

PLANNING COMMITTEE
Schedule of Supplementary Information

Thursday 24th June 2021

Members are advised of the enclosed information that was either received or requested after the production of the planning applications report.

**Bolton
Council**

09616/20

Ward	Location
LLDL	FORMER TARMAC SITE, STOPES ROAD, LITTLE LEVER

Minor amendments may be required to conditions relating to boundary treatment to separate references to plot boundaries from the overall site boundary.

10212/21

Ward	Location
BRAD	HEYHEAD FARM, BOWSTONE HILL ROAD, BOLTON, BL2 4LS

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am has requested that should Members approve the application, the following conditions be considered. Officers have addressed if the condition is supported or not.

1. Clear and unequivocal confirmation that it is temporary use.

A condition stating that the new building only has temporary permission, for up to 2 years, has already been suggested/added by officers. The use of the house for mixed residential/educational purposes is existing and officers consider that the continued use of the house for this purpose is acceptable in planning terms, subject to the conditions restricting the number of pupils and hours of use, which are also suggested.

2. It is personal use to the applicant only.

It is not considered necessary to apply this to the temporary building, as the LPA would only be granting it for 2 years. In terms of the use of the house, personal permissions should only be given where there are exceptional reasons to do so (i.e. a development would not normally be allowed, but because there are strong compassionate or other personal grounds it is acceptable). The applicant has been approached by officers with regards to whether they would accept a personal permission for the development. They have replied that they would not as they feel this is both unnecessary and unfair. It is therefore advised that Members should only impose a personal condition on the use of the house if they believe there are strong grounds to do so.

3. There will be no permitted development rights.

It is considered that such a condition would not be needed as the new building would not benefit from any permitted development rights and the house would become a mixed use (sui generis use) which would also not benefit from residential permitted development rights.

4. It is solely for the use that the application specifies.

An approval would grant permission for the use as specified within the development description. It is considered that the applicant's contracts with the local schools/local authorities should offer some reassurance about the use.

5. The opening of the centre is limited to 195 days per year which is the situation applicable in schools.

Officers consider restricting the hours and days of use is sufficient in this instance, however the applicant has stated that they would agree to this condition should Members seek to impose it.

10613/21

Ward	Location
HOBL	MARKLAND FARM, GRIMEFORD LANE, BLACKROD, BL6 5LD

The applicant has informed Officers that it is their intention to sow grass seed and plant trees on the bund around the site during the next planting season (from November onwards).

Officers have had sight of a complaint from a local Blackrod resident concerning the officer's report to Committee, which has been sent to the complaints team. The complaint raises the following:

- The concerns the resident has raised within their objection to the application have not been included in the report – Officer response: The case officer has not received an objection to the application from this resident, therefore their concerns have not been included in the officer's report. The concerns raised within the complaint are now however included within this Supplementary Information report.
- The site is not operating as a wood-fuelled gasification plant – Officer response: The applicant has stated that the issue of whether the operations on site constitute gasification or combustion has been discussed at length with the Council's Environmental Health Officers and Planning Enforcement, and it was felt that the current operations did not conflict with the planning permission for the site. Officers would add that both gasification and combustion are processes that create energy (district heating and hot water generation) from wood fuel and therefore officers consider that there would be no difference in planning use terms (no material change of use). There were no conditions attached to the original consent that restrict the development/operation to gasification only.
- The officer's report refers to "end-product" being stored outside. A wood-fuelled gasification plant would only generate ash as an end-product – Officer response: The "end-product" referred to in the officer's report is wood chip, which is an end-product following chipping on site. The phrase "end-product" in this context was taken from the applicant's planning statement to describe the difference between logs and wood chip. The applicant has confirmed to officers that the end-product of the energy operation is indeed ash, and only ash.
- A company called "Premier Logs" operates from the site, which seems clear that the facility is not being operated as a gasification plant – Officer response: The applicants own the company Premier Logs Ltd. and this does operate from the site. They state this is common knowledge and the waste exemption licenses held by the applicant are in this name. This business has traded from the site for in excess of 20 years (although not always under the same name) and pre-dates the original planning application. The applicants pay all relevant business rates, and so on, in relation to this business. The

largest industrial building on the site operates as district heating/energy generation as per the approval.

- The buildings on site are not as per the original consent. A single building was meant to replace all the previous buildings – Officer response: Although the development description referred to the demolition of all buildings on the site there was no planning condition imposed to ensure all buildings had to be demolished. There is no obligation to complete a development once it has commenced. Two of the smaller units on the site therefore remain.
- The bund does not surround the entire facility as originally approved – Officer response: The bund encompasses the southern and eastern boundaries of the site, which achieves what is considered by officers to be adequate screening of the site. As stated above, it is the intention of the applicant to fully plant the bund within the next planting season.
- Enforcement action should have been taken – Officer response: As Members will be aware, enforcement is a discretionary power; the purpose being to resolve problems not punish mistakes. The Council has to consider whether it is in the public interest to take enforcement action, such as if there is a recognised harm from the breach. The site has been subject to an enforcement complaint (variance with approved plans) and the alleged breaches have been investigated by officers. As a result of this investigation the applicant was advised to submit the application now before Members: no further action is being taken at this moment.
- No EIA has been submitted for the development, as it is not a gasification plant – Officer comment: As discussed above, it is not considered that a change of use has occurred on site. An EIA was not required for the original development.