

Planning Applications Report

Planning Committee

14th December 2017

**Bolton
Council**

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

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

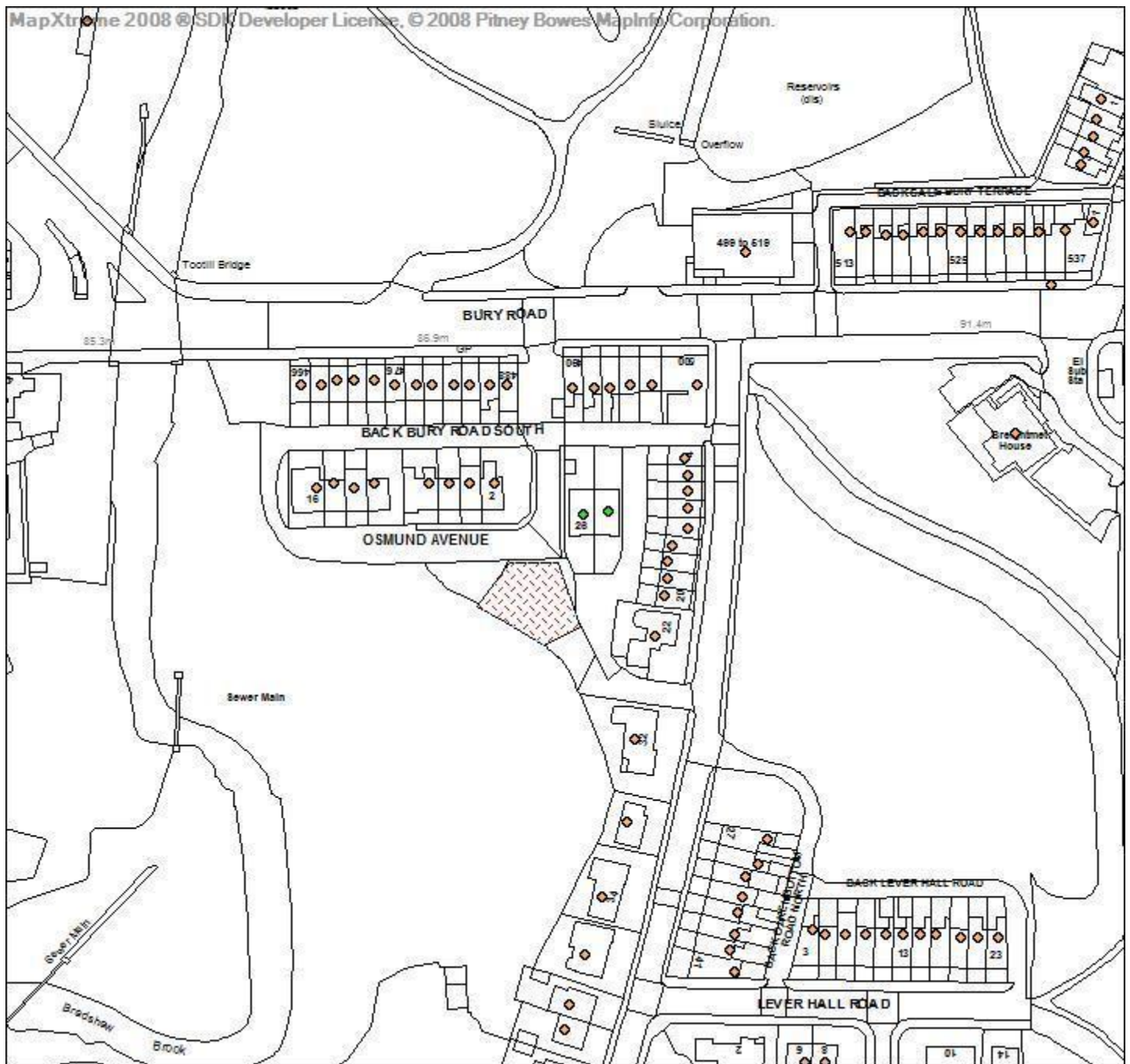
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

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01316/17	<u>31</u>	HALL	AL-HUDA ACADEMY, 3 HENNON STREET, BOLTON, BL1 3EH

Application number 01176/17



Development & Regeneration Dept
Development Management Section

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Bolton Council

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Date of Meeting: 14/12/2017

Application Reference: 01176/17

Type of Application: Full Planning Application
Registration Date: 16/06/2017
Decision Due By: 10/08/2017
Responsible Officer: Andrew Cotton

**Location: LAND AT OSMUND AVENUE, (REAR OF OAKENBOTTOM ROAD),
BRIGHTMET, BOLTON**

**Proposal: ERECTION OF 1NO. RESIDENTIAL 4 BEDROOM DETACHED
DWELLING**

Ward: Breightmet

Applicant: Mr Fraser
Agent : Longdens

Officers Report

Recommendation: Approve subject to conditions

Background

1. The application was deferred at Committee on 21st September 2017 for additional information. The applicant was asked to clarify where the red line and boundary of the site lay. Additionally the applicant was asked to consider re-orienting the proposed house to take access from Oakenbottom Road rather than Osmund Avenue.
2. The agent has submitted additional supporting information providing clarification over the position of the red line and ownership boundary. They have also provided a re-orientated drawing of the proposed dwelling and some justification as to why they believe this re-oriented layout is appropriate. A summary of this additional information can be found below.
3. Concerns were raised at Committee regarding the TPOs - the agent has therefore obtained an arboricultural report and tree constraint plan. The report identified that the trees proposed to be removed from the site have limited value. They understand that the TPOs were imposed in view of the use of the site as a scrap yard, therefore as the proposal is to construct a new dwelling there should be no further need for the trees to be in place.
4. Issues regarding parking were raised at Committee. The agent states that three parking spaces would be provided within the site in accordance with the Council's parking standards. Adequate access can be provided from Osmund Avenue without impact to the existing provision of parking on Osmund Avenue.
5. A further issue raised at committee was the suggestion to re-orient the proposed dwelling's access via Oakenbottom Road. The agent states that they have carefully considered this option, as shown in the drawing submitted, however it is considered that re-orienting the property this

way would have no less impact upon the protected trees but would result in an inadequate vehicular access off Oakenbottom Road. The access from Oakenbottom Road would be approximately 2.5m wide whereas the access off Osmund Avenue would be approximately 6m wide. This is likely to give rise to issues with the owners of the two adjacent semi-detached properties as unlike Osmund Avenue it would not be possible for more than one vehicle to gain access at a time.

6. Committee also asked for clarification regarding the unadopted highway and possible encroachment issues not only by the proposal but also with regard to the adjacent properties. The Council's Highways Officers are aware of these issues and will investigate in due course when resources permit. Concern with the loss of a public right of way (PROW) was also expressed by Members at Committee. The officer notes that there is no Public Right Of Way shown on the Council's GIS system. In order to be sure the Council's PROW Officer was consulted after Members raised concern at Committee. The Council's PROW Officer has confirmed that there is no registered Public Right of Way at this location nor is any right of way affected by this application.
7. Notwithstanding the above it is assumed that committee member were referring to the unadopted highway between Osmund Avenue and Oakenbottom Road. It is noted that the unadopted highway is within private ownership, with a small part (the north east corner) owned by the applicant. The majority of this section of the unadopted highway has been obstructed by the existing TPO trees and applicants boundary fence which has been in situ for in excess of 4 years. A separate consent would need to be made to remove the TPO trees, however the applicants fence, due to the four year rule, is now immune from any enforcement action under S.171B of the Town and Country Planning Act. It is understood that this matter may be something to pursue under the Highways Act as a matter separate to the process of granting planning permission. Given the current circumstances including the stopping up of the highway, this does not warrant refusal of this planning application.
8. It is noted that the TPO trees are not within the red line however they do overhang the application site and as such are considered within this application. However a separate application would need to be made to the Trees and Woodland Officer regarding the proposed works to the TPO trees.

Proposal

9. Planning consent is sought for the erection of a detached two storey property. The proposed property would be located within the middle of the site and two vehicle parking spaces would be provided to the front of the dwelling. The property would be located to the East of the site with the front elevation facing North onto Osmund Avenue with a private garden to the South and West of the property.
10. The dwelling would have a height of 8.01 metres to the ridge and would incorporate a footprint of 61.5 sq. metres. The property would incorporate two dormer windows on the rear roof plane both with pitched roofs.
11. On the ground floor the property would provide a hallway, living room, kitchen/dining room and toilet at ground floor level. At first floor level there would be three bedrooms, family bathroom and study. At second floor level there would be a master bedroom with en suite shower room.
12. The proposed development includes the loss of the conifer trees on the northern and eastern boundaries to the site, which are subject to the Bolton DC23:961 (Land off Osmund Avenue) Tree Preservation Order 2016, and on the western boundary, which are not protected.

13. Councillors Newall and Byrne have raised objections to the proposal and have requested that the application be referred to Planning Committee for a decision.

Site Characteristics

14. The site is located on the South side of Osmund Avenue and is roughly pentagonal in shape. Osmund Avenue is a relatively small unadopted road located off Back Bury Road South. The site is surrounded by a large hedge of conifer trees which were protected by two Tree Preservation Order in 2016 (one covering 18 trees to the North of the site and one covering 16 trees to the east of the site). Further to the South lies an area of green space and beyond that Brashaw Brook.

Policy

15. National Planning Policy Framework (NPPF).
16. Core Strategy Policies: P5 Transport and Accessibility; S1 Safety; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; RA3 Brightmet
17. Supplementary Planning Documents: Accessibility, Transport and Road Safety and General Design Principles.

Analysis

18. 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.

19. The main impacts of the proposal are:-

- * Principle of residential development
- * Impact upon trees
- * Impact on the character and appearance of the area
- * Design for security
- * Impact on neighbouring properties/residential amenity
- * Impact on the highway

Principle of Residential Development

20. National policy on residential development is contained in the National Planning Policy Framework. In order to promote more sustainable patterns of development, NPPF makes it clear that the focus for additional housing should be on existing towns and urban areas. It is important that new housing is located where it is accessible to jobs, shops and services by modes of transport other than the car. The inefficient use of land should be avoided and to this end maximum use should be made of previously developed land. This is consistent with advice contained within Core Strategy policy SC1 - Housing.
21. At the heart of national policy within the NPPF is a presumption in favour of sustainable development. The NPPF maintains the importance of supporting sustainable economic development and delivering homes (paragraph 17). The NPPF sets out a presumption in favour

of sustainable development. The proposed development of a new residential dwelling would utilise an existing brownfield site within the urban area. The property is located close to the main road (Bury Road) and it is close to the main bus route into the town centre.

22. Paragraph 17 also seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The immediate area is characterised by residential properties and as such the proposed residential use is considered compatible in principle with the surrounding uses. It is considered that the proposed residential use of the site would not give rise to negative impacts upon the amenity of both future occupiers and surrounding occupiers. Furthermore the design and layout of the proposed development are considered to be of a good standard. It is considered that the site is sustainable and the principle of residential development at this site is acceptable given the surrounding land uses, good quality design and provision of amenity space and as such would accord with the guidance of paragraph 17 of the NPPF.

Impact upon Trees

23. 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.
24. The site is surrounded by a large evergreen conifer hedge to the North, West and Eastern boundaries of the site. A group of 18 no. conifer trees to the Northern boundary of the site were protected by a Tree Preservation Order (TPO) in 2016 as well as a group of 16 no. conifer trees which are also protected by a TPO in 2016. The conifer trees to the West are not protected. Beyond the site boundary to the South and West lie a number of trees which are covered by a separate TPO.
25. In order to facilitate the proposed development the applicant proposes to remove the conifer trees along the northern boundary of the site, identified as T16 - T31 on drawing no. L-1555/05, which are covered by a TPO. In order to justify their proposal the applicant has submitted a Tree Survey carried out by a suitably qualified arboricultural practice, Crawshaw Arbocare Ltd, which has been assessed by the Council's Tree and Woodland Officer who made the following comments:
- *The proposed development indicates the loss of the Conifer trees on the northern and eastern boundaries, subject to the Bolton DC23:961 (Land off Osmund Avenue) TPO 2016 and on the western boundary which are not subject to a tree preservation order.*
 - *The Crawshaw Arbocare Ltd BS5837 Arboricultural Report & Tree Constraints Plan details the conifer trees T1-T39 as Category C trees that are of low quality with an estimated life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.*
 - *The trees off-site to the south are outside the influence of the proposed development.*
26. It should be noted that the Council's Tree and Woodland Officer made representations through the Council's legal department at that time to Planning Committee concerning the making of the TPO that covers trees T16-31, in addition to the trees T1-T15. It was the officers opinion at that time that the trees were not worthy of a TPO, however Planning Committee considered it appropriate that the trees were protected. The Tree and Woodland Officer has stated that his opinion on the condition and form of the trees has not altered.
27. It is concluded that the removal of the protected trees, identified as T16-T31 on drawing

L-1555/05, would be acceptable provided that trees and shrubs would be planted on the site in order to mitigate the loss. Additionally it is noted that trees along the Western boundary (identified as T31-T39 on drawing L-1555/05) should be retained. A landscape scheme would be secured by condition. Tree protection measure would also be secured by condition to ensure that the trees to be retained are protected in addition to this a condition ensuring a no dig surface is put in place on the parking area would be included. Trees protected by TPO on land to the South of the site, outside of the applicants site boundary, are beyond the applicant's control, however while no works are proposed to these trees, it is considered necessary to include a condition to ensure protective fencing is erected along the southern boundary of the site to ensure that no waste materials are pushed over the banking within the root protection zone.

Legal comments on Tree Preservation Order

28. The Bolton (Land off Osmund Avenue) Tree Preservation Order 2016 was made on 17th May 2016. The Order consists of Group 1 (18 Cypress trees in a linear group on the southern boundary with Osmund Avenue) and Group 2 (16 Cypress trees in a linear group south of the boundary with 26 Oakenbottom Road). The Order was made in an emergency as there were concerns that the owner of the land was in the process of felling the trees.
29. The following legal advice was presented to Committee when the Tree Preservation Order was confirmed. These comments are pertinent to this application given that the proposal would result in the removal a number of trees covered by the Tree Preservation Order.

A Tree Preservation Order is an order made by a local planning authority to protect specific trees, groups of trees or woodlands in the interests of amenity.

The Town and Country Planning Act 1990 states that a local planning authority can make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.

Planning Policy Guidance states:

An Order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands.

Authorities may only use an Order to protect anything that may ordinarily be termed a tree. This would not normally include shrubs but could include trees in a hedge or an old hedge which has become a line of trees of a reasonable height.

The Act and Regulations contain no definition of "tree". However, the dictionary defines a tree as a perennial plant with a self-supporting woody stem, usually developing woody branches at some distance from the ground and growing to a considerable height and size.

The Council's Tree and Woodland Manager reports that "as the trees are of a single species type, planted at close centres and in a line that we should consider this to be a hedge". He goes on to state that the line of trees would certainly fulfil the criteria as a hedge in the Anti-Social Behaviour Act 2003. In addition he does not consider that any of the trees would mature to form an individual specimen of high visual amenity due to the canopy suppression created by the trees growing in a row.

On the basis that the trees in question form a hedge, it would not be appropriate to confirm the Tree Preservation Order. If the Order is confirmed, its validity could be challenged by anyone aggrieved by the Order by application to the High Court. One of the grounds upon which this

can be done is "that the Order is not within the powers of the Act".

If the Order is confirmed, anyone wishing to carry out works to any of the trees needs to obtain consent from the local planning authority. Where consent is refused, an appeal may be made to the Secretary of State. If any loss is suffered in consequence of a decision relating to an application for consent, compensation may be payable by the Council. Costs could also be awarded against the Council if it was considered that the Council had acted unreasonably.

Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998 confers a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. These are qualified rights and can only be interfered with in accordance with the law and if necessary to control the use of property in accordance with the general interest.

At Committee on 28th July 2016, Members queried whether the hedge was capable of being protected by the Hedgerow Regulations.

The Hedgerow Regulations 1997 introduced arrangements for local planning authorities to protect important hedgerows in the countryside by controlling their removal through a system of notification.

The Regulations affect hedgerows which are 20 metres or more long, or which meet another hedgerow at each end. All these hedgerows must be on or adjoining land used for agriculture or forestry; the breeding or keeping of horses ponies or donkeys; common land or village greens; Sites of Special Scientific Interest or Local Nature Reserves. Garden hedges are not affected.

The hedge would therefore not be protected by the Regulations.

The legal advice remains that it would be inappropriate to confirm the Bolton (Land off Osmund Avenue) Tree Preservation Order 2016.

30. However despite advice to the contrary from the Council's Solicitor and Tree and Woodland Officer, Planning Committee recommended that the emergency Bolton (Land off Osmund Avenue) Tree Preservation Order 2016 made on 17th May 2016 was confirmed.

Impact on the Character and Appearance of the Area

31. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness and will require development to be compatible with the surrounding area.
32. The proposal would introduce a two storey detached residential dwelling with accommodation in the roof. The dwelling would stand alone on the South side of Osmund Avenue and would reach a total height similar to the existing properties to the North side of Osmund Avenue. It is not considered that the proposed design of the dwelling would appear at odds with the wider character of the area.
33. The proposed scheme has been designed with the front elevation of the property facing north and vehicle access provided off Osmund Avenue. The front elevation would introduce a bay window and entrance door at ground floor level and two windows at first floor level. In the rear elevation, facing South, two windows would be introduced at ground floor level, two at first floor level and two pitched roof dormer windows in the rear roof plane. In the East side elevation a single window would be introduced at first floor level. In the West side elevation small window and large set of bi-fold doors would be introduced at ground floor level and a single window

would be introduced at first floor level. The layout of the dwellings is considered acceptable.

34. The proposed dwellings would be constructed of brick and roof tiles to match the local area. A bay would be included in the front elevation at ground floor which again would reference the design of the existing dwellings on Osmund Avenue. 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 the highest quality and respect the context of the immediate area.
35. In this instance limited details of the proposed boundary treatments and landscaping has been submitted. As such a condition has been attached to ensure that a landscaping scheme is submitted.
36. 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.

Design for Security

37. Policy S1 of the Core Strategy states that the Council will aim to ensure that the design of new development will take into account the need to reduce crime and the fear of crime.
38. Given the location of the proposed property from the main street frontage, the property would benefit from sufficient levels of natural surveillance. Greater Manchester Police Design for Security team have assessed the proposal and provided the following comments:
- It is strongly recommended that the front and rear boundary are clearly designed and marked, to show the difference between private and public space.
 - Dusk-till Dawn lighting should be installed to the front door as well as the rear.
 - All other aspects of CPTED (Crime Prevention Through Environmental Design) will covered with SBD (Secured by Design) certification.
39. Given the above it is considered that the proposal is in accordance with policy S1 of adopted Core Strategy.

Impact on neighbouring properties/residential amenity

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

Neighbouring Occupiers

41. The main windows for the dwellings would either face to the north or south of the site.
42. Owing due to the location of the site, the windows in the front elevation would face onto Osmund Avenue leading onto Back Bury Road South and further onto Bury Road and as such would not directly face another residential property. The windows in the rear elevation, facing South, would look out over the land to the rear, again with no residential properties directly to the rear. Similarly the windows to the West and East would face out onto a small wooded area on Osmund Avenue with no residential properties directly opposite. Given the above it is considered that the proposed development would not have a significant detrimental impact upon residential amenity.

Future Occupiers

43. Section 3 of the General Design Principles SPD states that 50 sq. metres of private amenity space should be provided for each dwelling.
44. In this instance approximately 129 sq. metres would be provided for the dwelling. The proposal would therefore provide for a more than adequate amount of private outdoor amenity space.
45. Given the above it is not considered that the proposed development would result in a detrimental loss of residential amenity to neighbouring occupiers or future occupiers of the dwellings. It is therefore considered that the proposal would comply with the requirements of Policy CG4 of the Core Strategy and the General Design Principles SPD.

Impact on the Highway

46. Policy P5 of the Core Strategy the Council will aim to ensure that parking provision and servicing arrangement are taken into consideration when it comes to new development.
47. Appendix 3 of the Bolton Council's Core Strategy states that a maximum of 2 car parking spaces should be provided for a 3 bedroomed property. It in this instance the proposed development complies with the relevant guidance.
48. The applicant is proposing adequate off-road parking provision to support the level of development and adequate accessibility from Osmund Avenue to the property. Subject to a number of conditions regarding a dropped kerb and creation of a turning circle within the site, no objection has been raised by the Council's Highways department.

Conclusion

49. It is considered that the proposal would not have an unacceptable impact on the street scene, highway safety, design and crime or the amenity of neighbours and future occupiers in accordance with all relevant policies within NPPF and Core Strategy.
50. Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- 8 letters of objection received raising the following concerns:

- access and parking issues
- effect of the building works on local residents lives (*officer comment: some disturbance to neighbouring residents would be inevitable during construction works, and therefore this objection can only be given limited planning weight*)
- loss of trees protected by TPO
- loss of privacy
- presence of Japanese knot weed on the site
- loss of property value (*officer comment: this is not a material planning consideration*)
- concern regarding the stability of the land on site
- damage to and loss of wildlife
- covenant on the land to prevent building works (*officer comment: this is not a material planning consideration*)

Elected Members:- Councillors Newall and Byrne have raised objections to the proposal and have requested that the application be referred to Planning Committee for a decision.

Consultations

Advice was sought from the following consultees: Highways Engineers, Tree Officers, Drainage Officers, Greenspace Officers, Pollution Control Officers and Greater Manchester Police, Public Rights of Way Officer.

Planning History

A certificate of lawful development for proposed hardstanding, fencing and siting of a storage container was refused in September 2015 (94396/15).

Outline application 58376/00 for the erection of 5 dwellings (siting details only) was withdrawn by the applicant in March 2001.

Outline permission was granted in June 1993 for the erection of dwellings (42877/93).

Outline application 38686/91 for the erection of dwellings (siting and means of access details only) was refused by the Council in July 1991 and subsequently dismissed at appeal in April 1992.

Outline application 21391/83 for the erection of 12 elderly persons dwellings (siting and means of access details only) was refused in October 1983.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

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

Reason

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

3. Prior to the commencement of 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.

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

1. The trees shown on approved Tree adjustments plan ref L-1555/05 labelled as T31-T39 within the application site (along the western boundary) shall be 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 trees shown on approved Tree adjustments plan ref L-1555/05 labelled as T40-42 outside of the application site (along the southern boundaries) shall be protected by protected fencing which shall be erected along both southern boundary lines of the application site by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
3. 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).
4. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

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

5. Prior to the commencement of development full details of the highway works at Osmund Avenue 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".

6. 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.

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. 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.

9. Before the approved/permitted development is first brought into use no less than 3 car parking spaces with minimum dimensions of 5 metres by 2.5 metres shall be provided within the curtilage of the site, in accordance with Drawing Ref: L-1555/01 Rev A 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 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

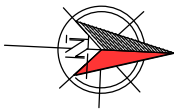
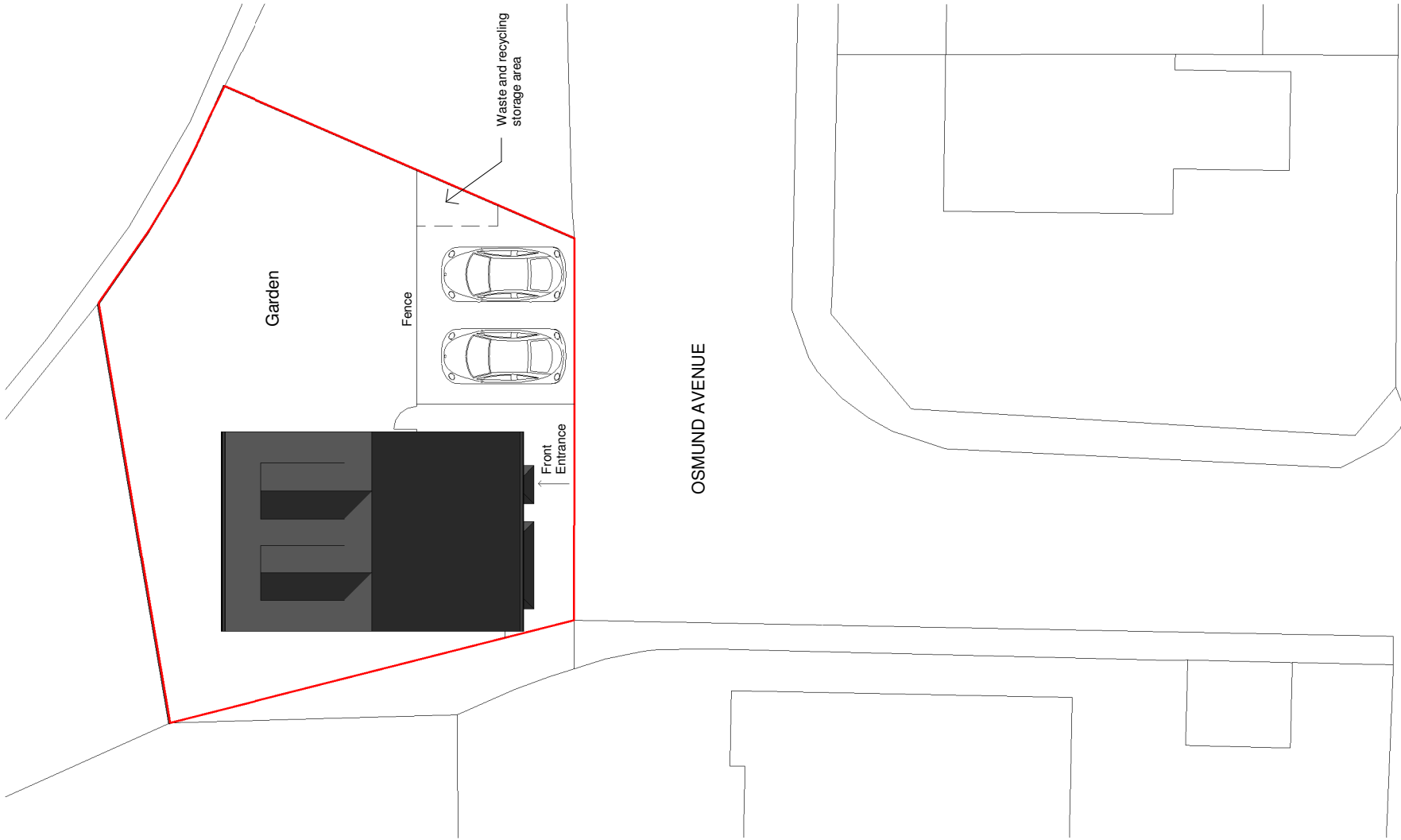
To encourage drivers to make use of the parking and circulation area(s) provided and in order to comply with Core Strategy policies S1 and P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

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

Proposed Site Plan received 18th August 2017 ref:L-1555/01 Rev A
Proposed Floor Plan Layouts received 15th June 2017 ref:L-1555/02
Proposed Elevations Plan received 15th June 2017 ref:L-1555/03
Proposed 3D images received 15th June 2017 ref:L-1555/04
Tree Adjustments Plan received 10th August 2017 ref:L-1555/05
Tree Report by Crawshaws Arborcare Ltd received 19th July 2017

Reason

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



LONGDENS

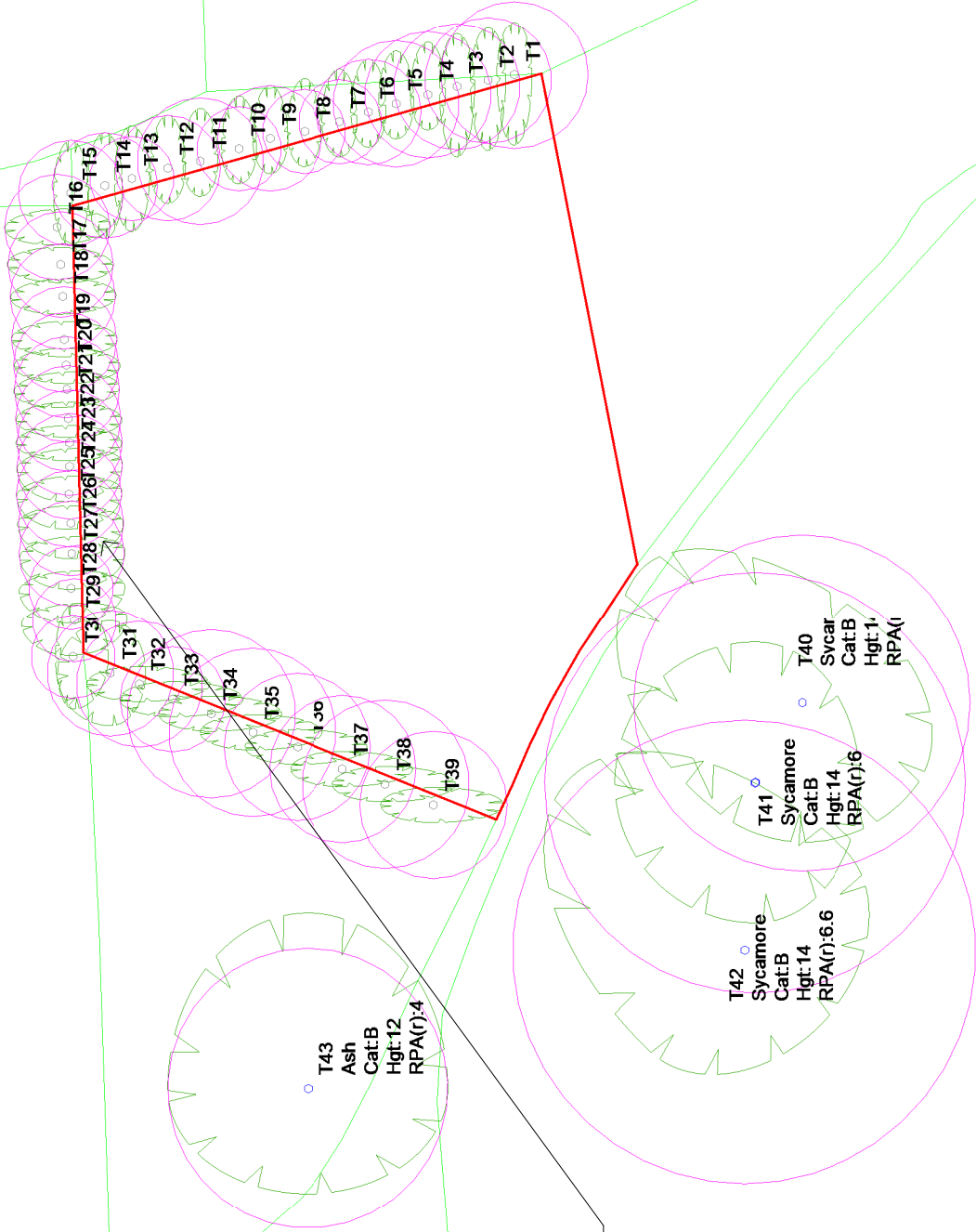
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Client Mr James Fraser			
Contract Osmund Avenue, Bolton, Greater Manchester			
Drawing Proposed Site Plan			
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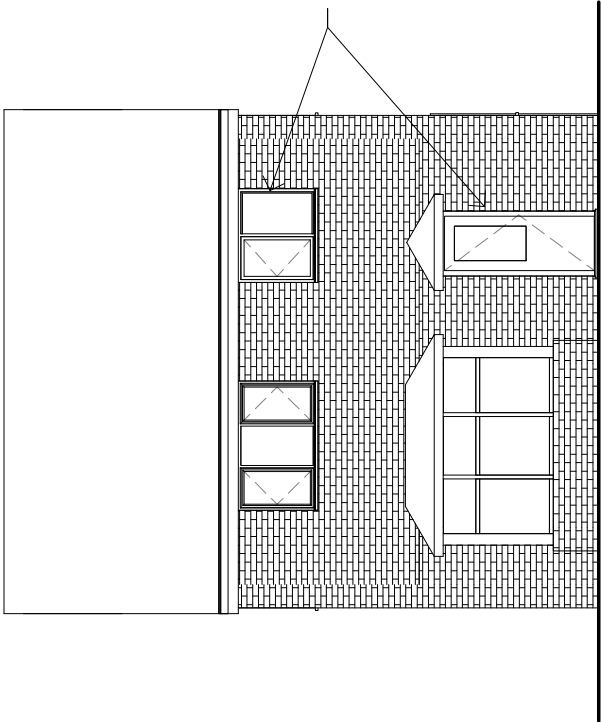


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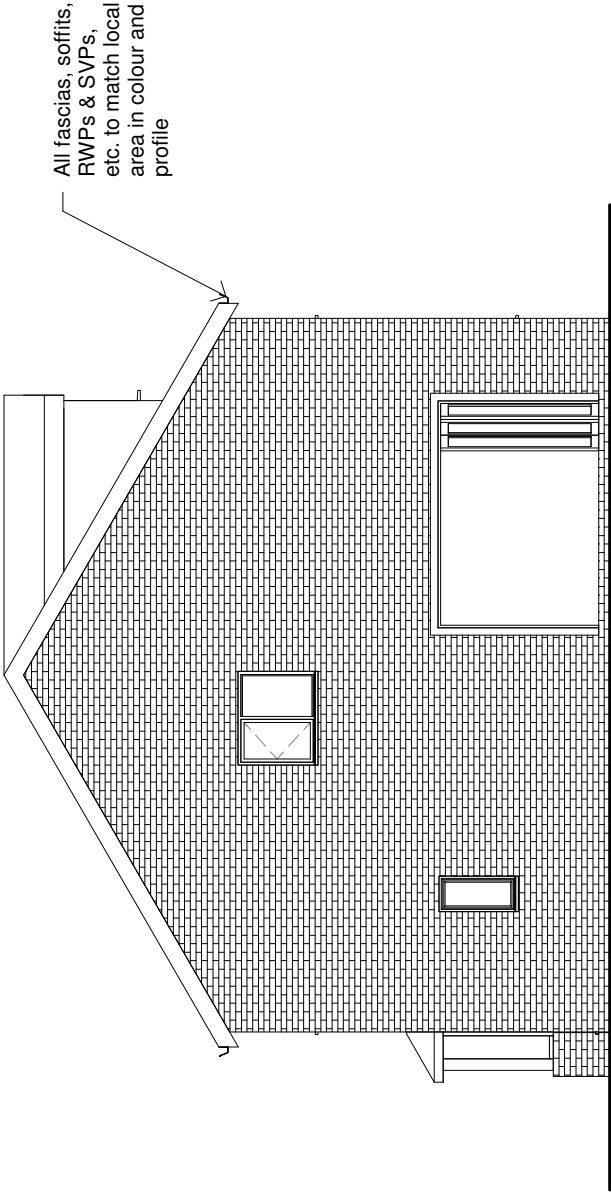
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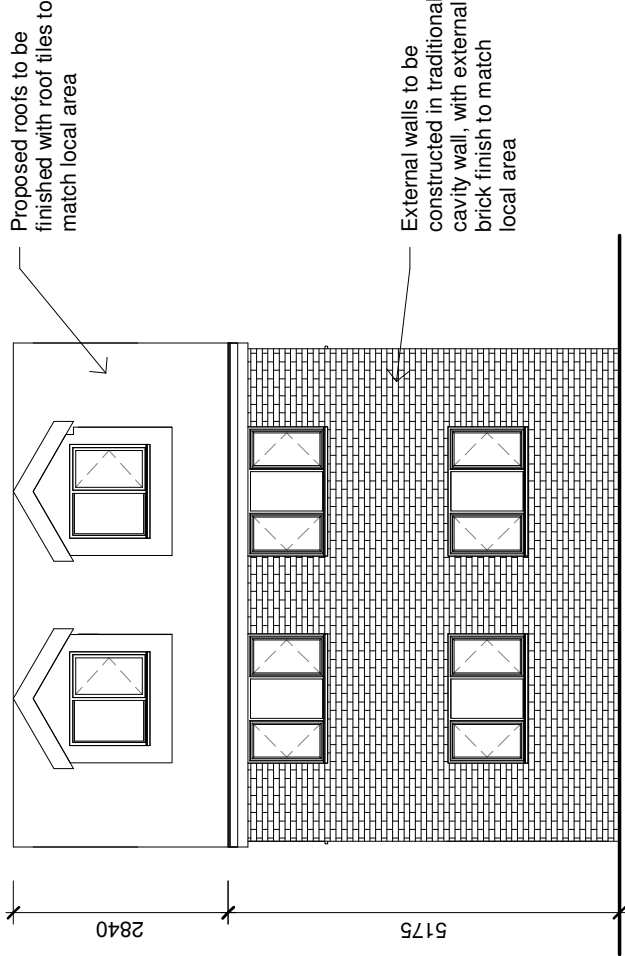
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Contract Osmund Avenue, Bolton, Greater Manchester			
Drawing Tree adjustments			
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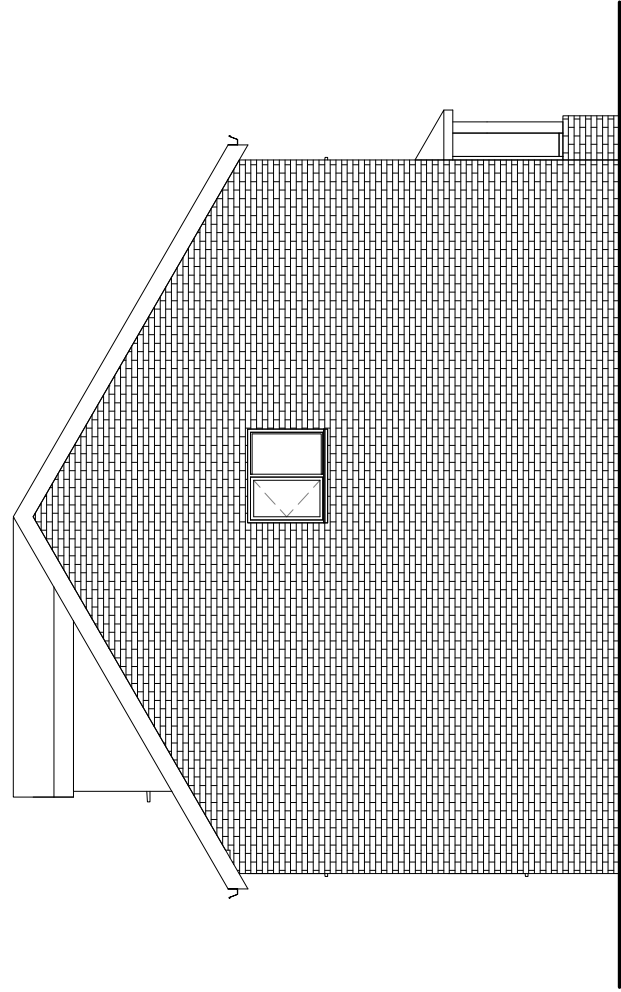
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

LONGDENS
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Holmes Chapel Cheshire, CW4 7BA

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Client Mr James Fraser		Contract Osmund Avenue, Bolton, Greater Manchester		Drawing Proposed Elevations	
Drawing No L-1555 / 03	Date May 2017	Scale 1 : 100	Size A3		
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Application number
02140/17



Development & Regeneration Dept

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

Development Management Section



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Date of Meeting: 14/12/2017

Application Reference: 02140/17

Type of Application: Full Planning Application

Registration Date: 06/11/2017

Decision Due By: 31/12/2017

Responsible Officer: Andrew Cotton

Location: EGERTON PRIMARY SCHOOL, COX GREEN ROAD, EGERTON, BOLTON, BL7 9RE

Proposal: ERECTION OF A 2.4M HIGH VMEX MESH SECURITY FENCE AROUND THE NORTH EASTERN AND PART OF THE SOUTHERN BOUNDARIES OF THE SCHOOL BUILDING TOGETHER WITH THE INSTALLATION OF AN ELECTRIC GATE

Ward: Bromley Cross

Applicant: Egerton Community Primary School

Agent : Walker Design

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Permission is sought for the erection of new 2.4 metre high mesh fencing and electronic gates to replace the existing low level fencing and gates to the front and side elevations of the school site. The applicant has stated that the works are required as currently the site and buildings are not up to current security standards. The proposed fence would be 2.4m high mesh fencing, powder coated green, complete with fully automated vehicle and pedestrian gates with remote intercom links.

Site Characteristics

2. The site consists of a single storey primary school, a car park and a playground pitch to the rear of the site. The main vehicular and pedestrian entrances are off Cox Green Close which lies to the north of the site. To the rear is open land with the cricket ground located to the east, to the front are the rears of terraced properties on Vicarage Road West. The site is surrounded by residential properties of various types.
3. The southern boundary of the school site lies adjacent to the Egerton Conservation Area but is

not within the Conservation Area. In any case, the fencing is proposed to the northern opposite portion of the school site, adjacent to Cox Green Close.

Policy

4. National Planning Policy Framework - requiring good design, promoting healthy communities
5. Core Strategy Policies: S1 Safe Bolton, CG3 The Built Environment, CG4 Compatible Uses and OA5 North Bolton
6. Planning Control Policy Note No. 29 Planning Policy for Security Fencing around Schools

Analysis

7. 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.

8. The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on the living conditions of residents living on Vicarage Road East
- * impact on school security
- * impact on Highways and Pedestrians

Impact on the Character and Appearance of the Area

9. Core Strategy policies CG3 and OA5 seek to ensure that development proposals conserve and enhance local distinctiveness with developments which are compatible with the surrounding area.
10. The Council's PCPN 29 sets out acceptable standards for security fencing for schools recommending the use of powder coated, weld mesh fencing to a height of 2.4 metres. This proposal details that the fence will be within these standards and is therefore considered to be acceptable with regards to the impact on the character and appearance of the area.

Impact on the Living Conditions of Residents

11. Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers by way of amenity, privacy, safety and security.
12. The proposed fencing faces the front of the properties on Cox Green Close. To some extent these properties are screened by an existing hedgerow / shrubbery lining the boundary, this landscaping is to remain. The mesh fencing would be powder coated green so as to blend in as far as possible with the surrounding landscape. It is considered that this type of fencing is compatible adjacent to residential properties and given the level of screening the proposal would not result in a detrimental impact to the living conditions of the residents.
13. The introduction of a fence at the proposed location is not considered to have a significant detrimental impact in terms of the existing levels of noise. The existing field area to the north east of the school is currently capable of being utilised by children attending the school.

14. The proposal is considered to comply with Policy CG4 of Bolton's Core Strategy and PCPN 29.

Impact on School Security and Crime Reduction

15. Policy S1.1 of the Core Strategy states that the Council will ensure that the design of new development will take into account the need to reduce crime and the fear of crime.

16. At present the school occupies a vulnerable position with both pedestrian and vehicular movements uncontrolled access. The existing school boundary fence is approximately 1.2 metres high and is inadequate in preventing intrusion on to the school grounds.

17. The addition of this fence will greatly increase the security to the school.

Impact on Highways and Pedestrians

18. Policy P5 of the Core Strategy the Council will aim to ensure that parking provision and servicing arrangement are taken into consideration when it comes to new development.

19. The Councils Highways Team have assessed the proposal and have raised no objections.

20. The Councils Public Rights of Way Officer, Andrew Smith, has been consulted on the issues regarding the concessionary footpath and has made the following comments. Landowners can protect themselves from future claims that a public path has come into being by implied dedication by making a deposit under s31 of the Highways Act 1980. The landowner has made such a deposit (dated 2008). This however this will not prevent the recognition of public rights of way which have arisen following 20 years usage prior to the date of the original deposit, or of rights of way that are proven to exist from historical documentary evidence. The Council has a statutory duty to investigate such matters should we become aware that the definitive map and statement is inaccurate or incomplete.

21. Factually the pathway is not a Public Right of Way. The Council cannot assume a claim may come forward in the future and therefore based on this it is considered that the presence of the concessionary footpath should not affect the determination of this application.

Conclusion

22. The proposal fully complies with Core Strategy policies and guidance contained within PCPN No. 29 and is therefore recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:-

19 comments objecting to the proposal raising the following matters:

- The community defibrillator will not be accessible- it would be terrible if a death was caused due to the approval of this fence. (*Officer comment: this is not a material planning consideration*)
- Fence will be directly opposite front gardens and front of properties on Cox Green Close. Residents use the front of their properties during the evening and weekends. Surely this is an encroachment of space. (*Officer comment: this is discussed in the main body of the report above*)
- If we were to look at 'Garden Laws', should it not be placed at least 3 metres further away from our gardens back towards the school. (*Officer comment: Civil laws, Private Rights and Covenants are not a material planning consideration*)
- Fence is not aesthetically pleasing and may result in extra noise from school children. Current placement of the school, playground and fencing sits well below eye and noise line in a landscaped bowl. (*Officer comment: this is discussed in the main body of the report above*)
- The electronic gates will only make the parking issues worse and will not make child safety better.
- Delivery vans, school teachers, parents and visitors already use the top of Cox Green Road (a private road) to turn around in. Further large gates won't solve this problem.
- Loss of existing views. (*Officer comment: this is not a material planning consideration*)
- If this is for security measures why are the current gates left open from early morning until 6pm. (*Officer comment: the proposal seeks to address the existing security issues at the site*)
- Loss of concessionary footpath. (*Officer comment: this is discussed in the main body of the report above*)
- Gives the appearance of a prison like establishment rather than a peaceful village school. (*Officer comment: this is discussed in the main body of the report above*)
- The school stated that residents would be consulted on the proposal and the first residents heard is the consultation letter from the Planning Department. (*Officer comment: while the council encourages applicant to engage with their neighbours of any proposal it is not a statutory obligation to do so.*)
- Egerton has been deemed a conservation area. (*Officer comment: the conservation area is adjacent to the southern boundary of the school site, the proposal is adjacent to the northern boundary and therefore the conservation area would not be affected by the proposal.*)
- The proposal is at odds with the GMP school security guidance- schools should look to secure a smaller area as fencing can be costly. (*Officer comment: this is not a material planning consideration*)
- Cost of fence may be considered unreasonable and disproportionate at this time of austerity. (*Officer comment: this is not a material planning consideration*)

One comment of support raised the following matters:

- Good idea. How about installing CCTV also.

Petitions:-None

Town Council:-None

Elected Members:-None

Consultations

Advice was sought from the following consultees: Highways, Public Rights of Way

Planning History

Erection of a pole mounted sign approved with conditions January 2012 (87155/11)

Erection of a 2.4m high security fence to the field to the south west of the school approved with conditions July 2010 (84092/10)

Planning permission was granted in April 2008 for the erection of an extension to form a new entrance and staff room, the laying out of new car park spaces and internal alteration (79632/08).

2.4 metre high mesh fencing to the rear playground together with pedestrian gates were approved in January 2008 (78887/07).

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

2. The fencing shall be powdercoated green in accordance with the approved details within 14 days of installation and shall be retained so coloured thereafter.

Reason

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

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

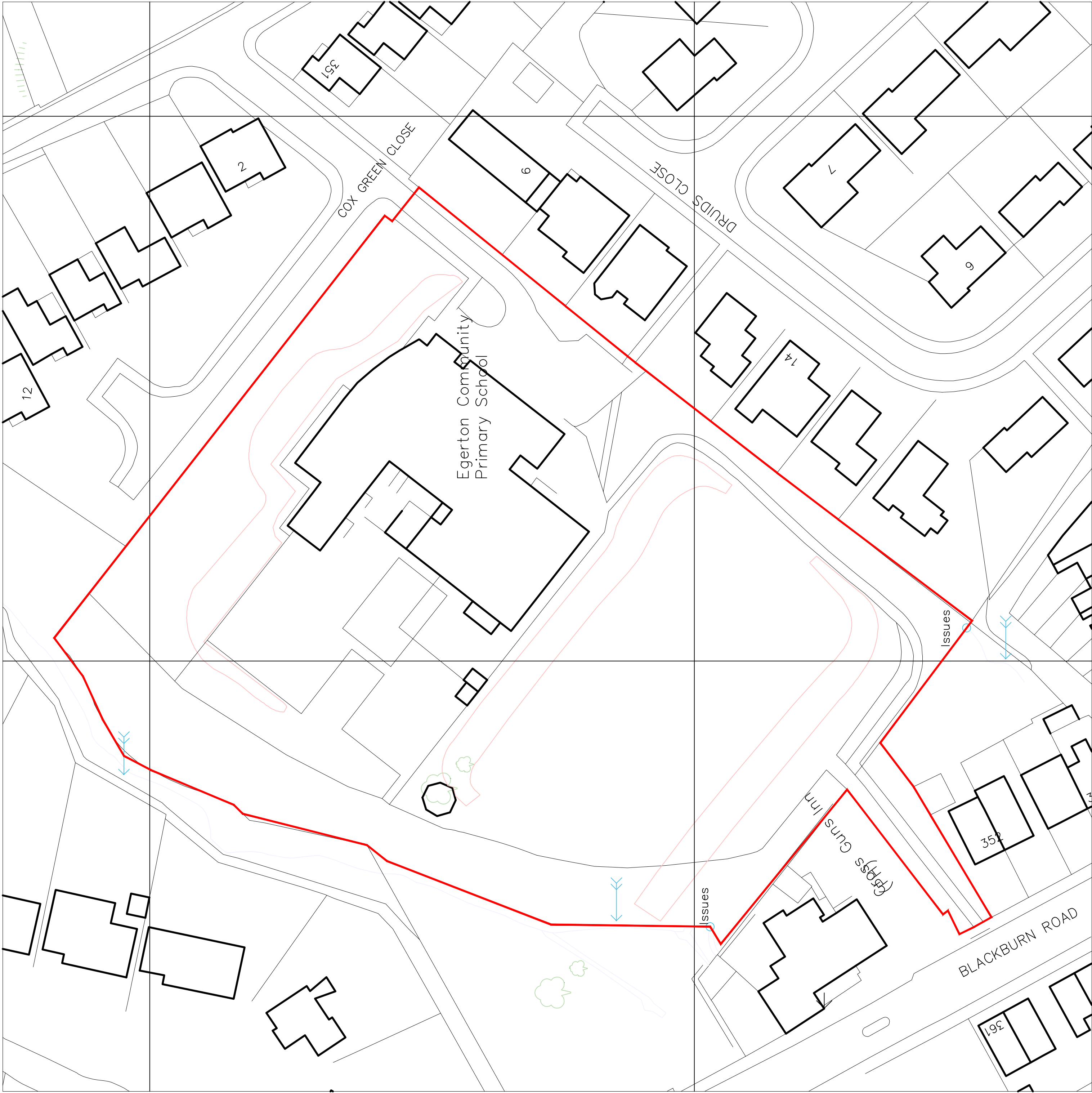
Proposed Fencing plan and elevations ref: 1866.P.102 received 20/10/2017

Proposed Location plan ref: 1866.P.103 received 20/10/2017

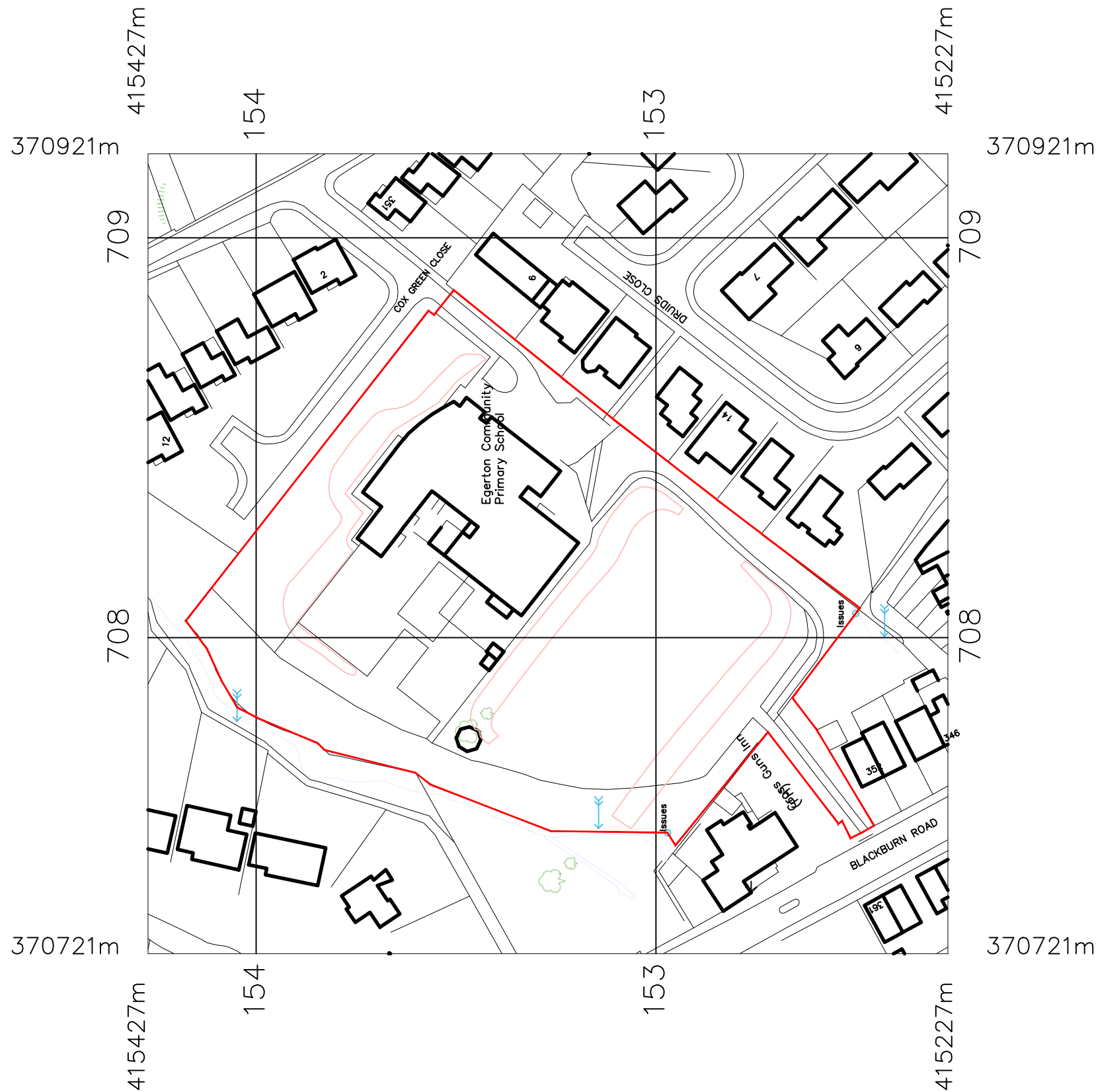
Reason

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

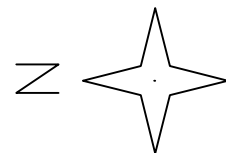
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Block Plan
Scale 1:500

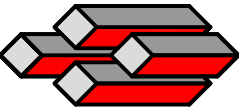


Stanfords VectorMap

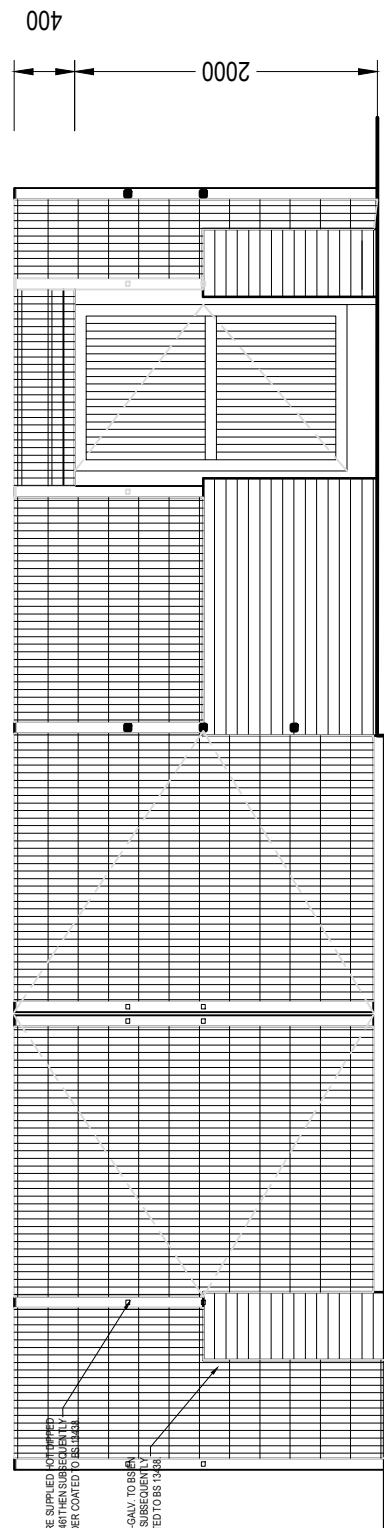


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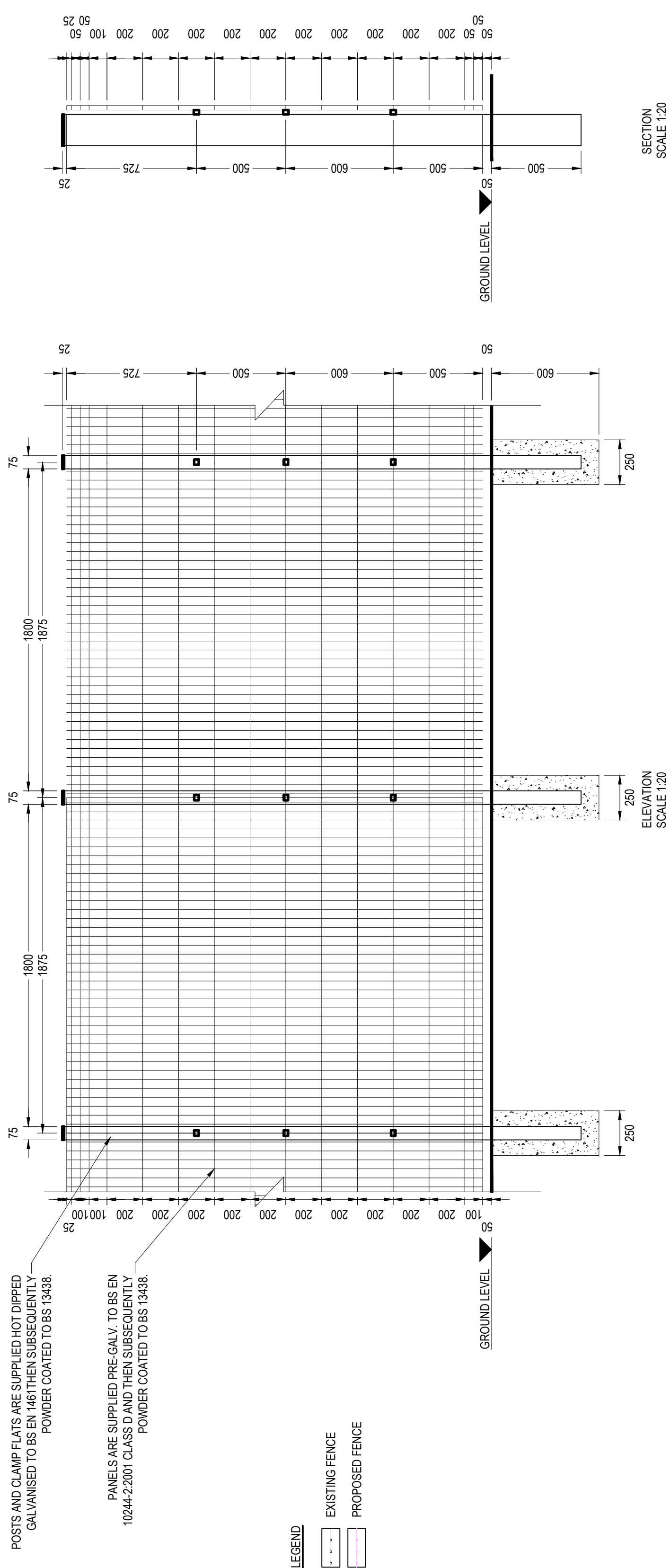
Location Plan
Scale 1:1250

EGERTON COMMUNITY PRIMARY SCHOOL CLIENT	EGERTON COMMUNITY PRIMARY SCHOOL, COX GREEN CLOSE, BOLTON PROJECT	LOCATION PLAN TITLE	1866.F.103 DRAWING NO.	AS SPECIFIED SCALE@A1	AD DRAWN	<div>WALKER DESIGN UNIT B, FIRST FLOOR, LDBROOK OFFICE PARK, LYNSTOCK WAY, BOLTON, BL6 4EG TELEPHONE: 01204 357822 EMAIL: INFO@WALKER-DESIGN.NET</div>
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PROPOSED SCHOOL ENTRANCE GATES
SCALE 1:50



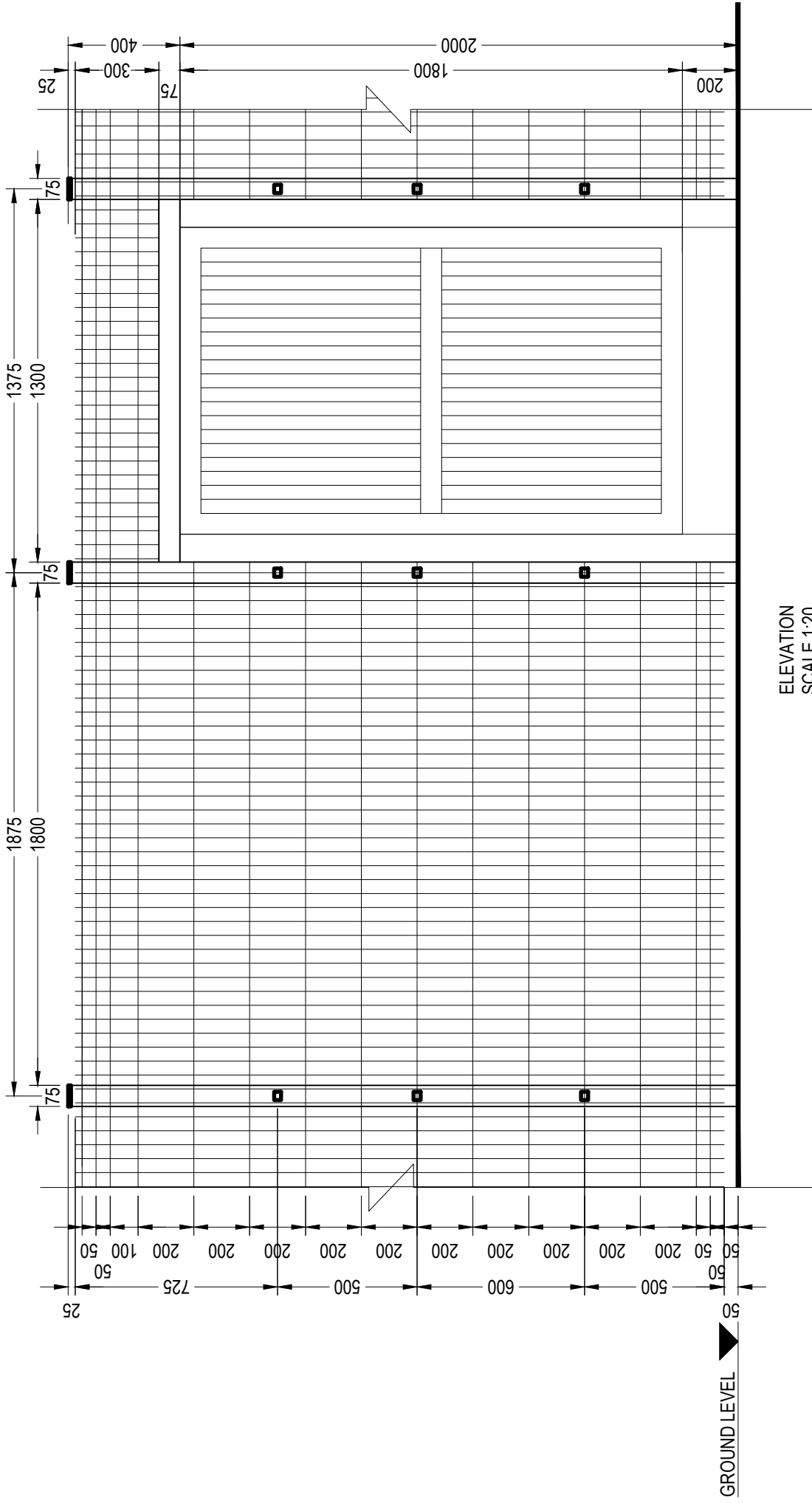
POSTS AND CLAMP FLATS ARE SUPPLIED HOT DIPPED GALVANISED TO BS EN 1461 THEN SUBSEQUENTLY POWDER COATED TO BS 13438.

PANELS ARE SUPPLIED PRE-GALV. TO BS EN 10244-2:2001 CLASS D AND THEN SUBSEQUENTLY POWDER COATED TO BS 13438.

LEGEND
EXISTING FENCE
PROPOSED FENCE

SECTION
SCALE 1:20

PLAN
SCALE 1:20



ELEVATION
SCALE 1:20

PLAN
SCALE 1:20

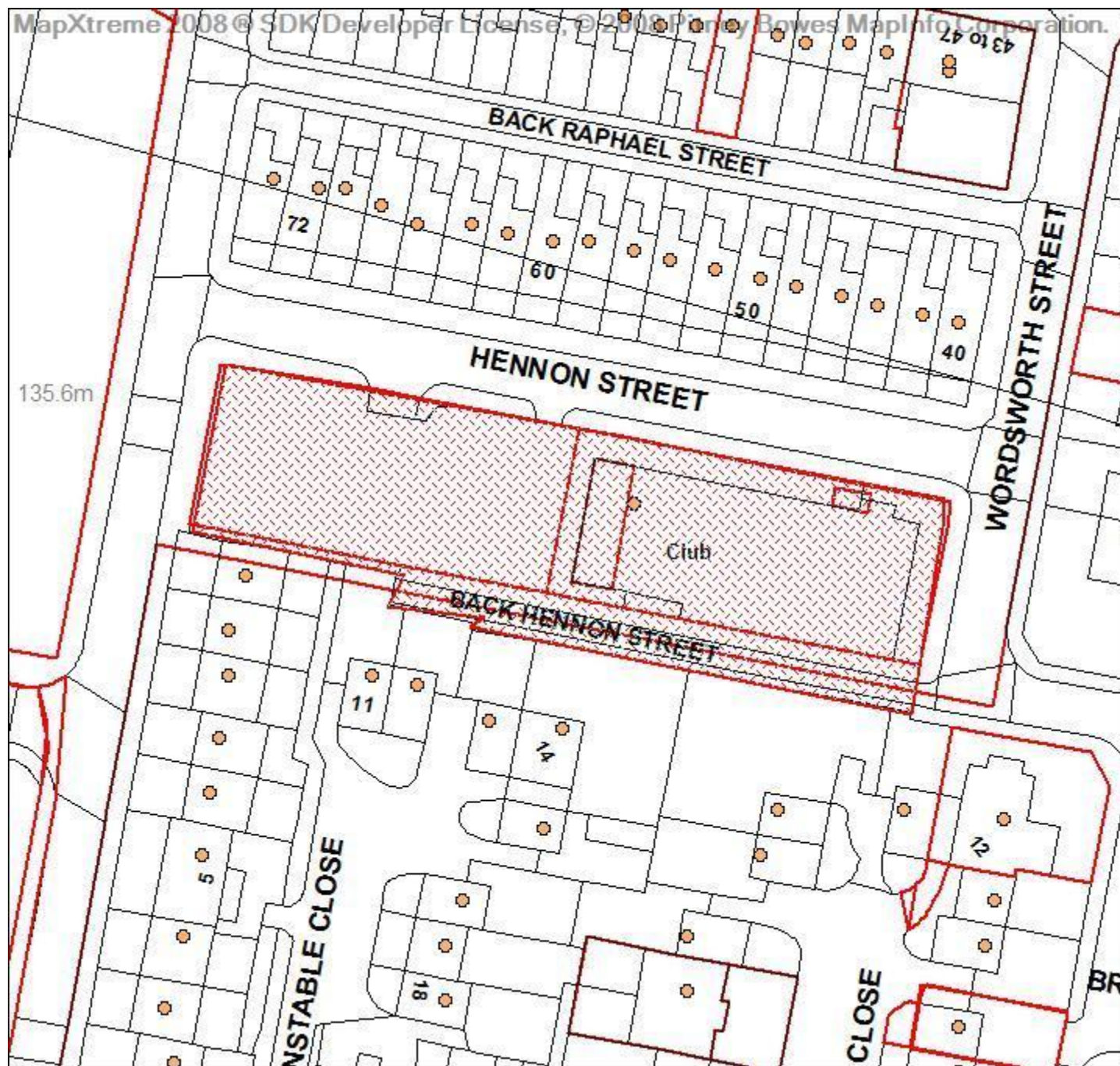


REFERENCE IMAGE



EGERTON COMMUNITY PRIMARY SCHOOL, COX GREEN CLOSE, BOLTON CLIENT	EGERTON COMMUNITY PRIMARY SCHOOL, COX GREEN CLOSE, BOLTON PROJECT	PROPOSED FENCING PLAN AND ELEVATIONS TITLE	18666.P.102 DRAWING NO.	AS SPECIFIED SCALE@A1	AD DRAWN	<div><div>WALKER DESIGN</div><div>UNIT B, FIRST FLOOR, LOSTOCK OFFICE PARK, LYNSTOCK WAY, BOLTON, BL6 4EG</div><div>TELEPHONE: 01204 357822 EMAIL: INFO@WALKER-DESIGN.NET</div></div>
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Application number
01316/17



Development & Regeneration Dept
Development Management Section

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

**Bolton
Council**

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Date of Meeting: 14/12/2017

Application Reference: 01316/17

Type of Application: Full Planning Application
Registration Date: 04/07/2017
Decision Due By: 28/08/2017
Responsible Officer: Martin Mansell

Location: AL-HUDA ACADEMY, 3 HENNON STREET, BOLTON, BL1 3EH

Proposal: ERECTION OF EXTENSION AT SIDE TO FORM NEW ENTRANCE, ADDITIONAL CLASSROOMS AND STAFF FACILITIES TOGETHER WITH CHANGES TO LANDSCAPING AND EXISTING CAR PARK. USE OF FORMER BACK HENNON STREET FOR EXTERNAL PLAY TOGETHER WITH RETENTION OF RESURFACING WORKS. ERECTION OF 2 METRE FENCE AT REAR AND GATES AT SOUTH EAST CORNER

Ward: Halliwell

Applicant: Al-Huda Primary School Al-Huda Primary School
Agent : SMS architecture

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. Consent is sought for the following elements:-

- erection of 10 metre wide side extension to allow internal space to be reconfigured to accommodate larger classrooms. The internal space available would increase by 133 square metres from 492 square metres to 625 square metres
 - change of use of former Back Hennon Street (closed under Highways Act in 2013) to form external play area
 - retention of tarmac laid over cobbles of former back street
 - existing "in-out" entrances consolidated into one vehicular access point
 - gates to secure the former highway
 - car parking reconfigured and reduced from 24 to 20 spaces
 - fencing and landscaping to perimeter of car park
2. The erection of a two metre boundary treatment at the rear (boundary with Constable Close) is also shown, but would be permitted development. The application is on the Committee agenda due to the public interest demonstrated by the representations of objection and support, together with Members' previous involvement in decisions at this site.

Site Characteristics

3. The site is that of the former Halliwell Labour Club, in use since 2009 as first a nursery and

community centre and then since 2013 a nursery and primary school. The site area is 1,863 square metres and the building is a flat-roofed structure taking up approximately half the site, with the remainder used for parking, currently 24 spaces.

4. The immediate area is generally residential in character, with the houses off Hennon Street directly facing the site - these houses are 16 metres from the site. Back Hennon Street was closed under the Highways Act in 2013 though consent to extend the site area to encompass this land was not sought at that time. Immediately to the south, separated by a brick wall varying in height between 1.5 metres and 1.9 metres are the residential properties of Constable Close and Browning Close. There are two primary schools to the west across Shepherd Cross Street - Oxford Grove and St Joseph's RC Primary.

Policy

5. National Planning Policy Framework - building a strong and competitive economy, promoting sustainable transport, requiring good design, promoting healthy communities
6. Core Strategy Objectives SO2 Access to Education, SO5 Bolton's Economy, SO6 Accessibility, SO9 Crime and Road Safety, SO16 Community Cohesion and Access
7. Core Strategy Policies
A1 Education Provision
P5 Transport, S1 Crime and Road Safety
CG3 Design and the Built Environment, CG4 Compatible Uses
SC2 Cultural and Community Facilities
RA1 Inner Bolton
8. Supplementary Planning Documents
General Design Principles, Accessibility, Transport and Road Safety

Analysis

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

10. The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on the road network
- * impact on living conditions
- * impact on crime
- * impact on the provision of education

Impact on the Character and Appearance of the Area

11. The National Planning Policy Framework recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's

quality of life, including replacing poor design with better design. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

12. Policy SO11 of Bolton's Core Strategy is a strategic policy and seeks to conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings. Core Strategy Policy CG3 seeks to ensure that development proposals display innovative, sustainable design that contributes to good urban design, respects and enhances local distinctiveness, and has regard to the overall built character and landscape quality of the area. Proposals should also be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment including hard and soft landscaping and boundary treatment.
13. The Core Strategy notes that Inner Bolton contains a wide range of different land uses, but the area is characterised by concentrations of older private sector terrace housing, a high proportion of local authority owned housing and a large numbers of former textile mills. Policy RA1 relates specifically to Inner Bolton and states that the Council will conserve and enhance the distinctive character of the existing physical and natural environment; ensure that development has particular regard to massing and materials used, due to the predominance of red brick, slate-roofed, two-storied terraced housing; respect and strengthen the traditional grid-iron pattern and the street-scaping of existing housing and mills where it is compatible with good urban design; make efficient use of land in inner Bolton due to existing higher levels of development density, requiring development to provide adequate privacy and amenity space and conform to the overall spatial approach; ensure that development takes opportunities to improve upon the existing low levels of green infrastructure and soft landscaping in inner Bolton, using native plant species where appropriate.
14. The design of the extension is consistent with that of the host building, following existing eaves and ridge lines. Materials are proposed to match. Weldmesh fencing as proposed is the standard for schools. The new landscaping proposed will make small but positive contribution. Improvements to the layout of the car park will be required by condition.
15. The impact on the character and appearance of the area is considered to be acceptable.

Impact on the Road Network

16. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3), and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 states that the Council will promote road safety in the design of new development.
17. Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
 - the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on

transport grounds where the residual cumulative impacts of development are severe.

18. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety. The Council has also adopted the Accessibility, Transport and Road Safety SPD which notes that the provision of a safe, high quality transport network is vital to the economic prosperity of the borough and the ability of residents to safely access potential new jobs being created together with health, education, community facilities and housing. The SPD also seeks to ensure that the use of transport does not adversely affect the climate and therefore requires new development to reduce the need to travel by car, and encourage people who live, work and visit to walk, cycle and use public transport.
19. The application is supported by a transport statement which states that there are currently 24 parking spaces available at the site and this would be reduced to 20 as a result of the extension and the reconfiguration of the car park. It also states that, at present, 5 members of staff use the car park during each typical day, though an informal arrangement currently allows parents from the nearby two schools to use the car park as a pick-up/drop-off area for their children. However, the school is inclined towards closing the car park to parents from other schools to allow parents of children at Al Huda Primary to park their car and drop off and pick up their children. It also states that the car park was marshalled by members of staff at peak times to further assist parents in and out of the site efficiently, however, this was suspended due to difficulties with managing the behaviour of parents from other schools. The school intends to recommence this once the car park is solely for the use of the school's parents, staff and visitors. The statement recognises the congestion issues during the peak drop off and pick-up times but it is the view of the Academy that the primary congestion is on Shepherds Cross Street due to the existing two larger primary schools, spilling over onto Hennon Street. The school maintains staggered opening and closing times in relation to the two neighbouring schools.
20. The school currently operates in two forms - a "foundation unit" caters for two and three year olds together with a reception class and the other form is a typical primary school use. The foundation unit currently caters for 52 children in the mornings and 39 in the afternoon. The primary school caters for 67 children each day. It is not proposed that this change significantly - limitations of staffing, floor space and DfE regulations limit the maximum number of children to 59 for the foundation unit and 70 at the primary school.
21. The applicant has carried out a postcode analysis that seeks to demonstrate where the children are travelling from:-
 - BL1 area: 52%
 - BL2 area: 4%
 - BL3 area: 31%
 - Other areas: 12%

In other words, it can be said that 88% of the children are from the inner Bolton area. A minibus currently transports 14 children from the BL3 area.

22. The Council's Highway Engineers have been consulted on the application, including the supporting transport statement, and consider that it appears robust in terms of staff and pupil travel patterns and that it provides in some respects an element of justification for the off-road parking numbers proposed. They also consider that the proposed increases appear negligible

compared to the current pupil numbers associated with the existing site. However, it must be noted that increasing the size of the school has the potential to exacerbate the observed traffic situation at that location to the detriment of road safety and residential amenity, though to exactly what extent is difficult to predict. Engineers also state that schools inevitably pose congestion issues on the surrounding highways during drop-off/pick-up periods, however, these issues are normally short-lived. Issues at this location are exacerbated by the proximity of two additional schools accessed from Shepherd Cross Street. Although the Local Highways Authority have not received any complaints relating to this school, they accept that objectors are in a better position to comment on the extent of the traffic issues associated with the school in its present form.

23. Clearly, this is a qualified response from the Council's Highway Engineers, stating that the Applicant appears to be acting in good faith in terms of providing pupil, staff and vehicle movement information, but accepting that - as with all schools - there is a significant impact on the surrounding road network though that this is limited to the pick up / drop off periods.
24. In assessing the impact on the road network, it is necessary to distinguish between impacts on the convenience of local residents and impact on highway safety. Residents will of course wish to park outside their homes, but this is not by right. A visitor to the site has the same right to park on the highways nearby. It is noted that residents have previously made use of the parking area on an informal basis but this is also not a right.
25. The proposed extension is not considered to be likely to give rise to significant or severe changes in the nature of vehicular or other movements over and above the existing situation. It is also noted that the Council's Highway Engineers do not formally raise objection though it is accepted that their response is a qualified one. The proposal is considered to comply with Core Strategy Policies SO9, P5 and S1 and the Accessibility, Transport and Road Safety SPD.

Impact on Living Conditions

26. The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and reduce pollution.
27. 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.
28. The site is almost entirely surrounded by residential properties, with the majority of properties on Hennon Street facing the site directly and properties to the south sharing their rear boundaries with the site. The impact on living conditions will vary throughout the day. As with all schools, the area will be subject to intense activity during pick-up and drop-off periods, though these are not in any way at unusual times. Furthermore, it is intended that the former Back Hennon Street be used for external play with between 28 and 36 children using the area at staggered periods - typically two 15 minute periods the morning, two at lunch and a similar arrangement in the afternoon. It is accepted that this will generate some noise due to the natural exuberance of the children - though again these are not in any way at unusual times of the day.
29. In support of these arrangements, the Applicant has provided an extract from the most recent Ofsted report (September 2016) which states:-

"The behaviour of pupils is outstanding. Pupils conduct themselves impeccably around school. They are extremely polite, and well mannered, and take great pride in their appearance. Staff and pupils know each other very well and are friendly and supportive. As a result, school is a calm, orderly and purposeful place to learn."

30. The Applicant also states that children are supervised at all times and encouraged to minimise noise. The Applicant also points out that the total number of pupils at this school is broadly comparable to an entire year's entry at the nearby Oxford Grove.
31. It must be borne in mind that this site has a long history of non-conforming use - it was for many decades the Halliwell Labour Club, a licensed establishment which would have hosted entertainments and celebrations extending into the late evenings particularly at weekends. Such uses also have an impact on the living conditions of nearby residents by way of noise from music, people smoking outside and the coming and going of taxis.
32. The extension is limited in scale at 133 square metres. It is not proposed that pupil numbers will change significantly. The Applicant recognises that the use of the former Back Hennon Street for external play will result in more activity at the rear of the properties on Constable Close and Browning Close and proposes to erect a 2 metre boundary treatment to protect the privacy of residents. It must also be noted that the Back Hennon Street was, until relatively recently, a public highway, open to use by vehicles and pedestrians by right. It still forms a route used by pedestrians between Wordsworth Street and Shepherd Cross Street, though this is no longer by right since the highway was closed under the relevant Act in 2013. The gates and fencing proposed by the Applicant will prevent this unauthorised and occasionally anti-social access.
33. The extension would be single storey and would be approximately 15 metres from the principal windows of the closest properties on Constable Close. Despite the change in levels, this interface is considered to be acceptable if obscure glazing is provided to the southern elevation of the extension.
34. The proposal is considered to comply with Policy CG4 of Bolton's Core Strategy

Impact on Crime

35. 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.
36. 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."
37. 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.

38. As things stand, members of the public have open pedestrian access across the site - though this has not been by right since the highway status of Back Hennon Street was revoked in 2015. Nevertheless, there are currently no physical restraints upon pedestrians continuing to walk across this part of the site and it is understood that they still do, upon occasion. The Applicant also cites anti-social behaviour such as fly-tipping taking place on this land and suggest that the route has been used to access residential properties to the south with criminal intent. The proposed boundary treatment will significantly minimise this risk will therefore have a positive impact on crime reduction.

Impact on the Provision of Education

39. The Core Strategy notes that a respected university and improving colleges and schools will be central to Bolton's future success. Any new school sites that are required in the future will be in locations that are accessible to the local community that they serve. It also notes that a well-educated and trained workforce will make a major contribution to Bolton's future economic success.
40. Policy SO2 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, provide everyone in Bolton with the chance to learn by transforming Bolton's schools and colleges with new buildings and improved services.
41. Policy A1 of Bolton's Core Strategy is part of the "Achieving Bolton" Sustainable Community Strategy theme and states that the Council will support the development of primary schools in locations accessible to the communities they serve.
42. The Council's adopted policies relating to education facilities are therefore broadly permissive, subject to an accessible location. Hennon Street is well served by public transport consisting of the regular 501 route along Elgin Street, Eskrick Street and Tennyson Street. The postcode analysis carried out by the Applicant suggests that 88% of the children are from the BL1, BL2 and BL3 areas.
43. The school's 2016 Ofsted report recognised a lack of outdoor play space as a negative factor and the current proposal seeks to address this. The school was rated as "good" by the Inspector but clearly wishes to improve - as a fee-paying school they must complete with other educational provision. Officers therefore conclude that the more generous internal space and the use of the former Back Hennon Street for external play will represent small but positive improvements in the provision of education in this part of Bolton.

Value Added to the Development

44. Officers have negotiated the following improvements to the scheme:-

- obscure glazing to new rear elevations
- 2 metre high rear boundary fence to protect privacy and security

Local finance considerations

45. 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

46. As with all schools, the existing arrangements at this site will have an intensive but short-lived

impact on the road network at peak times. Similarly, as with all schools, noise from children playing will be audible in the area. That said, schools are an entirely typical and sustainable use within residential areas and at 70 pupils, Al Huda Primary is a relatively small one, broadly comparable with an entire year's entry at the nearby Oxford Grove. Furthermore, at 133 square metres, the increase in floorspace is relatively small. The internal plans show enlarged classroom provision rather than the creation of new classrooms.

47. The loss of two car parking spaces is not considered to be significant and it is noted that the site layout would make more efficient use of the land available. Some small amounts of landscaping area proposed.
48. The use of the former Back Hennon Street for external play is considered to be acceptable as children playing at schools is not in any way uncommon in residential areas. The proposed 2 metre rear boundary together with securing the former highway are considered to provide improved privacy and security for adjacent residents.
49. The benefits to educational provision are considered to outweigh the impacts on the road network during peak periods.

Representation and Consultation Annex

Representations

Letters:-

Eight representations of objection have been received from or on behalf of residents of Hennon Street and Constable Close. The grounds of objections can be summarised as being:-

- my property is directly behind the premises and at the moment I have a view of the tops of the houses on Hennon Street. If this extension is permitted then I will have nothing but a brick wall to view from my living room
- daylight will be severely diminished due to the extension, especially in the winter months.
- the current footprint is more than adequate and given that there are already three schools within a quarter of a mile two of which are directly opposite, there is no reason whatsoever to turn this into a school
- this application to expand a school in such a congested area would be foolhardy considering the proximity of two other schools and the reduction of available parking
- there are sufficient education establishments in the area, two next to each other which already cause noise, major parking & traffic issues
- school governors have raised concerns about the volume of traffic
- car parking provision should not be reduced
- the car park has not been maintained as previously agreed and is used for sale of vehicles, fly tipping and weeds
- landscaping will need to be undertaken regularly to keep the area clean and tidy
- there are other private nurseries in the area so why cause further congestion in Hennon Street?
- traffic during school meetings, events and parents evening causes a lot of traffic and currently all spaces on car park are used
- they previously wanted to extend and it was refused so why have we now got another planning application?
- people who visit the care home including medical staff use the car park during the day so we cannot lose any spaces
- residents in area have several cars per household and were given permission to use the car parking facility
- elderly and disabled residents of Hennon Street will be affected - ambulance and wheelchair assisted transport cannot access the street at peak times
- I have concerns about the safety of the children attending the school as their only access to the school appears to be through the car park
- they promised there would be no increase in volume of traffic when the original planning permission was given and it would not affect the parking of the residents. However, by establishing a school there has increased the volume of traffic throughout the day
- during pickup and drop off times the traffic is such that the car park is full, neighbouring streets (Hennon Street, Raphael Street, Shepherd Cross Street and Darley Street) are full, only a single car can go through
- the street and on many occasions has caused arguments with parents dropping their children off
- traffic is so chaotic in the mornings and afternoons that camera cars have been deployed previously by the Council to monitor and police the traffic
- despite parents being told not to park outside residents' properties, it has continually been ignored not only by parents but also by staff at the school and nursery
- parents are stopping in the middle of the road to drop off their kids because there is no space left in the car park or the streets
- opening of doors by children near parked cars in the street have caused damage to the vehicles

- leaving for work or appointments during these busy times is very difficult and the residents have to manage their time so that they avoid going out or returning during these
- times
- it is surprising is that planning permission was granted in the first place despite having three neighbouring schools to accommodate the children of the local community
- a building which was originally given planning permission for a nursery for children 3-4 year olds and a community centre, has now turned into a nursery which takes children from the age of 2-4 and a primary school which already accommodates children up until year 6
- Little gems nursery now takes up one third of the building, the rest is occupied by the primary school. If there was a shortage of space for the primary school why was the nursery expanded?
- a car exclusion zone would also have to be created for the safety of the children, this would result in more car parking space being lost
- the side entrance will be continued to be used by children and parents to enter the nursery so it certainly will not ease the traffic in the street.
- the building and its site are not suitable to be used as a school
- the car park was is not being used by parents and employees of the establishment park large vehicles on the street
- there is a build-up of cars between the hours of 8am and 9am and 2.30pm and 3.30pm

Two representations of support have been received from a parent and a member of staff, both residents of Bolton but not in close proximity to the site. The grounds of support can be summarised as being:-

- the school is in real need of the increase in classroom space and the facilities that are being sought in the application
- the school has grown from strength to strength as can be seen from the most recent OFSTED report
- the current lack of outdoor facilities for the children has been a concern for many parents and the plans submitted by the school address these concerns very well
- the standards achieved by the pupils will be improved and the improved facilities will also help the hard working staff at the school deliver even better results
- Al-Huda Academy is an incredible place that provides education to those children who seek it
- providing the Academy with an extension will allow the school to not only take on more children from their extensive waiting list but also use the space to adapt the school in ways in which will help excel the education that they provide
- as the school is now developing into a full primary school it is in need of this extension, as it will provide the children of the future who select this school to have a place in which they can thrive

Consultations

Advice was sought from the following consultees: Highways, Asset Management (Children's Services)

Planning History

Planning permission was granted in May 2013 for use of the building as a nursery and primary school (89633/13)

Advertisement consent was granted in March 2013 for the retention of the painted mural on the eastern elevation (89399/13)

An application for change of use of part of the ground floor to a primary school, together with ground floor extension and raising the roof to form a second floor was withdrawn by the Applicant in August 2012 (88416/12)

Planning permission was granted in 2009 for the change of use of the former Halliwell Labour Club to a mixed use of nursery and community centre (82130/09)

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

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

2. The development hereby approved shall not be brought into use unless and until the alterations to the entry and egress and the laying out of the car park as detailed in the approved plans have been implemented in full. Such works as are carried shall be retained in full thereafter.

Reason

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

3. Before the first occupation of the extension hereby permitted, all windows in the southern elevation of the extension facing Constable Close shall be fitted with obscure glazing whose obscuration level is 5 on a scale of 1-5 (where 1 is clear and 5 is completely obscure) and shall be permanently retained in that condition thereafter.

Reason

To protect the privacy, outlook and living conditions of neighbouring occupiers and in order to comply with Core Strategy policy CG4.

4. Prior to the development hereby approved being first occupied or brought into use, a scheme for a 2 metre boundary treatment to the southern boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first use and retained at a height of 2 metres thereafter.

Reason

To ensure privacy and security in accordance with Policy CG3 of the Core Strategy.

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 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.

6. Trees and shrubs shall be planted on the site in the areas shown on approved plan 04 Proposed Site With Play Area REV 1 11/17 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 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 areas provided and in order to comply with Core Strategy policies S1 and P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

8. Before the approved development is first brought into use no less than 20 car parking spaces shall be marked out and provided within the curtilage of the site, in accordance with Drawing Ref: **04 Proposed Site With Play Area REV 1 11/17**. 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 premises shall not be open to visitors or operate except between the hours of 8am and 10:30pm Monday to Friday, and from 10am until 10:30pm on Saturdays and Sundays.

Reason

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

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

Reason

To ensure the development 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.

11. Notwithstanding the provisions of Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall not be used for public worship.

Reason

For the avoidance of doubt as to what is permitted.

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

03 Proposed Elevations REV 1 11/17
04 Proposed Site With Play Area REV 1 11/17

Reason

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

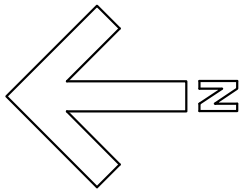


Al Huda Academy

NOTES:

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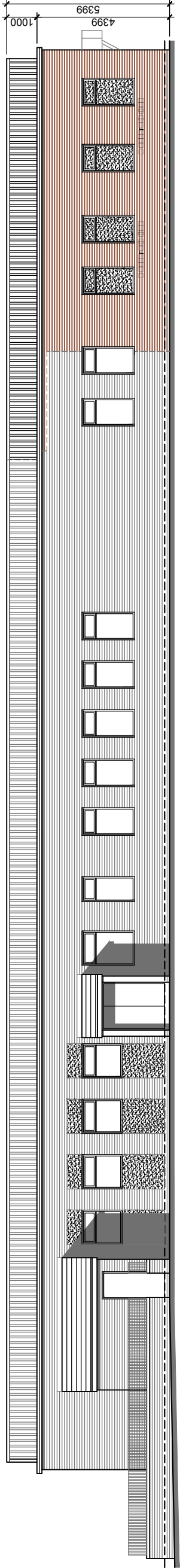
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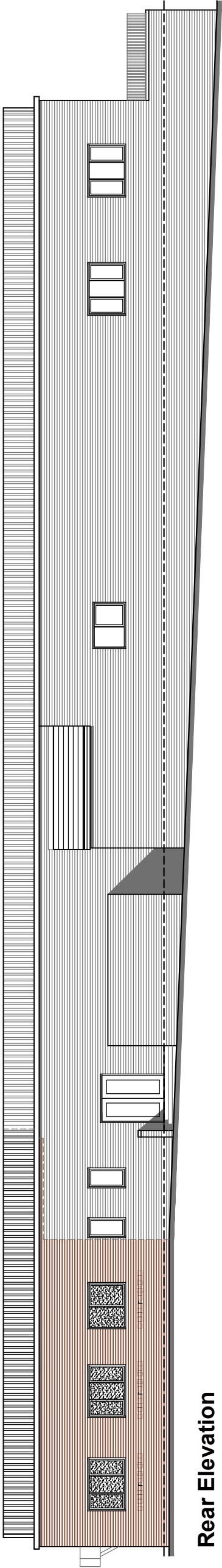
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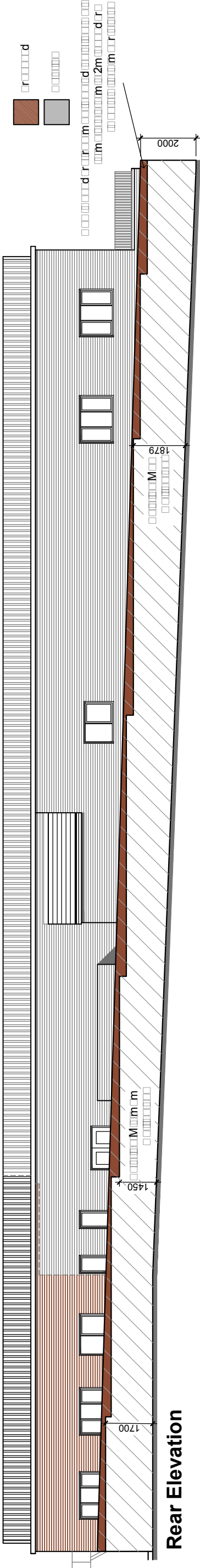
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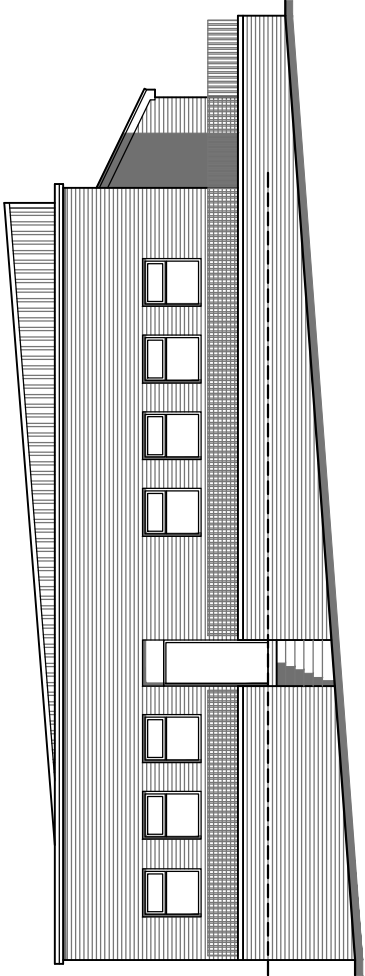
Front Elevation



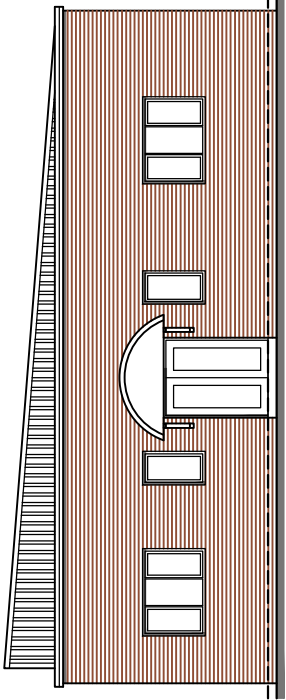
Rear Elevation



Side Elevation



Side Elevation



Side Elevation

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