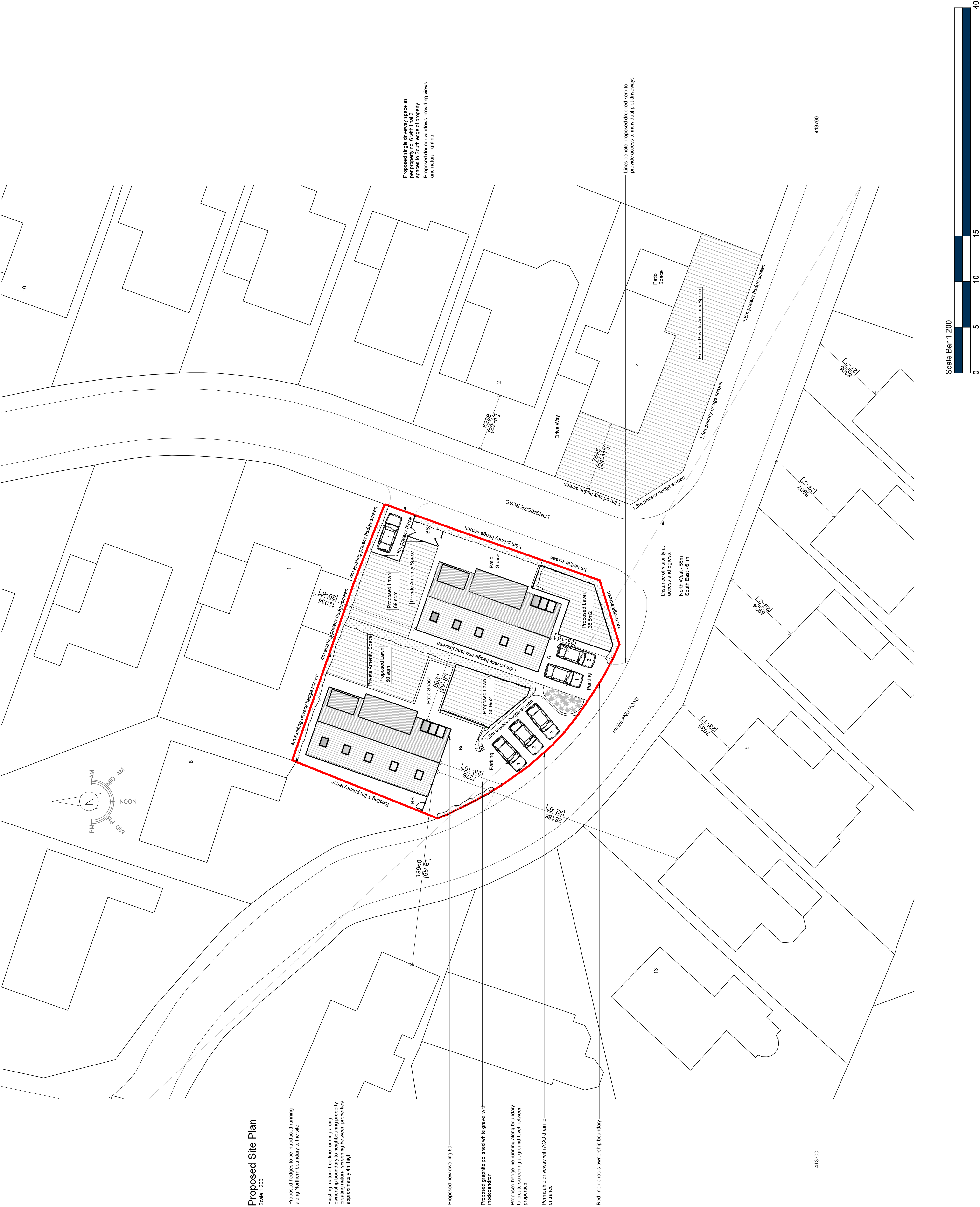
12. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

**0280 (S)2-02-PP Rev C; "Site Plan, as 'Proposed'"; dated 25.09.17**

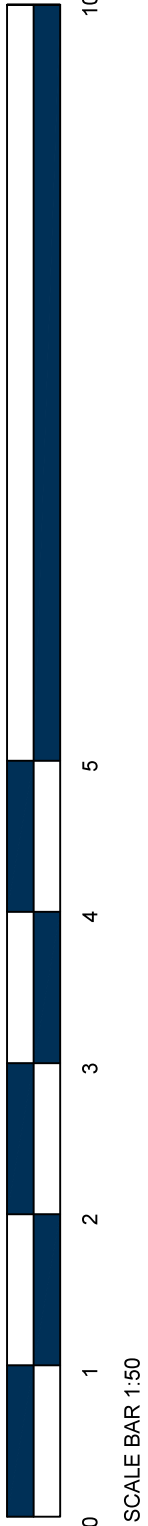
**0280 (GA)3-01-PP Rev A; "Floor Plans & Elevations, as 'Proposed'"; dated 25.09.17**

Reason

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









# Application number 00217/17



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 16/11/2017**

**Application Reference: 00217/17**

**Type of Application: Full Planning Application**  
**Registration Date: 09/02/2017**  
**Decision Due By: 05/04/2017**  
**Responsible Officer: Paul Bridge**

**Location: LAND AT EGERTON STREET, FARNWORTH, BOLTON, BL4 7JZ**

**Proposal: CHANGE OF USE OF VACANT LAND TO CAR PARK WITH 26NO. PARKING SPACES**

**Ward: Farnworth**

**Applicant: c/o Sughra Mosque**  
**Agent : RA Design & Project Management Ltd**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Background**

This application was deferred by Members at the July Planning Committee for further information. Members asked for the following information:

*a) To explore whether some tree retention is possible, bearing in mind the needs of the Applicant and their wish to purchase the land for parking.*

The applicant and a representative from the mosque met with the Council's Tree and Woodland Officer and Planning Officer to discuss options for the site with a view to retain existing trees. Several suggestions were made by the Council's TWO with regard to retaining trees on the site, however the applicant does not consider these to be achievable, due to the change in levels on the site, as it may result in the loss of parking spaces. The plans however have been amended to increase the scope for landscaping with the intention of planting replacement trees. The turning head has been removed (with the agreement of Highway Engineers), which increases the scope for landscaping along the northern boundary. The manoeuvring space between the two lines of parking bays has also been reduced which has allowed for a wider landscape strip along the site frontage with Egerton Street.

No landscape plan has been submitted with the application, however this will be conditioned prior to the commencement of any works on site. The landscape plan must include replacement tree planting of a maturity to mitigate for the loss of the existing trees.

The Council's Tree and Woodland Officer maintains their objection to the application due to the loss of trees on the site.

*b) Could the amount of hard surfacing to be minimised as far as possible without compromising*

*vehicular manoeuvrability?*

The amount of hardsurfacing has been reduced, details provided in the section above.

*c) Can tree removal be compensated for by a commuted sum?*

The site is currently in the ownership of the Council and therefore requiring a commuted sum would potentially reduce the amount the Council could get for the site. The landscape condition will ensure that replacement tree planting is carried out on the site, which will help to mitigate for the loss of the existing trees and will also serve to soften the appearance of the car park.

*d) Clarify whether the land will be for the exclusive use of the mosque or whether some public parking can be permitted and managed?*

The Agent has been asked to provide these details, however nothing has been received to date. Any information received will be reported to Members via the List of Supplementary Information.

*e) Details of a Car Park Management scheme to demonstrate that the Applicant has started to think about how this will work in practice.*

The Agent has been asked to provide these details, however nothing has been received to date. Any information received will be reported to Members via the List of Supplementary Information.

Two further letters of objection have been received from residents on Cawdor Street, raising the following concerns:

- When approved the mosque and then the extension were considered to have enough parking - this is not the case.
- Residents were unaware that the site had been sold - why are these sensitive issues not made public? (*Officer's comment: a site notice was put up at the site in addition to letters of consultation being sent to neighbouring residents*)
- The application site is in the middle of two busy roads in Farnworth and on a one-way system. At busy times the traffic is horrendous and there will be big tailbacks onto Bolton Road if this goes ahead.
- There are 25 established trees on the site - the loss of these will have an impact on air quality and loss of wildlife habitats.
- I understand that the Council owns this land - is it not better to keep it as a cushion between these two busy roads and to retain some greenspace for children to enjoy?
- Higher up Egerton Street on the right hand side is a disused car park which is a much bigger space - would this not be a better site?
- There should have been wider consultation on the proposed loss of this green site and the loss of 25 trees.
- It is a crime to cut down 25 trees for 26 cars to park.
- The proposed entrance will cause congestion at peak times.

### **Proposal**

1. Planning permission is sought for the change of use of land to form a car park providing 26 spaces. The entrance to the car park would be from a new vehicular access on Francis Street. The car park would be covered in a hardstanding and marked out to formalise the parking area.
2. The car park would provide additional car parking for the Sughra Mosque also located on Egerton Street.

3. All the trees on the site are proposed to be removed in order to accommodate the proposal.

### **Site Characteristics**

4. The application site is located on Egerton Street, close to the junction with Francis Street. It is an informal area of green space and accommodates a number of trees. The site is bound by an access road to the rear, beyond which are a number of residential dwellings and commercial/industrial premises. Directly adjacent to the site is public car park, whilst on the opposite side of Egerton Road is a row of shop and other business premises.

### **Policy**

5. National Planning Policy Framework (NPPF)
6. Core Strategy policies: P5 Transport and Accessibility, S1 Safe Bolton, CG1 Cleaner and Greener, CG3 The Built Environment, CG4 Compatible Uses, RA2 Farnworth.
7. SPD General Design Principles

### **Analysis**

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

### **Impact on Visual Amenity**

10. Core Strategy policy CG3 seeks to ensure that development proposals contribute to good urban design, conserve and enhance local distinctiveness and have regard to the overall built character and landscape quality of the area. Furthermore, development should be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.
11. The proposed car parks surface would be constructed from tarmac and pre-cast concrete edgings.
12. The proposal would require the removal of over 25 trees in order to accommodate the proposal. The immediate surrounding area is urban in nature and the trees do provide some welcome greenspace in this urbanised location and therefore their loss would be regrettable. However, the case officer has visited the site during prayer time and it was evident that car parking provision for the existing site was a particular problem. Visitors to the mosque took up all the available on street parking and the existing public car park. This resulted in inconsiderate parking along Joseph Street and the rear alleyway along Bolton Road which resulted in a number of residents of Bolton Road being unable to access or exit their properties during peak prayer



times.

13. In order to partially mitigate the loss of the trees, the case officer sought amended plans which now includes a 1m wide landscaping strip along the boundary of the site fronting Egerton Street. This will assist in softening the appearance of the site when travelling along Egerton Street, whilst also screening the proposal once the landscaping has had time to establish.
14. On balance, the adverse impacts of the development have been considered (that is, the loss of trees) however, when weighed against the benefits of the proposal, it is not considered that the adverse impacts would significantly and demonstrably outweigh the benefits of the development, when considered in the context of the current parking problems which exist at the mosque. The proposal is therefore considered to be in accordance with policies CG3 and RA2 of the Core Strategy.

#### Impact on Residential Amenity

15. Core Strategy policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.
16. The proposed car park would be used by visitors to the mosque. The nearest residential dwellings are located at 26 to 34 Francis Street and are separated from the application site by an access road.
17. The likely noise and disturbance would be that associated with visitors' voices when arriving or leaving and getting into and out of cars. This can give rise to nuisance if it occurs later in the evening or at night. The submitted plans and supporting information do not indicate how the car park would be managed and also secured when not in use/required by the mosque.
18. The dwellings are separated from the application site via an access road. Egerton Street is a busy route both in during the daytime and evening. There also a number of businesses in close proximity to the site, which are open late into the evening.
19. It is considered that subject to a condition which requires a management plan for the car park, that the proposal would not result in an unacceptable impact on neighbouring residential dwellings in respect of noise and disturbance late into the evening when residents should expect a certain amount of quietude.
20. In respect of air pollution it is not considered that a proposal on this scale who have an unacceptable impact on air quality and there is no requirement for an Air Quality Assessment to be carried out for application on this scale.
21. For the above reasons the proposal is not considered to have an unacceptable impact on residential amenity in respect of noise and disturbance, compliant with Policy CG4 of the Core Strategy.

#### Impact on the Highway

22. Core Strategy policy P5 refers to [amongst other things] to parking and policy S1 promotes road safety in the design of new development.
23. The current proposal would provide an additional 26 car parking spaces for visitors to the mosque. The Council's Highway Engineers have been consulted and have no objections to the scheme subject to appropriate conditions regarding appropriate signage, road markings and new

vehicular access crossing. Therefore when the application is judged on its own merits, solely as a proposed car park, it is considered that the proposal complies with policies P5 and S1 of the Bolton Core Strategy.

#### Impact on Trees

24. As stated earlier in the report, the proposal will result in the loss of a large number of trees. The Tree and Woodland Officer has objected to the proposal due to the loss of the trees. However, and as addressed earlier in the report, the need for the additional parking is considered to outweigh the adverse impacts of the proposal in respect of the loss of trees.
25. Site clearance during the breeding season has the potential to damage or destroy bird nests, which would constitute an offence under the Wildlife and Countryside Act 1981 (as amended). An informative note would therefore be attached to any approval to ensure that work must not begin if nesting birds are present on site and should occur outside the bird nesting season (March to July inclusive). The proposal is therefore considered to be in accordance with policy CG1 of the Core Strategy.

#### Other Issues

26. The land is an informal greenspace and is not allocated as a recreation site in the Council's Allocation Plan. Therefore limited weight has been given to the loss of this land. In addition, Farnworth Central Park is located within walking distance of the site which provides adequate provision for outdoor recreation for local residents.

#### **Conclusion**

27. The adverse impacts of the proposed development, specifically the loss of trees, has been considered, assessed and weighed against the benefits of the scheme. It is considered that the impacts associated with the proposed development can be largely mitigated through the use of planning conditions where necessary. Although the development would result in the loss of a large number of trees, it is not considered that the adverse impacts would significantly and demonstrably outweigh the benefits of the development, when considered in the context of the current parking position for the mosque.
28. Development of the site represents an opportunity to provide additional parking for the mosque in a sustainable location.
29. Members are therefore recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

Three letters have been received in response to the planning application publicity and who have raised the following concerns:-

- \* Loss of tress and informal greenspace.
- \* Loss of habitat.
- \* The land is used as children as a play area.

The above issues are addressed in the appraisal.

- \* The application for the mosque advised that the parking provision was adequate. *Officer Response – The applicant, after reviewing the parking provision feels that the mosque would benefit from additional parking provision.*
- \* Access to garages on Francis Street would be restricted. *Officer Response – The application is sited on private land and would not encroach onto the access road which serves the garages for Francis Street.*
- \* Alternative sites are available – *Officer Response - This application will be judged entirely on its own planning merits.*

### **Consultations**

Advice was sought from the following consultees: Highways, Design and Crime, Corporate Property and Tree and Woodland Officer.

### **Planning History**

None relevant to the application site.

**Recommendation:            Approve subject to conditions**

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

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

Reason

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

2. Prior to the commencement of development full details of the highway works at the car park access with Francis Street comprising of a vehicle access crossing (and potential relocation of existing road signage) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

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

3. 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 landscape scheme shall include replacement trees of a size and age to be agreed by the Council's Tree and Woodland Officer to mitigate against the loss of trees from the site. The approved scheme shall be implemented in full and carried out in full prior to the first use of the car park. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

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

4. Before the approved/permitted development is first brought into use no less than 26 car parking spaces shall be marked out and provided within the curtilage of the site, in accordance with Drawing Ref: RAD/1544/17/1/RevA. Such spaces shall be made available for the parking of cars at all times when the mosque is in use for prayers.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

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

Reason

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

6. Before development is brought into use details of the signing scheme within the site to indicate the direction of vehicle travel for vehicles accessing the car park onto Francis Street shall be submitted to and approved by the Local Planning Authority. The approved signing scheme shall be implemented in full before the development hereby approved is first occupied or brought into use and retained thereafter.

Reason

In the interests of highway safety and to comply with policy S1.2 of Bolton's Core Strategy.

7. Prior to first use of the car park, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include the proposed hours of use and full detail on the car park will be managed and secured outside prayers times for the mosque. The plan will be implemented and managed in accordance with the details approved.

Reason

In the interest of residential amenity and to comply with policy S1.2 of Bolton's Core Strategy.

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

**RAD/1544/17/1/Rev A - Proposed Car Park dated January 2017 and received 6th April 2017**

Reason

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



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Figured dimensions take precedence over scaled measurements from the drawing. All dimensions to be checked by Contractor and discrepancies clarified with the Client prior to commencement.

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

**RAD**

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# Bolton Council

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**Date of Meeting: 16/11/2017**

**Application Reference: 02115/17**

**Type of Application: Full Planning Application**

**Registration Date: 16/10/2017**

**Decision Due By: 10/12/2017**

**Responsible Officer: Martin Mansell**

**Location: VICTORIA SQUARE, NEWPORT STREET, OXFORD STREET, MARKET STREET, DEANS\_GATE AND CORPORATION STREET, BOLTON, BL1**

**Proposal: ADDITIONAL USE OF THE PUBLIC HIGHWAY FOR PUBLIC EVENTS, CIVIC FUNCTIONS, COMMERCIAL ACTIVITIES AND PROMOTIONS.**

**Ward: Great Lever**

**Applicant: Bolton M B Council**

**Agent : Nicola Littlewood**

## **Officers Report**

**Recommendation: Approve without condition**

### **Proposal**

1. Planning permission is sought to use Victoria Square and parts of the public highway at Oxford Street, Newport Street, Deansgate, Market Street and Corporation Street for the purposes of outdoor events such as the Winter Festival and the Food and Drink Festival.
2. Part 4 of the General Permitted Development Order 2015 grants consent in advance for the use of any open land for any purpose for not more than 28 days in total in any calendar year and the provision on the land of any moveable structure for the purposes of the permitted use. However, due to the success of such events, the Council's usage now significantly exceeds this allowance and therefore the proposed events cannot take advantage of the permitted development right and they therefore require planning consent.
3. Members may recall the submission of previous temporary applications for similar uses and Officers have noted a previous Committee resolution that stated that it would not be necessary for future similar application to be presented to Planning Committee; however, the Council's constitution requires applications where the Council is the Applicant to be determined at Committee level and not by the exercise of delegated powers at Officer level and it is not possible for a Committee resolution to change the constitution. In any case, the proposal now seeks a permanent consent for the additional use of the highway and the site is much more extensive than previously considered; therefore it is significantly different than previous proposals.
4. If planning consent is granted for the land in question to be used for occasional event space it would still be necessary for the Council to follow the process of temporary highway closures for



these areas so control would be retained over how the land is used.

5. The Application appears at Planning Committee due to the fact that the Council is the Applicant.

### **Site Characteristics**

6. The focus of the application site is Victoria Square, an area of public open space between Newport Street and Oxford Street, bounded to the east and west by Crompton Place and the highly prominent front elevation of Bolton Town Hall, a Grade II\* Listed Building. The site also includes significant sections of Newport Street, Oxford Street, Deansgate, Market Street and Corporation Street.
7. Some of the site lies within the Town Hall and Deansgate Conservation Areas and has a long history of being used for civic and public uses, most recently the Food and Drink Festival and previous Christmas Festivals. Much of the land is allocated as public highway with restrictions on vehicular use.

### **Policy**

8. National Planning Policy Framework - building a strong and competitive economy, ensuring the vitality of town centres, promoting sustainable transport, requiring good design, promoting healthy communities, conserving and enhancing the historic environment
9. Core Strategy Objectives  
SO1 Access to Health, Sport and 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, SO16 Community Cohesion and Access
10. Core Strategy Policies: P5 Transport, S1 Crime and Road Safety, CG1 Open Space, CG2 Sustainable Development, CG3 Design and the Built Environment, CG4 Compatible Uses, SC2 Cultural and Community Facilities, TC1 Civic Core and TC11 Design in Bolton Town Centre
11. Supplementary Planning Documents: Building Bolton, Town Hall Conservation Area Character Study

### **Analysis**

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

13. The main impacts of the proposal are:-

- \* impact on the site and its setting
- \* impact on Bolton town centre
- \* impact on nearby uses

### **Impact on the Site and its Setting**

14. 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. The events make use of demountable structures that would have no lasting impact on historic setting of the site. Previous experience has found such structures to be appropriately designed and whilst they will be clearly and prominently visible within the town centre, they are not considered to cause visual harm during the course of their use. Access for pedestrians will be adequately retained, particularly during the important Christmas retail period.
20. The impact on the site and its setting is considered to be acceptable.

#### Impact on Bolton Town Centre

21. 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.
22. 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. Victoria Square in particular will be a focus for leisure activity, with a presumption in favour of food-based restaurant and café uses including the use of the Square itself for events and outdoor seating areas. Ensuring that the whole of the civic and retail core is safe and attractive for pedestrians will be a priority
23. 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.

24. Officers note the references in the Core Strategy to the use of Victoria Square for events and civic activities and also note its long history of successfully delivering these events. Such events are key to encouraging visitor numbers, particularly at important periods for retailers. Visitors numbers are also considerably boosted in other parts of Bolton town centre during such events at the Food and Drink Festival and the Winter Festival. The benefits of the proposed use to Bolton town centre are considered to be highly significant.

#### Impact on Nearby Uses

25. 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.
26. 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.
27. The site lies entirely within the boundaries of the designated Civic and Retail Core of Bolton town centre. The vast majority of uses within this area are retail businesses together with similar commercial uses such as pubs, cafes, hair and beauty uses together with banks and similar uses. The second most common type of use is office uses, including a number of such buildings operated by the Council. In essence, the majority of uses are those which you would expect to find within the central core of a town centre and it is not considered that these uses require significant protection from harm caused by noise and disturbance.
28. Residential use does not form a significant element in this area. Residential uses do exist - a small number of commercial premises in the area have small scale residential uses above but this scale is not comparable with more peripheral town centre areas such as east of Bradshawgate, where significant elements of town centre residential accommodation exist. Neither is this residential use of the scale envisaged by the TC10 Urban Village Core Strategy allocation or the areas identified for residential development in the recently published Town Centre Framework.
29. In short, which small pockets of residential use exist, this is not a typically residential area and therefore such events as those proposed are to be expected. In any case, the events operated by the Council do not take place at times of the day when even town centre residents could reasonably expect reduced activity levels and therefore the impact on nearby uses is considered to be acceptable.
30. The proposal is considered to comply with Policy CG4 of Bolton's Core Strategy

#### **Conclusion**

31. These are temporary uses which will leave no permanent impact on the historic setting of the area. Victoria Square has a long and successful history of use for similar purposes and the impact of events such as these on the local economy and the vitality and viability of Bolton town centre is clear. The success of such events has necessitated expansion to the north and south of Victoria Square on to Newport Street and Deansgate in order to facilitate increased demand. There have been no objections from nearby consulted properties or the Council's Highway Engineers. The proposal would have no discernible harm in planning terms and, for the period of its use, would deliver considerable benefits to local businesses, to the general impression of the

town and its civic and retail and would provide much enjoyment for users of these facilities. Members are recommended to grant planning consent for the additional use of these public highways for popular events such as these. No conditions are considered to be necessary as the Council can exercise control as a public body and also under the Highways Acts.

## **Representation and Consultation Annex**

**Letters/petitions:-** None.

### **Consultations**

Advice was sought from the following consultees: Highway Engineers.

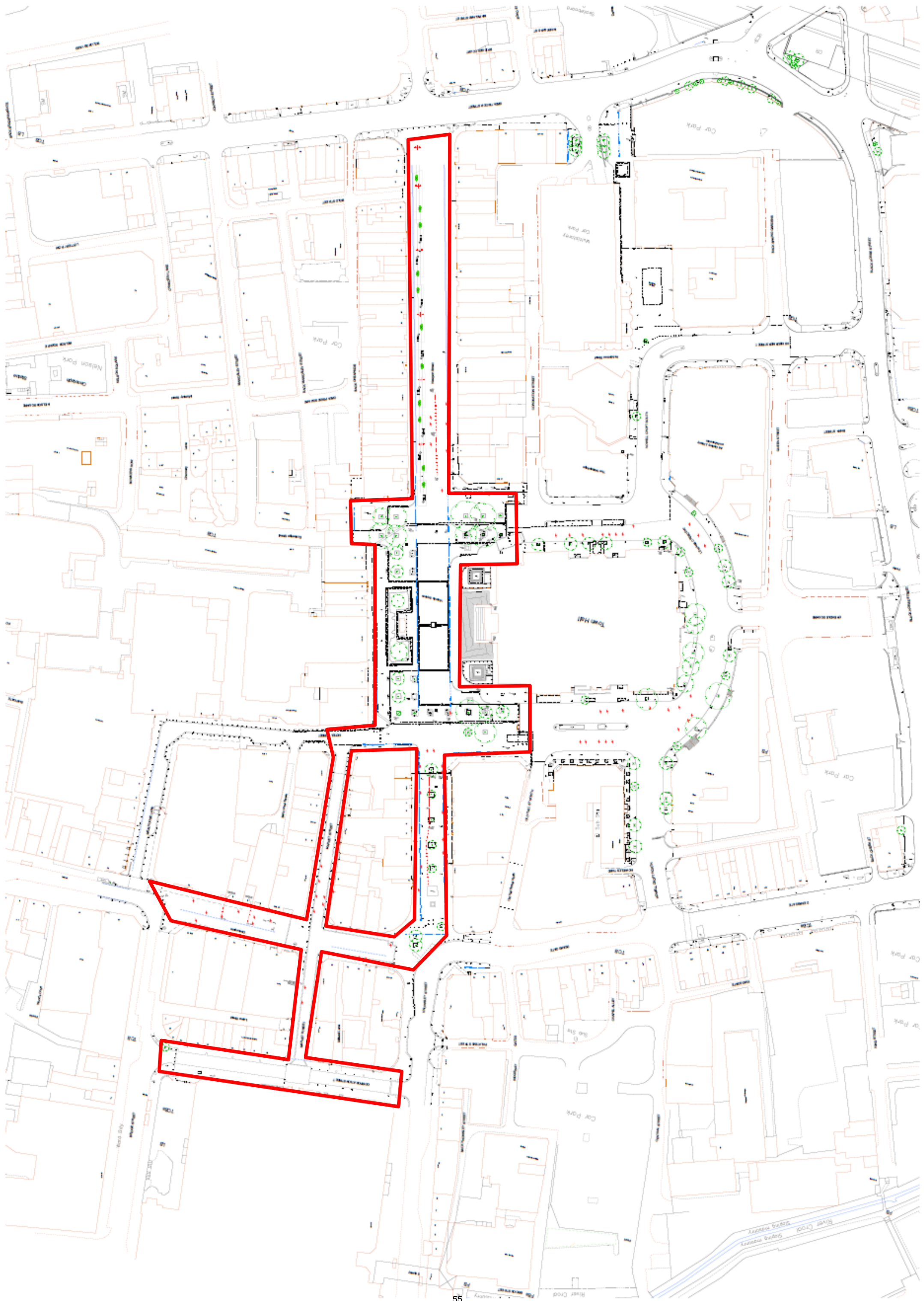
### **Planning History**

Temporary consent was granted in November 2015 for use of Victoria Square and part of Oxford Street and Newport Street for that year's winter festival (95035/15)

Temporary consent was granted in November 2014 for the use of Victoria Square and part of Oxford Street for that year's winter festival (92735/14)

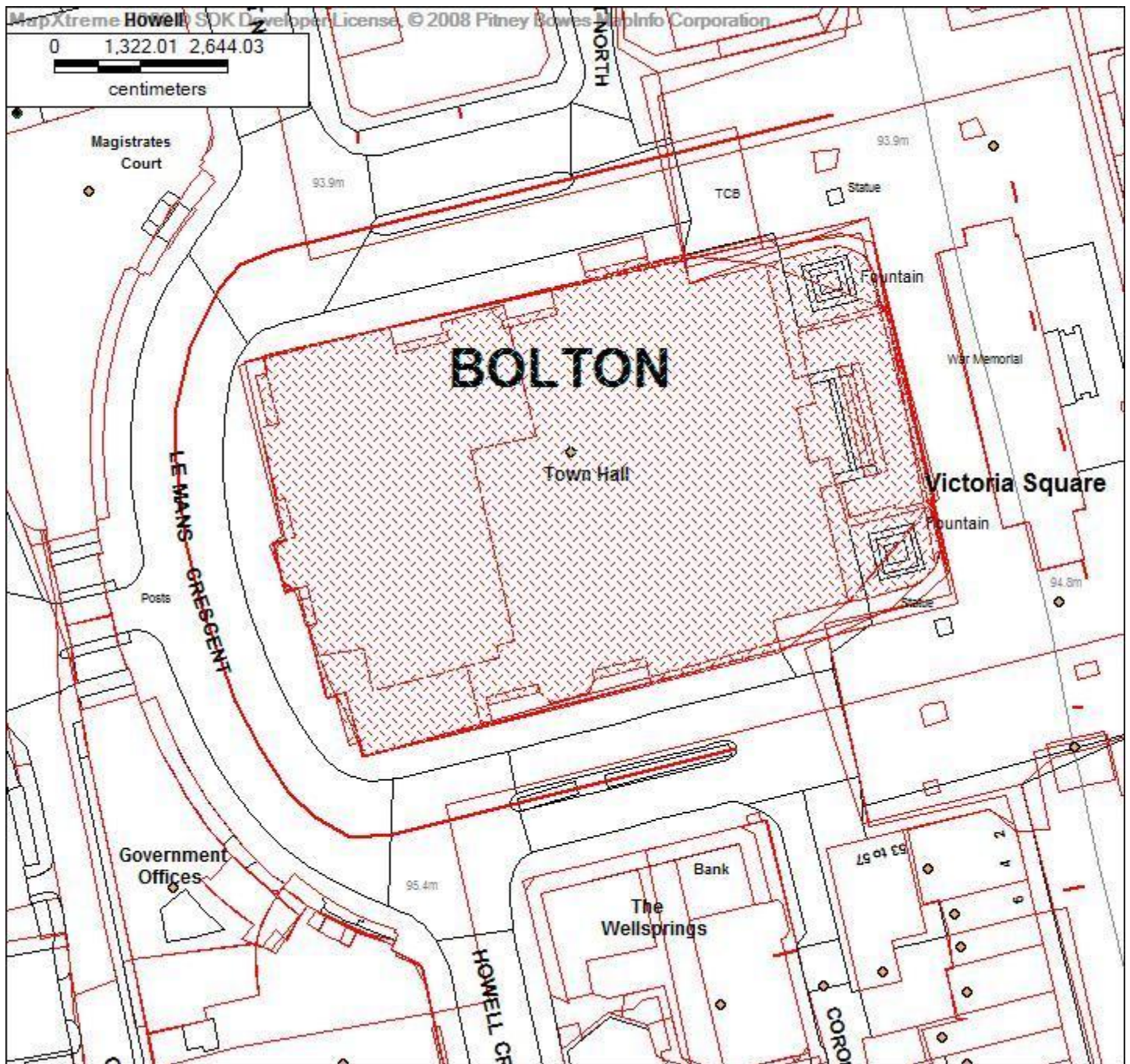
**Recommendation:**           **Approve without condition**

**Recommended Conditions and/or Reasons**





# Application number 01984/17



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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**Date of Meeting: 16/11/2017**

**Application Reference: 01984/17**

**Type of Application: Listed Building Consent**

**Registration Date: 18/10/2017**

**Decision Due By: 12/12/2017**

**Responsible Officer: Martin Mansell**

**Location: THE ALBERT HALLS, TOWN HALL, VICTORIA SQUARE,  
BOLTON, BL1 1RU**

**Proposal: LISTED BUILDING CONSENT TO INSTALL FAIRY LIGHT  
CURTAINS TO FIVE WINDOWS ABOVE THE ALBERT HALLS  
ENTRANCE.**

**Ward: Halliwell**

**Applicant: Bolton MB Council**

**Agent : Liz Gatrack**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

1. Listed building consent is sought to install five "fairy light" curtains externally to five windows at first floor level above the entrance to the Albert Halls. Holes would be drilled into the stone at each corner of the windows using an 8mm masonry drill with plugs inserted into the drilled holes. Mild steel eyelets would then be fixed into the plugs and a 4mm tension wire would be attached to the left eyelet and taken horizontally to the right eyelet and the same along the bottom of the window. The string lights would then be attached vertically along the tension wire. An existing power supply in the canopy would be used.
2. The Applicant initially wishes to make use of the lights during the Christmas period but would like to use them all year round to promote the Albert Halls as an entertainment and celebration venue.

### **Site Characteristics**

3. The Albert Halls form part of the Grade II\* listed Bolton Town Hall which was built in 1866-1873 to the design of William Hill of Leeds and was later extended by Bradshaw, Gass and Hope in 1938. The application relates solely to the windows above the entrance to the Albert Halls which form part of the original mid-19th Century section of the Town Hall.
4. The Conservation Management Plan for the town hall notes the way that the tall casement windows of the first and second floors draw attention away from the plainer and more functional ground floor. It ranks various elements, rooms and spaces of the building from low to high and considers the exterior to be of highest significance.

## **Policy**

5. National Planning Policy Framework: Conserving and Enhancing the Historic Environment
6. Core Strategy Policies: SO11 Built Heritage, CG3 Design and the Built Environment, Policy SC1 Housing Allocations and TC1/TC11 Bolton Town Centre
7. Supplementary Planning Documents: Building Bolton, Town Hall Conservation Area Character Study, Town Hall Conservation Management Plan & Gazetteer

## **Analysis**

8. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides the primary legislation that should be used to assess the impact of proposals on listed buildings. Section 16 requires that, in considering whether to grant listed building consent for any works, the local planning 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.
9. The main impact of the proposal is:
  - its effect on heritage significance

## **Impact on Heritage Significance**

10. Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage. Policy CG3 states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings.
11. The National Planning Policy Framework requires local planning authorities to set out a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. At para 132 the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II\* listed building should be wholly exceptional.
12. The Conservation Management Plan considered the external elevations, masonry, roof, ironwork and original windows to be of high significance and regards them as "untouchable" in terms of proposed changes. However, the proposed interventions into the historic fabric are limited to 20 8mm drill holes, one in each corner of the five windows. These works are considered to be reversible without harming heritage significance. That said, the lights themselves would have a considerable impact on the appearance and setting of the northern elevation of the Town Hall and it is right that this is properly assessed.
13. In recent years, illumination has formed part of the enhancement and appreciation of the town hall, with coloured gel lighting being used for celebrating particular events such as Christmas and Bolton Pride, albeit on an occasional basis. This part of the town hall originally contained a mix of entertainment, performance and administrative functions but following the construction of the 1930s extension the administrative functions were mainly transferred to the extension and to the



Le Mans Crescent building. This shift from administrative to entertainment and celebration was further increased as a result of the works carried out in 2015 - the administrative and entertainment / celebration functions of the town hall are now almost completely independent, with the exception of rooms such as the Council Chamber. It fair to say that the main use of the original part of the town hall going forward will be mainly performance, entertainment and celebration - including the transfer of the registration of weddings from Mere Hall to the Albert Halls. It is therefore considered that the illumination proposed to the northern elevation reflects this continuing shift in activities. Lights such as these are not unusual at theatres, live music venues, historic cinemas and other similar uses.

14. The impact on the heritage significance of the building is considered to be acceptable.

### **Conclusion**

15. The intervention into the historic fabric of the building is considered to be very minimal, limited to drilling 8mm holes into the plain stone around five first floor windows. The effect of the lights will be striking but this is by design - their purpose is to communicate the message that the Albert Halls are predominantly a venue for entertainment and celebration. Ensuring that listed buildings are well used is an important part of their ongoing stewardship. Improving the levels of use of the Albert Halls into the evening will make a positive contribution to evening activity levels in Bolton town centre. The works are considered to be reversible, are not considered to harm the historic significance of Bolton Town Hall and Members are therefore recommended to approve the application for Listed Building Consent.

## **Representation and Consultation Annex**

### **Representations**

16. None.

### **Consultations**

17. Advice was sought from the following consultees: Historic England, Conservation Officer (Manchester Council), Bolton Civic Trust, National Amenity Societies, Theatres Trust

18. Members are advised that no responses have been received at the time of writing and any responses would be reported at the meeting.

### **Planning History**

19. This specific part of site has no relevant planning history.

**Recommendation:            Approve subject to conditions**

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

1.     The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason

Required to be imposed pursuant to Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2.     No works shall be commenced unless and until a detailed specification has been submitted for:-

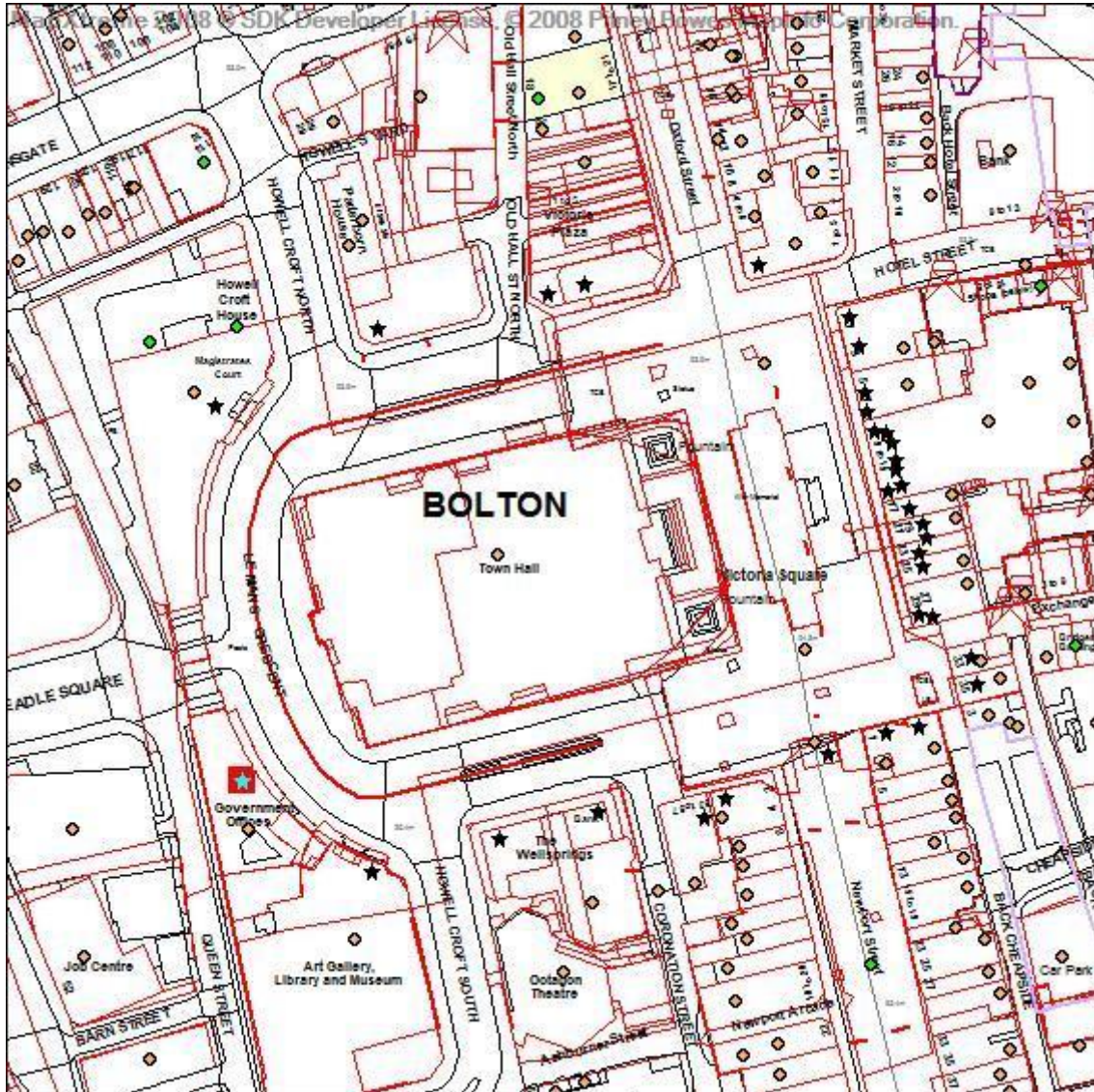
- the method of affixing the lights to the stonework, using existing filled holes where possible
- details of all cabling, wiring and ductwork which should be sympathetic in colour, size, style and location and run in hidden locations and existing ducts where possible in the shortest lengths. Wiring should be installed so as not to damage the building and if removed at a later date can be made good at no detriment to the existing building fabric

Reason

To safeguard the visual appearance and character of the listed building in order to comply with Bolton's Core Strategy Policy CG3



**Application number**  
**02137/17**



**Development & Regeneration Dept**  
**Development Management Section**

Town Hall, Bolton, Lancashire, BL1 1RU

Telephone (01204) 333 333

# Bolton Council

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**Date of Meeting: 16/11/2017**

**Application Reference: 02137/17**

**Type of Application: Listed Building Consent**



**Registration Date:** 25/10/2017  
**Decision Due By:** 19/12/2017  
**Responsible Officer:** Martin Mansell

**Location:** THE ALBERT HALLS, TOWN HALL, VICTORIA SQUARE,  
BOLTON, BL1 1RU

**Proposal:** LISTED BUILDING CONSENT FOR THE DISPLAY OF 2NO.  
INTERNALLY ILLUMINATED DIGITAL PANELS AT SIDE/NORTH  
ELEVATION.

**Ward:** Halliwell

**Applicant:** Bolton MB Council  
**Agent :** Nicola Littlewood

## **Officers Report**

**Recommendation:** Approve subject to conditions

### **Proposal**

1. Listed building consent is sought to install two digital display panels at the entrance to the Albert Halls on the northern elevation of Bolton Town Hall. Each would be rectangular and would have a "portrait" orientation, measuring 1.6 metres high and 0.8 metre wide, projecting from the stone columns of the entrance by 15cm and located 1 metre from the ground.
2. The Applicant states that the purposes of the display panels are:-
  - promote the upcoming events and activities
  - promote the different venues available
  - highlight that Albert Halls is open for business
  - enhance public interaction with the building
  - provide information to visitors during performances
3. The screens would require power from the interior of the Albert Halls and a network connection in order to provide the data for displaying images. The panels would be fitted in a portrait orientation by means of an integral two-part mounting system. In order to provide a secure fix for each unit, six holes would be drilled into the face of the stone (12mm diameter and 100mm depth) and filled with resin.
4. Members are advised that an identical application for Advertisement Consent has also been submitted but has not been placed before Committee in the interests of managing the agenda. However, Officers would treat Members' decision as if it related to both applications.

### **Site Characteristics**

5. The Albert Halls form part of the Grade II\* listed Bolton Town Hall which was built in 1866-1873 to the design of William Hill of Leeds and was later extended by Bradshaw, Gass and Hope in 1938. The application relates solely to the entrance to the Albert Halls which is located on the north facing elevation. Whilst the Albert Halls are wholly located within the mid-19th Century section of the Town Hall, the entrance to the Albert Halls was actually a later addition, constructed in the late 1930s at the same time as the Town Hall was extended significantly to

the west. This is not to underestimate its significance - the Town Hall as a whole is a Grade II\* listed building and its 1930s extension was very carefully and skillfully designed and constructed to appear as a coherent whole.

### **Policy**

6. National Planning Policy Framework: Conserving and Enhancing the Historic Environment
7. Core Strategy Policies: SO11 Built Heritage, CG3 Design and the Built Environment, Policy SC1 Housing Allocations and TC1/TC11 Bolton Town Centre
8. Supplementary Planning Documents: Building Bolton, Town Hall Conservation Area Character Study, Town Hall Conservation Management Plan & Gazetteer

### **Analysis**

9. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides the primary legislation that should be used to assess the impact of proposals on listed buildings. Section 16 requires that, in considering whether to grant listed building consent for any works, the local planning 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.
10. The main impact of the proposal is:
  - its effect on heritage significance

### **Impact on Heritage Significance**

11. Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage. Policy CG3 states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings.
12. The National Planning Policy Framework requires local planning authorities to set out a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. At para 132 the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II listed building should be exceptional.
13. The Applicant notes that four "clip-frame" posters were displayed at the Albert Halls entrance for many years and can still be seen via Google Street view. However, they were removed as part of the major refurbishment works to the Albert Hall commenced in 2015, leaving the Albert Halls management with little opportunity to inform passers-by of forthcoming events and activities. The two display panels seek to replicate two of these posters; however, given the greater expense of digital displays over traditional paper posters it is not considered to be appropriate to replace the four posters with four digital panels. Other options were considered but discounted:
  - reinstatement of the original signage boards. However, these would be quickly outdated and

- would require regular manual image changes
  - installation of freestanding digital screens. However, it is not thought that these could be safely positioned close enough to the entrance to make an impact without discouraging pedestrian access. They would also be cost prohibitive and would result in disruption to footpath for cabling.
14. Officers consider the panels to be appropriately designed and located, avoiding features of architectural detail and maintaining the symmetry of the entrance. The ability to advertise their events is clearly essential for the functioning of the Albert Halls and the two digital display panels are considered to be the best solution.
  15. The display panels are considered to be acceptable in principle.
  16. The Applicant states that all cabling will be sympathetic in colour, size and style and location will be designed and provided on approval of the application. Wiring will be designed to run in hidden locations and existing ducts where possible in the shortest lengths. Wiring will be installed as not to damage the building and if removed at a later date can be made good at no detriment to the existing building fabric. Conditions would be imposed to control the method of fixing the panels to the stone, using existing filled holes where possible and minimising the impact on cabling. It is considered that the proposed works are entirely reversible.
  17. The impact on the heritage significance of the building is considered to be acceptable.

### **Conclusion**

18. The display of the two digital panels is essential for the functioning of the Albert Halls and represents the minimum intervention necessary to achieve this. The works are reversible and are not considered to harm heritage significance.



## **Representation and Consultation Annex**

### **Representations**

**Letters/petitions:-** None.

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

### **Consultations**

Advice was sought from the following consultees: Historic England, Conservation Officer (Manchester Council), Bolton Civic Trust, National Amenity Societies, Theatres Trust.

Members are advised that no responses have been received at the time of writing and any responses would be reported at the meeting.

### **Planning History**

This specific part of the site has no relevant planning history.

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

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

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason

Required to be imposed pursuant to Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No works shall be commenced unless and until a detailed specification has been submitted for:-

- the method of affixing the display units to the stonework, using existing filled holes where possible
- details of all cabling, wiring and ductwork which should be sympathetic in colour, size, style and location and run in hidden locations and existing ducts where possible in the shortest lengths. Wiring should be installed so as not to damage the building and if removed at a later date can be made good at no detriment to the existing building fabric

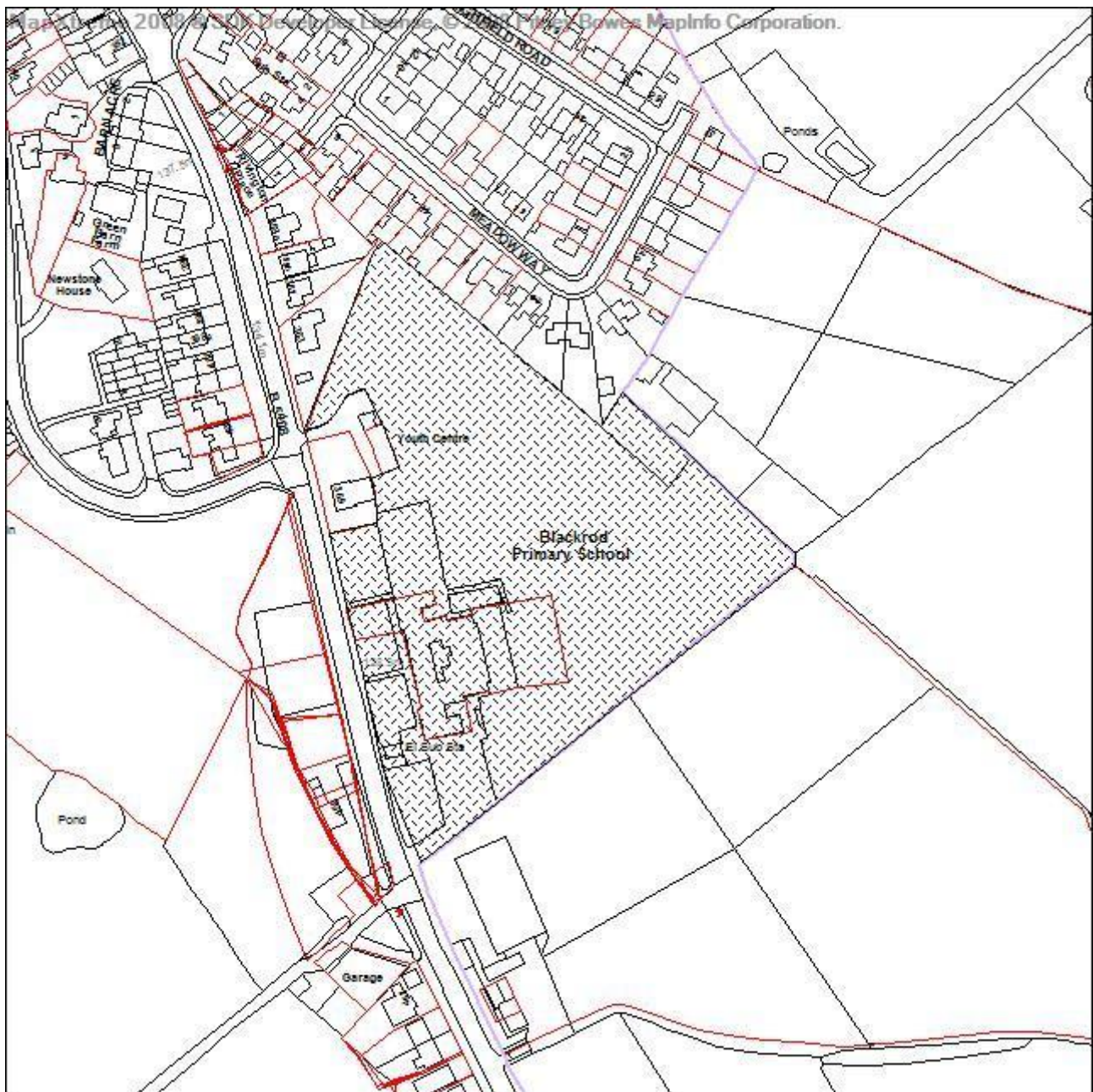
Reason

To safeguard the visual appearance and character of the listed building in order to comply with Bolton's Core Strategy Policy CG3



# The Albert Halls

# Application number 01660/17



Development & Regeneration Dept  
Development Management Section

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

# Bolton Council

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Date of Meeting: 16/11/2017

**Application Reference: 01660/17**

**Type of Application: Full Planning Application**  
**Registration Date: 16/08/2017**  
**Decision Due By: 10/10/2017**  
**Responsible Officer: Kara Hamer**

**Location: BLACKROD PRIMARY SCHOOL, MANCHESTER ROAD,  
BLACKROD, BOLTON, BL6 5SY**

**Proposal: ERECTION OF TWO STOREY EXTENSION AND LINK CORRIDOR  
TO PROVIDE 6No ADDITIONAL CLASSROOMS, WCs AND  
ANCILLARY SPACES TOGETHER WITH HARD LANDSCAPING  
AND REFURBISHMENT OF EXISTING BUILDING.**

**Ward: Horwich and Blackrod**

**Applicant: Bolton M B Council**  
**Agent : JMArchitects**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

1. Permission is sought for the erection of a two storey extension and link corridor to provide 6 no. additional classrooms, wcs and ancillary spaces, together with hard landscaping and the refurbishment of the existing building.
2. The new extension would be situated to the rear of the existing building and would be approximately 26 metres long and 13 metres wide. The proposed building would be two storey with a parapet (approximately 10 metres high). A single storey link corridor would connect the proposal to the school buildings (approximately 16 metres long). Level access would be created to the new extension.
3. The Applicant submits that the school is currently a one form entry primary school and with the proposed extension it would become one and a half form entry. Pupil numbers would increase from 240 to 315 from 2022 onwards. Staff numbers would increase from 23 full time and 10 part time to approximately 31 full time and 14 part time.
4. No external alterations are proposed to the existing school building. The existing building will largely remain the same with some internal refurbishment and a slight increase to the rear hard play area (4.5 metres/130 sq metres).
5. The existing school entrance would be widened retaining the existing design.
6. No trees are to be affected.
7. Parking will remain as existing.



### **Site Characteristics**

8. This is an existing Primary School site located on the eastern side of the B5408 Manchester Road, Blackrod.
9. The existing red brick building measures approximately 57 metres by 15 metres and is two storey with pitched/hipped slate roofs. The school site is partially surrounded by mature trees to the perimeter. There is a large grassed playing field at the rear/north east and tarmac yard (the extension to yard was approved under application 00985/17).
10. At the rear/east of the application site is open land. Blackrod Youth Centre lies to the north. Wilkinson Farm faces the application site. Approximately 75 metres north east of the application site are dwellings on Meadow Way which back onto the school grounds.
11. The application site is within the Green Belt.

### **Policy**

12. National Planning Policy Framework (NPPF)
13. Core Strategy Policies: CG3 The Built Environment; CG4 Compatible Uses; P5 Transport and Accessibility; S1 Safe Bolton; OA1 Horwich and Blackrod.
14. Allocations Plan Policies: CG7AP Green Belt.
15. SPD General Design Principles 2015

### **Analysis**

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

17. The main impacts of the proposal are:-

- \* impact on the purposes and openness of the Green Belt
- \* impact on the character and appearance of the area
- \* impact on the amenity of neighbouring residents
- \* impact on the highway network

### **Impact on the Purposes and Openness of the Green Belt**

18. Section 9 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 states that the Green Belt serves five purposes, which include assisting in safeguarding the countryside from encroachment and assisting in urban regeneration by encouraging the recycling of derelict and other urban land.
19. Paragraph 87 states inappropriate development is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. Paragraph 89 continues that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, but exceptions to this include [amongst other things] the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

20. Allocations Plan Policy CG7AP reflects the NPPF's guidance on Green Belt.
21. The application site is within the Green Belt.
22. It is acknowledged that the proposed works would be subordinate in footprint and scale when compared to the existing school buildings.
23. The proposal constitutes the extension of an existing school building within an established school site and a minor extension to an existing outdoor play area and main entrance. In this instance, the further development of this previously developed site in itself would result in a loss of openness given the siting and scale of the extension / new building.
24. The applicant has been requested to provide very special circumstances to justify the proposed extension and submits;
25. *"There are two primary schools in the Blackrod area, Blackrod CP (the subject of this planning application) and Blackrod Church CE school located at the northern and opposite side of Blackrod to the application proposal. Arising out of the increased demand for school places, a report was presented to and agreed by the Executive Member Deputy Leader on the 9<sup>th</sup> May 2016. When considering the proposed expansion of schools consideration needs to be given to a number of factors, including whether or not the school is popular and successful. Both schools are popular but Blackrod CP regularly receives more first preference applications for a place at the school than can be met, often leaving many parents disappointed. Within the report to the Executive Member Deputy Leader in May 2016, it was advised that Blackrod CP school had received 46 first preference applications for only 30 places for admission into the school in September 2016, whereas Blackrod Church CE school had received 28 first preference applications for admission for its 30 places. In 2017, there were 57 first preference applications for admission into Blackrod CP school for September 2017 and 25 first preference applications for Blackrod Church CE.*
26. *The above clearly show that there is a much stronger parental preference for a place at Blackrod CP school rather than Blackrod Church school.*
27. *The second criteria is whether the proposed school to be expanded is successful. Although there are a number of factors in determining whether a school is successful, it is normal practice to consider the latest Ofsted judgement. At its last inspection in December 2011, Blackrod CP school was judged by Ofsted as Outstanding. At its last inspection in February 2012, Blackrod Church CE was judged by Ofsted as Good. For these purposes, both schools can be considered as successful, but Blackrod CP school has been judged higher than Blackrod Church CE by Ofsted following these inspections.*
28. *If using the two criteria of popular and successful to determine which school to expand, there is therefore a strong case in favour of Blackrod CP school when assessing educational outcomes and parental preference."*

29. It is acknowledged that the proposed extensions would cause harm to the purposes and openness of the Green Belt in this location, however, the very special circumstances submitted to support the proposal outweigh the considered harm to the Green Belt. It is acknowledged that this is an existing school site and the proposal is subservient to the main school buildings. It is therefore considered that the proposal complies with the guidance contained within section 9 of the NPPF and Policy CG7AP of Bolton's Allocations Plan.

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

30. Section 7 of the NPPF recognises that 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; 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.
31. 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 OA5 of the Core Strategy relates specifically to development in North Bolton and states that the Council will conserve and enhance the character of the existing physical environment, and will require special attention to be given to the massing and materials used in new development.
32. The proposed extension would be clad in dark grey brick to the ground floor and dark grey fibre cement cladding panels to the first floor. Windows and doors would be dark grey aluminium. Rainwater goods would be dark grey. The Applicant submits that the reason for the material choice, "...is to create a more contemporary building that complements the red brick and slate roof of the existing".
33. The proposed extended play area/yard to the rear will continue to be tarmac.
34. There would be tarmac paths around the extension and a widened tarmac path connecting the pupil entrance to the extension.
35. Planning Officers acknowledge the contrasting style/design and material palette of the proposed extension and consider that the Applicant has achieved the aim of creating a contemporary new building which complements the existing. The proposal would sit behind the main school building with a link corridor providing separation from the existing older building. The proposal would not be highly visible from the Manchester Road street scene nor the Blackrod Bypass.
36. This is an existing Primary School site. It is not considered that the proposed extensions within a previously developed primary school site would be out of character with the site or surrounding area. It is therefore considered that the proposal would comply with policy CG3 of Bolton's Core



Strategy.

#### Impact on the Amenity of Neighbouring Residents

37. 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. SPD General Design Principles contains guidance on space around dwellings, of particular note is the guidance on minimum standards for interface distances between dwellinghouses.
38. It is not considered that the proposed works would cause any further impact on the amenity of neighbouring uses than that already experienced from the school site in its existing configuration.

#### Impact on the Highway Network

39. Policy P5 of the Core Strategy states that the Council will ensure that new developments take into account [amongst other things] parking. Policy S1.2 of the Core Strategy states that the Council will promote road safety in the design of new development.
40. The Council's Highway Engineers have been consulted on the proposal and have raised no objections. Planning Officers note that the current number of on site parking spaces is 30 and there are 11 classrooms in total proposed, Appendix 3 of Bolton's Core Strategy recommends a maximum of 1.5 parking spaces for each school classroom, which in this case amounts to 17 required parking spaces. Highway Engineers note that there is no 5 year accident history for this location and, are currently looking at implementing a zebra crossing facility at this location to assist pedestrian movement associated with the school. Officers consider that there is a justification (owing to the level of development) to ask the applicant to fund the traffic order review associated with the proposed crossing works.
41. It is therefore considered, subject to condition, that the proposal would comply with Policies P5 and S1.2 of the Core Strategy.

#### Other Matters

42. The Council's Drainage Team have been consulted on the proposal and have raised no objections.
43. The Council's Greenspace Team have been consulted on the proposal and have raised no objections and note that Swifts are under threat in terms of their conservation, with population declines across the UK. This is partly attributed to the loss of nesting habitat of this migratory species with the demolition of old farm buildings and their conversion to other uses. It would be beneficial if nesting provision could be incorporated into the design of the new building on the eastern face, should planning consent be granted, to help conserve this species. On-site Swift accommodation will be conditioned.

#### **Conclusion**

44. As discussed above it is considered that the very special circumstances put forward by the applicant to justify the need for the extension outweighs the harm the extension would have to the purposes and openness of the Green Belt in this location. It is also considered that the proposed development would be compatible with the character and appearance of the existing school and the area, would not unduly harm the amenity of neighbouring residents, and would provide for sufficient on-site parking.
45. Members are therefore recommended to approve this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** one letter has been received from a resident of Manchester Road objecting to the proposal on the following grounds;

- volume of traffic on local road;
- lack of parent's car park.

Points without Officer comment have been addressed in the main body of the report.

**Town Council:-** Blackrod Town Council meeting held on 2nd October 2017 - Council Members offered no comments on the proposal.

**Elected Members:-** None received.

### **Consultations**

Advice was sought from the following consultees: The Council's Drainage Team, Asset Management Unit, Highway Engineers and Design for Security GM Police.

### **Planning History**

00985/17 - ALTERATIONS TO FRONT WINDOW TO FORM NEW DOORWAY, CREATION OF PLAY AREA TO FRONT INCLUDING FENCING, TOGETHER WITH AN EXTENSION TO REAR PLAY AREA - approved with conditions July 2017.

**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 hereby approved, all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality where necessary and to enable the Local Highway Authority to consult, advertise, promote and implement Traffic Regulation Orders for amendments to school keep clear markings associated with the implementation of a zebra-crossing facility on Manchester Road to aid the school.

Reason

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

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

1. The trees within or overhanging the site which are to be retained 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 trees and in order to comply with Bolton's Core Strategy policies CG1 and CG3.

4. Prior to the development hereby approved being first occupied or brought into use, all Traffic Regulation Orders required by the Local Highway Authority for amendments to school keep clear markings associated with the implementation of a zebra-crossing facility on Manchester Road to aid the school shall be implemented in full.

Reason

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

5. Prior to first use of the extension hereby approved a revised school travel plan shall be submitted to and approved in writing by the Local Planning Authority which makes provision for the following:

- Plans for the expansion of the walking bus scheme to incorporate its operation on additional week days;
- Plans for the expansion of the walking bus scheme to incorporate the afternoon pick up/return journey;
- Assessment of the potential to increase on site car parking and implementation measures (where appropriate);
- Traffic management measures to be agreed in writing with the Council's Highways Engineers;
- Timescales for the implementation of the approved measures.

The approved measures shall be implemented in full, in accordance with the agreed timetable and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of reducing reliance on the car as a primary means of transport.

6. Prior to the commencement of all work, details shall be submitted to and approved in writing by the Local Planning Authority for on-site Swift accommodation to be incorporated within the approved development. The approved scheme shall be implemented in full prior to occupation of the extension hereby approved and retained thereafter.

Reason

To ensure the favourable status of protected and declining species and to comply with policy CG1 of Bolton's Core Strategy.

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

**Planning - View of Extension - 01 to 05**  
**Proposed Site Plan - PO2**  
**Proposed Roof Plan - PO1**  
**Proposed Ground Floor Plan - PO3**  
**Proposed First Floor Plan - PO3**  
**Proposed Extension Elevations - PO4**

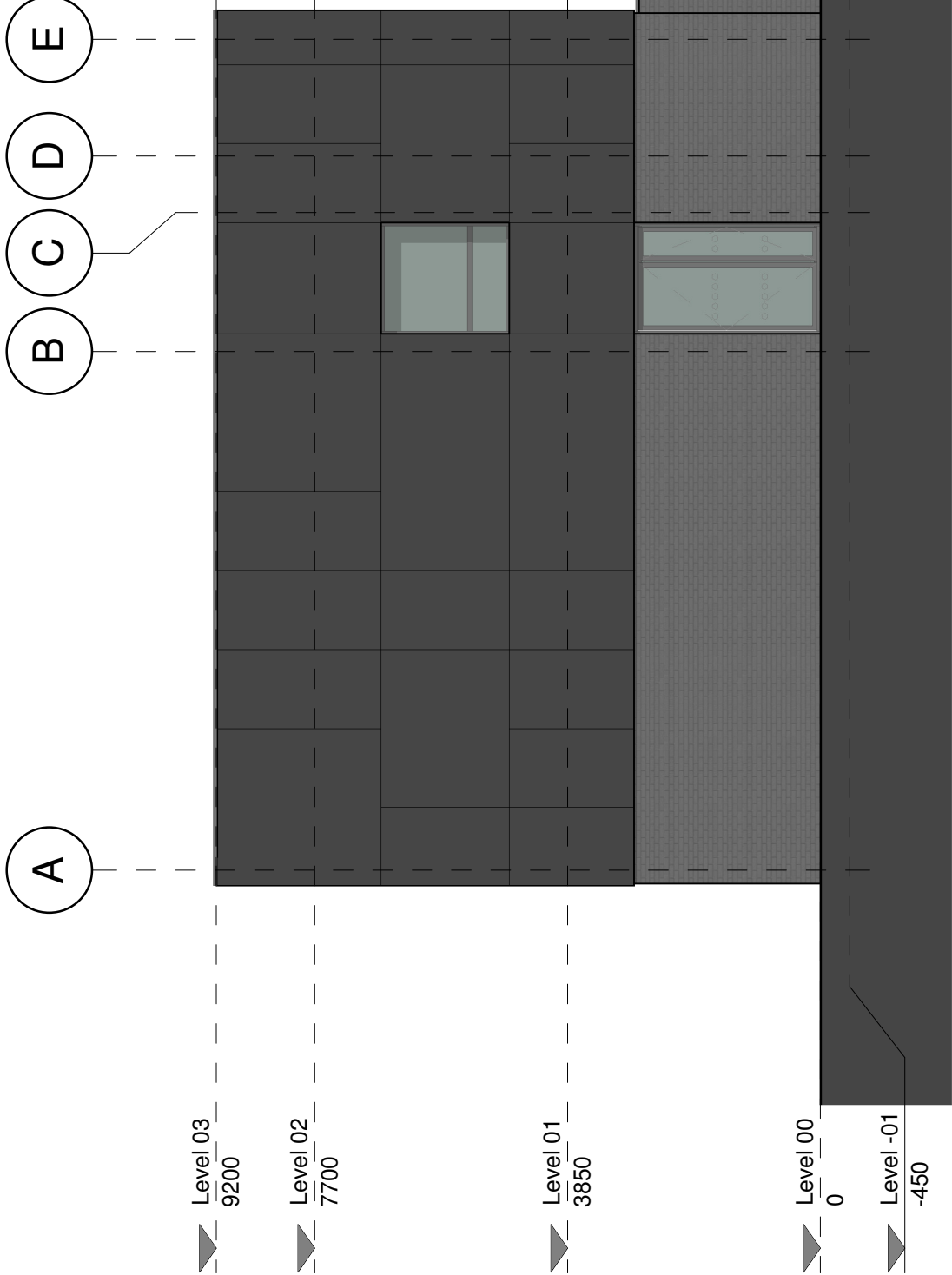
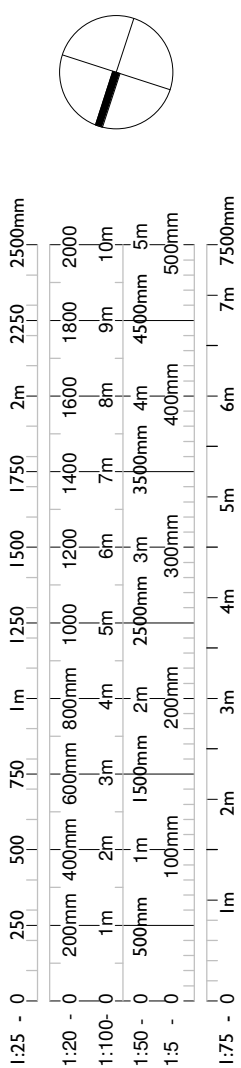
Reason

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

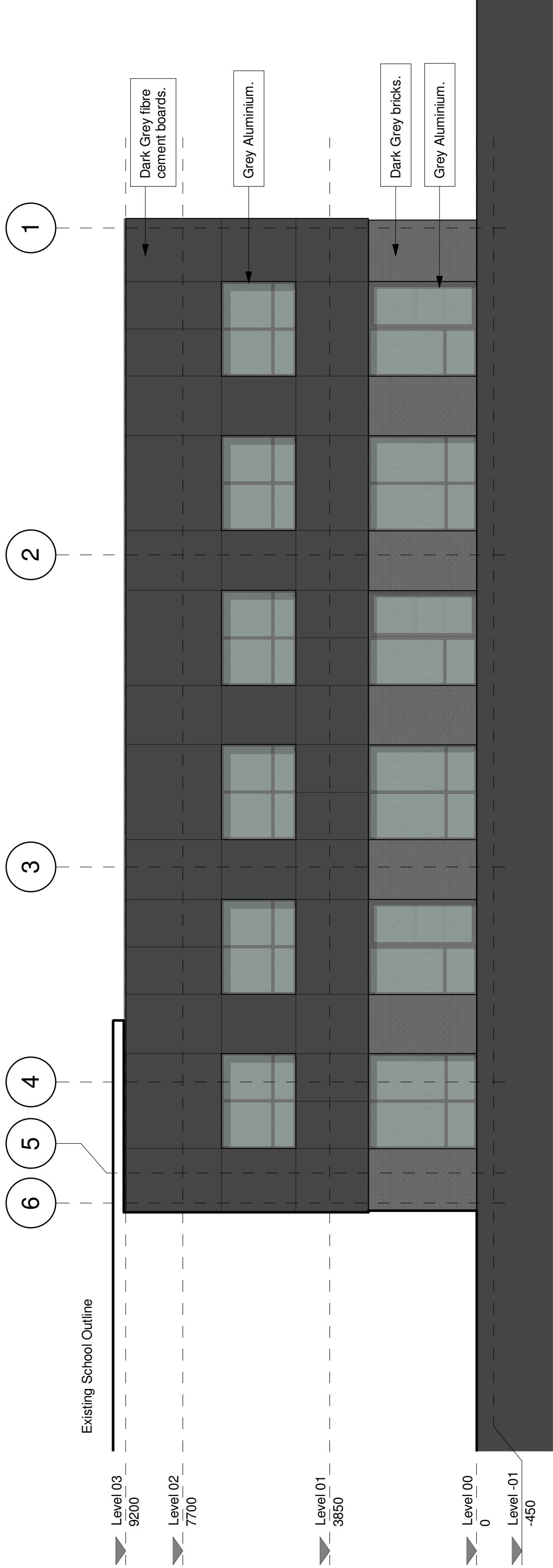


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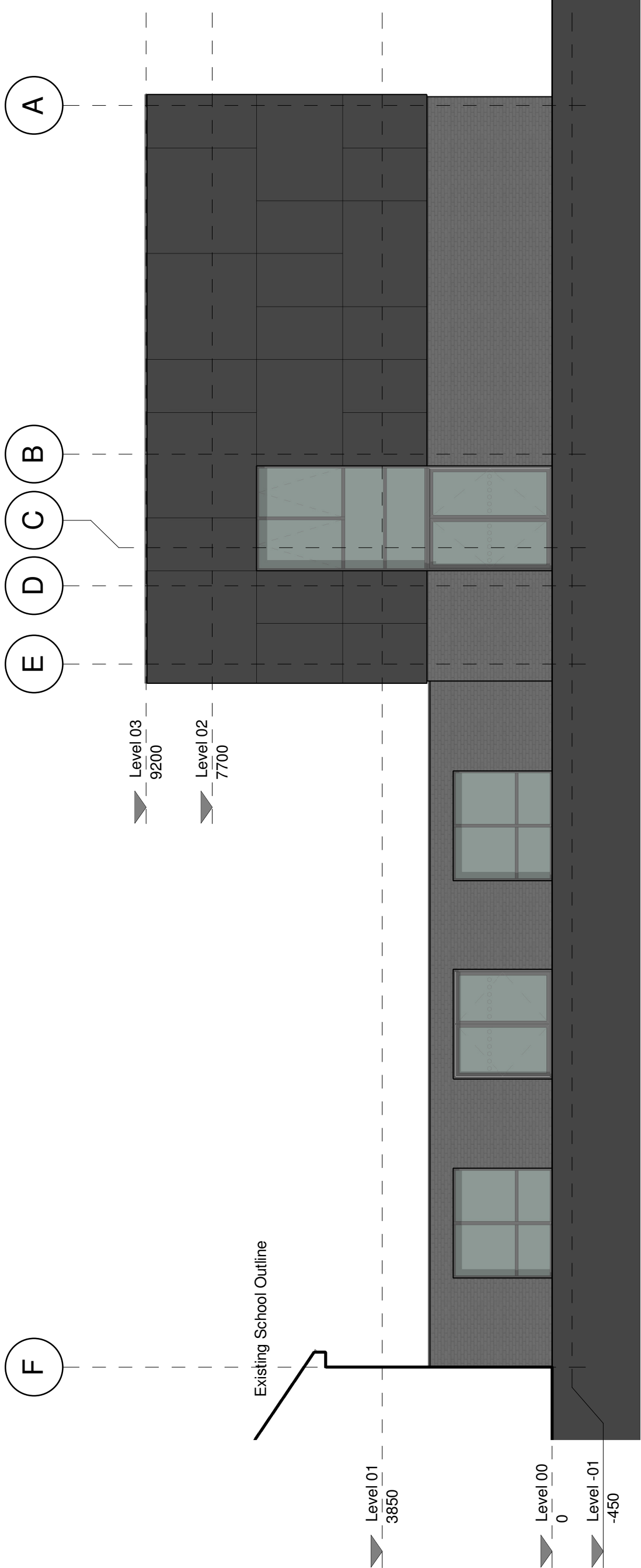
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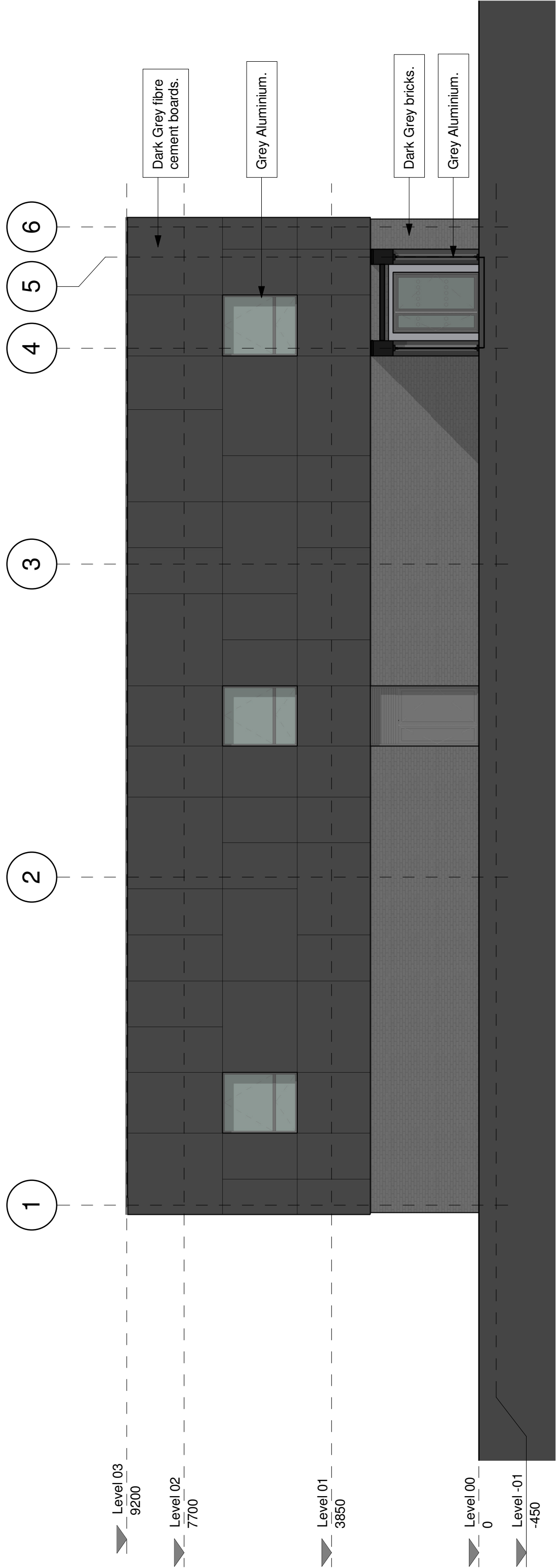
Proposed Extension - East Elevation - EE1  
1 : 100



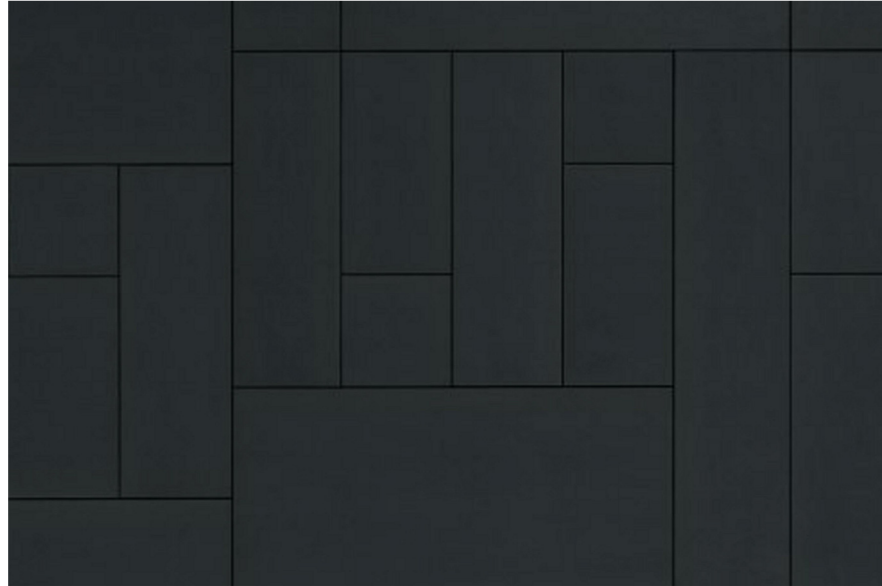
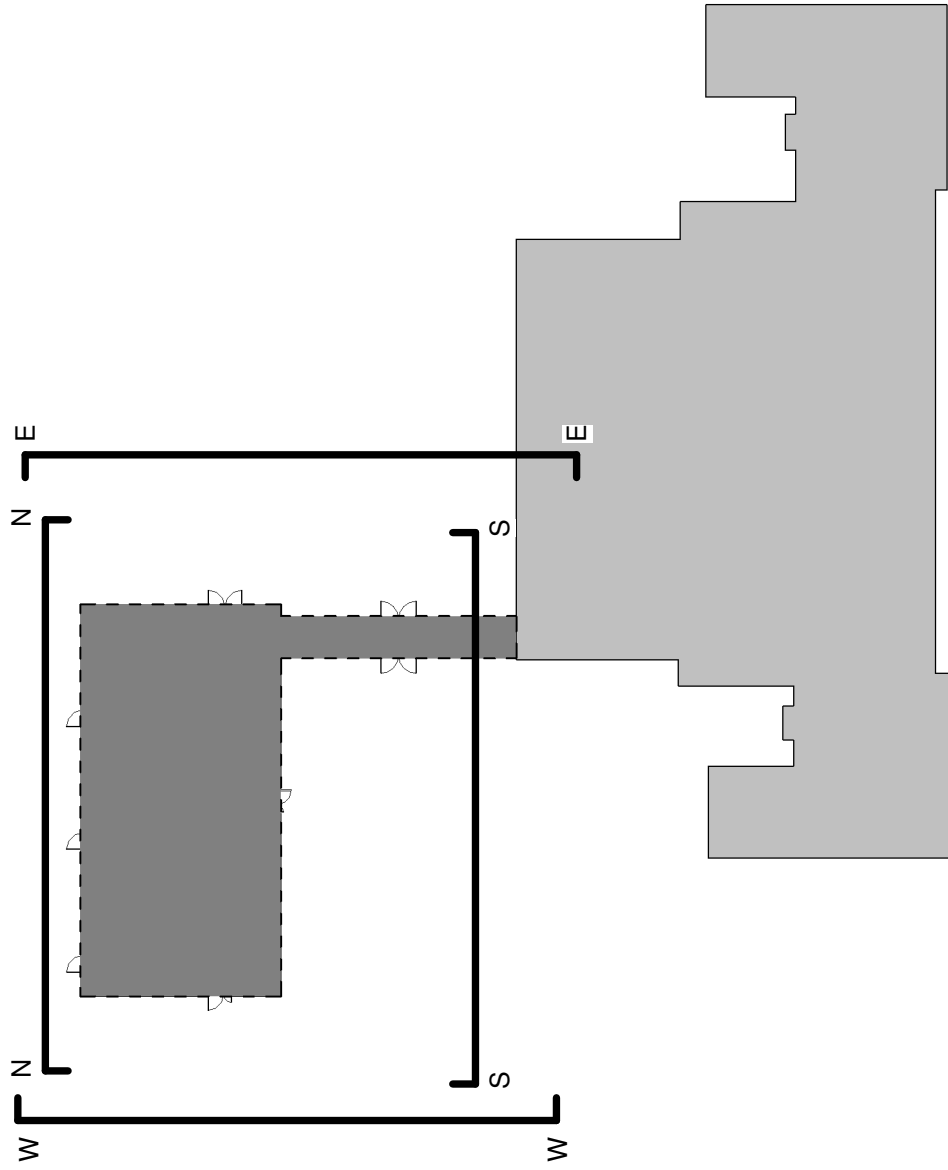
Proposed Extension - North Elevation - NN1  
1 : 100



Proposed Extension - West Elevation - WW1  
1 : 100



Proposed Extension - South Elevation - SS1  
1 : 100



Dark Grey Fibre Cement Boards  
( Pattern TBC )



Dark Grey Bricks



Dark Grey for doors and  
windows.



Aluminium doors and windows.

Rev	Revised	By	Description
P04		SM	Approved for construction
P03		SM	Extension removed
P02		SM	Amended proposed plan for the existing building
P01		SM	First issue

Rev	Revised	By	Description
P04		SM	Approved for construction
P03		SM	Extension removed
P02		SM	Amended proposed plan for the existing building
P01		SM	First issue

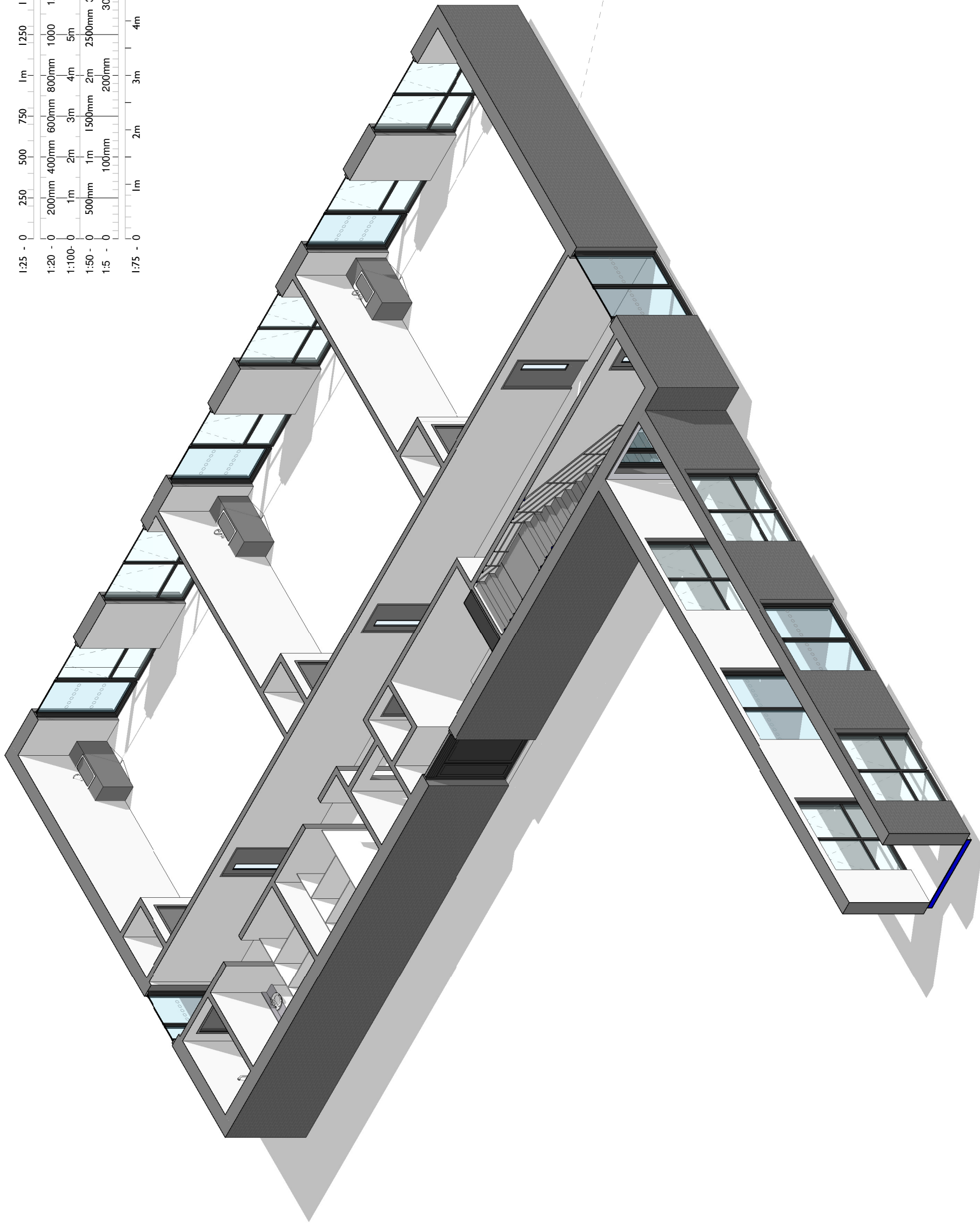
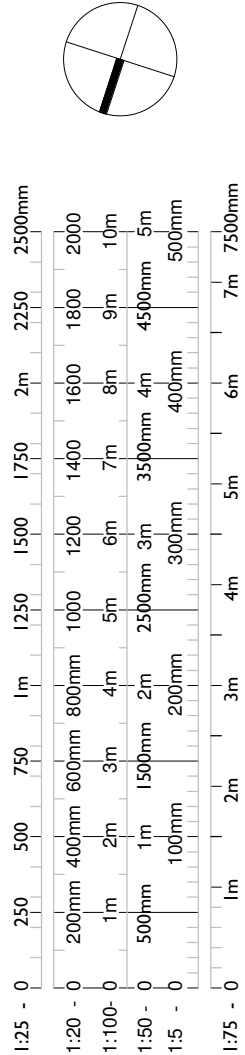
jmarshitects

Project	Blackrod Primary
Title	Planning - Elevation - Proposed Extension - Kier Construction
Drawn By	SM
Check By	SK
Issue Date	17.08.10
Scale	As indicated @
A1 ing Number	6171-JMA-ZZ-00-DR-A-(00)-1009
Project	Blackrod Primary
Zone	Level -01
Type	Plan
Client	SK
Revised	P04
Status	SS



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Proposed Extension - Isometric Section - 00

Proposed - Ground Floor Plan  
1 : 100

- Circulation, WC's
- Classrooms
- Storerooms
- Resource Areas
- Plant Rooms
- Activity Areas
- Offices

- Existing Structure
- Proposed Structure
- Areas of existing school in scope



Rev	P03	P02	P01
Description	Amendments to steel layout	Amendments to steel layout	First issue
Date	17.08.10	17.07.18	17.07.18
Drawn By	SK	SK	SK
Check By	SK	SK	SK

j m architects

Project	Blackrod Primary
Title	Planning - Proposed Plan - Ground
Floor	Kier Construction
Planning	
Scale	As indicated @
Drawn By	SK
Check By	SK
Issue Date	17.08.10
Project Number	6171-JMA-ZZ-00-DR-A-(00)-1007
Project Name	Blackrod Primary
Project Location	Blackrod Primary
Project Status	P03
Project Date	17.08.10

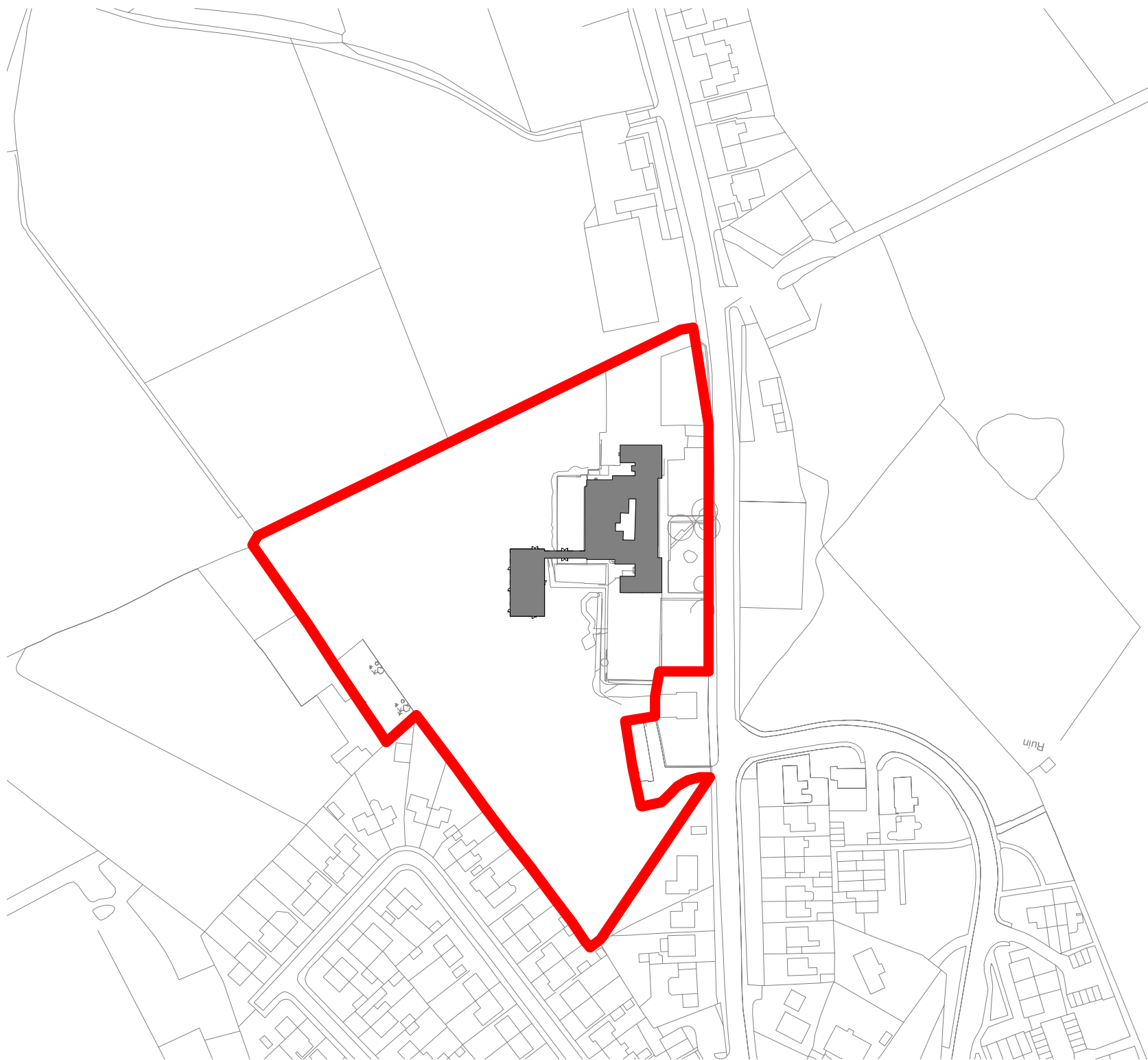
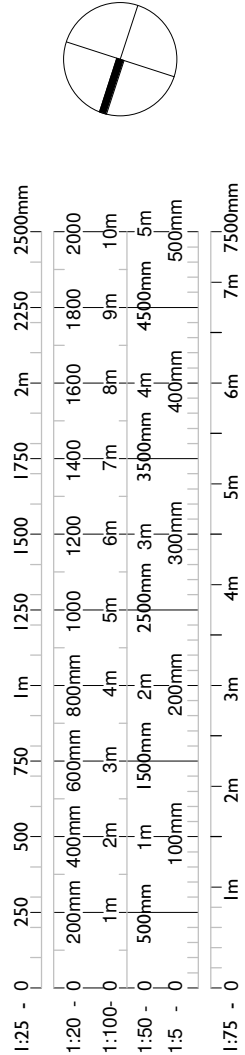






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## Proposed Location Plan

1 : 2000

- Red Line Boundary
- Existing School Outline
- Proposed School Extension
- Proposed Hard Landscaping
- Existing School

Rev	P02	P01	Amendments to sheet layout	Drawn By	Check By	Date	SM	SK	CS

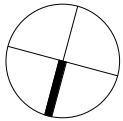
jmatchitects

Project	Blackrod Primary
Title	Planning - Proposed Plan - Site
Client	Kier Construction
Discipline	Planning
Scale	As indicated @
A1 tag number	6171-JMA-ZZ-00-DR-A-(00)-1002
Project Originator	6171-JMA-ZZ-00-DR-A-(00)-1002
Drawn By	SM
Check By	SK
Issue Date	17.08.10
Revised	P02
Status	S3

## Proposed Site Plan

1 : 200





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Project	Blackrod Primary										Purpose :	Planning			Drawn By :	SM	SK	Issue Date :	17.08.10	
Title	Planning - View of Extension - 02																			
Client	Kier Construction										Scale :	NA			Drawing Number			Status		
															Project-Originator-Zone-Level-Type-Role-Class-					
															6171-JMA-ZZ-00-DR-A-(00)-2002			P01		
															Revision					

P01 REV.	First Issue		DESCRIPTION	
	DATE	DRN BY	CKD BY	

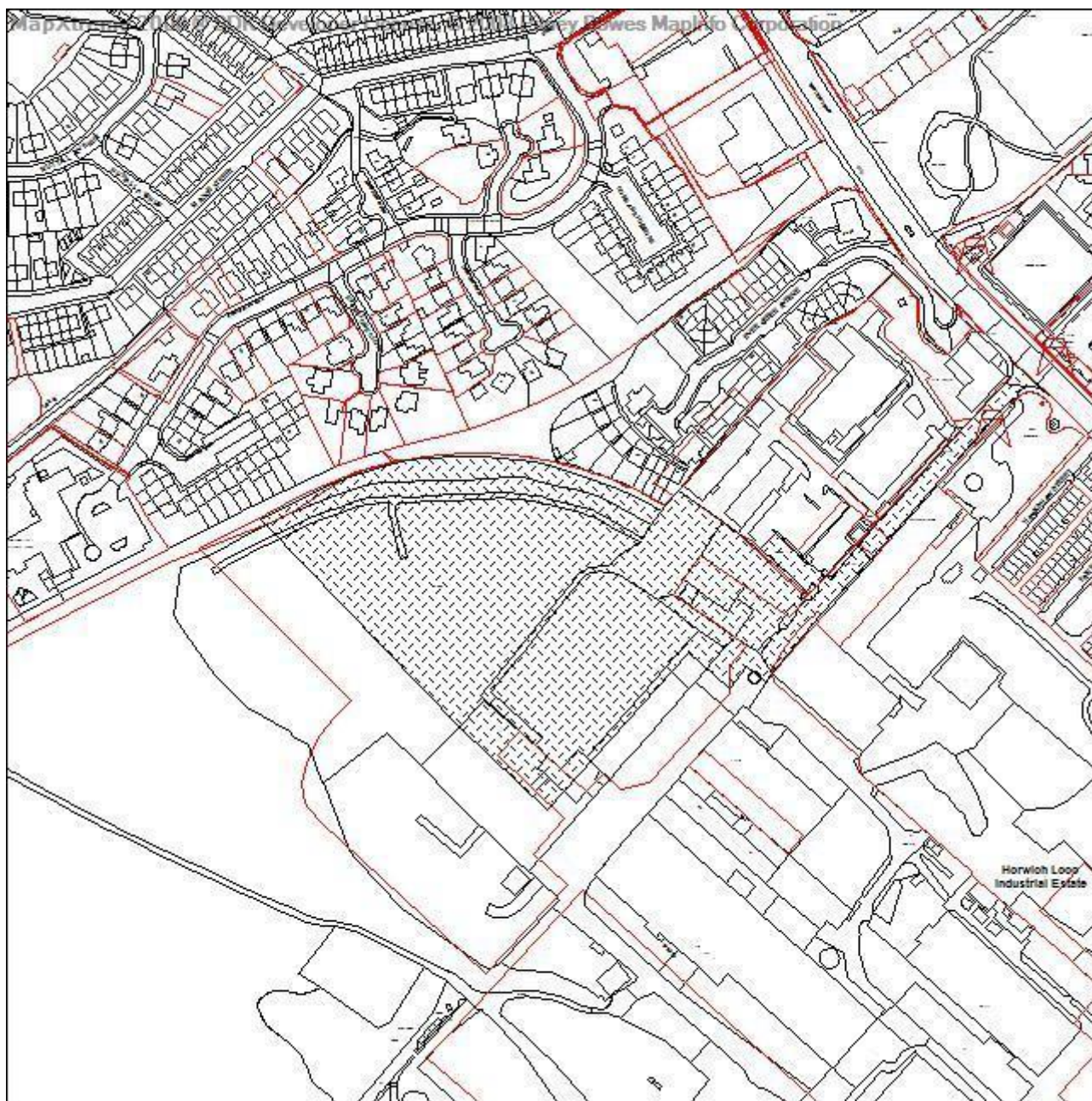
17.07.14  
DATE

SM  
DRN BY

SK  
CKD BY



**Application number  
01373/17**



**Development & Regeneration Dept  
Development Management Section**

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

**Bolton  
Council**

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**Date of Meeting: 16/11/2017**

**Application Reference: 01373/17**

**Type of Application: Reserved Matters**  
**Registration Date: 13/07/2017**  
**Decision Due By: 11/10/2017**  
**Responsible Officer: Helen Williams**

**Location: LAND AT FORMER HORWICH LOCO WORKS, CHORLEY NEW ROAD, HORWICH, BOLTON**

**Proposal:** APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (DETAILS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) PURSUANT TO HYBRID APPLICATION 91352/14, FOR THE FIRST PART OF THE DEVELOPMENT AT THE FORMER HORWICH LOCO WORKS SITE CONSISTING OF THE ERECTION OF 112 DWELLINGS AND ANY OTHER ASSOCIATED DEVELOPMENT.

**Ward: Horwich and Blackrod**

**Applicant: Bellway Homes Limited (Manchester Division)**  
**Agent : HOW Planning**

## **Officers Report**

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

### **Proposal**

1. Permission is sought for the erection of 112 dwellings on the application site. This residential development would be the first phase of the wider "Rivington Chase" development, which was granted outline planning approval in September 2015 under application 91352/14.
2. The applicant (Bellway Homes Ltd.) seeks approval for the reserved matters of layout, scale, appearance and landscaping (pursuant of the outline approval) relating to their proposed development. The matter of access into the development has already been approved within the outline consent: this will be from Chorley New Road via the access road down the side of Rivington House (the "Rivington House access").
3. Of the 112 proposed dwellings, 64 would be detached dwellings and 48 would be semi-detached. 33 of the dwellings would contain four bedrooms and 79 would contain three bedrooms. All of the dwellings are proposed at two storeys in height and would be constructed from red brick.
4. All the dwellings would have front and rear gardens. The four bedroom dwellings would have a garage and driveway parking for two vehicles (parking provision for three vehicles) and the three bedroom dwellings would have driveway parking for two vehicles (with some three bedroom properties also having a garage).

5. An "arrival green" (an area of landscaped public open space) is proposed at the entrance of the development, within the north eastern corner of the site and opposite Rivington House. This area would also contain a new substation for the development. Further grassed areas are proposed to the fronts of plots 1 to 5 and to the side of plot 8. The detached garage for plot 1 would be used temporarily as a sales office and the four temporary parking spaces to the fronts of plots 1 and 2 (to be used by visitors to the sales office) would be removed and transformed to a grassed area (with an additional tree planted) once no longer required.
6. A line of trees are proposed along the site frontage with the Rivington House access (nine Evergreen Oak trees along the arrival green frontage and in front of plots 1 to 5, and a Privet tree and Hornbeam to the side of plot 8) as well as a Holly hedge. In front of this green 'corridor' a 3 metre wide combined footway/cycleway is proposed.
7. Further trees are proposed within the development, to the fronts of the dwellings and along the internal roads.
8. The submitted plans show that the area to the rears of plots 14 to 24 (and adjoining the Rivington House access) would remain as an undeveloped landscaped buffer until the neighbouring industrial uses have permanently vacated, as is the requirement of condition 45 of the outline approval (to safeguard the amenity of the residents of the new development). This area would eventually be developed with a line of dwellings fronting the access road (within another phase of the Rivington Chase development).

### **The Wider Rivington Chase Development**

9. Outline planning permission has been granted for the comprehensive redevelopment of the former Horwich Loco Works site, with the following being approved (under application 91352/14, in September 2015):
  - \* Full planning permission for the five vehicular accesses into the proposed Rivington Chase development (the Rivington House access, the Armstrong's access, the Crown Lane access, the Mansell Way access (bus and cycle access only), and the Aspinall Way access).
  - \* Outline permission for the erection of up to 1,700 dwellings across the site.
  - \* Full planning permission for the demolition of buildings, with the exception of a number of buildings within the Heritage Core.
  - \* Full permission for the change of use of the Heritage Core buildings for A1 (retail) and D2 (leisure) uses (both up to 2,500 sqm), with some A2, A3, A4, A5, B1, C1 and D1 uses and car parking.
  - \* Outline permission for up to 2,500 sqm of retail floorspace.
  - \* Outline permission for an employment zone of B1 and B2 uses, with up to 2,700 sqm of ancillary D1 uses.
  - \* Outline permission for recreational (public) open space, children's play areas, landscaping, ecological mitigation areas, attenuation features and cycle/pedestrian connections.
10. The redeveloped Loco Works site is to be known as "Rivington Chase".

### **Section 106 Agreement/Infrastructure Contributions**

11. A Section 106 Agreement for the outline approval was signed in September 2015 by Bolton Council, Alpha Investments (Bluemantle) and the then applicant, Horwich Vision. This required the following contributions:
  - \* Affordable housing - 15% of dwellings to be affordable within the second half of the



- development (last 850 dwellings to be constructed), subject to a review of viability.
- \* Primary education contribution - £2,572 per dwelling (excluding any affordable unit).
  - \* Secondary education contribution - £3,134 per dwelling (excluding any affordable unit) but only payable in respect of the last 850 dwellings (the second half of the development).
  - \* Health contribution - £224 per dwelling (excluding any affordable unit).
  - \* Off-site highways works - improvements to the roundabouts at the Beehive, Junction 6 of the M61, Junction of the A6 with De Havilland Way and the Spirit of Sport. These improvements were to be undertaken or procured by Alpha at specific trigger points (relating to percentage increases in traffic on the approaches to the roundabouts).
  - \* Provision and implementation of an Open Space Strategy for the management and maintenance of the open space within the development.
  - \* Provision and funding for the creation and management of new terrestrial habitats in the open space.
  - \* Provision of funding for the repair and maintenance of the Heritage Core buildings, subject to a review of viability.
  - \* Implementation and operation of a Public Transport Steering Group.
  - \* Funding of a Public Transport Scheme to secure the use of public bus services to serve the development, subject to a review of viability.
12. Since the approval of the outline application, the five main landowners at the Loco Works (Bluemantle/Alpha, Bolton Council, Network Rail, the Homes and Communities Agency (HCA) and Hong Kong Racing - who own 99.5% of the deliverable land) have decided to develop their part of the site themselves rather than through one company (Horwich Vision). Since the outline approval the HCA has acquired the Armstrong's site, resulting in three public bodies now being landowners. Network Rail has also had a strategic change meaning that they can now take forward land for development themselves. Given this change in ownership and approach to development an amended Section 106 Agreement (a deed of variation) is currently being written and will be signed by the five main landowners, to ensure a "fair share" approach. The requirements of the previously agreed Section 106 will remain, but with the following additions:
- \* Affordable housing - 7.5% of the dwellings are now to be affordable across the whole of the development (rather than 15% for the last half) to ensure that the affordable units are 'pepper-potted' across the site rather than concentrated in the last half. This requirement will still be subject to a review of viability.
  - \* Secondary education contribution - £1,567 per dwelling (excluding any affordable unit) across the whole of the development (rather than £3,134 per dwelling for the last 850 dwellings), subject to a review of viability.
  - \* Off-site highways works - The Council will now be taking over the role of delivering and managing the works and the costs of the works will be met by way of a contribution per dwelling. The trigger points will remain as previously agreed but the Council is committed to delivering the works ahead of the Section 106 money being available (the Council will "top up" their spend when the Section 106 money is available).
13. In addition to the amended Section 106 Agreement, a Memorandum of Understanding has been drawn up between the five main landowners. This provides a commitment by the landowners to work collaboratively in bringing the Rivington Chase development forward in a co-ordinated manner. A collaboration group (made up of the five landowners) also regularly meets to share information and progress with regard to delivering the development.

#### Phasing of the Rivington Chase Development

14. It has always been envisaged that the redevelopment of the former Loco Works site would be on a phased basis. Reference is made to the phased development of the site within the SPD The

Former Horwich Loco Works (Policy 10) and the outline approval refers to phases within the planning conditions.

15. A site wide phasing strategy has been submitted for the discharge of condition 4 of the outline approval (the site wide phasing programme condition, within discharge of condition application 00925/17) and the plan illustrating this can be found attached to this report.
16. This reserved matters application by Bellway Homes is for the first part of the Rivington Chase development (112 dwellings). The application site constitutes the majority of Phase N1 of the phasing strategy, with the remaining part of the land within this phase acting as a temporary buffer strip between the development site and the adjoining Network Rail owned land.
17. It is anticipated that Network Rail will submit their reserved matters application for Phases N2 and N3 next year. A reserved matters application for the open space is also expected next year along with the start of the enabling works to Zone A of the open space.

### **Site Characteristics**

18. The application site measures 3.1 hectares and forms the northern corner of the former Horwich Loco Works site. The former Loco Works site is allocated as a comprehensively developed mixed-use site within Bolton's Core Strategy. The application site is located adjacent the access road into the Loco Works, from Chorley New Road, and is currently being used for the open storage of vehicles. The site is hard surfaced (used as a 'car park' for approximately 3,000 vehicles) and is relatively level/flat.
19. Two garages are located on the application site, one at the north east and one at the southern end. The site is bounded by metal palisade fencing.
20. Opposite the application site, to the east and across the access road, is Rivington House and the Stores Building. To the south east are former railway workshop buildings, which are currently occupied by tenants. These buildings and the land to the east/south east of the application site form the proposed "Heritage Core" within the Rivington Chase development and are also within Horwich Loco Works Conservation Area. The application site is not within the Conservation Area.
21. To the north east of the application site are commercial buildings (which do not form part of the proposed Rivington Chase development) and to the north are the rears of dwellings at 51 to 67 Evergreen Avenue.
22. An earth bund (approximately 1.5 metres in height) borders the application site to the north. This bund was created in the late 90s/early 00s from material formally on the application site. This area has been planted with dense young trees (mix of species), which are protected under the wider Tree Preservation Order Bolton (Land South of Langstone Close and Corranstone Close) 2006.
23. Also to the north of the application site (but not adjoining the application site) are residential properties at Langstone Close, Evanstone Close and Fernstone Close.
24. To the south west of the site is further hardstanding. Self-seeded young scrub woodland is beyond this.

### **Policy**

25. National Planning Policy Framework (NPPF)

26. Core Strategy Policies: H1.2 Health contributions; A1.4 Education contributions; P5 Transport and Accessibility; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; M1, M2 Horwich Loco Works; OA1 Horwich and Blackrod; IPC1 Infrastructure and Planning Contributions.
27. Allocations Plan Policies: P7AP Strategic Route Network; CG8AP Decentralised, Renewable and Low Carbon Development Locations.
28. Supplementary Planning Documents (SPDs): The Former Horwich Loco Works; Infrastructure and Planning Contributions; Affordable Housing; General Design Principles; Accessibility, Transport and Safety.

### **Analysis**

29. 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.
30. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
31. The main impacts of the proposal are:-
  - \* impact on the comprehensive redevelopment of the former Horwich Loco Works site
  - \* impact on the character and appearance of the area
  - \* impact on land contamination
  - \* impact on the road network and highway safety
  - \* impact on drainage and flood risk
  - \* impact on the amenity of neighbouring residents
  - \* impact on the amenity of future residents
  - \* impact on biodiversity
  - \* impact on local infrastructure

### **Impact on the Comprehensive Redevelopment of the Former Horwich Loco Works Site**

32. The former Horwich Loco Works site is allocated within the Core Strategy as a comprehensive mixed use site that will make a significant contribution to the employment and housing land requirements of Bolton. Policies M1 and M2 of the Core Strategy specifically concern the redevelopment of Horwich Loco Works, and the Former Horwich Loco Works Supplementary Planning Document (SPD) provides further details to the policies in the Core Strategy.
33. Policy M1 of the Core Strategy states that Horwich Loco Works is a strategic site that will be developed for a sustainable mixed-use community primarily for employment and housing. Policy M2 sets out principles that the development of the Loco Works site will be guided by.
34. The application site forms part of the wider former Horwich Loco Works site, and the proposed residential development of the application site would constitute the first phase of the wider "Rivington Chase" development, which was granted outline planning approval in September 2015 under application 91352/14. It is envisaged that the proposed development of the application site would 'kick-start' the rest of the Loco Works redevelopment and help facilitate the delivery of the adjacent parcels of land (phases). As well as demonstrating confidence in the

proposed wider strategic development by constructing the first phase, Bellway (the applicant) will be delivering and funding the first access road into the Rivington Chase development (the Rivington House access), the first part of the wider drainage scheme, a substation and will be enabling the delivery of services such as broadband by buildings in ducts within the highway.

*Accordance with the outline permission for Rivington Chase*

35. The applicant seeks approval of the scale, layout, appearance and landscaping for the first residential stage of Rivington Chase, in accordance with condition 2 of the outline approval (91352/14). A separate discharge of condition application (01469/17) has been submitted by the applicant to address the pre-commencement conditions attached to the outline approval, that are relevant to this proposed development. At the time of writing this officer's report, application 01469/17 was partially discharged, with officers unable to formally discharge the remaining conditions until the proposals/plans within the reserved matters application have been formally approved (that is, until this planning application has been approved by Committee).
36. Third parties have raised concerns that the Bellway proposal does not comply with the former Loco Works SPD in that there is no perceived overall masterplan for the site for the proposed development to accord with (Policy 10 of the SPD states that, "Development of the site will be phased and it is essential that all development accords with an overall Masterplan for the site.") The outline permission for Rivington Chase does not require a new masterplan for the whole site. A framework masterplan was however included within the Design and Access Statement that was approved at outline stage. This approved framework masterplan and Design and Access Statement contain the core design principles for the wider development, and these principles are required to be complied with under condition 39 of the outline approval.
37. It is considered that the proposed reserved matters development complies with the core design principles set out in the previously approved Design and Access Statement in that it proposes a pedestrian/cycleway along the development frontage, proposes a tree-line boulevard along the Rivington House access, allows for future connectivity to neighbouring development sites, links to a primary access into the site, proposes a range of house types, respects the medium-low density envisaged for this part of the site, would create active frontages and provide natural surveillance, would create a positive vista terminations and respects interfaces distances between neighbours. These design elements also ensure that the proposed development does not constrain the development of the neighbouring phases of the Rivington Chase development, in accordance with Policy 10 of the SPD.
38. Despite there not being a requirement within the outline planning approval for a more detailed masterplan for the proposed site-wide development, Alpha/Bluemantle have submitted one within their proposed Site Wide Phasing Strategy (submitted for application 00925/17). This is attached to this officer's report and shows how the Bellway development would link in with the wider envisaged Rivington Chase development.

*Contribution to Bolton's housing land supply*

39. The Council cannot currently demonstrate a five year supply of deliverable housing land (housing land supply). The Council's last Authority Monitoring Report (2015/16) identifies that there is only a 3.1 year supply, which is a significant shortfall. This figure has been accepted at appeal (Hill Lane, Blackrod (2016) and Bowlands Hey, Westhoughton (2017)). The Council is therefore very much reliant on the comprehensive redevelopment of the former Loco Works site to help deliver a significant element of the Council's housing supply. The proposed development of the application site (a brownfield/previously developed site) would deliver 112 dwellings (expected to be completed in next two year), would facilitate in enabling the redevelopment of the rest of the Rivington Chase development (up to a further 1,588 dwellings) and would

demonstrate a realistic prospect of delivery that would bring forward the prospect of a five year housing supply.

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

31. Core Strategy 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 including hard and soft landscaping and boundary treatment. Policy OA1 refers specifically to developments in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment and ensure that development respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials.
32. Policy 3 of the Former Horwich Loco Works SPD sets out design principles for the development of the wider site and states that development design should include the use of vernacular materials, that the architectural style of all new building should be of a high standard which reflect the character of the locality, and that the development design should minimise opportunities for crime and anti-social behaviour.
33. The application site is located within the area identified as the "Northern Development Area" within the approved Design and Access Statement for the outline permission. The Statement recognised that this area is less constrained by historic layouts and uses, which enables an informal character to be developed (which would directly contrast with the formality of the former Loco Works buildings to the east, in the proposed Heritage Core). The Statement confirmed that development in this area would be of a lower density to reflect the informal character, with open front and back garden spaces set back from street frontages. It also stated that a range of house types would be used with predominantly detached houses arranged along streets that connect into the wider movement network, and that street tree planting would be used where appropriate to enhance the streetscape.
34. The dwellings proposed on the application site are a mix of detached (64) and semi-detached (48) properties and would all be two storeys in height. The dwellings would be modest in design and would be constructed from a palette of red bricks (avoiding render, which is not considered to be appropriate to the traditional brick built Loco Works buildings).
35. The proposed development would have a medium to low density and the dwellings would be sited around an informal internal road layout. In line with the design principles of the approved Design and Access Statement all dwellings would have open front gardens and the internal roads would be lined with trees.
36. An "arrival green" (an area of landscaped public open space) is proposed at the entrance of the development, within the north eastern corner of the site and opposite Rivington House. Further grassed areas are proposed to the fronts of plots 1 to 5 and to the side of plot 8, which would provide a green 'corridor' into the development.
37. The detached garage for plot 1 would be used temporarily as a sales office and the four temporary parking spaces to the fronts of plots 1 and 2 (to be used by visitors to the sales office) would be removed and transformed to a grassed area (with an additional tree planted) once no longer required. This would be conditioned.
38. To create the tree-lined boulevard into Rivington Chase, envisaged within the approved Design

and Access Statement, a line of trees are proposed along the site frontage (nine Evergreen Oak trees along the arrival green frontage and in front of plots 1 to 5, and a Privet tree and Hornbeam to the side of plot 8). A Holly hedge is also proposed behind these trees.

39. A 3 metre wide combined footway/cycleway is also proposed to the front of the development, along the Rivington House access. This would constitute the first section of the pedestrian/cycle route through the wider Rivington Chase development (other phases of the development would extend this path and create additional routes through the site).
40. The submitted plans show that the area to the rears of plots 14 to 24 (and adjoining the Rivington House access) would remain as an undeveloped landscaped buffer until the neighbouring industrial uses have permanently vacated, as is the requirement of condition 45 of the outline approval (to safeguard the amenity of the residents of the new development). This area would eventually be developed with a line of dwellings fronting the access road (within another phase of the Rivington Chase development), and the proposed tree-lined boulevard would be continued.
41. Greater Manchester Police have confirmed that the proposed layout appears to be in accordance with Secured by Design standards.
42. It is considered the proposed siting, appearance, scale and landscaping of the development would respect local character, would provide an attractive entrance to the wider Rivington Chase development and would follow the core design principles contained within the approved Rivington Chase Design and Access Statement. It is therefore considered that the proposed development complies with Policies CG3 and OA1 of Bolton's Core Strategy.

#### Impact on Land Contamination

43. Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
44. Policy CG4.3 of the Core Strategy states that development proposals on land that is (or is suspected to be) affected by contamination must include an assessment of the extent of the uses and any possible risks. Development will only be permitted where the land is, or is made, suitable for the proposed use.

#### *Site-wide contamination*

45. The former Loco Works site can be described as being divided into three areas in terms of its land contamination:
  - i) The plateau area where the main former railway workshop buildings are sited, and where Armstrong's are currently located. Asbestos has been buried here in a number of "hot spots". With the exception of the areas of buried asbestos, the remainder of this part of the site has been found to be no worse than any other industrial site in the country.
  - ii) The northern section of the site. This area contains ash (to the north west) and a former gas works. This area has been found to be no worse than any other industrial site in the country.
  - iii) The bank area, to the south of the plateau area and where the open space and employment land is proposed. This area is the most sensitive part of the site, with it having been filled over the years and being where the ash works tip is located. Asbestos has been capped in this area. The majority of this area is Council owned land.



46. Site-wide investigations for land contamination were started last decade and have influenced the proposed redevelopment of the site (such as the proposed land allocations, with the open space and employment area being proposed on the most contaminated parts of the site). The body of knowledge relating to the contamination of the site has evolved over time (with a number of investigations being undertaken at various stages of the proposal) and will continue to evolve (as additional investigations will be required when each stage is brought forward). A total of approximately 370 boreholes have been dug so far across the former Loco Works site, and further boreholes will be dug when each phase is investigated in finer detail.
47. Phase 1 (preliminary risk assessments) and Phase 2 (intrusive ground investigations) reports were submitted for the outline application for Rivington Chase and a Phase 3 remediation strategy has been submitted further to the approval (in respect of the site-wide phasing condition).
48. With regard to the site-wide contamination issues (including the demolition of buildings and any impact on controlled waters) the Council has been working closely with the Environment Agency and has also employed an external consultee to independently review all information received.
49. The parties involved in the redevelopment of the Loco Works site are confident that the site will be remediated without any harm or risk to neighbouring residents, future residents of the development and workers on the site. The company that will be responsible for the remediation of the site (ADM Regeneration) has experience of remediating heavily contaminated sites, including a former asbestos manufacturing facility (in Widnes) which was far more contaminated than the Loco Works site. In this example the remediation works were able to be undertaken adjacent residential development, owing to the techniques employed and high quality site monitoring ensuring the safety of neighbours and workers.
50. The detailed risk assessments that enabled the site in Widnes to be remediated next to houses will also be undertaken for the Bellway site and will be subject to monitoring by the Council.

#### *Application site specific issues*

51. The application site is located within the northern area of the former Loco Works and therefore within the least contaminated part of the Loco Works site. The application site was historically occupied by railway lines until they were removed in the 1990s.
52. Phase 1, 2 and 3 reports have been submitted for the application site. Site investigations have included the digging of 19 test boreholes and 10 trial pits, with land gas and groundwater monitoring standpipes being installed in selected boreholes, and six return land gas monitoring visits. Soil samples taken from the site have been analysed in a laboratory.
53. The investigations found a presence of elevated concentrations of heavy metals on the site, along with polycyclic aromatic hydrocarbons (PAHs) and a very small amount of asbestos in the made ground soils, which have been identified as presenting a moderate risk to the site end users and a low risk to controlled waters.
54. It has therefore been recommended that in areas of soft landscaping 600mm capping is installed, to break the source-pathway-receptor linkage. Areas beneath the dwellings and proposed hardstanding (roads, pavements, driveways) would themselves break the source-pathway-receptor linkage. Appropriate gas protection measures would be provided to the new dwellings.

55. The earth bund that runs along the northern boundary of the site (created in the late 90s/early 00s from material within the site) and which contains contaminated soils is proposed to be completely removed. This material will not be taken off site, but used elsewhere in the proposed development. The movement of soils within the site will be appropriately managed, monitored and supervised by the specialist remediation contractor (ADM Regeneration).
56. The Environment Agency has raised no objection to the proposed development.
57. It is considered, as demonstrated by the submitted site reports, that the development site would be sufficiently remediated for its end residential use, without any harm or risk to neighbouring residents, future residents or site workers. It is therefore considered that the proposed development would comply with Policy CG4 of Bolton's Core Strategy.

#### Impact on the Road Network and Highway Safety

58. Policy P5 of the Core Strategy states that the Council will ensure that development takes into account accessibility by different types of transport, freight movement for industrial and storage uses, 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.
59. Policy M2 of the Core Strategy states that the development of the Loco Works site will be guided by the following principles [amongst others] in order to secure that it is economically, socially and environmentally sustainable:
- \* It must ensure that additional traffic generated does not result in serious inconvenience or danger on the public highway.
  - \* It must provide transport links between Horwich town centre, Middlebrook and the site.
  - \* It must be well served by public transport, and make effective provision for cycling and walking.
60. Policy 1 of the Former Horwich Loco Works SPD concerns accessibility and sustainable transport for the Loco Works redevelopment and sets out broad principles for the site.
61. The matter of access into the proposed development has already been approved within the outline consent (91352/14). This will be from Chorley New Road via the existing access road down the side of Rivington House (the "Rivington House access"). The outline approval has identified this access as coming forward first, with it being able to serve up to 250 dwellings before any other access point is required.
62. The trigger for the first off-site highways contribution within the site-wide Section 106 Agreement (the contribution towards improvements to the Beehive Roundabout) would not be met by the application proposal (the 3% increase in traffic on Chorley New Road (south east bound) would be triggered by 180 dwellings, whereas only 112 dwellings are currently proposed).
63. It is proposed that the Rivington House access will be improved to adoptable standard. This access, along with the internal road layout within the proposed development, will be adopted by the Council.
64. A 3 metre wide combined footway/cycleway is also proposed along the frontage of the development site, along the north western side of the Rivington House access. This would constitute the first section of the pedestrian/cycle route through the wider Rivington Chase development (other phases of the development would extend this path and create additional

routes through the site).

65. The proposed four bedroom dwellings would have a garage and driveway parking for two vehicles (parking provision for three vehicles) and the three bedroom dwellings would have driveway parking for two vehicles (with some three bedroom properties also having a garage). This proposed parking provision meets the Council's maximum parking standards as set out within Appendix 3 of the Core Strategy.
66. The Council's Highways Engineers have raised no objection to the proposal, subject to a number of conditions.
67. It is considered that the proposed residential development of 112 dwellings on the application site would not have an adverse impact on the local highway network (the first trigger for the required off-site highways improvements is not reached by the proposal) and would not jeopardise highway safety, compliant with Policies P5 and S1.2 of Bolton's Core Strategy.

#### Impact on Drainage and Flood Risk

68. Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk. Policy CG2.2 states that the Council will 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. On greenfield sites the rate of run-off should be no worse than the original conditions before development.
69. A drainage assessment has been submitted for the proposed residential development of the application site. Whilst the application site is a brownfield (previously developed) site, the proposed surface water run-off would be at a greenfield rate, using a complex flow control and on-site surface water attenuation taking the form of oversized pipes. The proposed development would be connected into an existing culverted watercourse under the Rivington House access.
70. There is also a culverted watercourse which runs through the application site, to the west of the site. A condition is suggested that no development above finished floor level of the dwellings is commenced until a further investigation and condition survey of the culvert is undertaken, and that none of the dwellings are occupied until a scheme for the cleaning, remediation or abandonment of the culvert is approved and implemented in an agreed timeframe. Future residents of the development would be made aware of the presence of this historic culvert, should it be located beneath their property, by way of their deeds.
71. The foul and surface water drainage systems are to be adopted by United Utilities.
72. It is considered, subject to the suggested conditions, that the proposed development would minimise surface water run-off and reduce the risk of flooding, compliant with Policies CG1.5 and CG2.2 of Bolton's Core Strategy.

#### Impact on the Amenity of Neighbouring Residents

73. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and that development does not generate unacceptable nuisance, odours, fumes, noise or light pollution. SPD General Design Principles sets out the Council's recommended minimum interface distances between dwellings.

74. To the north of the application site are the rears of the two and three storey dwellings at 51 to 67 Evergreen Avenue. The shortage interface between these neighbouring properties and the proposed dwellings is between 59 Evergreen Avenue (a two storey dwelling with dormer windows to the front) and the two storey dwelling proposed at 106, at 26 metres. The SPD recommends a minimum interface distance of 21 metres in this instance, therefore this is exceeded by 5 metres. The nearest three storey properties on Evergreen Avenue (nos. 51 to 57) are approximately 28 metres away from the proposed dwellings: a minimum interface distance of 24 metres is required here and therefore again exceeded.
75. The 1.5 metre high (approx.) landscaped bund along the northern boundary of the application site, and sited between the site and the rear gardens of 51 to 67 Evergreen Avenue, is proposed to be removed as part of the development proposal as the soils within this bund are contaminated and also contain Japanese knotweed (an invasive species). The removal of this bund would result in the loss of the tall trees sited within this area. It is noted that the trees currently provide screening between the rears of the properties on Evergreen Avenue and the application site (the vehicles storage operation), and it is presumed that the landscaped bund was created in the late 90s/early 00s as a visual, acoustic and pollution buffer/screen between the two uses. The removal of the bund and trees would result in the rears of the properties at 51 to 67 Evergreen Avenue having a clear view of the new housing development, however it is considered that this outlook would not be harmful (rear gardens backing onto rear gardens) and the proposed interface distances are ample (meaning there would be no undue overlooking).
76. Also to the north of the application site (but not adjoining the application site) are the residential properties at Langstone Close, Evanstone Close and Fernstone Close. These neighbouring dwellings are over 30 metres away from the proposed dwellings sited to the north of the development, therefore far exceeding the recommended standard within the SPD.
77. With regards to the potential disturbance to neighbouring residents during the construction stage of the proposed development, the applicant has submitted a Construction Management Plan which outlines the measures that would be undertaken to reduce disturbance and harm to amenity. This document includes measures such as:
- \* siting the welfare facilities, contractor parking and material storage area on the part of the site furthest away from neighbouring residents (as shown on an accompanying plan);
  - \* using storage containers (within the dedicated compound area) that are lockable and fire and vandal-proof;
  - \* ensuring the site is fully enclosed with double-clipped heras fencing to stop trespassing;
  - \* checking all plant on a weekly basis;
  - \* keeping a fuel/oil spill kit on site;
  - \* locating oil storage containers away from watercourses;
  - \* having a high-pressure hose on site to wash any dirt off the roads;
  - \* road sweeping of access routes where mud and dust is deposited on the highway;
  - \* having emergency procedures in place;
  - \* dust management, such as the damping down of dust with a hosepipe in hot weather and dust suppression when cutting materials;
  - \* avoiding unnecessary revving of engines, switching off engines when not required, starting up plant and vehicles sequentially rather than all together, putting silencers or mufflers on all vehicles where possible;
  - \* undertaking all site activities in line with the British Standard code of practice for noise and vibration control for construction activities;
  - \* having working hours between 08:00 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays, with no working Sundays or bank holidays.

78. In addition to these measures the applicant (Bellway Homes) are committed to keeping local residents informed of their construction activities and will have an appointed person to do this, as well as dealing with any complaints. This information is intended to be disseminated on Bellway's website and also potentially in the form of newsletters to neighbouring residents.
79. For these reasons it is considered that the proposed development would not unduly harm the amenity of neighbouring residents to the site, compliant with Policy CG4 of the Core Strategy.

#### Impact on the Amenity of Future Residents

80. Policy CG4 of the Core Strategy also seeks to safeguard the living conditions of future residents of proposed developments.
81. The applicant has submitted a noise impact assessment and air quality assessment with the application to demonstrate that the amenity of the future residents of the development would not be unduly affected.
82. Planning condition 45 of the outline approval for the wider Rivington Chase redevelopment (91352/14) requires a buffer to be provided where a residential phase of the development is proposed to adjoin an existing industrial or commercial use. As the proposed development site would neighbour the former railway workshop buildings to the south east (which are currently still tenanted), a 25 metre wide by 113 metre long landscaped buffer (earth bund) is proposed to the rears of plot 14 to 24. This buffer would be created from material moved from elsewhere within the application site and would only be temporary (until the neighbouring tenants have vacated and the site is ready to be brought forward for further residential development).
83. It is therefore considered that the proposed development would also not unduly harm the amenity of the future residents of the development, compliant with Policy CG4 of the Core Strategy.

#### Impact on Biodiversity

84. 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.

#### *Trees*

85. An arboricultural impact assessment has been submitted with the application. Within this assessment is a survey of the existing trees within and adjacent the application site and an appraisal of the impact of the proposed development on the trees.
86. The earth bund that bounds the application site along the north and north west boundaries is proposed to be removed, as the bund has been constructed from contaminated material from within the site and contains Japanese knotweed (an invasive plant). The removal of this bund would result in a large number of trees being lost. The trees located on the bund area are protected under Tree Preservation Order Bolton (Land South of Langstone Close and Corranstone Close) 2006, up to the rear of 13 Evanstone Close. The trees (which include Alder, Hawthorn, Blackthorn, Goat Willow, Birch, Oak, Ash, Cherry and Hazel) are young trees, having been planted when the bund around the storage yard was created in the late 90s/early 00s. The submitted arboricultural impact assessment identified this group of trees as being of fair condition.
87. The Council's Tree Officers are not supportive of the loss of these trees but have recommended,

should the benefits of the proposal outweigh the loss of these trees, that mitigation tree planting (of extra heavy standard) is undertaken in this area.

88. The installation of a sewer easement to the south of the site would result in the removal of a 6 metre wide strip of trees. The Council's Tree Officers have confirmed that these trees are predominantly multi-stemmed Willow of poor form and Birch trees of limited visual amenity. They therefore raise no objection to the removal of these trees.
89. A landscape scheme has been submitted with the application (and amended following comments from the Council's Landscape Officers), which proposes new tree planting both along the proposed internal roads within the development and along the frontage of the site (to create the start of the tree-lined boulevard into the wider Rivington Chase development).
90. Officers consider, that whilst the loss of the protected trees along the northern and north western boundary of the application site is regretful, there is a genuine need to remove the contaminated bund, and Officers also consider that the wider benefits of development (the erection of 112 dwellings on the first phase of the wider Rivington Chase development) would outweigh the loss of these young trees. Officers are therefore suggesting that a condition be attached to any approval to ensure that replacement tree planting occurs on the former bund area.

#### *Ecology*

91. A Phase 1 habitat survey, a badger survey, a water vole survey, a reptile survey and an ecological environmental management plan have been submitted with the application and to address the ecology related conditions attached to the outline approval.
92. The dominant habitat on the application site is hardstanding and bare/made-up ground, though there is a woodland along the northern boundary of the site (the trees within woodland along the earth bund are proposed to be removed). The submitted ecological information has found that the existing habitats support a narrow range of bird species, badger and hedgehog.
93. The habitat survey has recommended enhancement of habitat within the development through new tree planting and bird and bat box provision. The Council's Wildlife Liaison Officer has raised no objection to the proposal.
94. The Japanese knotweed within the earth bund along the northern and north western boundary of the site is to be removed. A knotweed eradication report has been submitted by specialist contractor on behalf of the applicant for the discharging of condition 32 (removal of invasive species) on the outline planning permission. It is proposed that following an initial herbicide application the knotweed would be excavated by the specialist contractor as part of the site remediation works, temporarily stored within the buffer area on site, then taken off site to a licensed landfill facility.
95. It is considered, subject to the suggested conditions requiring new tree planting within the development and replacement planting on the former landscaped bund area, that the proposed development would safeguard biodiversity in the area, compliant with Policy CG1.2 of Bolton's Core Strategy.

#### Impact on Local Infrastructure

96. Policy IPC1 of the Core Strategy states that the Council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that



development. In doing so, the Council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development. Policy IPC1 states that the policy is applicable unless it can be demonstrated by the applicant that the scheme would not be viable if contributions were sought or offered.

97. Policy 10 of the Former Horwich Loco Works SPD seeks the comprehensive development of the former Loco Works site, with timely provision of infrastructure and appropriate mitigation. Policy 10 states that the development of any part of the site should therefore contribute to the total costs of all on and off site infrastructure works, including highways and services, education, public open space and other development and planning requirements and obligations necessary for the development of the entire site.
98. The existing Section 106 agreement for the outline approval of the Rivington Chase development is summarised above in this report, under the section entitled "The Wider Rivington Chase Development". The proposed amendments (deed of variation) to this Section 106 agreement (as a result of the five landowners now developing their part of the site themselves rather than through one company/applicant) are also summarised above.
99. Condition 6 of the outline planning approval for Rivington Chase requires the applicant for each phase of the development (that is, each reserved matters application) to enter a separate/supplemental Section 106 agreement to reflect the requirements of the overriding Section 106. As the site-wide Section 106 is currently being amended, Bellway's supplemental Section 106 agreement is to reflect this new deed of variation.
100. The supplemental Section 106 Agreement for this planning application therefore requires the following contributions:
  - \* Primary education contribution - £2,572 per dwelling, therefore a total of £288,064.
  - \* Health contribution - £224 per dwelling, therefore a total of £25,088.
  - \* Off-site highways works - a contribution per dwelling (at the time of writing the officer's report this figure had not been finalised but it is expected to be around £2,000 per dwelling, which would therefore total around £224,000).
101. The affordable housing provision and secondary education contribution requirements within the site-wide Section 106 agreement are subject to a review of viability. The applicant has submitted a viability appraisal for their proposed development, which demonstrates that their proposal would not be viable if they were to provide any affordable housing on site or the secondary education contribution, along with the off-site contributions as required above. This viability appraisal has been reviewed in detail for the Council by an independent external advisor, who agrees with the appraisals findings.
102. Service charges towards the management and maintenance of the public open space, both within the application site and within the area of strategic open space proposed to the south of the Rivington Chase development, have been secured through the Section 106 Agreement and will be delivered by a site-wide management company.
103. The proposed infrastructure contributions are in-line with the requirements of the site-wide Section 106 agreement for Rivington Chase and therefore the proposed development complies with Policy IPC1 of Bolton's Core Strategy and Policy 10 of the Former Horwich Loco Works SPD.

#### **Local finance considerations**

104. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local

planning authority must have regard to a local finance consideration as far as it is material. The following is considered to be a local financial consideration in this case:

105. New Homes Bonus for the 112 proposed dwellings – this is not a material planning consideration.

### **Conclusion**

106. The proposed residential development of 112 dwellings on the application site would constitute the first phase of the wider Rivington Chase development. The planned development of Rivington Chase on the former Loco Works site would significantly contribute towards the Council's housing land supply, delivering up to 1,700 dwellings on previously developed land, in addition to the provision of additional employment land within the Borough. It is anticipated that the proposed residential development of the application site would 'kick-start' the rest of the Rivington Chase development and help facilitate the delivery of the adjacent parcels of land (phases).
107. As discussed above, it is considered that the proposed development complies with the core design principles for the Rivington Chase development set out within the outline planning approval and would be compatible with the character and appearance of the surrounding area. The applicant has demonstrated within their submission that the application site can be sufficiently remediated for its end use for housing, without any harm or risk to neighbouring residents, future residents or workers on the site, and that the proposed development (both during and after construction) would not unduly harm the amenity of neighbouring residents or future residents of the development. The proposed access into the development, off Chorley New Road and using the Rivington House access, has previously been approved under the outline permission.
108. Whilst the proposed removal of the landscaped bund along the north/north eastern boundary of the development site would result in the loss of a group of protected trees, it is considered that this work is necessary in order to remove the contaminated soils and Japanese knotweed within this bund. Officers are therefore recommending that these existing trees are replaced with new tree planting to compensate for their loss, by way of a planning condition. It is nevertheless considered that the wide ranging benefits associated with the proposed development would clearly outweigh the adverse impact the development would have on the young neighbouring woodland.
109. Members are therefore recommended to delegate the decision to the Director of Place to secure the required supplemental Section 106 Agreement.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** 23 objections have been received (including from Horwich Heritage, Horwich First Community Group and Cllr. Denton (Horwich Town Council)), which raise the following concerns:

- \* The proposal represents a piecemeal development of the Loco Works site;
- \* Absence of a masterplan for the wider development (*officer comment: an illustrative masterplan for the Rivington Chase development has now been submitted for discharge of condition application 00925/17*);
- \* The proposal fails to meet the requirements of the Loco Works SPD;
- \* The application is an attempt to avoid contributions towards off-site highways works and environmental mitigation (*officer comment: the applicant will be entering a supplemental Section 106 Agreement contributing towards primary education, health and off-site highway improvements*);
- \* There are unanswered concerns about contamination. Concerns about safeguarding local and future residents from pollution and contamination that may be released into the air and groundwater by the development;
- \* Work should not commence until the whole site has been decontaminated;
- \* An independent assessment of the site contamination and health risks is required (*officer comment: the Council has employed an independent external consultant to review the information submitted for both this application and for the wider site. Their comments have been addressed by the applicant and have been incorporated within the Council's Pollution Control Officer's comments on this application*);
- \* There is no study showing the impact of any dust (*officer comment: this is addressed and mitigated for within the applicant's submitted phase 2 site investigation for the site*);
- \* Added traffic and congestion on Chorley New Road;
- \* The additional traffic will make it more difficult to cross Chorley New Road;
- \* Disturbance to neighbours from vehicles entering and leaving the site;
- \* There should be provision for a new site access on to Station Road/Crown Lane (*officer comment: this new access would be required for the Rivington Chase development when the Network Rail owned land (west/south west of the site) is developed*);
- \* There should be no development until sufficient infrastructure for the whole site is provided and the surrounding roads have been upgraded to cope with the increased traffic (*officer comment: there are trigger points within the Section 106 Agreement for the wider development for when the off-site highways works would be required (when a certain percentage of increase in traffic would occur). This planning application would not result in the first trigger being met*);
- \* There should be no development until the main access road has been accurately positioned, designed, costed and committed for construction (*officer comment: the main spine road through the site, linking Chorley New Road with Aspinall Way, is shown on the illustrative masterplan for the Rivington Chase development and would be located within Bolton Council and Bluemantle land. Both of these parties are committed to delivering the spine road and it is expected that design works for the road will be undertaken early next year with the delivery being undertaken the middle of next year. The spine road has been costed*);
- \* Loss of trees along the bunds bounding the site. The trees prevent neighbouring residents being overlooked and provide a habitat for wildlife;
- \* The existing watercourse and wildlife should be protected during the construction phase;
- \* The design and layout of the houses fail to reflect the distinctive historical characteristics of the Loco Works;
- \* There is no sense of the development forming part of a coherent larger community, but has instead been designed as a free-standing collection of suburban houses with no sense of local

identity;

- \* The proposed development represents a massive missed opportunity as the first phase of the Rivington Chase development;
- \* There is no provision for pedestrian and cycle routes which would link to the rest of development across the Loco Works (*officer comment: the plans have been amended to incorporate a 3 metre wide pedestrian/cycle way along the site frontage*);
- \* The proposal does not contain public open space or linkages to other phases of the development (*officer comment: the Bellway development does contain open space, by way of the "arrival green", and provides a link to the other phases by way of the road and footway connection at the southern boundary of the site and the footway connection (to the Heritage Core) at the eastern boundary. The main areas of public open space and the play areas proposed across the wider site are shown on the illustrative masterplan for Rivington Chase. These areas have been planned strategically*);

The concerns raised that are not accompanied by an 'officer comment' are addressed in the above report.

A letter commenting on the proposal has been received from the Emerson Group on behalf of Orbit Investments (Northern) Ltd. (the owners of the neighbouring Middlebrook and Parklands developments). This letter raises the following:

- \* The Rivington Chase development should proceed in a co-ordinated and comprehensive manner (potentially through CPO) rather than individual applications by different companies with their own commercial interests. There is a vital requirement to ensure all who develop contribute to the overall site wide infrastructure costs and reclamation/remediation costs (*officer comment: a deed of variation is being made to the original Section 106 Agreement to ensure that all parties/landowners will pay their equal share towards infrastructure costs, now that Horwich Vision is no longer the sole applicant for the development*).
- \* The applicants should provide a viability assessment with their application, as there is a significant advantage to them under the terms of the existing Section 106 Agreement (*officer comment: the applicant has submitted a viability assessment to demonstrate that the development would not be able to support the provision of affordable housing along with the other Section 106 requirements. This assessment has been assessed by an independent surveyor commissioned by the Council*).
- \* The red-edges on the submitted plans are not consistent.
- \* There is no play area, open space or any other facilities/enhancements with the proposed scheme (*officer comment: the open space and play areas will be provided strategically elsewhere within the wider Rivington House development, as proposed within the open space strategy, phasing programme and illustrative masterplan submitted for the discharge of condition 4 of the outline approval*).
- \* The arrival green should be kept green, landscaped and be unfettered as it is a principal entrance to the development.
- \* If the Council were to approve this application there is no certainty that any other applications would come forward at the wider Rivington Chase site and as such these 112 dwellings could stand on their own (*officer comment: a collaboration group, which all the main landowners are party to, has been formed and a memorandum of understanding is to be signed in the near future. This commits the landowners to work together in a collaborative approach. It is anticipated (through the collaboration group meetings that have been held) that Network Rail will be submitting their reserved matters planning application in the next few months*).

**Horwich Town Council:-** raised an objection at their meeting of 29th August 2017 owing to a perceived lack of information and over concerns regarding traffic, contamination, health and safety,

viability and that the site would be developed in a piecemeal manner.

### **Consultations**

Advice was sought from the following consultees: Pollution Control Officers, Highways Engineers, Drainage Officers, Tree Officers, Landscape Officers, Wildlife Officers, Economic Strategy Officers, Strategic Development Unit, the Environment Agency and Greater Manchester Police.

### **Planning History**

#### **Wider site history**

91352/14 - Permission was granted (following a Committee approval and a referral to the Secretary of State) in September 2015 for:

Part A – Full planning permission for site access, demolition of some and change of use of core heritage buildings for A1 retail and D2 leisure (both up to 2,500 sqm) plus A2, A3, A4, A5, B1, C1 and D1 uses including car parking, diversions to public rights of way, land remodelling/site remediation, together with related associated works.

Part B – Outline application for residential development (C3) up to 1,700 dwellings, A1 retail (up to 2,500 sqm), employment zone of B1 and B2 uses and up to 2,700 sqm of ancillary D1 uses, children's play area, recreational open space and landscaping together with ecological mitigation areas, attenuation features and new cycle/pedestrian connections (Means of access details only).

92214/14 - Part A: Full planning application for site access, demolition of some buildings and change of use of one building to a flexible mix of commercial and community uses (A1/D2/A2/A3/A4/A5 and D1 uses including car parking), 28 apartments, and associated works. Part B: Outline application for residential development (C3) for up to 130 dwellings, recreational open space and landscaping and new pedestrian and cycle routes. This planning application was for part of the Former Horwich Loco Works site (part of the Heritage Core area). The application was deferred at the Planning Committee meeting in March 2015 (before planning application 91352/14 was approved) to enable the applicant to enter into a collaboration agreement with the then Horwich Vision. The applicant (Hong Kong Racing) is now a member of the collaboration group with the other four landowners of the Loco Works site.

89722/13 – An application for the creation of a new access for vehicles, pedestrians and cycles into the former Loco Works site, from land to the east of Station Road, was refused by Committee in June 2013. A subsequent planning appeal was withdrawn by the applicant in May 2014.

#### **Discharge of conditions applications relating to outline approval 91352/14**

Application 00730/17 for the partial discharge of condition 4 (site wide phasing programme) on 91352/14 (details of phasing of highways infrastructure, including vehicular access points and off site highways mitigations measures) was approved in May 2017.

Application 00925/17 for the discharge of the rest of condition 4 (site wide phasing programme) on 91352/14 is currently being determined.

Application 01469/17 for the discharge of a number of conditions attached to outline approval 91352/14, relating to the Bellway phase of the development, has been partially approved with the remaining conditions not being able to be formally discharged until after the reserved matters application has been approved (owing to the wording of the conditions).

#### **Application site history**

The application site has planning permission (54412/99 and 55287/99) for open storage (B8)



with associated landscaping, regrading of earth bunds and lighting columns.

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

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

1.     The development hereby permitted shall be begun before the expiration of two years from the date of this permission.  
  
Reason  
  
Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2.     No demolition, development or stripping of soil shall be started until:
  1. The trees within and adjoining the site which are to be retained have been surrounded by fences of the type agreed and in the locations agreed on drawings P.859.17.03 Sheet 1 of 2 and Sheet 2 of 2.
  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).  
Reason  
  
To protect the health and appearance of the tree(s) and in order to comply with Bolton's Core Strategy policies CG1 and CG3.
3.     No development above finished floor level of the dwellings hereby permitted shall commence unless and until details of an investigation and condition survey of the existing surface water culvert/drain crossing the site has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby approved shall be occupied until a scheme for the cleaning, remediation or abandonment of the existing surface water culvert/drain has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within a timeframe to be agreed in writing by the Local Planning Authority and thereafter managed and maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
  
Reason  
  
The condition of the surface water culvert/drain crossing the site was not fully known at the date of permission, and to comply with Policies CG1.5 and CG2.2 of Bolton's Core Strategy.
4.     No building hereby permitted shall be occupied until the surface drainage scheme for the site has been completed fully in accordance with the approved details.  
  
Reason  
  
To ensure the site provides satisfactory means of surface water drainage and to comply with policies CG1.5 and CG2.2 of Bolton's Core Strategy.
5.     Prior to first occupation of the development hereby approved a Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site have been completed in accordance with those works agreed by the Local planning Authority (within the Remediation Strategy by Curtins, dated 1st

October 2017).

Reason

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

6. Prior to the development hereby approved/permitted being first occupied the means of vehicular access to the site from Chorley New Road (the "Rivington House access") shall be constructed in accordance with approved drawing ref CBO-0382-001/002.

Reason

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

7. No dwelling shall be occupied until the access roads and footways leading thereto have been constructed and completed in accordance with the drawing ref: SL02 Rev P.

Reason

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

8. Prior to the occupation of the dwelling houses hereby permitted provision shall be made for the parking or garaging of motor vehicles adjacent to each of the dwelling houses in the area identified for that purpose on the approved plan. Those areas shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order) other than (a) garage(s), no extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines or satellite antennae shall be erected within that area.

Reason

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

9. Trees and shrubs shall be planted on the site in accordance with the approved landscape scheme (drawing references LDS416-01C and LDS416-02C and Landscape Specification LDS416(C)-LS) prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

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

10. Trees and shrubs shall be planted to the rears of plots 88 to 108 on the former landscaped bund area in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the dwellings at plots 88 to 108 first being occupied. The approved scheme shall also include bird and bat habitat provision and be implemented in full and carried out within 6 months of the first occupation of plots 88 to 108 or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and

subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

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

11. Prior to the occupation of the dwellings at plots 14 to 24 (inclusive) the landscape buffer as shown on approved drawing SL02 Rev P shall be fully constructed.

Reason

To safeguard the amenity of the future residents of plots 14 to 24 whilst the neighbouring industrial/commercial buildings are still in operation, and to comply with Policy CG4 of Bolton's Core Strategy.

12. The four temporary car parking spaces shown on approved drawing SL02 Rev. P shall no longer be used after the garage for plot 1 ceases to be used as a sales office for the approved development. Within 28 days of the garage for plot 1 no longer being used as a sales office the surface for the four temporary car parking spaces shall be removed and the area shall be grassed over to form a continuous grassed area in front of plots 1 to 5 and to the arrival green. An Evergreen Oak tree shall also be planted in this area (the former temporary parking spaces) in the next planting season after the removal of the temporary car parking spaces.

Reason

The four car parking spaces are only proposed to be temporary. To comply with Policies CG3 and OA1 of Bolton's Core Strategy and the approved Rivington Chase Design and Access Statement.

13. Notwithstanding the provisions of Class A to Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or replacing that Order) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any of the approved dwellings in front or to the side of the forwardmost part of any wall of the dwelling that fronts onto a highway, other than those expressly authorised by this permission.

Reason

The development has been designed to be 'open plan' and any enclosure in these positions has the potential to harm the character and appearance of the development, and to comply with Policies CG3 and OA1 of Bolton's Core Strategy and the approved Rivington Chase Design and Access Statement.

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

**SL02 Rev P; "Proposed Site Layout"; dated Oct 17**  
**Horwich Loco Works House Type Pack; received 11 Oct 2017**  
**BT02 Rev E; "Boundary Treatment"; dated Sept 17**  
**16166/01/1 Rev D; "Main Drainage Layout 1"; dated 13.9.17**  
**BHM090/BR01 Rev P1; "Build Route Plan"; dated 05.10.2017**  
**RP01 Rev N; "Refuse Plan"; dated Sept 17**

Reason

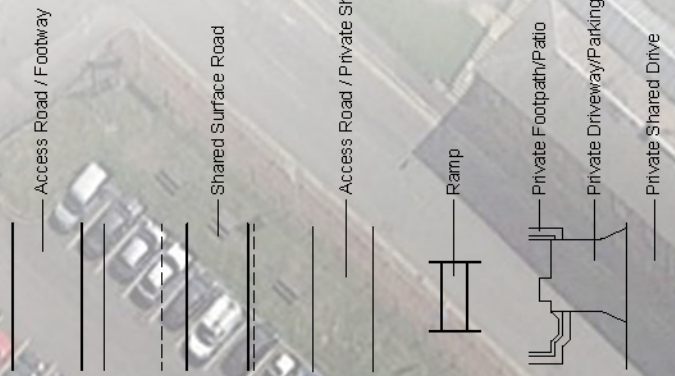
For the avoidance of doubt and in the interests of proper planning.



Type	No.	No. Of Beds	Total Beds
FAIRHAVEN (4FA124)	11	4	44
STIRLING (3ST097)	16	3	48
OAKWOOD (4OA115)	18	4	72
LAWBETH (3LA079)	29	3	87
ROCHESTER (3RO076)	6	3	18
MULBERRY (4MUL1273)	1	4	4
MULBERRY ALT (4MUL1273ALT)	3	4	12
JAPONICA ALT (3JAP)	5	3	15
ROSEWOOD (3ROS956)	23	3	69
<b>Total</b>	<b>112</b>	<b>3</b>	<b>369</b>
<b>Gross Area</b>	<b>7.84 Acres</b>		
<b>Non-Developable/POS Area</b>	<b>0.24 Acres</b>		
<b>Net Area</b>	<b>7.6 Acres</b>		
<b>Gross Area</b>	<b>3.136 Hectares</b>		
<b>Non-Developable/POS Area</b>	<b>0.096 Hectares</b>		
<b>Net Area</b>	<b>3.04 Hectares</b>		

general notes:  
do not scale the drawing  
discrepancy shall be immediately reported and resolved prior to work commencing  
this drawing is to be read in conjunction with all relevant drawings and specifications relating to the job whether or not indicated on the drawing  
reproduced without prior written consent.

HARD LANDSCAPING



Rev	Date	Description
1	15/05/17	Updated to latest approved Resolutions
2	15/05/17	Updated to latest approved Resolutions
3	15/05/17	Updated to latest approved Resolutions
4	15/05/17	Updated to latest approved Resolutions
5	15/05/17	Updated to latest approved Resolutions
6	15/05/17	Updated to latest approved Resolutions
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111	15/05/17	Updated to latest approved Resolutions
112	15/05/17	Updated to latest approved Resolutions

Bellway Homes MC

**mck associates limited**  
architectural building surveying urban design

burnaby villa ■ 48 walling street road ■ fulwood ■ preston ■ pr2 8sp  
tel: 01772 774510 fax: 01772 774511 email: mck@mckassociates.co.uk

Horwich Loco Works	Drawing Title	Scale 1:500	Date September 2017
16-202	SL02	16-202	P

Proposed Site Layout

Drawn by C. Horwich	Checked C. Horwich	Scale 1:500	Date September 2017
16-202	SL02	16-202	P



# Illustrative Masterplan for Rivington Chase





**Illustrative Purposes Only**

**Legend:**

- PHASE TYPE: HERITAGE CORE (Blue), EMPLOYMENT PHASE (Orange), OPEN SPACE (Green)
- STATUS: OPEN SPACE (Green), HERITAGE CORE (Blue)

**Area Statistics:**

Phase	Gross Area (ha)	Net Area (ha)	Roads (ha)
PHASE S1	7.37	6.34	1.02
PHASE S2	7.17	6.18	0.99
PHASE S3	6.61	5.59	1.02
HERITAGE CORE	9.36	8.89	0.50
PHASE N1	3.47	3.22	0.25
PHASE N2	8.75	8.28	0.52
PHASE N3	5.70	5.85	0.25
OPEN SPACE ZONE A	-	-	-
OPEN SPACE ZONE B1	-	-	-
OPEN SPACE ZONE B2	-	-	-
OPEN SPACE ZONE C	-	-	-

**Project Details:**

- Location: 1010-174
- Scale: 1:1000
- Date: 10/10/2010
- Author: [Name]
- Reviewer: [Name]
- Project: [Name]





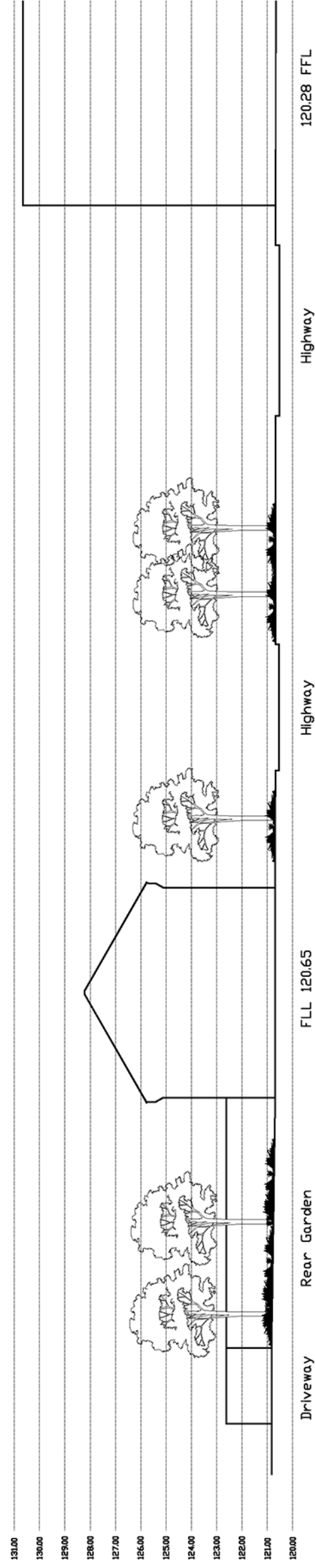
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Streetscene AA



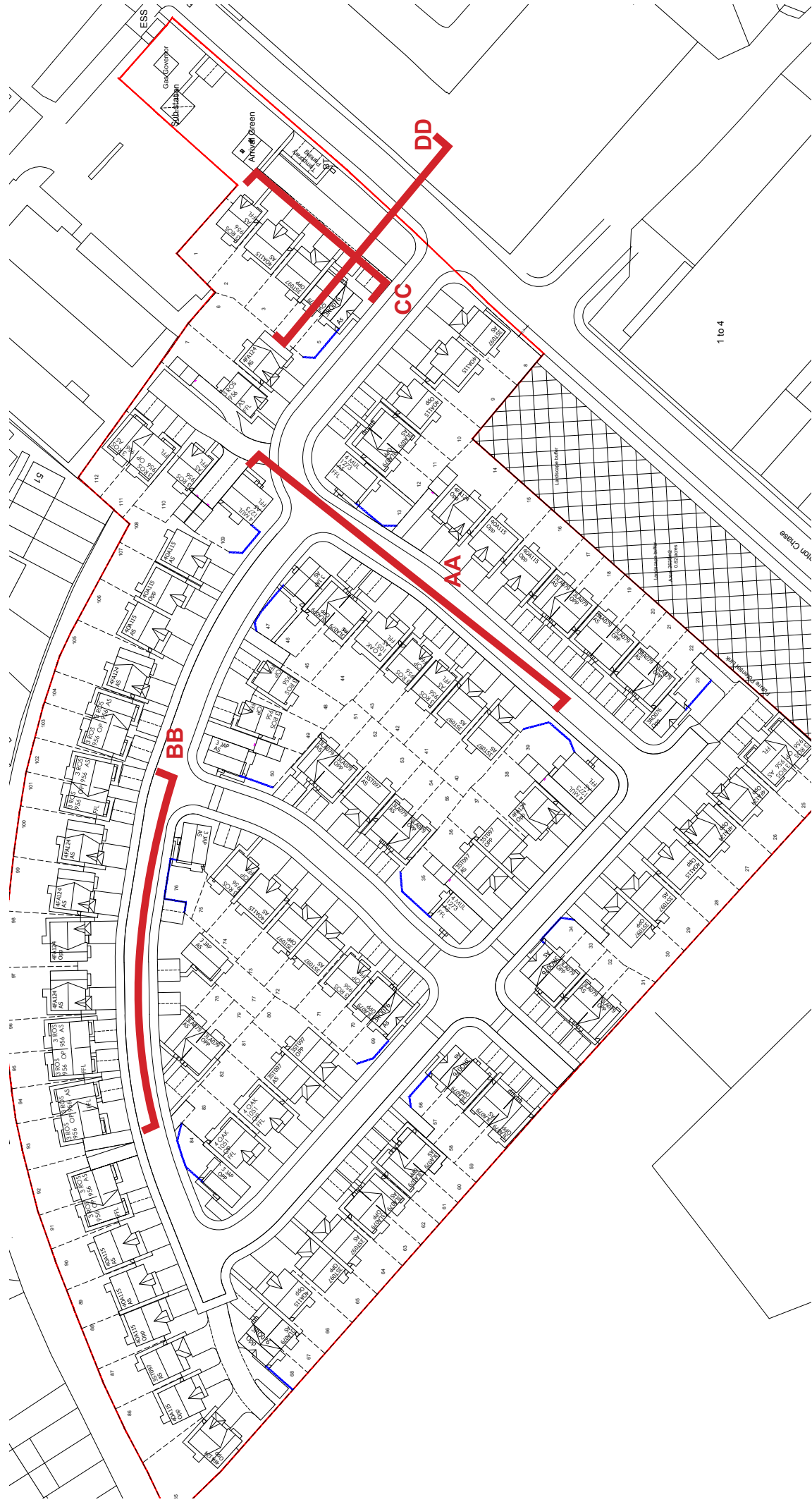
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Streetscene BB



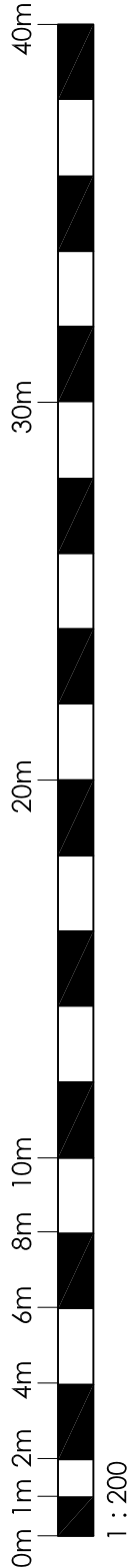
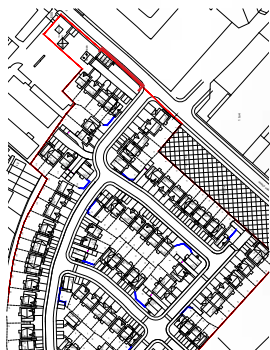
Plot 5 Plot 4 Plot 3 Plot 2 Plot 1  
Streetscene CC



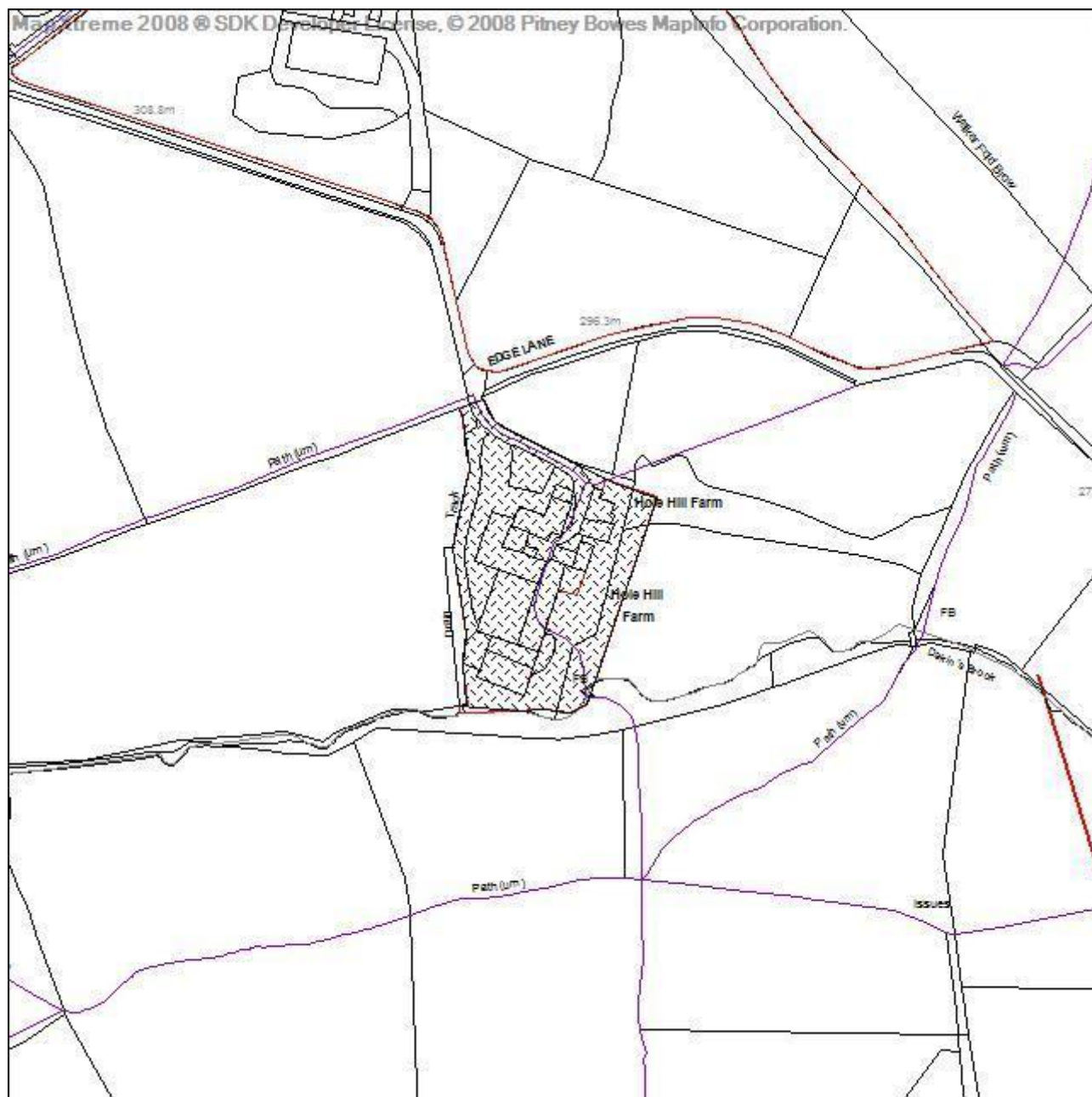
Cross Section DD







**Application number**  
**01145/17**



**Development & Regeneration Dept**  
**Development Management Section**

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

**Bolton**  
**Council**

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**Date of Meeting: 16/11/2017**

**Application Reference: 01145/17**

**Type of Application: Full Planning Application**  
**Registration Date: 12/06/2017**  
**Decision Due By: 06/08/2017**  
**Responsible Officer: Helen Williams**

**Location: HOLE HILL FARM, MATCHMOOR LANE, HORWICH, BOLTON, BL6 6PR**

**Proposal: DEMOLITION OF EXISTING REDUNDANT AGRICULTURAL BUILDINGS, CONVERSION OF EXISTING BARN TO FORM 1NO. DWELLING AND ERECTION OF 2NO. ADDITIONAL DWELLINGS WITH DETACHED GARAGES**

**Ward: Horwich North East**

**Applicant: c/o Neil Pike Architects**  
**Agent : Neil Pike Architects**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

1. This application is a resubmission of planning application 97853/16, which was refused at Planning Committee in March 2017 for the following three reasons:

*1. The proposed development, by virtue of its use, siting and size, represents inappropriate development within the Green Belt and the Applicant has provided no very special circumstances to outweigh the harm caused to the purposes and openness of the Green Belt in this location, contrary to national guidance contained within section 9 of the National Planning Policy Framework and Policy CG7AP of Bolton's Allocations Plan.*

*2. The proposed development, by virtue of its siting, scale and design, would fail to conserve and enhance local distinctiveness and would not be compatible with the surrounding area, contrary to Policies CG3 and OA1 of Bolton's Core Strategy.*

*3. Insufficient information has been provided by the applicant with regards to how the public rights of way, which cross the application site, will be retained within the development, to enable the proposal to be properly judged against the Policy P8AP of Bolton's Allocation Plan.*

2. The development now proposed has mainly been amended by deleting the detached dwelling at plot 4 from the scheme. This dwelling was the largest and the southernmost sited of the three new build dwellings previously proposed.
3. The applicant again proposes the residential conversion of the two attached stone built barns to

the north of the site (sited opposite the existing farmhouse). The dwelling would comprise four bedrooms and would have a detached double garage.

4. The dwellings proposed at plots 2 and 3 are of the same design and are as previously proposed under application 97853/16, albeit they are now proposed to be sited more centrally within the site and are now proposed with attached double garages. These dwellings are proposed at "two and a half" storeys in height, with the second floor being accommodated within the roofspace. The submitted floor plans indicate that the dwellings would comprise four bedrooms, however it is considered that the lounge proposed on the upper floors could be used as additional bedroom space, given that two other lounges are proposed on the ground floor. The proposed dwellings' front elevations face east and contain a modern style "entrance surround" at ground floor, lengthy glazing at first floor and windows within the gable at second floor. These dwellings are considered to have a contemporary appearance.
5. Vehicular access into the proposed residential development will be off Edge Lane, where the existing access into the site is. An internal road is proposed through the development.
6. The application has been amended following its submission and following advice from officers.
7. The application is brought before Planning Committee at the request of Cllr. Richard Silvester.

#### **Site Characteristics**

8. The application site is a farmstead within Green Belt. It is understood that the site is currently used as a livery and for storage.
9. The site comprises the following:
  - \* A detached, pebble-dashed, two storey farmhouse in the north eastern corner of the site.
  - \* Two attached, gable fronted, stone built barns, with an attached stone built, mono-pitched roof workshop at the side, which are sited to the west of the farmhouse (central to the top part of the application site). The barns date back to the 1800s.
  - \* A stone built hay loft attached to the southern side of the old barns.
  - \* A detached stone built, single storey, stable building between and to the south of the farmhouse and barns.
  - \* Stone built stables attached to the south of the hay loft.
  - \* A large concrete and corrugated metal clad building (partly open) which occupies the majority of the south of the site. This is used for storage and for exercising horses.
  - \* Two mobile homes sited to the south of the farmhouse.
  - \* A former concrete slurry store, which is built underground but open at the front.
10. Trailers and horse boxes are stored to the south of the site.
11. Vehicular access into the application is off Edge Lane, at the north western corner of the site.
12. The application site contains three public rights of way. HOR046 runs down the vehicular access from Edge Lane to the north western corner of the farmhouse. HOR044 runs across the field to the north east and enters the site to the north of the farmhouse. HOR045 runs through the centre of the site in a north-south direction.
13. The site is within the Upland Moorland Landscape Character Area. Dakin's Brook neighbours the site to the south.

14. The application site is at a lower level than Edge Lane, with only the farmhouse, barns and tops of the later buildings being visible from the entrance. The site is located on a hillside.

**Policy**

15. National Planning Policy Framework (NPPF)

16. Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.1 Rural Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod.

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

18. SPD Accessibility, Transport and Safety; SPD General Design Principles.

**Analysis**

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

20. The main impacts of the proposal are:-

- \* impact on the purposes and openness of the Green Belt
- \* impact on the character and appearance of the area
- \* impact on heritage
- \* impact on the highway
- \* impact on public rights of way
- \* impact on biodiversity

**Impact on the Purposes and Openness of the Green Belt**

21. Section 9 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 states that Green Belt serves five purposes, which include assisting in safeguarding the countryside from encroachment and assisting in urban regeneration by encouraging the recycling of derelict and other urban land.

22. Paragraph 87 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

23. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The paragraph sets out exceptions to this, which include [amongst other things]:

- \* the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- \* limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings),

which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

24. Paragraph 90 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.
25. Allocations Plan Policy CG7AP reflects the NPPF's guidance on Green Belt.
26. The application site is a former working farm within the Green Belt. It is understood that the applicant is currently using the site for purposes for which they do not have planning permission for (storage). It is therefore considered that the established use of the site is as a farm. Annex 2 of the NPPF excludes land that is or has been occupied by agricultural buildings from the definition of previously developed land: the application site is therefore considered to be a greenfield (not previously developed) site within the Green Belt.
27. It is considered that the proposed conversion of the two attached stone barns into one dwelling (at plot 1) would comply with national guidance contained within paragraph 90 of the NPPF in that the proposal represents the re-use of an existing building. The applicant has submitted a structural survey for the barns, which concludes that they are of robust construction and are in a sound condition, capable of being converted without major alteration.
28. Paragraph 89 of the NPPF allows the replacement of buildings within the Green Belt, provided that the new building is in the same use and not materially larger than the one it replaces. The existing two storey farmhouse is proposed to be demolished. The dwelling proposed at plot 2 would in effect replace this existing dwelling on the site. The replacement dwelling proposed at plot 2 would however not be sited in the same location as the existing farmhouse and would be larger (in height, footprint and volume) than the existing farmhouse. Whilst the 'replacement dwelling' would therefore be materially larger than the one it is to replace, it is considered, owing to its position on the existing built footprint of the buildings on the site, that it would not detrimentally affect the openness of the Green Belt in this location. It would also result in the part of the site where the existing farmhouse is located becoming more open, as no new building is proposed there.
29. A further new "two and a half storey" dwelling is proposed in addition to the barn conversion and the replacement dwelling. Whilst the principle of this additional dwelling would not normally be acceptable on such a site (given that it is a former working farm (classed as a greenfield site) and therefore would not fit within any of the exception categories within paragraph 89 of the NPPF), it is considered in this specific instance that owing to the current informal use of the buildings on site (for storage and for a horse riding arena) and the scale of the buildings that would be demolished to accommodate the development that the additional dwelling would not detrimentally harm either the purposes or openness of the Green Belt in this location.
30. The residential curtilages proposed for each of the three dwellings are relatively substantial in size and include both front and rear gardens. Open lawned areas are proposed to the front and therefore officers are advising that a condition be attached to any approval to remove permitted development rights for any fences, walls and gates to the front of the dwellings, to retain the open character at the eastern half of the site.
31. Officers are also suggesting a condition to remove permitted development rights for extensions and outbuildings within the rear gardens, again to help safeguard the openness and purposes of



the Green Belt in this location.

32. The previous application for four dwellings on the site was refused at Committee in March 2017 partly owing to its impact on the openness and purposes of the Green Belt (the first reason for refusal). This latest application differs from that refused by removing the fourth previously proposed dwelling (the dwelling that was proposed at plot 4). The dwelling at plot 4 would have been sited at the southernmost part of the site, on top of the former underground slurry and therefore would have been highly conspicuous when viewed from the south.
33. The development of three dwellings now proposed would have the dwellings sited in a row of three and more centrally within the site, and viewed against the back drop of the higher ground levels to the west.
34. It is acknowledged that the application site is in an isolated position away from the urban area and main roads (and therefore not a particularly sustainable location), however it is considered that the proposed residential conversion of the two attached barns would fully comply with national and local plan policy. The proposed two new dwellings would be deemed to be inappropriate development. However, it is considered that on balance they would not have a more harmful effect on the openness and purposes of the Green Belt than the existing development. It is therefore considered, on balance, that the proposed development would be acceptable.

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

35. 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. Historical associations should be retained where possible. Policy CG3.7 states that the Council will maintain and respect the landscape character of the surrounding countryside and its distinctiveness.
36. Core Strategy Policy OA1 specifically relates to new development in Horwich and Blackrod and states that the Council will conserve and enhance the character of the existing landscape and physical environment, ensure that development 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, and will ensure that new development does not harm the landscape setting and protects public views from public areas to the surrounding landscape.
37. The application site is an isolated farmstead located within moorland to the north of the borough. It is located within the Upland Moorlands Landscape Character Area.
38. The existing farm buildings within the site are set into the hillside and are at a lower ground level than Edge Lane. There are distant views of the site from Walker Fold Road to the south and east and the tops of the buildings can be seen from Matchmoor Lane to the north and west. Public rights of way HOR044, 045 and 046 cross and enter the application site, affording close up views of the farmstead. The current site has the appearance of a working farm and the old stone built barns to the east of the application site retain character.
39. The proposed residential development of the site will completely change the character and appearance of the site, from that of a working rural farm to a housing development of three large detached dwellings.

40. The removal of a fourth dwelling from the scheme has made the proposed residential development on the site more acceptable in design terms, as the three proposed dwellings are now more sensitively sited. The development would still have a suburban and contemporary appearance, however the proposed use of natural stone and slate would help the dwellings better assimilate with the rural vernacular of this moorside area.
41. It is therefore considered that the proposed development would comply with Policies CG3 and OA1 of Bolton's Core Strategy, subject to conditions requiring further details with regard to materials, landscaping and rear boundary treatments.

#### Impact on Heritage

42. Paragraph 128 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
43. Policy CG3.3 of the Core Strategy states that historical associations should be retained where possible and Policy CG3.4 states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas, recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their settings.
44. The proposed development involves the conversion of the stone barns that date back to the 1800s.
45. The applicant has not submitted a heritage assessment with their application to address the proposed conversion of the non-designated heritage asset, however the submitted structural survey concludes that the barns are capable of being converted. The retention and re-use of the old stone barns is supported by officers and is considered to be a positive element to the proposed scheme.
46. Greater Manchester Archaeological Advisory Service (GMAAS) have commented that there is an entry on the Historic Environment Record (HER 10167.1.0) for the application site, with the entry suggesting that a farm of the same name had been established on site by 1759. As there may be some archaeological significance on the site GMAAS recommend that a programme of archaeological works be undertaken prior to the commencement of development, and that this archive be deposited with Bolton Museum. A condition requiring these archaeological works is therefore suggested.

#### Impact on the Highway

47. 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. Policy S1.2 states that the Council will promote road safety in the design of new developments.
48. It is not considered that the application site is in a sustainable location, as it is not within the urban area and it is not accessible by public transport. Edge Lane is a narrow and steep country lane.

49. Vehicular access into the proposed development is proposed from the existing access into the site off Edge Lane. The Council's Highways Engineers have advised that the proposed access at the junction with Edge Lane would need to be widened to accommodate two way traffic. This would be secured by way of a planning condition.
50. The Council's Highways Engineers have raised no objection to the proposal but state that the proposed layout would have to remain private (not adopted) as there is no turning area for a refuse vehicle. Refuse vehicles would instead have to turn around by using the widened private driveway for plot 3.
51. Ample parking spaces are proposed within the site in the form of lengthy driveway and double garages.
52. It is not considered that the proposed development would jeopardise highway safety and therefore is compliant with Policies P5 and S1.2 of the Core Strategy.

#### Impact on Public Rights of Way

53. Allocations Plan Policy P8AP states that the Council will permit development proposals affecting public rights of way provided that the integrity of the right of way is retained.
54. The application site contains three public rights of way. HOR046 runs down the vehicular access from Edge Lane to the north western corner of the existing farmhouse. HOR044 runs across the field to the north east and enters the site to the north of the farmhouse. HOR045 runs through the centre of the site in a north-south direction.
55. The previously refused planning application for the residential development of the site (97853/16) was partly refused (third reason for refusal) as it was considered that insufficient information had been provided by the applicant as to how the public rights of way within the site would be retained.
56. The applicant has now submitted a plan to show how public right of way HOR045 can be diverted within the site (and still link up with footpaths HOR046, HOR044 and BOL115 (to the south of the site)), by running down the proposed internal road. A condition is therefore suggested, should the application be approved, to ensure that the proposed diversion is agreed and undertaken prior to commencement.
57. It is therefore considered, subject to the recommended condition, that the proposal would comply with Policy P8AP of Bolton's Allocations Plan.

#### Impact on Biodiversity

58. 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.
59. An extended phase 1 habitat survey and protected species survey/assessment has been submitted with the application.
60. Greater Manchester Ecology Unit has confirmed that the application is not of substantive ecological value. They however comment that some of the buildings proposed to be demolished have moderate potential to support bats and the bat assessment was carried out at a time of year when bats are inactive and can be difficult to detect. The Ecology Unit therefore

recommend that the site should be subject to dusk bat activity surveys, to be undertaken between May and August when bats are active. If bats are found then a method statement would need to be prepared to detail measures to be taken to avoid harm to bats.

61. The Ecology Unit has also recommended that it would be beneficial if nesting provision for swifts be incorporated into the design of the new dwellings, as old farm buildings are to be lost.
62. It is considered, subject to conditions requiring a further bat survey and nesting provision for swifts, that the proposed development would comply with Policy CG1.1 of Bolton's Core Strategy.

### **Local finance considerations**

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

### **Conclusion**

65. For the reasons discussed above it is considered that proposed residential conversion of the two attached stone barns and the erection of two new dwellings on the site would not, on balance, detrimentally harm the openness and purposes of the Green Belt or the character and appearance of the area. It is also considered, subject to conditions, that the proposal would safeguard heritage, would not jeopardise highway safety, would retain the integrity of the public rights of way that cross the site, and would safeguard biodiversity.
66. Members are therefore recommended to approve this application subject to the suggested conditions.
67. Given the nature of some of the suggested pre-commencement conditions (that is, the archaeological works and the proposed diversion of public rights of way) Officers are recommending that a standard three year commencement condition is attached to any approval (rather than a reduced two year commencement condition).



## **Representation and Consultation Annex**

### **Representations**

**Letters:-** Two letters of objection have been received following the submission of the amended plans. These raise the following concerns:

- \* It is inappropriate development in the Green Belt;
- \* Green Belt policy for new development is limited to barn conversions and this is not a conversion (*officer comment: national Green Belt policy also allows for replacement dwellings within the Green Belt along with the partial or complete redevelopment of previously developed sites within the Green Belt provided that the redevelopment does not have a greater impact on the openness and purposes of the Green Belt than the existing development*);
- \* The two new dwellings are inappropriate in size and design for the area;
- \* The three storey properties would be prominent when viewed from the surrounding area;
- \* The dwellings should be no taller than the buildings they are replacing;
- \* Concerned that a development similar to Grundy Fold Farm would be built;
- \* The site is in a prominent position and therefore the development would be visible for many miles and would impact on the character of the area. the development will affect views;
- \* No information has been provided on how the site will appear from views from public place (*officer comment: this is not a requirement for such an application*);
- \* There could be a future application for new replacement stables and sheds on the surrounding land (*officer comment: any new application received would need to be assessed on its own merits*);
- \* How will the properties be supplied with water?;
- \* Are there any main sewers in the area?;
- \* Light pollution from the new dwellings;
- \* How does the change in route of the public footpath join with the other paths?;
- \* Congestion on Edge Lane as it is impossible for vehicles to pass one another (it is a single track);
- \* Poor access into the development owing to the width of Edge Lane;
- \* Highway safety concerns, especially at the junction of Edge Lane with Walker Fold Road;
- \* Disruption to wildlife.

Four letters of objection (raising similar concerns to the above) were received for the application as originally submitted (prior to the plans being amended).

**Horwich Town Council:-** raised an objection to the application (as submitted/prior to amendments) at their meeting of 20th July 2017 on the grounds of overdevelopment, being out of character with the area, impact on wildlife and the environment of West Pennine Moors, highway safety concerns and the omission of existing public footpaths from the plans.

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

- \* Do not believe that there are any special circumstances as to why the application should be approved and why the location should be changed from agricultural to a small housing development;
- \* The application site is not located for housing within Bolton's Allocations Plan and is not contained in the draft proposals in the Greater Manchester Spatial Framework's 'Call for Sites';
- \* The proposal would spoil the character and appearance of the Green Belt;
- \* The proposal would spoil the openness of the Green Belt;
- \* The reasons for refusal on the previous application for the site still exist for this application;
- \* Insufficient information has been provided with regard to how the public rights of way, which cross the site, would be retained within the development;

- \* The site is not in a sustainable location, being sited away from shops, schools and services.

### **Consultations**

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Pollution Control Officers, Public Rights of Way Officer, Greenspace Officers, Waste and Recycling, Greater Manchester Ecology Unit, Greater Manchester Archaeological Advisory Service, Greater Manchester Police, Ramblers Association, Peak and Northern Footpaths Society, and the Open Spaces Society.

### **Planning History**

Planning application 97853/16 for the demolition of existing redundant agricultural buildings, conversion of existing barn to form 1 dwelling and construction of 3 additional dwellings with associated car parking and garages was refused at Bolton's Planning Committee in March 2017 for the following three reasons:

- 1. The proposed development, by virtue of its use, siting and size, represents inappropriate development within the Green Belt and the Applicant has provided no very special circumstances to outweigh the harm caused to the purposes and openness of the Green Belt in this location, contrary to national guidance contained within section 9 of the National Planning Policy Framework and Policy CG7AP of Bolton's Allocations Plan.*
- 2. The proposed development, by virtue of its siting, scale and design, would fail to conserve and enhance local distinctiveness and would not be compatible with the surrounding area, contrary to Policies CG3 and OA1 of Bolton's Core Strategy.*
- 3. Insufficient information has been provided by the applicant with regards to how the public rights of way, which cross the application site, will be retained within the development, to enable the proposal to be properly judged against the Policy P8AP of Bolton's Allocation Plan.*

Planning application 93595/15 for the demolition of redundant agricultural buildings and the erection of five dwellings, including driveways and garages and the creation of access point to Edge Lane was deemed withdrawn by the LPA in May 2016. The application was presented before Committee in December 2015, with officers recommending refusal. The application was deferred at the Committee meeting for the applicant to make amendments - these amendments were not received.

*Planning application 93595/15 was originally submitted and registered for the erection of eight dwellings. The application was amended to five dwellings prior to being heard before Planning Committee.*

A pre-cast concrete panel slurry store at the rear of an existing barn was approved in January 1993 (42379/92).

An application for the erection of a silage building was withdrawn by the application in April 1986 (26812/86).

A winter quarters and open feed shed for cattle was approved in May 1994 (22797/84).

**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.     No development shall take place until the applicant has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Schemes of Investigation (WSI) provided by an appointed archaeological contractor and approved by the Local Planning Authority. It should cover:

1.     A phased programme and methodology of investigation and recording to include:
  - background documentary research
  - building assessment and recording to an appropriate level of detail
  - an archaeological evaluation informed by geophysical survey and the above to establish targeted evaluation trenches
  - informed by the above, targeted area excavation (subject to a separate WSI) may then be required
2.     A programme for post investigation assessment to include:
  - analysis of the site investigation records and finds
  - production of a final report on the significance of the archaeological and historical interest represented.
3.     Deposition of the final report with the Greater Manchester Historic Environment Record and dissemination of the results commensurate with their significance. This might take the form of the Greater Manchester Past Revealed Series or/and an academic article.
4.     Provision for archive deposition of the report and records of the site investigation.
5.     Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason

To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible, and to comply with Section 12 of the NPPF and policy CG3.4 of Bolton's Core Strategy.

3.     Prior to the commencement of development public right of ways Horwich 044 and 045 are to be diverted and new signage erected in compliance with details to be submitted to and approved in writing by the local planning authority. The diverted public right of ways are to remain available to the public at all times thereafter and must not be closed, diverted or altered in any way until the appropriate statutory procedures have been completed.

Reason

Public right of ways cross the application site and must be retained, and to comply with policy P8AP of Bolton's Allocation Plan.

4.     Prior to the commencement of development details of how the part of the site where the former slurry store is located will be treated/developed (for example, if the store is to be removed and/or landscaped) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for this area of the site shall then be undertaken in accordance with the approved details prior to first occupation and retained thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason

No details have been provided as to how this area will be treated, and to safeguard the openness and purposes of the Green Belt. To comply with policies CG3 and OA1 of Bolton's Core Strategy and policy CG7AP of Bolton's Allocations Plan.

5. Prior to the commencement of development, including demolition, the applicant shall survey the site for dusk/dawn bat activity, between May and September. A report shall be submitted to and approved in writing by the Local Planning Authority containing appropriate mitigation measures. If required, the approved mitigation measures should be implemented in full and retained thereafter.

Reason

To safeguard the habitats of protected species and to comply with policy CG1 of Bolton's Core Strategy.

6. Prior to the commencement of the development:-

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

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

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

Reason

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

7. Before the approved development is commenced details of the existing and proposed ground levels within the site and on adjoining land including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason

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

8. Prior to the commencement of development the details (samples if required) of the type and colour of materials to be used for the external walls and roof to be agreed with the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with policies CG3 and OA1 of Bolton's Core Strategy.

9. Prior to the commencement of all work, including demolition, details shall be submitted to and approved in writing by the Local Planning Authority for alternative on-site swift nesting provision. The approved scheme shall be implemented in full and retained thereafter.



Reason

To ensure the favourable status of protected species and to comply with policy CG1 of Bolton's Core Strategy.

10. Prior to the commencement of development a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and retained thereafter.

Reason

To ensure the development reflects local distinctiveness in order to comply with Bolton's Core Strategy policies CG3 and OA1.

11. Prior to the development being first occupied, 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 prior to first occupation, 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 character of the area and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

12. 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 and in order to comply with Core Strategy policies CG1 and CG3.

13. Prior to the development hereby approved/permitted being first occupied the means of vehicular access to the site from Edge Lane shall be constructed to a minimum width of 5.5 metres for a distance of 10 metres.

Reason

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

14. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 90 metres shall be provided at the junction of the site access with Edge 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 and in order to comply with Bolton's Core Strategy policy S1, P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

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

Reason

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

16. No dwelling shall be occupied until the access road leading thereto have been constructed and completed in accordance with drawing ref: PL K673/01 Rev E.

Reason

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

Reason

To safeguard the character and appearance of the dwelling and the purposes and openness of the Green Belt, and to comply with policies CG3 and OA1 of Bolton's Core Strategy and policy CG7AP of Bolton's Allocations Plan.

18. Notwithstanding the provisions of Class A to Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or replacing that Order) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any of the approved dwellings in front of the forwardmost part of any wall of the dwelling that fronts onto the internal road.

Reason

To safeguard the appearance of the development and the openness of the Green Belt in this location, and to comply with policies CG3 and OA1 of Bolton's Core Strategy and policy CG7AP of Bolton's Allocations Plan.

19. The curtilages of the properties hereby approved are being treated for planning purposes as that defined on the approved drawing ref: PL K673/01 Rev E.

Reason

For the avoidance of doubt as to what is permitted and to safeguard the openness and purposes of the Green Belt, and to comply with policy CG7AP of Bolton's Allocations Plan.

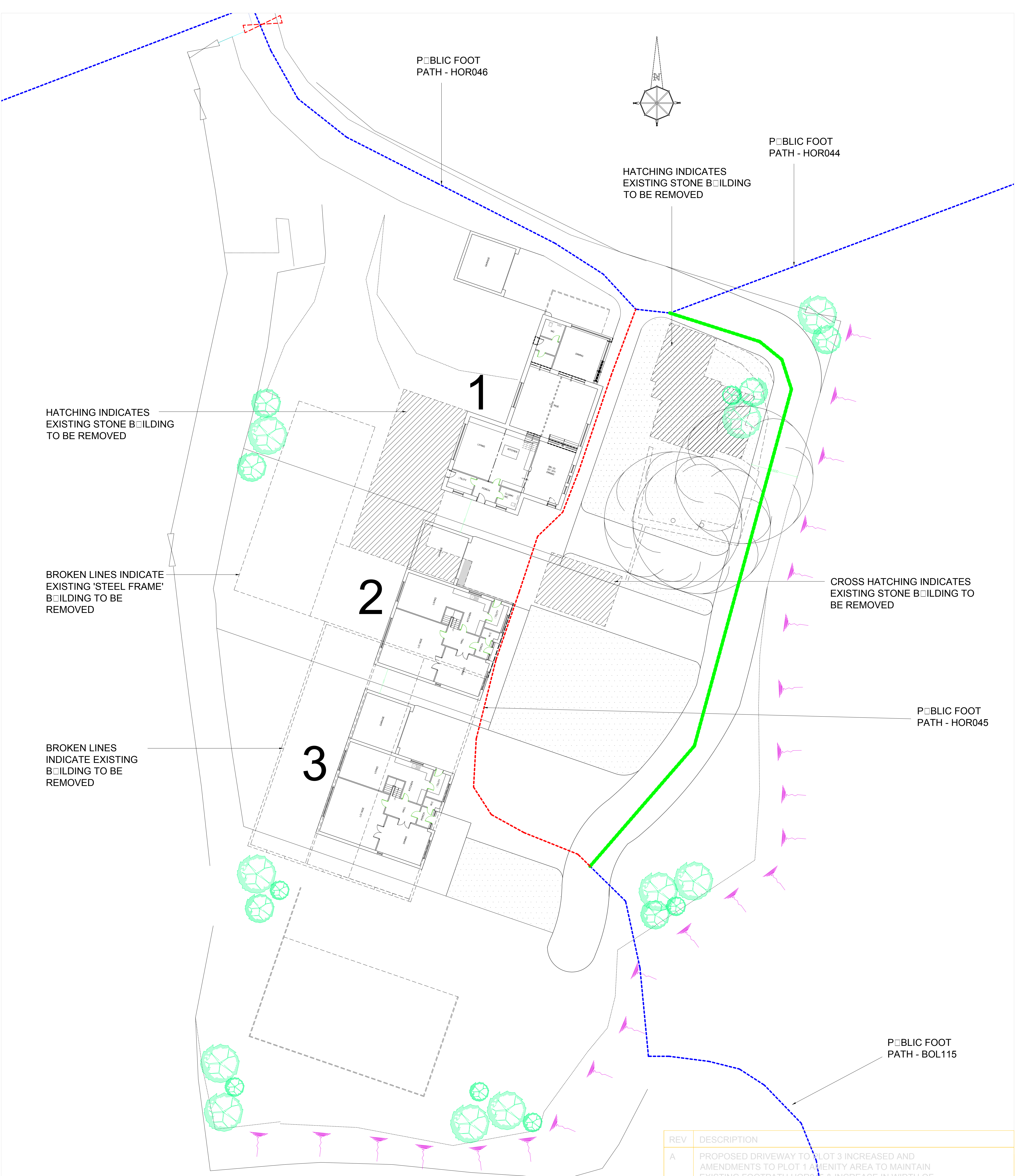
20. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

**PL K673/01 Rev E; "Proposed Site Plan"; dated 28.09.17**  
**PL K673/02 Rev B; "Plot 1 - Proposed Floor Plans"; dated 07.05.17**  
**PL K673/03 Rev B; "Plot 1 - Proposed Elevations"; dated 07.05.17**  
**PL K673/04 Rev A; "Plot 2 - Proposed Floor Plans"; dated 25.01.17**  
**PL K673/07; "Plot 3 - Proposed Floor Plans"; dated 03/08/15**

**PL K673/08; "Plot 2 Proposed Elevations (with Garage)"; dated 03/11/17**  
**PL K673/09; "Plot 3 Proposed Elevations (with Garage)"; dated 03/11/17**

Reason

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



HATCHING INDICATES  
EXISTING STONE BUILDING  
TO BE REMOVED

BROKEN LINES INDICATE  
EXISTING 'STEEL FRAME'  
BUILDING TO BE  
REMOVED

BROKEN LINES  
INDICATE EXISTING  
BUILDING TO BE  
REMOVED

RED LINE INDICATES  
EXISTING FOOTPATH  
TO BE DIVERTED

GREEN LINE  
INDICATES NEW  
POSITION OF  
DIVERTED FOOTPATH

BLUE LINES INDICATE  
EXISTING  
FOOTPATHS TO  
REMAIN

PUBLIC FOOT  
PATH - HOR046

HATCHING INDICATES  
EXISTING STONE BUILDING  
TO BE REMOVED

PUBLIC FOOT  
PATH - HOR044

CROSS HATCHING INDICATES  
EXISTING STONE BUILDING TO  
BE REMOVED

PUBLIC FOOT  
PATH - HOR045

PUBLIC FOOT  
PATH - BOL115

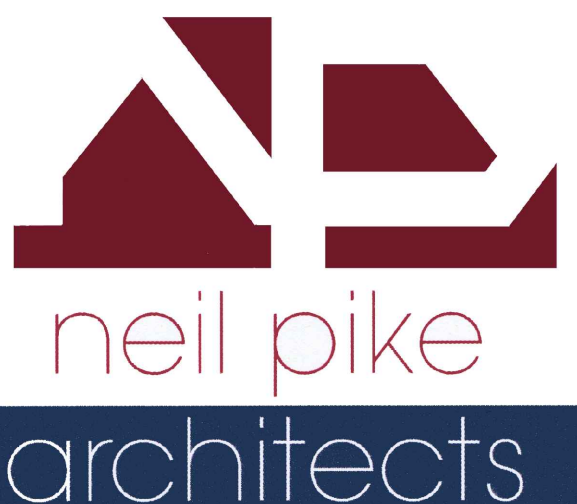
REV	DESCRIPTION
A	PROPOSED DRIVEWAY TO PLOT 3 INCREASED AND AMENDMENTS TO PLOT 1 AMENITY AREA TO MAINTAIN EXISTING FOOTPATH HOR046 & INCREASE IN WIDTH OF EXISTING ACCESS ROAD 28' @ 17' R.S.P.

## PUBLIC FOOT PATH SITE PLAN

PROPOSED RESIDENTIAL DEVELOPMENT  
HOLE HILL FARM, EDGE LANE,  
BOLTON, BL6 6PR

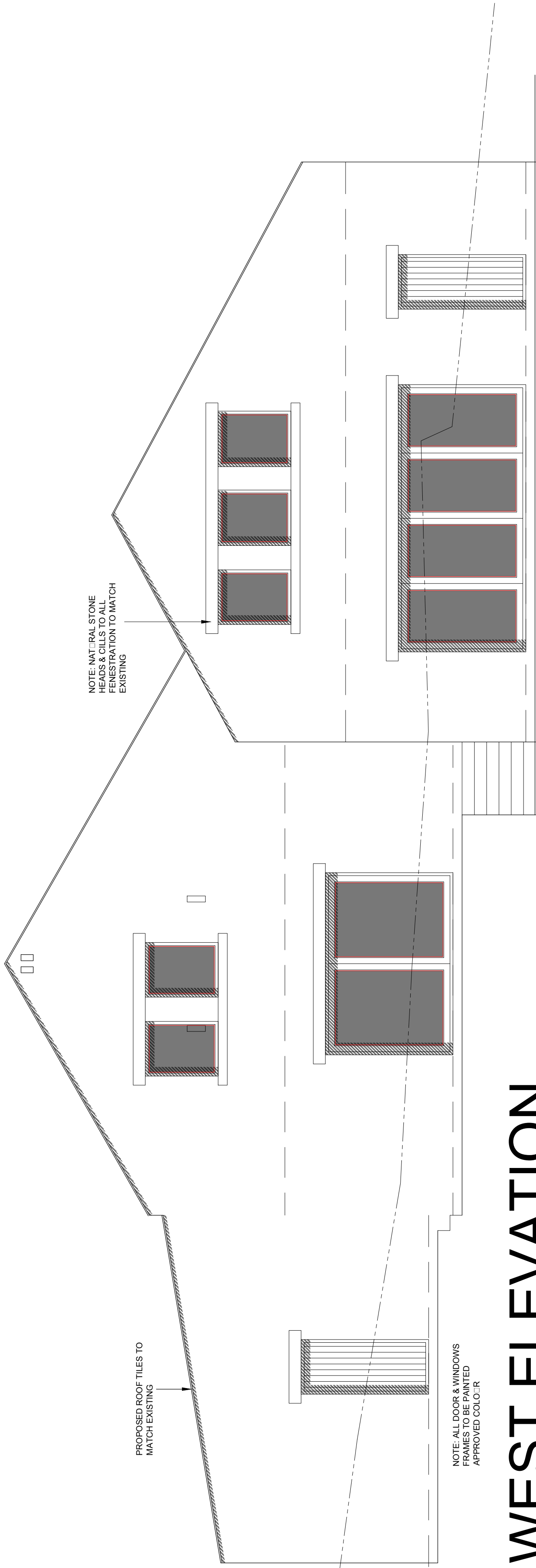
CLIENT:	CARTER
DWG NO:	PK673/20
SCALE:	1/200 @ A1
DRAWN BY:	R.S.P.
DATE:	15/08/17
REV:	A

MICHIGAN HOUSE, 17-19 CHORLEY NEW ROAD, BOLTON, BL1 4QR  
TEL: 01204 312233 FAX: 01204 528505  
WWW.NEILPIKEARCHITECTURE.CO.UK EMAIL: INFO@NEILPIKEARCHITECTURE.CO.UK

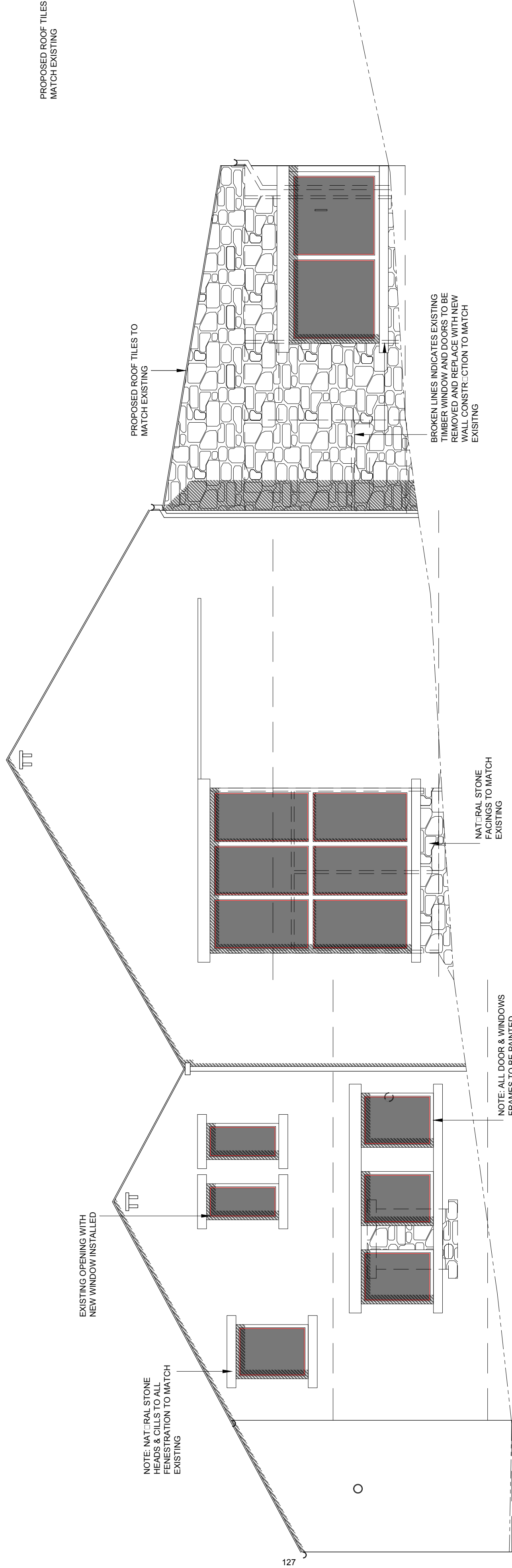


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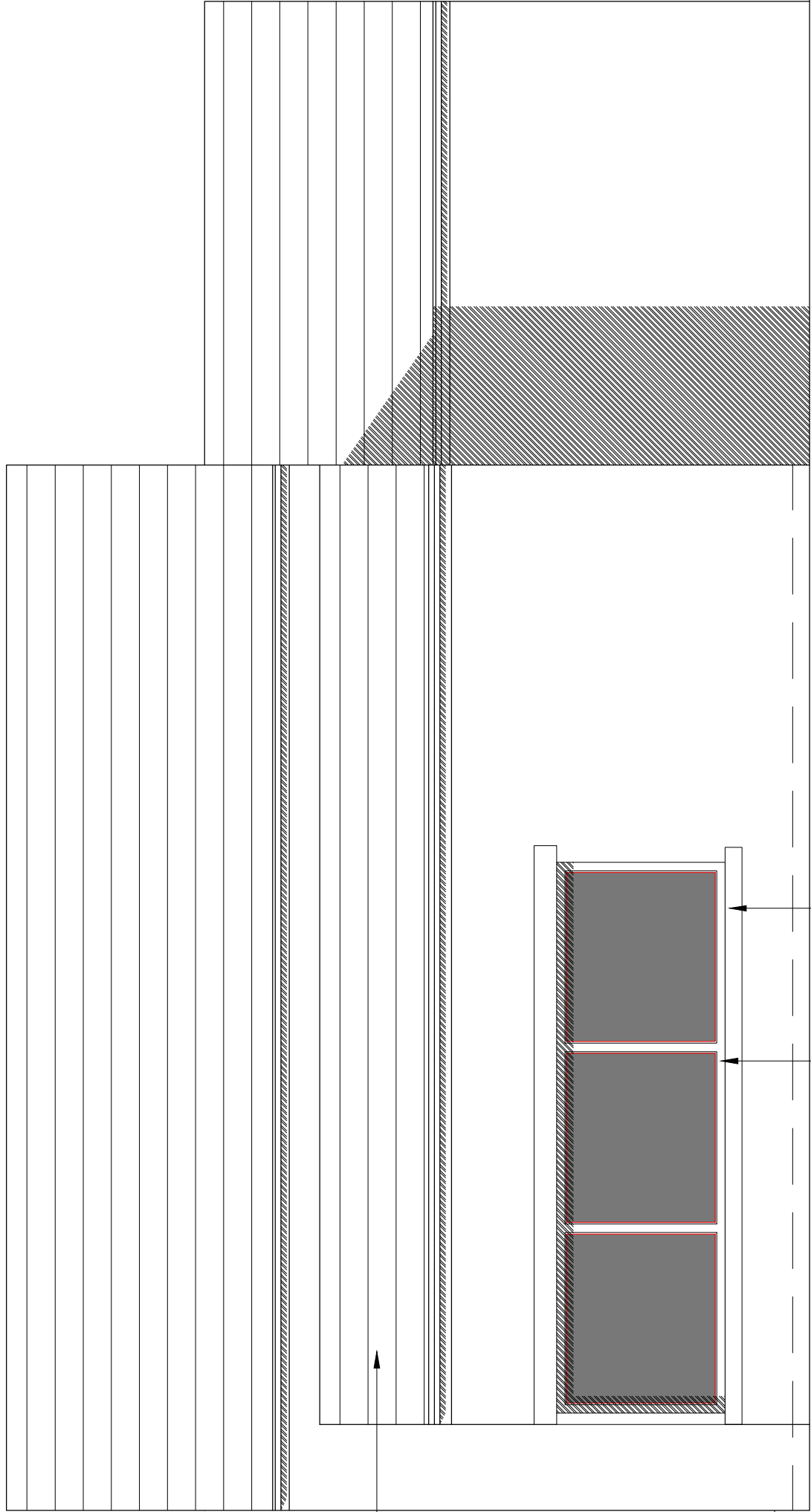




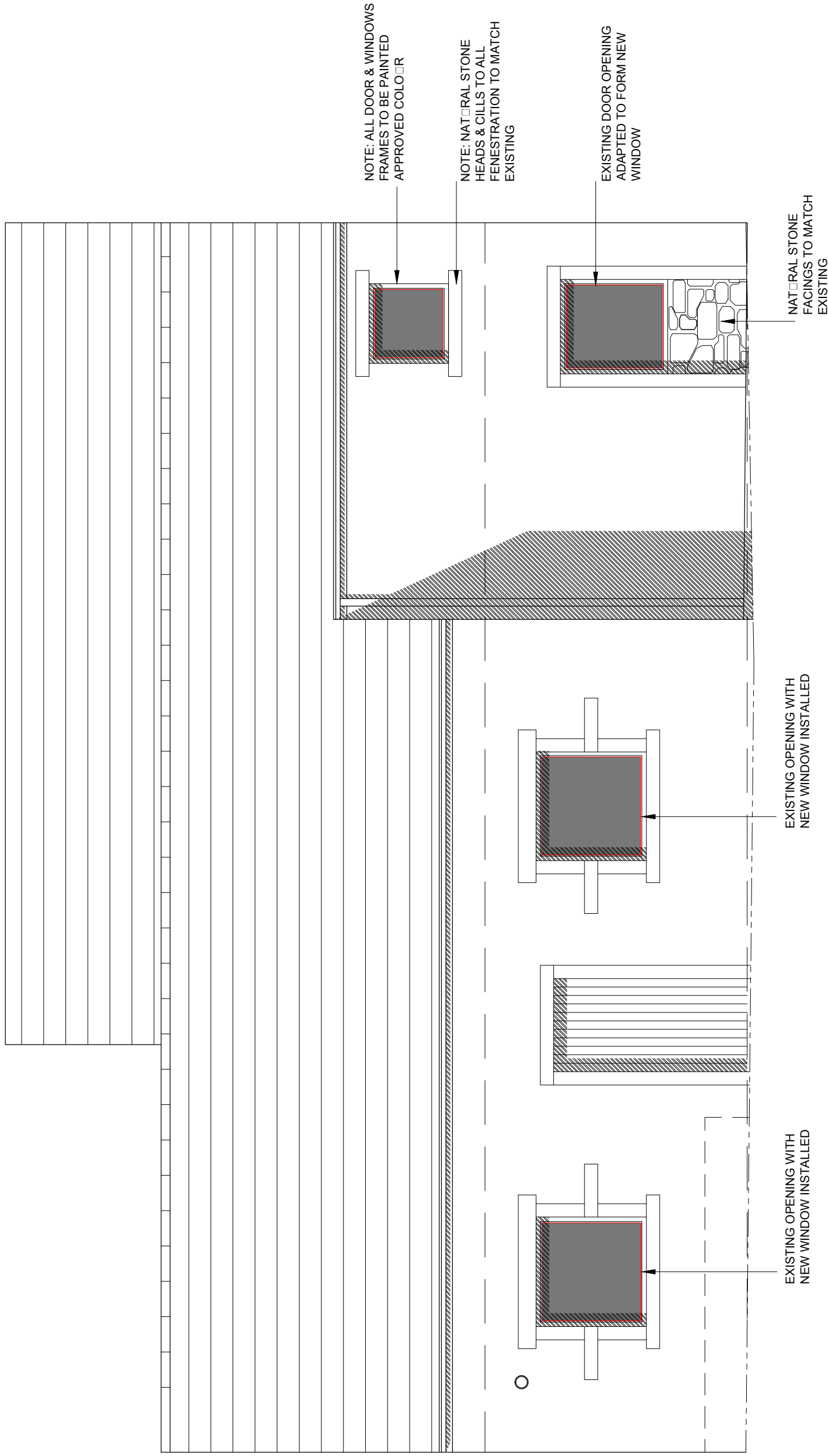
# WEST ELEVATION



# EAST ELEVATION



# NORTH ELEVATION



# SOUTH ELEVATION

REV	DESCRIPTION
A	ELEVATIONS AMENDED TO CORRESPOND WITH FLOOR PLANS 25.01.17 D.D.
B	EXISTING GARAGE REINSTATED AND ELEVATIONS AMENDED TO CORRESPOND TO REVISED FLOOR PLANS 07.05.17 D.D.

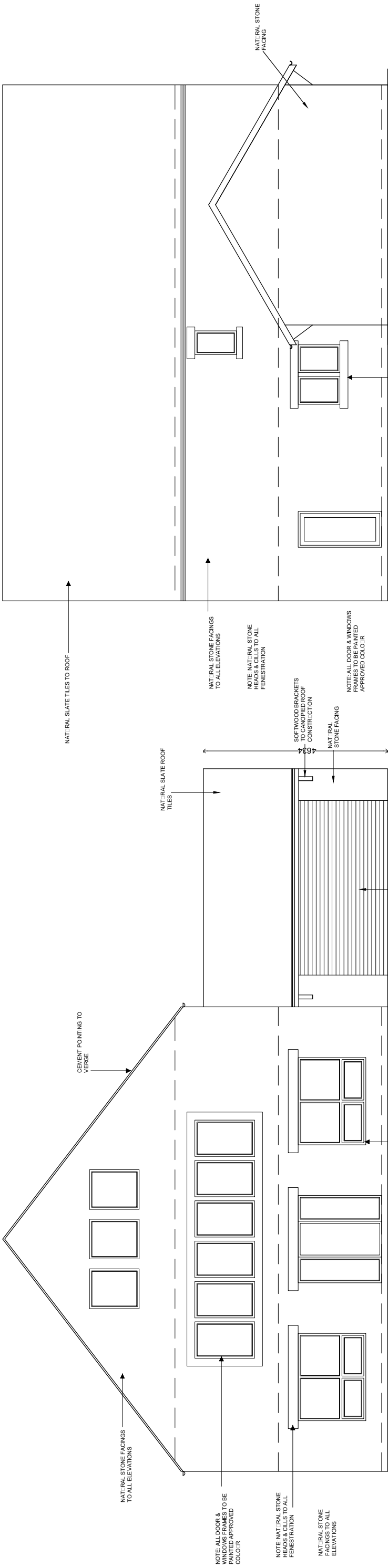
## PLOT 1 - PROPOSED ELEVATIONS

PROPOSED RESIDENTIAL DEVELOPMENT  
HOLE HILL FARM, EDGE LANE,  
BOLTON, BL6 6PR

CLIENT:	CARTER	
DWG NO:	PL K673/03	
SCALE:	1/50 @ A1	
DRAWN BY:	R.S.P.	
DATE:	03/08/15	
REV:	B	

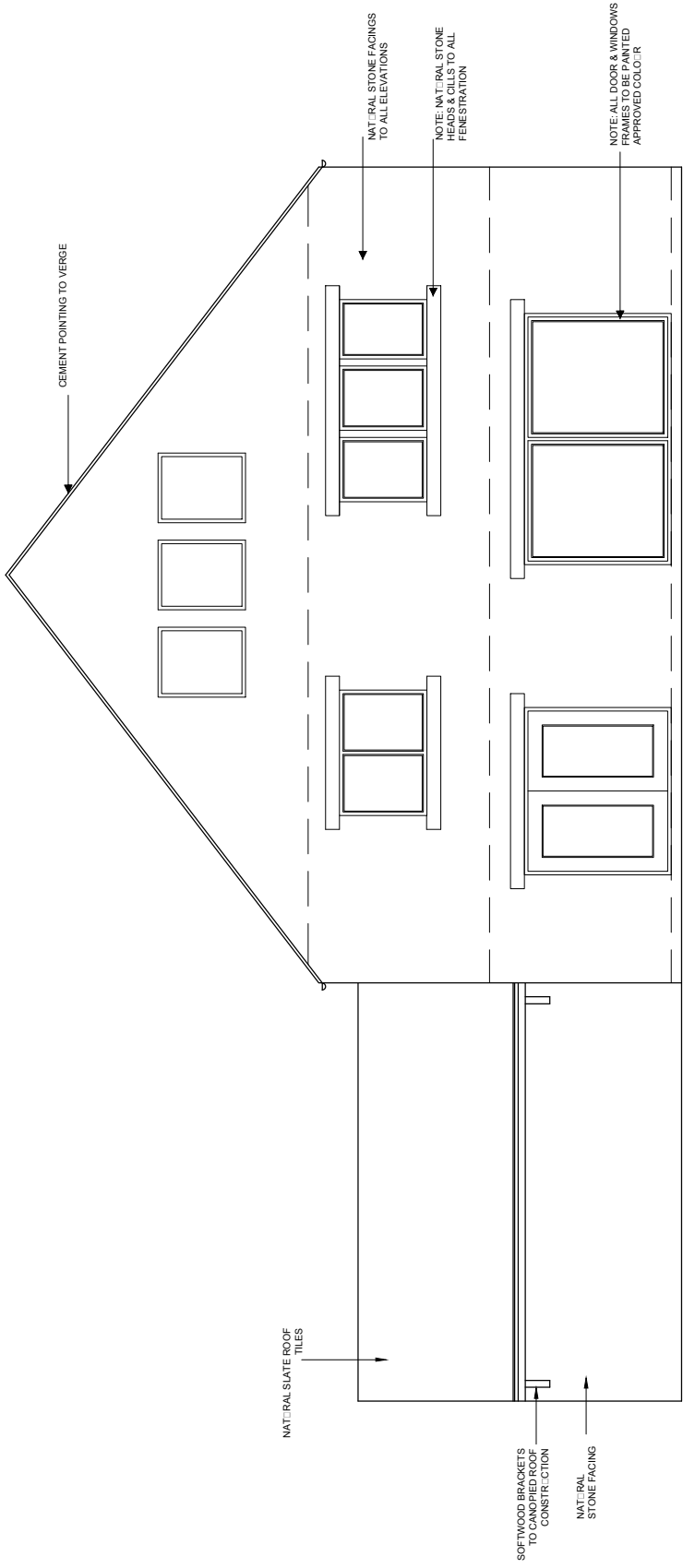


MICHIGAN HOUSE 17-1 CHORLEY NEW ROAD, BOLTON, BL1 4JR  
TEL: 01204 312233 FAX: 01204 528505  
WWW.NEILPIKEARCHITECTURE.CO.UK EMAIL: INFO@NEILPIKEARCHITECTURE.CO.UK  
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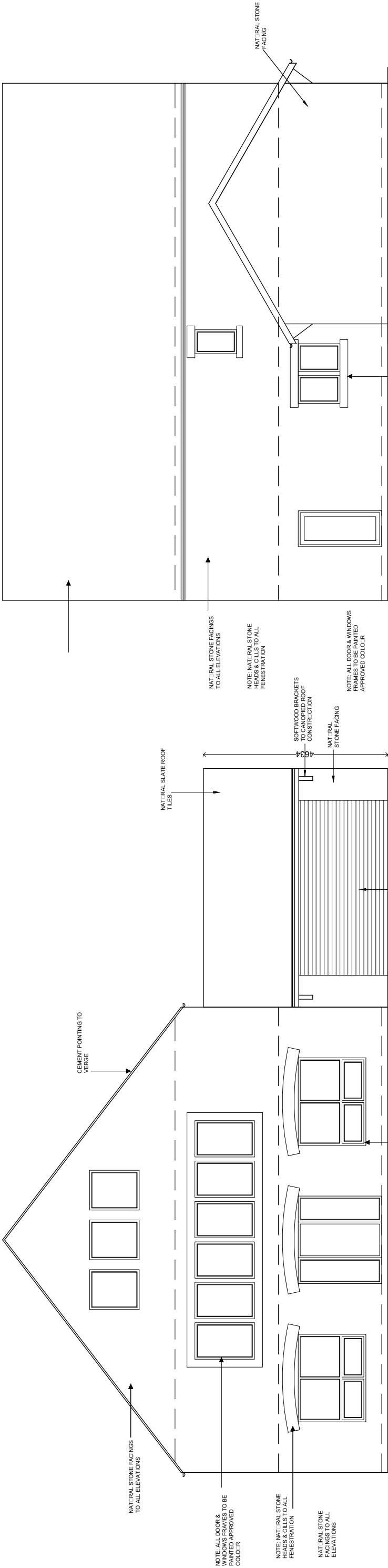
FRONT ELEVATION  
EAST

SIDE ELEVATION



REAR ELEVATION  
WEST

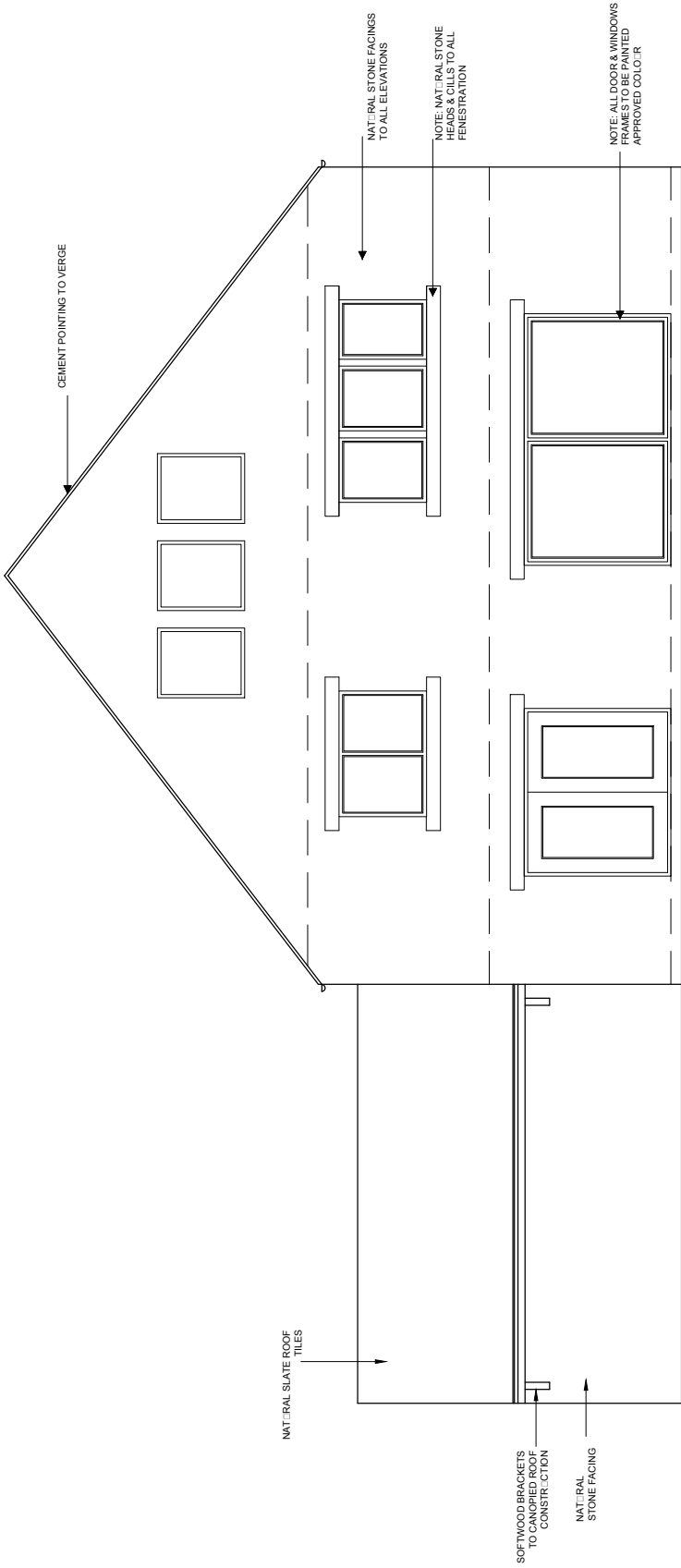
REV	DESCRIPTION
PLOT 2 PROPOSED ELEVATIONS WITH GARAGE	
PROPOSED RESIDENTIAL DEVELOPMENT	
HOLE HILL FARM, EDGE LANE,	
BOLTON, BL6 6PR	
CLIENT:	CARTER
DWG NO:	PL K673/08
SCALE:	1/100 @ A3
DRAWN BY:	R.S.P.
DATE:	03/11/17
REV:	
MICHIGAN HOUSE 17-1 CHORLEY NEW ROAD, BOLTON, BL1 4JR	
WWW.NEILPIKEARCHITECTURE.CO.UK    TEL: 01204 32233    FAX: 01204 528505	
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FRONT ELEVATION  
EAST

SIDE ELEVATION

PLOT 3 FRONT ELEVATION



REAR ELEVATION  
WEST

REV	DESCRIPTION

PLOT 3 PROPOSED ELEVATIONS WITH GARAGE

PROPOSED RESIDENTIAL DEVELOPMENT  
HOLE HILL FARM, EDGE LANE,  
BOLTON, BL6 6PR

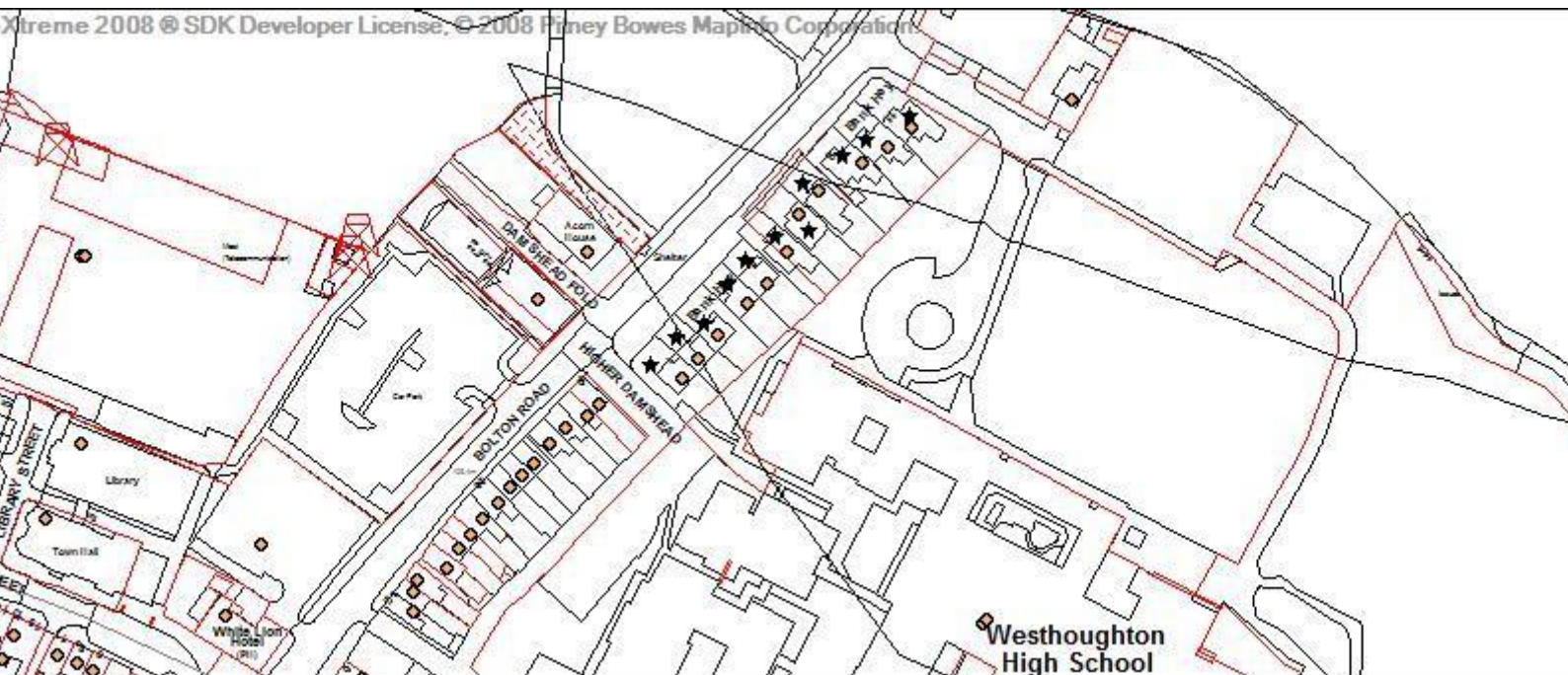
CLIENT:	CARTER
DWG NO:	PL K6730
SCALE:	1/100 @ A3
DRAWN BY:	R.S.P.
DATE:	03/11/17
REV:	



MICHIGAN HOUSE 17-1 CHORLEY NEW ROAD, BOLTON, BL1 4JR  
TEL: 01204 32233 FAX: 01204 528505  
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# Application number 01675/17



Development & Regeneration Dept  
Development Management Section

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

## Bolton Council

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**Date of Meeting:** 16/11/2017

**Application Reference:** 01675/17

**Type of Application:** Full Planning Application  
**Registration Date:** 14/08/2017  
**Decision Due By:** 08/10/2017  
**Responsible Officer:** Monika Dubacka

**Location:** ACORN HOUSE, DAMS HEAD FOLD, WESTHOUGHTON,  
BOLTON, BL5 3JH

**Proposal:** CHANGE OF USE OF LAND TO SOFT AND HARD OUTSIDE PLAY  
AREAS TO INCLUDE ERECTION OF 2.4M HIGH MESH SECURITY  
FENCING

**Ward:** Westhoughton North



**Applicant: Kiddy World Limited t/a Westhoughton Kids Club**  
**Agent : RMB Solicitors Limited**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Proposal**

1. Planning consent is sought for change of use of land, covering 319 sqm in area, to the side of the building to an outdoor play area in association with the existing nursery. The existing play area/car park at the rear would be used for car parking only. The proposed play area would be fitted with removable structures and would be split into three sections including:-
  - toddlers play area
  - pre-schoolers play area
  - out of school club play area
2. The area would be enclosed by 2.4m high fencing that would run to the front, side and rear of the proposed play area and its forward section would be flush with the front elevation of the building. The previously proposed fixed features such as swings, canopy and ramp have been now removed from the proposed plans. No soft landscaping is being proposed at this stage and the rear play area /car park would be solely use for car parking.
3. Councillor Wild has requested that the application be considered by Members at Planning Committee together to fully understand neighbour's concerns and to properly comprehend the proposals in their context.

### **Site Characteristics**

4. The site to which this application relates is undeveloped piece of land to the north-east side of the detached building currently occupied by Acorn House nursery facing a busy Bolton Road (B5235). The existing nursery was granted planning permission in 2008 and operated between 7.30-18:00 Monday to Friday with no openings on weekends and Bank Holidays. The applicant's property adjoins recreation site-Westhoughton Central Park, to the east and north, of which the above mentioned piece of land is part of. To the south-west there is a three storey office building and to the south-east, opposite the side of Bolton Road, there are residential properties at Bolton Road and Bank Hey.

### **Policy**

5. National Planning Policy Framework (NPPF) and Planning Policy for Travellers Sites
6. Core Strategy Policies: P1 Prosperous Bolton; P5 Transport and Accessibility; S1.2 Road Safety; CG1 Cleaner Greener Bolton; CG3 The Built Environment; CG4 Compatible Uses; OA3 Westhoughton.
7. SPD General Design Principles, SPD Accessibility, Transport and Safety

### **Analysis**

8. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals

which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.

9. The main impacts of the proposal are:-

- principle of the development
- impact on the character of the area
- impact on residential amenity
- impact on the highway network
- impact on trees

### **Principle of the Development**

10. According to the National Planning Policy Framework it is necessary when deciding planning applications to establish that the proposed development is sustainable. There are three dimensions to sustainable development - economic, social and environmental - therefore the weight and balance of these should be considered in any planning application. Policy CG1 states (amongst other criteria) that the Council and its partners will safeguard and enhance parks and allow some development of informal green spaces in the urban area, provided that it allows for the improvement of remaining green spaces.

11. The application site is situated within a sustainable area and would be used in association with the existing nursery. With regards to Policy CG1, whilst it is acknowledged that the proposed play area constitutes part of a recreation site, this is a small piece of land outside of the park's fencing creating an informal green space where members of public and children area are already allowed to play. In addition, it is acknowledged that the land in question is owned by the Council and whilst land ownership is not a material planning consideration, the lessee would be paying rent to the Council going forward and the Head of Service for Greenspace is likely to waive any financial contribution for the loss of open space on this occasion.

12. In view of the above it is considered that the proposal is acceptable in principle.

### **Impact on character of the area**

13. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness and will require development to be compatible with the surrounding area.

14. In this instance no changes are proposed to the external appearance of the applicant's building. The proposed change of use would result in a relatively small piece of the grassed area to be covered in hardstanding (likely to be tarmac) and enclosed by 2.4m high mesh fencing, finished in green. The proposed fencing would be set back from the street scene approx. 6m from the back of the adjacent bus stop and would provide security to the site. The fencing would prevent any trespassing at the site and provide improved safety for the children attending the nursery. Having regard to this together with the visual permeability and design of the proposed fencing and a condition ensuring a green colour treatment would help to minimise its visual impact. Given that the adjoining park is also surrounded by metal fencing, it is not considered that the proposed mesh fencing would appear obtrusive or as an incongruous feature within the street scene.

15. The Council's Landscape Development & Design Officers reviewed the submission and confirmed that the site is close to the toddler/junior play area within the park so should not create a different ambience or atmosphere than already exists close by and children already use external

spaces to the rear of the Acorn House site. In addition, a condition has been recommended requesting a landscape scheme to be submitted to ensure that this part of the fence is screened from the street scene by soft landscaping which would lessen its impact on the surrounding area.

16. The proposal is therefore considered to be in accordance with the Core Strategy Policy CG3 and would not harm the visual amenities of the area.

#### **Impact on residential amenity**

17. 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.
18. The proposed fencing along the south-east front boundary would face onto the residential properties located at Bank Hey. At its closest point, the proposed fence would be approximately 29 metres away from the neighbouring residential properties. It would stand at 2.4 metres in height. The visual permeability of the proposed fencing ensures that the neighbouring residents would not experience any loss of amenity by virtue of loss of light, privacy and/or there being an overbearing impact. With regards to the use of the proposed play area, it is acknowledged that the proposal would bring an external play area closer to the neighbouring residential properties. The applicant claims that it is not expected to have more than 20 toddlers and pre-schoolers playing outside at any one time. During term breaks and summer holidays, it is expected that an additional 20 - 30 children will use the play area.
19. The Council's Environmental Health officer raised concerns over noise that could be created from the proposed play area and its impact on the neighbouring properties. The applicant was asked to provide a Noise Assessment. However, in response the agent has stated that:
20. *"We do not expect noise emanating from the play area to be as loud as the noise from the traffic on Bolton Road. Our Children already play at the back of the nursery and we believe this has not been an issue for the past 12 years that the nursery has been in existence. It is not expected that this new proposal will increase the noise level that we have generated since that time; as we are not increasing numbers of children, but merely providing bigger play area for them. The area already benefits from Westhoughton High School opposite, and a Council Play area for children to our left with Bolton Road running in the middle. It is unlikely that the children playing on the proposed play area will be heard by any neighbours"*
21. The Council's Environmental Health reviewed the additional information provided and does not agree with the agent's assumptions that the children using this area are unlikely to be heard at the residential properties directly opposite. The existing Council play area is situated much further away from the residential accommodation and is also within a depression in the land which also provides some attenuation so is unlikely to cause any nuisance. During holiday periods when up to 50 children are using the proposed new play area, the noise from the natural exuberance of children out playing will, in his opinion, be clearly audible both within the property through open windows and within the amenity areas of the properties which would exceed guidelines issued by the World Health Organisation to minimise the impact of noise disturbance on the residential amenity.
22. Whilst the concerns of the Council's Environmental Health Officers are acknowledged, it is also noted that this part of Bolton Road is not a quiet environment. In addition, it is understandable that the residents would value the less noisy aspect to the front and rear of their properties. But

this area, whilst facing on busy road and play area within Westhoughton Central Park, is also dominated to the rear by a school so there is therefore noise at the back from other sources. It is accepted that children can be noisy and the nature of that noise can be irritating but this has to be set against, on the one hand, the benefit of the nursery which appears well run and provides a valuable service in the area. That said regard should still be paid to the living conditions of nearby residents.

23. The restricted size of the garden limits the number of children that could use it at any one time. Notwithstanding this it is accepted the number of outdoor play sessions may also need to increase to ensure that all the children would have an opportunity to go outside. This, in itself, could lead to the use of the garden for longer periods and more disturbance to neighbours.
24. Accordingly, although it is appropriate that there should be controls on noise, it is considered that this would be better achieved by controls on hours of use and use of the garden rather than by preventing an increase in overall pupil numbers. Such conditions would ensure that noise is reduced at times when nearby residents are more likely to be at home. It is also noted that the nursery only operates in weekday with no openings on weekends and Bank Holidays. In addition, given that the proposed play area would be situated some 29 metres away from the closest residential properties, across busy Bolton Road, and the fact that the site of the proposed play area could be already used for play and as such the disturbance would be unlikely to be significantly greater than that which could occur at present.
25. In conclusion, is considered that the proposal would not unacceptably detract from the residential amenity of the neighbouring residential properties in accordance with Policy CG4 of Bolton's Core Strategy

#### Highway Safety

26. Core Strategy policies P5 and S1 seek to ensure that new development proposals provide sufficient parking, servicing arrangements and promote road safety in the design of new developments.
27. The proposal does not seek to increase the pupil capacity of the nursery or increase the footprint of the existing building, and the proposal would not result in any unacceptable impact on highway safety. The proposal is therefore in accordance with the above mentioned policies.

#### Impact on Trees

28. Policy CG1.2 safeguards and enhances 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.
29. Tree & Woodland Manager reviewed the submission and confirmed that:
- there are two Birch trees on the north eastern side of the path that may possibly fall within the influence of the proposed plans. Further detail will be required if the application is approved that shows a method statement to ensure damage is not incurred.
  - there are a number of self-seeded trees on the eastern boundary between the proposed car park and kid's club play area that can be removed and are not worthy of long term retention.
30. Tree & Woodland Manager raised no tree related objections to this application and asked for protective fencing condition to be imposed to safeguard the above mentioned Birch Trees.
31. In view of the above, it is considered that the proposal, subject to recommended conditions, would not unacceptably impact on the surrounding trees in accordance with Policy CG1 of



### **Conclusion**

32. In view of the above, the proposal would enhance the quality of the facility for the users of the nursery and it is not considered that the proposal would have a significant detrimental impact on the amenity of the neighbouring properties, or visual amenity of the locality. The proposal is therefore recommended for approval.

### **Representation and Consultation Annex**

#### **Representations**

##### Letters

Three letters have been received, signed by residents of seven different properties, raising the following issues:

- the proposal might result in anti-social behaviour after the closing hours
- Acorn house does not close during school holidays, thus there will be no break from noise
- nearby bus stop could be used as climbing aid in order to get access on the play area
- people waiting at the bus stop would be intimidating for small children
- there is no demand for the play area as there are other areas in Westhoughton that can be used by nursery
- the proposed play area would generate more noise and disturbance within the area
- the front garden of the building is already neglected, the same will happen to the play area

##### Petitions

One letter was signed by two individual property owners and another one petition was received signed by five individual properties.

##### Town Council

Westhoughton Town Council raised no objections.

##### Elected Members

Cllr Wild raised concerns over impact of the proposal on nearby residents at Bank Hey.

#### **Consultations**

Advice was sought from the following consultees: Design for Security (Greater Manchester Police), Landscape Development & Design, Tree & Woodland Manager, Pollution Control officers and Westhoughton Town Council

#### **Planning History**

80991/08 - change of use to out of school childcare facility (Use Class D1) (including car park to the rear) - Approved with conditions.

**Recommendation:            Approve subject to conditions**

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

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

Reason

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

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

1. The Birch trees within or overhanging the site which are to be retained 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) and in order to comply with Bolton's Core Strategy policies CG1 and CG3

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

- Surface details

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

Reason

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

4. Trees and/or 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 and in order to comply with Core Strategy policies CG1 and CG3.

5. Prior to the development hereby approved being first brought into use, a scheme detailing how parts of the site to be used by play area 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 safeguard the amenity and character of the area in accordance with Core Strategy Policy CG3 of Bolton's Core Strategy.

6. The 2.4m weldmesh fencing hereby approved shall be colour treated with the approved colour RAL 6005 (moss green) prior to installation and shall be maintained as such thereafter.

Reason

To safeguard the amenity of the area in accordance with policy CG3 of Bolton's Core Strategy.

7. The play area, hereby approved, shall not be in use/open except between the hours of 07:30 and 18:00 Monday to Friday. No opening shall take place on Saturdays, Sundays and Bank Holidays.

Reason

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

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

**Diagram 1 received on 03/11/2017**

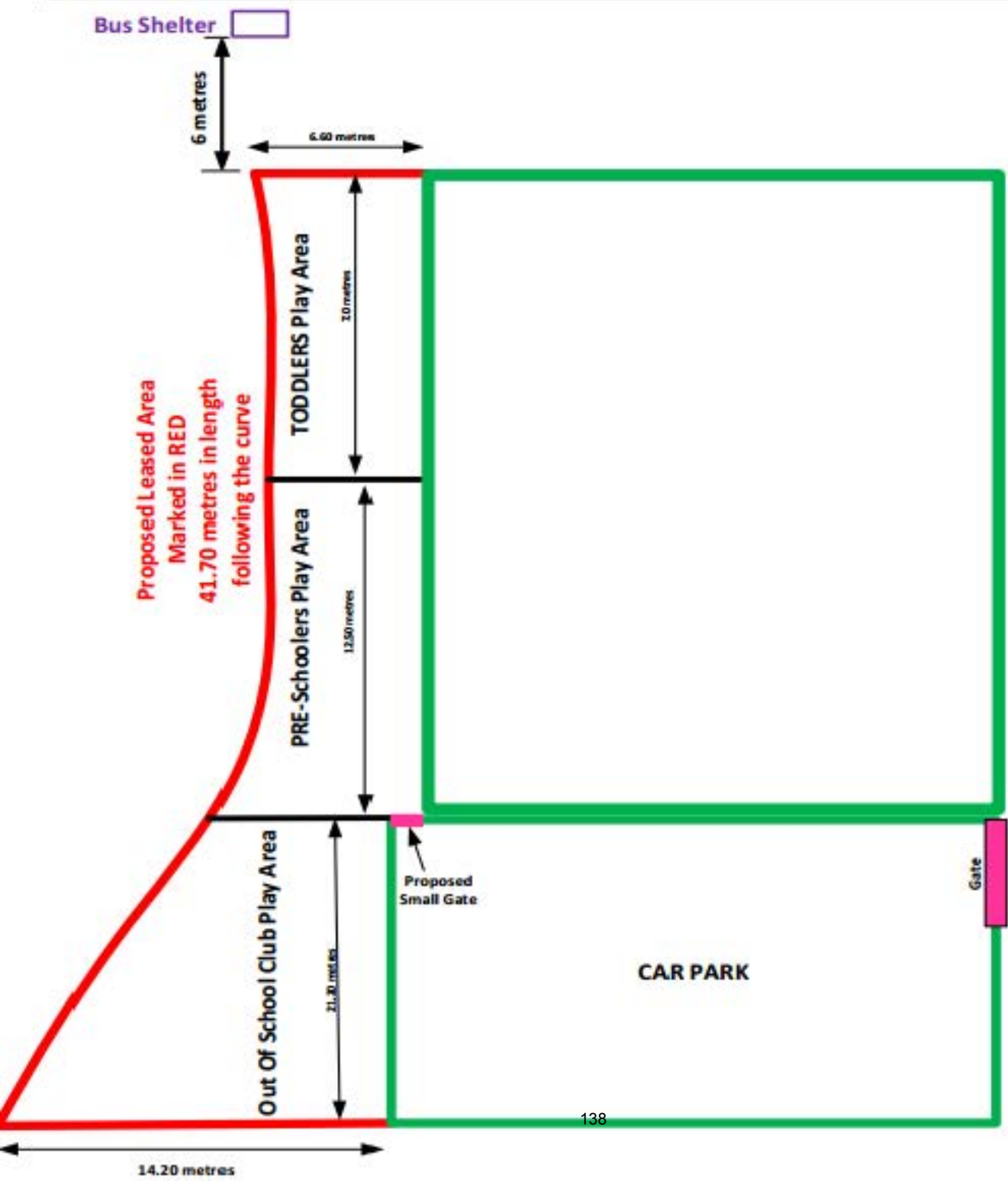
**Location Plan ref. UPRN 02280 dated 07/04/2016**

**Updated Planning Details-Acorn House received on 03/11/2017**

Reason

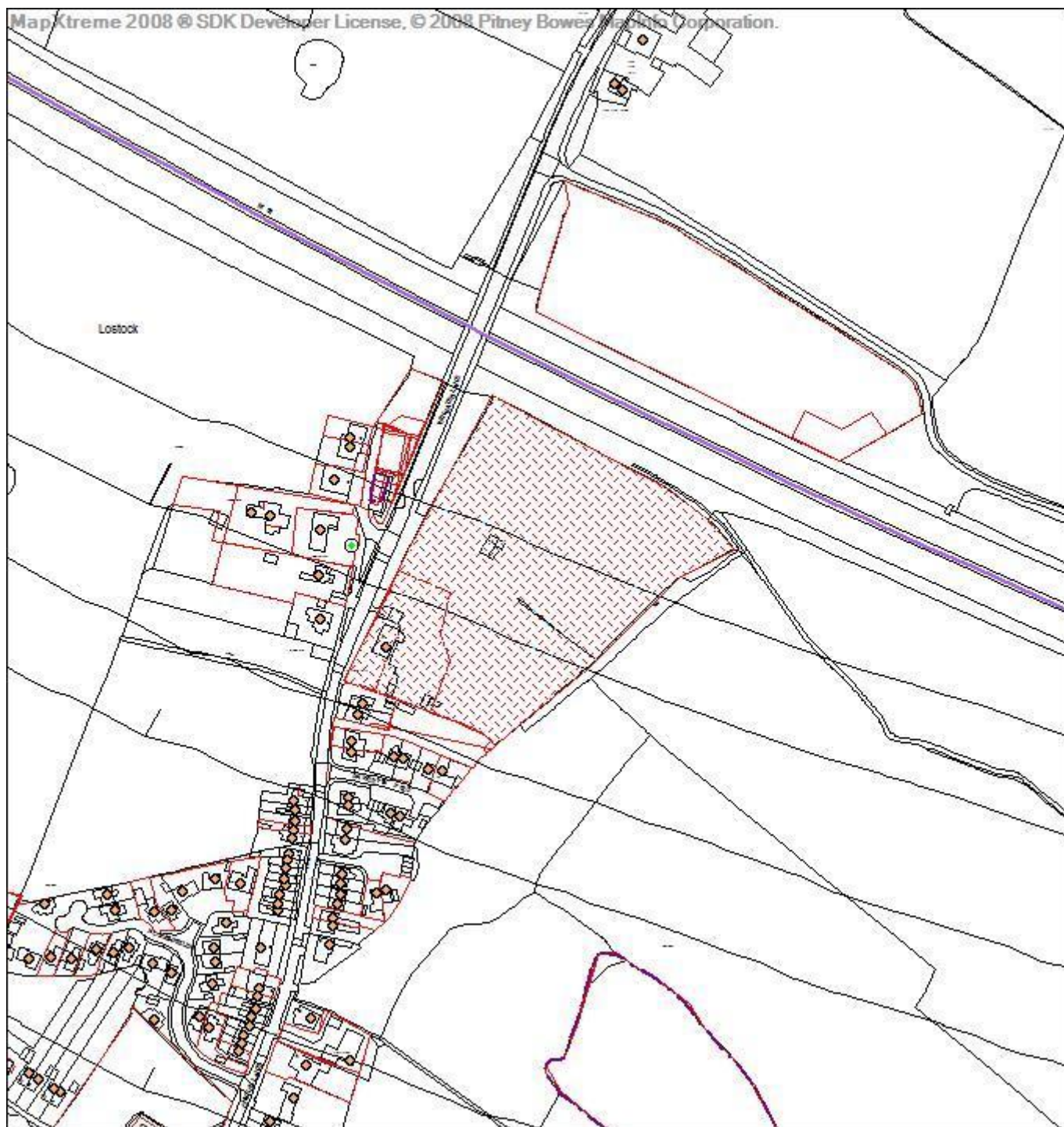
For the avoidance of doubt and in the interests of proper planning.

Bolton Road





**Application number  
00579/17**



**Development & Regeneration Dept  
Development Management Section**

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



**Date of Meeting: 16/11/2017**

**Application Reference: 00579/17**

**Type of Application: Outline Planning Permission**

**Registration Date: 29/03/2017**

**Decision Due By: 27/06/2017**

**Responsible Officer: Jodie Turton**

**Location: HARTLEYS FARM, WINGATES LANE, WESTHOUGHTON, BOLTON, BL5 3LP**

**Proposal: OUTLINE PLANNING PERMISSION FOR THE ERECTION OF UP TO 58NO. RESIDENTIAL DWELLINGS (ACCESS DETAILS ONLY)**

**Ward: Westhoughton North**

**Applicant: Hollins Wingates Ltd**

**Agent : Sedgwick Associates**

## Officers Report

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

## Proposal

1. This is an outline application for the erection of up to 58 residential dwellings. The proposal will establish the principle of the residential development on the site and the approval of access details.
2. Access to the development is proposed from Wingates Lane, directly to the north of the existing bungalow (which is to be retained as part of the development proposal).
3. The application does not seek approval for details of layout, however an indicative layout plan has been provided in order to determine whether the application site can accommodate the number of units being proposed and also due to the fact that the site has a number of constraints, which are material considerations in the determination of this application, in terms of proximity to the motorway and the noise associated with this, the gas pipeline which runs through the site and the easement required along the length of this, also biodiversity issues such as trees and habitats.
4. The gas pipeline runs along the northern section of the site, which is also bound by the M61

motorway. A landscape buffer, open space and areas of car parking are proposed to the northern section of the site, which will not only allow for the easement to the gas pipeline but will also serve to mitigate against the noise and disturbance from the motorway.

5. In order to accommodate up to 58 dwellings the indicative layout shows that the site is suitable for a mix of house types, made up of a small number of apartments, which will be sited to the north eastern and north western corners of the site, detached, semi-detached and terrace properties. It is indicated that the finished scheme would provide up to 21 affordable housing units.
6. This application is being considered by the Planning Committee for decision as this is a major application which has received 13 objections. Councillor Wild has also requested that the application is heard by the Planning Committee for decision and that a site visit is undertaken by Members. Councillor Wild identified primarily highway issues as the reason for the request.

### **Site Characteristics**

7. The application site is located on the eastern side of Wingates Lane and lies immediately to the south of the M61 motorway. The site is located to the north of Westhoughton district centre. At 1.94 hectares, the site is largely an open greenfield site, with a cluster of buildings to the south eastern corner which make up Hartleys Farm and the buildings associated with the garden nursery. The existing bungalow is to be retained as part of the development proposal.
7. A public right of way runs along the eastern outer boundary of the site. To the north the site is bound by the M61 motorway. A gas pipeline lies within the site, running along the northern section of the site parallel to the motorway.
8. Beyond the site to the east is further open land in agricultural use. There is a small area of woodland to the south eastern corner of the site.
9. The application site is allocated as 'Other Protected Open Land' within Bolton's Allocations Plan.

### **Policy**

10. National Planning Policy Framework: 6. Delivering a Wide Choice of High Quality Homes; 7. Requiring Good Design; 11. Conserving and Enhancing the Natural Environment.
11. Core Strategy policy: P5 Accessibility and Transport; S1 Safety; CG1.1 Trees and Woodlands; CG1.5 Flood Risk; CG2 Sustainable Design and Construction; CG3 Design; CG4 Compatible Uses; SC1 Housing; OA3 Westhoughton.
12. Bolton's Allocations Plan policy: 6 Strong and Confident Bolton – Housing; P8AP Public Rights of Way; CG6AP Other Protected Open Land.
13. Supplementary Planning Documents: General Design Principles; Accessibility, Transport and Safety; Sustainable Design and Construction.

### **Analysis**

14. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission.

15. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.

16. The main impacts of the proposal are:-

- \* principal of residential development
- \* impact on the highway
- \* impact on the character and appearance of the area
- \* impact on the amenity of neighbouring and future residents
- \* impact on trees
- \* impact on biodiversity
- \* impact on drainage and flood risk
- \* impact on public rights of way
- \* impact on the gas pipeline
- \* sustainable design and construction
- \* impact on local infrastructure
- \* whether the proposal constitutes sustainable development
- \* benefits of the proposal

#### Principal of Residential Development

17. The application site is allocated within Bolton's Allocations Plan as 'Other Protected Open Land'. Protected Open Land is defined within paragraph 5.12 of the Allocations Plan as countryside that is not within the Green Belt but is protected from inappropriate development.

18. Allocations Plan Policy CG6AP states that the Council will permit development proposals within the defined areas of Protected Open Land shown on the Proposals Map provided that they fall within one or more of the following categories:

- the development represents limited infilling within an established housing or industrial area, is in scale with it and would not adversely affect its character or surroundings; or
- it forms part of, and is required for, the maintenance of an existing source of employment; or
- the development requires a location outside the urban area, but is inappropriate within the Green Belt, and providing it maintains the character and appearance of the countryside; or
- the development would be appropriate within the Green Belt.

19. The proposed residential development of the application site does not fall within any of the four categories within Policy CG6AP and therefore, by definition, represents inappropriate development of 'Other Protected Open land', contrary to Allocations Plan Policy CG6AP.

20. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan (that is, for Bolton, the Core Strategy, the Allocations Plan and the Greater Manchester Joint Minerals Plan,) *unless material considerations indicate otherwise*.

21. The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making however it is a material consideration. Whether Bolton Council can demonstrate a five year supply of deliverable housing land is also a material consideration relevant to the housing supply policies.

22. Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against the



local planning authorities' housing requirements, with an additional buffer. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Where policies relating to the supply of housing are out-of-date (as a result of not having a five year supply of deliverable housing land), the second bullet point of Paragraph 14 of the NPPF is triggered, which affirms that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

23. Members will be aware that recent appeal decisions have overturned the Council's refusal of planning applications on sites designated as Other Protected Open Land due to the Council's shortfall in provision of a five year supply of deliverable housing sites:

*Bowlands Hey, Westhoughton (APP/N4205/W/17/3167848)*

24. The Planning Inspector concluded that Bolton Council cannot currently demonstrate a 5 year supply of deliverable housing land (Housing Land Supply – HLS). It was agreed that the Council has a 3.1 year supply. The Inspector stated that, "the degree of the HLS shortfall indicates to me that the Council's development plan policies are not functioning to achieve the Framework objective to boost significantly the supply of housing." On the basis of this and following the judgement of the Supreme Court on 10 May 2017, which ruled that where there was an absence of a 5-year HLS paragraph 14 of the NPPF should be engaged, the Inspector gave limited weight to policies OA3 and CG6AP in the consideration of the appeal. Limited weight was also given to strategic objective SO15.

*Hill Lane, Blackrod (APP/N4205/W/15/3136446)*

25. The Planning Inspector concluded that Bolton Council only had between a 2 and 3.4 year supply of deliverable housing sites (April 2016). The Inspector stated, "...it is clear that the Council cannot currently demonstrate a five year supply of deliverable housing land by some considerable margin." She therefore concluded, having regard to paragraphs 47 and 49 of the NPPF, that the relevant policies for the supply of housing (including Policy CG6AP of the Core Strategy) are not up-to-date and therefore carry very limited weight.

26. Despite these appeal decisions, the Council has recently successfully defended an appeal for housing on land designated as 'Other Protected Open Land' (*Land off Dixon Street, Westhoughton (APP/N4205/W/16/3162124)*). The Inspector acknowledged the Council's HLS shortfall and therefore stated that, "according to paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up-to-date. In this situation paragraph 14 of the Framework states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in the Framework taken as a whole." The benefits were identified as the provision of up to 14 dwellings, however the Inspector considered this benefit to be significantly outweighed by the identified harm to the character and appearance of the area and the reasonable likelihood of protected species being present and affected by the development.

27. The latest assessments of which sites are deliverable within the five year period show that Bolton remains significantly short of the five year requirement required by national planning policy. These sites have been re-examined against the deliverability tests in national policy, which are that sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the sites within five years and in particular that the development of the sites is viable.

28. Therefore whilst the proposal conflicts with Policy CG6AP of Bolton's Allocations Plan, as Policy

CG6AP is a relevant policy for the supply of housing (as its purpose in part is to restrict housing development on 'Other Protected Open Land') and as the Council is unable to demonstrate a five year supply of deliverable housing sites in the borough, paragraph 49 of the NPPF states that it must therefore be considered to be out-of-date and (as confirmed by the Planning Inspectors in the appeals detailed above) can only carry very limited weight in the assessment of planning applications for residential development. This means that Paragraph 14 of the NPPF applies whereby permission should be granted unless adverse impacts outweigh the benefits.

29. Thus it is considered that in accordance with NPPF, as the relevant housing supply policies are out of date, there is a presumption in favour of approving the principle of developing the application site for housing unless the other impacts of the development are so harmful as to outweigh the benefits associated with the development. This material consideration is considered to outweigh the housing supply policies in the development plan.

#### Impact on the Highway

30. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3). Policy S1.2 states that the Council will promote road safety in the design of new development.
31. Local residents have raised significant concerns and objections to the application regarding the potential impact of the development on the highway network. The main concern relates to the potential increase in the amount of traffic passing along Wingates Lane/Church Lane which is a narrow road which struggles to cope with the amount of traffic using it currently.
32. A Transport Statement (TS) has been submitted with the application in order to substantiate the development from a highways perspective. Highway Engineers have confirmed that, "the information submitted with the TS appears to demonstrate that the traffic generation associated with the proposed development can be potentially accommodated without detriment to the operational capacity or safety of the local highway network surrounding the site."
33. Given the location of the site on the edge of the town of Westhoughton, which has a range of shops, schools, dentists, doctors and other essential amenities, as well as railway stations and the town is well served by buses, the site is considered to be in a sustainable location. The site is considered to be compliant with the requirement indicated in paragraph 32 of the NPPF in terms of transport impact/provision.
34. In their assessment Highway Engineers do acknowledge the existing highway situation on Church Lane, stating that, "owing to the nature of the properties on Church Lane there is a reliance on on-street parking fronting the properties which does reduce the running lane width for vehicles at that location. This is an existing situation which cannot be rectified owing to the terraced nature of some of the properties having no off-road parking provision." On this basis, Highway Engineers do not consider there to be any measures that can be taken to improve the existing highway situation along Church Lane. Furthermore, the TS has identified a low level of traffic generation from the development, therefore Highway Engineers are satisfied that, "there will potentially be a limited impact on the congestion issues caused by the existing on-street parking situation to warrant any additional concern".
35. During the application process an amended access plan was submitted, which made a minor alteration to the location of the access point from Wingates Lane. The proposed access from the site complies with the Council's standards for adoption and the visibility requirements are acceptable and in line with the requirements under the Manual for Streets for the speed of the

road in question.

36. At reserved matters stage a full appraisal of the internal road layout of the residential development will be required to ensure that it can be brought forward for adoption by the Highways Authority.
37. The indicative layout indicates that there will be a dedicated parking zone in the northern section of the site. There will also be parking for a large proportion of individual dwellings. A condition will be required to ensure that the reserved matters proposal complies with the Council's parking standards for the size of the residential properties proposed.
38. The principle of developing the site for up to 58 dwellings is considered to be acceptable in highway terms with regard to the proposed access arrangements and the impact on the surrounding highway network, the proposal thereby complies with Core Strategy policy S1 and P5.

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

39. Paragraph 56 of the NPPF states that 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.
40. Policy CG3 of Bolton's 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.
41. Policy OA3 identifies Westhoughton as a traditional town centre with a wide variety of housing. The policy recognises the pressure for housing development in and around the town. Paragraph 3 of the policy seeks to concentrate sites for new housing in Westhoughton town centre and on other sites within the existing urban area. Para. 6 seeks to, "ensure Protected Open Land around Westhoughton remains undeveloped."
42. This is an outline application, therefore the details of house design and layout (other than consideration of the indicative layout) cannot be considered at this stage. However, it is important to consider the very principle of the residential development of the site, which will result in a fundamental alteration to the built and natural environment in this location.
43. The application site is previously undeveloped (greenfield) land and is allocated within Bolton's Allocations Plan as "Other Protected Open Land". The application site extends along the eastern side of Wingates Lane up to the motorway. To the south of the application site is the edge of the urban development of Westhoughton, which has developed in ribbon form along Wingates Lane. The built form of Westhoughton continues along the opposite side of Wingates Lane, ending at a similar point to that of the development proposed. The proposed development can therefore be largely considered to be a continuation of the existing built area of the town. It is acknowledged that the site does somewhat fan out from the outer edge of the existing built form, which would result in a larger extension to the urban area than would perhaps organically develop. However, it is also acknowledged that the motorway forms a natural boundary to the site to the north and the existing public footpath creates a further boundary to the east.
44. Given that other than the small cluster of existing buildings at the site's access the site is greenfield, the development will inevitably significantly change the character and appearance of

the site and the appearance of the streetscene. Along the boundary with Wingates Lane is a mature hedge and trees which serves to screen much of the site from viewpoints along the road. The indicative layout proposed shows the retention/strengthening of this boundary treatment which is considered an important factor in softening any future development and reducing the impact of this on the streetscene.

45. The indicative layout also shows the strengthening of landscaping along the northern boundary with the motorway and the eastern boundary adjacent to the public footpath which bounds the site along the eastern boundary.

#### Impact on the Amenity of Neighbouring and Future Residents

46. 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 General Design Principles sets out the Council's minimum interface distance requirements between new dwellings and neighbouring dwellings.
47. The internal layout of the proposed development indicates that up to 58 dwellings can be accommodated on the site comfortably. It is important to ensure at reserved matters stage that interface distances within the development and from the development to properties outside of the site are met. Furthermore, appropriate garden sizes and amenity space for the proposed apartments should also be met.
48. Concerns have been raised from residents about the increase in traffic and the resultant pollution caused by car engines. It is acknowledged that there will be an increase in traffic from the proposed development, however the submitted TS considers this to be negligible in terms of the overall traffic using Wingates Lane and Church Lane.

#### *Noise*

49. The northern boundary of the application site abuts the M61 motorway. The indicative site layout has been designed to show how the site can be developed by leaving a buffer between the motorway and the residential properties to reduce the impact of the motorway in terms of noise and disturbance on the future residents.
50. The submitted Noise Impact Assessment confirms that external and internal noise levels for future residents are acceptable and do not exceed the criteria detailed in the relevant legislation. In designing the development the applicant is required to ensure that good acoustic design is inherent within the design of the scheme and that all reasonably possible has been done to ensure that the noise levels are the 'lowest practicable' in line with the national guidance (BS8233.2014).
51. The indicative layout of the scheme has been designed from an acoustics perspective and the Noise Impact Assessment commits to the following mitigation measures:
52. The dwellings (apartment blocks) closest to the M61 will act as a noise barrier, with gardens to the rear of the dwellings.
- An acoustic bund of 4.5m in height is proposed along the boundary with the M61 motorway.
  - Glazing specifications are recommended on a plot by plot basis - upgraded glazing/acoustic glazing is specified for certain dwellings.
  - Alternative ventilation is specified for certain dwellings where, if a window is opened, an exceedance of the internal criteria level will be observed.
  - Strategic orientation of buildings / garden areas.
  - Acoustic fences where required.



- Standard thermal glazing and acoustic glazing where required.
- The Council's Pollution Control Officers have confirmed that they are satisfied with the proposed mitigation measures and that the noise levels within the amenity areas and within the buildings are the lowest achievable levels for this site. The submitted Noise Impact Assessment is to be conditioned to ensure that all of the measures recommended are adhered to in the development of the site.

53. The proposed development is considered to comply with Bolton's Core Strategy policy CG4.

#### Impact on Trees

54. 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.

55. A Tree Survey has been submitted with the application. The survey identifies the form and condition of the trees across the whole site and identifies which trees are to be retained and which will need to be removed if the site is developed as proposed. The Council's Tree and Woodland Officers (CTWO) have assessed the report and have visited the site to determine the condition and location of the trees as well as the acceptability of the proposed tree removals.

56. The CTWO has identified key trees and areas where the existing landscaping has important amenity value to the area. Of note is the hedgerow along the site frontage with Wingates Lane which should be retained, as well as a mature Sycamore tree close to the site entrance. In addition, the cluster of trees to the north west corner of the site should be maintained to afford screening for the development.

57. Protective fencing will be required to ensure the protection of the trees proposed for retention during the development process and depending on the proposed layout at reserved matters stage, a no dig method will be required in the construction of some of the hardstandings to ensure that the root protection zones of trees to be retained and in particular the hedgerow to the western site frontage are not damaged.

58. The proposed acoustic bund to the northern boundary with the M61 motorway will result in the some tree losses, however it is noted that these trees are of generally lower category trees of poorer form and condition. The indicative layout shows further planting along the northern boundary.

59. It is acknowledged that a number of trees will be lost within the site, as well as some trees around the periphery of the site. The indicative layout does show that tree cover around the northern and eastern boundaries will be strengthened which will serve to screen and soften the development within the surrounding landscape. The retention of the hedges to the western boundary with Wingates Lane is considered essential to soften and integrate the development with the surrounding residential environment.

60. Whilst it is accepted that trees will be lost to allow the site to be developed for residential use, it will be essential to follow the advice of the CTWO and the submitted tree survey, to ensure that tree loss is minimised, the hedgerows are protected and further tree planting and landscaping are undertaken to ensure the integration of the development with the surrounding area and to enhance the ecological offer of the site in the longer term. Conditions are recommended for protective fencing and details of no dig methodologies to be submitted and approved to safeguard those trees and hedgerows to be retained, in addition to a landscape plan which will

ensure that additional and replacement tree planting is undertaken.

61. It is considered that the proposed development would not result in the unacceptable loss of trees from the site and therefore would, subject to the suggested conditions, comply with Policy CG1.2 of the Core Strategy.

#### Impact on Biodiversity

62. 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.
63. Residents have raised concerns about the loss of this greenfield site and the impact of the development on wildlife. They have identified the site as being important for visiting deer, rabbits, foxes, birds (including some protected species and nesting buzzards), and possibly Great Crested Newts. Furthermore, residents consider this to be an important buffer to the motorway, providing a vital wildlife corridor and important habitat for various species.
64. An ecology survey was submitted with the application, the survey concluded that the development of the site, "could be achieved with no adverse effect on designated sites for nature conservation, ecologically valuable habitats and protected species". The ecology survey does, however, recommend a number of measures for the protection of ecological features and species on the site, these include the protection of hedgerows, trees and scrub.
65. Greater Manchester Ecology Unit and the Council's Greenspace section have been consulted on the application proposal. They are satisfied with the recommendations of the submitted ecology report and raise no objections to the development of the site for residential use, on the basis that a number of conditions are included to ensure that the impact of the proposal is minimised on wildlife and biodiversity in the area. Biodiversity enhancement measures are also recommended in relation to bats, birds and landscape planting, which will be conditioned for submission with the reserved matters application.
66. It is acknowledged that the site in its current state has the potential to host nesting birds. An informative is therefore recommended to advise the applicant on the time of year that works of demolition or clearance can be undertaken. Lighting at the development should be designed so as to minimise the impact on bats and a condition is recommended to address this.
67. Great Crested Newts have not been found on the site. There are no ponds or permanent water bodies within the site. Nearby ponds were surveyed for the presence of Great Crested Newts and none were found in any of the ponds in a 519 metre radius of the site, and there are no known sightings of GCN within a radius of at least 800 metres of the site. The ecological survey concluded that, "the risk of GCN within the site is negligible and adverse impacts on GCN and their habitats is not reasonably likely".
68. Both Greater Manchester Ecology Unit and the Council's Wildlife Liaison Officer raise no objection to the proposed development. It is therefore considered that the proposed development complies with Policy CG1.2 of Bolton's Core Strategy.

#### Impact on Drainage and Flood Risk

69. Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.

Policy CG2.2c states that all proposals for five or more residential units should demonstrate the sustainable management of surface water run-off from developments. On greenfield sites the rate of run-off should be no worse than the original conditions before development.

70. A flood risk assessment and drainage management plan has been submitted with the application. Neighbouring residents raise concerns about drainage from the site and issues of surface water flooding in the nearby area. Policy CG2.2c makes the requirement for the run-off rate of greenfield sites to be no worse than the original conditions before development, any issues of surface water run-off from the site and flooding of nearby roads should therefore be no worse than the existing situation.
71. Officers of the Council's Floodrisk and Drainage team have been consulted on the application. They are satisfied with the submitted information and confirm that the submitted Flood Risk Assessment has addressed the key points required at outline application stage. Details of the surface water strategy must be submitted at the detailed design stage of the development.
72. The proposal is considered to comply with Core Strategy policies CG1.5 and CG2.2c.

#### Impact on Public Rights of Way

73. Allocations Plan Policy P8AP states that the Council will permit development proposals affecting public rights of way provided that the integrity of the right of way is retained.
74. A public right of way (Bolton 361) runs along the eastern boundary of the site. As this is outside of the application site it should not be affected by the proposed development. The indicative layout suggests strengthening the boundary planting along the side of the footpath, which should improve the footpath environment once the development is complete. The indicative layout also suggests a link from the development to the footpath, which will be of benefit to future residents of the application site and existing residents in the nearby area.

75. The proposal complies with Allocations Plan Policy P8AP.

#### Impact on the Gas Pipeline

76. Paragraph 4.46 and Policy CG4 of the Core Strategy recognise the impact of development proposals on existing uses and features; recognising that it is important to avoid siting sensitive development (such as residential) close to other uses which may have impacts upon it.
77. A gas pipeline runs along the northern section of the site. This runs adjacent to the line of the motorway. No building will be permitted over or in close proximity to the pipeline to avoid damage to it and on future residents, and to allow for essential access to the pipeline. The HSE have been consulted on the application and they are satisfied that the indicative layout gives enough clearance to the pipeline to be safe and to allow access to the pipeline.
78. The proposal is considered to be acceptable in this respect and complies with policy CG4.

#### Sustainable Design and Construction

79. Bolton's Core Strategy policy CG1.6 seeks to ensure that developments work towards minimising energy requirements, improving energy efficiency, lessening the reliance on fossil fuel-based energy and reducing carbon dioxide (CO<sub>2</sub>) emissions. Policy CG2.2(b) applies to residential developments of 5 units or more and requires those developments to incorporate appropriate decentralised, renewable or low carbon energy sources to reduce the CO<sub>2</sub> emissions of predicted regulated and unregulated energy use by at least 10%. The LPA will also accept means of built fabric improvements to achieve the 10% reduction.

80. The SPD "Sustainable Design and Construction" supports these policy aims and also stresses the importance of designing into the scheme at an early stage sustainability measures. A condition is therefore recommended to ensure that the reserved matters submission includes details of the sustainability measures that are to be undertaken, to ensure that these are thought about at an early stage and built into the overall design of the scheme.

#### Impact on Local Infrastructure

81. Policy IPC1 of the Core Strategy states that the Council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. In doing so, the Council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development.

82. Policy H1 of the Core Strategy states that the Council will ensure that new developments contribute appropriately through planning contributions to meet the health needs that they generate. Policy A1 states that the Council will ensure that new developments contribute appropriately through planning contributions to meet the educational and training needs that they generate. Policy SC1 requires that on greenfield land (which the application site is) 35% of the total dwelling provision should be affordable.

83. The Council's SPD Infrastructure and Planning Contributions provides further guidance to support the delivery of infrastructure and the implementation of Core Strategy Policy IPC1. SPD Affordable Housing provides further guidance with regard to the provision of affordable housing and the implementation of Core Strategy Policies IPC1 and SC1.

Affordable Housing:	35% of the dwellings will be affordable units (if 58 units are built 21 will be affordable)
Education:	£2,898 per unit (primary provision) £3,025.09 per unit (secondary provision)
Open/amenity space: (off site)	£1,408 per unit
Health:	£700 per unit

The applicant has agreed to all of the required commuted sums.

#### *Education*

84. The commuted sum amount is required for a primary and secondary school in the West school planning area. The schools identified are the Gates Primary School and Westhoughton High School.

#### *Public Open Space*

85. The commuted sum amount would be used at the Holden Lea play area and MUGA, to refresh the existing facility.

#### *Health*

86. Bolton CCG has confirmed that, "increases in the local population as a result of house building will have an impact on health service provision across Bolton. They calculate that there would be a net increase of 170 patients for this specific proposal. The local immediate impact will be on Primary Care services. We confirm that the Section 106 levy of £700 per household calculated on 58 households (£40,600) will be used to invest in enabling the local primary care services to accommodate this increase in population. This will involve investment in



Westhoughton health buildings which currently houses two practices. The precise capital scheme will be determined following more detailed assessment of likely patient catchment areas and flows."

#### *Public Art*

87. Policy IPC1 of the Core Strategy states that the Council will also expect public art for all development over one hectare in area. SPD Infrastructure and Planning Contributions advises that artwork should be incorporated as an integral part of the design of a development, whereby its implementation will be condition of the planning approval. A planning condition is therefore suggested for the construction of some form of public art on the site, should the application be approved.

#### Whether the Proposal Constitutes Sustainable Development

88. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
89. Paragraph 7 of the NPPF sets out the three dimensions of sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role. These roles are mutually dependent and should be jointly sought.
90. It is considered that the proposal would constitute sustainable development by providing sufficient land to meet housing requirements and providing sufficient infrastructure to meet the requirements of the new development, whilst providing new homes to meet the needs of present and future generations and creating a high quality built environment.
91. It is considered that the application site is in a reasonably sustainable location, within walking/cycling distance of Westhoughton centre where there are bus links.
92. It is therefore considered that the proposal constitutes sustainable development.

#### Benefits of the Proposal

93. The proposed development would contribute to the supply of housing, which is a significant benefit of the proposal and one which should be attached great weight given the national requirement to significantly boost the supply of housing and the Council's shortage of deliverable housing land supply.
94. The proposal would have economic benefits, providing employment opportunities and support for local businesses and services, initially during the construction phase and then following during occupation.

#### **Local finance considerations**

95. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The following is considered to be a local financial consideration in this case:
96. New Homes Bonus for the 58 proposed dwellings – this is not a material planning consideration.

#### **Conclusion**

97. The application proposes 58 residential dwellings on a site accessed via Wingates Lane/Church Lane, Westhoughton. The site largely comprises an open field, which is designated within Bolton's Allocations Plan as 'Other Protected Open Land', there are a small cluster of buildings at

the existing site entrance, one of which is to be retained.

98. Given the fact that Bolton Council does not have a 5-year housing land supply, the second bullet point of paragraph 14 of the NPPF is relevant, (this is in cases where policies relating to the supply of housing are out-of-date (as a result of not having a five year supply of deliverable housing land)), which affirms that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
99. Having assessed the application proposal, it is not considered that there are any adverse impacts of granting planning permission for the residential development of the site which would significantly and demonstrably outweigh the benefits of granting permission for the 58 residential dwellings as proposed. In coming to this conclusion, issues of impact on the highway and the introduction of further traffic onto the already congested Church Lane/Wingates Lane has been considered. Highway Engineers are however in agreement with the conclusions of the submitted Transport Statement in that the increase in traffic from the proposed development could be accommodated within the highway network without impacting detrimentally on the highway or safety.
100. In addition, issues of impact on the gas pipeline, drainage, ecology, impact on trees, the character of the area, impact on existing and future residents (of particular note is noise from the motorway for future residents), have all been considered and in all considerations policy requirements have been met and no adverse impacts have been identified which would significantly or demonstrably outweigh the benefits of the development of the site for residential development.
101. Taking all of this information into consideration, the proposed development is considered to comply with the guidance contained in the NPPF and meets the policy requirements of Bolton's Core Strategy. Members are therefore recommended to delegate the decision to the Director for the S106 Agreement to be confirmed.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** 13 letters have been receiving objecting to the application. The issues raised are summarised as follows and have been addressed in the main body of the report:

#### **Highways**

100. Wingates Lane and Church Lane are both narrow and struggle to cope with the traffic at peak times. Building more houses would add to this problem.

- Construction traffic would cause major problems.
- Traffic in the area is congested and severe.
- Wingates Lane is extremely restricted due to the layout and increased traffic from Middlebrook.
- Traffic and heavy goods vehicles often have to mount the pavement to pass through. Bollards have had to be erected in locations for pedestrian safety.
- Wingates Lane is used as a rat run to Middlebrook.
- The terrace housing has no off street parking therefore residents park on the street, which reduces Wingates Lane to a single carriageway. Everyday this results in congestion and road rage.
- Concerns about access for emergency services along Wingates Lane.
- Pedestrians are forced to walk in the road due to the narrowness of the lane and parked vehicles.
- The proposed access is in a dangerous location.
- The highway report is flawed.
- Although no accidents have been reported, near misses and missing wing mirrors, scratches to cars and abuse to pedestrians (just walking on the pavement when a car mounts it), etc are not reported.
- The lane has a 20mph speed restriction which is not adhered to.
- The lane is in very poor condition – including drainage and can't take any more traffic.
- The residents would have to endure first construction traffic and then most likely somewhere between 58 and 116 extra cars using this narrow road.
- If a different access point could be used (maybe Wingates Square or St Johns Court) then the traffic problems would not have to be increased.

#### **Greenfield Land/Wildlife**

- Greenfield land.
- The site has an abundance of wildlife including regular sitings of deer, rabbits, foxes, barn owls, birds (willow tit, reed bunting, peregrine falcon and nesting buzzards), pond life and possibly Great Crested Newts.
- The proposed development goes right down to the motorway – whatever happened to the plan that land either side of the motorway would be treated as a wildlife corridor.
- The environmental effect of building so many houses on what is a natural wildlife habitat within the boundaries of woodland copse.
- Greenfield sites are the cheaper option for developers – bigger profit.
- Fifty trees have been identified on the site which may have to be felled, together with the loss of some hedgerows. These provide vital nesting, breeding and feeding areas for birds and animals.

#### **Impact on the Character of the Area**

- The erection of 58 houses is excessive, inappropriate and totally out of character with the area. Wingates Lane is largely rural with low density housing.
- A high density estate of 58 houses some of which will be 3-storey and apartments will be

entirely out of keeping with the rural aspect of the area and will have a detrimental visual impact.

#### Drainage

- The drain from the M61 motorway is on the field being considered for development. There are incidents of flooding following heavy rain in the area. Further development would change the dynamics of flood water management.
- During periods of wet weather there are incidents of surface water flooding.
- Concerns about flooding – properties on Fawcetts Fold have had to install a sump and submerged pump to alleviate flooding. With the proposed loss of the fields drainage the pump may not cope with the flooding that will occur on Fawcetts Fold.

#### Residential Amenity

- 58 dwellings will dominate the area – the whole of Wingates Lane has only 54 dwellings currently.
- Noise levels are bad enough living 300 metres from the busy M61 motorway.
- Concerns about car headlights shining into their property which is directly opposite the site access and causing disturbance.
- Greenspace is needed for health and mental well-being of populations. To build and therefore remove such areas is against Green Belt legislation and would directly impact upon the well-being of residents.
- Doctors and dentists are already full and school places are fought for.
- Traffic along Wingates Lane, especially during rush hour can be at a standstill causing pollution from idling vehicles.

#### Housing Provision

- The residents of Wingates Lane and Fawcett Fold are already reeling for the potential impact of Greater Manchester Spatial Strategy.
- Bolton Planning Committee have previously refused planning applications for dwellings at the rear of Dixon Street and 13 dwellings on Wingates Lane for conversion of a caravan storage site (Green Belt).
- The land is allocated as 'Other Protected Open Land' under the Bolton Allocations Plan – there is enough allocated building land in Bolton for future needs and brownfield sites should be considered first for development.

#### Other

- Property developers have no regard for local objections, they only care about profit with no regard to the local community.
- Surely developers must be made to address the local infrastructure – road network, schooling, health care, policing, leisure activities before any more housing.

#### Other non-material planning issues raised:

- Chaos of development during construction.
- There is a weight restriction on the lane – how will construction traffic access the site and for how long? The bin wagon has difficulty accessing Fawcetts Fold as it is.

**Town Council:-** The Town Council raised objections because Church Lane/Wingates Lane is very narrow with many parked cars and the additional traffic created as a result of the proposed development would increase the traffic and pedestrian hazard, and the proposed development would



create a detrimental impact on wildlife and wildlife habitat.

**Elected Members:-** Councillor Wild has objected to the planning application on the basis that, "Wingates Lane/Church Lane is a very narrow road. There are already traffic problems with the road being used to cut through to Middlebrook shopping centre and the Macron Stadium. Residents parking on the narrow road add to the problems and quite often cars are at a standstill due to not being able to pass each other, then mounting the kerb and driving along the pavement to the top of the road. I've seen this myself and had to have a concrete post installed on the pavement at the corner of Fawcett Road and Wingates Lane to try to stop the driving along the pavement. The build will contribute to another possible 100 cars using this road."

Councillor Wild has requested that the committee members undertake a site visit to look, in particular, at the width of the road and the problems of negotiating this narrow road.

### **Consultations**

Advice was sought from the following consultees:

#### *External Consultees:*

Greater Manchester Ecology Unit; Greater Manchester Police; Coal Authority; National Grid; Ramblers Association; The Open Spaces Society; Peak and Northern Footpaths; HSE.

#### *Bolton Council Consultees:*

Floodrisk; Highway Engineers; Tree and Woodland Officers; Greenspace; Education; Landscape; Economic Strategy; Environmental Health; Public Rights of Way; Strategic Development; Strategic Housing.

### **Planning History**

Planning permission approved for the demolition of the bungalow and garden centre and erection of 3 detached dwellings - October 2010 (82659/09)

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

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

1. Application for the approval of 'Reserved Matters' must be made not later than the expiration of two 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 four 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. The reserved matters application shall include full details of biodiversity enhancement measures to be carried out at the site, in line with the recommendations of the submitted ecological survey "Ecological Survey and Assessment (including a Licensed Bat Survey), reference 2016-367; dated February 2017".

Reason

In order to protect and enhance biodiversity at the site and in order to comply with Bolton's Core Strategy policy CG1.

4. A Crime Impact Statement report shall be submitted with the reserved matters application.

Reason

To ensure the development complies with designing out crime principles, good urban design practices and in order to comply with Bolton's Core Strategy policy CG3.

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

1. The trees and hedgerows within or overhanging the site which are to be retained 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) and in order to comply with Bolton's Core Strategy policies CG1 and CG3.

6. Prior to the commencement of development of any works on site, the developer shall submit a tree method statement detailing how the site will be constructed without causing harm or damage to the trees, root protection zones and hedgerows to be retained, the method statement shall be submitted to the Local Planning Authority. No development or site clearance shall take place until the Local Planning Authority has agreed the measures in writing, and these measures shall then be implemented fully in accordance with the approved details.

Reason

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

7. Prior to the commencement of groundworks for the foundations of the dwellings hereby approved, 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:

- 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
- 1) Include a timetable for its implementation, and
- 2) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason

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

8. The reserved matters application must comply with the recommendations of the Coal Authority, in that a scheme of intrusive site investigations shall be submitted for approval by the Coal Authority, along with the undertaking of that scheme (subject to agreement with The Coal Authority's Permitting Team).

The reserved matters application shall include:

- 3) The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and

The approved remedial works shall be implemented prior to commencement of development and upon completion of the works written confirmation shall be provided to, and approved in writing by the Local Planning Authority. No development shall commence unless and until the approved remedial works have been carried out in full and approved in writing.

Reason

To safeguard the development and stability of the land in compliance with Core Strategy policy CG4.

9. An energy assessment shall be submitted as part of the reserved matters application. This shall include a scheme which details how either (i) renewable energy technology or low carbon energy sources or (ii) an alternative scheme, for example design measures to the built form of the development, shall reduce CO2 emissions of predicted energy use of the development by at least 10% (CO2 reduction targets are measured against Building Regulations Part L standards). The development shall be completed in accordance with the approved details and retained thereafter.

Reason

In the interests of tackling climate change and in accordance with policy CG2.2(b) of the Core Strategy and Supplementary Planning Document 'Sustainable Design and Construction'.

10. Prior to the commencement of development full details of the highway works at the site access comprising a 2.0 metre footway from the site access to the existing footway provision fronting 26 Wingates Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

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

11. Development shall not commence until a scheme for the eradication of Japanese knotweed (and other non-native invasive species) has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for implementation. Should there be a delay of more than one year between the approval of the scheme and its implementation or the commencement of development then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the Local Planning Authority. The scheme shall be carried out as approved and retained thereafter.

Reason

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

12. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Wingates Lane shall be constructed to a minimum width of 5.5 metres with 2 x 6.0 metres radii and 2no. 2.0 metres wide footway(s) and 1.0 metre service margin in accordance with the drawing ref: Proposed Site Access; PB6321/SK001, Rev B; 26.01.17.

Reason

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

13. Prior to the development hereby approved/permitted being first occupied or brought into use the existing vehicular access points onto Wingates Lane shall be closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards. There shall thereafter be no means of vehicular access to or from Wingates Lane, other than as shown on drawing ref: Proposed Site Access; PB6321/SK001, Rev B; 26.01.17.

Reason

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

14. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 25.0 metres shall be provided at the junction of the site access with Wingates 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 and in order to comply with Bolton's Core Strategy policy S1, P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

15. Prior to occupation, a "lighting design strategy for biodiversity" for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To protect biodiversity habitats and protected species and in order to comply with Bolton's Core Strategy policy CG1.

16. The development hereby approved shall be carried out in full accordance with the mitigation



measures detailed in the submitted noise impact assessment "Noise Impact Assessment, Wingates Lane, Bolton – REC ref: AC102368-1R5; dated 27<sup>th</sup> October 2017". The mitigation measures shall be carried out in full and retained thereafter.

Reason

To protect future residents from noise from the M61 motorway and in order to comply with Bolton's Core Strategy policy CG4.

17. Foul and surface water drainage shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

18. No removal of, or works to, any hedgerows, trees or shrubs, or works to, or demolition of, buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March to 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority for approval and the works shall be carried out as approved.

Reason

The site has the potential to support breeding birds. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds whilst they are breeding. Therefore any disturbance would be contrary to Bolton's Core Strategy policy CG1.

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

**Proposed Site Access; drawing no. PB6321/SK001, revision B; dated 26.01.17**

Reason

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





NOTES:

NOT FOR SITE PURPOSES: This drawing is a general arrangement plan only and is not intended for site purposes.

SCALE: Do not scale from this drawing.

SETTING OUT: All setting out, levels, dimensions to be agreed on site. Do not use the information on this drawing without checking all dimensions on site. Any discrepancies between drawings, specifications and site works are to be reported to The Urbanists. Order of construction and setting out is to be agreed on site.

CHECK: This drawing must be the latest revision, read in conjunction with all other drawings, details, specifications and schedules. All dimensions are in millimetres unless otherwise stated. Where and contradiction or uncertainty arises between the drawings and/or the schedule of works, it is the contractor's responsibility to seek verification from The Urbanists before proceeding. No claims will be met by The Urbanists, where the contractor continues work in absence of such confirmation.



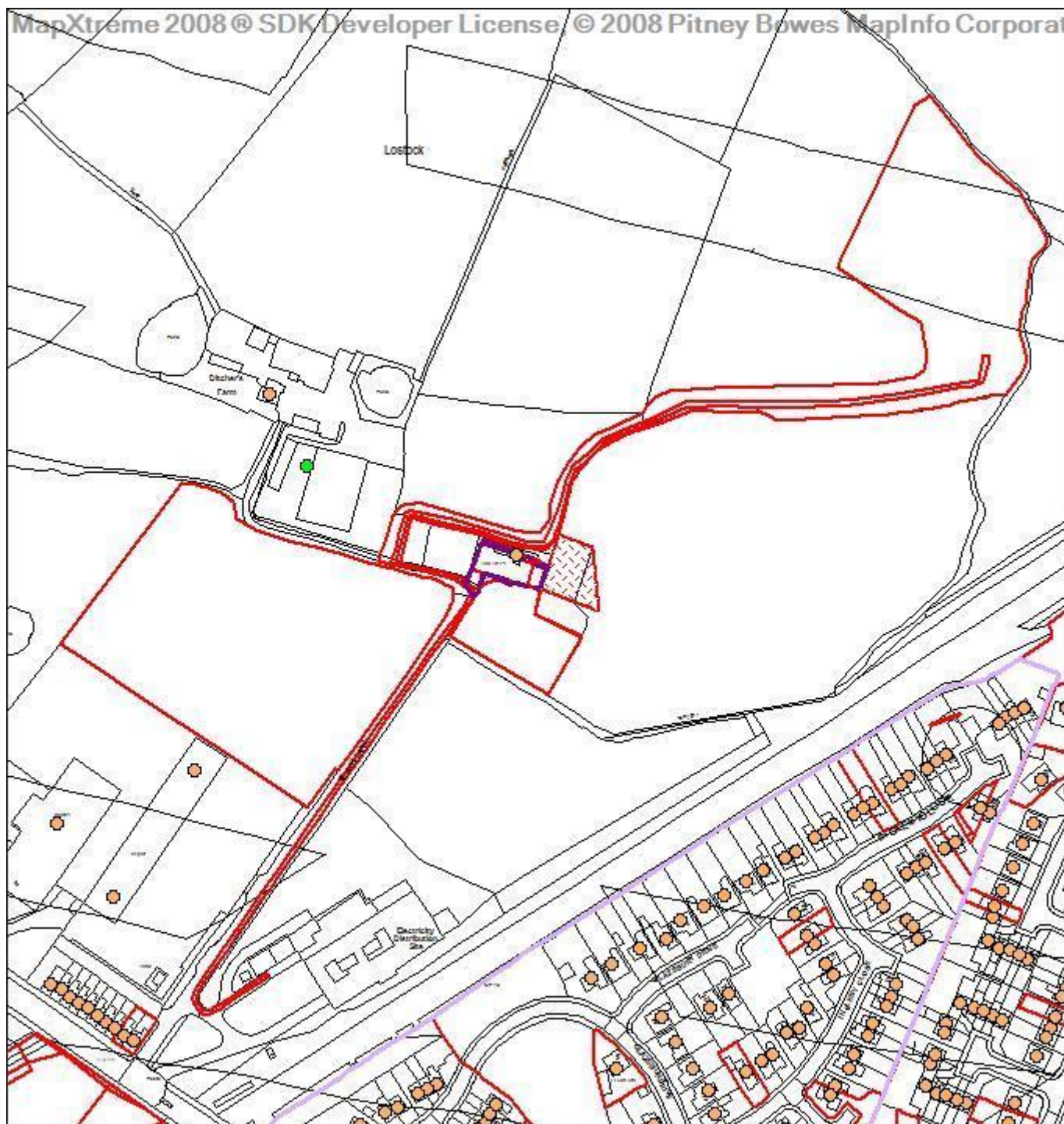
Client:	Hollins Strategic Land								
Project:	Wingates Lane								
Title:	Illustrative Masterplan								
Project ID	Organiser	Role	Block	Level	Type	Series	Dwg	Rev.	Status
1641	URB	UD	XX	XX	GA	90	001	G	Final
Drawn	LH	Date	220617	Checked	LP	Scale	1:1000	@	A3

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**Application number  
01318/17**



**Development & Regeneration Dept  
Development Management Section**

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



**Date of Meeting: 16/11/2017**

**Application Reference: 01318/17**

**Type of Application: Full Planning Application**

**Registration Date: 12/07/2017**

**Decision Due By: 05/09/2017**

**Responsible Officer: Monika Dubacka**

**Location: LAND ADJACENT TALL TREES, SLACK LANE, WESTHOUGHTON, BOLTON, BL5 3LB**

**Proposal:** PARTLY RETROSPECTIVE APPLICATION FOR CHANGE OF USE AND EXTENSION OF TRAVELLING SHOWMEN'S RESIDENTIAL SITE TOGETHER WITH ERECTION OF BUILDING COMPRISING STABLES, STORAGE AREA AND TACK ROOM WITH ADDITIONAL USE OF LAND FOR STORAGE/PARKING FOR 1no. MANURE SKIP, 1no. HORSE BOX, 1no. HORSE TRAILER AND 4No. TRAILER MOUNTED JUVENILE RIDES.

**Ward: Westhoughton North**

**Applicant: Mrs J Harrison**

**Agent :**

## **Officers Report**

**Recommendation: Refuse**

### **Background:**

1. In September 2017 this application was considered at the meeting of Planning Committee meeting and was deferred until amended plans (location and elevations of the proposed barn) showing the proposed barn reduced in height and the materials proposed are provided. It was required that the proposed plans be to a professional standard – i.e. to scale and accurate.
2. The applicant has now engaged a professional architect and provided an amended and accurately drawn and scaled location plan together with elevations and floor plans.

### **Proposal**

3. In October 2010 the owners applied for change of use to a site for travelling showpeople for a temporary period of three years and then moved onto the site with a mobile home, two touring caravans and a maintenance unit. They also stored some fairground equipment. The application was refused in January 2011 (reference 85221/10). A second application was submitted and



refused in March 2011 (reference 85689/11). Enforcement notices were served and subsequently appealed by the owner. The Council immediately served enforcement notices. The appeal against the enforcement notices was allowed and permission was granted for a temporary period of three years. The inspector commented as follows:-

4. *"Overall, the permanent harm to the character and appearance of the surrounding area is not outweighed by the unmet need for additional plots or the personal circumstances of the appellants. Dismissal of the appeal would, in all likelihood, require the appellants to vacate the site (which has to be regarded as their home) without any certainty of suitable alternative accommodation being readily available. I recognise that this would represent an interference with their home and family life. However, the harm which has been and would continue to be caused by the development, in terms of its effect upon the surrounding area is considerable. There is an unmet need but no available alternative site for travelling showpeople provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to a temporary permission. Sites are likely to be identified to meet the shortfall of pitches by September 2013. The harm to the surrounding countryside would be less if only for a temporary period. This must be balanced against the substantial weight to be afforded to the unmet need when considering a temporary permission. The harm, if only for a temporary period, would be outweighed by the substantial unmet need for additional sites. "*
5. In 2014 a subsequent application was made to the Local Planning Authority seeking consent for change of use of the land to a site for travelling showpeople. Permission is also sought to site 1 no. mobile home, 2 no. caravans, 1 no. maintenance building, 5 no. fairground rides (3 of which are contained in the HGV lorry), 1 no. HGV lorry, together with laying crushed stone. At that time the case officer dealing with this application concluded that:
6. *"It is the applicant's intention to seek a permanent permission, as there have been no alternative sites brought forward by the Council. However the harm generated through inappropriate design and affect on protected open land is still apparent and a material consideration that needs to be given weight in the determination of this application. Consultation has been taken with regards to the likely time scales of the provision of suitable alternative sites and it is unlikely that such sites would be available until at least 2016. It is therefore concluded that, as nothing has significantly changed since the original appeal decision in 2010, that a further temporary permission should be issued instead of a permanent permission (as a suitable alternative). Members are therefore recommended to grant a further temporary permission for the site."*
7. Subsequently, a permanent planning permission was granted at Planning Committee on 23<sup>rd</sup> October 2014.
8. In 2017 it was brought to the Council's attention that the site had been further extended to the east and as a result of planning enforcement investigation a further application was submitted to the Local Planning Authority mainly to regularise the use of the application site.
9. Subsequently, a planning consent is being sought for partly retrospective application for change of use and extension of a residential site for travelling showpeople together with:
  - erection of building comprising stables, storage area and tack room
  - additional use of land for storage including a horse box, a trailer, four trailer mounted juvenile rides and a manure skip.
10. The site has been purchased by the applicant to store four children's fairground rides, a horse

box and a horse trailer. The rides are being shown as stored to the south-east corner of the applicant's site with the horse box and the trailer in the middle of the land in question. In support of the submission, the applicant has also provided rough dimensions including widths and lengths only of each vehicle which are as follows:

- Ride A - 9m x 2.6m
- Ride B - 5.6m x 2.6m
- Ride C - 5.6m x 2.6m
- Ride D - 9.4m x 2.6m
- Horse Trailer - 4.2m x 2m
- Horse Box - 8.3m x 2.6m

11. Whilst a photograph of the 'Viridor' manure skip was provided, no details including size of the skip have been submitted.
12. With regards to the proposed barn, it would replace the existing 'maintenance shed' (which also does not benefit from planning permission) situated to the north of the application site. Although no materials details have been provided for the roof, the materials for the walls proposed by the amended scheme are 'Yorkshire boarding to the top half with concrete block or panels to lower portion' together with fibre cement roofing panels - which is considered to be an overall improvement over the previously proposed steel corrugated cladding.
13. Whilst there is still an inconsistency within the original location plan as the proposed site plan shows the barn projecting to the north-west corner of the site beyond the red line boundary as shown on the location plan submitted on 03/07/2017, the amended elevation and floor plan show that the barn have been now reduced in height.
14. The table below shows a comparison of the currently proposed barn and its dimensions with the previously submitted scheme:

	Width	Depth	Height-eaves	Height- ridge of pitched roof
<b>Amended plans</b>	18m	8.5m	3.5m	5m
<b>Previous plans</b>	18m	9m	4m	9m

15. According to the submitted site plan the application site is accessible through the applicant's land/garden at Tall Trees. However, from the Officer's site visit it is evident that the site is being accessed through gates installed to the south of the application site and the access track created off Slack Lane towards the site running along to the south boundary wall of the applicant's residential premises.
16. Nevertheless, the applicant claims that the application site is only being accessed through her residential garden and that as the fence and gates are less than 2m in height, they do not require planning permission and have not therefore been included within the current proposal.

### **Site Characteristics**

17. The land to which this application relates is a parcel of land to the west and north of Tall Trees at Slack Lane, Westhoughton. Vehicular access is from Manchester Road, approximately 250 metres away. The application site has been covered in gravel and is currently used for storage of various vehicles and a 'maintenance shed' is situated to the north of the site. The site has been also secured by Herras fencing to the side and rear with a brick wall and tall wooden gates

to the front.

18. A limited amount of development surrounds the site. An electricity substation is located at the junction of Slack Lane and Manchester Road. To the east are fields attached to Ditcher's Farm which extend up to the M61. To the south is a large residential development which has properties overlooking the site and the railway line which separates the respective portions of land. The area adjacent to the site has planning permission for a detached property that has yet to be implemented. To the south is a public footpath and some trees.
19. Generally levels are flat, although it does slightly slope in the north eastern corner. In previous years a HGV trailer has been sited on the land and there have been occasions of fly tipping - both were subject to a planning enforcement case and were later removed.

### **Policy**

20. National Planning Policy Framework (NPPF) and Planning Policy for Travelling Showpeople.
21. Core Strategy Policies: P1 Prosperous Bolton; P5 Transport and Accessibility; S1.2 Road Safety; CG1 Cleaner Greener Bolton; CG3 The Built Environment; CG4 Compatible Uses; OA3 Westhoughton.
22. Allocations Plan Policies: CG6AP Other Protected Open Land.
23. SPD General Design Principles, SPD Accessibility, Transport and Safety and Planning Control Policy Note 28: Equestrian Developments.
24. Landscape Character Appraisal of Bolton (2001)

### **Analysis**

25. 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.
26. The main impacts of the proposal are:-
  - sites for travelling showpeople
  - impact on protected open land
  - impact on the character and appearance of the area
  - impact on residential amenity
  - impact on highway safety and parking
  - impact on the green corridor

### **Sites for Travelling Showpeople**

27. Core Strategy Policy SC1.6 seeks to ensure that the Council provides an adequate supply of sites for gypsies, travellers and travelling showpeople, taking into account proximity to local services, the amenity of adjoining occupiers, the effect on the environment and the overall strategy to

concentrate development in the existing urban area.

28. The latest national policy statement is contained within Planning Policy for Travelling Showpeople which was published in August 2015 and needs to be read in conjunction with NPPF guidance. The policy requirement is for the Council to identify sufficient sites for travelling showpeople and that if insufficient sites are provided then this is a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
29. It is noted that the site is an existing site for travelling showpeople. Guidance contained within Policy C (paragraph 14) and also within paragraph 25 of the Planning Policy for Travelling Showpeople document states that in rural or semi rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Specific reference is made to the control of sites for travelling showpeople within the Green Belt.
30. The Policy also states that when considering applications local planning authorities should attach weight to the following matters:
  - a) the effective use of previously developed land;
  - b) sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness;
  - c) promoting opportunities for healthy lifestyles; and
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression that the occupants are deliberately isolated from the rest of the community
31. The site is within walking distance of regular bus services on Manchester Road or a short drive to local centres containing amenities for individuals to enjoy a good standard of life and access services such as doctors and dentists. Policy SC1.6 places the emphasis for sites for gypsies, travellers and travelling showpeople in the urban area. This site does not fall in the urban area.
32. Site for travelling showpeople are multi-use sites with a mix of residential, storage and maintenance areas. The mix of uses - specifically Ditcher's Farm, the adjoining residential dwelling and the application site is not considered to create undue privacy and amenity issues.
33. The previous temporary permission was granted on the provision that alternative sites would be identified by 2013. However, in 2014 a permanent use of the site was granted planning permission at Planning Committee. In addition, it is noted that the provision of alternative travelling showpeople and gypsy sites within the Borough has not been forthcoming.
34. Whilst there is a lack of alternative sites to which the applicant could move to within the Borough there remains a number of outstanding issues and concerns:
35. It is considered that the proposal is not restricted to purely the requirements of the operation of a site for travelling showpeople, i.e. includes a large barn for the stabling of horses therefore the proposal in itself would not meet the requirements of guidance within the Planning Policy for Travelling Showpeople document.
36. The amended site plan indicates that there is banking with trees and laurel bushes to the east of the application site behind the boundary fence. This is an existing arrangement, outside of the application site which, if the application were to be approved, would be excluded from the approved plans and no further soft landscaping is being proposed to positively enhance the environment or its openness.



37. The site is enclosed by a high wall on the southern boundary of the site.

#### Impact on Other Protected Open Land

38. The categories set out in Policy CG6AP provide the framework to assess the appropriateness of development on Protected Open Land and reflect the varied nature and current uses of these areas of land.
39. The application site is located within an open field surrounded by undeveloped land to the north and east with Tall Trees to the west and an unadopted track to the south.
40. Policy CG6AP states that the Council will permit development proposals within the defined areas of protected open land shown on the proposals map, provided that they fall within one or more of the specified categories. One such category is that "the development requires a location outside the urban area, but is inappropriate within the Green Belt, and providing it maintains the character and appearance of the countryside".
41. Officers consider that a development of the size proposed would benefit from a location outside of the urban area as it would be away from neighbouring residential properties and therefore less harmful to residential amenity.
42. However, the proposal would fail to comply with the last part of the requirement in that the proposal would be clearly inappropriate within the Green Belt but importantly due to its location within allocated open protected land surrounded by open fields the proposal fails to maintain the character and appearance of the area as discussed below. It is therefore considered that the proposal fails to satisfy policy CG6AP of the Allocation Plan.

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

43. Core Strategy policies CG3.1, CG3.2, CG3.3, CG4.1 and OA3.8 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.
44. Policy OA3 of the Core Strategy also states the Council will ensure that the Protected Open Land around Westhoughton remains undeveloped (OA3.6) and the existing physical environment will be conserved and enhanced.
45. PCPN28 provides specific guidance on equestrian developments. The impact on the character and appearance of the site and the wider area can be separated into two distinct parts the impact of the proposed storage and showpersons use of the site and the impact of the proposed barn. Each will now be assessed in turn.

#### **Use of the site**

46. The site to which this application relates is a piece of land to the east of Tall Trees. This is an irregular shaped parcel of greenfield land which has been cleared of all vegetation, covered in gravel and is currently used for storage by the applicant. The application site is bounded by agricultural land to the north and east with the applicant's existing travelling showpeople / residential site at Tall Trees to the west. It is also noted that to the south of the application site there is an unadopted track leading to Slack Lane, although not included within the current proposal.
47. The closest residential property is situated at Ditcher's Farm approximately 160 metres to the

northwest of the site with other residential properties beyond the railway line at a distance of approximately 170 metres to the east of the application site.

48. The applicant states that the trailer-mounted rides were originally stored within their residential premises at Tall Trees. However, since both of their children have now passed their driving tests and now own and drive pickups and vans which are parked within the curtilage of Tall Trees, the application site is needed to accommodate the aforementioned rides. In the submitted supplementary statement the applicant further states that the trailer mounted rides would be stored on the application site during the winter months from October to March as the rest of the time they are in operation within Moss Bank Park in Bolton.
49. Whilst the applicant's justification has been taken into account, it is also noted that before the application site was gravelled and used by the applicant for storage purposes, the character of the site was one which was covered in vegetation and undeveloped. The application site has been now developed; however it still forms part of a wider part of other protected open land which is formed generally of grassland. The land is also allocated as being within a landscape character area, namely the 'Agricultural Coal Measures' designation.
50. The Landscape Character Appraisal of Bolton was published in 2001 and describes the designation as follows:
51. *'The area is characterised by poor grade farmland, which has suffered under investment. This has led to deterioration and neglect, including the loss of hedgerows and their replacement with post and wire fencing.'*
52. The document also goes onto to state that the key landscape features are:
53. low grade agricultural land with ponds and flash areas;
- structure provided by broadleaved woodland;
  - fragmented landscape with scattered settlements and dissecting transport links;
  - lack of historical continuity and variety in landscape quality.

Whilst this document was written in 2001, it still remains an accurate reflection of the overall character of the application site. However, it is also clear that the main urban settlement of Westhoughton is clearly defined.

- It is noted that the current application is for the retention of the storage area and the erection of a new barn. It is considered that the use of the application site has completely changed the character of the land in question. The site has been physically altered as all vegetation was removed to provide a storage area surfaced with gravel. Whilst it is acknowledged that no landscape scheme is being proposed to mitigate this, it is not considered that any type of landscaping would be able to compensate for the loss of openness of this parcel of land. The vehicles stored on site together with the proposed barn form a strong physical presence with a commercial appearance within the application site and its surroundings that has changed the character of the rural fields in which they are located.
54. It is considered that Tall Trees is already viewed as an incongruous feature when travelling north along Slack Lane and the further extension to the site appears as an inappropriate development within open protected land that causes further harm to the local area and has a detrimental impact on the openness of the protected open land and the overall character of the area.

## **Impact of the proposed barn**

55. The proposed barn would accommodate the applicant's two horses and replace the existing 'maintenance shed' situated to the north of the application site.
56. PCPN28 sets out the Council's policy guidance relating to equestrian developments. It states that proposed stables and storage buildings must be essential and genuinely required by the applicant and continues by stating that the applicant will be required to justify the creation of a new facility. The current site is not used for the keeping of horses.
57. The applicant has provided copies of two horse passports identifying her as the owner of two horses. In an additional statement provided by the applicant they states that their horses are grazed at Horrocks Moor Farm on Scout Road at Bolton between 1<sup>st</sup> April and 31<sup>st</sup> October and this has been confirmed in the farm owner's statement provided by the applicant in support of the proposal. The statement then continues by saying that as there are no stables available for the horses at the above mentioned farm an additional facility to stable them is required at the application site during the winter months.
58. Furthermore, guidance contained with paragraph 4.18 of PCPN No. 28 clearly states that the provision of a store of up to 20 square metres (5.5 m x 3.6) is normally considered to be appropriate. The dimensions referred to in paragraphs 4.16 to 4.18 above are standards used by designers and manufacturers of equestrian buildings. It is expected that in applications for stables the dimensions proposed will reflect the size of horses to be kept. For example, ponies could be accommodated in stables smaller than the standard. Therefore, permission may be refused where it is clear that the size of building is excessive in relation to requirements. Applications for buildings larger than those referred to in paragraphs 4.16 to 4.18 will require full and detailed justification.
59. Whilst it is acknowledged that the floor and elevation plans have been amended and the barn has been reduced in size, the proposed building would be still of a considerable scale and size.
60. The proposed amended floor plans indicate that the barn would accommodate two stables, a tack room and secure storage and tools, in comparison to the previously proposed feed room. The centre of the building would accommodate haylage storage and space for a horse trailer. The applicant's reasons for the size of the barn are as follows:
61. two stables at approximately 50 square metres as per BHS standards, one is to be used as a spare should any of the horses fall ill and need to have their own stable disinfected on the daily basis, so to allow the horse to be swept over for this procedure;
  - a feed storage area of approximately 30 square metres plus tack and grooming tools;
  - a storage area of approximately 22 square metres for machinery which is currently stored in the maintenance shed - this will have to be stored in lockable building due to insurance requirements for risk of theft;
  - the rest of the floor space will be taken up by storage of the large bales of haylage for winter fodder plus parking of the horse trailer for security measures whilst there is nobody on site for few days;
  - the height of the barn is to allow for tractors or other large vehicles that will be delivering haylage bought in bulk and to provide internal storage for horse trailer
  - The horses are 14.3hh and 15.3hh therefore there are not ponies, but horses requiring the standard side stable for their size.
- The proposed floorspace of the proposed barn as shown on the amended proposed floor plans is some 152 square metres. In addition, the height of the proposed barn is considered to be too tall in height to be used purely for the proposed equestrian use of the land and site.

62. PCPN28 requires that the roof pitch should be shallow to minimise the height of the building and reduce visual impact. The roof materials should be tile, slate or timber. Whilst it is acknowledged that the height of the barn has been reduced from the previously proposed 9 metres to 5 meters it is still not considered that the height and scale of the barn is justified by the supporting statement as whilst there might be a need for the storage of a horse trailer for security measures, it is not considered reasonable to have a barn at 5 metres in height only to occasionally allow storage for a horse trailer or for tractors to drop off hay.
63. Furthermore, PCPN28 requires that the external walls of stable buildings be made of brick, stone, render or timber. The guidance note also requires details of paint or stain finishes to be used on external surfaces to be detailed to the Local Planning Authority. PCPN28 states that in all cases new buildings should be designed to be in keeping with their surroundings.
64. The application site is mainly surrounded by open fields. It is noted that the amended plans show that the proposed barn would be finished in Yorkshire boarding to the top half with concrete block or panels to lower portion together with fibre cement roofing panels and this is considered to be an overall improvement over the previously proposed steel corrugated cladding. However, given the considerable size and height of the barn at 5 metres in height, a building of this size would still be highly visible within the application site and the surrounding area.
65. In view of the above it is still considered that the amended proposed barn / stable development is not genuinely required, is excessive in size and scale and clearly represents inappropriate development. Whilst the height of the barn has been reduced to 5m and it is claimed that the size of the building as proposed is required to accommodate two horses with a storage area and provide occasional access for a horse trailer and delivering hay, it is still not considered that this justifies the creation of a new facility within the application site and its detrimental impact on the openness of the protected open land.
66. In addition, it is considered that the proposed stable development, although reduced in height, would still be visually intrusive in the landscape and would have a detrimental impact on the openness and visual amenities of the open protected land in this location. Insufficient information has been provided to justify the need for the stables and specifically for a barn of the size and scale proposed.
67. Whilst this is a partly retrospective planning application it is noted that the application site, before it was gravelled and brought into use by the applicant, was undeveloped land. It is considered that the introduction of a development in the form of the storage of various vehicles has already transformed the appearance of the site which would be further altered by the proposed barn. This site was characterised mainly by an open area of land where, prior to the applicant carrying out the unauthorised works, no development existed and thus the proposed development is considered to be harmful to the purpose and intrinsic character of the open protected land.
68. In addition, by virtue of the design and scale of the proposal, especially the proposed barn, the development would be still visible in wider views and would form an incongruous expanse of commercial structures out of keeping with the domestic and rural character of the application site and would be seen as disproportionate to the scale of the surrounding area.
69. In view of the above it is considered that the proposed development would form inappropriate development and an incongruous feature in the context of the surrounding landscape, causing harm to the visual amenities of the area. In addition, the proposal would be detrimental to the



openness of the open protected landscape and would be harmful to the character of the wider area. The scale of harm in this location is such that it is not considered to be outweighed by the wider benefits of proposal to the applicant.

70. The proposal is therefore considered to be contrary to Core Strategy Policy CG3 and OA3 and the guidance contained within PCPN28.

#### Impact on Residential Amenity

71. Core Strategy Policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.
72. The stables are sited close to the applicant's residential property at Tall Trees; however the stables would be sited in excess of 30 metres from the residential properties which is considered an appropriate distance in the PCPN28 guidance in order to avoid impacts on residential amenity from smells, noise and nuisance.

If the application is approved, the Council's Pollution Control Officer recommend conditions regarding contamination, refuse and waste materials store etc. However, they also raise concerns that there is likely to be an odour and possible fly nuisance to any occupiers of the dwelling at Tall Trees from the storage of manure and used bedding from the ponies stabled at the site due to the manure being kept in an open skip and only removed on a fortnightly basis. Although the applicant states that the horses are kept elsewhere during the summer months there may be the potential for keeping them on site all year round and Pollution Control Officers ask that this material be stored within a sealed container which is capable of preventing any odours escaping and limiting the possibility of any fly infestations. In response, the applicant has confirmed that the horse manure is to be stored in a sealed skip and removed fortnightly. This information has been forwarded to Pollution Control Officers and any further comments will be reported at the meeting.

73. With respect to neighbours concerns raised over the security lighting, if the application is granted approval an appropriate condition can be attached to address this matter.

#### Impact on the Green Corridor

74. Policy CG1.1 seeks to safeguard and enhance biodiversity in rural areas of the borough.
75. In previous applications and appeal decisions it was accepted the site offered little or no habitats for wildlife and did not represent a site suitable for recreation or have any significant amenity value. It was concluded that the proposal would have no significant adverse impact on the Council's biodiversity objectives.

76. The scheme is considered to comply with CG1.1.

#### Impact on Highway Safety and Parking

77. 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 development.
78. The principle of using Slack Lane as an access is considered to be acceptable and it was demonstrated to the previous Inspector that all vehicles access the site in forward gear and can turn in the gateway of the site. No weight, height or width restrictions are in place. No changes

are proposed to the access as the applicant claims that the site is only accessible through their garden at Tall Trees.

79. The Council's Highway Officers commented on the proposal and advised that the site plan appears vague in terms of parking provision and manoeuvring areas for the level of vehicle storage that is indicated by this application and have asked for additional plans to show this. To date this has not been properly addressed by the applicant and the additional information submitted to date is considered to be insufficient for the Highways Authority to fully comment upon.

### **Conclusion**

80. In view of the above, it is considered that the proposal is not restricted to purely the requirements of the operation of a site for travelling showpeople, i.e. includes a large barn for the stabling of horses therefore the proposal in itself would not meet the requirements of guidance within the Planning Policy for Travelling Showpeople.
81. Overall, insufficient information has been provided to justify the need for the use of the site and for the proposed barn within this open protected land location.
82. Furthermore, insufficient information has been provided on parking provision and manoeuvring areas for the level of vehicle storage that is indicated by this application.
83. The provision of a barn, especially of the size and scale proposed is considered to be unacceptable in policy terms. Thus, the proposal is considered to be contrary to Allocations Plan policy CG6AP, Core Strategy policies CG3, OA5, P5 and PCPN28 and is recommended for refusal.

## **Representation and Consultation Annex**

### **Representations**

Letters:- six representations have been submitted from four individual properties with the concerns being as follows:-

84. the applicant is in breach of her current planning permission, thus if planning permission granted, it is unlikely she would comply with any conditions attached to new permission;
85. light pollution from the existing site;
  - the previous approval should have never be granted approval;
  - allowing this application will allow the applicant to further expand;
  - loss of view;
  - the access from and to the site is not suitable for these type of vehicles;
  - impact on highway safety;
  - HGVs, trailers and trucks parked along Slack Lane blocking access;
  - the proposal is inappropriate in its rural location;
  - the current use of the site creates noise detrimental to the surrounding area; and
  - no details of horse waste disposal have been provided with this application.

Westhoughton Town Council:- raised objections because of the over development of the site and the detrimental impact on the highway as existing fairground rides are already being parked on Slack Lane.

### **Consultations**

Advice was sought from the following consultees: Highway Engineers, Greenspace, Westhoughton Town Council, Planning Strategy, Pollution Control.

### **Planning History**

- permanent permission was granted for change of use to a residential site for travelling showpeople including siting of 1no mobile home, 1no maintenance building, 2no caravans, 3no fairground rides, 1no HGV, laying of hardcore and erection of lighting at Planning Committee on 23<sup>rd</sup> October 2014. (Ref: 92610/14).
- enforcement Appeal granted temporary permission in November 2011.
- permission was refused for a mobile home, two caravans, a maintenance vehicle, a HGV and fairground rides. (Ref: 85689/11)
- permission was refused for a mobile home, two caravans, a maintenance vehicle, a HGV and fairground rides. (Ref: 85221/10)
- permission was refused and later dismissed at appeal for the erection of a bungalow. Ref: 82668/09; (Appeal Ref: APP/N4205/A/10/2126662)
- planning permission was refused for the erection of one dwelling. Ref: 81885/09
- outline permission was refused for one dwelling and later dismissed at appeal. Ref: 59646/01
- an enforcement notice was served in respect of the creation of a compound on the land, fence

over 2 metres high, together with the storage of a caravan, articulated lorry and trailer. The notice was complied with the case closed.

- full permission was granted following an outline consent for the erection of a dwelling on the former site of Beech House which was demolished following a fire. Permission was granted on the basis the proposal was a replacement dwelling. Ref's: 63318/02, 70529/05, 80535/08.

**Recommendation: Refuse**

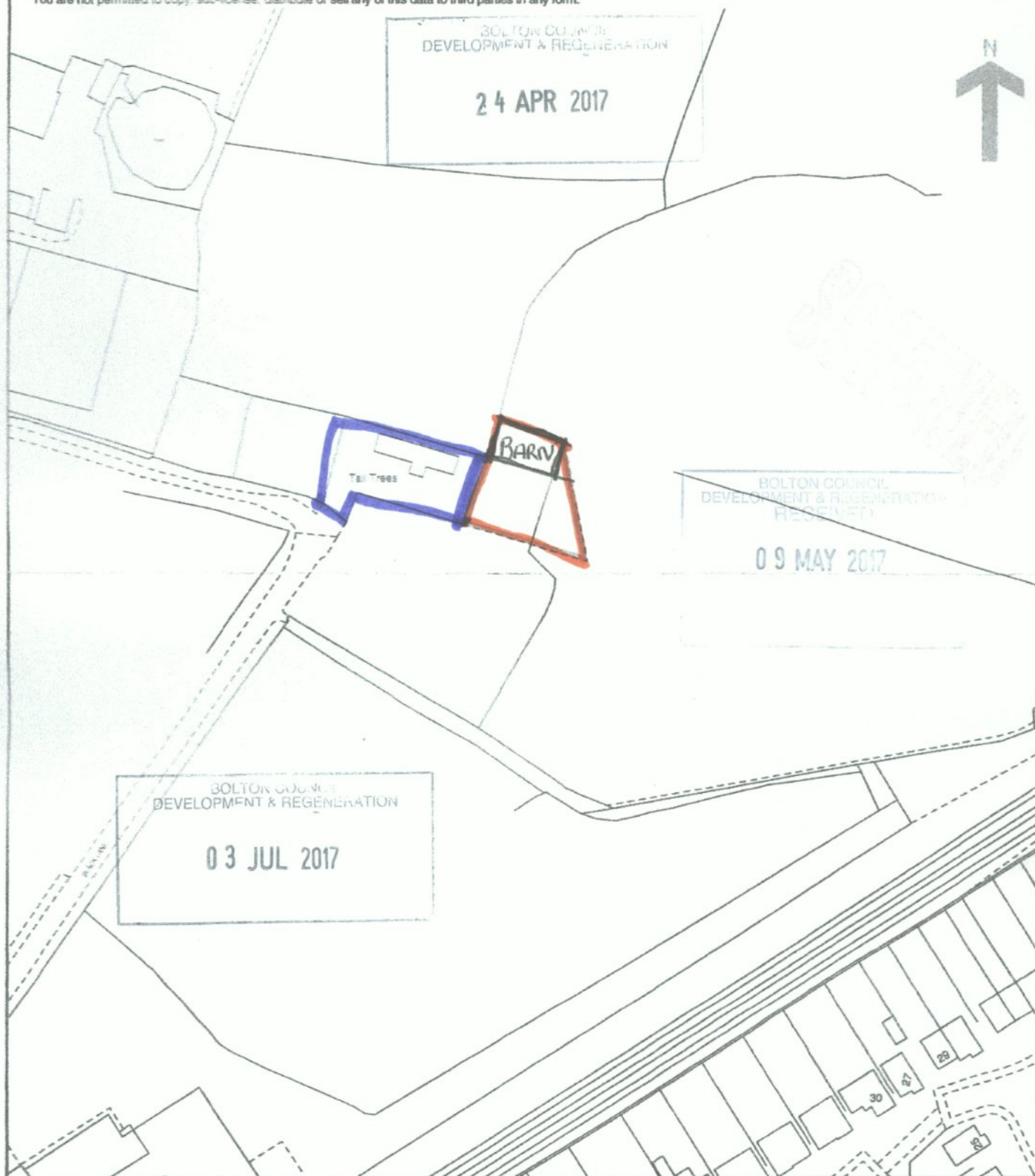
**Recommended Conditions and/or Reasons**

1. Insufficient information has been provided by the applicant particularly with regard to parking provision and manoeuvring areas for the level of vehicle storage within the application site to enable the proposal to be properly judged against the policy P5 of Bolton's Core Strategy and PCPN28 'Equestrian Developments'.
2. The proposal including change of use to storage area and extension of travelling showmen's residential with erection of a barn by virtue of its size, scale and design would represent inappropriate and incongruous development within the open protected land harmful to the visual amenities of the application site and the surrounding area. The Applicant's reasoning does not justify nor outweigh the harm caused and the proposal is contrary to Policy CG6AP of Bolton's Published Allocations Plan, Core Strategy policies CG3 and OA3 and guidance contained within Planning Control Policy Note no.28 'Equestrian Developments'.
3. The proposals fails to maintain the character and appearance of the area contrary to policy CG6AP of the Bolton's Allocation Plan.
4. There is an inconsistency throughout the submission of this planning application. The proposed amended site plan does not match the location plan (rec. 03.07.17), contrary to the provisions of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Thus, it is considered that the application as a whole represents a poor quality submission which unable the Local Planning Authority to fully establish the size and scale of the proposed development.



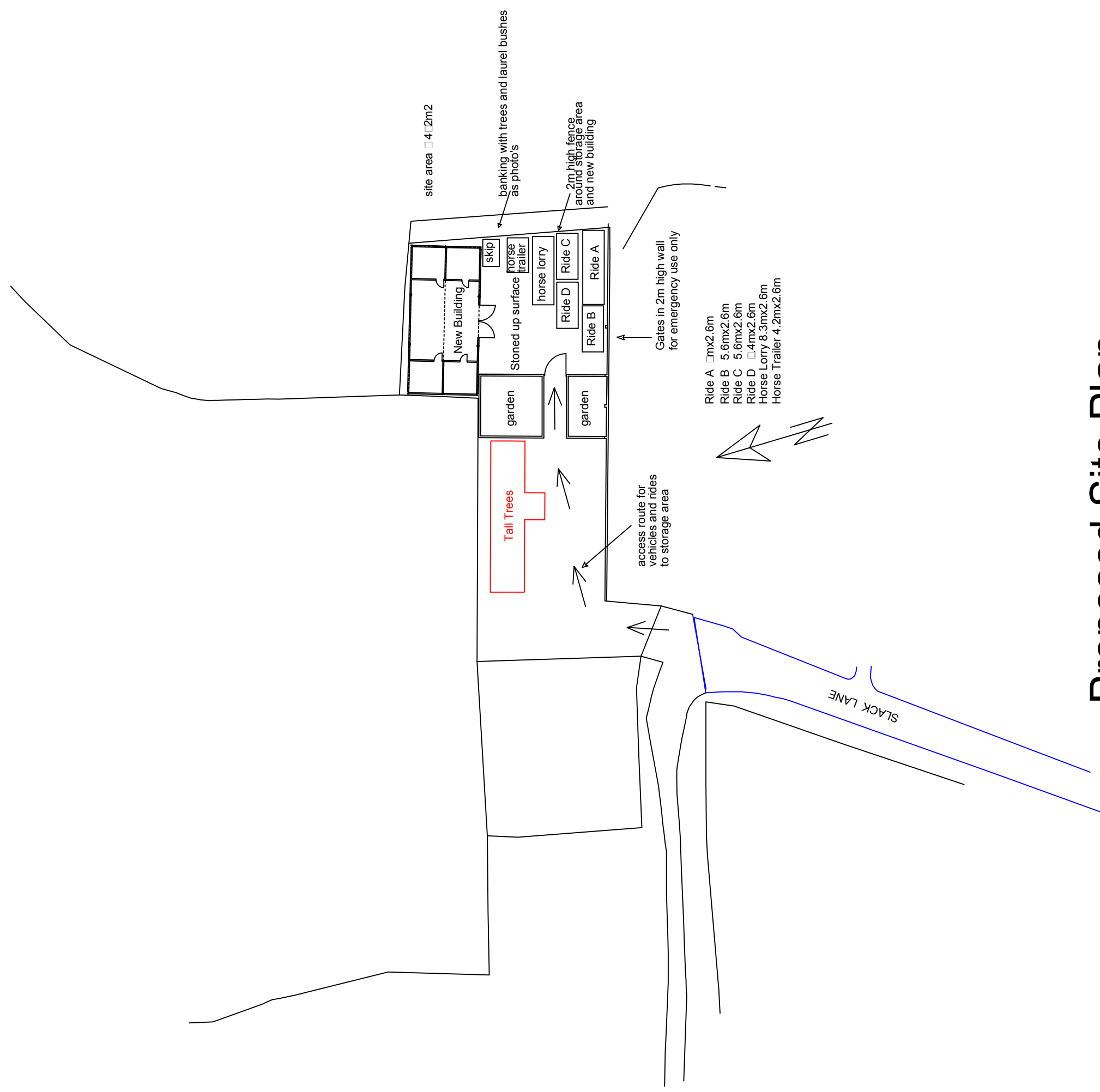
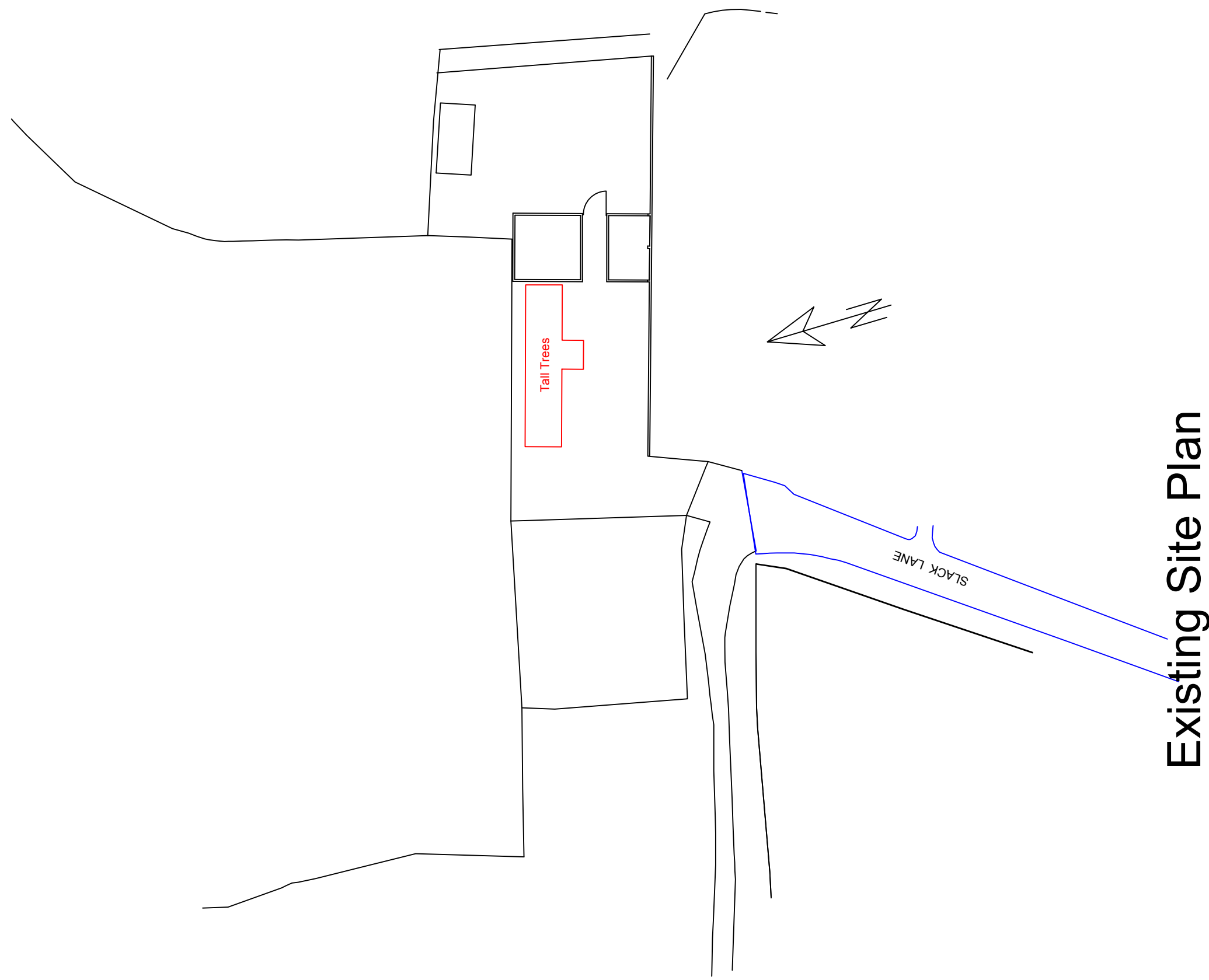


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**This official copy issued on 22 February 2016 shows the state of this title plan on 22 February 2016 at 10:20:33. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).**  
**This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.**  
**This title is dealt with by Land Registry, Fylde Office.**

STAMPED

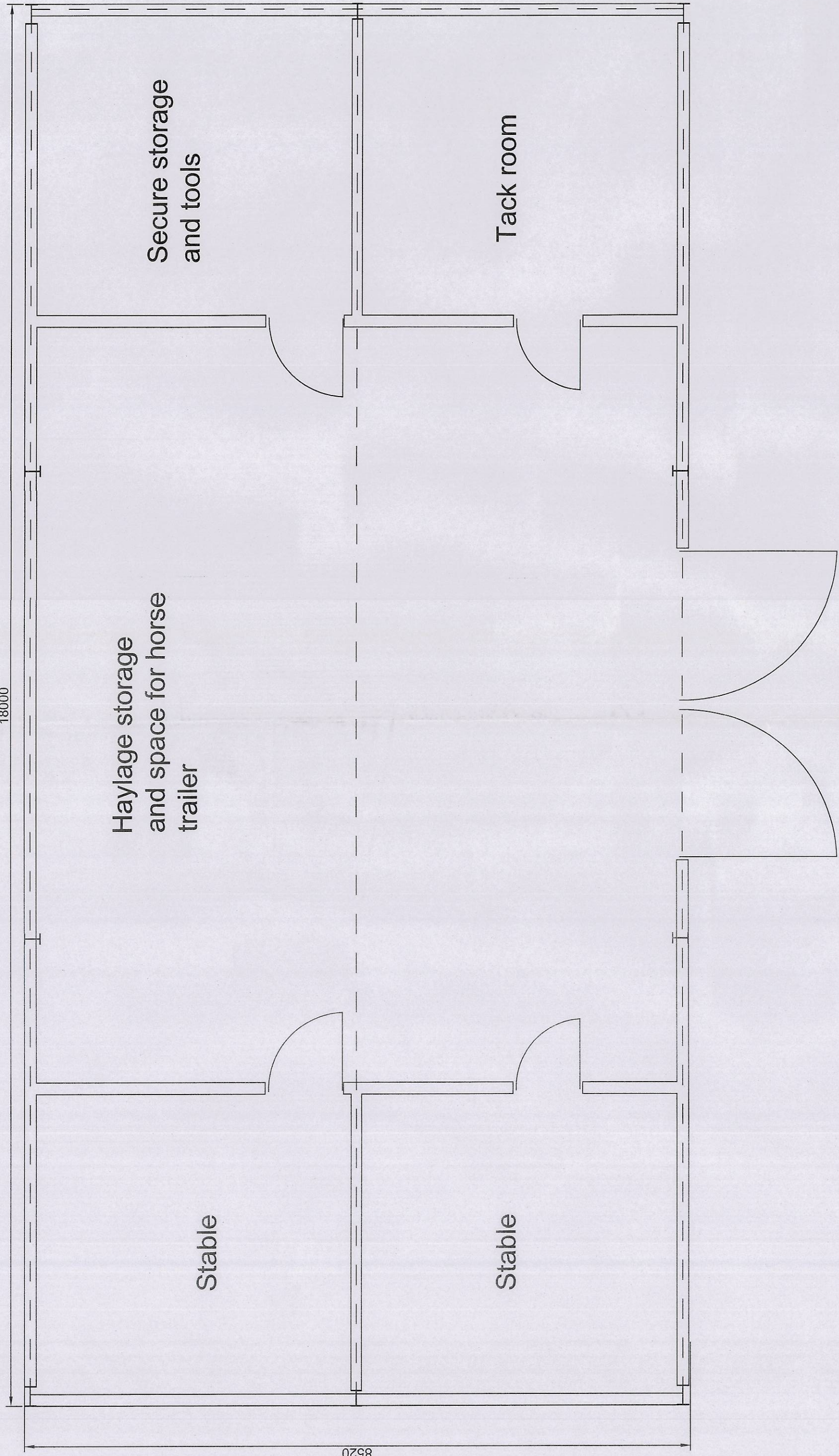


# Proposed Site Plan

## Existing Site Plan

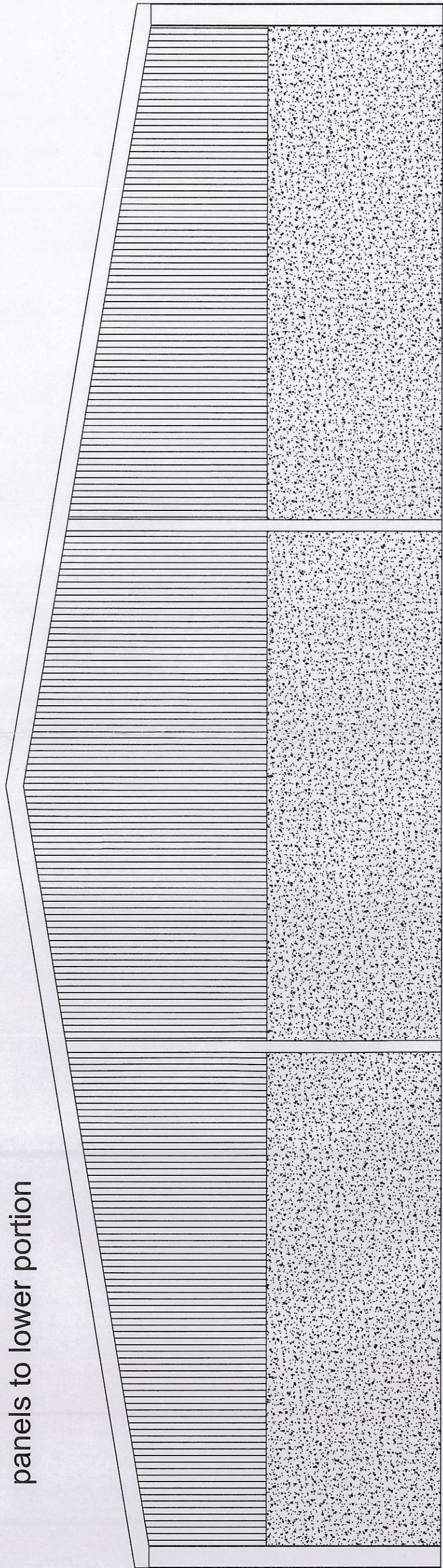
Proposed new building at:	
<b>Tall Trees</b> <b>Slack Lane</b> <b>Westhoughton</b> <b>BL5 3LB</b>	
CLIENT:	Mrs Jane Harrison
DATE:	October 2017
SCALE:	1:500 @ A1
DWG No:	1 of 2
L.A:	
AMENDMENTS:	DATE:
<b>ENTWISTLE DESIGN SERVICES</b>  <b>7 Edgefield</b> <b>Asley Village</b> <b>Chorley</b> <b>PR7 1XH</b>  <b>Tel:01257 274976</b>  <b>E-Mail <a href="mailto:entwistledesign@aol.com">entwistledesign@aol.com</a></b>	



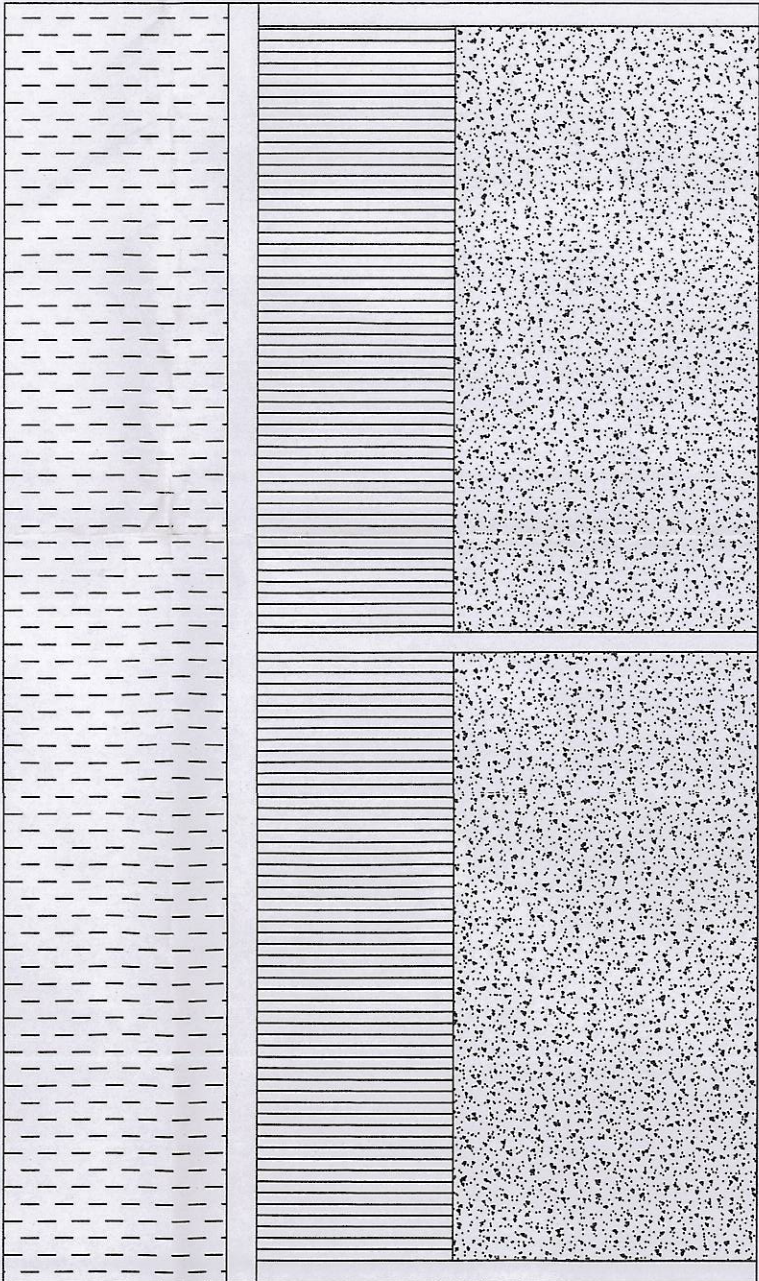


PROPOSED LAYOUT

yorkshire boarding to top half with concrete block or panels to lower portion

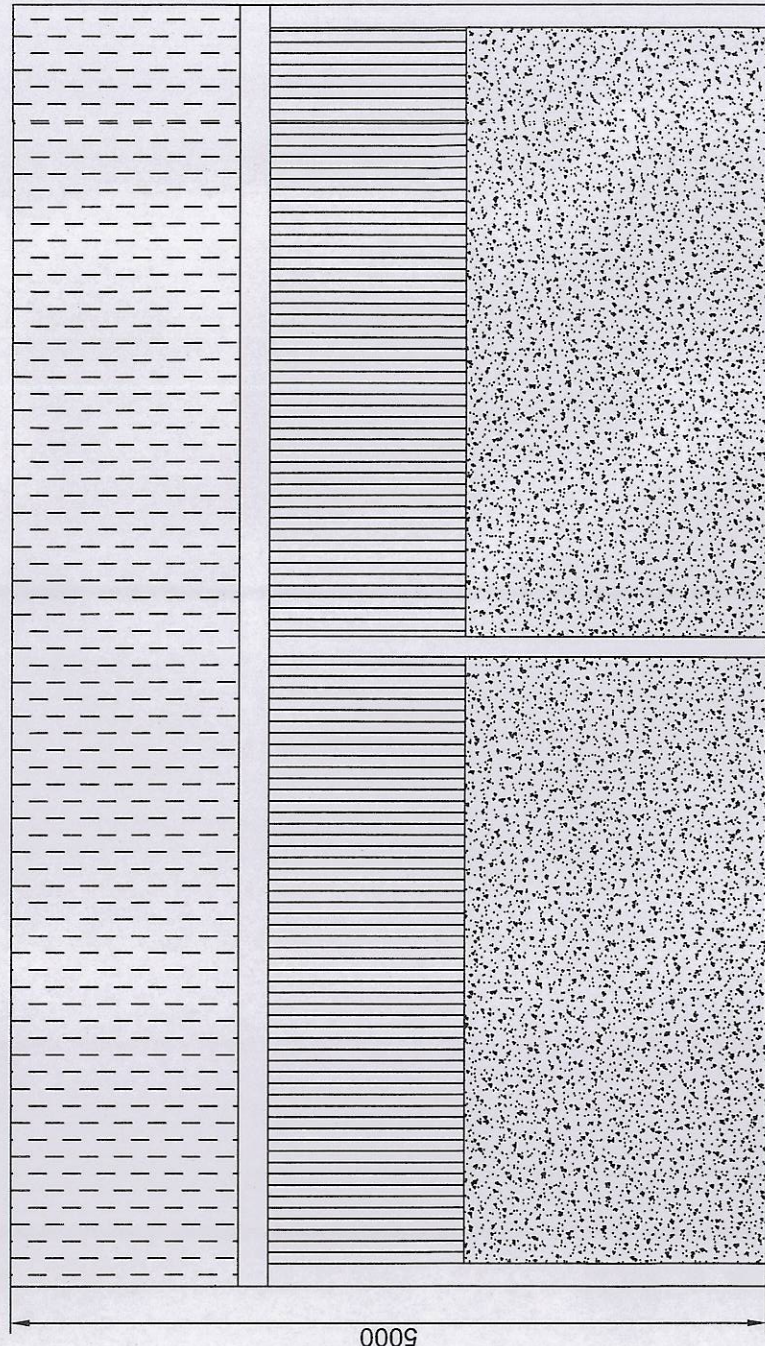


PROPOSED REAR

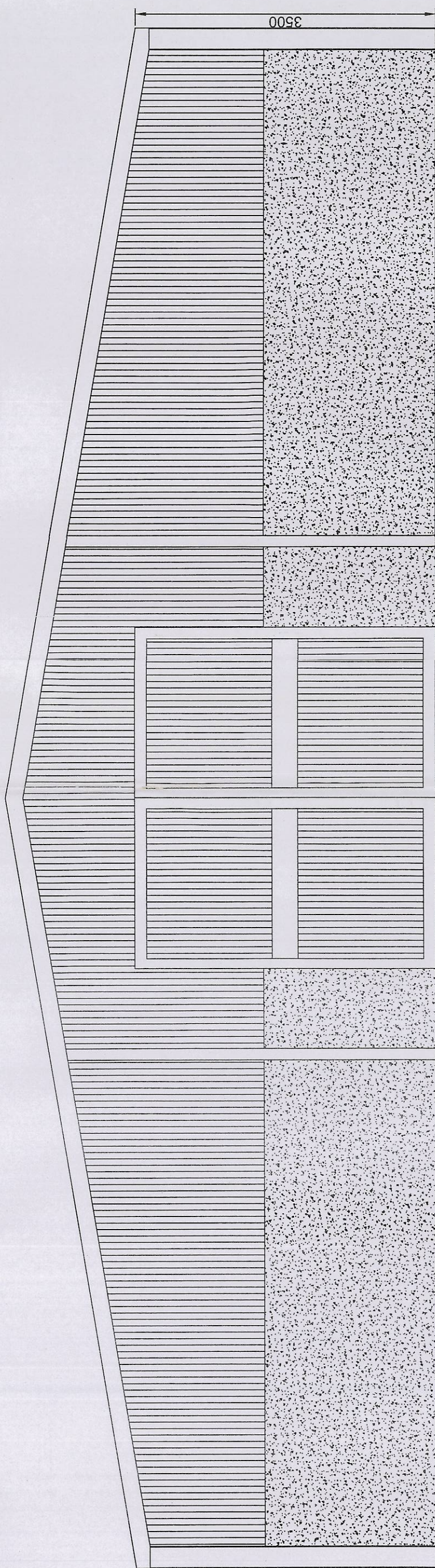


PROPOSED SIDE

profiled sheets to roof



PROPOSED SIDE



PROPOSED FRONT

Proposed new building at :

Tall Trees  
Slack Lane  
Westhoghton  
BL5 3LB

ENTWISTLE DESIGN SERVICES  
DEVELOPMENT REGISTRATION

24 OCT 2017

CLIENT:	Mrs Jane Harrison
DATE:	October 2017
SCALE:	1:50 @ A1
DWG No:	2 of 2
L.A:	
AMENDMENTS:	DATE:

ENTWISTLE DESIGN SERVICES

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