

Planning Applications Report

Planning Committee

23rd August 2018

**Bolton
Council**

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

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

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

The following abbreviations are used within this report: -

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

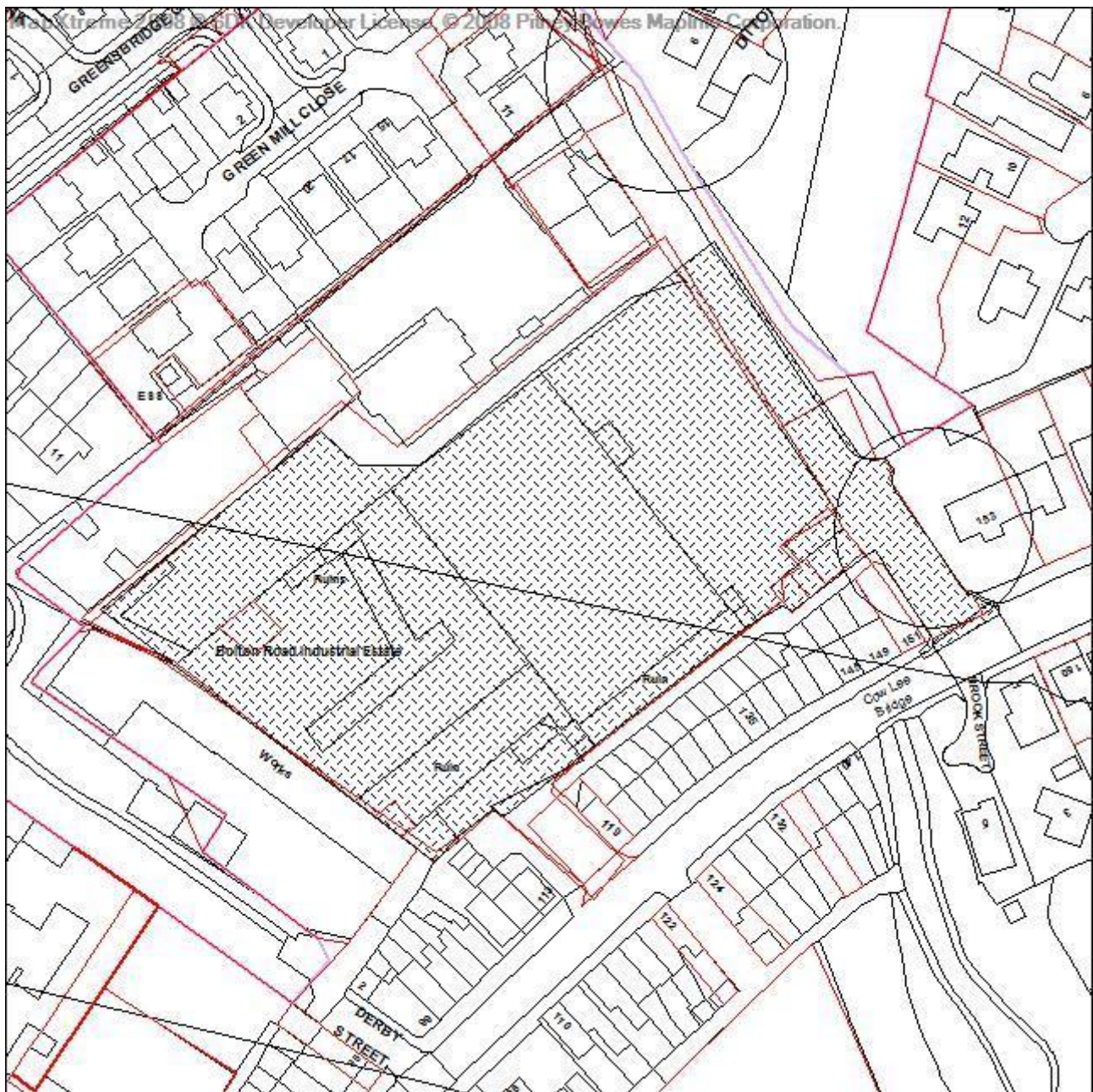
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

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Application number 02326/17



Directorate of Place
Development Management Section

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Bolton Council

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Date of Meeting: 23/08/2018

Application Reference: 02326/17

Type of Application: Full Planning Application
Registration Date: 29/11/2017
Decision Due By: 27/02/2018
Responsible Officer: Jodie Turton

Location: PERSEVERANCE MILL, BOLTON ROAD, WESTHOUGHTON, BOLTON, BL5 3JQ

Proposal: ERECTION OF 35NO. DWELLINGS (2NO. 2 BEDROOM, 22NO. 3 BEDROOM, 11NO. 4 BEDROOM) ALONG WITH ASSOCIATED ACCESS AND LANDSCAPING ALTERATIONS TO EXISTING MILL SITE.

Ward: Westhoughton North

Applicant: Wiggett Construction Group Ltd
Agent : HNA Architects Ltd

Officers Report

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

Proposal

1. This is an application for the residential development of a previously developed site in Westhoughton. The proposal is for the erection of 35 dwellings, comprising of a mixture of detached and semi-detached properties. There will be two 2-bedroom houses; twenty two 3-bedroom houses; and eleven 4-bedroom houses. The houses will be arranged in a traditional residential layout around a cul-de-sac with houses facing onto the road and with private gardens to the rear.
2. Dedicated parking will be provided for each dwelling, providing 2 external parking spaces per dwelling for all but one house, which will have one parking space. In addition, the detached dwellings will also have a garage space. Overall, the scheme will provide 72 parking spaces (69 of these are external parking spaces).
3. Access to the development will be from Bolton Road. There is an existing access road that runs in-between 151 and 153 Bolton Road. This is an unadopted road, which provides access to the business units which remain in operation on the wider site.
4. The proposal also includes improvements to the junction and unadopted access road from Bolton Road.

Site Characteristics

5. The site is currently vacant, it is a previous industrial site, industrial activities on the site ceased in approximately 2006 and the site has been vacant since this time. Some buildings on the site have been demolished and others remain vacant and in disrepair. The site is fenced off with heras fencing and there is evidence of flytipping.
6. The surrounding area is very mixed in use, to the north east is an area of open land, which is grassed and has some trees within the site and on the boundaries, this is allocated as a green corridor in the Allocations Plan. A public footpath runs along the unadopted road to the north eastern boundary of the application site (Westhoughton 103), before it cuts away to the north.
7. To the west are industrial units, and of note an existing MOT and vehicle repair unit. The remainder of the surrounding area is largely residential in nature, with a mix of traditional terrace properties (to the south of the site) and more recent housing developments (to the north).
8. The application site is allocated for housing in the Allocations Plan (site reference 110SC).

Policy

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.

Bolton's Allocations Plan policy: 6 Strong and Confident Bolton – Housing; P8AP Public Rights of Way.

Supplementary Planning Documents:
General Design Principles
Accessibility, Transport and Safety
Sustainable Design and Construction

National Planning Policy Framework (2018)

Planning Practice Guidance

Analysis

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

10. The main impacts of the proposal are:-

- * principle of residential development on the site
- * impact on the highway
- * impact on the character and appearance of the area
- * impact on the amenity of neighbouring and future residents
- * impact on drainage and floodrisk
- * impact on public rights of way
- * impact on biodiversity
- * impact on trees

- * sustainable design and construction
- * impact on local infrastructure

Principle of Residential Development on the Site

11. Section 5 of the National Planning Policy Framework (NPPF) supports the Government's objective of significantly boosting the supply of homes, stating that, "it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed." The guidance recognises that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built out relatively quickly.
12. The revised NPPF retains the three overarching objectives to achieving sustainable development, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. Paragraph 9 of the NPPF acknowledges that, "Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."
13. Policy SC1 of Bolton's Core Strategy states that the council will identify a range of housing sites for additional provision and at least 80% of housing development will be on previously developed land. Policy OA3.3 states that the council will concentrate sites for new housing in Westhoughton town centre and on other sites within the existing urban area.
14. The application site is a previously developed site within the urban area of Westhoughton. The site benefits from a housing allocation in Bolton's Allocations Plan (reference 110SC). There was a previous application for residential development on the site dating back to 2007, however although recommended for officer approval at committee, the application was withdrawn prior to a decision.
15. 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. It is considered that the application site is in a reasonably sustainable location, within walking/cycling distance of Westhoughton centre where there are bus and train links. It is therefore considered that the proposal constitutes sustainable development.
16. The proposed development would contribute to housing supply within Westhoughton and would develop a previously developed site in the urban area, compliant with the aims of the NPPF and Policies SC1 and OA3.3 of the Core Strategy.

Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account:

- * Accessibility by different types of transport, prioritising pedestrians, cyclists, public transport users over other motorised vehicle users.
- * The design of developments to enable accessibility by public transport.
- * Freight movement for industrial and storage uses.
- * Servicing arrangements.
- * Parking, including parking for cycles and powered two-wheelers, in accordance with the parking standards set out in Appendix 3.
- * The transport needs of people with disabilities.

- * The requirement for a Transport Assessment and Travel Plan with major trip generating developments.

17. Policy S1.2 of the Core Strategy states that the Council will promote road safety in the design of new development.
18. Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts the road network would be severe. Within this context, applications for development should give priority first to pedestrian and cycle movements and facilitate access to high quality public transport; address the needs of people with disabilities and reduced mobility; create places that are safe, secure and attractive; and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
19. Access to the site will be via an existing access off Bolton Road (passing between 151 and 153 Bolton Road). The access road is unadopted and is in a poor state of repair. The unadopted road to the east of the site forms part of the application site and will be improved as part of the development proposal, which will bring this section of the road up to adoptable standards (conditions are recommended which will secure the works required to achieve this). The application also includes improvements to the junction with Bolton Road, which will include a parking bay to the side of 151 Bolton Road.
20. The Council's Highway Engineers are satisfied that the proposed internal road layout within the development accords with the Council's standards. The proposal will result in access improvements from Bolton Road and to the benefit of the existing industrial units, as well as bringing the access road up to adoptable standards for the future residents, Highway Engineers stipulate that this includes: footway/carriageway, drainage and streetlight provision. The proposal will also formalise a parking space to the side of 151 Bolton Road, which is a popular fish and chip shop and will therefore benefit from this provision.
21. Appendix 3 of the Core Strategy has a maximum parking standard of 2 spaces per dwelling for two and three bedroom properties and 3 spaces per dwelling for dwellings with four or more bedrooms. The proposed development comprises of twenty four – 2 and 3 bedroom dwellings and eleven 4-bedroom dwellings. The maximum number of parking spaces required by Appendix 3 would therefore work out at eighty one parking spaces. The proposed development makes provision for 72 parking spaces (69 external spaces and 3 garage spaces). This breaks down as two spaces per dwelling, other than one dwelling which will have just one parking space. In addition, the three detached dwellings have integral garages. Given the fact that the Council's parking standards are maximum and the sustainable location of the site, which is close to the centre of Westhoughton, which is well served by public transport (rail and bus) then the on-site parking provision is considered to be acceptable. It is noted that Highway Engineers have raised no concerns with regard to parking provision.
22. Objections have been raised from a nearby business with regard to access to and from their premises. There are concerns that the site will constrain the access route and also manoeuvrability at the business, which is essential to the successful and ongoing business operation. The unadopted access road in question runs to the north of the site and is outside of the site's red edge. Despite this, discussions have been entered into between the Applicant and the MOT Centre in order to establish the access needs of the business. This has resulted in amendments to the site layout and the loss of one house from the proposed scheme (from 36 to 35 dwellings).

23. The proposal complies with highways policies and is considered to present a positive improvement to the junction with Bolton Road and to the unadopted road.

Impact on the Character and Appearance of the Area

24. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA3 relates specifically to developments in Westhoughton and states that the Council will conserve and enhance the character of the existing physical environment.
25. Section 12 of the NPPF is focused on the achievement of well-designed places. The Government attaches great importance to the design of the built environment. Paragraph 124 asserts that, "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
26. The layout of the proposed development is a traditional residential layout, set around a cul-de-sac. Access is from an unadopted road, off Bolton Road. Four properties will front directly onto the unadopted road and the remaining thirty one properties are sited around the cul-de-sac. Parking is largely provided to the front of the dwellings, with private residential gardens to the rear. Given the layout of the site, a limited number of plots have parking spaces slightly detached from the plot, this is generally at the heads of the cul-de-sac to make best use of space and also (as detailed in the section below) to provide greater distance between the MOT Centre to the north and the proposed residential dwellings.
27. The layout of the site allows for areas of landscaping, which will serve to soften and enhance the residential environment.
28. A variety of styles and heights of houses are proposed. These comprise of primarily two storey dwellings and with a small number of two and a half storey dwellings (properties with dormers to the front roof plane). The larger two and a half storey properties will be sited at the entrance to the cul-de-sac which will give more presence to the entrance into the development.
29. Each plot has clear and dedicated bin storage areas, sited to the rear of the properties and away from the road frontage, which will ensure a tidy environment and will cater for the number of bins required for recycling and general waste.
30. The style and layout of the proposed development has been designed to be in keeping with the style of properties in the wider Westhoughton area. The proposal will sit comfortably within the surrounding area and will offer a positive improvement to this derelict, former industrial site. It is clear that good urban design principles have been followed in the design of the scheme and the proposal will offer a positive improvement to the character of the area.
31. The proposal is considered to comply with policy with regard to design and layout.

Impact on the Amenity of Neighbouring and Future Residents

32. 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.
33. Section 15 of the NPPF includes a section on ground conditions and pollution. Paragraph 180 focuses on pollution, including noise, stating that, "Planning policies and decisions should also

ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions... as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development." At point (a) reference is made to mitigating and reducing to a minimum potential adverse impacts resulting from noise and avoiding giving rise to significant adverse impacts on health and quality of life.

Noise

34. Since submission of the application, the site layout has been amended to take into consideration the relationship of the proposed dwellings with the existing, nearby business uses, most notably the MOT centre to the north of the site. The original proposal was for a development of 38 dwellings, however this would have resulted in a number of dwellings being sited directly next to the MOT centre, which could have resulted in a detrimental impact on the future living conditions of residents due to noise and disturbance. The scheme has therefore been amended to reduce the number of dwellings to 35 and to specifically improve the relationship between the proposed dwellings and the MOT centre in terms of increasing the interface distances and amending the orientation of the dwellings.
35. A noise assessment was submitted with the application and further noise monitoring has been undertaken and the noise report updated in line with the requirements of the Council's pollution control officers. Of particular note has been the relationship of a number of plots with the MOT Centre to the north of the site. Concerns were raised by pollution control officers about the potential for noise and disturbance from the MOT Centre and the impact on the garden areas and also the impact of early morning operations at the garage which would have the potential to cause a disturbance to future residents sleep patterns. The Applicant has undertaken further noise monitoring in line with Pollution Control requirements and has put in place additional mitigation measures which will overcome any potential noise impact. The following mitigation measures are proposed, have been agreed with pollution control officers, and will be secured via condition:
- An acoustic fence to the rear boundaries of those plots closest to the MOT Centre.
 - Sound insulation to the building envelopes.
 - Mechanical ventilation to the facing bedrooms so that neighbours will have the option of other means of ventilation to opening windows (bedroom windows will retain the opening function for residents to use if desired).
 - Acoustic glazing to windows.
36. The Council's pollution control officers are satisfied that the proposal has successfully addressed any potential noise impact for future residents and have recommended a number of conditions to secure the implementation of these agreed measures.

Layout

37. The internal layout of the proposed development has been designed to comply with the interface distance guidance as set out in section 3 of the Supplementary Planning Document "General Design Principles".
38. The interface distances between the rear of the terrace row on Bolton Road and the rear of the dwellings (plots 1 – 11), largely complies with the interface distance guidance contained in the SPD. There is a shortfall to the rear of plots 9 and 10 of approximately 1.5 metres, however this is considered to be acceptable in this instance as there is a high brick wall to the rear boundary of the terrace properties which will provide screening at groundfloor level. Furthermore, the application site was previously in industrial use and a large mill previously occupied the site. The relationship between the terraced row and the proposed dwellings will be a significant

improvement to the historical relationship between the terrace properties and the mill. The proposed residential use is also considered to present a more compatible use than the historic industrial use. It should also be noted that no letters of objection have been received from the residents in these properties. To ensure that the relationship between these properties is not compromised in the future a condition is recommended to remove permitted development rights for extensions and alterations to the roof (including dormers).

39. SPD "General Design Principles" recommends a private garden area of 50 square metres for residential dwellings. A majority of the proposed dwellings either achieve or exceed this recommendation, however a small number of properties fall slightly below this recommendation. A condition is recommended to remove permitted development rights for extensions on these properties so that the garden areas are not compromised in the future by inappropriate extensions.
40. Overall, the proposed development is considered to comply with the guidance contained in SPD "General Design Principles" and further information will be reported to Members with regard to issues of noise.

Impact on Drainage and Floodrisk

41. 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.
42. A drainage strategy has been submitted with the application, with details of proposed surface water drainage works. The Council's Floodrisk Team have been consulted on the submitted information and they are satisfied that the information is sufficient. A condition is recommended which requires further details of surface water drainage works and disposal of these via a sustainable urban drainage system. United Utilities have also been consulted on the proposal and they have raised no concerns with regard to the proposed drainage works, subject to conditions.
43. On the basis of the information provided and the recommended condition, the proposal is considered to comply with Core Strategy policy CG1.5.

Impact on Public Rights of Way

44. 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.
45. A public right of way (Westhoughton 103) runs along the unadopted road to the north eastern boundary of the site. The application proposal includes improvements to the surfacing of this road and inserting a footpath. This will be of benefit to pedestrian safety and thus the safety of users of the footpath, who currently share the surface with traffic entering and leaving the remaining industrial units. An informative will be added to the decision notice providing details of the advice from the Public Rights of Way Officer with regard to any works to the footpath and maintenance of this.

46. The proposal is considered to comply with policy in this respect.

Impact on Biodiversity

47. 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.

48. The Council's Greenspace Officer has confirmed that the proposed development will not cause any significant impact on biodiversity in the area. They do however recommend that swift boxes are incorporated into the design of the development due to the fact that swifts are in decline this is in part due to the removal of their nesting habitat, the demolition of old buildings and the modernisation of other appropriate buildings. An informative will be added to the decision providing this information and recommending the inclusion of swift bricks in the design of the dwellings.
49. The proposal is considered to comply with Core Strategy policy CG1.2.

Impact on Trees

50. 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.
51. The Council's Tree Officer has visited the site and made an assessment of the trees within and on the edge of the site. There are a limited number of trees and many of these are self-seeded and not worthy of retention. A tree adjacent to the northern boundary of the site is however worthy of retention and will require protective fencing in order to safeguard it during the development process. Accordingly, a protective fencing condition is recommended.

Sustainable Design and Construction

52. 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 (CO₂) 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 CO₂ 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.
53. The SPD "Sustainable Design and Construction" supports these policy aims and also stresses the importance of designing sustainability measures into the scheme at an early stage.
54. An Energy Assessment has been submitted with the application. The assessment provides details of how the scheme will be built out, taking into consideration energy saving measures in the built fabric of the dwellings, as well as introducing energy efficient measures such as condensing boilers and low energy lighting. A condition is recommended to ensure that the development is carried out in accordance with the submitted details, which show an average 11.24% improvement on Building Regulations Part L (2010), which is above the 10% requirement of the policy.

Impact on Local Infrastructure

55. 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.

56. 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.

57. 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:	£481,114.90 (or on site provision of 5 units)
Education:	£101,402.56 (primary provision)
	£105,920.05 (secondary provision)
Open/amenity space: (off site)	£49,280
Health:	No response has been received from the CCG.

TOTAL: £737,717.51

Viability Assessment

58. The applicant has submitted a viability report, which has been assessed by an independent consultant to verify the details of the submitted report. The viability report provides detailed information regarding the costs of the development, the cost of the land purchased, professional fees, the cost of "abnormals" which includes such things as site remediation and the removal of Japanese Knotweed, and the predicted sales price of the properties when built. The report concludes that viability is a significant issue on the site and that a developer's profit of only 11.45% can be achieved (a normal range is between 18% and 25%), on this basis the development will not be able to stand any S106 contribution.

59. The independent assessment of the viability report agrees with its conclusions. Looking in detail at the figures that have been provided these are considered detailed and reasonable for the site and the type of development proposed. The assessment therefore agrees with the findings that the site cannot currently support the required commuted sums. Despite this however, it is considered that Westhoughton and surrounding areas could see a significant amount of development in the near future which may start to demonstrate better comparable evidence / higher values in terms of property prices. The advice received therefore is to include an overage provision and that the site is reassessed to viability on completion.

60. Understanding the challenges and demands that a new development places on an area in terms of services, schools and green infrastructure, amongst other things, the Applicant has put forward an amount of £20,000 for the Council to put towards one or more of the commuted sum requirements. It is proposed that this is paid via a Unilateral Undertaking, which will also include provision for clawback/overage and for the site to be reassessed to viability on completion.

Benefits of the Proposal

61. 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.

62. A delivery statement has been provided by the Applicant and they have confirmed that if planning permission is granted they intend to commence construction in April 2019, this will be carried out over a two-year period and will be completed in April 2021.
63. 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.

Other Matters

64. The application is supported by a Phase 1 Report, which pollution control officers consider to be acceptable and have requested a condition for further work to be undertaken in line with the requirements of Core Strategy policy CG4.
65. Greater Manchester Archaeological Unit have confirmed that as a former 19th century cotton mill site, that despite the mill structures having been mostly demolished there is high below ground archaeological potential. On this basis, an archaeological condition is recommended.

Local finance considerations

66. 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:
67. New Homes Bonus for the 35 proposed dwellings – this is not a material planning consideration.

Conclusion

68. This is a previously developed site, within the urban area of Westhoughton. The site was formally an industrial mill site and the mills were largely demolished in 2016. The site has a housing allocation in Bolton's Allocations Plan (reference 110SC) and therefore the principle of residential development is established.
69. The proposal will contribute to the housing supply in Bolton, the developer has provided a delivery statement committing to delivering the housing by April 2021. The design and layout of the development has been well conceived and will be a positive addition to the area and will result in the development of a vacant site, thus complying with Core Strategy policy CG3. The access and parking arrangement are considered to be acceptable in policy terms (P5, S1 and Appendix 3) and the proposed improvements to the access road from Bolton Road will result in benefits to the wider area and businesses.
70. The Applicant has worked with the existing business on the site to ensure that access to their unit is acceptable.
71. Mitigation measures have been recommended and agreed with pollution control officers in order to prevent any noise impact on future residents from existing industrial/commercial uses adjacent to the site. On the basis of these mitigation measures and the inclusion of relevant conditions, the proposal is considered to comply with Core Strategy policy CG4.
72. Due to the costs associated with developing this former industrial site and the anticipated sales value of the properties, the Applicant is unable to meet the requirements of Core Strategy policy IPC1. A contribution of £20,000 is proposed and the Applicant has agreed to a clawback clause which will require the reassessment of the schemes viability upon completion.
73. Overall, the proposal is considered to present a positive development proposal for this site, which

will not only provide much needed housing in the Borough, but will also develop a vacant and derelict site. The application is recommended for approval, however the decision will need to be delegated to the Director in order for the Unilateral Undertaking to be signed.

Representation and Consultation Annex

Representations

Letters:- one letter of objection has been received from a nearby business, raising the following concerns:

- The access in and out of Westhoughton MOT Centre is totally inadequate.
- Sound disturbance from the MOT Centre on future residents. The MOT Centre operates from 05:30 to 17:30, the hours of operation and noise from the work being carried out will impact detrimentally on the living conditions of future residents due to the proximity of the houses.
- Odour emissions from the MOT Centre.
- Pollution from emissions from vehicles.
- Complaints from future residents will cause disturbance to the MOT Centre business.
- The development does not promote or make sustainable the existence of the MOT Centre or other such businesses in the immediate vicinity.
- The development will result in a significant increase in traffic and parked cars in the area.

One letter of support has been received from a nearby resident for the following reason:

- Request to create access road to Manchester Road via Cherwell Road – this would take some load off White Horse junction.
- Request proper parking spaces for Charlie's fish and chip shop – 5 should be enough.

Two letters of general comment have been received, raising the following:

Footpaths – these should be provided on either side of the road. Pedestrians currently use the road as access from local residential developments to the north of the site. One footpath will only support users from the proposed development and not existing users. Footpaths on either side of the access road will also reduce the crossing distance for pedestrians.

Drainage – although this a FRA Zone 1, drainage is an issue. Surface drainage is completely beyond its serviceable life. In addition, there is a large culvert and existing discharge should not be exceeded. Betterment of the existing flows should be encouraged.

Parking – the local chip shop is very popular and cars regularly park along the road creating a potential hazard for access to the proposed development.

Traffic – concern about a further 77 cars on Bolton Road. The cross roads at the top of Bolton Road is very congested. The roads in Westhoughton cannot cope as it is and this is only going to get worse with the potential development of other sites in the surrounding area.

RSPB - have recommended the installation of internal swift bird bricks at this development.

Town Council:- Westhoughton Town Council The Town Council made no objections subject to the access road being upgraded to a standard adoptable by Bolton Council with a greatly improved road surface and street lights, and with the siting of waiting restrictions on Bolton Road next to the junction to improve vehicle drivers' view and also on Bolton Road across from the junction. The access is also used by the industrial units.

Consultations

Advice was sought from the following consultees:

Bolton Council: Tree and Woodland Officers, Highway Engineers, Pollution Control Officers, Greenspace, Landscape, Economic Strategy, Asset Management – Education, Drainage & Floodrisk; Public Rights of Way, Strategic Development.

External Consultees: United Utilities, The Coal Authority, GMAAS, GMP Design for Security, Greater Manchester Ecology Unit, Peak and Northern Footpaths, Environment Agency, National Grid, Bolton CCG, Ramblers Association, Open Spaces Society.

Planning History

Prior notification for the demolition of mill and free standing mill walls approved in December 2016 (98015/16)

An application for the erection of 84 residential units (houses and apartments) was withdrawn in 2008 (although the application was written up for committee with an officer recommendation of approval) (76655/07)

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. Prior to the commencement of development (other than groundworks) 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 (other than groundworks) 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. 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.

5. 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 tree(s) and in order to comply with Bolton's Core Strategy policies CG1 and CG3.

6. Prior to the commencement of development, the following work shall be undertaken and information submitted to, and approved in writing by, the local planning authority:

- * The undertaking of an appropriate scheme of intrusive site investigations for both the mine entry and the shallow workings;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * Implementation of those remedial works.

All works required and approved shall be carried out in full prior to commencement of development.

Reason

To ensure the safe development of the site in accordance with Bolton's Core Strategy policy CG4.

7. If development commences after November 2018, then prior to the commencement of development, including demolition, the applicant shall survey the site for evidence of bats. 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.

8. Following the provisions of the Phase 1 investigation submitted with this application, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and a Site Verification / Completion Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason

To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment and following CRL11 guidelines and in order to comply with Bolton's Core Strategy policy CG4.

9. Prior to the commencement of any groundworks, surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out and submitted to and approved in writing with the Local Planning Authority of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

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

Reason

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

10. Prior to the commencement of development, other than groundworks, full details of the junction improvement works at Bolton Road and the site access as indicated on drawing ref: 1168/003 Rev B, dated 16/05/18, comprising of, making up of the unadopted access road to the Council's adoptable standards (carriageway, footway, street lighting, drainage). This work will need to be undertaken under a S278 agreement between the Council and the Applicant.

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. Prior to the commencement of development hereby approved/permitted, all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality where necessary and to enable the Local Highway Authority to consult, advertise, promote and implement Traffic Regulation Orders. This is to include the promotion of parking restrictions at the site access with Bolton Road and within the site turning head provision. To include the promotion of a 20mph speed limit order on the site residential roads and access.

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".

12. No development shall take place until the Applicant or their Agents or successors in title has secured the implementation of a programme of archaeological works. the works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:
 - an archaeological desk based assessment;
 - an archaeological evaluation through trial trenching;
 - informed by the above, targeted area excavation or/and a watching brief (subject to a new WSI).
2. A programme for post-investigation assessment to include:

- analysis of the site investigation records and finds;
 - production of final reports on the significant of the archaeological and historical interest represented.
3. Deposition of the final reports with the Greater Manchester Historic Environment Record.
 4. A scheme to disseminate the results and commemorate the heritage.
 5. Provision for archive deposition of the report and records of the site investigation.
 6. Nomination of a competent person/organisation to undertake the works set out within the approved WSI.

Reason

In accordance with NPPF Section 12, para 141 - To record and advance understanding of heritage assets impacted on by development and to make information about archaeological heritage interest publicly accessible.

13. The building envelope (floor, ceilings, walls and windows) of the development hereby approved shall be constructed so as to provide sound attenuation as laid down in BS8233:2014, LAeq/T living rooms 35dB, dining rooms 40dB and bedrooms 30dB (night time) with windows shut and other means of ventilation provided. Details of the acoustic insulation and mechanical ventilation with heat recovery scheme as detailed in the Ambient Noise & Building Envelope Assessment by PDA Ltd (reference: 10070/2691/CW/5, dated 23/07/18) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the development first commencing (other than groundworks). The approved scheme shall be implemented in full before the first occupation of the dwellings and retained thereafter.

Reason

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

14. Prior to commencement of development the following information shall be submitted in writing and written permission at each stage has been granted by the Local Planning Authority. The requirements as part of this condition shall have regard to the preliminary risk assessment that has been approved by the Local Planning Authority, namely the requirement to carry out an intrusive site investigation (dated Sept 2017 by Build Vision Ltd, ref: 1230).

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

ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be submitted to approved by the LPA prior to implementation.

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

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

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

Reason

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

15. Prior to commencement of development, a plan detailing how fugitive dust and noise emissions are

to be mitigated against during the construction phase together with the proposed working hours shall be submitted to, and approved in writing by the Local Planning Authority.

Reason

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

16. Before the first occupation of the dwellings hereby approved, the windows in the elevations facing the MOT garage shall be acoustically double glazed and ventilated in accordance with the 'good' standard laid down in BS8233:2014 of LAeq/T living rooms 35dB, dining rooms 40dB and bedrooms 30 dB (night time) as detailed in the Ambient Noise & Building Envelope Assessment by PDA Ltd (reference: 10070/2691/CW/5; dated 23/07/18).

Reason

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

17. Before the approved/permitted development is first brought into use no less than 69 car parking spaces with minimum dimensions of 2.4 metres by 4.8 metres shall be provided within the curtilage of the site, in accordance approved plan drawing ref: 1168/001 Rev H, dated 14/06/18.). Such spaces shall be made available for the parking of cars at all times.

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

18. 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.

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'.

19. No dwelling shall be occupied until the access road (5.5 metre carriageway) and footways (2 x 2.0 metres) leading thereto have been constructed and completed in accordance with the drawing ref: 1168/001 Revision H, dated 14/06/18.

Reason

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

20. Prior to the development being first occupied or brought into use, 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 within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

21. The development hereby approved shall not be occupied/brought into use unless and until the 3 metre high reflective sound screen supplied by JCW Acoustic supplies has been erected along the boundary as detailed in the Ambient Noise & Building Envelope Assessment by PDA Ltd, dated 23/07/18 (reference: 10070/2691/CW/5).

Reason

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

22. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to 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.

23. 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 or outbuildings (other than those expressly authorised by this permission) shall be constructed on plots 14 and 32.

Reason

The plot size is limited and any extension would result in an unsatisfactory scheme, and to comply with policy CG4 of Bolton's Core Strategy.

24. 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, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed on plots 1 - 11.

Reason

To safeguard the living conditions of the residents of the properties on Bolton Road and in order to comply with Bolton's Core Strategy policy CG4.

25. For the avoidance of doubt, the development shall be carried out in full accordance with the recommendations and conclusions of the following submitted reports:

Crime Impact Assessment; dated 11th October 2017.

Energy Assessment by Lancaster Maloney; reference 1710/08.

Reason

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

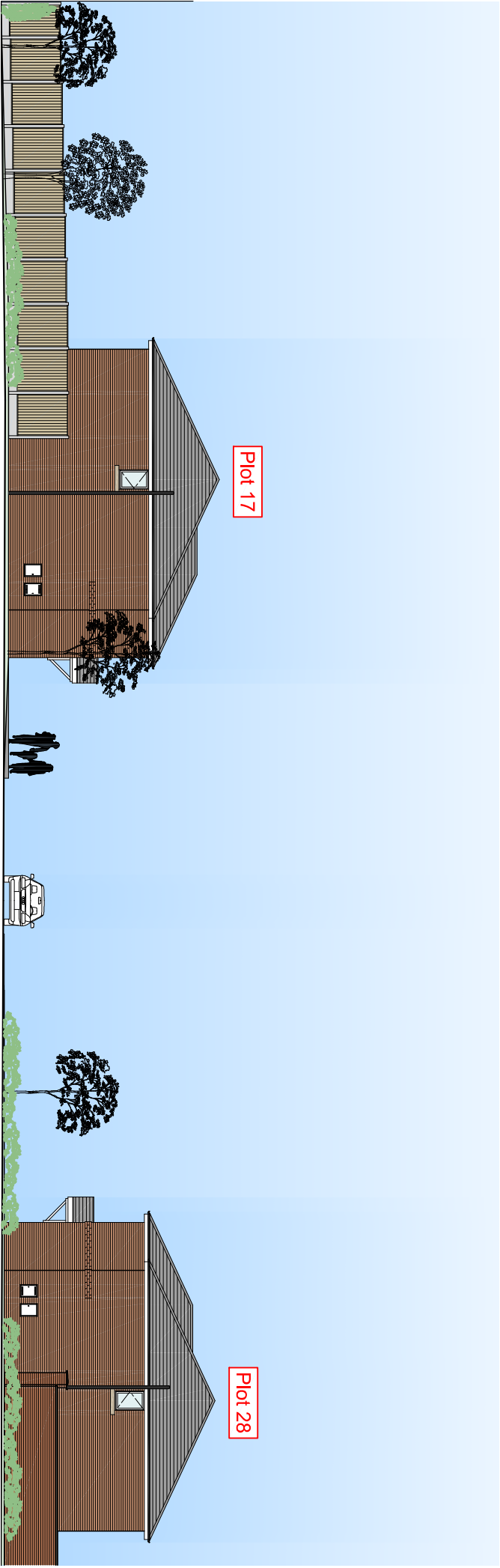
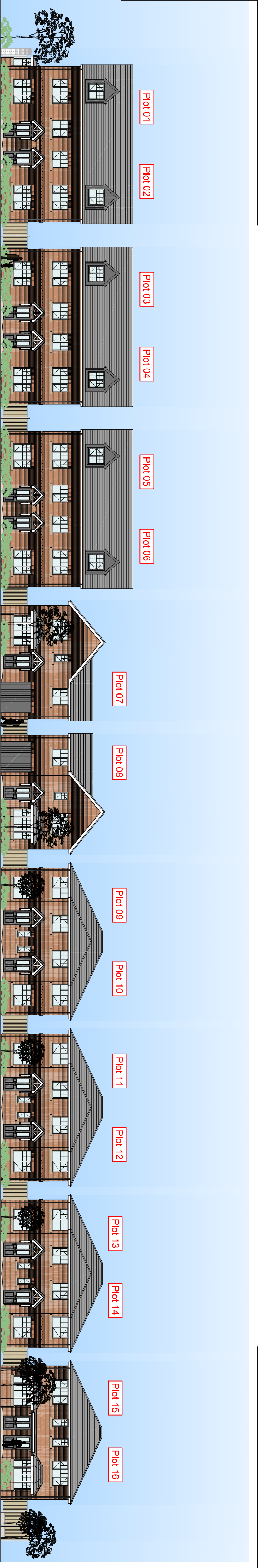
26. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

- **1168/SLP Rev A ; Site Location Plan**
- **Existing Topographical Survey by CTE Surveys**
- **1168/001 Rev K - Proposed Site Layout - Dated 20.07.18**
- **1168/003 Rev B - Highway Improvement Plan - Dated 16.05.18**
- **1168/101 Rev A - House Type A1-Proposed Plans and Elevations - Dated 11.05.18**
- **1168/102 Rev A - House Type A2-Proposed Plans and Elevations; Dated 11.05.18**
- **1168/103 Rev A - House Type B1-Proposed Plans and Elevations - Dated 02.02.18**
- **1168/104 Rev A - House Type B2-Proposed Plans and Elevations - Dated 02.02.18**
- **1168/105 Rev B - House Type C1-Proposed Floor Plans - Dated 07.02.18**
- **1168/106 Rev B - House Type C2-Proposed Floor Plans - Dated 07.02.18**
- **1168/107 Rev A - House Type D-Proposed Floor Plans - Dated 14.11.2017**
- **1168/201 Rev B - House Type C1-Proposed Elevations; Dated 07.02.2018**
- **1168/202 Rev B - House Type C2-Proposed Elevations - Dated 07.02.2018**
- **1168/203 Rev A - House Type D-Proposed Elevations - Dated 14.11.2017**
- **1168/AS Rev E - Proposed Roof Layout and Accommodation Schedule - Dated 14.06.18**

- **Ambient Noise & Building Envelope Assessment by PDA, dated 23rd July 2018**

Reason

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



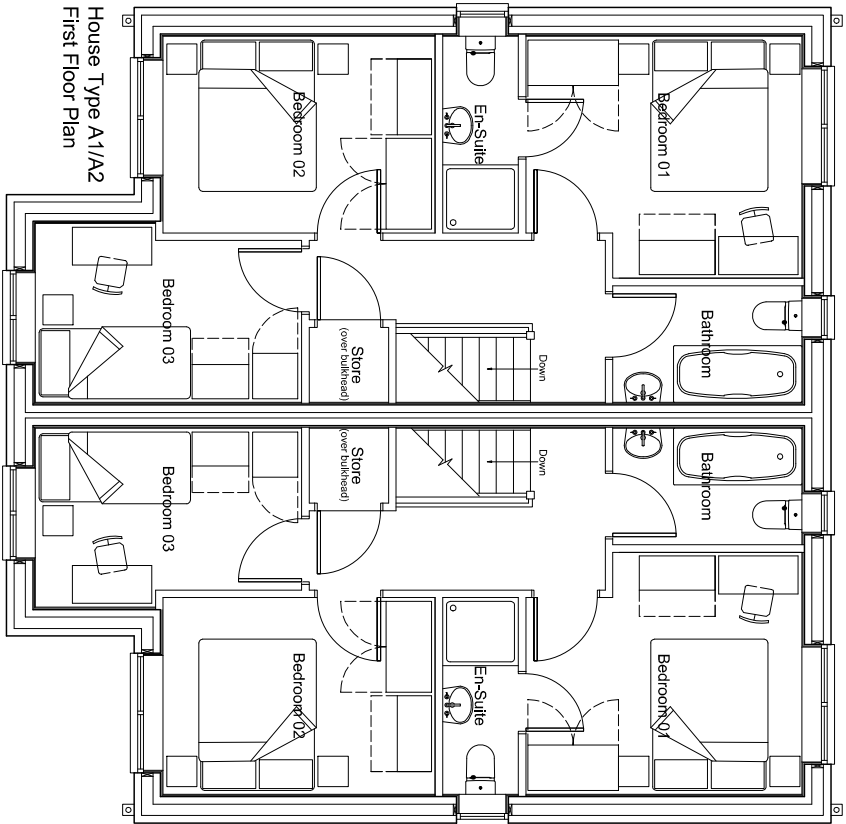
D	15/05/2018	Plots 23 and 24 altered to House Type E following client negotiations with adjacent MOT Centre proprietor. Type A houses updated to coincide with revised house type drawing. Site section added showing gables of Plots 17 and 28 following planning officer's request.	DB	GG
C	27/03/2018		DB	GG
B	31/01/2018	Amendments made to coincide with planners comments dated 30/01/2018	GC	GG
REV	DATE	AMENDMENT	BY	CHKD

HNAarchitects

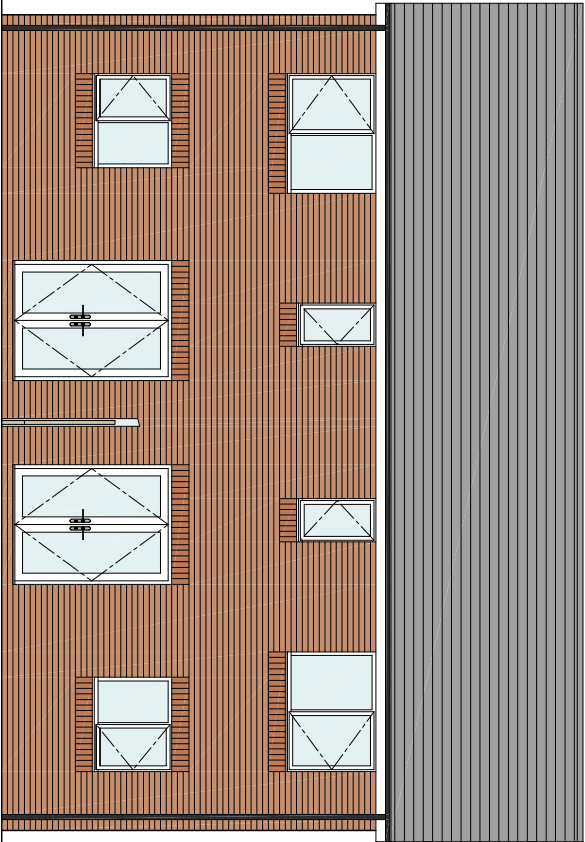
Architecture | Planning | Design

PROJECT:	Bolton Road, Westhoughton				
CLIENT:	Wiggett Construction Ltd				
DRAWING:	Proposed Street Elevations				
DRAWN BY:	DB	CHECKED BY:	GG	DATE:	MAY 2018
STATUS:	Developed Design	DRAWING NO:		SCALE:	1:200 @ A2
				REVISION:	D

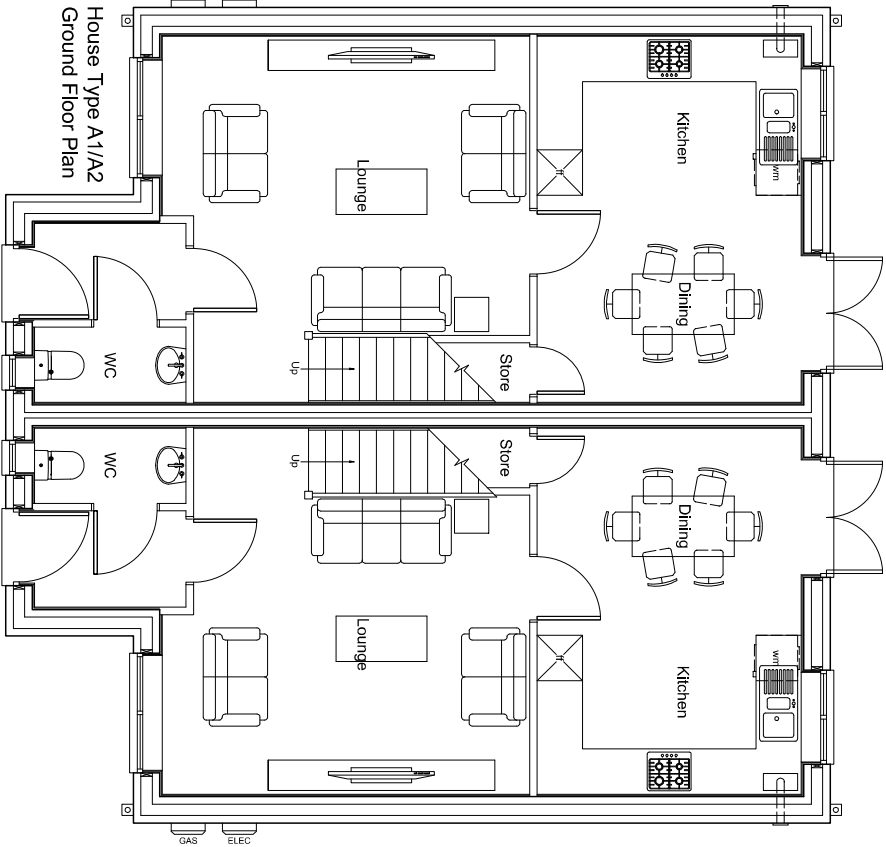
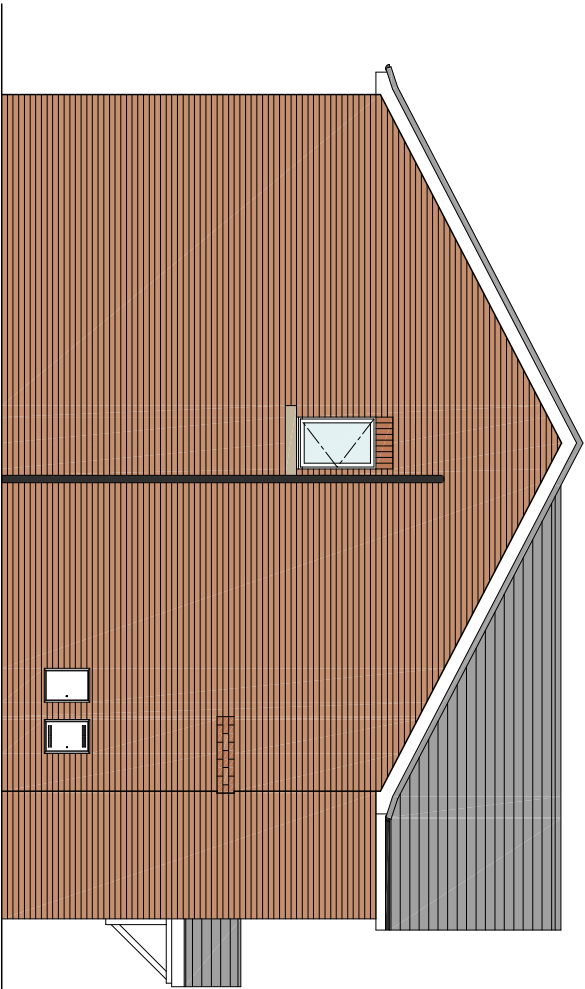
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HOLLINWOOD BUSINESS CENTRE, ALBERT STREET, OLDHAM, OL8 3QL.
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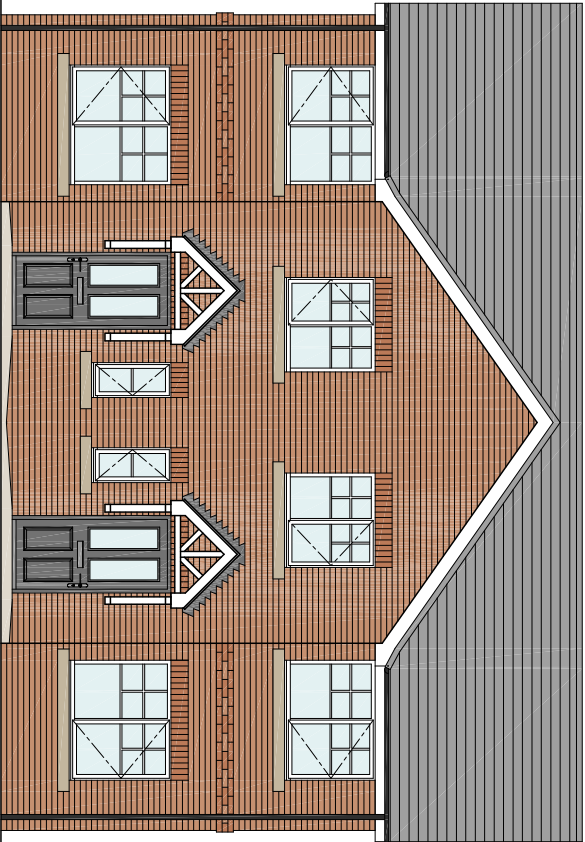
House Type A1
Proposed Rear Elevation



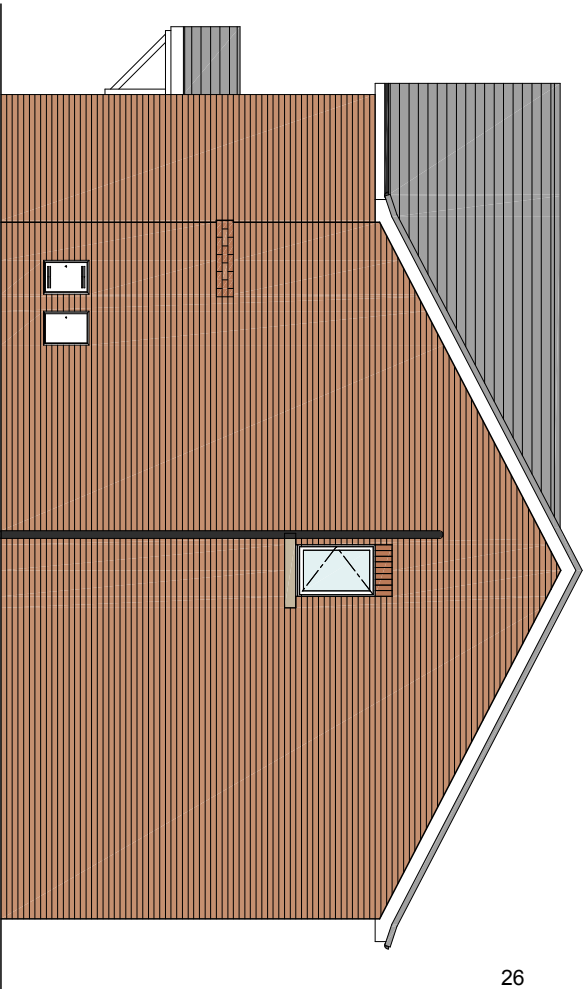
House Type A1
Proposed Gable Elevation 01



House Type A1
Proposed Front Elevation



House Type A1
Proposed Gable Elevation 02



Floor Area: 89.83m² / 966.92ft²

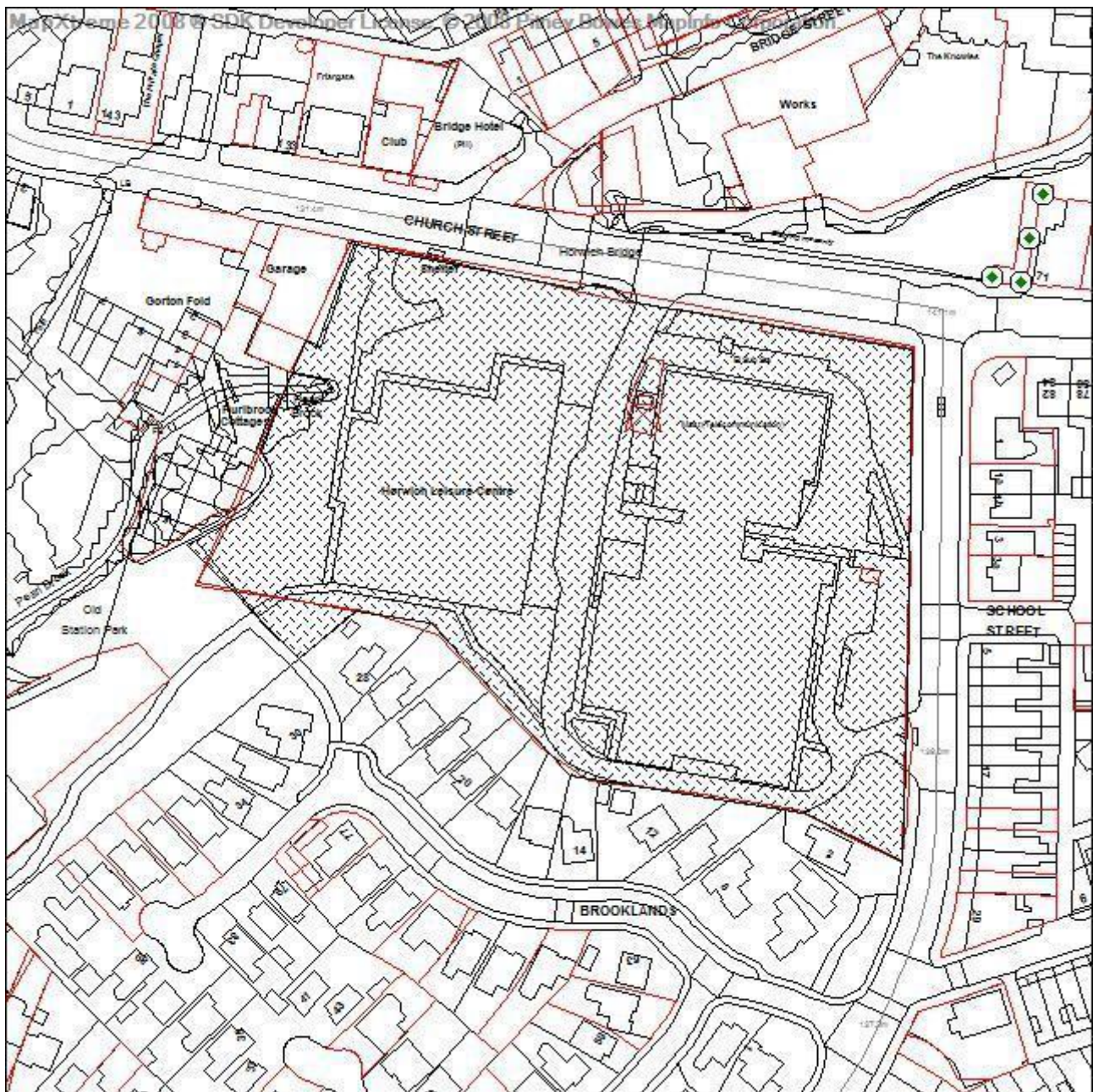
HNAarchitects

Architecture | Planning | Design

						PROJECT:	Bolton Road, Westhoughton						
						CLIENT:	Wiggett Construction Ltd						
						DRAWING:	House Type A1 - Proposed Floor Plans & Elevations						
A	11/05/2018	Return walls increased to 665mm, front projection width increased, roof pitch and window widths decreased accordingly.	DB	GG		DRAWN BY:	DB	CHECKED BY:	GG	DATE:	May 2018	SCALE:	1:100 @ A3
REV	DATE	AMENDMENT	BY	CHKD		STATUS:	Developed Design			DRAWING NO:	1168/101	REVISION:	A

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TEL: 0161 698 1820
E-MAIL: gary@hnaarchitects.co.uk : michael@hnaarchitects.co.uk

Application number 02380/17



Directorate of Place
Development Management Section

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

Bolton Council

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Date of Meeting: 23/08/2018

Application Reference: 02380/17

Type of Application: Full Planning Application
Registration Date: 24/11/2017
Decision Due By: 18/01/2018
Responsible Officer: Helen Williams

Location: HORWICH LEISURE CENTRE, VICTORIA ROAD, HORWICH, BOLTON, BL6 5PY

Proposal: VARIATION OF CONDITION 14 ON APPROVAL 96141/16 (TO REFER TO TEMPORARY PARKING PROVISION PRIOR TO OCCUPATION OF LEISURE CENTRE) AND REMOVAL OF CONDITION 15 ON APPROVAL 96141/16 (PROVISION OF PERMANENT PARKING PRIOR TO OCCUPATION OF LEISURE CENTRE).

Ward: Horwich and Blackrod

Applicant: Bolton Council / Bolton Community Leisure Trust
Agent : GT3 Architects

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. This application is before Planning Committee as the applicant is the Council.
2. Following the delay in the demolition of the old leisure centre building and the subsequent approval of alternative temporary car parking for the new leisure centre within Old Station Park, permission is sought to vary condition 14 and remove condition 15 of the original planning approval for the new leisure centre to reflect the revised parking situation.
3. Condition 14 states:
"Before the new leisure centre is first brought into use no less than 153 car parking spaces shall be marked out and provided within the site, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be made available for the parking of cars at all times the premises are in use."
4. Condition 15 states:
"Prior to the leisure centre hereby approved being first 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."
5. The new leisure centre is now in use. Parking for the centre is currently provided on-site (53 spaces, including disabled parking) and off-site within a temporary car park created within Old

Station Park (82 spaces). The old leisure centre building is currently being demolished and it is expected that demolition will be finished mid-October. From September it is anticipated that the footprint of the old sports hall will be able to be used for additional temporary spaces, which would replace the current temporary spaces in Old Station Park (as the temporary planning permission for this car park expires on 26th October).

6. A permanent on-site solution for parking for both the new leisure centre building and the new primary care facility (also proposed and approved in outline on the site) would be proposed within the reserved matters application for the primary care facility (layout details).

Site Characteristics

7. The application site comprises the new Horwich Leisure Centre building on the western half of the site and the former leisure centre building (now being demolished) on the eastern half. Vehicle access is off Church Street, with a secondary access off Victoria Road.
8. 53 car parking spaces are currently provided on site around the new and old leisure centre buildings.
9. To the south west, within Old Station Park, is a temporary car park for the leisure centre. This contains 82 parking spaces and has temporary planning permission until 26th October (under application 01803/17).
10. The site is bordered to the south by the two storey houses on Brooklands, and to the west by the cottages at Purlbrook Cottages and Gorton Fold. To the east of the site is Victoria Road, which is predominantly residential in character, and to the north runs Church Street (B6226).

Policy

11. Core Strategy Policies: P5 Accessibility and Transport; S1 Safe Bolton; CG4 Compatible Uses; OA1 Horwich and Blackrod.
12. Supplementary Planning Document (SPD) Accessibility, Transport and Road Safety
13. National Planning Policy Framework (NPPF)
14. Ministry of Housing, Communities and Local Government - Flexible options for Planning Permissions

Analysis

15. 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.
16. The main impact of the proposal is:-

* impact on the parking provision for the new leisure centre

Impact on the Parking Provision for the New Leisure Centre

17. 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, prioritising pedestrians, cyclists, public transport users over other motorised vehicles users and parking, in accordance with the parking standards set out in appendix 3. Policy S1.2 seeks to promote road safety in the design of new development.
18. Section 10 of SPD Accessibility, Transport and Road Safety concerns parking. Para. 10.2 states that the Council will not require a developer to provide more spaces than they themselves wish, but the Council will look for the applicant to demonstrate the accessibility of the site where less provision has been proposed. Para. 10.8 states that the Council will normally permit development where the proposed development is not likely to lead to a perpetuation or an intensification of on-street parking in a location where parking is likely to be detrimental to highways safety, on a classified road, on a Key Route, in a traffic sensitive location, near to a busy junction or place of limited visibility or where two-way traffic would be impeded.
19. When planning application 96141/16 for the new leisure centre was being determined it was envisaged that 153 car parking spaces could be provided on site prior to the opening of the new centre, as it was assumed that the former leisure centre building would have been demolished by then. Condition 14 on the approval was therefore worded to reflect this.
20. The 153 car parking spaces were intended to serve both the new leisure centre and the new primary care facility (which was approved in outline under application 96141/16).
21. However, there was a delay in health funding meaning that the demolition of the former leisure centre building was delayed. This meant that the 153 parking spaces required within condition 14 could not physically be provided on the site prior to the new centre being opened. Instead 53 temporary spaces were provided on site and 82 spaces were provided (from April) within a temporary car park in the adjoining Old Station Park (approved at Committee under planning application 01803/17).
22. Demolition of the former leisure centre building has now commenced (end of July). Whilst the demolition is being undertaken it is anticipated that the majority of the 53 temporary spaces on site can be retained. The 82 spaces within Old Station Park will continue to be available (during the peak times of 5pm to 9pm weekdays and 10am to 4pm at weekends) until 26th October if required. From September it is envisaged that the footprint of the old sports hall will be able to be used for temporary parking spaces, which would replace the current temporary spaces in Old Station Park.
23. A permanent on-site solution for parking for both the new leisure centre building and the new primary care facility is to be proposed within the reserved matters application for the primary care facility.
24. Officers are therefore suggesting that condition 14 is replaced with the following condition:

"Within one month of the date of this decision, details of the car parking to be provided on the site of the former/demolished leisure centre building shall be submitted to and approved in writing by the Local Planning Authority. The approved parking spaces shall be marked out and provided on site in accordance with the approved details, and within a timescale to be agreed with the Local Planning Authority. Such spaces shall be made available for the parking of cars at all times, until alternative parking has been approved and provided on site."
25. This condition would be condition 4 on this new permission, should the application be approved

by Members.

26. Officers are also suggesting that condition 6 on the original approval be amended. Condition 6 refers to the provision of the 51 temporary car parking spaces on the site prior to the demolition of the former multistorey car park. These temporary spaces are still in use (in fact 53 are currently being provided) and it is proposed that they will be retained until the permanent parking for both the leisure centre and primary care facility have been provided. The amended wording is therefore proposed as follows:

"No less than 51 car parking spaces, in accordance with drawing ref: 240-RYD-XX-XX-DR-L-0003, shall be made available for the parking of cars at all times prior to the parking to be approved through the reserved matters stage being first made available for public use."

27. Condition 15 refers to the laying out of the car parking referred to in condition 14. This condition is no longer applicable (particularly with the proposed reworded conditions to be attached to this consent) and therefore it is recommended that this condition is removed.
28. As temporary parking will be provided on-site for the new leisure centre, which will eventually be replaced with permanent parking once the primary care facility has been constructed, it is not considered that the proposed variation of conditions would provide for sufficient on-site parking for the leisure centre and would not lead to an intensification of on-street parking in the location. It is also considered that the proposed variation of conditions would not have an unacceptable impact on highway safety.
29. The Council's Highways Engineers have raised no objection to the proposal.
30. It is therefore considered that the proposal complies with Policies P5 and S1.2 of the Core Strategy.

Other matters

31. This application has been made under section 73 of the Town and Country Planning Act 1990, to vary and remove conditions attached to an original planning consent. Where such an application is granted the new planning permission sits alongside the original permission, which remains intact and unamended. However, to assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
32. The conditions suggested at the end of this report therefore either replicate those conditions that are still valid (such as those referring to the submission of the reserved matters application for the primary care facility) or are amended following formal discharge.
33. A section 73 application cannot be used to vary the time limit for implementation, therefore the condition requiring the submission of the reserved matters application for the primary care centre (condition 1) remains unchanged from the original permission.

Local finance considerations

34. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. There are not considered to be any local financial considerations in this case.

Conclusion

35. For the reasons discussed above it is considered that the proposal to vary condition 14 and

remove condition 15 of planning approval 96141/16 would comply with Policies P5 and S1.2 of Bolton's Core Strategy.

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

Representation and Consultation Annex

Representations

Letters:- One letter of objection has been received from a neighbouring resident who raises the following concerns:

- * The current parking arrangements are unsatisfactory;
- * There has been no consideration and no proposals to negate the impact on the temporary parking arrangements during the demolition of the old leisure centre building;
- * The temporary car park in Old Station park is not open (hours of opening) as long as the leisure centre is;
- * The permission for the temporary car park in Old Station Park lapses in October;
- * Concern that there will eventually be no parking available on site.

Horwich Town Council:- raised no objection at their meeting of 25th January 2018.

Consultations

Advice was sought from the following consultees: Highways Engineers.

Planning History

Planning application 96141/16 was approved at Planning Committee in May 2016. This hybrid planning approval granted:

- * Full permission for the erection of a new leisure centre following demolition of the existing car park.
- * Outline permission (all matters reserved) for the erection of a primary care centre following demolition of the existing leisure centre.

Permission was granted at Planning Committee in October 2017 for the change of use of the temporary contractor's compound at Old Station Park to a public car park (with access from Chorley New Road) for the new leisure centre for a temporary period of 12 months (01803/17).

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. Application for the approval of 'Reserved Matters' for Part B of planning approval 96141/16 must be made not later than the expiration of three years beginning with the date of that permission and the development must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from the date of permission 96141/16, or
- ii) The expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

2. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") for Part B of planning approval 96141/16 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

Part B of planning approval 96141/16 is for outline planning permission and these matters were reserved by the applicant for subsequent approval.

3. During the demolition of the former leisure centre building:

1. The trees within or overhanging the site which are to be retained are to be surrounded by fences, in accordance to approved drawing 240-RYD-XX-XX-DR-L-5003; "Project Logistic Plan"; dated 31.03.16 and the Tree Protection Method Statement submitted for 96803/16, 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.

4. Within one month of the date of this decision, details of the car parking to be provided on the site of the former/demolished leisure centre building shall be submitted to and approved in writing by the Local Planning Authority. The approved parking spaces shall be marked out and provided on site in accordance with the approved details, and within a timescale to be agreed with the Local Planning Authority. Such spaces shall be made available for the parking of cars at all times, until alternative parking has been approved and provided on site.

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.

5. Prior to the commencement of the development within Part B of planning approval 96141/16:-

- 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 within Part B of planning approval 96141/16:

- 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. No less than 51 car parking spaces, in accordance with drawing ref: 240-RYD-XX-XX-DR-L-0003, shall be made available for the parking of cars at all times prior to the parking to be approved through the reserved matters stage being first made available for public 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. The approved sustainable drainage scheme for Part A of planning approval 96121/16 shall be managed and maintained thereafter in accordance with the approved maintenance details within "Below Ground Drainage Strategy" (Kier) dated 15th May 2017.

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 rating level, as defined in BS4142:2014, shall not exceed the measured daytime and/or night time background sound level at the closest residential properties at any time.

The approved details within Acoustic Design Report, by SRL, dated July 2016 and submitted for application 97324/16, shall be carried out in full and retained thereafter.

Reason

To minimise the impact of noise on the general and residential amenity from the increase and alteration of commercial and/or industrial uses in the area and in order to comply with Core Strategy policy CG4.

9. Trees and shrubs shall be planted on the site in accordance with the approved landscape scheme [drawing reference: K0150-RYD-Z2-XX-DR-L-2001 Rev P19]. 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.

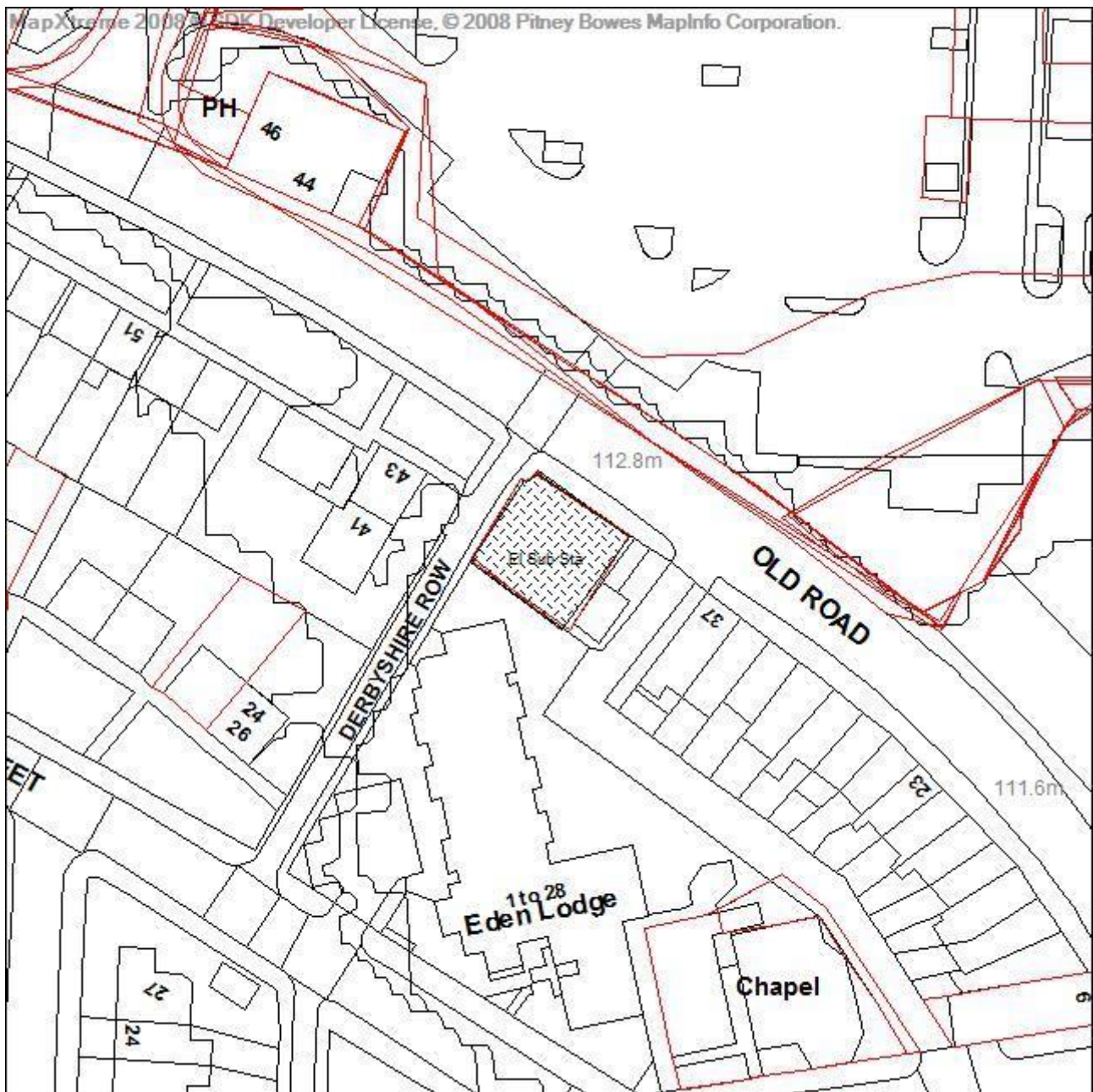
10. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

K0150-RYD-Z2-XX-DR-L-20001 Rev. P14; "General Arrangement"; dated 14.11.17
(08)005 Rev. 2; "Lower Ground Floor GA Plan"; dated 27/04/16
(08)006 Rev. 4; "Upper Ground Floor GA Plan"; dated 11/07/17
(08)007 Rev. 3; "Roof GA Plan"; dated 29/06/17
(08)010 Rev 2; "Building Sections 1"; dated 27/04/16
(21)001 Rev. 12; "Proposed Elevs - East & South"; dated 11/07/17
(21)002 Rev. 10; "Proposed Elevs - North & West"; dated 11/11/16

Reason

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

Application number 02825/18



Directorate of Place
Development Management Section

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

Bolton Council

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Date of Meeting: 23/08/2018

Application Reference: 02825/18

Type of Application: Full Planning Application
Registration Date: 02/02/2018
Decision Due By: 29/03/2018
Responsible Officer: Amy Smith

Location: LAND AT OLD ROAD, BOLTON, BL1 6NJ

Proposal: ERECTION OF 1NO. DWELLING HOUSE AND ASSOCIATED LANDSCAPING, WITH NEW VEHICULAR ACCESS OFF DERBYSHIRE ROW.

Ward: Astley Bridge

Applicant: Mr Seth
Agent : MDA Architectural Services

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Planning consent is sought for the erection of a detached dwelling with associated landscape and access. The property would be located to the front of the site with a garden and parking for two vehicles to the rear. Vehicular access is provided off Derbyshire Row.
2. The dwelling would have a maximum height of 8.05 metres and would incorporate a footprint of 44 sq. metres. The property would feature brickwork to match the surrounding properties.
3. On the ground floor the property would feature a living room and an open plan kitchen/diner. On the first floor there would be two bedrooms, one with en-suite, and one family bathroom. A third bedroom would be provided within the roof space of the property with an en-suite facility.
4. Cllr. Fairclough has requested that the application is put before Members as a result of concern that the entrance onto the site is via the side street and the impact on highway safety.

Site Characteristics

5. The application site is a relatively small, roughly square piece of land on the corner of Old Road and Derbyshire Row, 0.02ha in size. The site is bounded by residential properties to the east and west, with sheltered accommodation to the south of the site. To the north lies a large Asda superstore and car park.

Policy

6. Core Strategy Policies: P5 Transport and Accessibility; S1 Safety; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA5 North Bolton.
7. Supplementary Planning Documents: Accessibility, Transport and Road Safety and General Design

Principles.

8. National Planning Policy Framework (NPPF)

Analysis

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

The main impacts of the proposal are:

- * principle of residential development
- * impact on the character and appearance of the area
- * impact on residential amenity
- * impact on land contamination
- * impact on highway safety
- * impact on flood risk

Principle of Residential Development

11. 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.
12. The principle of residential development on this site has been established through the granting of outline planning permission 96154/16. The current proposal to redevelop the site for residential purposes is also considered acceptable in principle as there have been no significant changes in national or local planning policy since this decision that would lead to an alternative conclusion.

Impact on the Character and Appearance of the Area

13. Policy CG3 of the Core Strategy states that the Council will expect development proposals to contribute to good urban design, conserve and enhance local distinctiveness and be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.
14. Paragraph 124 of the revised NPPF highlights that good design is a key aspect of sustainable development and is indivisible from good planning.
15. The area immediately surrounding the site consists of a variety of residential dwellings with different sizes, types and designs. The dwellings immediately adjacent to the site consist of a row of terraced dwellings to the east, a two storey block of flats to the west and a two/three storey residential block (Eden Lodge) to the south.
16. The proposed dwelling would consist of brick walls to match the properties in the surrounding area. The window proportions and alignment are considered appropriate for the dwelling. The introduction of this design is considered to be appropriate for its setting and location. However,

a condition will be attached to ensure that the proposed materials are of a high quality and respect the context of the immediate area.

17. It is proposed to install a ramped access to the front door (as a result of the raised internal floor level - see flood section of this report). A low level brick wall with metal railing will be erected as a safety barrier. This is in keeping with other boundary treatments in the area which consist of low level railings. Limited details of the proposed landscaping have been submitted and so a condition is suggested to ensure that a landscaping scheme is submitted for approval.
18. Having regard to the above, the proposed development is considered to be physically well related to the character, layout and scale of existing buildings within the surrounding area and would not cause any overriding unacceptable detriment to the surrounding area to warrant a refusal. Therefore, the proposed development is considered to be in accordance with policy CG3 of the Core Strategy and guidance within the NPPF.

Impact on Residential Amenity

19. Policy CG4 of the Core Strategy relates to new development and seeks to ensure that future occupiers and neighbours are provided with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. The Council's guidance on minimum interface distances between dwellings and private amenity space standards are contained within the General Design SPD.

Neighbouring Occupiers

20. The main windows for the dwellings would either face to the north or south of the site with no windows are proposed in either side elevation.
21. The ground floor principal room windows would face out onto Old Road to the front and into the garden to the rear. A separation distance of approximately 6.9 metres would be maintained between the rear elevation and the rear boundary and 11 metres to the corner of the building to the rear which is situated at an oblique angle to the proposed dwelling. It is not considered that any loss of residential amenity would occur as a result of the siting of the proposed dwelling or placement of the windows. The boundary treatment along the shared boundary between the garden and the residential block to the south will afford an element of screening.
22. At first floor level, the windows in the rear elevation serve the bathroom, en-suite and landing area and would all be obscurely glazed to prevent overlooking into the amenity space of the residential scheme to the south.
23. The first floor windows in the front elevation would directly face Old Road and Asda car park. At second floor level, the bedroom, landing and en-suite would be served by roof lights within the front roof plane facing Old Road.
24. It is not considered that the siting of one additional dwelling within a residential area will contribute to an unacceptable degree of noise disturbance over and above the existing level.
25. As a result of the siting and mitigation with obscurely glazed windows, it is not considered that the proposed development would pose any detrimental impact on the amenity enjoyed by neighbouring residents.

Future Occupiers

26. Section 3 of the General Design Principles SPD states that 50 sq. metres of private amenity space should be provided for each new dwelling.

27. In this instance, approximately 77 sq. metres would be associated with the dwelling. However the depth of the rear garden would only measure 6.9 metres. Due to the potential for future occupiers to extend under permitted development rights, the angle of the neighbouring properties and the limited garden depth of the proposed dwelling, it is considered that extending under permitted development rights could result in future occupiers could be left with a sub-standard level of outdoor amenity space. In this instance it is considered reasonable to remove permitted development rights from this application to ensure that amenity is protected.
28. Each habitable space within the dwelling would be served by a window for light and outlook, except for the third bedroom within the roof space which will only be served by a roof light, thereby allowing very limited outlook. However, as this is the smallest bedroom and outlook can be achieved by the main living spaces at ground floor, the level of outlook within the dwelling overall is considered acceptable.
29. Given the above, it is considered that the proposed development would not result in a detrimental loss of residential amenity to neighbouring occupiers or future occupiers of the dwellings in compliance with the requirements of Policy CG4 of the Core Strategy and the General Design Principles SPD.

Impact on Land Contamination

30. A Desktop Contamination Study has been submitted in respect of potential land contamination. Pollution Control Officers have reviewed the submitted report and, considering the sensitive end use, have recommended a condition requiring further appropriate site investigations to be undertaken prior to the commencement of the development. It is considered therefore that subject to conditions the land would be suitable for the proposed use in accordance with policy CG4.3.

Impact on Highway Safety

31. The NPPF requires that development seeks to minimise travel. Where development will generate significant traffic it should be located within sustainable locations, maximising the use of sustainable transport modes.
32. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account 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.
33. The Council's Highway Engineers have been consulted and have no objection to the proposal, subject to the preferred vehicular access being from Derbyshire Row. The proposed site layout has been amended during the application process and now makes provision for two parking spaces within the curtilage of the dwelling, with vehicular access taken from Derbyshire Row. The level of parking is appropriate for a dwelling with 3 bedrooms in accordance with the Council's maximum parking standards. It is recognised that the en-suite within the second floor could easily lend itself to becoming a fourth bedroom. It is recognised that there is unrestricted parking directly to the front of the site and it is not considered that the introduction of a fourth bedroom would result in a severe impact on the highway network in accordance with the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposed development could provide sufficient on-site parking and it is not considered that the addition of a further dwelling would generate significant additional traffic movements.

34. The proposed development would not have an unacceptable impact on highway safety in accordance with policy P5 of the Core Strategy and the NPPF.

Impact on Flood Risk

35. The application site is located within Flood Zone 3. Paragraph 157 of the revised NPPF states that development should be subject to a sequential test so as to avoid, where possible, flood risk to people and property. The application is supported by a Flood Risk Assessment but this advises that a sequential test is not required because the application relates to minor development. However, in flood risk terms, the proposal does not constitute 'minor development' and so a sequential test should have been carried out.
36. It is recognised that the proposed development site is within a densely populated area of residential dwellings and there is an extant planning permission on the site for residential redevelopment.
37. The Environment Agency has been consulted on the proposal and raise no objection in principle. However, their modelling of the Lea Bridge watercourse identifies there is risk of overland flows and water levels at the site would be 113.25m (including 20% climate change).
38. The plans have been amended to raise the internal ground floor level to 113.49m without the need to increase the height of the dwelling. The Environment Agency are satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. On this basis, the proposal is acceptable in flood risk terms.

Conclusion

39. It is considered that the proposal would not have an unacceptable impact on the street scene, highway safety or the amenity of neighbours and future occupiers in accordance with all relevant policies within the development plan and that there are no other material considerations that outweigh those policies. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters: Two objections have been received. The issues raised can be summarised as follows:

- * Overdevelopment of the site;
- * Out of keeping;
- * Loss of light, outlook and privacy for neighbouring residents;
- * The dwelling will be located adjacent to the a substation;
- * Proposed vehicular access is unsafe and there is a lack of visibility at the Old Road junction;
- * There will be disturbance to neighbours.

In response, the siting of the dwelling adjacent to a substation is not a material planning consideration. The remaining points have been addressed in the Analysis section of this report.

Elected Members: Cllr. Fairclough has requested that the application is put before Members as a result of concern that the entrance onto the site is via the side street and the impact on highway safety.

Consultations

Advice was sought from the following consultees:

Drainage; Design for Security; Highways; National Grid; Landscapes; Environment Agency.

Planning History

96154/16 Outline application for 1no. Detached residential dwelling (all matters reserved) – Approved with conditions 12/05/16

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 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. Prior to the commencement of development full details of the highway works at Old Road/Derbyshire Row comprising the repair/reinstatement of footway/carriageway surfaces arising from the construction phase of the development 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 the development being first occupied or brought into use, 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.

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

Reason

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

7. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Derbyshire Row shall be constructed to in accordance with the drawing ref. 0308/103 Rev D.

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. Before the approved/permitted development is first brought into use no less than 2 car parking spaces with minimum dimensions of 2.5 metres by 5 metres shall be provided within the curtilage of the site in accordance approved plan (drawing ref. 0308/103 Rev D). 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.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 15th March 2016 (created by Bolton Council, Highways and Engineering Division) and the following mitigation measures detailed within Section 4.0

The mitigation measures shall be fully implemented prior to the development being first occupied or brought into use and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent and or reduce the risk of flooding and ensure appropriate means of storage/disposal of surface water from the site, and to comply with policy CG1.5 of Bolton's Core Strategy.

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

Reason

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

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, porches, garages, outbuildings, sheds, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

Reason

The plot size is limited and any extension would 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:

Location Plan, drawing number 0308/101 Rev A, dated 20/09/17
Proposed Site Plan, drawing number 0308/103 Rev G, dated 20/09/17
Proposed Level 0, 1 and 2 Floor Plan, drawing number 0308/104 Rev H, dated 18/09/17
Proposed Elevations, drawing number 0308/105 Rev H, dated 18/09/17

Reason

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

- Notes:-
1. Drawings to be used for Planning purposes only.
 2. All dimensions are to be checked on site prior to manufacture, purchase of furniture, fabrication, construction. Any discrepancies are to be brought to the attention of MDA Architectural Services.
 3. MDA will not accept any responsibility until the necessary construction and on site checks have taken place
 4. The copyright for this drawing and design shall remain the property of MDA Architectural Services.
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G	ACCESS REVISED FOLLOWING COMMENTS FROM PLANNING	LC	24/07/18
F	ACCESS REVISED FOLLOWING COMMENTS FROM PLANNING	LC	23/07/18
E	AMENDS MADE FOLLOWING COMMENTS FROM ENVIRONMENTAL AGENCY	LC	11/07/18
D	AMENDS FOLLOWING EMAIL FROM PLANNING AND DISCUSSIONS WITH CLIENT	LC	11/05/18
C	PARKING ARRANGEMENT REVISED FOLLOWING EMAIL FROM PLANNING	LC	19/02/18
B	DROP KERB SHOWN FOR PLANNING SUBMISSION	LC	23/11/17
A	SITE PLAN CHANGED FROM DELPH BROOK WAY TO OLD ROAD BOLTON	LC	04/10/17



ARCHITECTURAL SERVICES
MDA ARCHITECTURAL SERVICES
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84 Longworth Rd, Horwich, Bolton BL6 7BE
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PROPOSED SITE PLAN

OLD ROAD
BOLTON
BL1 6NJ

Scale	1:200 @ A3	Drawing No.	Rev.
Date	20/09/17	0308/103	G
Dwg By	LC		

PLANNING



PROPOSED SITE PLAN

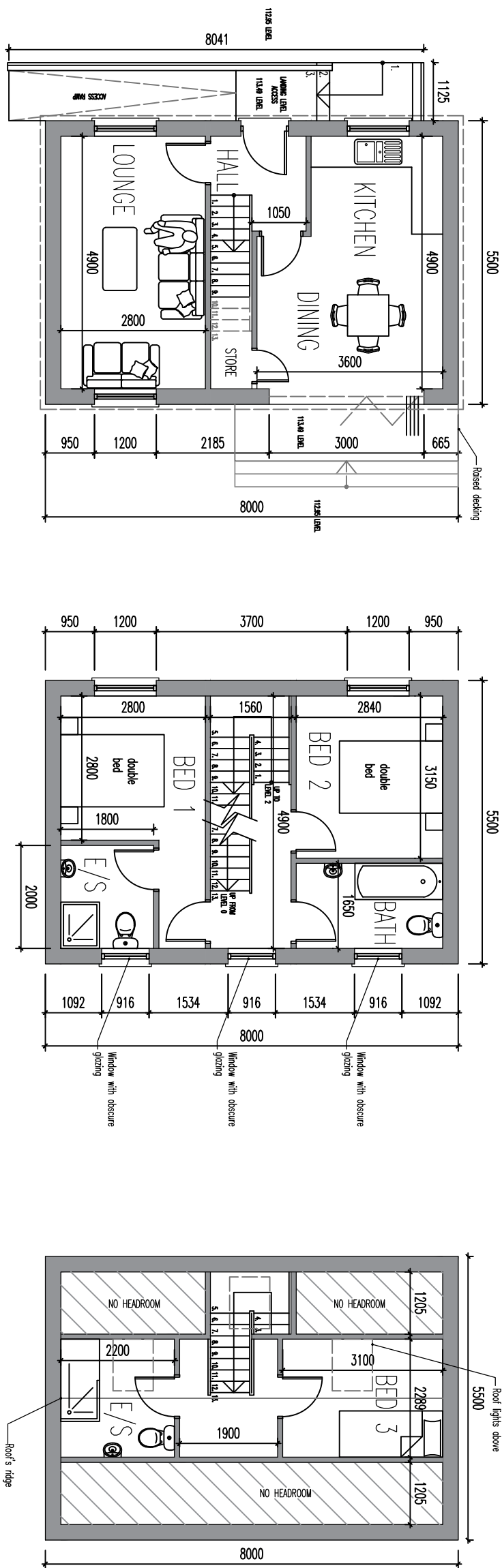
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LEVEL 0 FLOOR PLAN

LEVEL 1 FLOOR PLAN

LEVEL 2 FLOOR PLAN



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PROPOSED LEVEL 0,1
AND 2 FLOOR PLANS

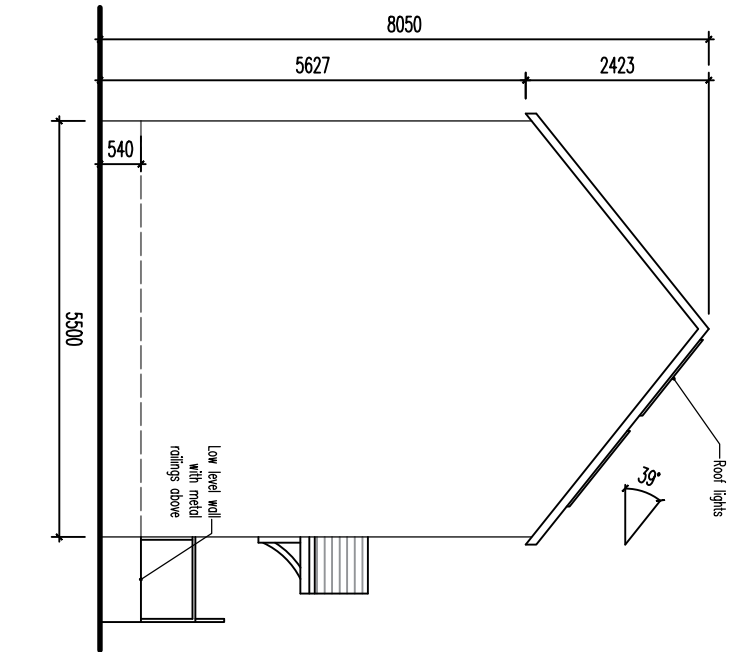
OLD ROAD
BOLTON
BL1 6NJ

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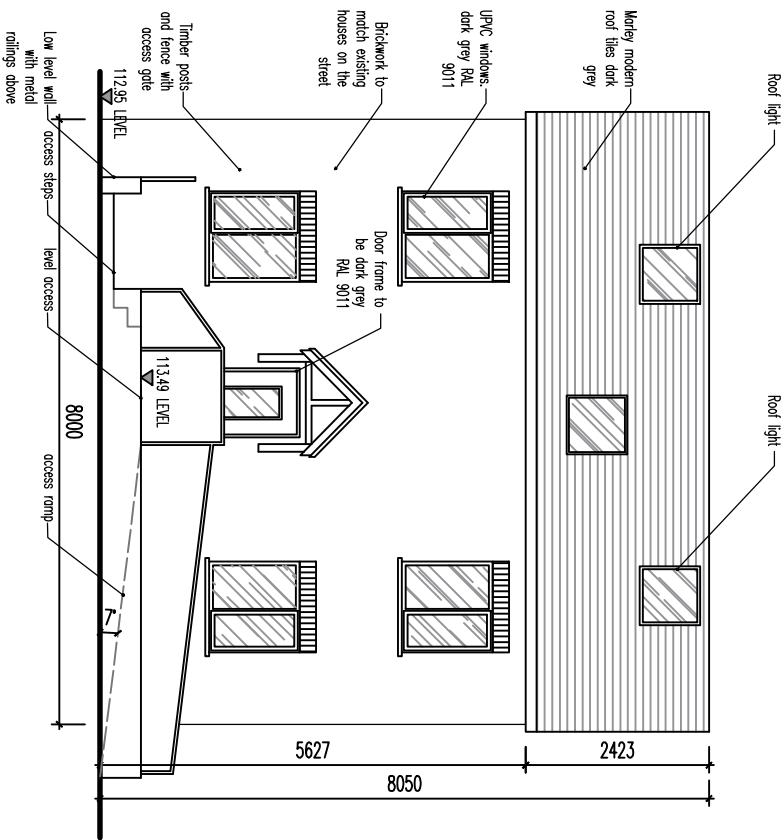
PLANNING

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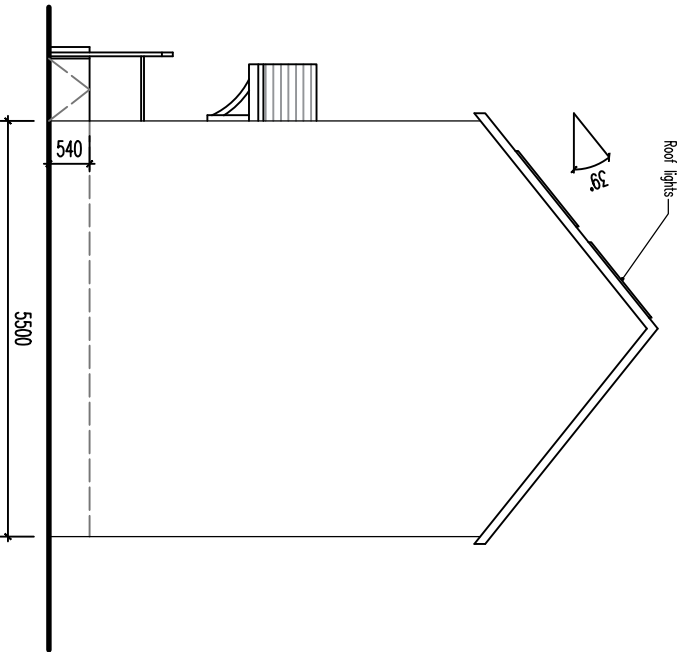
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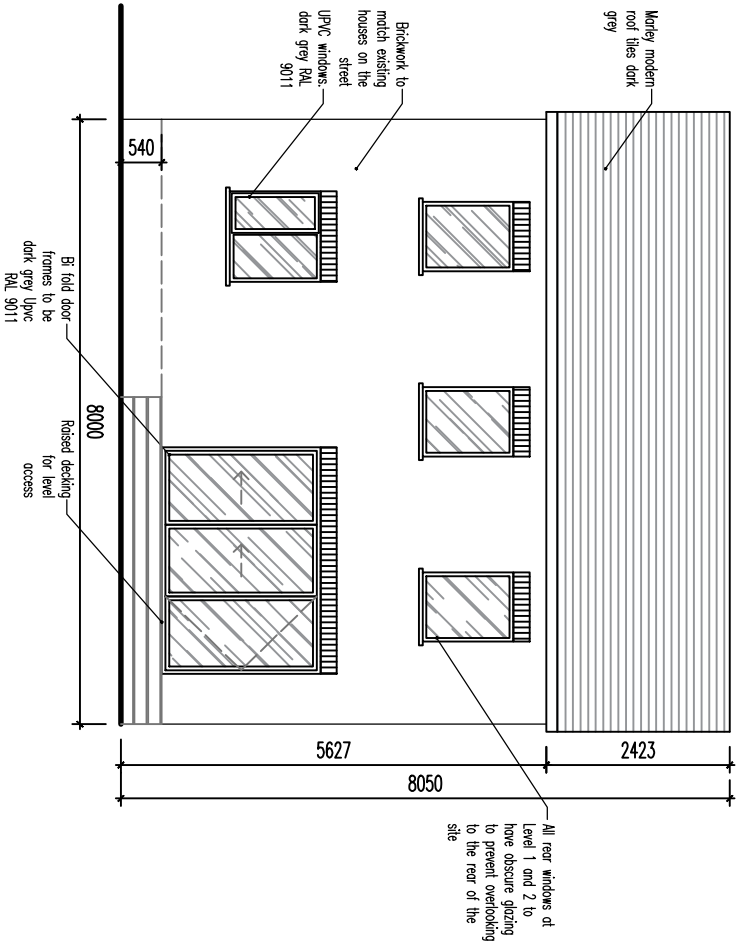
SIDE 1 ELEVATION



FRONT ELEVATION



SIDE 2 ELEVATION



REAR ELEVATION

H	ACCESS REVISED FOLLOWING COMMENTS FROM PLANNING 24/07/2018	LC	24/07/18
G	ACCESS REVISED FOLLOWING COMMENTS FROM PLANNING	LC	23/07/18
F	AMENDMENTS MADE FOLLOWING REPORT FROM ENVIRONMENTAL AGENCY	LC	11/07/18
E	AMENDS FOLLOWING EMAIL FROM PLANNING AND DISCUSSIONS WITH CLIENT	LC	11/04/18
D	ROOF LIGHTS ADDED	LC	29/03/18
C	OBSCURE GLAZING ADDED TO REAR LEVEL 1 AND 2 WINDOWS TO PREVENT OVERLOOKING	LC	26/03/18
B	E/S WINDOW SIZE INCREASED FOLLOWING EMAIL FROM PLANNING 14/02/2018	LC	19/02/18
A	HOUSE SIZE REDUCED AND SITE LOCATION CHANGED FROM DELPH BROOK WAY TO OLD ROAD BOLTON	LC	20/10/17



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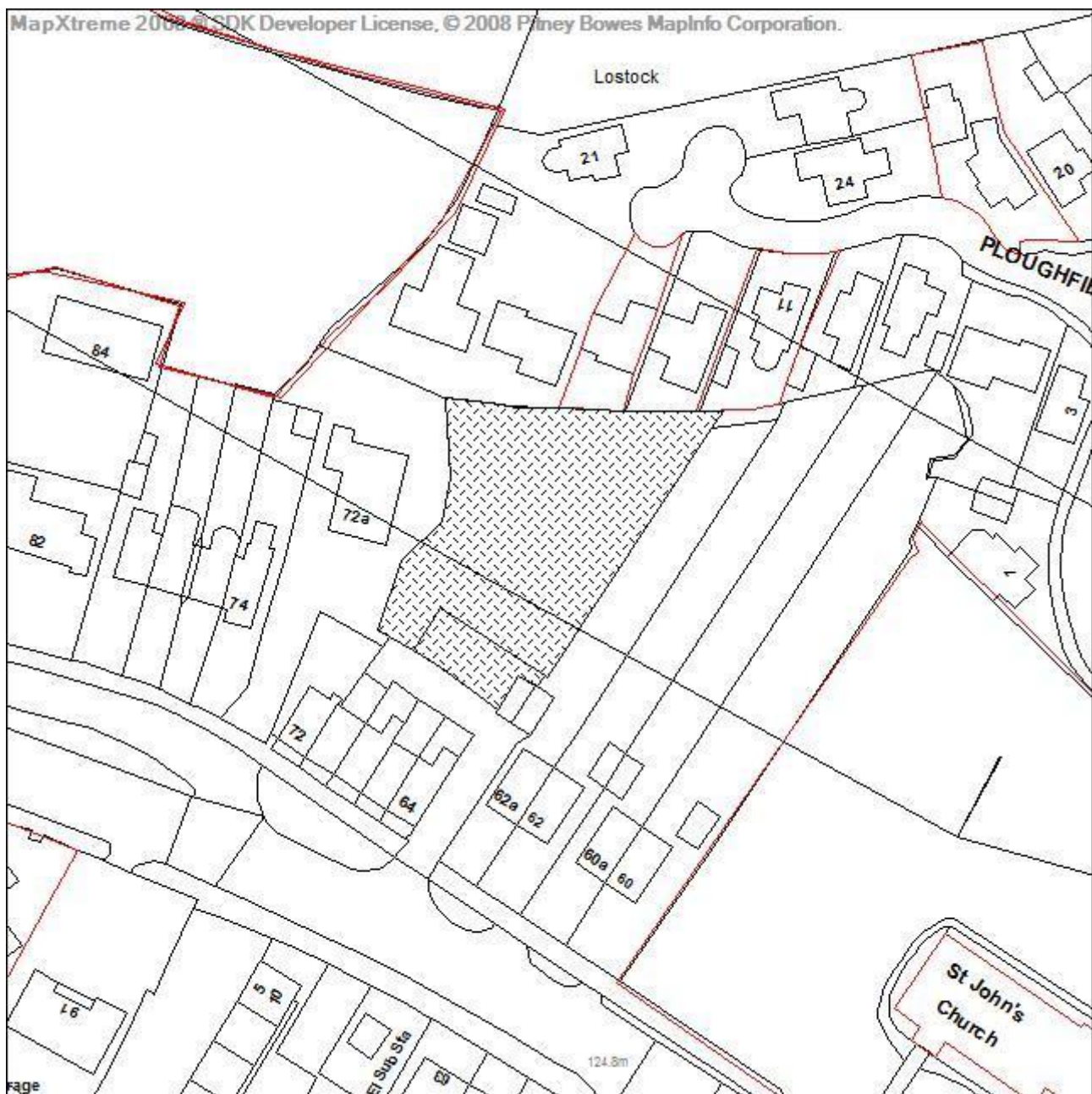
PROPOSED
ELEVATIONS

OLD ROAD
BOLTON
BL1 6NJ

Scale	1:100 @ A3	Drawing No.	Rev.
Date	18/09/17	0308/105	H
Dwg By	LC		

PLANNING

Application number 03332/18



Directorate of Place
Development Management Section

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

Bolton Council

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Date of Meeting: 23/08/2018

Application Reference: 03332/18

Type of Application: Outline Planning Permission
Registration Date: 10/04/2018
Decision Due By: 04/06/2018
Responsible Officer: Monika Dubacka

Location: LAND ADJACENT 62A CHORLEY ROAD, WESTHOUGHTON, BOLTON, BL5 3PL

Proposal: OUTLINE APPLICATION FOR THE ERECTION OF 2NO. TWO STOREY DETACHED DWELLINGS (ACCESS, LAYOUT AND SCALE DETAILS ONLY).

Ward: Westhoughton North

Applicant: Mr & Mrs Hargreaves
Agent : Harry Jackson Surveyors Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Outline consent is sought for the erection of 2no. two storey detached dwelling houses within part of the rear garden of 62A Chorley Road. The applicant seeks consent for siting, scale and means of access with the remaining matters of landscape and appearance being reserved for future approval.
2. The proposed houses would be positioned to the north of the neighbouring terrace row at nos. 64-72 Chorley Road, angled towards the access road and 62a Chorley Road. They would be two storey and measure approximately 5.17m in height to the eaves and 7.32 m to the ridge, covering a footprint of approximately 63 sqm, each.
3. The site would be accessed from the existing un-adopted road and access off Chorley Road (situated between nos. 62a and 64 Chorley Road). Each dwelling would have its own driveway/parking area to the front.
4. Furthermore, additional three car parking spaces would be provided to the south-west of the site.
5. This application is before Committee at the request of Councillors Kirk-Robinson and Wild.

Site Characteristics

6. The applicant's property is located at 62A Chorley Road which is an existing semi-detached two storey dwelling house facing Chorley Road. An extensive garden area to the rear is associated with no. 62A with additional domestic garden to the north-west of the applicant's house, which forms the application site.

7. There are a number of two storey detached dwellings to the rear of the site along Ploughfields, with a detached bungalow to the side/west at no.72A Chorley Road. The application site faces on the rear of a terrace row at nos. 62-70 Chorley Road separated from the site by an un-adopted road. To the east there is the applicant's long garden area.
8. For the majority of dwellings abutting the site it is their rear elevations that overlook the site, though a number are side onto the site. Party boundaries are made up of timber fencing and landscaping. Landscaping and trees are present inside the rear garden. The site is on a lower level than the terrace row to the front and slopes further towards the north and rear of the properties along Ploughfields.

Policy

9. Bolton's Core Strategy: CG1 Cleaner and Greener Bolton, CG3 – The Built Environment, CG4 – Compatible Uses, S1 Safe, P5 - Accessibility, OA4 - West Bolton and SC1 Housing
10. SPD - General Design Principles
11. National Planning Policy Framework 2018 (as revised)

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:-

- * principle of development
- * impact on Character and Appearance of the Area
- * impact on Living Conditions of Abutting Neighbours
- * impact on trees and wildlife
- * impact on the highway and car parking
- * crime and design
- * impact on flooding
- * contamination
- * coal mining legacy
- * bin store
- * other matters

Principle of the development

14. The NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed. The presumption in favour of sustainable development is a fundamental part of the NPPF and it is noted that delivery of sustainable development is not restricted solely to the use of previously developed land.
15. The application site represents an infill development in an existing residential area which is well related to local amenities and has good transport links. The site currently accommodates a large

additional garden space for the applicant's property at no. 62A Chorley Road, the sub-division of which leaves a sufficient sized garden area directly to the rear of the applicant's dwelling house.

16. The residential use of the site is considered an appropriate use and as such is acceptable in principle subject to compliance with other relevant planning policies.

Impact on Character and Appearance of the Area

17. 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 OA4 of the Core Strategy aims to ensure the character of the existing environment is conserved and enhanced. Guidance on design principles and level of private amenity spaces is contained within the General Design SPD.
18. The application site is a backland site/greenfield land which appears to be part of the domestic garden of no. 62A Chorley Road. It is bounded on all sides by existing development and contains a mix of trees, shrubs and plants. The backland nature of the site prohibits any new development on the site having a direct relationship with the street, and following the established pattern of development in the area. It is acknowledged that this is not ideal however the development of backland sites for residential purposes is not uncommon and consequently it is considered that subject to careful design a satisfactory residential environment can be created.
19. It is considered that the loss of this gap would not unduly harm the character and appearance of site and its wider surroundings. As mentioned above the land in question is surrounded by domestic gardens of nearby properties to the rear and sides with an un-adopted road and the terrace row to the front; these perform the function of creating an enclosed site with urban characteristics when viewed from the wider surrounding area. On balance, the development as proposed is not considered to result in any undue visual harm to the site or its setting, particularly as much of the existing trees and landscaping are capable of being retained.
20. The application site is of sufficient size to allow for the erection of 2no. two storey detached dwelling houses on the land. The site is a relatively large gap site between neighbouring properties along Chorley Road and Ploughfields and given the scale of the proposal it is not considered that this would result in overdevelopment.
21. The proposals would introduce two storey properties measuring approximately 5.17m to the eaves and 7.32 metres in height to the ridge (each). The application site is on a lower level than Chorley Road and the site slopes further towards the properties to the rear (along Ploughfields). No changes to the land levels are being proposed and, if the application is successful, this can be secured by a planning condition.
22. Whilst the currently proposed houses, due to the land slope, would be situated on the level lower than the properties along Chorley Road, they would be approximately 1.5 metres taller in height than the neighbouring properties to the rear at Ploughfields. However, given the proposed scale and the separation distance it is still considered that the dwellings' massing and scale would be acceptable, would respect the scale of the neighbouring properties and would be in keeping with the character of the surrounding area.
23. With regards to the appearance of the proposed dwelling houses, whilst an indicative design of the proposed dwelling houses has been provided, it is noted that the matter of appearance is not

being applied for at this outline stage. Should the reserved matters for the appearance be submitted with the same plans, the applicant would be advised to amend these as the current indicative scheme shows windows and doors not in proportion with each other. Window features are often important, and their position should be carefully positioned to respect the symmetry of the proposed building and their proportions should respect those of the host building and of the surrounding properties. However, in this instance, this would need to be addressed under a subsequent reserved matter application, if the current scheme is successful.

24. In view of the above, it is considered that the massing and scale of the proposal would sit comfortably in relation to the size of the plot and in the context of the surrounding area. It is not considered that the proposed development would appear as an overly prominent feature in the street scene nor would it have an unacceptable impact of the character and appearance of the neighbouring vicinity in accordance with policies CG3 and OA4 of Bolton's Core Strategy.

Impact on Living Conditions of Abutting Neighbours

25. 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. Section 3 of the General Design Principles SPD outlines the recommended interface distances for conventional housing layouts where houses face each other to provide for 21 metres between principal room elevations overlook each other. Where principal/main room elevations overlook at blank gable this distance can be reduced to 13.5 metres.
26. The proposed layout shows that adequate distances would be maintained from the proposed dwellings to the surrounding residential properties in compliance with all the interface guidelines outlined within the General Design Principles SPD. The proposed properties would be positioned at an angle and with all interface distances complied with it is not considered that the proposal would result in overlooking or loss of privacy detrimental to the residential amenity of neighbouring occupiers. However, more detail design including overlooking from proposed windows, especially in relation to the side elevation facing no. 72A, would be considered at the reserved matters stage.
27. With regards to concerns raised over potential overbearing or overshadowing, whilst it is noted that due to the sun orientation and differences in land levels the proposed houses would in some extent provide shadow to the properties to the rear and side/west (depending on the time of day), it is not considered that this would be so significant or detrimental to warrant refusal of this planning application.
28. With regards to objections from the occupiers of the properties along Chorley Road, due to the proposed dwelling houses being on a lower level and due to the sun orientation it is not considered that the proposal would have a detrimental impact on natural light of neighbouring properties to the south. The arc of the sun is from east to west on the south side, that is, from the direction of the neighbouring dwelling houses along Chorley Road. Therefore, it is not considered that the proposal would result in overshadowing to the neighbouring properties along Chorley Road.
29. With regards to the future occupants of the proposed dwellings, given the proposed layout and siting of the proposed houses, it is considered that the proposed dwellings would provide sufficient space and is capable of providing sufficient outlook and natural light for the future occupants. However, as mentioned above, the position of windows and detailed design of the houses would be assessed in more detail at the reserved matters stage. In addition, each dwelling would include spacious private gardens to the rear which would provide an adequate

outdoor amenity space for the future occupants

30. In addition, once built it is not considered that the comings and goings associated with 2no. two storey dwellings, would have an unacceptable impact upon the level of residential amenity neighbouring residents currently enjoy.
31. Having regard to the above, it is considered that the proposals would comply with the standards of amenity in policy CG4 of Bolton's Core Strategy and the General Design Principles SPD and would in principle provide satisfactory levels of amenity for future occupants and surrounding residents.

Impact on trees and wildlife

32. 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.
33. The site contains a number of trees, but none are subject to preservation orders (TPOs) and none of them are considered to be worthy of long term protection through a TPO. The Council's Tree Officer considers the tree to have a limited life expectancy and cannot justify their retention. The loss of trees is regrettable however numerous other trees and landscaping are to be retained as part of the new gardens and an informative will be attached informing the applicant that as the site has the potential to support breeding birds and in accordance with Section 1 of the Wildlife & Countryside Act 1981 (as amended) no vegetation clearance or demolition of buildings should take place between the months of March and August so not to disturb birds whilst they are breeding.
34. Additional landscaping be proposed at the reserved matters stage.
35. In view of the above, Officers consider the proposal accords with policy CG1.2.

Impact on the highway and car parking

36. Core Strategy policies P5 and S1 and the maximum car parking standards provided in Appendix 3 of the Core Strategy seek to provide adequate off road car parking and to promote road safety in the design of new development.
37. Representations have been received regarding the proposed access and highway safety.
38. The proposal was reviewed by the Council's Highway officers who raised no objections to the proposed plans.
39. Vehicular access into the site would utilise the existing un-adopted road which is already used by the occupiers of the neighbouring terrace row and by the applicants to access their garage at the end of the road. Whilst the scheme does not propose any changes to this access road, the proposal is for a low-density development which would generate negligible traffic volumes and it is not considered this would have a detrimental impact on the surrounding highway network in terms of capacity and safety.
40. Furthermore, each new dwelling would have adequate car parking provision; additionally integral garages can be also accommodated to provide additional parking, depending on the number of proposed bedrooms which would be determined during the reserved matters stage. In addition, there appears to be adequate manoeuvring space within the site to allow a vehicle to enter/leave the application site in forward gear.

41. It is also acknowledged that car parking along this stretch of Chorley Road is very limited and some of the neighbours park their cars along the un-adopted road along the side elevation of no. 64 Chorley Road, thus the applicants have decided, as a good will gesture, to provide additional car parking spaces to the rear of the terrace row. These could provide additional car parking facilities for local residents during the construction phase and can be also used by construction vehicles (to parked off the road if necessary). However, it is not considered that these additional parking spaces are necessary to make the development acceptable in planning terms, and therefore no condition is recommended to ensure their retention.
42. For the above reasons it is therefore considered that the proposal complies with policies P5 and S1.2 of the Core Strategy.

Crime and design

43. Core Strategy policy S1.1 seeks to ensure that the design of new development proposals will take into account the need to reduce crime and fear of crime.
44. The proposed dwelling house whilst would not be facing Chorley Road directly, they would be surrounded by residential properties providing natural surveillance to the proposed dwelling houses.
45. With regards to the recommended security measures including construction of the building to be up to Secured by Design standards, including laminated glazing; security-certified windows and doors (etc.), these would be all secured by a way of an informative.

Impact on flooding

46. Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 163 of the NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.
47. The application site is located within Flood Zone 1 and is therefore within an area defined as having lowest risk of a flooding event occurring (less than 1 in 1,000 annual probability of flooding from rivers or the sea). According to the Environment Agency's website they have no comments to make on application as the sites below 1 hectare and within Flood Zone 1.
48. United Utilities have raised no objections subject to a number of informatives and conditions to secure the provision of separate systems to drain foul and surface water and approval of surface water drainage scheme. A condition has therefore been recommended requiring the approval and implementation of a drainage scheme in line with the requirements for surface water drainage based on the hierarchy of drainage option in the National Planning Practice Guidance with evidence of an assessment of the site conditions.
49. In light of the above and subject to conditions, it is considered that the proposal would not be at unacceptable risk of flooding and so is in accordance with the NPPF.

Contamination

50. Paragraph 178 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location and that adequate site investigation information, prepared by a competent person, is presented with applications. Policy CG4 of the Core Strategy, in line with the NPPF, requires all new development to ensure any risk of contamination is identified and adequately managed.

51. The development proposal has been reviewed by the Council's Pollution Control Officers. The officers have raised no objections to the proposed residential use and requested for further site investigation to be conducted. 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. In particular it shall assess the gas risks from potential shallow mine workings identified in the Phase 1 Preliminary Risk Assessment submitted with the planning application dated May 2018, Reference LKC 18 1158; and identify remedial works proposed, which would be secured by a condition.

Coal mining legacy

52. The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable coal mine workings at shallow depth associated with a thick coal outcrop.

53. The Coal Authority has been consulted and have acknowledged that the application is supported by the Desk Based Coal Mining Risk Assessment (May 2018, prepared by LK Consult Limited), prepared by a competent body.

54. The Desk Based Coal Mining Risk Assessment correctly identifies that the application site may have been subject to past coal mining activity and makes appropriate recommendations for intrusive site investigation works prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.

55. The available coal mining and geological information submitted within the Coal Mining Risk Assessment conclude that there is a potential risk posed to the development from past coal mining activity. The report therefore recommends that intrusive site investigations should be carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The nature and extent of these intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required and planning conditions will be attached. The Coal Authority raises no objections to the proposal and concurs with the recommendations within the Desk Based Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigations works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

56. They recommend that if approved a condition is attached requiring:

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works

Bin Storage

57. Both plots are spacious enough to accommodate refuse bins within the curtilage of each

dwelling house proposed.

Other matters

58. With regards to the objection stating that the proposal is contrary to Human Rights, the Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The Council as the Local Planning Authority is satisfied that its processes and practices are compatible with the ECHR. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the LPA to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. In carrying out this balancing exercise the LPA is satisfied that it has acted proportionately

Local finance considerations

59. 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:

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

Conclusion

61. For the reasons discussed above, it is considered that the proposal would not harm the character and appearance of the surrounding area, would not unduly harm the amenity of neighbouring residents and would not jeopardise highway safety, compliant with the above mentioned policies.

62. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- Five letters of objections have been received. Summary of views expressed are as follows:

i) Matters addressed in the main body of the report

The proposal will:

- * result in visual impact and appearance;
- * result in loss of privacy and amenity to neighbouring properties
- * be overbearing and overshadowing impact on the surrounding properties
- * result traffic congestion and road safety issues;
- * use an inadequate access to the site/ insufficient access to the site including for emergency vehicles;
- * cause more vehicle movement and disturbance
- * impact on car parking provision for the local residents, especially along the access road
- * increase the risk of floods and drainage issues
- * be at the height and scale that would have an overbearing impact on the surrounding properties
- * result in a greenfield development in a private residential garden
- * result in overdevelopment of the site
- * result in loss of green space
- * will be detrimental to the existing landscape and wildlife

ii) Not a material planning consideration or carried little planning weight

The development will:

- * be contrary to the Human Rights Act 1998
- * impact value of the neighbouring properties
- * if successful there is a potential for this to be resubmitted with increased development
- * there is an ongoing dispute between the neighbours of the terrace row over car parking along the side elevation of no. 64

In addition:

- * no clarification has been provided on the ownership of the access road
- * no clarification has been provided on whether the additional car parking would be allocated to individual neighbouring properties and whether this will be free of charge. This should be legally recorded
- * permission must be obtained from the owner of the access road before this application is determined
- * no clarification on how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours

iii) Other matters

- * This application has been already approved by Westhoughton Council; this suggests that the objections are of no interest to the people running our town. *Officer's response: Westhoughton Council raised no objections to the proposal, but this application has not been approved by Westhoughton Council.*

Two letters of support have been received. These raise the following:

The proposal will:

- * provide needed housing
- * not have a greater impact on views than the currently built houses at the neighbouring land at

the Paddock

- * help Wingate to thrive
- * provide two families with stable homes
- * provide additional space for local children to play outside
- * stop encroachment of two vehicles parked on the side of the un-adopted access road

Westhoughton Town Council:- raised no objections on condition that the dirt road access is made good or improved after the development and the trees on the boundary with Ploughfields are retained, with the Arboricultural Officer looking into Tree Preservation Orders.

Elected Members:- Councillors Wild and Kirk-Robinson have requested that this application is heard before Committee with a site visit. They raise concerns over the existing access and impact on the surrounding properties

Consultations

Advice was sought from the following consultees: Response - Greater Manchester Police, Highway Engineer, Drainage Engineer, Environmental Health, United Utilities, Tree and Woodland Officer, Greenspace Neighbourhood Services and The Coal Authority

Planning History

None relevant

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

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

Reason

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

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

Reason

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

3. Prior to 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) an assessment to determine 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. In particular it shall assess the gas risks from potential shallow mine workings identified in the Phase 1 Preliminary

Risk Assessment submitted with the planning application dated May 2018, Reference LKC 18 1158;
(ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.

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

Upon completion of any approved remediation schemes and 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 demonstrate that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

Reason

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

4. Prior to the commencement of development a scheme of intrusive site investigations for the site shall be submitted to and approved in writing by the local planning authority. The approved scheme of intrusive site investigations shall be undertaken prior to the commencement of development and a report of findings arising from the investigations (and a scheme of remedial works if necessary) shall then be submitted to and approved in writing by the local planning authority. Any approved remedial works shall be implemented in full in accordance with an approved timeframe.

Reason

The coal mining legacy of the area poses a potential risk to the proposed development and further investigation is required to establish the exact situation regarding coal mining legacy issues on the site, and to comply with policy CG4 of Bolton's Core Strategy.

5. Notwithstanding any details submitted in the application, prior to commencement of development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented in full before the development is first occupied and in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, and to comply with policy CG1.5 of Bolton's Core Strategy, the NPPF and NPPG.

6. 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 an evidence/verification 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.

7. Notwithstanding any description of boundary treatments in the application, details (including

elevation and site plans, a brick or masonry specification and colour scheme) of the treatment to all boundary treatments and entrance gate(s) to the site shall be submitted to and approved in writing by the Local Planning Authority at the reserved matters stage. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

8. A scheme detailing car parking provision for each dwelling house hereby approved, to be provided within the curtilage of the site, shall be submitted to and approved by the Local Planning Authority at the reserved matters stage. 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.

9. Before the approved/permitted development is first brought into use the areas for turning shall be provided within the curtilage of the application site, in accordance with approved site plan (dated 23/07/2018). Such spaces shall be made available for the parking and turning 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.

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

Reason

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

11. There shall be no changes in land levels across the application site and the development hereby permitted shall be carried out in accordance with the ground levels and finished floor levels of all buildings and structures as shown on the approved plan drawing number 7100 (dated May 2018) and site plan dated 23/07/2018. . The approved details shall be implemented in full and retained thereafter.

Reason

To safeguard the visual appearance and character of the area and the amenity of neighbouring residents, and in order to comply with Policies CG3 and CG4 of Bolton's Core Strategy.

12. Foul and surface water shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with policy

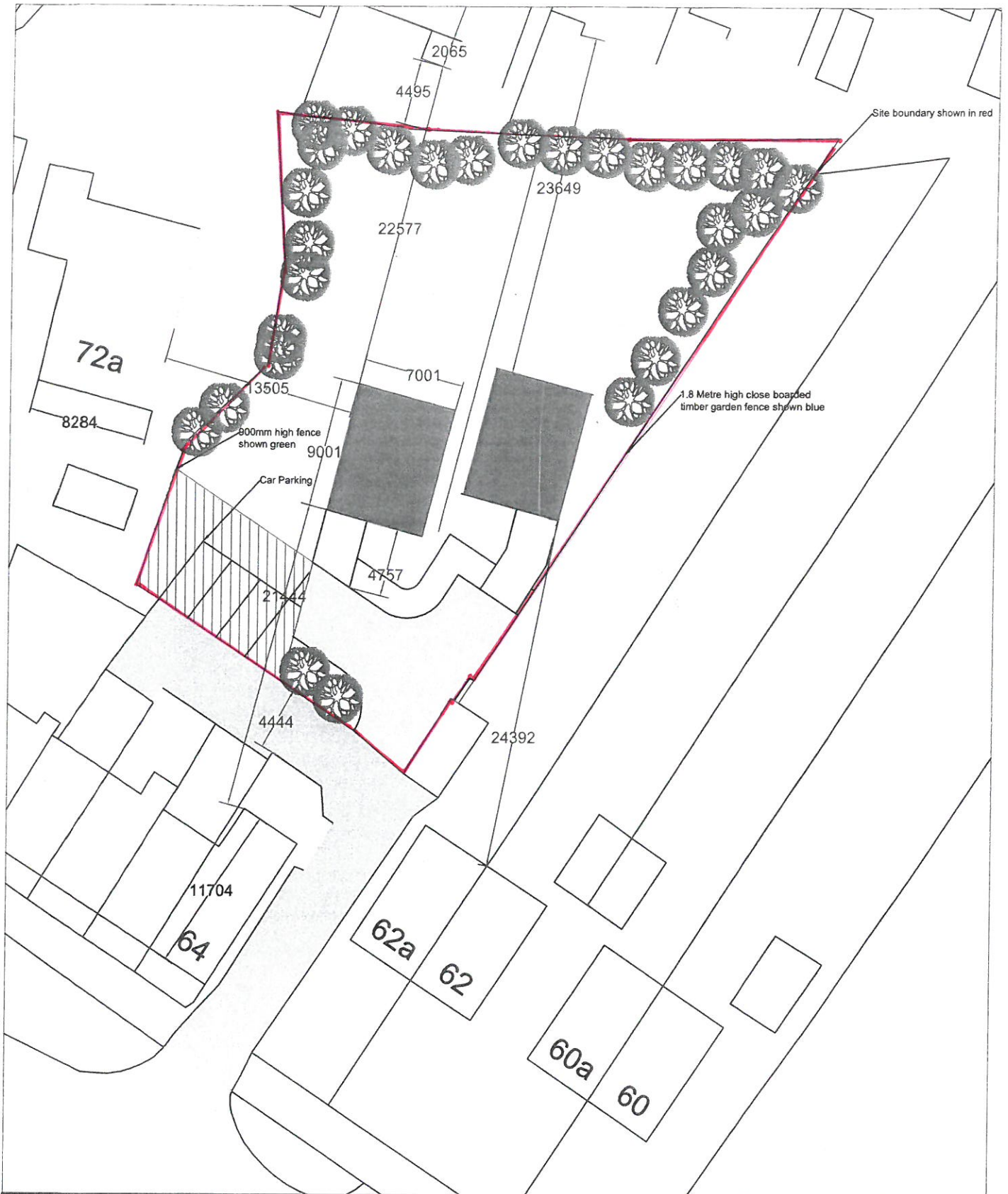
CG1.5 of Bolton's Core Strategy, the NPPG and NPPF.

13. Notwithstanding the design/appearance and landscape which do not form part of the application, the development hereby permitted shall be carried out in complete accordance with the following approved plans:

- **Site plan dated 23/07/2018 (unnumbered plan)**
- **Cross Sections C-C and Cross Section A-A dated 18/07/2018 (unnumbered plan)**
- **62a Chorley Road, Westhoughton drawing number 7100 dated May 2018**

Reason

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

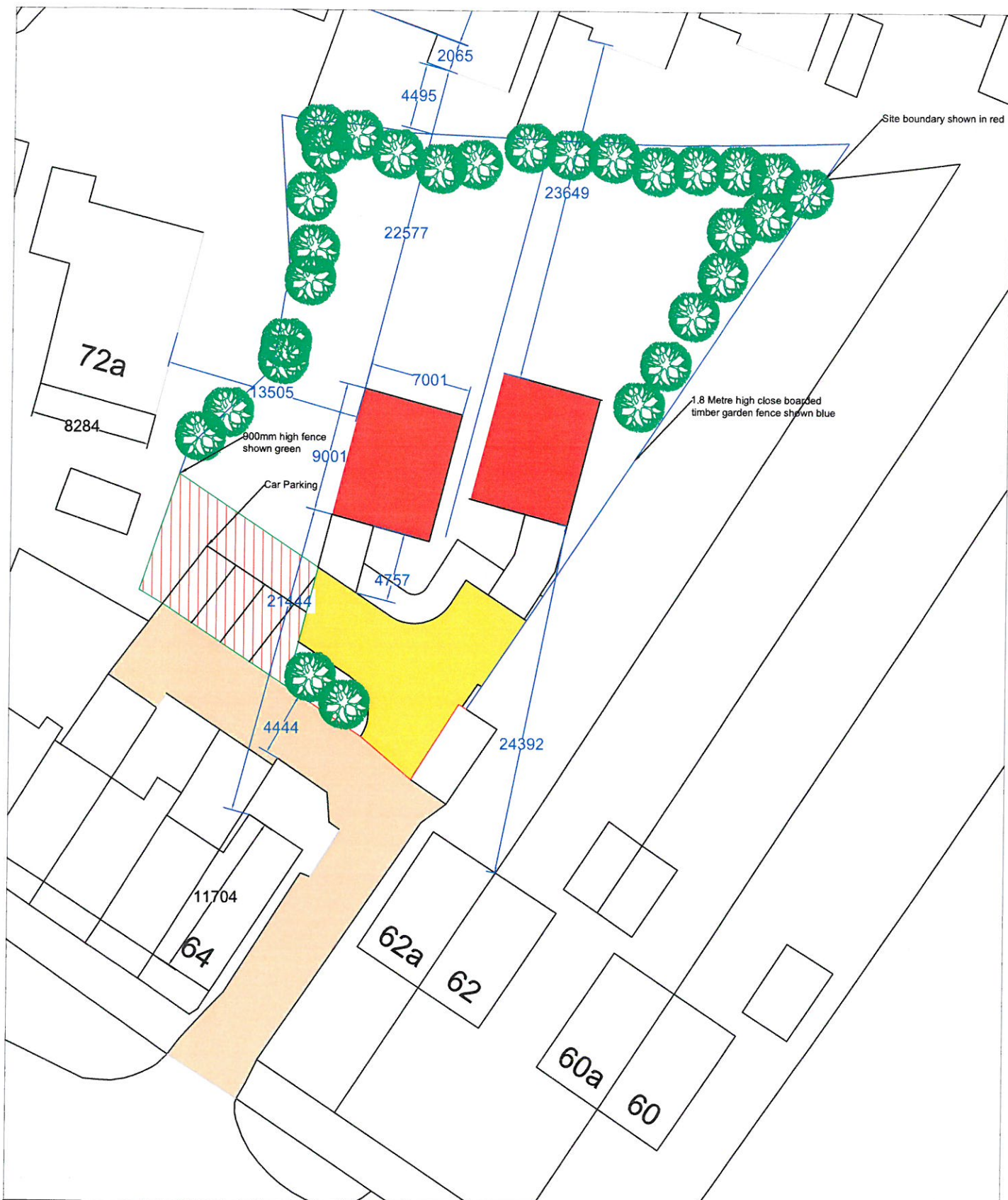


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 Date: 23/07/2018
 Drawn: AJW

62a Chorley Road, Westhoughton.
Harry Jackson Surveyors Limited



Bolton Planning Practice Limited

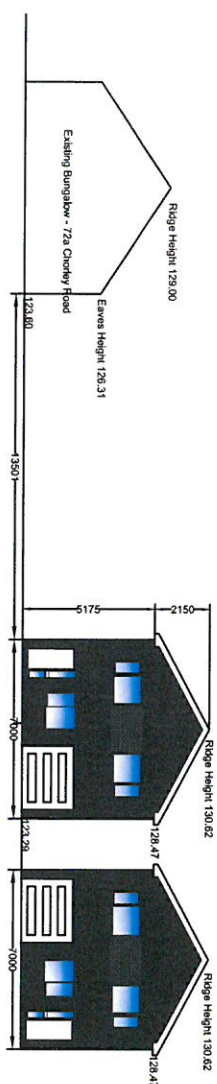


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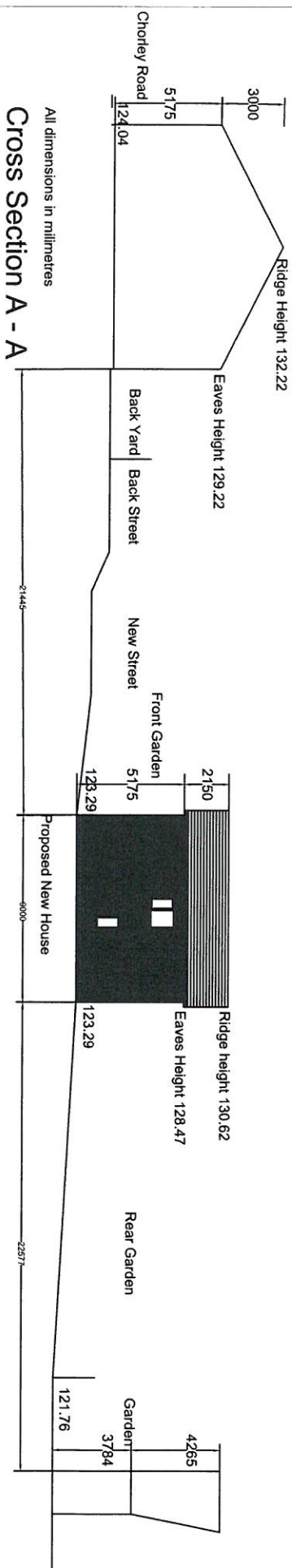
62a Chorley Road, Westhoughton.
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Cross Section C - C



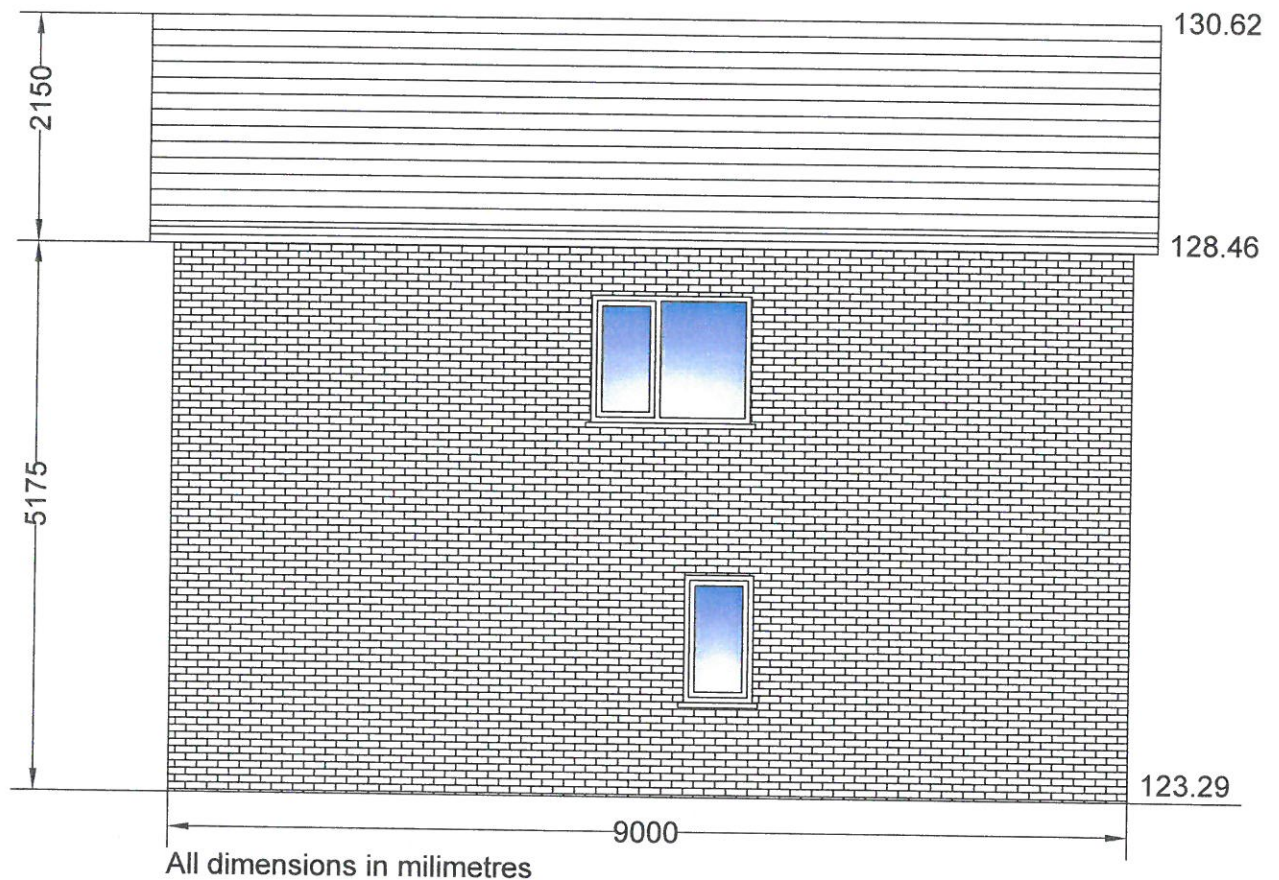
Cross Section A - A

Scale: 1 to 200
Date: 18/07/2018
Drawn: AJW

62a, Chorley Road, Westhoughton, Bolton.
Mr Harry Jackson



Bolton Planning Practice Limited



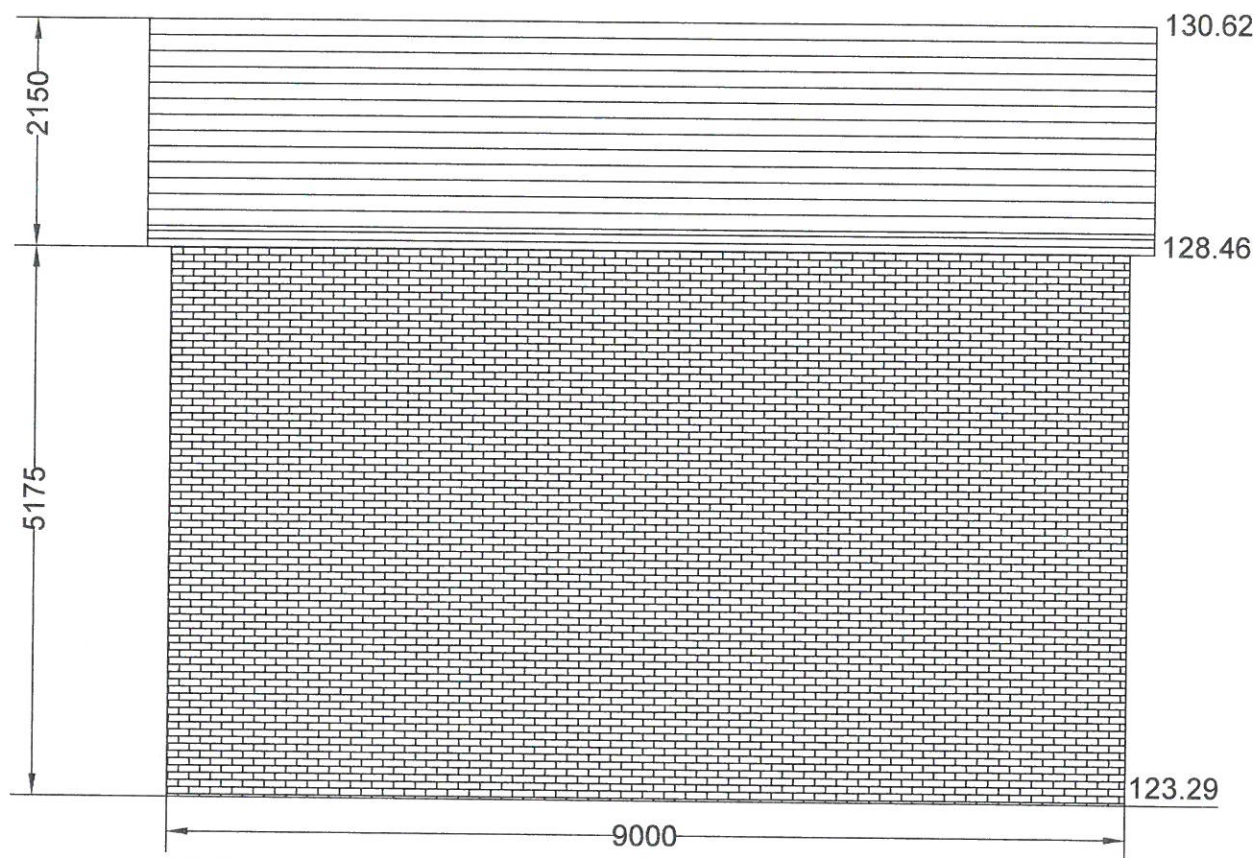
Proposed Side Elevation

Scale: 1 to 50
Date: 10/05/2018
Drawn: AJW

62a Chorley Road, Westhoughton.
Mr Harry Jackson



Bolton Planning Practice Limited



All dimensions in millimetres

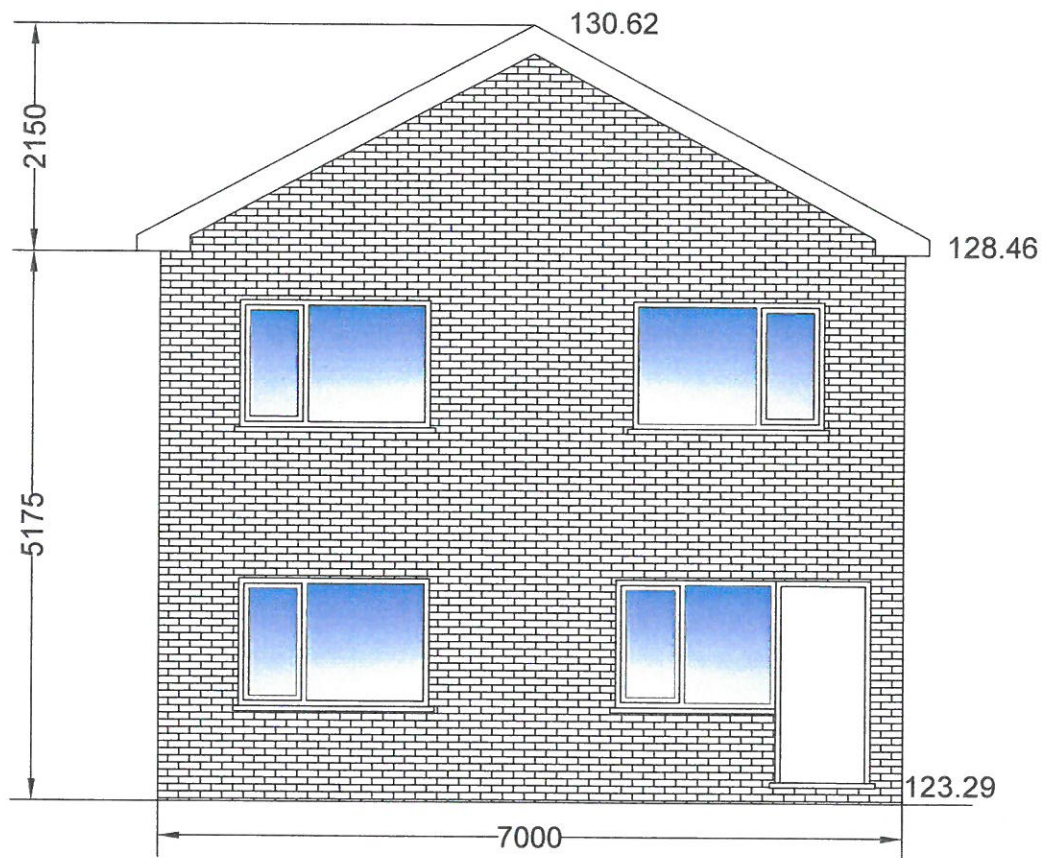
Proposed Side Elevation

Scale: 1 to 50
Date: 10/05/2018
Drawn: AJW

62a Chorley Road, Westhoughton.
Mr Harry Jackson



Bolton Planning Practice Limited



All dimensions in millimetres

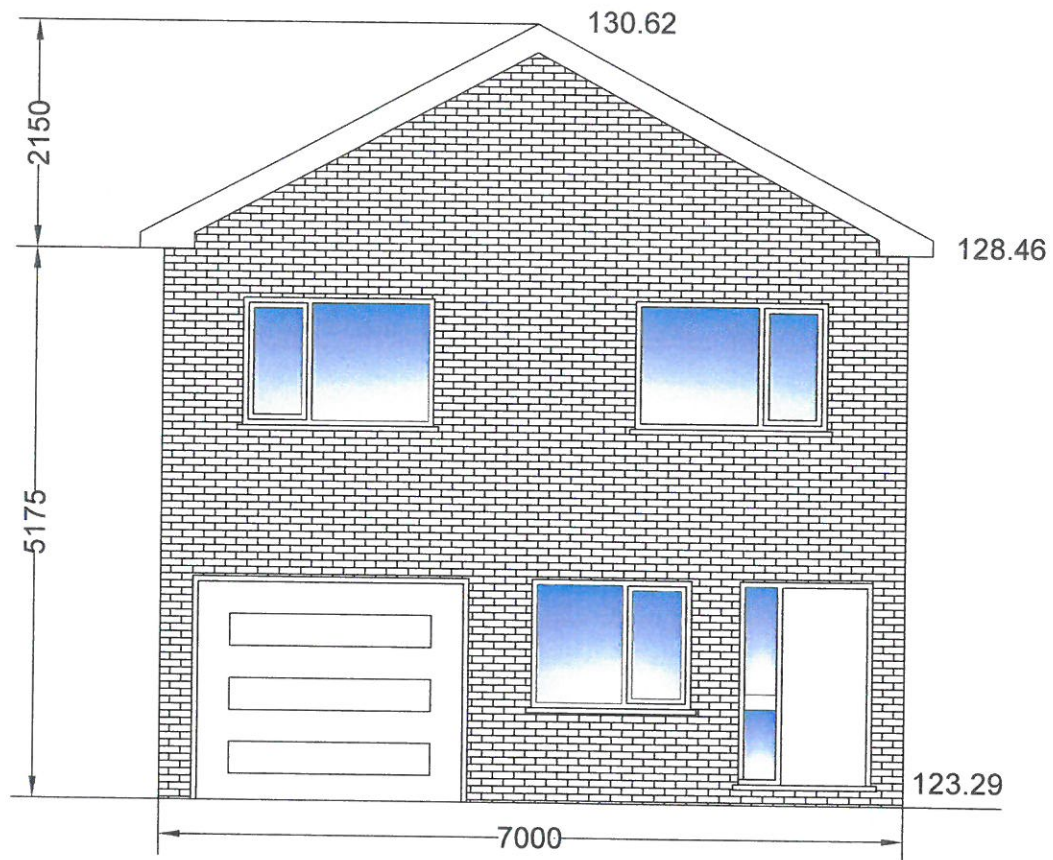
Proposed Rear Elevation

Scale: 1 to 100
Date: 10/05/2018
Drawn: AJW

62a Chorley Road, Westhoughton.
Mr Harry Jackson



Bolton Planning Practice Limited



All dimensions in millimetres

Proposed Front Elevation

Scale: 1 to 100
Date: 10/05/2018
Drawn: AJW

62a Chorley Road, Westhoughton.
Mr Harry Jackson



Bolton Planning Practice Limited

Application number 03411/18



Directorate of Place
Development Management Section

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

Bolton Council

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Date of Meeting: 23/08/2018

Application Reference: 03411/18

Type of Application: Full Planning Application
Registration Date: 25/04/2018
Decision Due By: 24/07/2018
Responsible Officer: Martin Mansell

Location: LINCOLN HOUSE, NELSON STREET, BOLTON, BL3 2JW

Proposal: CHANGE OF USE AND CONVERSION OF OFFICE BUILDING TO 90 SELF-CONTAINED FLATS.

Ward: Great Lever

Applicant: Cringle Co Ltd
Agent : SP Architects Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. The applicant proposes the change of use of all five floors of the long vacant Lincoln House office building to form 90 residential apartments (C3 use). The change of use would create 18 two-bedroomed apartments, 38 one-bedroomed apartments and 34 studio (bedsit) apartments. Typically, the two-bedroomed units are 59 to 64 square metres, and the one-bedroomed units are around 47 to 56 square metres and the studio apartments range from 31 to 42 square metres. The car parking (54 spaces) at the rear of the site would be retained for the use of the occupants of the residential accommodation.
2. The application is accompanied by a letter from the Landlord Services Manager of Bolton At Home, expressing their "sincere commitment to development a leased portfolio" with the Applicant. Whilst the letter is clear that it does not yet form any legally binding obligation it does express a wish to provide the property owner with a secure rental stream for a period of 3 years for 10 studio flats, 16 one-bedroomed flats and 8 two-bedroomed flats, a total of 34 of the 90 units proposed.

Site Characteristics

3. The site is a prominent five-storey office development, constructed approximately eight years ago but which has remained unoccupied since. Parking for 54 vehicles was provided at the rear as part of the office development, accessed from Nelson Street.
4. The area is generally industrial in character, dominated by the large Edbro engineering site to the west but also including some smaller light industrial uses such as the safety goods manufacturer and other units that share the entrance with Lincoln House. Other uses fronting Nelson Street include a vehicle repair garage and the Territorial Army site opposite. There is a small amount of residential use nearby - a single row of terraced houses fronting St Bartholomew Street to the south.

5. The site is 0.5 miles or approximately 12 minutes walk from the edge of Bolton Town Centre. The site is well-served by public transport with the majority of Great Lever and Farnworth buses passing the site regularly.

Policy

6. Core Strategy Objectives - SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO14 Inclusive Housing, SO15 Sustainably Located Housing, SO16 Community Cohesion and Access
7. Core Strategy Policies - P1 Employment Sites, P5 Transport, S1 Crime and Road Safety, CG3 Design and the Built Environment, CG4 Compatible Uses, SC1 Housing Targets, SC2 Cultural and Community Facilities and RA1 Inner Bolton
8. National Planning Policy Framework (July 2018) - achieving sustainable development, delivering a sufficient supply of homes, building a strong, competitive economy, ensuring the vitality of town centres, promoting healthy and safe communities, promoting sustainable transport, making effective use of land, achieving well-designed places, meeting the challenge of climate change, flooding and coastal change
9. General Design Principles SPD, Infrastructure and Planning Obligations SPD

Analysis

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

11. The main impacts of the proposal are:-

- * impact on employment provision
- * impact on crime, public safety and on highway safety
- * impact on the provision of housing
- * impact on residential amenity and adjoining uses
- * impact on infrastructure and planning contributions

Impact on Employment Provision

12. The site is allocated as Employment Land and therefore subject to Policy P1 of Bolton's Core Strategy which states that the Council will "safeguard existing employment sites where they are compatible with residential amenity and contribute to the sustainability of communities in which they are situated. Where they are not compatible, mixed uses will be encouraged to retain an element of employment."
13. In cases where a non-employment use is proposed (as in this instance), the onus is on the Applicant to make their case as to why the Council should depart from its Development Plan policy. Guidance contained within paragraph 3.7 of the Allocations Plan Written Statement indicates that applications for non B1, B2 or B8 uses on allocated protected employment land will be permitted where:

- There would be no harm to the economic function of the locality or the benefits of the proposed development outweigh the harm; or
 - A marketing strategy satisfactorily demonstrates that there is no longer demand for B1, B2 or B8 use; or
 - A viability assessment satisfactorily demonstrates that this is no longer appropriate for the site to be retained for B1, B2 or B8 purposes.
14. Such justifications usually take the form of a statement providing information and evidence on the such matters as length of vacancy, the length, nature and strength of any marketing for the allocated employment purpose and clear details of any elements of employment which would remain.
15. The applicant has previously provided evidence to state that the site has been vacant since it was erected without any significant interest in tenants occupying the premises. In addition, they have commented that due to the length of time the property has been vacant and the initial capital outlay on the building the development, even the proposed use of the property would not be viable. However, the applicant is keen to secure a active use for the premises. It is not considered that this situation has changed since the consideration of application ref: 92921/14 in 2016.
16. The application building was constructed to a high standard to provide office accommodation, Class B1. Such uses are generally considered to be compatible with residential amenity - indeed Class B1 contains an amenity test which ensures compatibility. There is no reason to suspect that the lawful use of the building would not be compatible with residential amenity. The site is located approximately 12 minutes walk from the edge of Bolton Town Centre on the side of town that contains the main train station and the recently constructed bus interchange. The site is well-served by public transport with the majority of Great Lever and Farnworth buses passing the site regularly. It therefore contributes to sustainability.
17. It is considered that the applicant has previously provided sufficient evidence to support the change of use of the premises' residential use. Subject to the required acoustic insulation to windows it is not considered that the residential use of the property would be in conflict with the adjoining existing employment uses.
18. It is also noted that if the property had been fitted out for B1 use and actively used for such a purpose the owner could exercise their permitted development rights to change the property into separate residential properties with only the limited involvement of the Local Planning Authority in the form of consideration of land contamination, flood risk, highway impact and noise.
19. Offices such as this fall within the definition of town centre uses and one of the key aims of the Town Centre Framework is to significantly increase the amount of high quality office spaces within the boundary of Bolton town centre. In effect, it would be preferable if this building were not used as offices and that future demand for office space were to be directed into Bolton town centre.
20. The principle of predominant use for residential purposes was established by the grant of application ref: 92921/14 in 2016. It is not considered that an insistence that the ground and fourth floor of this be retained for office would achieve any significant planning objectives.

Impact on Crime and Highway Safety

21. The National Planning Policy Framework states that planning decisions should aim to ensure that

developments should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

22. Bolton's Core Strategy notes that the town's recorded crime levels are reducing but perception of crime remains high. The Core Strategy's most important direct contribution to reducing crime and the fear of crime is through the design of new development. A contributory factor to improving safety is to create and sustain a sense of place that enables people to identify with their surroundings or locality. This can be achieved through appropriate layout, high quality architecture, good lighting and landscape design. In considering design, the Council takes into account national advice as currently set out in the Government publication "Safer Places – the Planning System and Crime Prevention." Ensuring that the whole of the civic and retail core is safe and attractive for pedestrians will be a priority.
23. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, reduce crime and the fear of crime, by ensuring that neighbourhoods are attractive and well designed. Policy S1 is part of the "Safe Bolton" Sustainable Community Strategy theme and states that the Council and its partners will ensure that the design of new development takes into account the need to reduce crime and the fear of crime. Policy CG4 of Bolton's Core Strategy seeks to ensure that new development protects, amongst other things, safety and security.
24. Core Strategy policies P5 and S1 seek developers to provide adequate car parking and, servicing arrangements for new development as well as ensuring proposals maintain highway safety.
25. There is the strong potential that a significant proportion of the units would be let out to Bolton at Home, a Registered Social Landlord who is considered to operate an effective management system for their accommodation.
26. The application is accompanied by a Crime Impact Statement carried out by a Design For Security consultant on behalf of Great Manchester Police. The report makes a number of recommendations for the construction and management of the building and it is intended that all these recommendations be required by conditions.
27. It is considered that the active use of the site, much of which would be managed by a responsible landlord would bring benefits to the site and the wider area resulting in enhanced natural surveillance over the area to the benefit of security in the local area. The proposal would be compatible with adjoining uses and complies with policy.
28. The Council's Highway Engineers have considered the proposal and note that the applicant is proposing 56 off-road parking spaces to serve the proposed change of use. Although this falls below the Council's residential parking standards, the premises could be considered highly accessible to sustainable transport provision and the town centre of Bolton and its amenities. The site appears accessible for refuse collection and servicing. Acting on the above comments and observations and the previously consented residential use associated with the premises, the Highways Authority cannot reasonably object to what is being proposed under this application.
29. It is noted that an objector is stating that access to the parking area will be a problem as it is their intention to lock the gates on to Nelson Street. Officers consider to be primarily a matter of private property rights - i.e. either the Applicant has the right to access their site via the existing highway access point between the two sites, or they do not have this right. The intention is to impose the standard condition that the land shown for car parking be made available for the parking of vehicles at all times and it would then be up to the Applicant to comply with this

condition.

30. The proposed residential use is not considered to be likely to give rise to significant changes in the nature of vehicular or other movements over and above the existing lawful use as offices. It is also noted that the Council's Highway Engineers do not raise objection. The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1 and the Accessibility, Transport and Road Safety SPD.

Impact on the Provision of Housing

31. Policy SC1 Bolton Core Strategy plans for an average of 694 additional dwellings per annum between 2008 and 2026, an overall total of 12,492 dwellings. The location of new housing will reflect the overall spatial option of concentrating development in Bolton town centre, renewal areas and at Horwich Loco Works.
32. The Housing Market Assessments have provided an evidence base to inform the required mix of housing types. This shows that there is a requirement to construct more larger houses than has recently been the case, as well as to continue to provide for the increasing proportion of small households.
33. Policies SO14, SO15 and SO16 of Bolton's Core Strategy are strategic objectives within the "Strong and Confident Bolton" theme and seek to provide housing that meets the needs of everybody, reflecting the needs of an ageing population and a growth in the number of households, focus new housing in the existing urban area, especially in Bolton town centre, council-owned housing areas and in mixed-use developments on existing older industrial sites and to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.
34. Policy RA1 relates specifically to Inner Bolton and states that the Council will develop new housing throughout the area on a combination of brownfield sites and on a limited number of greenfield sites in existing housing areas.
35. Planning Officer accept that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Bolton's Authority Monitoring Report 2016/17: Volume 2 Housing Land Requirements and Supply Briefing Note (AMR) sets out the housing land position in Bolton at 1 April 2017, as well as providing information on new planning permission, dwelling completions and allocated development land in the borough. This latest AMR reports that there has been a continued under-delivery of new housing against the Core Strategy targets, which has resulted in a rise in the five-year housing land requirement and the need to apply a 20% uplift to that increased requirement (a 20% buffer in the supply calculations). In this latest monitoring year the five-year supply 2017-22 has been calculated against a range of requirements including the Core Strategy requirement, DCLG draft standard methodology and the draft Greater Manchester Spatial Framework (GMSF). The calculations find that the Council has an under-supply ranging between 1,638 to 3,178 dwellings, which is the equivalent of a 2.6 to 3.4 year supply, and therefore well short of the required 5 years. Given that the Council cannot demonstrate a five-year supply of deliverable housing sites in the borough it is accepted, in the context of paragraph 11 of the NPPF, that the development plan policies for the supply of housing should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.
36. The National Planning Policy Framework was updated in July 2018 and states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of

groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

37. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
38. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
39. The updated National Planning Policy Framework devotes a separate section to making effective use of land and encourages Local Planning Authorities to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
40. The application proposes the conversion of this building to form 90 small units of which there is the potential that Bolton At Home could manage 34 of them. The building has already been constructed, has never been used for its approved purpose and the plans show that it could be converted relatively easily and quickly. The applicant has provided a short delivery statement and it is intended that the standard commencement condition be changed so that works must commence within one year instead of the usual three years. It is considered that the potential for the delivery of 90 homes at this site should be given great weight at a time of significant housing undersupply in Bolton.
41. The proposed development has the potential to deliver significant benefits in terms of Policies SC1, RA1, SO14, SO15 and SO16 of Bolton's Core Strategy.

Impact on Residential Amenity and Adjoining Uses

42. 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.
43. The National Planning Policy Framework was updated in July 2018 and states that planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
44. The NPPF states that policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified. Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard. Bolton Council has not adopted these internal space standards as a local planning policy; however they are a material consideration and some assessment of the internal layout in the light of these standards is considered to be justified.

45. The application proposes the creation of 18 two-bedroomed apartments, 38 one-bedroomed apartments and 34 studios (bedsits). Each is shown with a double bed.

Two-bedroomed apartments

46. The drawings show 18 two-bedroomed apartments, ranging from 59 square metres to 64 square metres gross internal area with the mean value being 61.8 square metres. The nationally described space standards set a minimum of 61 square metres for a two-bedroomed dwelling occupied by three people i.e. two parents and a child; and a minimum of 70 square metres for a two-bedroomed dwelling occupied by four people. This means that the two-bedroomed apartments would comply with the nationally described space standards if occupied by two people (one per bedroom), would broadly comply with the standards if occupied by three people and would not comply with the standards if occupied by four people.

One-bedroomed apartments

47. The drawings show 38 one-bedroomed apartments, ranging from 47 square metres to 57 square metres gross internal area with the mean value being 55.6 square metres. Only four of the units would be 47 square metres due to the reduced floorspace available at fourth floor level but the remaining 34 units range from 54 square metres to 57 square metres, with the majority of the units being 56 to 57 square metres. The nationally described space standards set a minimum of 39 square metres for a one-bedroomed dwelling occupied by one person people and a minimum of 50 square metres for a one-bedroomed dwelling occupied by two people. This means that the one-bedroomed apartments would comply in full with the nationally described space standards.

Studio apartments (bedsits)

48. The drawings show 34 studio apartments, ranging from 31 square metres to 42 square metres gross internal area with the mean value being 38.7 square metres. Only four of the units would be 31 square metres due to the reduced floorspace available at fourth floor level but the remaining 30 units range from 37 square metres to 42 square metres. The nationally described space standards do not differentiate between studio and one-bedroomed apartments and therefore set a minimum of 39 square metres for a studio apartment occupied by one person people and a minimum of 50 square metres for a studio apartment occupied by two people. This means that approximately half of the studio apartments would comply with the nationally described space standards if occupied by one person but the other half would not and that none of the studio apartments would comply with the standards if occupied by two people.

49. As mentioned above, each of the units is shown with a double bed but the Applicant has not clearly stated whether or not the studios are intended for single occupancy or the intended numbers for the two-bedroomed units. As the nationally described space standards have not been formally adopted by Bolton Council, a failure to comply with this standards for some of the units is not considered to represent grounds for refusal. Officers have considered whether or not to add a condition that the units that would be substandard if occupied by couples be limited to single occupancy only but are minded not to impose this due to the fact that the nationally described space standards have not be formally adopted by Bolton Council and due to the difficulties inherent in enforcing such a condition. It is considered that potential occupants will reach their own conclusions as to whether or not to occupy the units, and in what way, based on their own financial and personal circumstances.

50. The site is located within an allocated employment area and there are industrial uses nearby. However, there is no evidence of intensive use of these industrial sites during anti-social hours and the relationship between the proposed dwellings and nearby industrial uses is little different that of the dwellings of St Bartholomew Street, Fairclough Street, McKean Street or Weston

Street nearby. Furthermore, the principle of the residential use of this long vacant office building has been accepted by the grant of application ref: 92921/14 in 2016 and this consent is still capable of being implemented.

51. The plans show no available private or communal amenity space for the proposed 90 units, although an area for bin storage is proposed. The Council's standards for amenity space are set out in the General Design Principles SPD and states that private sitting-out areas should take the form of either a minimum balcony area of 5 sq. meters for each flat or for an adequately screened communal area with a minimum provision of 18 sq. metres per flat. This development of 90 residential unit would therefore require a minimum of 1,620 square metres of private amenity space if the amenity space standard were to be applied here - this is essentially the entire available site. It is therefore not possible for the development to comply with the Council's amenity space standards and the situation could only be improved by either reducing the amount of parking available (which is already sub-standard to some degree) or by reducing the number of units proposed - thereby reducing the benefits to the local housing supply.
52. Another factor that needs to be taken into account is the existence of a permitted development for the conversion of vacant office space into residential use. In May 2013 and in the interests of significantly increasing the supply of housing, the Government introduced a permitted development right for conversions such as these and the sole considerations are flood risk, land contamination, highway safety and noise impact via a prior notification process. In other words, the internal space standards or external spaces standards considered above cannot be taken into account in the majority of office to residential conversions, nor is there any limited on the number of units that can be created. However, this is an application for planning permission, it is not a prior notification of an intention to exercise a permitted development right - as the offices have never been occupied since the building was completed the usual permitted development right does not exist in this instance. Nevertheless it is clear that the proposed development shares much in common with the type of development envisaged by the Government when it introduced this permitted development right. Lastly, by expressing a sincere commitment to manage approximately one-third of the units, it is clear that Bolton At Home consider this to be an acceptable form of residential development.
53. This is a generally intensive form of development and occupants would lack access to external amenity space as is usually required by the Council's adopted standards. However, it is considered that basic requirements for living conditions have been taken into account and after giving due weight to the Government's intentions when introducing the office to residential permitted development right, the proposal is considered to comply with Policy CG4 of Bolton's Core Strategy.

Impact on Infrastructure and Planning Contributions

54. Policy IPC1 of the Core Strategy states that the Council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. In doing so, the Council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development. 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. This approach is consistent with that set out in paragraph 57 of the National Planning Policy Framework.
55. The applicant does not propose to make any planning contributions and has not submitted any information relating to the viability of the development. The "starting point" for negotiations on a development of this type, as set out in the Infrastructure and Planning Contributions SPD would

usually be:-

- Public Open Space - £28,440 (18 two-bedroomed apartments)
- Health - £63,000 (90 dwellings)
- Education - £9,239 for primary school places, £2,887 for secondary school places (18 two-bedroomed apartments - the contribution for apartments is significantly less for apartments than for dwellinghouses)
- Affordable Housing - 15% of total provision should be affordable

56. As set out in the proposal section above, the application is accompanied by a letter from the Landlord Services Manager of Bolton At Home, expressing their sincere commitment to development a leased portfolio with the Applicant. Whilst the letter is clear that it does not yet form any legally binding obligation it does express a wish to provide the property owner with a secure rental stream for a period of 3 years for 10 studio flats, 16 one-bedroomed flats and 8 two-bedroomed flats, a total of 34 of the 90 units proposed.

57. There is therefore the potential for Bolton At Home to manage an element of social housing at this site for a period of three years. The letter of intent suggests that 34 of 90 units would be so managed and this equates to 37% of the total, significantly greater than the 15% required by Policy SC1. However, this would not meet the NPPF definition of affordable housing as the agreement with Bolton At Home would not contain any provisions for the units to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

58. The Council's policies require housing developers to either meet their planning obligations in full or to demonstrate a lack of viability if this were to be the case. In this case, the Applicant proposes to do neither. However, where a provider of social housing is involved in a development scheme, it is normal practice for all other contributions other than affordable housing to be waived, on the basis that if the contribution to affordable housing is greater than the 15% required by the Council's policies, then this justifies not seeking contributions in terms of the other factors such as health, education or public open space.

59. The proposed development does not comply with the Council's policies in relation to infrastructure and planning contributions. However, there are specific reasons why this is considered to be acceptable in this particular instance, namely:-

- the potential for Bolton At Home to manage 37% of the properties for at least a period of three years - a condition would be imposed to this effect
- the Government's clear intention in creating a permitted development right for office to residential conversions that this form of development need not make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development
- the grant of application ref: 92921/14 in 2016, which attracted no planning contributions at that time

60. Taking the above factors into account, the impact on infrastructure and planning contributions is considered to be acceptable.

Conclusion

61. The proposal would result in the beneficial use of an office building which has lain vacant since it was completed several years ago. The proposal would be compatible with the surrounding land uses whilst providing the benefits of natural surveillance in the local area, improving the external

appearance of the site whilst providing sufficient car parking for the users of the building.

62. Nevertheless, the proposed development falls short of policy requirements in a number of regards:-

- no contributions are proposed for infrastructure, as set out in the Council's SPD, nor has the Applicant sought to demonstrate that doing so would render the development unviable
- some of the units fall short of the nationally described internal space standards, particularly if they were to be occupied by two people, or more than two people in the case of the two-bedroomed units
- no communal private amenity space is proposed
- the area is allocated for employment use

63. However, on balance, Officers consider the proposal development to be acceptable after taking the following factors into account:-

- the grant of application ref: 92921/14 in 2016, establishing the principle of a residential conversion and which is still capable of implementation - albeit for only three of the five floors and at a lower density
- the complete, long-term and continuing vacancy of the building with no evidence that this might change in the near future
- the potential for Bolton At Home to manage 37% of the properties for at least a period of three years
- the Government's intention that office to residential conversions make a significant contribution to housing supply
- provided that work commences within one year of the grant of consent, the proposal has the potential to make a rapid and significant contribution to housing supply in Bolton at a time of significant and continuing undersupply

64. On balance, the proposal is recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- two representations of objection have been received from the businesses immediately to the south of the site. The grounds of objection include:-

- the proposed development will create security issues as the site is locked in the evenings, so access would be limited for those who would be living in the proposed apartments
- there would be a significant risk for access for the emergency services when the gates are locked in the evenings
- parking for the residents is insufficient and the site cannot accommodate increased traffic
- the area is allocated for employment uses and should be retained for this use
- insufficient bin storage

Site History

Planning permission was granted in June 2016 for the conversion of the first, second and third floors of the building to 47 flats (92921/14). This consent is still capable of being implemented.

A full planning application for the proposed mixed use of building for office (b1a use) and short term accommodation for up to 34 homeless persons was refused planning permission in May 2014 under delegated powers, for the three reasons below (Ref: 90951/13).

- The proposal is for a predominantly residential use at an allocated employment site which is compatible with residential amenity and is capable of contributing to the sustainability of the community in which it is situated and the proposal is therefore contrary to Policy P1 of Bolton Core Strategy.
- The proposal seeks to provide significantly more accommodation than is currently or likely to be required within the Borough and will therefore need to import significant numbers of occupants from other geographical areas and it therefore represents a community facility that is not located within the neighbourhood that it would serve, contrary to Policy SC2 of Bolton's Core Strategy.
- The proposal represents an unacceptable concentration of one particular type of occupant without acceptable safeguards in place and would not contribute to reducing crime and the fear of crime or protecting safety and security and is therefore contrary to Policies SO9, S1 and CG4 of Bolton's Core Strategy

Planning permission was granted in September 2007 for the demolition of all buildings that formed the Rosehill Tannery and the erection of a five-storey office building (77718/07)

Permission was refused by Planning Committee in June 2006 for the erection of two six storey buildings containing a total of 129 residential apartments on the basis of loss of industrial floorspace and the introduction of a residential use into an industrial and commercial area (73767/06)

An application for the erection of two six storey buildings containing a total of 129 residential apartments was withdrawn by the Applicant in December 2005 (72170/05)

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of one year from the date of

this permission.

Reason

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

2. Before the approved/permitted development is first brought into use no less than 56 car parking spaces shall be marked out and provided within the curtilage of the site in accordance approved plan **368 (PL) 01**. 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

3. The development shall not be brought into use unless and until a scheme for the protection of residents from the impacts of external noise has been submitted to and approved by the Local Planning Authority. Such details as are approved shall be implemented in full prior to the occupation of any of the apartments and shall be retained in full thereafter.

Reason

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

4. No apartment shall be occupied until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - i. the number, type, and tenure of the affordable housing to be provided which shall consist of not less than 34 units;
 - ii. the arrangements for the management of the affordable housing by an affordable housing provider for a period of not less than three years
 - iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing for a period of not less than three years; and
 - iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason

To ensure that the development complies with Policies SC1 and IPC1 of Bolton's Core Strategy and the Affordable House and Infrastructure and Housing SPDs

5. The development shall not be brought into use unless and until a scheme of security measures consistent with sections 3 and 4 of the submitted GM Police Design For Security Crime Impact Statement dated 01/06/2018 has been submitted to and approved by the Local Planning Authority. Such measures as are approved shall be implemented in full prior to the occupation of any of the apartments and retained in full thereafter.

Reason

In the interests of crime reduction and to comply with policy S1.1 of the Core Strategy.

6. Before the development is first brought into use a detailed scheme shall be submitted to and approved by the Local Planning Authority showing the design, location and size of a facility to store refuse and waste materials. The approved scheme shall be implemented in full within 21 days of the Local Planning Authority approving the scheme in writing and retained thereafter.

Reason

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

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

Reason

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

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

368 (PL) 01

368 (PL) 10

368 (PL) 11

Reason

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



sparchitects

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Hale
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WA15 8RP
t: 0161 2373477
e: info@sparchitects.co.uk
Do not scale from this drawing. Work to figured dimensions only. All dimensions to be checked on site. All dimensions are measured to wall structure

rev: date: details:

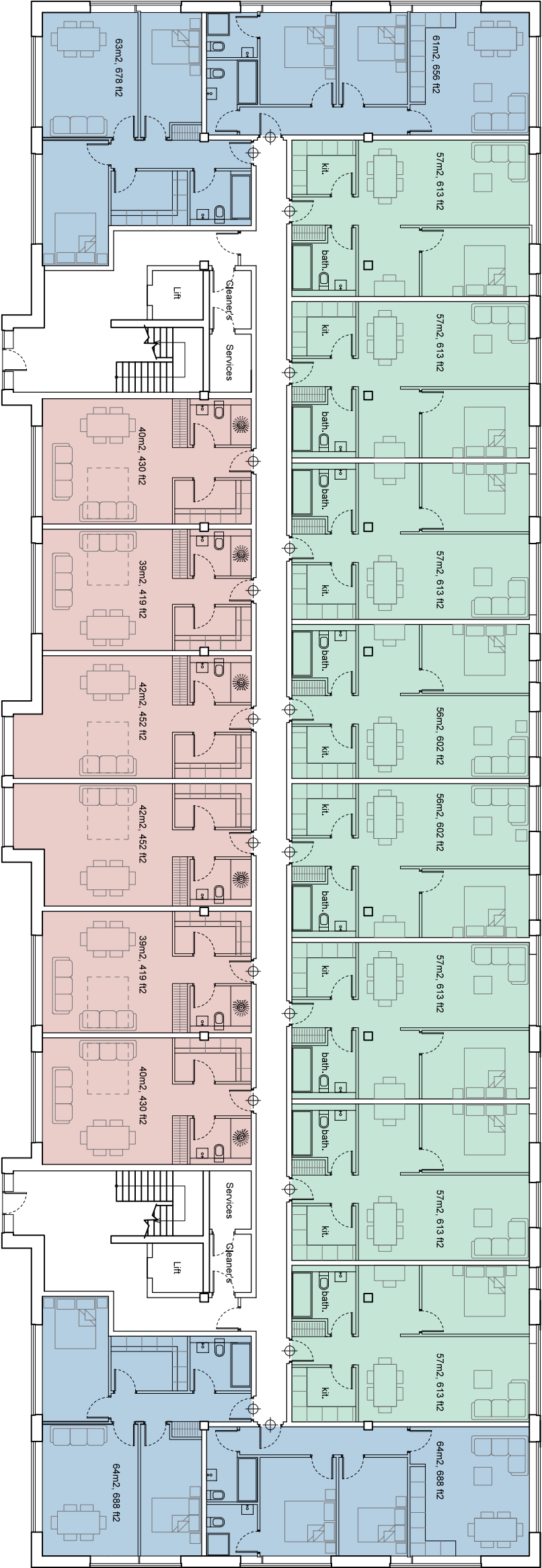
client: date: 16/04/2018
Cringie Corporation

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Lincoln House, Nelson Street, 1:1000 @A3 ARC
Bolton

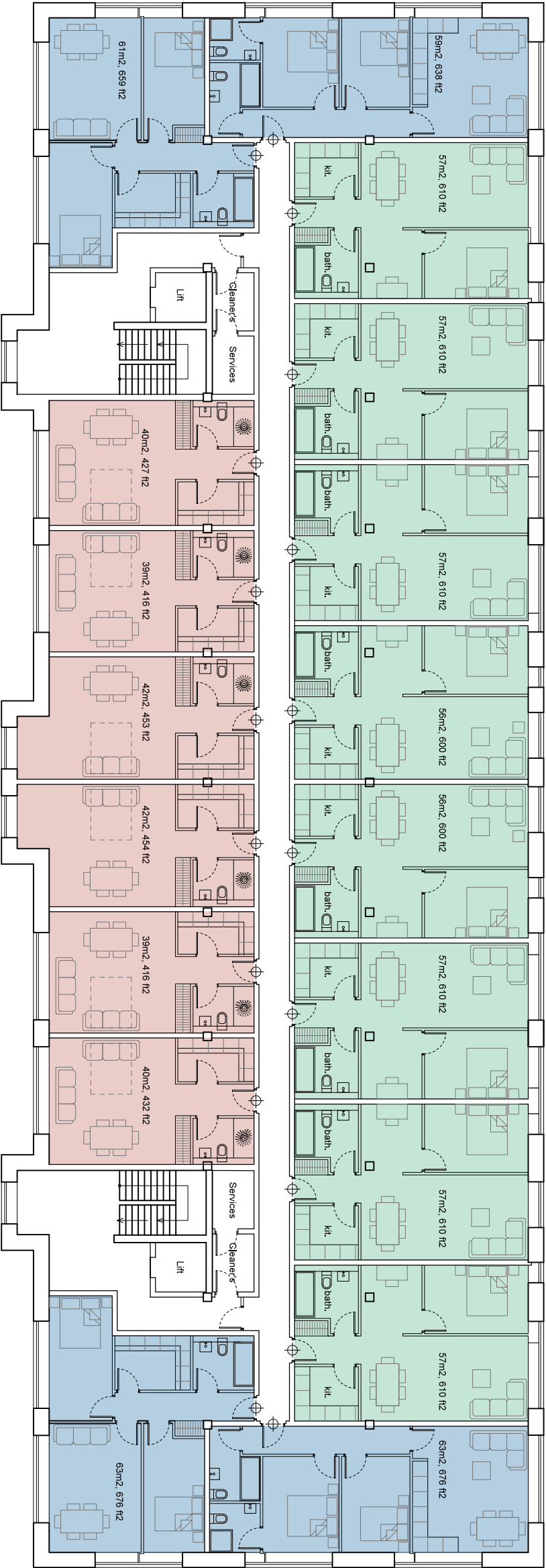
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Location Plan 368[PL]01 SP

status: job no: revision:
Planning 368 *

Ground Floor



First, Second & Third Floor



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measured to wall structure

rev: date: details:

client: date:
Cringale Corporation 16/04/2018

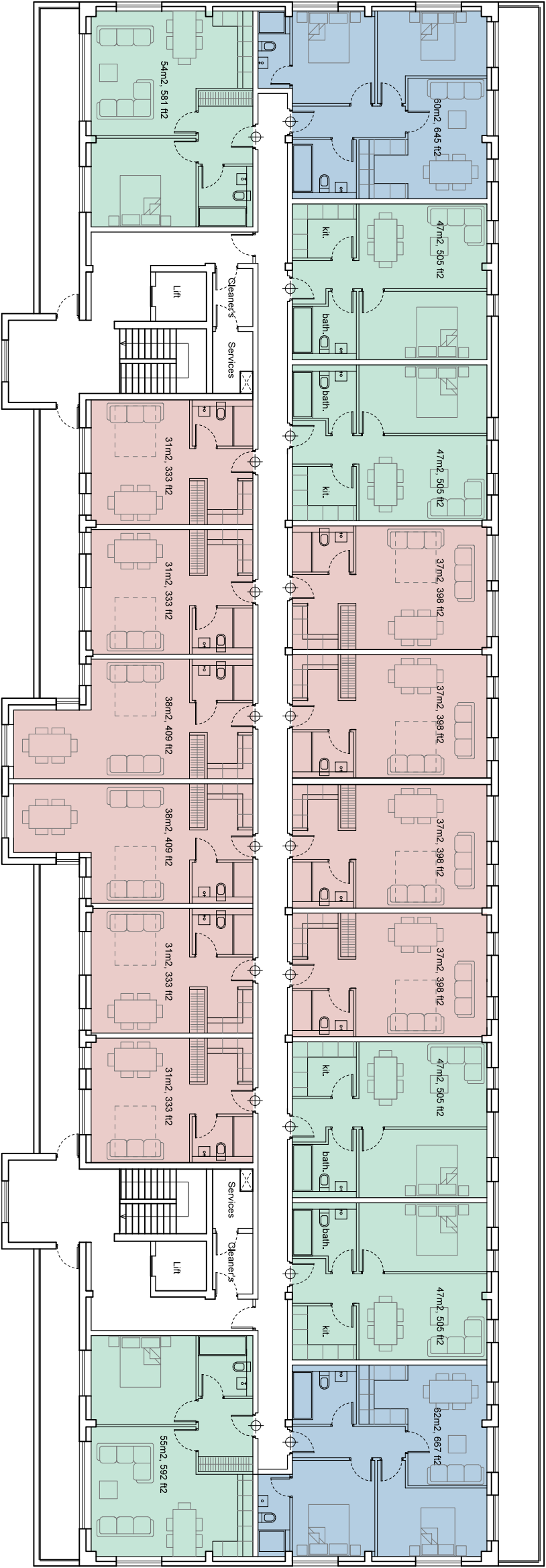
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Lincoln House, Nelson Street, 1:200 @A3 ARC
Bolton

title: drawing no: checked by:
Proposed Plans, 368(PL)10 SP
1 of 2

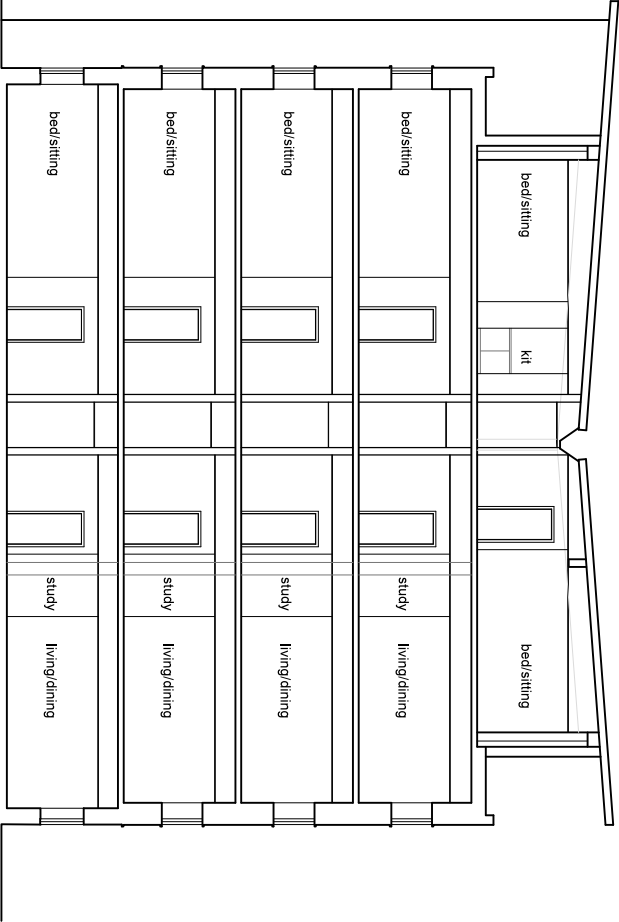
status: job no: revision:
Planning 368 *

2 x 2bedrooms
6 x 1bedrooms
10 x studio
18 flats total

Fourth Floor



Section



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be checked on site. All dimensions are
measured to wall structure

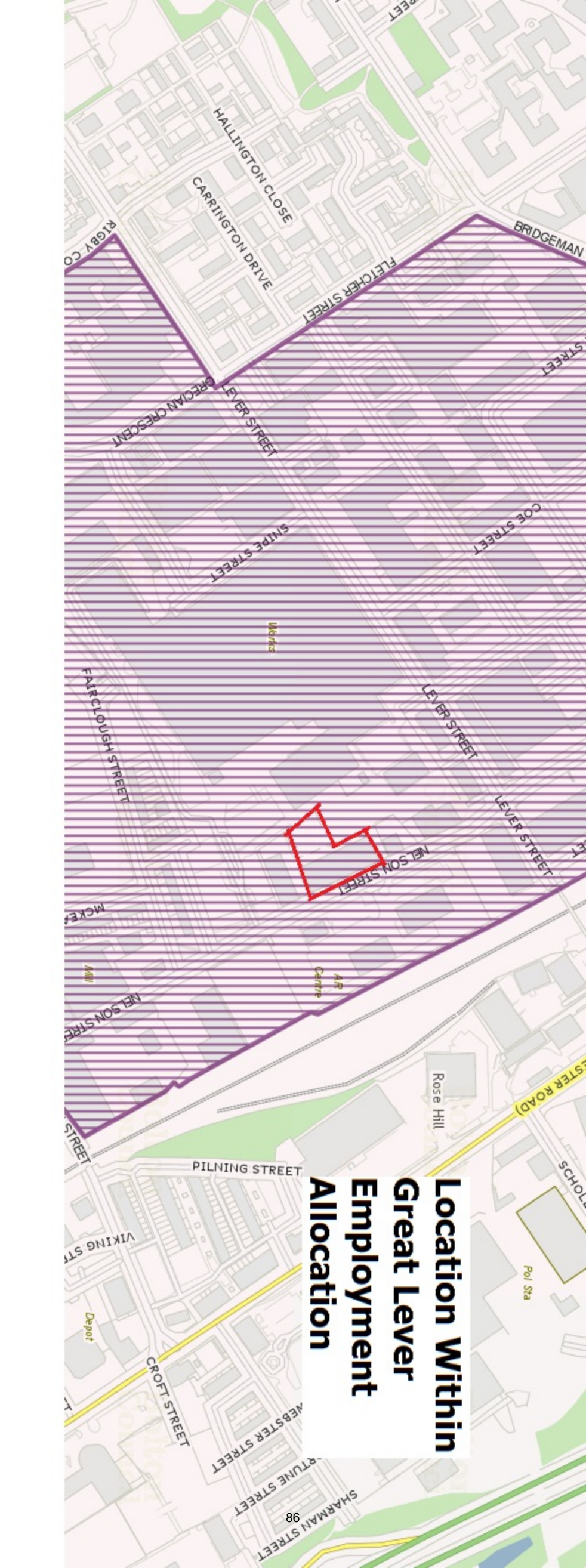
rev: date: details:

client: date: 16/04/2018
Cringale Corporation

project: scale: drawn by:
Lincoln House, Nelson Street,
Bolton 1:200 @A3 ARC

title: drawing no: checked by:
Proposed Plans 2 of 2 368(P/L)11 SP
& Cross Section

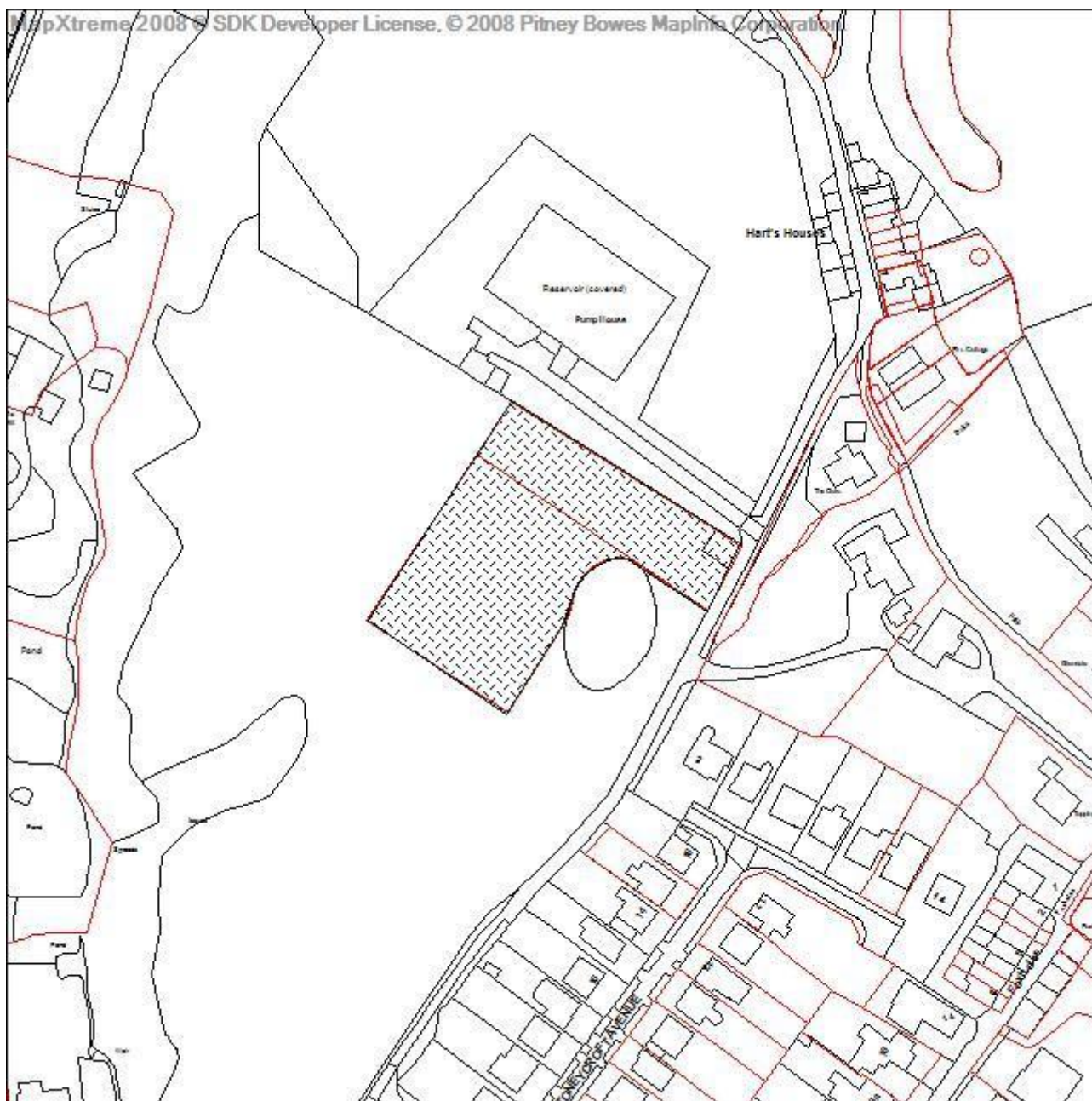
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Planning 368 *



The map shows an industrial area with a large purple hatched zone. A red-outlined building is located within this zone. The area is bounded by streets including RIGBY CO, HALLINGTON CLOSE, CARRINGTON DRIVE, FLETCHER STREET, BRIDGEMAN STREET, COE STREET, LEVER STREET, SNIPPE STREET, FAIRCLOUGH STREET, NELSON STREET, PILNING STREET, CROFT STREET, WEBSTER STREET, SHARMAN STREET, and VIKING STREET. Other labels include 'Works', 'AIR Centre', 'Rose Hill', 'Pol Sta', 'Depot', and '89'.

Location Within Great Layer Employment Allocation

Application number 03921/18



Directorate of Place
Development Management Section

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

Bolton Council

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Date of Meeting: 23/08/2018

Application Reference: 03921/18

Type of Application: Full Planning Application
Registration Date: 25/06/2018
Decision Due By: 19/08/2018
Responsible Officer: Kara Hamer

Location: LAND AT FACTORY HILL, HORWICH, BOLTON, BL6 6RZ

Proposal: VARIATION OF CONDITION 7 (OUTSIDE STORAGE) AND 10 (CHILDREN WITH DISABILITIES) ON APPLICATION 02696/18 TO INCLUDE STORAGE FOR HAY AND FOOD STUFFS FOR THE ANIMALS ON CONDITION 7 AND TO INCLUDE INDIVIDUALS WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES ON CONDITION 10

Ward: Horwich North East

Applicant: Ms C O'Donnell
Agent : CW Planning Solutions Ltd

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. The application falls under Section 73 of the Town and Country Planning Act, 1990 (as amended). Consent is sought for the variation of conditions 07 and 10 of planning permission reference 02696/18 as approved with conditions at Planning Committee on 31 May 2018. Planning consent 02696/18 granted approval for the change of use of domestic stables to a therapeutic horse riding facility including the erection of a circular training facility and a building comprising a lecture room and toilets together with the relocation of a previously approved manege.
2. Condition 07 of permission 02696/18 states:
There shall be no open storage within the confines of the application site.
3. Condition 10 of permission 02696/18 states:
The development shall be used as a horse riding facility for disabled children and for no other purpose (including any other purposes in Class D2 of the Town and Country Planning (Use Classes) Order 1987 (England) (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
4. The applicant submits that condition 07 does not allow for open storage of hay, and so on, required for the business to operate. The applicant submits that condition 10 is potentially discriminatory because it relates to children only as it states "for disabled children and for no other purpose", the applicant advises/requests that it should read "for individuals with Special Educational Needs and Disabilities and for no other purpose".

5. This application is before Committee as Members granted the original planning permission (02696/18).

Policy

6. Core Strategy Policies: CG4 Compatible Uses; CG3 The Built Environment
7. National Planning Policy Framework - Section 4 Decision Making
8. Ministry of Housing, Communities and Local Government - Flexible options for Planning Permissions

Analysis

9. The Ministry of Housing, Communities and Local Government guidance - Flexible options for Planning Permissions states; an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
10. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.
11. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.
12. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.
13. The applicant specifically requests the following replacement conditions;
 - * Condition 07 - *"No outside storage shall take place within the confines of the application site except for hay and other food stuffs for the animals".*
 - * Condition 10 - *"The development shall be used as a horse riding facility for individuals with Special Educational Needs and Disabilities, and for no other purpose (including any other purposes in Class D2 of the Town and Country Planning (Use Classes) Order 1987 (England) (as amended), or In any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order."*

Condition 07

14. The site is mostly pasture with the stables, teaching room and 2no. manures located towards the north east corner. Grass is cut, rolled and left on site for use on site. The current condition prevents hay from being stored openly on site. There is some secure site storage, mostly used for equipment and some hay/feed/bedding. It is considered typical for such pasture to be used for hay and it is considered acceptable for the hay to be stored on site for use on site. The applicant has confirmed the location and maximum height (2m) for hay storage; the hay will be stored in an area between the circular manure and the copse of trees (north east of the site) and is barely visible from the road, this is considered acceptable in this location.

15. Officers therefore recommend that condition 07 is amended so that it states:

"No outside storage shall take place within the confines of the application site except for hay and other food stuffs for the horses. The hay and other food stuffs shall be stored within the area indicated (and marked red) on submitted site plan drawing ref; Proposed Therapeutic Horse riding Centre at Foxfields, Factory Hill, Horwich - Amended Site Plan (scanned to BMBC file 07/08/18) and shall be retained thereafter. The hay and other food stuffs shall not exceed 2 metres in height at any time."

16. It is considered that this amended condition would ensure that the development safeguards the character and appearance of the area, compliant with Policy CG3 of the Core Strategy.

Condition 10

17. The applicant states that "children" implies under 18 years of age only and the facility does not want to be ageist but inclusive of any age. "Disability" refers to a Registered Disabled Person. An individual with a Special Educational Need may not be registered as disabled.
18. Condition 9 restricts the user number to 8 users and 2 members of staff at any one time. Officers consider this request to vary condition 10 is acceptable, given the restriction to user numbers in condition 9.
19. The Council's Pollution Control Officers have been consulted and have raised no objections to the proposed variation of condition.
20. It is considered that the proposed variation of conditions would not unduly harm the character and appearance of the area or the amenity of neighbouring residents, compliant with Policies CG3 and CG4 of the Core Strategy.

Other matters

21. This application has been made under section 73 of the Town and Country Planning Act 1990. Where such an application is granted the new planning permission sits alongside the original permission, which remains intact and unamended. However, to assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
22. The conditions attached to 02696/18 that have not already been formally discharged will therefore again be attached to this decision, should the application be approved.

Conclusion

23. It is considered that conditions 07 and 10 of planning permission reference 02696/18 as approved with conditions at Planning Committee on 31 May 2018 can be varied as described above, and thus Members are recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- 1 letter has been received seeking confirmation on the type of food stuff referred to.

Elected Members:- none received.

Consultations

Advice was sought from the following consultees: the Council's Pollution Control Officers and Horwich Heritage.

Planning History

02696/18 - CHANGE OF USE OF DOMESTIC STABLES TO THERAPEUTIC HORSE RIDING FACILITY INCLUDING ERECTION OF CIRCULAR TRAINING FACILITY AND BUILDING COMPRISING LECTURE ROOM AND TOILETS TOGETHER WITH RELOCATION OF PREVIOUSLY APPROVED MANEGE - approved with conditions at Planning Committee on 31 May 2018.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

1. This permission shall be for a temporary period expiring on **1st June 2023** when the therapeutic horse riding facility hereby approved shall be discontinued and the lecture room and toilets building removed in accordance with a scheme to be approved in writing by the Local Planning Authority before the expiry of this permission, unless a further planning application for the continued use of the therapeutic horse riding facility is approved. The approved scheme for removal of the building (if required) shall be implemented in full and retained thereafter.

Reason

The assessment of the developments effects is difficult and a temporary permission will enable the Local Planning Authority to review the matter, in the interests of amenity over a period of time, and to comply with Policies S1.2 and CG4 of Bolton's Core Strategy.

2. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to 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.

3. Prior to first use of the facility the lecture room/wc/store building shall be erected in accordance with approved drawings ref; **Proposed Therapeutic Horseriding Centre at Foxfields, Factory Hill, Horwich - Site Plan (scanned to BMBC file 19/03/18) and Proposed Therapeutic Horseriding Centre at Foxfields, Factory Hill, Horwich - Elevations and floorplans (scanned to BMBC file 19/03/18).**

Reason

To ensure that both permission for the application site cannot both be implemented, in terms of the proposed maneges, and to comply with Policy CG7AP of Bolton's Core Strategy.

4. The manege and lecture room building shall be constructed in accordance with the ground levels as shown on the approved section drawing as submitted for application 03925/18. 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.

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

10:00 - 18:00 Monday to Saturday.

No opening shall take place on Sundays or Bank Holidays.

Reason

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

6. No outside storage shall take place within the confines of the application site except for hay and other food stuffs for the horses. The hay and other food stuffs shall be stored within the area indicated (and marked red) on submitted site plan drawing ref; **Proposed Therapeutic Horseriding Centre at Foxfields, Factory Hill, Horwich - Amended Site Plan (scanned to BMBC file 07/08/18)** and shall be retained thereafter. The hay and other food stuffs shall not exceed 2 metres in height at any time.

Reason

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

7. This permission shall enure for the sole benefit of the applicant Ms C O'Donnell and shall be for the period during which the premises are occupied by the applicant.

Reason

In the view of the personal circumstances of the applicant and in the light of the assurances given as to how the development applied for will be carried out, and to comply with Policy CG7AP of Bolton's Allocations Plan.

8. There shall be no more than 8 users/customers and 2 members of staff of the hereby approved therapeutic horse riding facility on site at any one time.

Reason

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

9. The development shall be used as a horse riding facility for individuals with special educational needs and disabilities, and for no other purpose (including any other purposes in Class D2 of the Town and Country Planning (Use Classes) Order 1987 (England) (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason

For the avoidance of doubt as to what is permitted and to comply with policy CG7AP of Bolton's Allocations Plan.

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

Proposed Therapeutic Horseriding Centre at Foxfields, Factory Hill, Horwich - Site Plan (scanned to BMBC file 19/03/18)

Proposed Therapeutic Horseriding Centre at Foxfields, Factory Hill, Horwich - Elevations and floorplans (scanned to BMBC file 19/03/18)

APPENDIX II – Reasonable Avoidance Measures (RAMS) for Great Crested Newt; METHOD STATEMENT: Great Crested Newts (Triturus cristatus), Tyrer Ecological Consultants Ltd, Date: 10/04/2018

Proposed Therapeutic Horseriding Centre at Foxfields, Factory Hill, Horwich - Amended Site Plan (scanned to BMBC file 07/08/18)

Reason

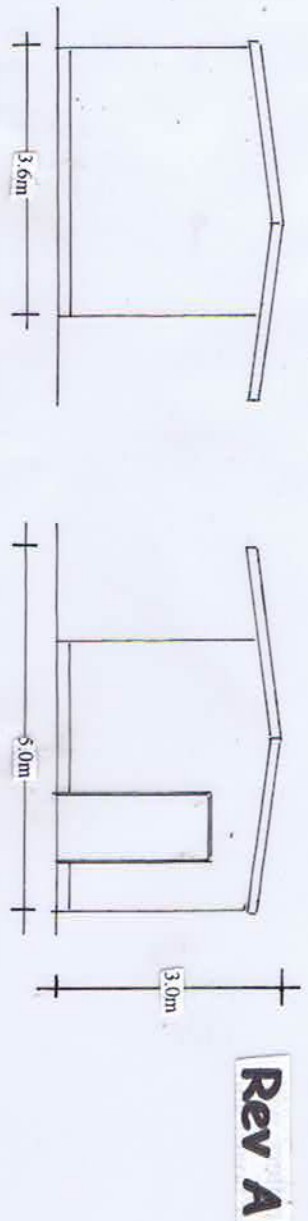
For the avoidance of doubt and in the interests of proper planning.



Proposed Stables Lecture Room & Wc

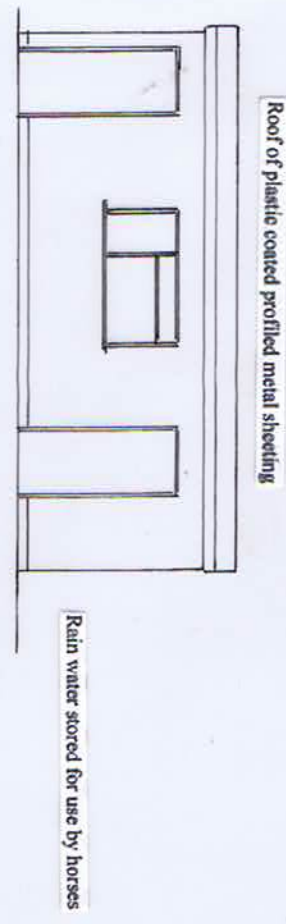
Prop Theraputic Horseriding Centre at Foxfields Factory Hill Horwich

Scales 1:100

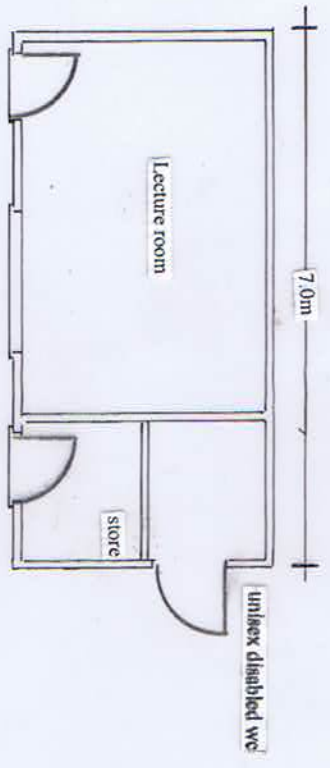


Prop Left Elev

Prop Right Elev



Prop Front Elev

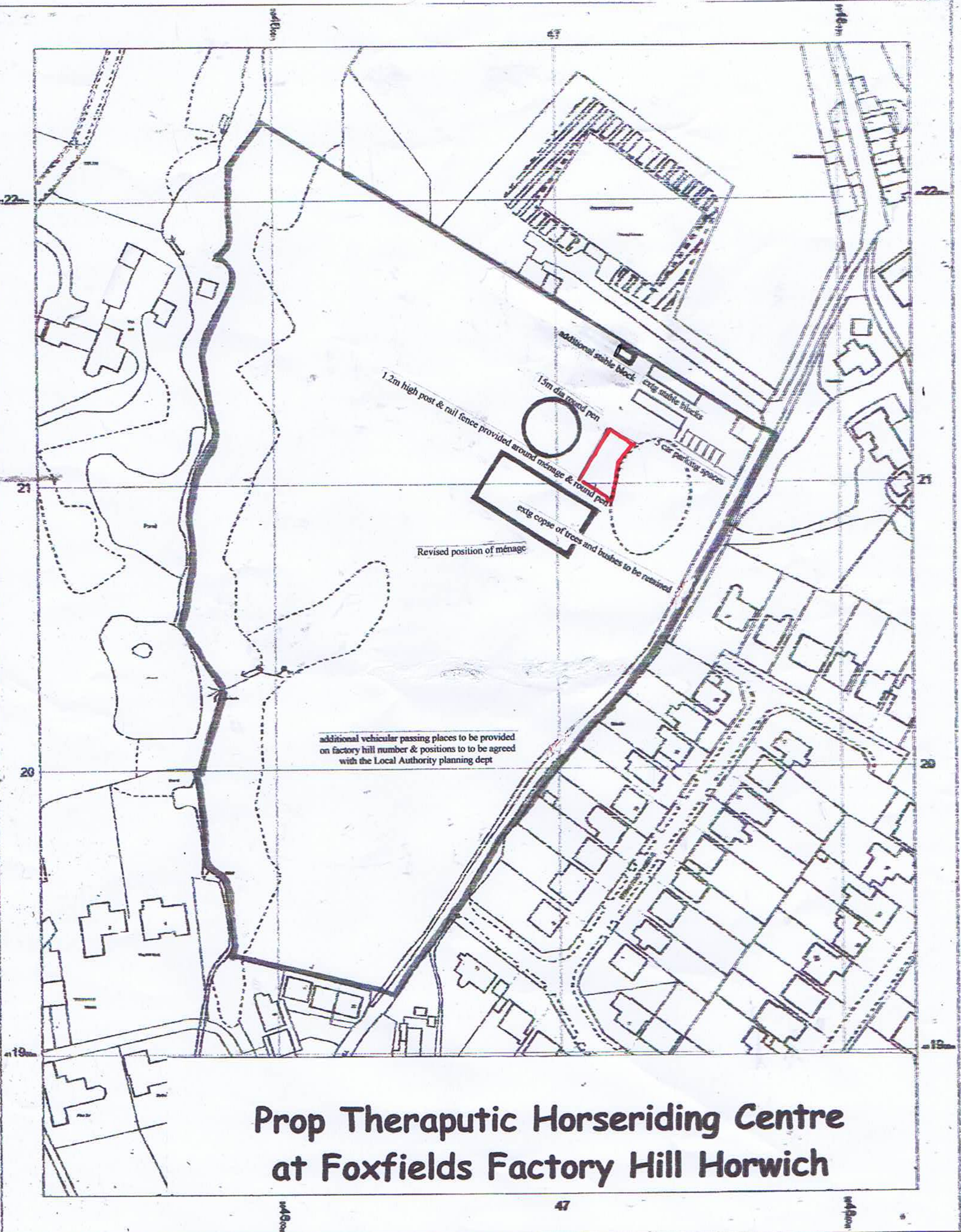


Prop Floor Plan



Prop Rear Elev

Prop Therapeutic Horseriding Centre at Foxfields Factory Hill Horwich



Prop Theraputic Horseriding Centre at Foxfields Factory Hill Horwich

OS MasterMap 1250/2500/10000 scale
08 June 2018, St. 8991-00534457
www.blackwellmapping.co.uk

1:1250 scale print at A3, Center: 394571 E, 412053 N

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Application number 03995/18



Directorate of Place
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Town Hall, Bolton, Lancashire, BL1 1RU
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Bolton Council

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Date of Meeting: 23/08/2018

Application Reference: 03995/18

Type of Application: Listed Building Consent
Registration Date: 02/07/2018
Decision Due By: 26/08/2018
Responsible Officer: Martin Mansell

Location: 24-28 MAWDSLEY STREET, BOLTON, BL1 1LF

Proposal: LISTED BUILDING CONSENT FOR THE REMOVAL OF THREE CHIMNEYS.

Ward: Great Lever

Applicant: Bolton M B Council
Agent :

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Listed building consent is sought to demolish three chimneys at Nos. 24-28 Mawdsley St.
2. These buildings are in the Council's Ownership and Officers from Corporate Property Services (CPS) state that the chimneys themselves are structurally unstable. A report has been written by Carl Sharply of Cranleigh Design which states that the three chimney stacks are of a traditional brick and mortar construction dating back to the mid-Victorian period and each have been recorded to be significantly leaning out of plumb and are unstable in their current state. There is a real danger of structural collapse if high wind conditions are in the right direction and the stacks oscillate. On further inspection a number of issues have been recorded by Mr Sharply that has led to the leaning of these structures, including a timber lintel supporting the roof wall above and part of the chimney breast has rotted and shear failure has occurred.
3. In the interest of health and safety the three chimneys were braced to each other to minimise oscillation and thus further damage and this can be seen by the siting of scaffolding on Mawdsley Street. However, this did not completely remove the risk and the CPS have taken the decision to take down the structures to a safe height and store the masonry on the scaffold which has been strengthened for this reason as the three chimneys cumulatively weigh approximately six tonnes.
4. The Council's Corporate Property Services Officers fully accept that carrying out unauthorised works to a listed building is capable of being a criminal offence under s7 of the Planning (Listed Buildings and Conservation Areas) Act 1990; however they also note that s9 of the Act provides that it shall be a defence to prove the following matters:-
 - that works to the building were urgently necessary in the interests of safety or health or for

- the preservation of the building;
 - that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;
 - that the works carried out were limited to the minimum measures immediately necessary; and
 - that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable
5. The Head of Corporate Property has considered the above points and is satisfied that the urgent removal of the chimneys is justified in the interests of public safety. Members are therefore being asked to retrospectively authorise this decision and to agree that it is not necessary to rebuild the chimneys in their former location.
 6. No objections have been received but the Council's Constitution currently requires that all Council applications be presented to Planning Committee.

Site Characteristics

7. These Grade II listed properties are located on the western side of Mawdsley Street and lie within the Mawdsley Street Conservation Area. The extract from the Historic England listing states:-

"22, 24, and 26-28 Mawdsley Street are located in a Conservation Area in Bolton Town Centre. The buildings are grade two listed, and range from 1800 to approximately 1865. Number 22 from 1800 features three storeys, two-window range with doorway to right. Pedimented doorcase and panelled door with traceried fanlight. four-pane sash windows, (note: casements to second storey and renewed to ground floor with flat arched heads and stone sills) with end wall stacks. Later around 1860 the additional buildings were built featuring brick with stone dressings and slate roof. Three storey, five window range, symmetrically planned in an Italianate style. Central segmental archway through to rear courtyard, flanked on each side by doorway and outer window. All openings have stilted arched stressed architraves, linked by continuous string course. Pronounced sill bands to upper storeys, and strongly projecting modillion eaves cornice. End and axial stacks. 28 Mawdsley Street complete in approximately 1865, with polished granite shafts to architrave, and stressed voussoirs to segmental arch of doorway, entablature hood with shallow pediment carrying date over. Segmentally arched windows with stressed stone voussoirs linked by string course, and modillion cornice above ground floor. Round arched upper windows, also with stressed stone voussoirs linked by continuous deep modillion string course. Strongly projecting modillion eaves cornice."
8. The Mawdsley Street Conservation Area appraisal notes that Mawdsley Street itself is a principal business street and one of the best preserved historic streets in the town. The properties lining this street include some of Bolton's finest historic buildings dating from the early 19th century. The conservation area also includes later 19th century buildings and 20th century development, around Nelson Square and along Bradshawgate.
9. Due to the surrounding buildings, their heights and their layout, it is difficult to see the chimneys from ground level public vantage points.

Policy

10. Core Strategy Policies: SO11 Built Heritage, CG3 Design and the Built Environment, Policy SC1 Housing Allocations and TC1/TC11 Bolton Town Centre
11. Supplementary Planning Documents: Building Bolton, Town Hall Conservation Area Character

12. National Planning Policy Framework (July 2018): Conserving and Enhancing the Historic Environment

Analysis

13. 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.

14. The main impact of the proposal is:

- its effect on heritage significance

Impact on Heritage Significance

15. 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.

16. Paras 193, 194 and 196 of the NPPF state when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation - and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset from its alteration or destruction, or from development within its setting, should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

17. At roof level, gables and chimneys are important in the street scene, helping to enliven the street scene. It also says that chimney stacks should be retained. If rebuilding is necessary this should be in the same materials used to construct the remainder of the building, this may be brick or stone with clay pots.

18. As noted above, the chimneys have already been removed but their constituent materials have been temporarily stored at a high level on scaffolding specifically erected for this purpose, so that Members can consider the current application. CPS propose to completely remove the material forming the chimney and to slate over the holes created in the roof with slates to match.

19. It is necessary to consider the heritage significance of the chimneys themselves. The chimneys form a line when viewed from the east, as seen on the attached photograph, taken from the top floor of 27 Mawdsley Street on the opposite side of the road.

- Chimney 1: appears to be constructed from the original bricks however it lacks the decorative plinth of similar chimneys and also the corbels supporting the plain plinth appear to have been removed and replaced with bricks. The three pots are simple and lack the

decorative features of other chimneys nearby. The very top (i.e. the pots) can be seen distantly from the northern end of Back Cheapside and a glimpse of the plan plinth and above can be gained from further south along Back Cheapside, between two hipped roofs.

- Chimney 2: the chimney itself is the best preserved of the three except that the two pots have been replaced with plain modern terracotta versions. Officers have not been able to gain a view of this chimney from any ground level public vantage point.
 - Chimney 3: this is the most heavily modified - less than one metre of the original brickwork remains with the remainder of the chimney in strikingly newer brickwork (most likely 1980s) with four plain modern terracotta pots. This the only chimney that can be viewed from Mawdsley Street and even then it is only the top (heavily modified) half.
20. It is considered that the modification of these chimneys has significantly affected their heritage value so such a degree that their loss means that very limited harm would be caused to the significance of the listed buildings as a group. Furthermore, it is also noted that the Historic England description does not make any specific reference to the chimneys - this does not automatically mean that the chimneys have no heritage value but it does suggest that the majority of the heritage significance of these building lies within the features described.
21. Officers note that the Mawdsley Street Conservation Area appraisal advised that chimneys should be retained and it also refers to the positive contribution that chimneys can make to a traditional street scene. However, in this instance, the very limited visibility of the chimneys themselves means that this contribution is extremely limited. Furthermore, the two chimneys either side of the group proposed for demolition are much more characterful and have greater visibility - these means that the street scene and roof line will not be significantly bereft of vertical features.
22. Taking the above factors into account, the impact on the heritage significance of the building is considered to be acceptable.

Conclusion

23. Planning Officers consider that the Council's Corporate Property Services Officers have provided a robust justification for removing the three chimneys in the interest of the urgent protection of life and limb. Whilst it would be possible for the chimneys to be rebuilt as they were, they consider that the public benefits of doing so in terms of heritage significance and the Mawdsley Street Conservation Area street scene would be extremely limited. Planning Officers have assessed each chimney in some detail as set out above and concur with the view of CPS Officers.
24. Both Planning and CPS Officers accept that the retention of chimneys at listed buildings and in conservation area is generally the correct approach. However, in this particular instance - the modified nature of the chimneys, the lack of street scene visibility and the presence of other more detailed and more prominent chimneys mean that Officers find it difficult to argue in favour of insisting that the chimneys be rebuilt. It is not considered that these circumstances will arise at many other locations and therefore Officers do not consider that any precedent would be set for the removal of chimneys elsewhere.
25. For the above reasons, Members are recommended to retrospectively authorise the removal of the chimneys in the interests of urgent public safety and to grant listed building consent.

Representation and Consultation Annex

Representations

Letters/petitions:- None.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees: Historic England, Bolton Civic Trust

Planning History

Listed building consent was granted in 2004 for the formation of a new door and access ramp (69687/04)

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

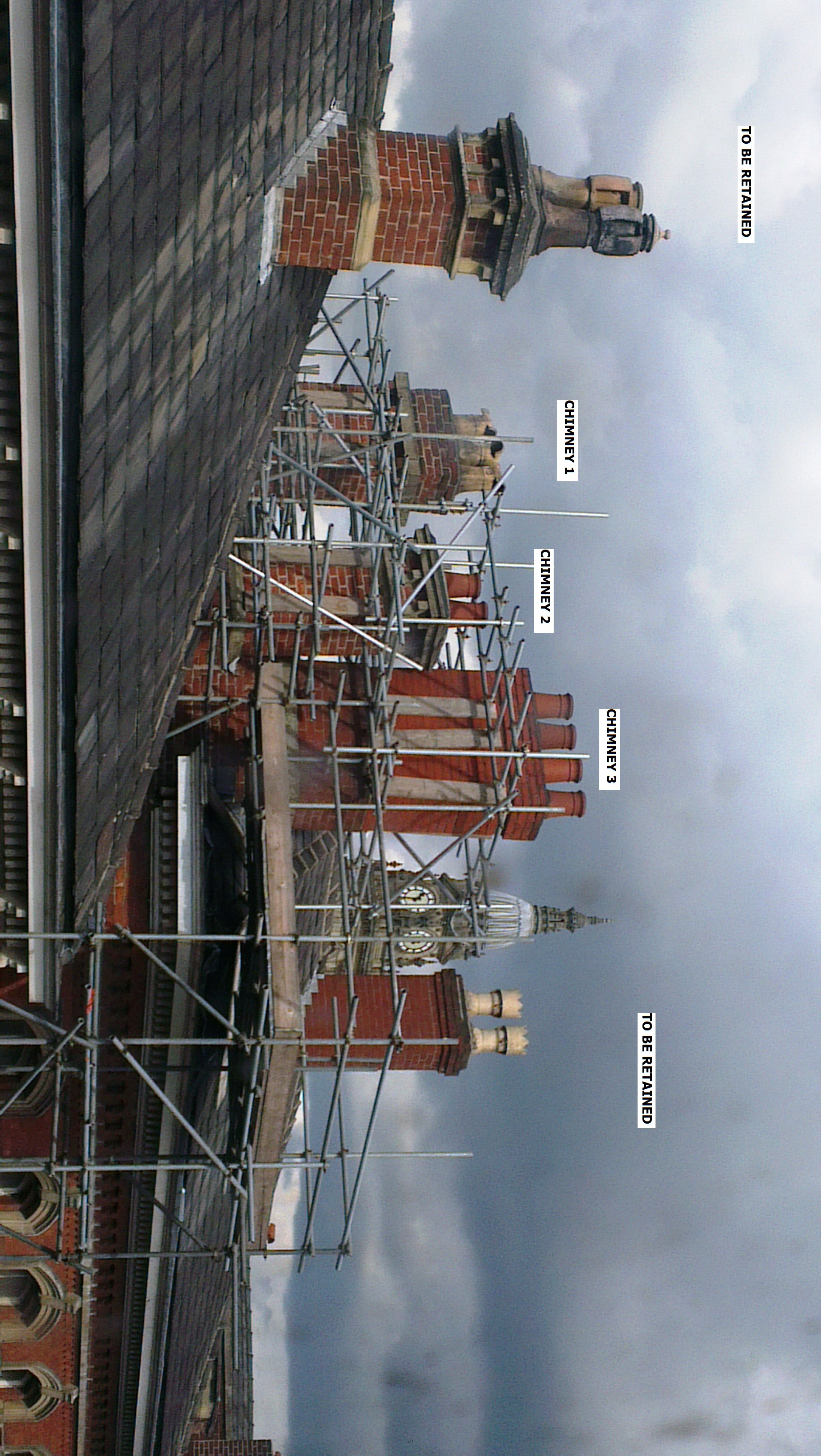
1. The works must be begun not later than the expiration of three years beginning with the date of this consent.
Reason

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. Prior to the removal of the chimney materials stored on the scaffold, a scheme shall be submitted for the making good of the gaps in the roof created by their removal using slates to exactly match the existing roof and laid in courses to match. The scheme shall be implemented in full within 28 days of its approval and retained thereafter.

Reason

To protect the heritage significance of the listed buildings and to comply with policy CG3 of Bolton's Core Strategy.



TO BE RETAINED

CHIMNEY 1

CHIMNEY 2

CHIMNEY 3

TO BE RETAINED



PORT STREET

BACK CHEAPSIDE

BACK CHEAPSIDE

Chancery House

BOLD STREET

MANDSLEY STREET

MANDSLEY STREET

CHEAPSIDE SQUARE

INFRARY STREET

NELSON SQUARE

NELSON SQUARE

Maudslayi Street Nelson Square

CHANCERY LAINE

CHANCERY LAINE

LOTTERY ROW

LOTTERY ROW

Application number 04014/18



Directorate of Place
Development Management Section

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

Bolton Council

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Date of Meeting: 23/08/2018

Application Reference: 04014/18

Type of Application: Full Planning Application
Registration Date: 09/07/2018
Decision Due By: 02/09/2018
Responsible Officer: Kara Hamer

**Location: LEVERHULME PAVILION SITE (BOLTON SCHOOL), CHORLEY
NEW ROAD, BOLTON, BL1 4PB**

Proposal: VARIATION OF CONDITION 25 ON APPROVAL 97528/16
(PROVISION OF 1No RECESS TO PROVIDE 2No DUGOUT
STRUCTURES, 4No RECESSES FOR GOAL STORAGE, ETC AND 3
METRE WIDE RECESS ON THE EASTERN SIDE OF THE PITCH
INCLUDING 55 METRE LENGTH OF ENCLOSURE FOR
SPECTATORS, ENCLOSED BY 1.2 METRE HIGH FENCING).

Ward: Heaton and Lostock

Applicant: Mr I Clarke
Agent : Geraint John Planning

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Consent is sought for the variation of condition 25 of planning permission reference 97528/16 as approved on 9th March 2017 at Planning Committee. The consent was for a proposed synthetic turf pitch, floodlighting, fencing, drainage and ancillary works at Bolton School's Leverhulme Pavilion site. A subsequent Appeal against conditions 06 (12 months temporary consent) and 23 (max. rating level of noise) was allowed on 24/01/18 (APP/N4205/W/17/3177711) and the appealed conditions were deleted.
2. This application falls under Section 73 of the Town and Country Planning Act, 1990 (as amended).
3. Condition 25 of permission 97528/16 is a standard condition which states, the development hereby permitted shall be carried out in complete accordance with the following (listed) approved plans, the reason provided is for the avoidance of doubt and in the interests of proper planning.
4. This variation of condition application seeks to provide;
 - 1no. recess (2.5m deep x 17.5m length) to provide 2no. Dugout structures (transparent shelters) - to provide seating for players and linesman / referee on the western side of the pitch;
 - 4no. recesses for goal storage – 1no. recess at either end of the pitch (3m deep x 10m length) and a further 2no. recesses on the western side of the pitch (2.5m deep x 10m

- length);
 - A 3 metre deep recess on the eastern side of the pitch, which includes a 55 metre length enclosure dedicated for spectators (standing only), enclosed by 1.2 metre high fencing.
5. The recesses are proposed within the previously approved pitch perimeter fencing. There are no alterations proposed to the material, design or colour of the previously approved fence.

Policy

6. Core Strategy Policies: CG4 Compatible Uses; CG3 The Built Environment
7. National Planning Policy Framework - Section 4 Decision Making
8. Ministry of Housing, Communities and Local Government - Flexible options for Planning Permissions

Analysis

9. The Ministry of Housing, Communities and Local Government guidance - Flexible options for Planning Permissions states; an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
10. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.
11. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.
12. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Dugouts

13. The proposal includes a single recess to provide 2no. player / linesman / referee dugouts to the western side of the pitch (adjacent to the boundary with Merryfield Grange). It is proposed that the two dugouts will be provided with transparent shelters and it is anticipated that these would act as a further barrier to noise being emitted toward Merryfield Grange (as the closest residential neighbours). In addition the dugouts would also benefit from the acoustic fence (which was secured by the original planning permission). The proposed dugouts are considered to be typical with those found at similar sports pitches.
14. The Council's Pollution Control Officers were consulted prior to this application for advice and considered that the dugout might reduce noise from spectators and/or the teams as it could act as a noise barrier between the adjacent residential properties.

Storage Recesses

15. The proposals include 4no. recesses for goal storage (1no. recess at either end of the pitch and a

further 2no. recesses on the western side of the pitch). These proposals will not have any impact upon neighbouring occupiers and will largely be undetectable visually when viewed from the public realm.

16. The applicant has confirmed that no storage containers would be kept in the recesses nor anything which would make a noise if struck. In addition the padded/treated back board (to eliminate ball noise) could be run around the full edge of the fencing including within the recessed areas.

Spectator Area

17. The proposals include a recessed viewing area for spectators (standing only, as confirmed by the applicant). The spectators area measures 3 metres in depth and 55 metres in length and would be separated from the pitch by 1.2 metre high fencing. The fencing is entirely in keeping with the previously approved pitch perimeter fencing. The spectator area has been deliberately positioned on the eastern side of the pitch to increase the separation distance from Merryfield Grange. It should be noted that the dimensions of the spectator area (at only 3 metres in width) would naturally restrict the numbers of spectators into the area (as opposed to spectators spread around the perimeter of the pitch and unrestricted in numbers).
18. Condition 23 (now deleted) of planning permission reference 97528/16 required that the rating level of noise emitted from the site did not exceed 50dB LAeq(1 hour) at any point on the boundary with Handley Gardens and Cedar Wood Court, and when measured 1 metre from the façade of any apartment at Merryfield Grange (The Council identified that this is the upper noise limit for the outside of a residential property set out by the Sport England Design Guidance Note entitled *Artificial Pitch Acoustics – Planning Implications (New Guidance for 2015)*). In the Appeal Decision Report the Planning Inspector stated that *"the appellant's evidence (uncontested) indicates that ambient noise levels in this location without the proposal are already above 40dB LAeq (1hour). Consequently, even if noise from the site was at the upper limit set by condition No 23, in conjunction with existing ambient noise levels, the noise levels when measured from the locations specified by the condition would not be achievable. Taking the above into account, I share the appellant's concern that it would not be possible to determine whether the existing ambient noise level is contributing to any exceedance, and as such, the condition would not be enforceable. In this respect, the condition would not meet the test of being enforceable as required by paragraph 206 of the Framework. In addition, based on the modelling work undertaken by the appellant (uncontested), acoustic fencing along the site boundary with Merryfield Grange would ensure that noise levels below 50dB LAeq (1hour) can be achieved at the nearest residential properties"*.
19. In relation to the temporary consent the Planning Inspector stated that *"the Council assert that intensification of the proposed use would result in increased usage of the site, including increased noise levels in and around the vehicular access to the site at the car park. However, no substantive evidence is before me to demonstrate that the proposal would significantly and harmfully increase noise levels or harm neighbouring living conditions more generally to an extent that would justify the proposal to be subject to a temporary permission"*.
20. The Council's Pollution Control Officers have been consulted on this application and have raised no objection and have requested a condition to ensure that the padded back board is placed within the recessed areas and no storage containers are to be put/placed in the recessed areas. Officers concur with the advised condition.
21. Sport England have been consulted on this application and have raised no objection, stating, "Having assessed the application, Sport England is satisfied that the proposed amendments to

the Artificial Grass Pitch meets Exception 2 of our playing fields policy, in that: '*The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.*' This being the case, Sport England does not wish to raise an objection to this application."

22. The Council's Legal Team have been consulted on this application and confirm that the proposed amendments are minor in character and could therefore be approved via a S73 application.

Other matters

23. This application has been made under section 73 of the Town and Country Planning Act 1990. Where such an application is granted the new planning permission sits alongside the original permission, which remains intact and unamended. However, to assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
24. The conditions attached to the original approval 97528/16 (that have not been removed following appeal APP/N4205/W/17/3177711) will therefore again be attached to this decision, should the application be approved. This includes the commencement of development condition.

Conclusion

25. It is considered that condition 25 of planning permission reference 97528/16 as approved on 9th March 2017 can be varied to incorporate the submitted revised plans, without the character and appearance of the area or the amenity of neighbouring residents being unduly harmed (in compliance with conditions CG3 and CG4 of Bolton's Core Strategy). Members are therefore recommended to approve the Variation of Condition application.

Representation and Consultation Annex

Representations

Letters:- 11 letters have been received objecting to the proposal on the following grounds;

- the supporters' area does not fit the original remit of the redevelopment (where supporters would be spread around the perimeter of the pitch);
- the supporters' area will create a more concentrated focus of sound towards Merryfield Grange;
- the redevelopment of Leverhulme Pavilion is for commercial use as a primary, revenue raising concern, with school use as a secondary consideration; *Officer comment - not a material planning consideration, the development was approved under application 97528/16.*
- has the council any intentions of monitoring the proportion of school use against commercial use and if so, will these details be made publicly available? *Officer comment - not a material planning consideration, the development was approved under application 97528/16.*
- existing noise from the current configuration of the school sports facility; *Officer comment - not a material planning consideration for this application, the development was approved under application 97528/16.*
- current car parking along Overdale Drive, parking restrictions not monitored; *Officer comment - not a material planning consideration for this application, the development was approved under application 97528/16.*
- existing Crematorium traffic; *Officer comment - not a material planning consideration for this application, the development was approved under application 97528/16.*
- the supporters' area will encourage more spectators; *Officer comment - the number of spectators would be physically restricted to the 3m x 55m area as opposed to spread around the perimeter of the pitch and unrestricted in numbers.*
- this application enables use of the pitch by a third party (Bolton Hockey Club) which is not in line with a S73 application; *Officer comment - the development (including use by Bolton Hockey Club) was approved under application 97528/16.*
- this proposal will require parking facilities; *Officer comment - not a material planning consideration for this application, the development (with parking) was approved under application 97528/16.*
- S73 applications cannot propose more than minor material amendments; *Officer comment - the LPA considers this application to be valid, works proposed are minor amendments to the development approved under application 97528/16.*
- a request for financial compensation from Bolton MBC for noise levels; *Officer comment - not a material planning consideration, the development (with noise mitigation measures) was approved under application 97528/16. Such a request would be outside the remit of Planning.*
- Floodlight arc will shine into bedroom window; *Officer comment - not a material planning consideration for this application, the development (with floodlight restrictive conditions) was approved under application 97528/16.*

Elected Members:- none received.

Consultations

Advice was sought from the following consultees: the Council's Pollution Control Officers, Sport England and Design for Security Greater Manchester Police.

Planning History

97528/16 - PROPOSED SYNTHETIC TURF PITCH, FLOODLIGHTING, FENCING, DRAINAGE AND ANCILLARY WORKS - approved with conditions at Planning Committee on 09/03/17, subsequently appealed (conditions) which was allowed on 24/01/18 (APP/N4205/W/17/3177711).

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before **14th March 2020**.

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 and hedgerows within or overhanging the site which are to be retained/or are subject of a Tree Preservation Order (TPO) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing and as detailed on the tree protection Plan (TPP.12531.01). This is to include external planting as detailed in figure 3 of BS5837 (2012) Trees in Relation to Design Demolition and Construction where access is required adjacent to G14, T15, T16 & T18.

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 7 working 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 to comply with policy CG1 of Bolton's Core Strategy.

3. Prior to the commencement of development of any works on site, the developer shall submit to the Local Planning Authority, and have approved in writing, a method statement detailing how the following elements of the development will be constructed without causing harm or damage to the protected trees found on the site. The specific requirements are:
- Details of how the installation of the car parking area and the no-dig proposals for the entrance road are to be supplied without compromising the root systems of the trees during construction;
 - Details of trenching or cabling to accommodate the lighting columns which should show no works undertaken within the root protection zones of any of the trees;
 - Details of any drainage works that will infringe upon the root protection zones of any of the trees on the site. A method statement is required that details the excavation works for the drainage system and its route for disposal off-site.

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 to comply with policy CG1 of Bolton's Core Strategy.

4. Before the floodlighting hereby approved is first brought into use a verification report shall be submitted to and approved in writing with the Local Planning Authority to ensure the floodlighting scheme complies with the predicted modelling as referenced within the approved model **drawing ref; Proposed Lighting, HLS00681 Rev 7, dated 14/02/17**. The lighting shall be designed to an illumination value of no greater than [5] lux at the premise as approved in the **drawing ref; Proposed Lighting, HLS00681 Rev 7, dated 14/02/17**. The beam angle of any lights directed

towards any potential observer should be kept below [70] degrees. Spill shields should also be fitted. Provision should be made for an automatic control switch which ensures that the floodlights are switched off at the times agreed. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter.

Reason

To safeguard the character and appearance of the surrounding area and to safeguard the living conditions of nearby residents and to comply with policies CG3 and CG4 of the Core Strategy.

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

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

Reason

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

6. Before the development hereby approved is first brought into use, details of the dugout shelter shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved dugout shelter shall be implemented in full and retained thereafter unless otherwise agreed with the Local Planning Authority.

Reason

To safeguard the character and appearance of the surrounding area and to minimise the impact of noise on residential amenity and to comply with Policy CG3 and CG4 of Bolton's Core Strategy.

7. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the first use of the development hereby approved 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 to comply with policy CG3 of Bolton's Core Strategy.

8. Prior to the development hereby approved/permitted being first brought into use the means of vehicular access to the site from Overdale Drive shall be constructed in accordance with the drawing ref **Pitch Location Plan, Drwg No. NSBS008, 18/05/16** and retained thereafter.

Reason

In the interests of highway safety and in order to comply with policies S1 and P5 of Bolton's Core Strategy.

9. Before the approved/permitted development is first brought into use no less than 24 car parking spaces with minimum dimensions of 2.4 metres by 4.8 metres shall be marked out and provided within the curtilage of the site, in accordance with Drawing Ref: **Pitch Location Plan, Drwg No. NSBS008, 18/05/16**, details to be submitted to and 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 to comply with policy P5 of Bolton's Core Strategy.

10. Prior to the development hereby approved being 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 the interests of highway safety and in order to comply with policies S1 and P5 of Bolton's Core Strategy.

11. No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the Local Planning Authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material.

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

Reason

To ensure the site is safe for use and to comply with policy CG4 of Bolton's Core Strategy.

12. Prior to first use of the approved synthetic turf pitch and / or the floodlighting, a scheme shall be submitted to and approved in writing by the Local Planning Authority which provides the details of the proposed siting and elevations / design (including colour) of the proposed acoustic fence. The acoustic fence should have a minimum height of 1.5 metres, a minimum mass of 12 kg/m² or minimum weighted sound reduction index of 25 dB Rw and a length of 54 metres as detailed within Section 2 and Appendix 3 of the Miller Goodall Noise Assessment Addendum dated 20/02/17.

The approved fence shall be erected in accordance with the approved scheme and shall be retained thereafter.

Reason

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

13. Before the development hereby approved is first brought into use, details of a Stop/Back Board/Net (included within the approved recessed areas) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Stop/Back Board/Net shall be implemented in full and retained thereafter unless otherwise agreed with the Local Planning Authority.

Reason

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

14. Prior to the development hereby approved being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon first use of the development and continued to be used for the lifetime of the development.

Reason

To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the grass playing field, and to accord with Sport England Policy 'A Sporting Future for the Playing Fields of England' E5.

15. Before development commences details of the signing scheme within the site to inform drivers of the proposed access/egress 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 in order to comply with policies S1 and P5 of Bolton's Core Strategy.

16. Before the development hereby approved is first brought into use, a colour scheme for the floodlighting columns shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved colour scheme shall be implemented in full within 3 months of the first use of the floodlights and retained thereafter unless otherwise agreed with the Local Planning Authority.

Reason

To ensure the development safeguards the character and visual appearance of the locality and to comply with policy CG3 of the Core Strategy.

17. Notwithstanding the approved plans, prior to installation on site the hereby approved fencing shall be painted RAL 6055 Moss Green. The fencing shall remain so coloured thereafter.

Reason

To safeguard the character and appearance of the surrounding area and to comply with Policy CG3 of Bolton's Core Strategy.

18. The floodlighting hereby approved shall be permanently switched off except between the hours of 09:00 and 21:00 Monday to Friday, 10:00 and 18:00 on Saturday and 11:00 and 16:30 on Sundays and Bank Holidays. Within the approved hours of illumination the lights shall be only used when the pitch is in use or for maintenance purposes.

Reason

To safeguard the character and appearance of the locality and to prevent light pollution and to comply with policy CG4 of Bolton's Core Strategy.

19. The hereby approved Parking Management Strategy [**ref; Parking Management Strategy, dated December 2016, Geraint John Planning**] shall be implemented upon commencement of use of the development and shall remain in use thereafter.

Reason

In the interests of highway safety and in order to comply with policies S1 and P5 of Bolton's Core Strategy.

20. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

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.

21. Fencing panels shall be securely clamped with resilient fixings, any metal advertising signs are to be sited at the boundary fence or replaced by soft vinyl signs, any 'substitutes' shelters are to be constructed of a lightweight material and located within recesses.

Reason

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

22. The submitted **Noise and Vibration Management Plan, dated 10/01/17 and prepared by Miller Goodall Environmental Services** approved in writing by the Local Planning Authority specifying provisions to be made to control noise emanating from the site, shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

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

23. No storage containers are to be put/placed in the recessed areas.

Reason

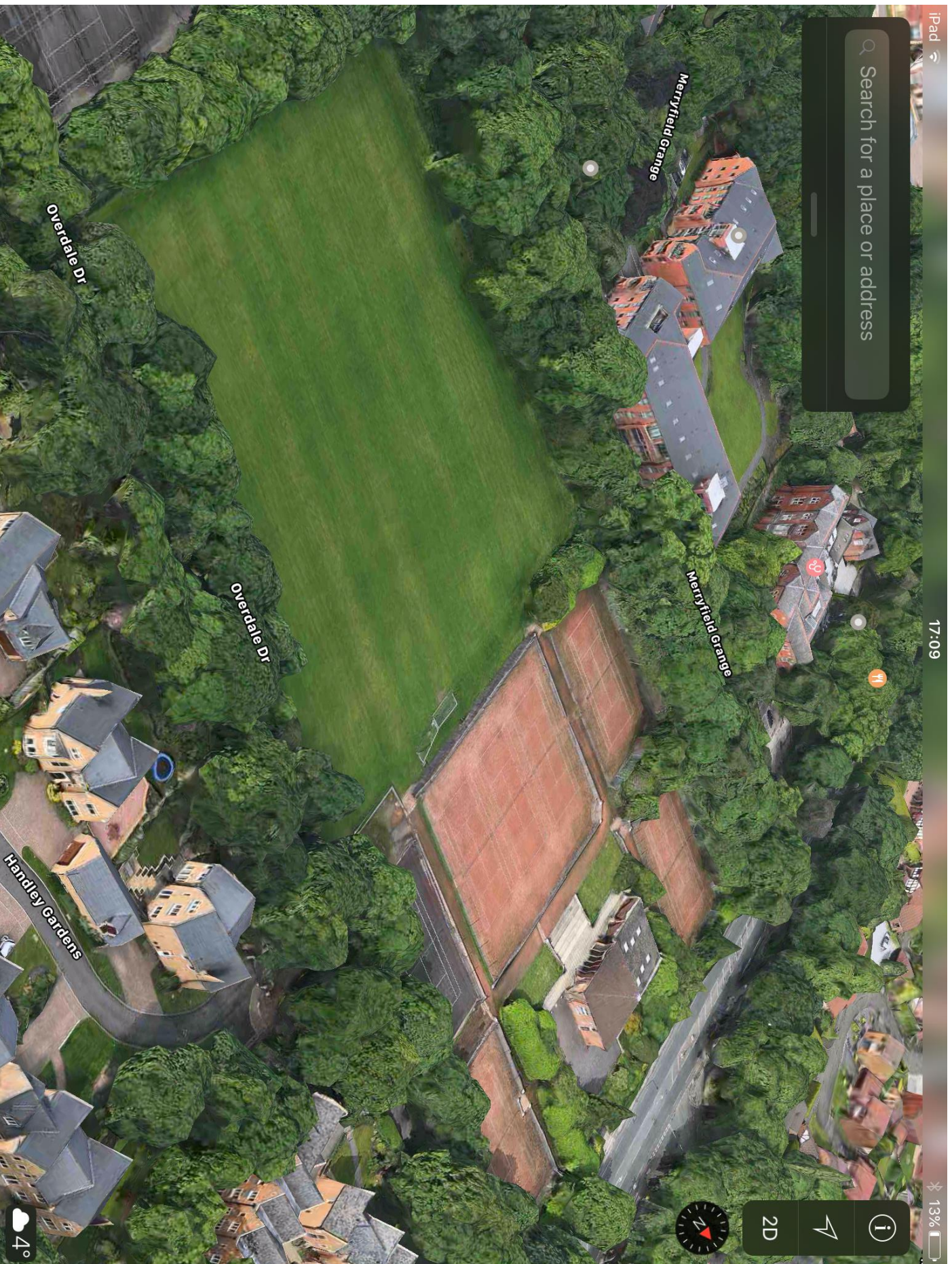
To reduce noise disturbance and to safeguard the amenity of neighbouring residents, and to comply with policy CG4 of Bolton's Core Strategy.

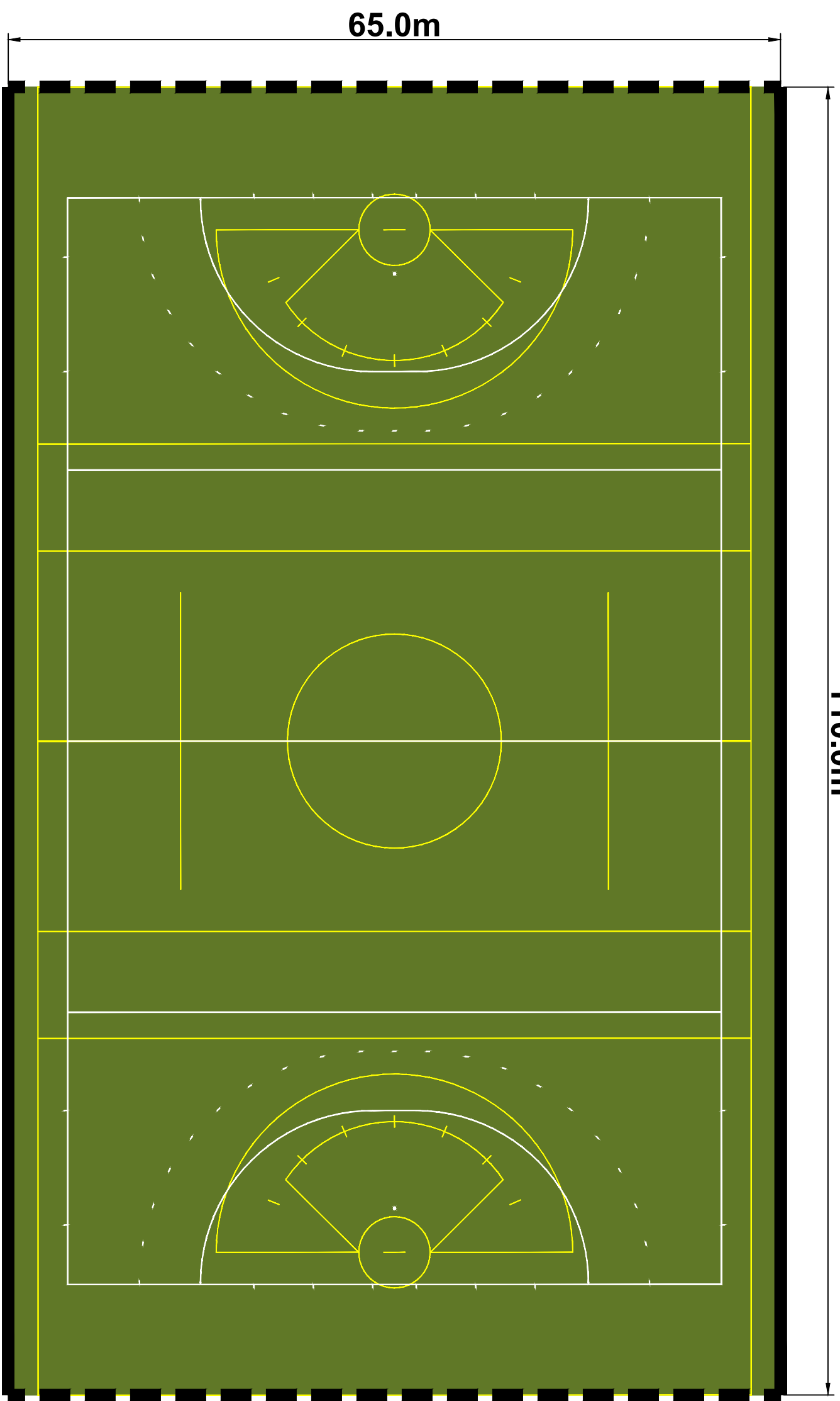
24. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Drainage Layout, Drwg No. NSBS005, 23/12/15
Proposed Floodlighting, Drwg No. HLS00681 Rev 7, 14/02/17
Pitch Location Plan With Carpark, Drwg No. NSBS007, 25/04/16
Pitch Location Plan, Drwg No. NSBS008, 18/05/16
Area Available For Community Use, Drwg No. NSBS006, 23/03/16
Location Plan, Drwg No. NSBS001b, 19/05/16
15M RL with 2 and 3 LED FL20's, Drwg No. 5M rl WITH 2 AND 3 FLOODS, 09/06/16
Proposed Court Footprint, CL/BLS 02 Rev D, 17/11/15
Proposed Court Sections, CL/BLS 03 Rev A, 17/11/15
Fencing Layout, NSBS004 Rev D, 28/06/18

Reason

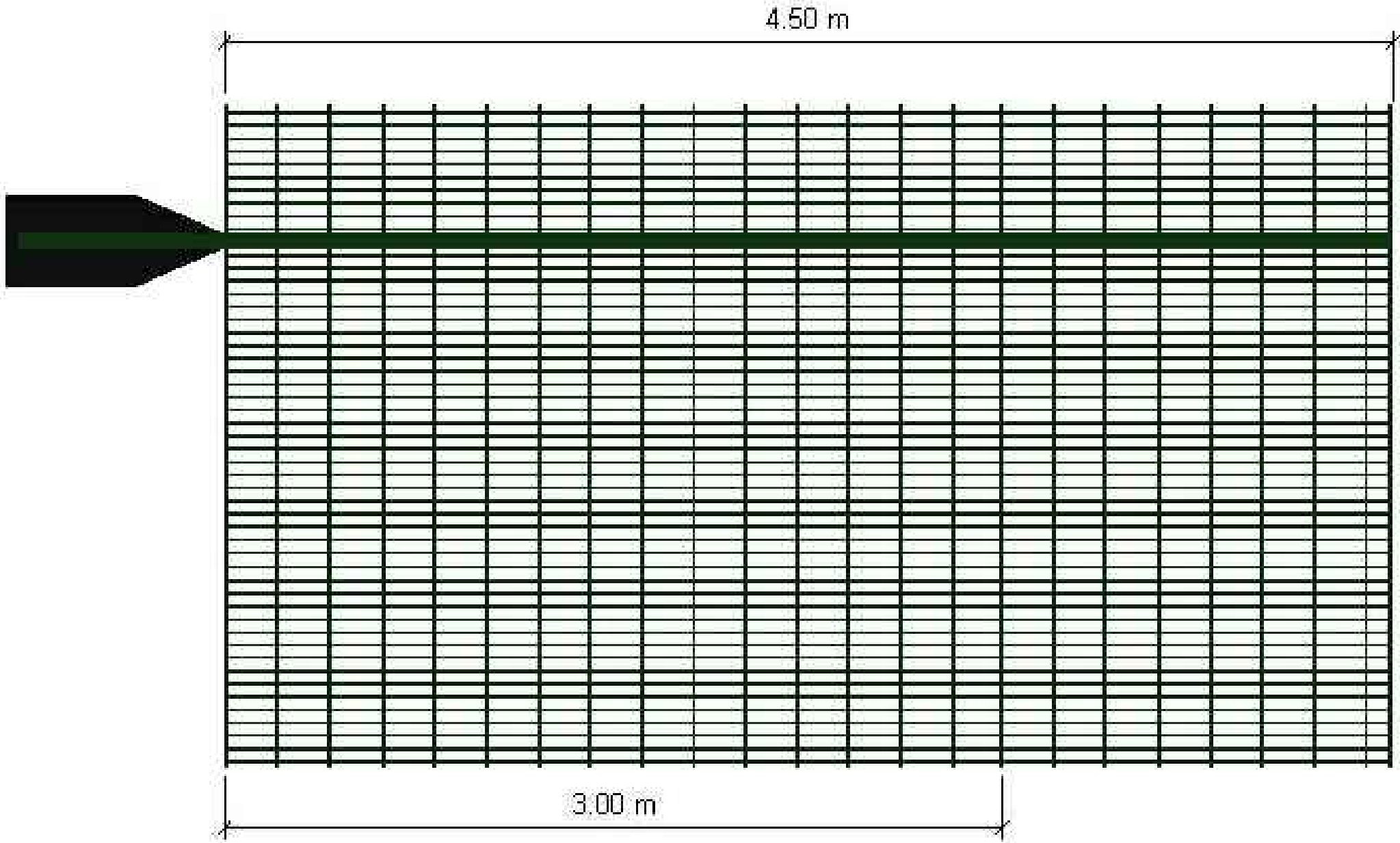
For the avoidance of doubt and in the interests of proper planning.



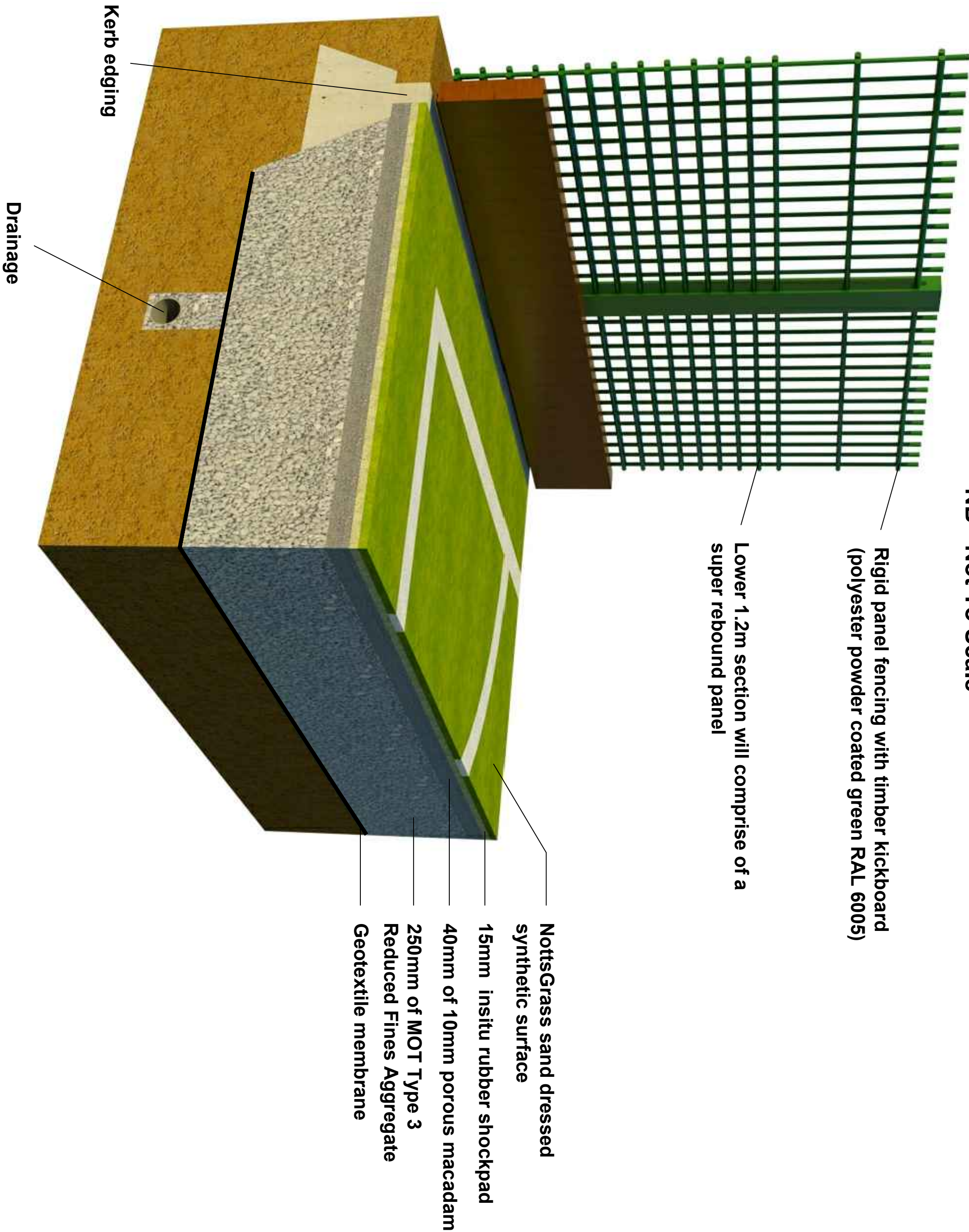


Fencing Plan
Scale 1:400

Fencing Elevation
Scale 1:20



3D Cross Section
NB - Not To Scale



NOTES:-

1 - Synthetic Turf Pitch
(110.0m x 65.0m)

nottsport Synthetic Surfacing / Multi-Sports
Technical Services
Innovation House
Magna Park
Lutterworth
Leicestershire
LE17 4XH
United Kingdom

Bolton School
Synthetic Turf Pitch
(STP) Development

Fencing Plan,
Fencing Elevation,
3D Cross Section

Date 07/07/16

Drawn by JP

Checked by JP

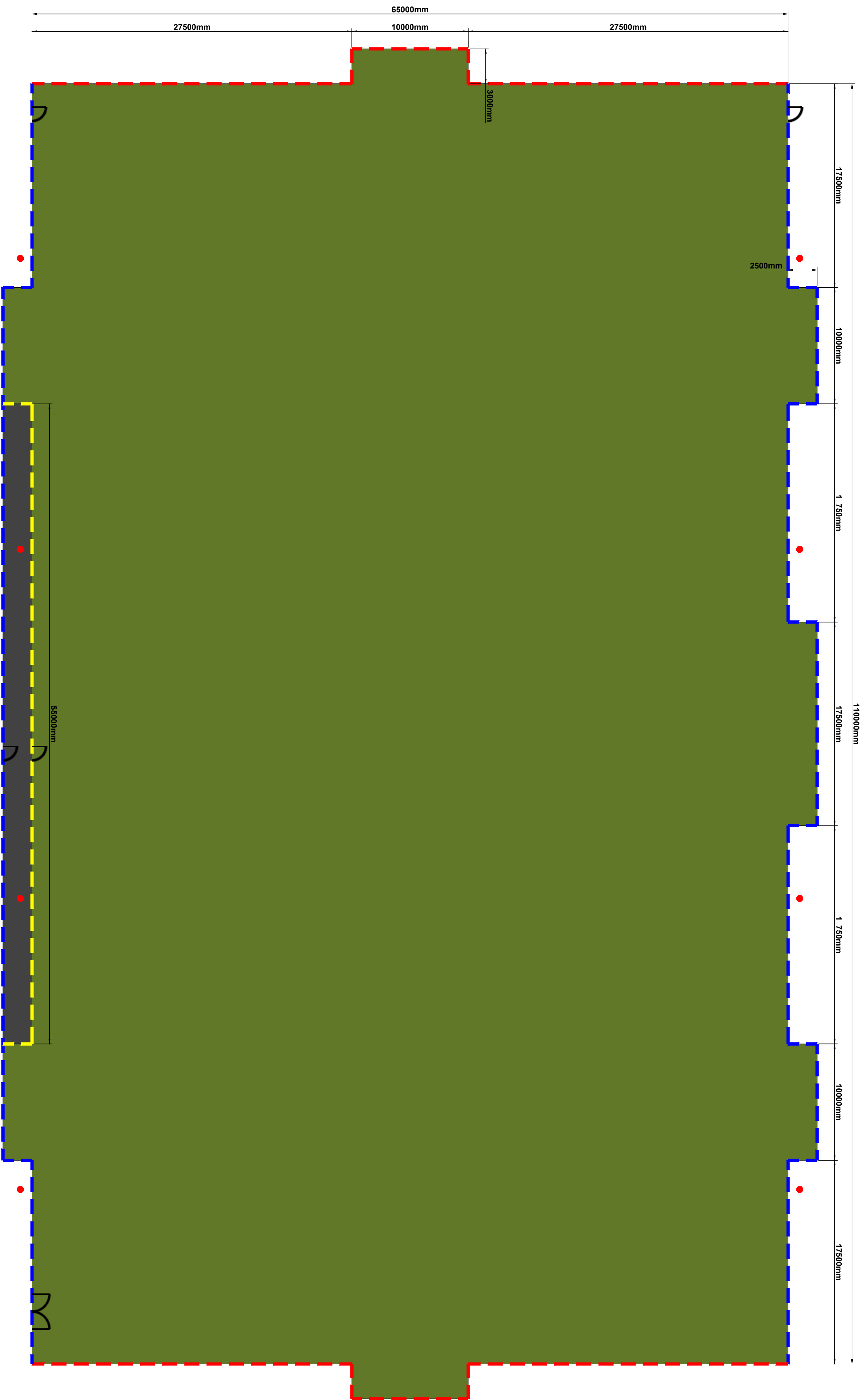
NSBS004b

Scale As Indicated @ A1

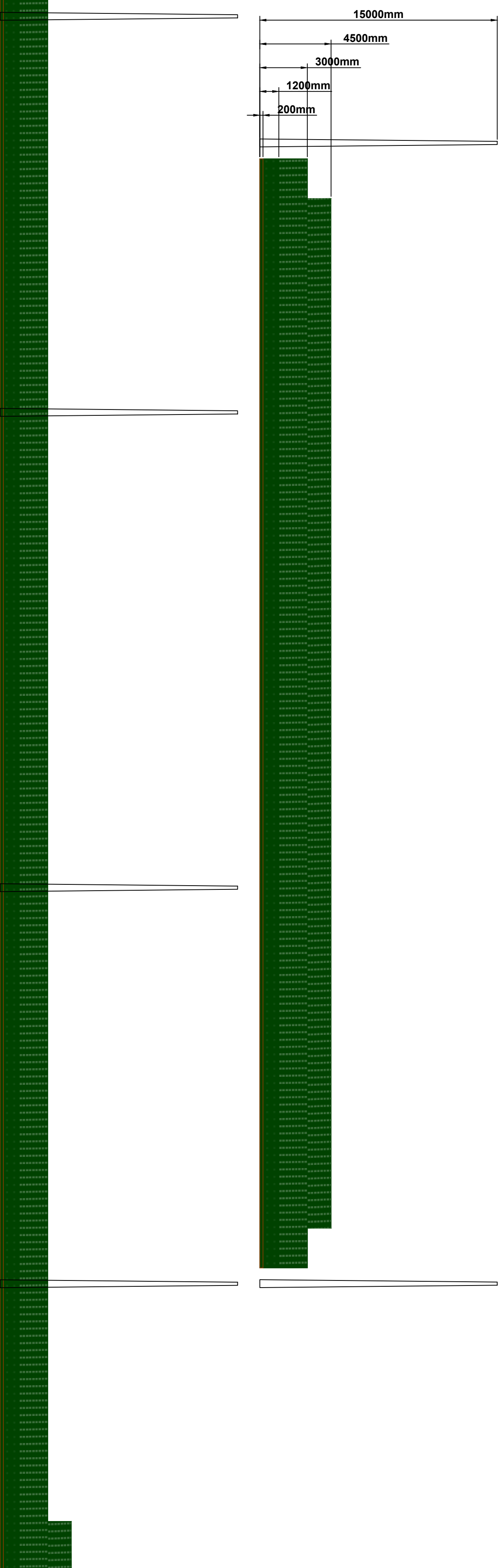
Client Signature

Date Signed

Fencing Plan Scale 1:200



Fencing Elevations Scale 1:200

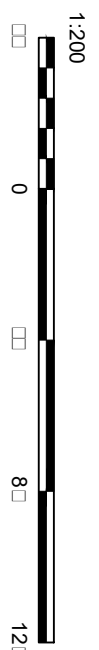


NOTES / KE:

- Synthetic Turf Pitch (STP) - ■
 11.00m x 65.00m
 4no 10.00m x 2.50m recesses
 2no 10.00m x 3.00m recesses
 1no 17.50m x 2.50m recess.
- Macadam Spectator Area - ■
 [138m² approx.]
- 1.20m high spectator fencing - ■
 3.00m high fencing - ■
 4.50m high fencing - ■
 Double leaf vehicular access gate - ■
 Double leaf pedestrian access gate - ■
 1.20m wide.
- 15.00m high raise - ●
 Galvanneal and coloured TALA 6005 Moss Green.

3.00m/4.50m high fencing:
Rigid panel mesh 200x50, super rebound panel to
lower 1.2m section, powder coated RAL 6005 Mos-
Green. 200x50 treated timber kickboard at base.

1.20m high spectator fencing:
☐ elded mesh 50x50, powder coated RAL 6005 Mo
 Green. 200x50 treated timber kickboard at base.



Project name:	Bolton School
Project type:	Synthetic Turf Pitch (STP) Development
Drawing:	Fencing Layout
Reference:	NSBS004
Revision:	D
Date:	2 /06/1 <input type="checkbox"/>
Drawn by:	JP
Scale / St e:	1:200 / A1

nottsport®
Synthetic Surfacing / Multi-Sports

**Head Office: Innovation House, Magna Park, Lutterworth,
Leicestershire, LE17 4XH, England**

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[illegible]

Bolton Council

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Date of Meeting: 23/08/2018

Application Reference: 95081/15

Type of Application: Full Planning Application

Registration Date: 24/03/2016

Decision Due By: 18/05/2016

**Responsible
Officer: Alex Allen**

**Location: UNITS 1 AND 3, ST PAUL'S MILL, BARBARA STREET, BOLTON,
BL3 6UQ**

**Proposal: CHANGE OF USE FROM INDUSTRIAL UNIT TO COMMUNITY
AND FUNCTION SPACE**

Ward: Rumworth

**Applicant: Mr Jiva
Agent : Smusa1**

Officers Report

Recommendation: Approve subject to conditions

Background

1. This application was last brought for Members' consideration in June 2017 which included an advanced site visit. At that time, contrary to Officers recommendation, Members were minded to grant planning permission for the change of use of the building subject to conditions. Detailed discussions were held during the meeting over the impact of the use and the requirement to mitigate against the highways related concerns of local residents and councillors. Specific reference was made at the June 2017 meeting to the requirement for:
 - Provision of a residents only parking scheme;
 - Provision of double yellow lines / Traffic Regulation Order on key streets adjacent to the venue;
 - Alley gating to Back Edgmont Avenue and Back Essingdon Street South.
2. Detailed discussions have been held between the case officer, Local Highways Authority, Community Safety officers and the Council's Legal section.
3. Since the application was considered by Members the use has remained operational.

Proposal

4. A change of use is proposed to use part of the mill building for a community and function facility, which falls within a D2 use classification. It is noted that the building is currently in use as a community / function room facility as set out in the proposed description of the application.
5. The proposal includes a function and community assembly space together with a serving area and kitchen. The seating capacity of the venue has been detailed as 150 - 250 people. Twenty

five car parking spaces have been allocated within the existing car park that serves St Paul's Mill as a whole.

6. The applicant requested that the hours of opening will be 11:00 - 23:00 Monday to Sunday with 22 employees (2 x full time and 20 x part time).
7. Minor changes to the front and side elevations are proposed to provide a new entrance lobby (to the side) and two exit doors to the front.
8. It has been reported that the use of the site as a function space is on going.
9. After detailed discussions between Officers and ward councillors the application is brought back to Committee for Members to further consider the highways requirements as detailed in paragraph 1 of this report.

Site Characteristics

10. The site is a former mill which lies in the heart of Inner Bolton. To the north and east are residential dwellings, typically laid out in rows of terraces. To the south are other mill buildings, which are put to commercial uses. The adjoining part of the mill is used as a mosque (Goshia Mosque). There are further small units in use within the site.

Policy

11. Core Strategy Objectives - SO2 Achieving Bolton; SO11 Bolton's Built Heritage
12. Core Strategy Policies CG3.2 Conserve and Enhance Local Distinctiveness; CG3.3 Scale, Massing, Grain and Form; CG4.1 Compatible Uses; SC2.1 Cultural and Community Facilities; RA1 Inner Bolton.
13. National Planning Policy Framework (NPPF)

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 the change of use - proposed changes to the Condition 1

Principle of the change of use - proposed changes to the highways condition (Condition 1)

16. Core Strategy policy CG4 states that the Council and its partners will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.
17. In addition Core Strategy policy Core Strategy policy SC2.1 states that the Council and its partners will ensure that local cultural activities and community facilities are located in the neighbourhoods they serve. It is acknowledged that the Core Strategy can achieve community

cohesion in a number of different way, taking account of the needs of different groups in the borough, including different ethnic groups, age groups and faith groups.

18. The principle of this change of use was accepted by Members at the June 2017 Planning Committee meeting. The minutes of the meeting clearly states that:

"The Committee felt that the amenity of neighbouring uses are not unduly harmed by the development and agreed that a condition be added to ensure highway safety in the area."

19. As outlined above the case officer have been in discussions with Highways Officer, the Council's Community Safety team and Legal section to investigate how Members' wishes could be implemented. Since the Committee meeting there has been progress on each item which is summarised below:

Residents only parking scheme

20. The Council's Highways Engineers see this as the most effective measure. There were two options for a residents only parking scheme, Option 1 was a much smaller area than Option 2. Option 2 is the preferred solution as it would prevent (as far as possible) displacement of car parking onto surrounding streets.
21. In terms of costs Highways Engineers have confirmed the estimated cost of implementing the parking zone would be £26,495. The initial cost to the applicant would be £3,228 which would cover the cost of consultation. Only if after consultation the majority of residents who voted wanted a residents only parking scheme would it progress to implementation stage and payment of the remainder of the monies.
22. Officers consider that this cost should be borne by the applicant as the aim of the residents only parking scheme is to prevent users of the venue from parking on adjoining streets.
23. A copy of the proposed residents only parking area is attached at the rear of this report.

Provision of TRO

24. The provision of Traffic Regulation Orders (TROs) was required at key junctions on Caroline Street.
25. The Council's Highways Engineers has confirmed that this element has been progressed by the Council separately as part of ongoing highways improvements in the local area. The report to the Highways Executive Member to agree to implementation of the Traffic Regulation Order is scheduled to be considered at a meeting on 13 August 2018. Subject to the Executive Member's approval the TROs within the local area would be implemented as soon as possible thereafter.

Alley gating (Public Spaces Protection Order)

26. The earlier requirements were for alley gates to be provided on Back Edgmont Avenue and Back Essington Street South. The aim of alley gates would be to allow residents to park in the back streets.
27. In order to implement alley gates on back streets the Council's Solicitor has stated that a proposal must be as a result of anti social behaviour problems and meet the following test:

- the behaviour is having or likely to have a detrimental effect on quality of life to those in

the locality;

- is or likely to be persistent or continuing in nature;
- is or likely to be unreasonable;
- justifies the restrictions imposed.

28. The Council's Solicitor has commented that seeking the imposition of alley gates to resolve a parking issue would clearly not be justified.
29. The only other option available to the Council would be a prohibition of driving (POD) on the back streets in question. To promote an Order there needs to be justification. There are seven reasons to make a POD:
- a. for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
 - b. for preventing damage to the road or to any building on or near the road, or
 - c. for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
 - d. for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
 - e. (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
 - f. for preserving or improving the amenities of the area through which the road runs or
 - g. for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
30. Highways Engineers have commented that in their view the POD could only be promoted under reason (f). A POD could only be enforced by fixed obstructions (e.g. rigid bollards). If fixed bollards are used this is likely to be problematic e.g. concerns from emergency services, residents would need to leave their bins at the end of the street. In addition, this would not achieve the objective of residents having the ability to park at the rear of their properties
31. It is possible to have exemptions to a POD which would then mean demountable rather than fixed bollards. This has the dis-benefit of incorrect use of bollards and significant ongoing maintenance costs. In addition, the use of the back streets by motorcyclists would be difficult to prevent.
32. As a result Highways Engineers do not recommend the use of a POD in this instance.
33. It should also be noted that the provision of a Residents Only Parking Scheme would ensure that only residents could park within the zone within the restricted time periods, this includes back streets. Therefore, if the residents only parking scheme was approved, implemented and successful then there would be no requirement for further restrictions to be placed on the two back streets.
34. Officers therefore recommend that the only matter which is conditional upon the approval of this scheme is the provision of a residents only parking scheme. The proposed wording of the planning condition and timescales for implementation of the residents only parking scheme are contained at Condition No. 1.

Conclusion

35. Members previously requested three specific requirements to alleviate highway safety concerns as detailed within paragraph 1 of this report. After further consideration of each item, for a number of reasons as discussed above, Officers recommend that the only matter which should be secured by a planning condition would be the requirement to provide a residents only parking scheme for the area.
36. The proposal is recommended for approval in line with Members wishes at the June 2017 meeting. This would be subject to the provision of a condition which requires the residents only parking scheme to be consulted upon / implemented. The other conditions including hours or use restriction are also detailed at the end of this report.

Representation and Consultation Annex

Representations

The proposed condition has not been consulted upon with local residents and therefore no new representations have been received.

However, Cllr Abdullah has provided the case officer with two additional objections from local residents who raise the following concerns:

- Recommencement of the use of the venue for weddings;
- Noise associated with the use includes cars screeching/racing, parking;
- Parking problems - inability to park on own street, parking in back streets, parking at junctions;
- Lighting issues - improvements required;
- Drug use by some customers of the venue.

Consultations

Advice was sought from the following consultees: Highways, Environmental Health.

Planning History

Planning approval for the change of use of part of vacant mill to community and education facility (D1) Ref: 88139/12. The approved hours of use of the building were 0800 hrs to 2200 hrs Monday to Saturday, 0900 hrs to 1800 hrs on Sundays with no opening on Bank Holidays. The unit was a community and education facility with the proposed floorplans showing the building broken up into a number of smaller rooms used primarily as Classrooms.

Planning permission was granted in 1999 (Ref: 55262/99) for the change of use from general industrial use (B2) to D1 use (H). Restrictions were placed on the permission including no call to prayer, daily worship times from 0415 hrs between the months of May and October, and from 0615 hrs between the months of November and April. An informative was placed on the decision notice stating that visitors to the site who attend weekend functions should be aware of the availability of car parking at Swan Lane Mills. These visitors were encouraged to make use of this car park to reduce the incidence of on street parking.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

1. Within 2 months from the date of this permission all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality where necessary and to enable the Local Highway Authority to consult, advertise, promote and implement Traffic Regulation Orders to mitigate the likely impact of the development (this is to include the provision of a parking permit scheme).

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".

2. Within 2 months of the date of this permission a scheme shall be submitted to and approved in writing with the Local Planning Authority for external lighting/floodlighting. The lighting shall be designed to an illumination value of no greater than 5 lux at the nearest residential property. The approved scheme shall be implemented in full within 1 month of the scheme being approved and retained thereafter.

Reason

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

3. Within 2 months of the date of this permission no less than 25 car parking spaces with minimum dimensions of 2.5 metres by 5.0 metres shall be marked out and provided within the curtilage of the site, in accordance with Drawing Ref: Revised Site Plan 05 dated 08/15. 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

4. Within two months of the date of this permission, a scheme showing details of the means of extraction and filtration of cooking odours and methods to be employed to prevent noise disturbance from the proposed extraction and filtration equipment shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in full within 28 days of the scheme being approved and retained thereafter.

Reason

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

5. The approved changes to the front and side elevations of the building as shown on Drawing No's 03 and 04 shall be implemented in full within 3 months of the date of this permission and once implemented retained thereafter.

Reason

To safeguard the character of the building and wider area and in order to comply with Bolton's Core Strategy policy CG3.

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

Reason

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

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

1100 hrs to 2300 hrs Mondays to Sundays including Bank Holidays.

Reason

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

8. The sole pedestrian access to the site other than in the event of an emergency shall be via the entrance foyer as shown on Drawing No. 03 Proposed Plan dated 08/15 and the side elevation of Drawing No. 04 dated 08/15. The two doors located in the proposed front elevation of the building hereby approved shall be used as access / egress points in the event of an emergency.

Reason

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

