

Planning Applications Report

Planning Committee

5th December 2019

**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

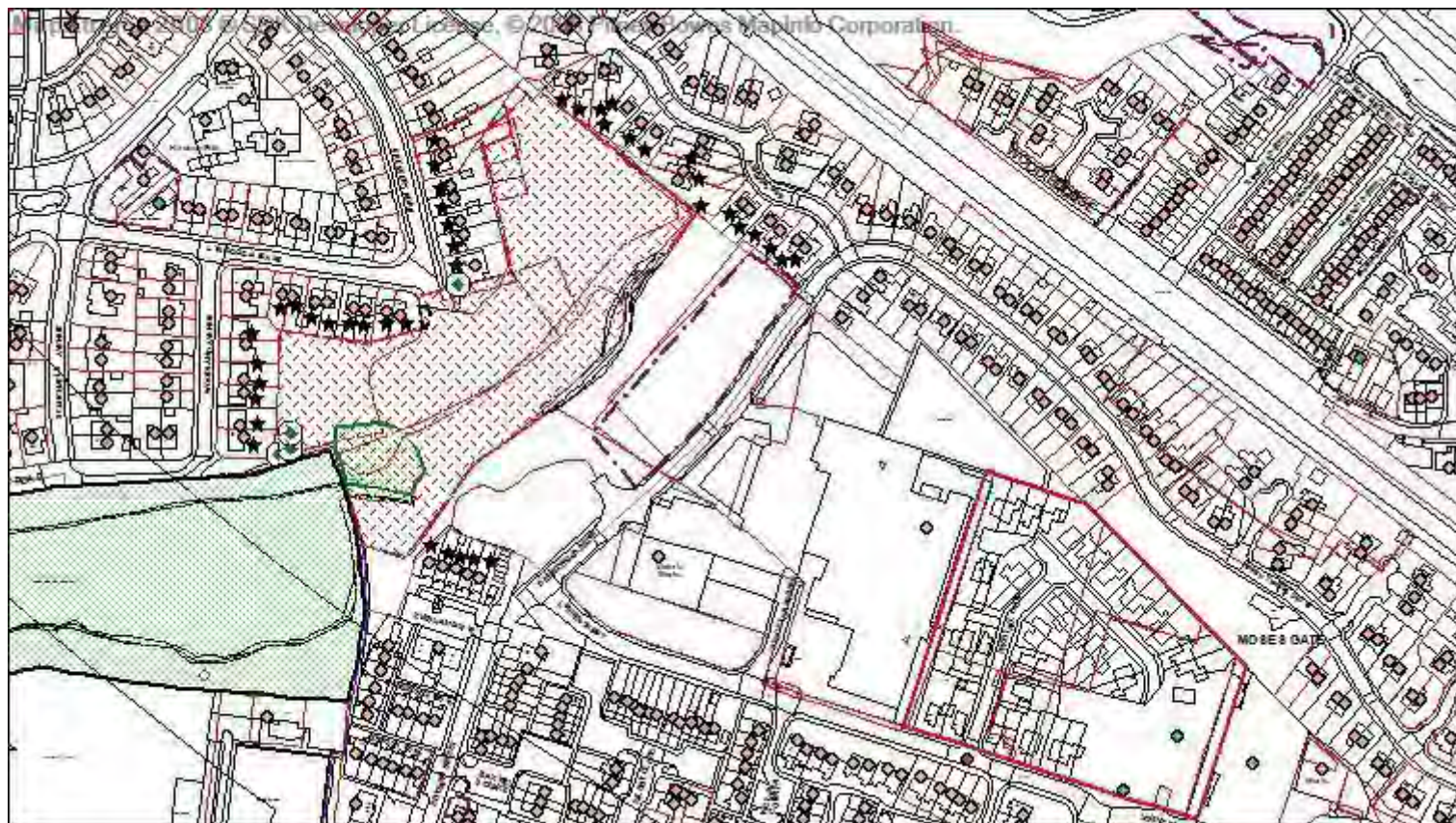
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

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Application number 04459/18



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Date of Meeting: 05/12/2019

Application Reference: 04459/18

Type of Application: Full Planning Application
Registration Date: 31/08/2018
Decision Due By: 29/11/2018
Responsible Officer: Martin Mansell

**Location: LAND SOUTH WEST OF CRESCENT ROAD & LYNWOOD
AVENUE, FARNWORTH, BOLTON**

Proposal: ERECTION OF 30 NO. RESIDENTIAL DWELLINGS (21 THREE BED AND 9 FOUR BED DETACHED AND SEMI-DETACHED) TOGETHER WITH ASSOCIATED WORKS INCLUDING LANDSCAPING AND PARKING

Ward: Great Lever

Applicant: Jaga Group Developments Ltd
Agent : Bowker Sadler Architecture

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.**

Executive Summary

- 30 dwellings are proposed at a neglected site adjoining Doe Hey Brook
- this application was deferred at the Committee meeting in February 2019 to allow concerns over the future flood risk status of Doe Hey Reservoir to be addressed
- the Applicant commissioned a Dam Breach Analysis Report which addresses this issue and makes recommendations for works including raising the floor levels of plots 22-30 between 150mm and 650mm forming a shallow depth concrete ground beam on top of the mound that splits the two Doe Hey Brook valley basins adjacent to the site, reinforcing the embankment with a grasscrete/geogrid layer in order to protect the embankment from erosion and cleaning out the Ashby Close Culvert
- other than the works to the culvert, which are the responsibility of Network Rail, all costs will be borne by the Applicant
- whilst a Green Corridor runs through the site, Greater Manchester Ecology Unit have confirmed no objection to the proposal, on the basis that the corridor follows the line of Doe Hey Brook, which will not be affected and also as ecological enhancements are proposed
- the Applicant has demonstrated a lack of viability and therefore proposes to make no financial contributions. The Viability Assessment has been accepted by the Council's consultants, though the abnormal costs are difficult to confirm at this stage. Officers consider it prudent that a clawback arrangement be entered into so that viability can be reassessed once these abnormal costs are verified

Proposal

1. Consent is sought for the erection of 30 dwellings on land off Crescent Road. The dwellings would be a mix of detached and semi-detached properties and consisting of 9 4-bedroom (3-storey) units and 21 no. 3-bedroom (2.5-storey) units. The dwellings would consist of a mix of detached and semi-detached properties, with rear garden areas and two car parking spaces per unit. The dwellings will be predominately brick with a small amount of white render, dark grey UPVC window and door frames and cast stone feature lintels and cills. A total of 8 of the properties are proposed to have a balcony. The vehicular access will be directly from Crescent Road at the junction with Lynwood Avenue to the west of the site. The new access road will replace an existing informal footpath which currently leads into the site.
2. The application is accompanied by the usual plans and elevations together with:-
 - Crime Impact Statement

- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Woodland Management Plan
- Preliminary Ecological Appraisal
- National Vegetation Classification Survey
- Phase 1 Desk Study & Preliminary Phase 2 Geo-environmental Risk Assessment
- Flood Risk Assessment with a written report on drainage proposals
- Topographical Survey
- Viability Report

Site Characteristics

3. The site consists of an area of scrubland located between Crescent Road and Brentwood Drive within the urban area of Bolton, south of the town centre. The site is predominantly covered with vegetation including woodland and low-level shrubbery, with an embankment to the north-west of the site adjacent to Crescent Road. The remainder of the site is at a lower level than the adjoining streets, with a culvert running through part of the site. There is a designated wildlife corridor running through the site and it is also affected by Tree Preservation Orders including at the site entrance and to the south-west of the site. Other than this and the RA1 Inner Bolton designation, the site has no other designation within the Allocations Plan, It is predominantly surrounded by existing development including housing to the north and west on Crescent Road, Lynwood Avenue and Ashby Close. There is further housing to the south on Evesham Drive and Edward Street. Brentwood Road runs along the boundary of the site to the south-east, beyond which is an industrial area. Directly to the south-west lies Lower Doe Hey Reservoir.

Policy

4. Bolton's Development Plan:

- Core Strategy Policies: H1.2 Health Contributions; A1.4 Education Contributions; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; RA1 Inner Bolton; IPC1 Infrastructure and Planning Contributions.

5. Other material planning considerations:

- Supplementary Planning Documents: Accessibility, Transport and Safety; Affordable Housing; Infrastructure and Planning Contributions; General Design Principles.
- Bolton's Authority Monitoring Report 2016/17: Volume 2 Housing Land Requirements and Supply Briefing Note (AMR)
- National Planning Policy Framework (NPPF) June 2019: Achieving sustainable development
- Achieving sustainable development (paragraphs 7-14), Development contributions (paragraph 34) - reference to plans setting out the contributions expected in association with particular sites and types of development; Determining applications (paragraphs 47-51); Planning conditions and obligations (paragraph 54-57); Delivering a sufficient supply of homes (paragraph 59-76); Promoting healthy and safe communities including Open space and recreation (paragraphs 91-101); Promoting sustainable transport (paragraphs 102-111); Making effective use of land (paragraphs 117-123) - Achieving well-designed places (paragraphs 124-131); Meeting the challenge of climate change, flooding and coastal change (paragraphs 148-165); Conserving and enhancing the natural environment (paragraphs 170-183). Annex 1 - Implementation.

- National Planning Policy Guidance

Analysis

6. 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.

7. The main impacts of the proposal are:-

- impact on Bolton's supply of housing
- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring residents;
- impact on flooding and drainage;
- impact on biodiversity, including the Green Corridor;
- impact on the highway;
- impact on local infrastructure

Impact on Bolton's Supply of Housing

8. The weight that can be attributed to the provision of additional new housing depends on whether the Council can demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the National Planning Policy Framework (NPPF) states relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that the development is viable.

9. The Council cannot 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.

10. 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. At the recent Public Inquiry relating to Bowlands Hey, the Council argued that it could demonstrate approximately 3.7 years supply, still significantly short of the 5 years required.

11. 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.

12. As the development plan policies for the supply of housing are not considered up-to-date, paragraph 11 of the NPPF should be invoked. This states (for decision-taking) that where there are no development plan policies or the policies which are most important for determining the application are out-of-date, permission should be granted unless, "...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole..."
13. This report will therefore now consider if there are any adverse impacts associated with the proposed development. The report will conclude with whether Officers consider those adverse impacts significantly and demonstrably outweigh the benefits associated with the development, when assessed against the policies of the NPPF when taken as a whole.

Impact on the Character and Appearance of the Area

14. 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.
15. 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.
16. The National Planning Policy Framework (June 2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.
17. Planning decisions should ensure that developments:
 - will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - 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.
18. It is considered that the design of the individual properties is highly distinctive, indeed unusual. They represent a clear departure from the typical interwar semi-detached properties of Crescent Road, Lynwood Avenue and Woodland Avenue. The proposed materials represent a clear break from the "red brick, slate roofed terraces" referred to in Policy RA1 of Bolton's Core Strategy. Nevertheless, given the lack of a prominent street frontage it is considered that this site represents the kind of location where distinctive and unusual residential designs can be accommodated. It is not considered that the existing streetscapes of Crescent Road, Lynwood Avenue or Woodland Avenue will be in any way harmed by the development. So whilst the designs are distinctive, they respond well to the challenges of this site and represent high quality residential development in their own right.
19. The impact on the character and appearance of the area is considered to be acceptable.

Impact on the Living Conditions of Neighbouring Residents

20. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and that it does not generate unacceptable nuisance, odours, fumes, noise or light pollution.
21. A number of local residents have raised concerns over the impact of the proposed residential development on their living conditions including loss of light and privacy. However, the proposed layout has been amended to ensure that the relationship between existing and proposed dwellings meets the requirements of the General Design Principles SPD. One specific issue has been raised in relation to Plot 1; however, this property has been carefully designed with its principal elevations facing south and east. The interface between Plot 1 and 16 Lynwood Avenue would be 14.3 metres. As the elevation facing 16 Lynwood Avenue would contain a kitchen window at ground floor (which will not cause overlooking) and two obscure glazed windows at first and gable roof level, the recommended interface would be 13.5 metres. As this property is slightly below the level of 16 Lynwood, and as the upper floors contain no principal windows and the interface exceeds the recommended distance, the impact on living conditions enjoyed at 16 Lynwood Avenue is considered to be acceptable.
22. It is proposed that some of the properties will benefit from balconies. Plots 25 to 30 will have rear balconies overlooking the woodland to the south. Their northern elevation will have balconies at second floor level; however, given the change in levels between these plots and Crescent Road of approximately two stories, together with the distance between them and the angles between the existing and proposed properties, it is not considered that any unacceptable overlooking or loss of privacy would occur. Plots 15 to 24 would again have balconies overlooking the woodland to the south but the north western elevations facing Crescent Road would only be provided with Juliet balconies at second floor level i.e. there would be no usable floorspace available, it is essentially proposed that patio doors would be installed with a barrier preventing anyone from falling out. Given the significant drop in levels across the site and the interface of 25 metres, it is not considered that these properties would cause unacceptable overlooking of or loss of privacy to the closest property on Crescent Road. Plots 2 to 4 are designed with Juliet windows looking south west across to the woodland and meet the 21 metre

interface in relation to properties on Lynwood Avenue. Plots 5 to 11 are similarly designed with Juliet balconies looking into the site and standard rear elevations, meeting the 21 metres interface with properties on Woodland Avenue.

23. It is considered that the proposal layout represents a carefully considered design which would respect the living conditions of existing residents surrounding the site. Clearly, the views from surrounding properties will change; however, Members will of course be aware that planning does not seek to protect the views from individual properties but instead seeks to ensure that a reasonable degree of outlook and privacy is provided for new and existing properties. As the proposal would comply with the requirements of the General Design Principles SPD, it is considered that this has been achieved.
24. The impact of raising plots 22-30 by between 150mm and 650mm has been taken into account, but as these plots are located closest to the watercourse valley and therefore away from the existing dwelling, the impact of this change is considered to be acceptable. The proposal would comply with Core Strategy CG4.

Impact on Flooding and Drainage

25. Strategic Objective 13 aims to reduce the likelihood and manage the impacts of flooding in Bolton, and to minimise potential flooding to areas downstream.
26. Core Strategy policy CG1.5 seeks to ensure that the Council and its partners will seek to 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.
27. Policy contained within the NPPF (paragraphs 155 to 165) seeks to ensure that inappropriate development in areas at risk of flooding should be avoided, directing development away from areas at highest risk. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it is demonstrated that the most vulnerable development is located in the lowest flood risk areas and that development is flood resilient and resistant.
28. Officers note that the Council's Drainage/Flood Risk team, the Environment Agency and United Utilities were consulted on the proposed development and that no objections were received from these parties. An objection was received from Doe Hey Reservoir Company Ltd who operate the angling club that uses both Doe Hey Upper and Lower Reservoirs. Their objection can be summarised as being:-
29. "Our objection relates to the location of the proposed residential development and the potential risk of a breach of Doe Hey Upper Reservoir which is currently designated as a High Risk. In the event of a breach, the proposed residential development would be completely inundated. If the application is granted, the likely scenario would be that the company would be ordered to carry out improvement works to the dam which would cost in the region of £1m. The company does not trade, as no assets apart from the reservoirs and is controlled by members of an angling club totalling around 100 individuals. The company and angling club would inevitably fail if these orders are imposed and the Environment Agency would be required to take on the reservoirs under emergency powers and carry out the necessary works at their expense. This is also likely to affect the finances of Bolton Council as part of the land at the lower end of the Lower Reservoir just prior to the culvert after the stream leaves the reservoir is council owned property and is in a poor state, in addition, the public right of way at the bottom of Harper Green Road that runs in between the reservoirs would be directly affected with any improvement works and it is

likely that the road would need to be cut through in order to construct a new larger reservoir weir and spillway, again part of this is Bolton MBC property. I am also informed that once the Environment Agency carries out the necessary improvement works it would then hand the future ownership, control and associated safety and maintenance aspects to the local authority."

30. The objection was accompanied by a report under Section 10 of the Reservoirs Act 1975. In essence, the Act requires that owners of reservoirs carry out regular inspection of the integrity of reservoirs and the level of works required to ensure their integrity is proportionate to the level of risk and harm caused by a potential breach. In this instance, the reservoir falls within Category C as "a breach would propose negligible risk to life and cause limited damage". However, the construction of these dwellings could result in the category changing as a catastrophic breach could result in the complete submersion of these dwellings.
31. National and local planning policies require that the most vulnerable development is located in the lowest flood risk areas. The site does not have a specific risk designation in terms of flood risk (other than lying with flood risk category 1, the lowest category. In terms of assessing the risk of a catastrophic dam failure it is considered to be extremely unlikely provided that the owner of the reservoirs complies with their responsibility under Section 10 of the Reservoirs Act 1975. It is not considered that the owners' ability to fund these works or otherwise would represent a valid reason for refusal.
32. The issue of the proximity to Doe Hey Reservoir was considered as part of the Flood Risk Assessment submitted by the Applicant and it states:-

"From a review of the Ordnance Survey mapping around the site it can be seen that the site is in close proximity to the Lower Doe Hey reservoir, which lies immediately to the south west of the site, and the Higher Doe Hey reservoir, which lies further off to the west of the Lower Doe Hey reservoir. From the reservoir flood mapping (refer to Appendix 03) it would appear that part of the development site could be affected by the potential flooding extent produced by a large scale breach of the Higher Doe Hey reservoir. It would appear that the modelling exercise that has produced this flooding extent has been based upon a "worst case" assumption, i.e. that the culverted section of Doe Hey Brook that passes beneath Ashby Close to the north east of the site is partially or fully blocked at the same time as the breach occurs. However, given that the Environment Agency has a regulatory role for reservoir safety under the Reservoirs Act 1975, and that reservoir failure in the UK is generally accepted to be extremely unlikely, it is considered that the risk to the development from this form of flooding is low."

33. Given the Environment Agency's regulatory role on this matter, their response is clearly important and they stated "we are satisfied the submitted (Flood Risk Assessment (FRA) from WML Consulting (Report no 8109G/FRA/01, dated August 2018) demonstrates the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere"
34. The Environment Agency subsequently raised concerns over the risk posed by a catastrophic breach of Doe Hey Reservoir and this was referred to at the meeting in February 2019. The Applicant commissioned Mott MacDonald to look at this issue in detail and the Environment Agency was involved in this work. The report concludes that with some minor work and the cleaning out of the Ashby Close culvert, the current risk and design categories of either reservoir would not change. A Flood and Coastal Risk Management Advisor within the Reservoir Safety Team at the Environment Agency has assessed this work and has provided the response below:-

Our original concern was that the proposed development would change the dam category due to a new population downstream of the dam that might be impacted by a dam failure. The effect of

this would have been that extensive works would have been required to the reservoir to bring it in line with flood standards. The flood study work done by Richard Robson on behalf of the developer has demonstrated that the development can go ahead without a change in dam category if the conditions set out in the report are met. Provided that the recommendations of Richard Robson in section 6.2 of his Dam Breach Analysis Report are implemented as part of the development the Environment Agency National Reservoir Safety Function has no further concerns."

The recommendations of the Dam Breach Analysis Report are as follows:-

- Maintaining a clear flow through the basin embankment culvert by removing existing blockage and preventing future blockage through regular inspection and maintenance. While this may increase flood levels during a dry day breach, the model demonstrates that it is beneficial when considering the more severe wet day scenarios, as it maximises the use of the available storage in the valley. A reservoir failure is more likely during a wet day.
 - Reduce the risk of erosion to the basin embankment crest. This can be achieved by removing any existing low spots and easily erodible material and installing appropriate erosion protection, both on the top and the downstream slope to below the level of the properties. A final crest level of 84.3mAOD is recommended. This satisfies the requirement to be below the TWL of the lower reservoir and does not raise the level of the existing crest. The edge of the crest weir must be either a deep concrete beam (or piles) to protect this level against erosion during a breach.
 - Peak velocities across the embankment are predicted to be between 2.5 and 3.0m/s if there were to be a cascade dam failure, and the peak flow across the basin embankment crest is estimated to be in the order of 80m³/s. Therefore, the erosion protection and crest arrangement would need to account for this, both along the bed of the crest channel and to both sides to above the predicted water line. The bed slope must also be limited to keep velocities within the range of the erosion protection capabilities.
 - Maintain a clear flow through the Ashby Close culvert by removing debris at the downstream end and preventing future build up through regular inspection and maintenance. Installation of large debris catchers such as tree poles would reduce the risk of large items blocking the culvert. Tree clearance should be undertaken near the watercourse (on both sides) and all fallen trees removed.
 - To mitigate against a potential blockage at Ashby Close culvert (as well as taking consideration of general modelling uncertainty), an element of freeboard is required. This could take the form of construction of a low flood wall along the boundary of the development, up to a level of ~82.9mAOD. This would help to mitigate against partial blockage of the Ashby Close culvert in the event of a dam failure, and uncertainty in the modelling. The wall would not need to extend along the entire length of the boundary, only along areas below 82.9mAOD. Its maximum height would be 0.6m at the lowest properties; or raising the lowest property threshold levels to a minimum of 82.9m to account for blockage and uncertainty.
 - The final design resulting from these recommendations needs to be signed off by an All Reservoir Panel Engineer to confirm that all conditions and assumptions have been met in order to ensure that the Design Category of Upper Doe Hey Reservoir does not change from the current Category C.
35. Subject to provisions requiring that the development be carried out entirely in accordance with the submitted Flood Risk Assessment and the recommendations of the Dam Breach Analysis Report, the impact on flood risk is considered to be acceptable and to comply with Core Strategy policy CG1.5.

Impact on Biodiversity, Trees and the Green Corridor

36. The aim of Core Strategy Strategic Objective 12 is to protect and enhance Bolton's biodiversity.

Core Strategy policy CG1.1 seeks to ensure that the Council and its partners will safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value or its contribution to green infrastructure, reducing flood risk and combating climate change.

37. Guidance contained within NPPF states that in order to achieve sustainable development the planning system has three key roles. The third (environmental) role places a requirement for the planning system to contribute to protecting and enhancing our natural, built and historic environment, helping to improve biodiversity as an integral part of ensuring the planning system contributes to achieving sustainable development (Paragraph 8).
38. Paragraph 175 of NPPF provides guiding principles for Local Planning Authorities when determining planning applications including:
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused; and
 - planning permission should be refused for development resulting in significant harm to biodiversity where it cannot be avoided.
39. Policy CG1 states that the Council will safeguard and enhance biodiversity in the Borough by protecting the interconnectivity of wildlife corridors. A Green Corridor runs through the site running from the Freshfield Avenue area and generally following the line of Doe Hey Brook. However, the Green Corridor is completely severed by the significantly raised levels of the residential development of Ashby Close immediately to the east of the application site and the embankment of the Bolton to Manchester railway line. It does continue for a short length beyond this but is again severed by the A666 St Peters Way further to the east. For these reasons Officers take the view development close to this part of the Green Corridor cannot be said to interrupt the interconnectivity of this wildlife corridor; at worst it could only be said to slightly truncate it.
40. The application is accompanied by a Preliminary Ecological Appraisal and a National Vegetation Classification Survey which have been considered in detail by Greater Manchester Ecology Unit who conclude that "the site is located at one end of the green corridor. The development should not result in the loss of the entire corridor at this location; rather it results in a narrowing of the corridor. The proposed management of the remainder of the woodland will offer compensation for both the loss of woodland on site and a narrowing of the corridor." Conditions are recommended to achieve these outcomes.
41. There are a total of six Tree Preservation Orders (TPOs) either within or adjacent to the site and these will be protected during construction in line with the Arboricultural Method Statement. The Council's Tree and Woodland Manager has considered the proposals and finds that:-
42. "The area consists of a variety of predominantly mixed lowland broadleaved woodland tree species of varying age, form and condition; which is a UK Biodiversity habitat. It is also a habitat of principal importance for the purpose of conserving biodiversity, as listed in Section 41 of the Natural Environment & Rural Communities Act 2006 which confers duty upon local authorities by Section 40 of the Act, to consider its protection for biodiversity. There are a number of protected trees on the site, particular note to T2 Sycamore tree (heavily included and extensive stem

damage) by the entrance off Crescent Road, and the large Beech tree adjacent to plot 11 (extensive stem damage) that would require removal. Centrally, across the site and along the road line, the scheme would result in the loss of naturally regenerated trees, again predominantly Willow and Birch trees. Plots 5-11 would result in the loss of a block of predominantly Willow tree of generally low amenity value, but obviously having other ecological benefits. Plots 12 – 30 will be back onto the woodland area that is situated on a steep banking. If the scheme is to go forward then there would also be tree losses along the top of the banking (approx. a 6m strip). In addition as the trees are on the south-eastern/southern boundary there will always be pressure in the future for felling and or pruning of the trees due to light and overhanging branch issues as the gardens are not particularly large. Tree losses will also take place on the banking adjacent to Plot 30. The proposed road line hugs the lower south side of the embankment to the North side of the site, which for the most part is covered in Japanese Knotweed, which is widespread across the site. There is a block of woodland above the turning head to the north; however this would not be heavily impacted upon by the roadway. Woodland Management Plan – the proposed plan would appear to promote the long term management of compartments 1&2, and introduce woodland maintenance and thinning regimes into an area that has seen little or no recent management in the past. Restocking and enrichment planting after the removal of non-native species is encouraged. It is noted that in the GMEU comments "As compensation of the loss of woodland, it is proposed to manage other areas of woodland in the wider area and a woodland management plan has been submitted with the application. It is however unclear on the delivery mechanism and funding for this plan, its timescale and review process. These matters therefore require clarification". In addition GMEU note "any species introduced to the site whether trees or ground flora, should be locally native only. This will ensure maximum benefits to biodiversity. The planting suggestions currently include species that are not locally native and would need to be amended. In addition small-leaved lime while locally native is extremely rare and a local source is unlikely to be found. The management prescriptions only refer to the remove of sycamore, while the description of the site includes non-native species that should be targeted in the first instance such as Norway maple, laurel and Whitebeam". The Arboricultural Impact Assessment and Arboricultural Method Statement are considered to be acceptable in their content and detail."

43. It is therefore considered that whilst the development will lead to the loss of some trees, these are of limited amenity value and the trees of higher value are to be protected. Where losses are proposed it is considered that these are mitigated by the proposed Woodland Management Plan.
44. The impact on the Green Corridor and on trees is considered to be acceptable.
45. Subject to detailed mitigation by planning condition it is considered that the proposal would comply with CS policy CG1 and with guidance contained within the NPPF.

Impact on the Highway Network

46. Core Strategy Strategic Objective 6 seeks to ensure that transport infrastructure supports all the aspects of the spatial vision, and that new development is in accessible locations and makes the best use of existing infrastructure. Strategic Objective 9 aims to improve road safety by ensuring that neighbourhoods are attractive and well designed.
47. 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.
48. Policy S1.2 of the Core Strategy states that the Council will promote road safety in the design of new development.
49. Guidance contained within the Council's Accessibility, Transport and Road Safety SPD covers a range of highways related matters including provision of facilities for people with disabilities, provision for pedestrians, cyclists, public transport and car parking. In addition the SPD provides guidance on highway design, Transport Assessments/Statements, Travel Plans, Infrastructure provision and the means for securing such provision.
50. The Council's Highway Engineers have assessed the proposal and note that the level of proposed residential development falls below the thresholds indicated in national guidance for the requirement for a traffic impact assessment (TS/TA) to be submitted in order to substantiate development from a transport and highways perspective. Using TRICCS information from similar sized developments the traffic impact will potentially be 18 two-way trips within the AM/PM peak periods of traffic flow or 1 additional two-way trip every 4 minutes within the peak hours. This level of traffic impact would not have a detrimental impact on the operational capacity of the surrounding highway network posing minimal additional road safety implications and would thus be compliant with the requirements of national planning policy
51. Engineers also advise that the proposed highway layout of the site appears reasonably compliant with the Council's standards for adoption. A full S38 appraisal will need to be undertaken by the Council's Estate Development Team post-planning in order to ensure that the layout can be brought forward for adoption. The existing levels of the development site appear challenging from an engineering perspective, these will need to be taken into consideration as part of the adoption process. However, Engineers have since confirmed that whilst the levels are challenging, an adoptable solution will exist.
52. Engineers do note that the level of off-road parking provision appears to fall below the Council's residential parking standards to serve the level of development proposed. The site could be considered reasonably accessible to sustainable transport modes, in particular the high frequency 501 route between Bolton town centre, Bolton Hospital and Farnworth, which would provide an element of justification to a relaxation of these standards.
53. For the reasons given above, the Council's Highway Engineers do not raise objection to the proposal and it is therefore considered to comply with national and local planning policies relating to the highway network.

Impact on Local Infrastructure

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. In determining planning

applications the Council will apply a threshold of 15 dwellings in assessing whether planning contributions will be required from proposed housing developments.

55. Policy IPC1 continues that for new residential development specific contributions will be sought for:

- Affordable housing
- Open space provision and maintenance
- Health and well-being
- Education
- Community facilities

56. Policy IPC1 also states that for all types of development, including housing, contributions will be sought for additional types of infrastructure necessary to remedy site specific deficiencies that arise from development or any other mitigation or compensatory measures required. This may include, where relevant, off - site access and transport.

57. SPD "Affordable Housing" (adopted February 2013) provides further detail to the policies in the Core Strategy that concern affordable housing, and deals specifically with the provision of affordable housing through Bolton's planning processes, with a focus on new supply. The SPD sets out the Council's policy on achieving affordable housing. SPD "Infrastructure and Planning Contributions" (adopted July 2016) provides further detail on policies in the Core Strategy that concern planning contributions. The SPD contains information on when planning obligations may be needed and covers matters including when contributions may be needed, the type and scale of contributions, the circumstances when financial rather than direct provision will be required, how financial contributions will be calculated, and the form and timing of legal agreements.

58. The applicant has submitted a viability study which has been assessed by the Council's viability consultant who generally considers its findings to be acceptable, particularly in relation to build costs and sales. However there are some sizable external and enabling works and was not initially clear from the report what these may relate to. In cases such as these where the "abnormal costs" of a development are difficult to calculate, Officers recommend that a "clawback" arrangement be entered into, requiring reassessment of the scheme once further details of the actual costs of development are obtained.

59. The Viability Study suggests that the development is likely to make a profit of 16.19%, less than their target of 18% and based on a site value of £230,000. Additional costs triggered by the development of the site are likely to include:-

- eradication of Japanese knotweed
- more complex drainage arrangements due to level changes on site, including the construction of a pumping station
- earthworks, significant retaining structures and other engineering works necessary to deliver an adoptable highway layout, bearing in mind the challenging levels of the site
- Woodland improvement and management together with replacement tree planting
- ensuring the stability of existing and proposed slopes
- piled foundations

60. Some elaboration on the sizeable external and enabling works has been sought and will be reported at the meeting.

61. Officers are aware of Members concerns over school places within the area, as raised during the

recent consideration of the application at Beehive Mills. The Council's Capital Programme and Pupil Place Manager has been consulted on the scheme and responds as follows:-

"We have just updated our pupil projection forecasts which suggest that we are likely to see some limited surplus capacity beginning to appear across our primary schools from Sept 2021, although we continue to experience pressure until then. A proposed development of 30 family dwellings is likely to have little impact against these figures so we could consider foregoing a commuted sum for primary provision at this time. However our secondary pupil projections show that we will continue to experience severe pressure for places for the foreseeable future, notwithstanding our current proposals to increase capacity at a number of secondary schools and the proposed new King's Leadership Academy that is due to open in Sept 2019. Any new housing development, however small is likely to add to the pressure for places and whilst a proposed development of 30 family units would only yield around 6 secondary school pupils, it will still create further pressure for places. The provision for 6 secondary school places would equate to the need to secure a commuted sum of around £91K (£91,061) but receipt of such a sum would need to be pooled with a number of significantly larger proposals in order to effectively deliver additional school places. I am conscious that we can presently only pool 5 proposed developments to secure commuted sums at individual school expansion projects and I would therefore question whether we should seek to allocate one of our limited opportunities to secure such funding against such a small scheme, bearing in mind that the typical cost of effectively expanding provision at an existing secondary school costs in the region of £2M."

62. Given that the impact on primary school places is likely to be limited and the pooling restrictions in place mean that requiring an education contribution could prevent contributions from larger developments in the area, it is not considered that a contribution to school places should be sought in relation to this development.
63. At 30 dwellings. this is a relatively small development of a challenging site with complex level changes and the developable area constrained by the need to retain a degree of biodiversity together with the relationships with existing surrounding properties. The costs of ensuring that the presence of Doe Hey Reservoir does not pose unacceptable flood risk will also be borne by the developer. For these reasons it is not considered that the development could sustain the contributions required by Policy IPC1 and the relevant SPDs whilst remaining viable.

Local finance considerations

64. 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.
65. New Homes Bonus for up to 250 dwellings – this is not a material planning consideration.

Conclusion

66. Whilst the Council cannot demonstrate a five-year supply of deliverable housing sites in the borough, in this instance it is not considered to be necessary to apply the "tilted balance" of paragraph 11 of the NPPF - the development is considered to be acceptable and policy compliant in its own right. It is therefore not necessary to consider whether "any adverse impacts ... would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole". It is not considered that the development would cause any unacceptably adverse impacts. Nevertheless, as a key emphasis within the NPPF is boosting the supply of housing the benefits of the proposed 30 houses must be acknowledged.
67. Other material considerations that carry weight in favour of the proposed development are:

- the proposed development would generate jobs and investment in the area, initially through the construction phase and then through local trading in shops and services.
- the proposal would, result in positive ecological enhancements to the site.
- the design, layout and materials are of a high standard, raising the general quality of development in the area

68. The development complies with the interface standards set out in the General Design Principles SPD. Great Lever is a highly developed area and opportunities for the delivery of new housing are subsequently limited, other than via the challenging development of former industrial sites. The site is sustainably locating in relation to existing services and bus routes such as the 501 frequent service. Whilst a Green Corridor runs through the site, the impact on this has been independently assessed by Greater Manchester Ecology Unit and found to be acceptable. Despite the valley location, the impact on flood risk is low and the comments of the owner of the nearby reservoir have been taken into account.

69. The proposal is therefore recommended for approval for the reasons detailed above. Members are requested to delegate the decision to the Director for Place to enable the s.106 agreement to be signed after which the application can be formally determined.

Representation and Consultation Annex

Representations

Letters:- a total of 7 letters of objection have been received from nearby residents raising the following concerns:

- this site is unfit for building on, attempts have been made in the past and cancelled due to the presence of methane gas
- serious concerns about the impact the proposed work could have on the stability of my property. As I'm sure you are aware, the land was previously a valley and subsequently a landfill site. The historic landfill was filled with tonnes of hazardous waste, thus making it unsteady. It is not suitable for any building, let alone 30 houses. Any excavation work could have a serious adverse impact on the existing surrounding structures
- this used to be a lovely valley with a stream at the bottom for drainage and supporting a great variety of wildlife
- there is now no natural drainage and trees have been removed
- the land contains a mine shaft - (Officer's note: a report from the Coal Authority confirms that "there are no known coal mine entries within, or within 20 metres of, the boundary of the property. "
- this is a green corridor, a thin strip of land that provides sufficient habitat to support wildlife, usually in an urban area .This Green Corridor is important because of its proximity to Doe Hey Reservoir.
- we need green space for our children and wildlife
- the parking proposed is insufficient
- the Government advises Local Planning Authorities to avoid building on Green Corridors (this was echoed by a Bolton Councillor at a local area forum)
- two Councillors described the land as being scrubland and an eyesore but did not mention the Green Corridor that runs straight through it
- in 2001 a similar application 59576/01 was refused permission, it went to appeals were it was once again denied, since there is no change in the landscape why is this application being considered?
- hedgehogs, bats, bees, deer and foxes all live and have been seen on this land. Hedgehogs in the UK are in serious trouble. Repeated studies have shown that the nation's favourite animal is being wiped out. We can't sit back and let hedgehog numbers keep plummeting.
- why has the Local Authority not enforced action by the owner to eradicate foreign species and address the fly tipping, was it in the hopes that everyone will believe it is an eyesore?
- local residents in Farnworth are losing Green spaces at a rapid speed which in turn impacts on our air quality and psychological welfare
- extra traffic in the already very congested roads will be a serious impact on all who live in the area
- I object to the loss of the open aspect to the rear of my house.
- the close proximity of plot 1 to my property when plot 2 etc . much further away from the rear of their adjacent houses.
- I object to the felling of sycamore tree T2 which is clearly a healthy tree. it was well grown when I acquired the adjacent property more than 30 years ago and must have at least another 40 years of life, if left undisturbed. Also the felling of trees at G1, these are very old trees and should remain protected as it would be damaging to carbon footprint to fell.
- concerned about foul water removal from lower site. Must be subject to flooding in heavy downpours
- the loss of privacy will be tremendously detrimental to neighbouring properties. The proposed properties are at such an angle that the primary amenity are of our garden will become overlooked from the first and second floors of the new development, leading to a serious invasion

of our privacy.

- floor one west elevation on properties 5-9 have large windows which would overlook the adjacent properties. Such facing elevation would directly overlook the rear amenity areas of the neighbouring dwellings. This would create an unacceptable degree of overlooking, thus causing a loss of privacy and would be detrimental to the amenities enjoyed by the occupiers of this property and the adjacent properties
- the enjoyment of the view from the rear of Woodland Avenue is picturesque. The loss of the trees and woodland will have an adverse effect on the residential amenity of the properties. The visual impact and loss of woodland view will have a devastating effect on neighbouring properties.
- the height of these 2.5 storey townhouses will affect the natural daylight of neighbouring properties
- the design is not in keeping with the local area. 2.5 storey townhouses don't blend in with neighbouring 2 storey semi detached houses that were built in the in the 1930's. The proposed development is overbearing, out of scale with surrounding properties and visually intrusive. The character of the proposed properties is not in line with the surrounding roads and it would be inappropriate to allow their development.
- the noise from the proposed building work will create unacceptable, prolonged disturbance to neighbouring properties.
- increased traffic-the plans state a dramatically underestimated flow of traffic of an extra 16 cars per day. Most houses in this area have at least 2 cars if not more, therefore that would potentially be an extra 60 cars driving down this small road every day causing a lot of noise and nuisance.
- there are a lot of children that enjoy playing out safely on this quiet road.
- there is only one access point, where Crescent Road and Lynwood Avenue meet

The objection from Doe Hey Reservoir Company is addressed within the report

Consultations

Advice was sought from the following consultees: Trees and Woodland officer, Pollution Control, Drainage / Flood Risk officers, Design for Security (Greater Manchester Police), Landscape Development and Design, Highways Engineers, Environment Agency, Greenspace Management, Asset Management and Pupil Planning Unit, the Council's Viability consultant and the Greater Manchester Ecology Unit.

The Local Planning Authority have publicised the application by a site notice which was displayed at the site together with a press notice in the Bolton News. This is in addition to the neighbour notification letters which were sent out to all the adjoining neighbouring properties. This complies with the national and local requirements in respect of consultation and the neighbour notification requirements.

Planning History

59576/01 - outline application for residential development including means of access. This application was refused on the basis of impact on the Green Corridor and that it was a greenfield site - at the time, the "brownfield first" approach was clearly supported by national and local planning policies. The delivery of new housing was not considered to be as great a priority as it is now, some 18 years later. Furthermore, there is no evidence to suggest that the Applicant proposed the mitigation measures now proposed, which have been accepted by Greater Manchester Ecology Unit.

42047/92 - retention of deposited inert materials and permission for engineering works amending the site levels - approved

38590/91 - details of the siting design and external appearance for the erection of a detached house
- refused on the grounds of inadequate information (poor quality plans)

38054/90 - erection of 9 detached houses - approved

37740/90 - erection of 9 houses and a 45 bed nursing home - refused on the basis of an
overintensive use of the site

36604/90 - erection of 9 houses and a nursing home for the elderly - refused on the basis of an
overintensive use of the site

**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 and in the interests of improving the supply of housing.

2. No development shall be commenced until full details of the type and colour of facing materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

3. 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 in order to comply with Core Strategy policies CG1.5 and CG2.

4. No demolition, development or stripping of soil shall be started until:
 1. The trees and hedgerows within or overhanging the site which are to be retained/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. As per Arboricultural Method Statement Plan Ref: CRB/MS/01 Rev. A
 2. The approved fencing shall remain in the agreed location (in accordance with **BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations** until the

development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).

3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

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

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. The CEMP should also include appropriate measure to protect nesting birds during the breeding season.

Reason

To enhance biodiversity in accordance with Policy CG1

6. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanisms by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To enhance biodiversity in accordance with Policy CG1.

7. No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local

planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- ☐ details demonstrating how the riparian zone will be protected during development construction
- ☐ details how retained riparian woodland will be managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- ☐ details of treatment of site boundaries including steep banks leading down to Doe Hey Brook waterbody.

Reason

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement

8. No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese knotweed, Himalayan Balsam, Cotoneaster and Monbretia identified on the site (UES, Aug 2018) shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed, Himalayan Balsam, Cotoneaster and Monbretia during any operations e.g. Land regrading, mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason

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

9. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to and approved by the Local Planning Authority before development is started. Such scheme shall be carried out within 6 months of the occupation of any of the buildings or the completion of the new 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 planting season with others of similar size and species.

Reason

To soften the development proposed and to enhance and improve the setting of the development within the landscape of the surrounding locality.

10. Prior to the commencement of development, an energy assessment of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include a scheme which details how either (i) renewable energy technology or (ii) an alternative scheme e.g. enhanced insulation shall reduce CO2 emissions of predicted energy use of the development by at least 10%. The approved scheme shall be installed, retained and maintained in perpetuity thereafter unless agreed by the Local Planning Authority.

Reason

To enhance the sustainability of the development and to reduce the reliance on fossil fuels in order to comply with Core Strategy policy CG2.

11. No development shall commence until a woodland and landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas within the applicant's control (excluding privately owned garden areas) shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried in accordance with the approved scheme.

The scheme shall include the following elements:

- detail the extent and type of new planting, based on native species and which integrates with site surface water drainage proposals including any remodelling work for the smaller retained pond and the overflow to Astley Brook;
- details of the maintenance regimes for each retained habitat type;
- details of the treatment of the site boundaries and/or buffers, particularly around the southern and western boundaries;
- details of management responsibilities including a 5 year habitat management plan.

Reason

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

12. 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 to implement a 20 mph speed limit and parking restrictions at the site access onto Crescent Road/Lynwood Avenue and on the turning heads on the site access roads, to be funded at the applicants expense.. All such Orders shall be implemented into full prior to the occupation of any of the dwellings.

Reason

In the interests of highway safety.

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

Should the Phase I Report recommend that a Phase II Report is not required, but during construction and prior to completion of the development hereby approved, contamination or gas migration is found or suspected, the developer shall contact the Local Planning Authority immediately and submit proposals for investigation and remediation of the contamination or gas migration within seven days from the date that it is found or suspected to the Local Planning Authority for approval in writing.

Options Appraisal

Should the Phase II Report recommend that remediation of the site is required then unless otherwise agreed in writing with the Local Planning Authority, no development shall commence unless or until an Options Appraisal has been submitted to, and approved in writing by, the Local Planning Authority. The Options Appraisal shall include identification of feasible remediation options, evaluation of options and identification of an appropriate Remediation Strategy.

Implementation of Remediation Strategy

No development shall commence, unless otherwise agreed in writing with the Local Planning Authority, until the following information relating to the approved Remediation Strategy has been submitted and approved by the Local Planning Authority:

- Detailed remediation design, drawings and specification;
- i) Phasing and timescales of remediation;
- ii) Verification Plan which should include sampling and testing criteria, and other records to be retained that will demonstrate that remediation objectives will be met; and
- iii) Monitoring and Maintenance Plan (if appropriate). This should include a protocol for long term monitoring, and response mechanisms in the event of non compliant monitoring results.

The approved Remediation Strategy shall be fully implemented in accordance with the approved

phasing and timescales and the following reports shall then be submitted to the Local Planning Authority for approval in writing:

- iv) A Verification Report which should include a record of all remediation activities, and data collected to demonstrate that the remediation objectives have been met; and
- v) A Monitoring and Maintenance Report (if appropriate). This should include monitoring data and reports, and maintenance records and reports to demonstrate that long term monitoring and maintenance objectives have been met.

Reason

To ensure that the development is safe for use.

14. Before development commences details of the treatment to all boundaries to the site shall be submitted to and approved by the Local Planning Authority. Such details as are approved shall be implemented in full before the development is first occupied or brought into use and retained thereafter.

Reason

To ensure adequate standards of privacy are obtained and to enhance the setting of the development within the landscape character of the locality.

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

- vi) Construction Environmental Management Plan for Biodiversity (CEMP) to include the woodland management plan.
 - 1. Timetable for the approved Woodland Management Plan to be agreed with the LPA Tree & Woodland Officers.
 - 2. Arboricultural Method Statement for the boundary fencing detail to prevent damage to the retained trees. Arboricultural Method Statement Plan Ref: CRB/MS/01 Rev. A

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.

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

Reason

To ensure the development safeguards the character and visual appearance of the locality and to safeguard the living conditions of nearby residents particularly with regard to privacy and outlook.

17. No dwelling shall be occupied until the access roads, footways and footpaths leading thereto have been constructed and completed in accordance with drawing ref: 18020 1002 rev A

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'.

18. Trees and shrubs shall be planted on the site in accordance with the approved landscape schemes Landscape GA - 177-01E Landscape GA-A1 and Planting Plan - 177-02C Detailed 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.

19. Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 25 metres shall be provided at the junction of the site access with Crescent Road, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).

Reason

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

20. 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'.

21. Before the approved development is first brought into use car parking spaces shall be provided in accordance approved plan 8020 1002 rev A. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

22. The garages hereby approved shall be made available at all times for the parking of motor vehicles.

Reason

The loss of garage spaces would be likely to lead to an increase in on-street parking to the general detriment of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5,

23. No vegetation clearance or tree removal should be undertaken between the months of March to July inclusive.

Reason

To ensure the protection of wildlife/biodiversity.

24. No work, including the storage of materials, or placing of site cabins, shall take place within the extreme circumference of the branches of any tree shown to be retained or those trees overhanging the site.

Reason

In order to avoid damage to tree(s) within the site which are of important amenity value to the area.

25. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 2008 (or any order amending or replacing that order) no extensions, porches, garages, outbuildings, sheds, greenhouses, oil tanks, or hardstandings shall be erected within the curtilage of (any of) the approved dwellinghouse(s), other than those expressly authorised by this permission.

Reason

The private garden space of the dwellings is limited and the site is located with the Hill Top Conservation Area and any extension would result in an unsatisfactory scheme in terms of open space, privacy requirements and the impact on the character and appearance of the Conservation Area.

26. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 2008 (or any Order amending or replacing that Order) no dormers shall be constructed or other alterations to the roof carried out on the approved dwelling(s) other than those expressly authorised by this permission.

Reason

To safeguard the architectural character and appearance of the dwellings.

27. Notwithstanding the provisions of Class A to Schedule 2 Part 2 of the Town and Country Planning General Permitted Development Order 2008 (or any Order amending or replacing that Order) no fences, gates, walls shall be erected within the curtilage of (any of) the approved dwelling house(s) other than those expressly authorised by this permission.

Reason

The development has been designed with specific regard to the design of boundaries and new fences and walls in these positions would spoil the appearance of the site.

28. The development hereby permitted shall be carried out in complete accordance with the following approved plans and documents:-

18020 1002 rev B - Site Plan Proposed
18020 1004 site sections
18020 1010 rev A - plot 1
18020 1011 rev A - plot 2
18020 1012 rev A - plot 3
18020 1013 rev A - plot 4
18020 1014 rev A - plots 5 & 6
18020 1015 rev A - plots 7 & 8

18020 1016 rev A - plot 9 & 10
18020 1017 rev A plot 11
18020 1018 rev A plot 12
18020 1019 rev A plot 13
18020 1020 rev A plot 14
18020 1021 rev A plot 15
18020 1022 rev A plot 16 & 17
18020 1023 rev A - plots 18 & 19
18020 1024 rev A - plots 20 & 21
18020 1025 rev A - plots 22 & 23
18020 1026 rev A - plot 24
18020 1027 rev A - plot 25
18020 1028 rev A - plot 26
18020 1029 rev A - plot 27
18020 1030 rev A - plot 28
18020 1031 rev A - plot 29
18020 1032 rev A - plot 30
18020 1041 3d View 1
18020 1041 3d Views 2 & 3
Landscape GA - 177-01F Landscape GA
Planting Plan - 177-02D
8109 WML XX XX DR C 2011 P03 - Levels and Retaining Walls
1068 Phase 1 Desktop Study
1069 Flood Risk Assessment
Arboricultural Method Statement TRE/CR/Rev A

Reason

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

Proposed Site Plan
1:250

Schedule of Accommodation (Inc. Garages)

- 9 no. 4b7p 3 Storey Type A Units @ 140m² (excluding balcony)
3 no. 3b5p 2.5 Storey Type B Units @ 118m² (excluding balcony)
7 no. 3b5p 2.5 Storey Type C Units @ 121m² (balcony optional)
10 no. 3b5p 2.5 Storey Type D Units @ 118m² (excluding balcony)
1 no. 3b5p 2.5 Storey Type E Unit @ 121m² (balcony optional)

Total 30 no. Units

5.5m wide highway with 2m pavement +600mm service strip

[illegible]



Indicative view South from entrance towards plot 1



Indicative view South West pumping station towards plots 28 - 30



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REV.	DATE	DRN.	CHKD.
PROJECT Crescent Rd, Bolton			
CLIENT Jaga Group Developments			
DRAWING Proposed 3D Views 2 + 3			
SCALE	SHEET SIZE @ A3	DRAWN AH	CHECKED CL
		DATE 30.08.18	

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JOB No	DRAWING No	REVISION
18020	1041	
STATUS		

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Materials Key

1 : 50



A	28.08.18	AH	Amendments to elevations on SF-En-Suite	CL
REV	DATE	DRN		
PROJECT				CHKD

PROJECT	Crescent Rd, Bolton			
CLIENT	Jaga Group Developments			
DRAWING	Plot 1 Floor Plans and Elevations			
SCALE	SHEET SIZE @ A1	DRAWN AH	CHECKED CL	DATE 31.07.18

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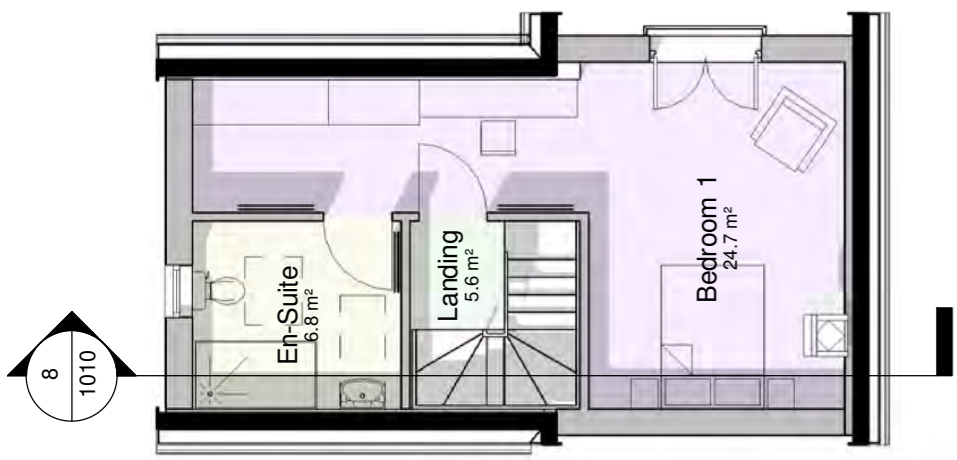
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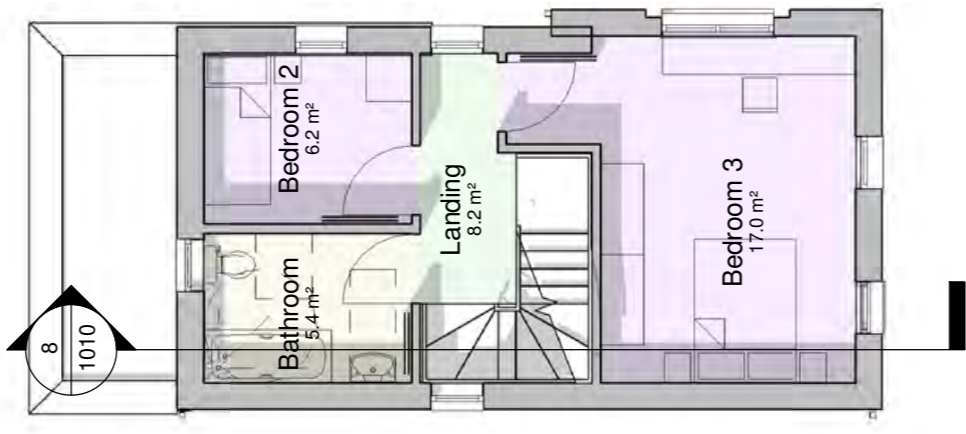
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18020	1010	A
STATUS		



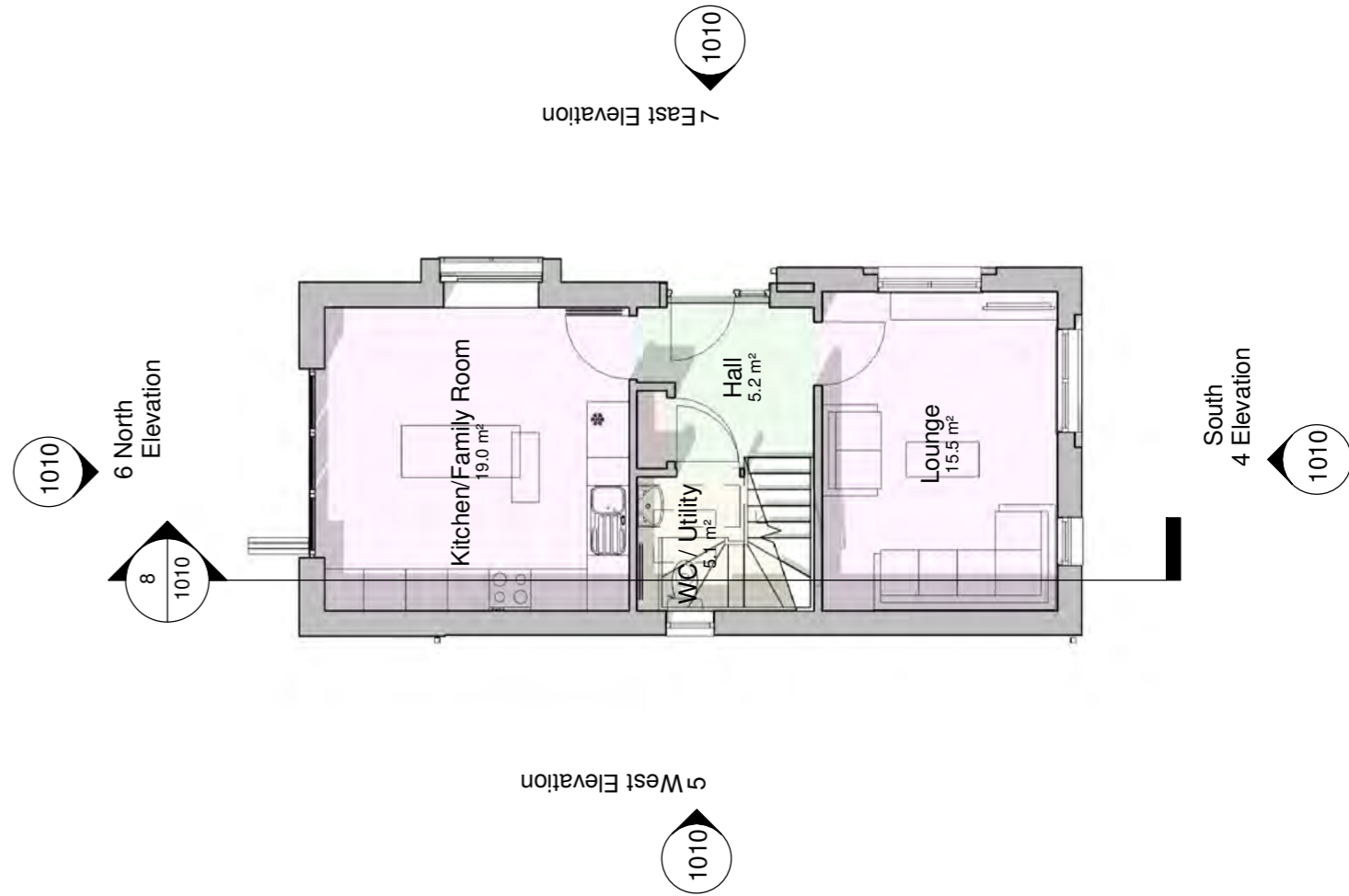
Second Floor Plan

1 : 100



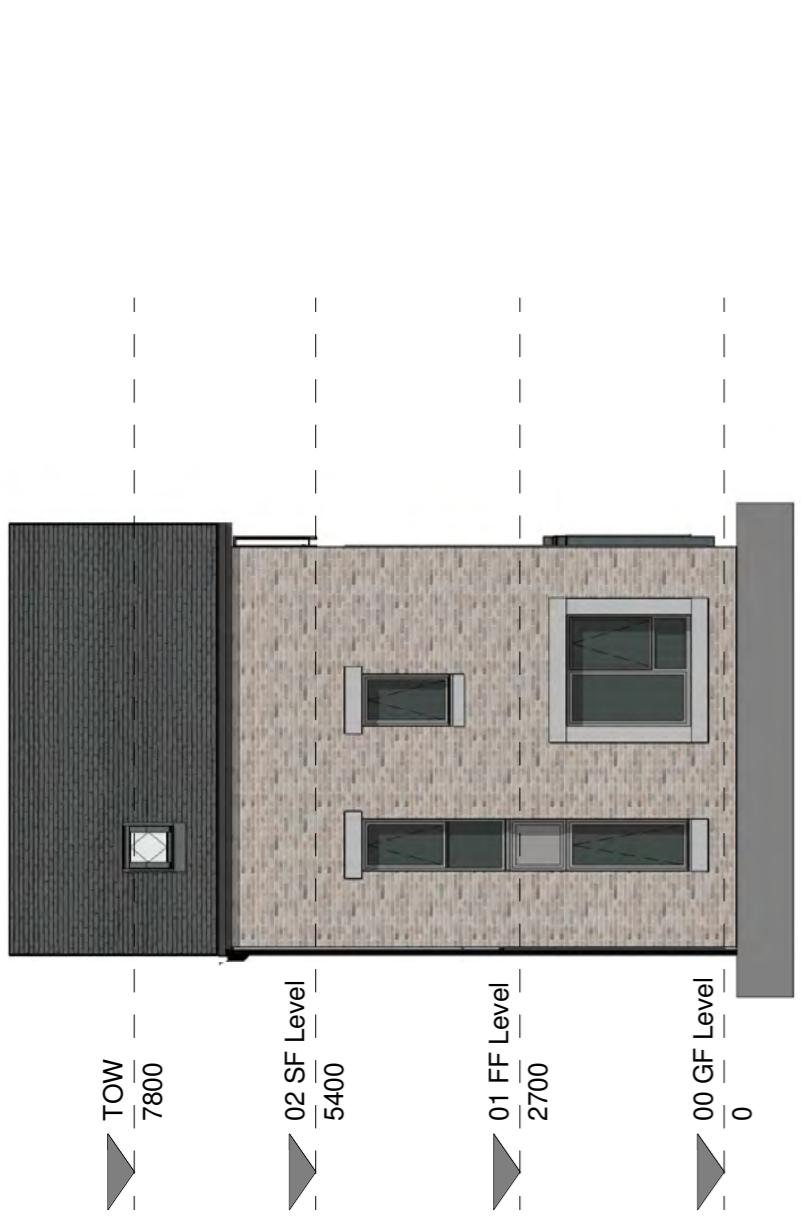
First Floor Plan

1 : 100



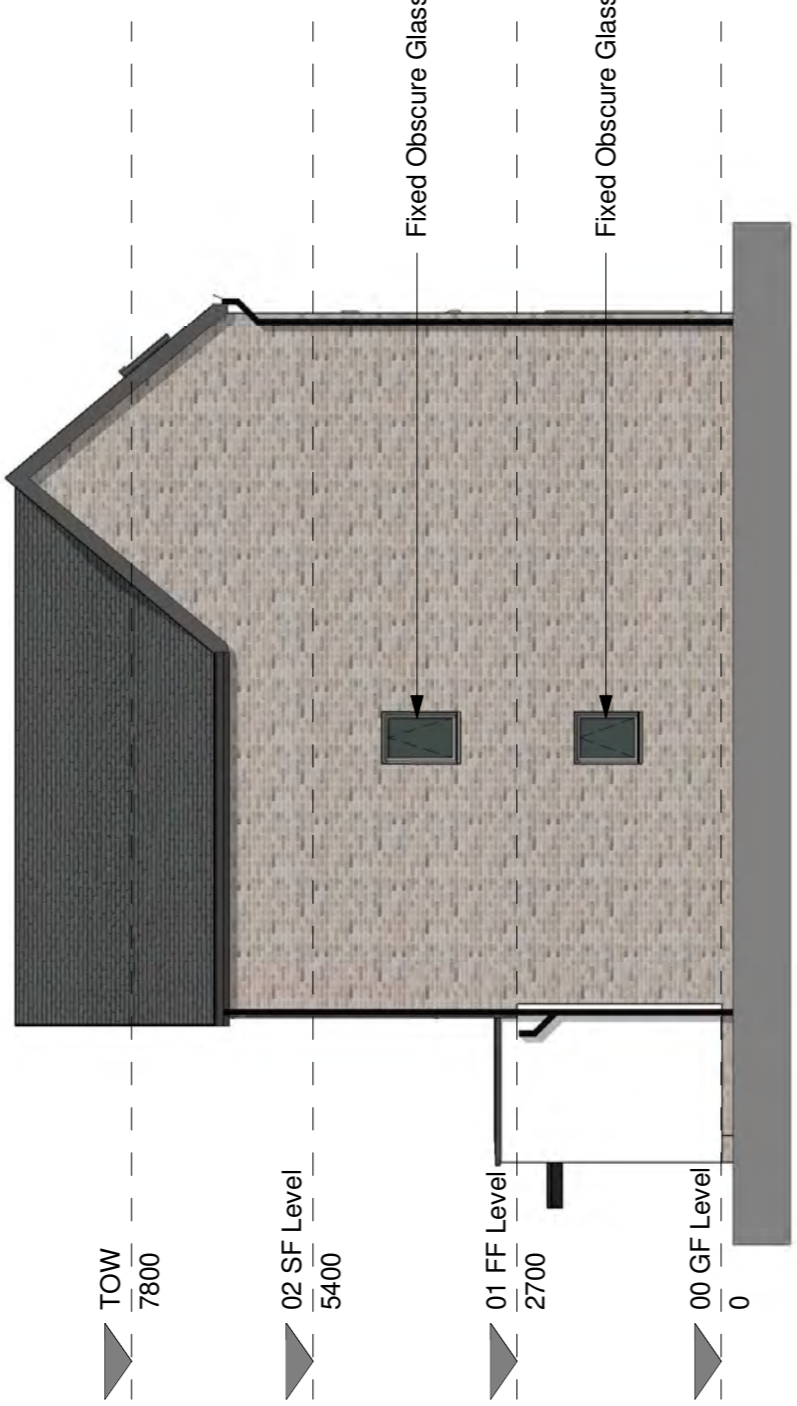
Ground Floor Plan

1 : 100



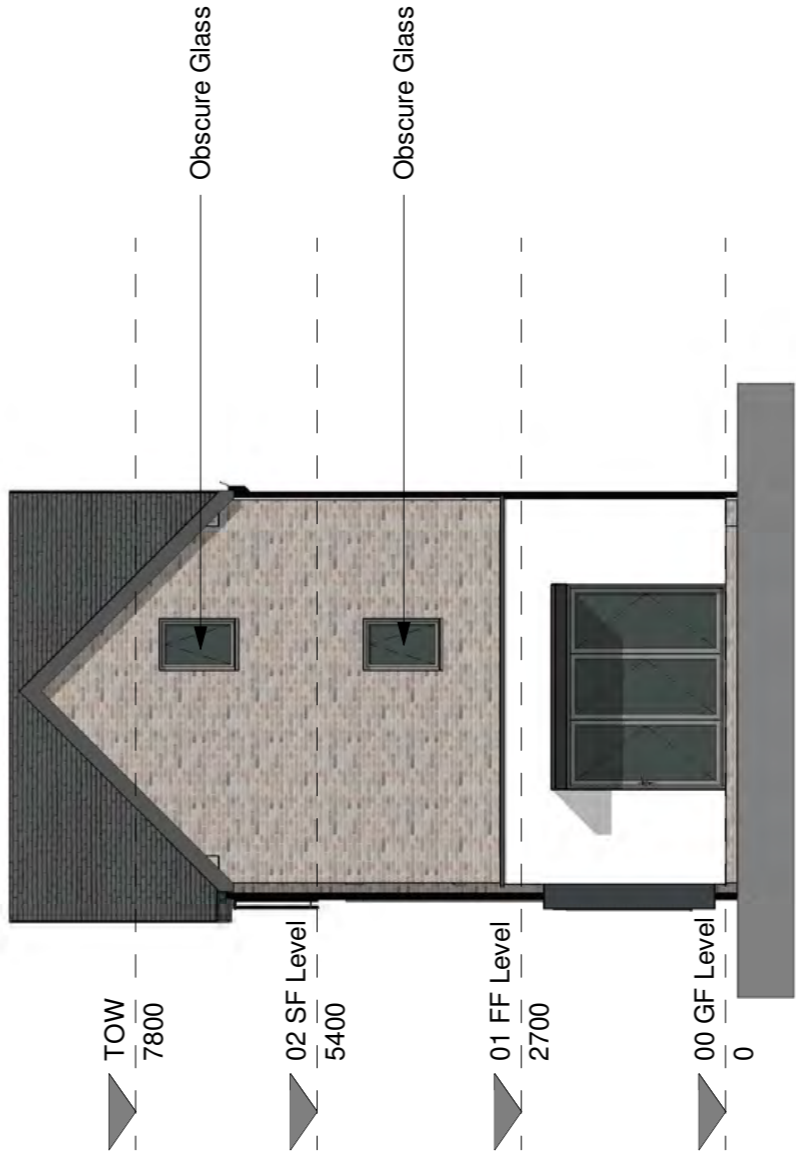
South Elevation

1 : 100



West Elevation

1 : 100



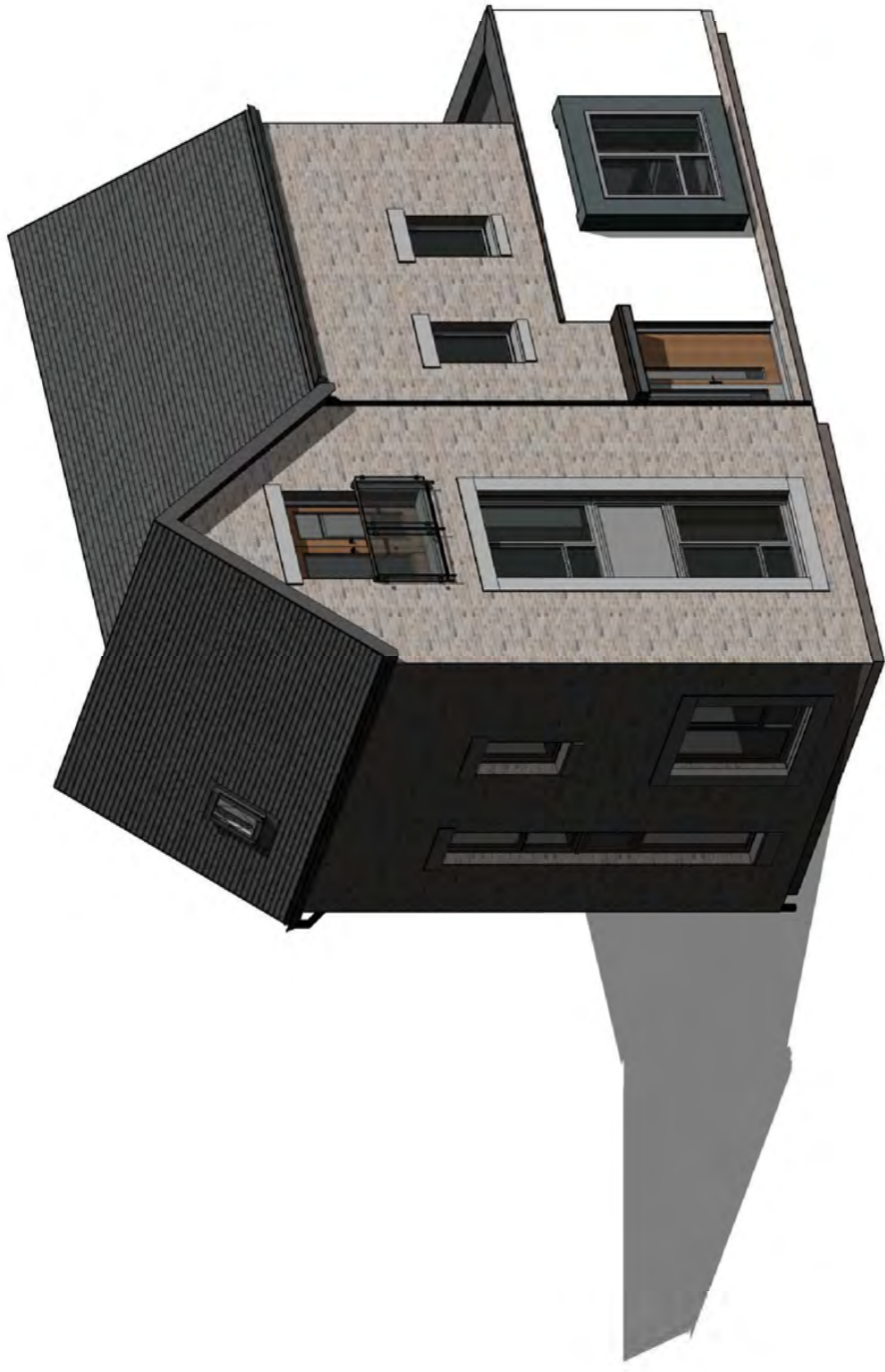
North Elevation

1 : 100

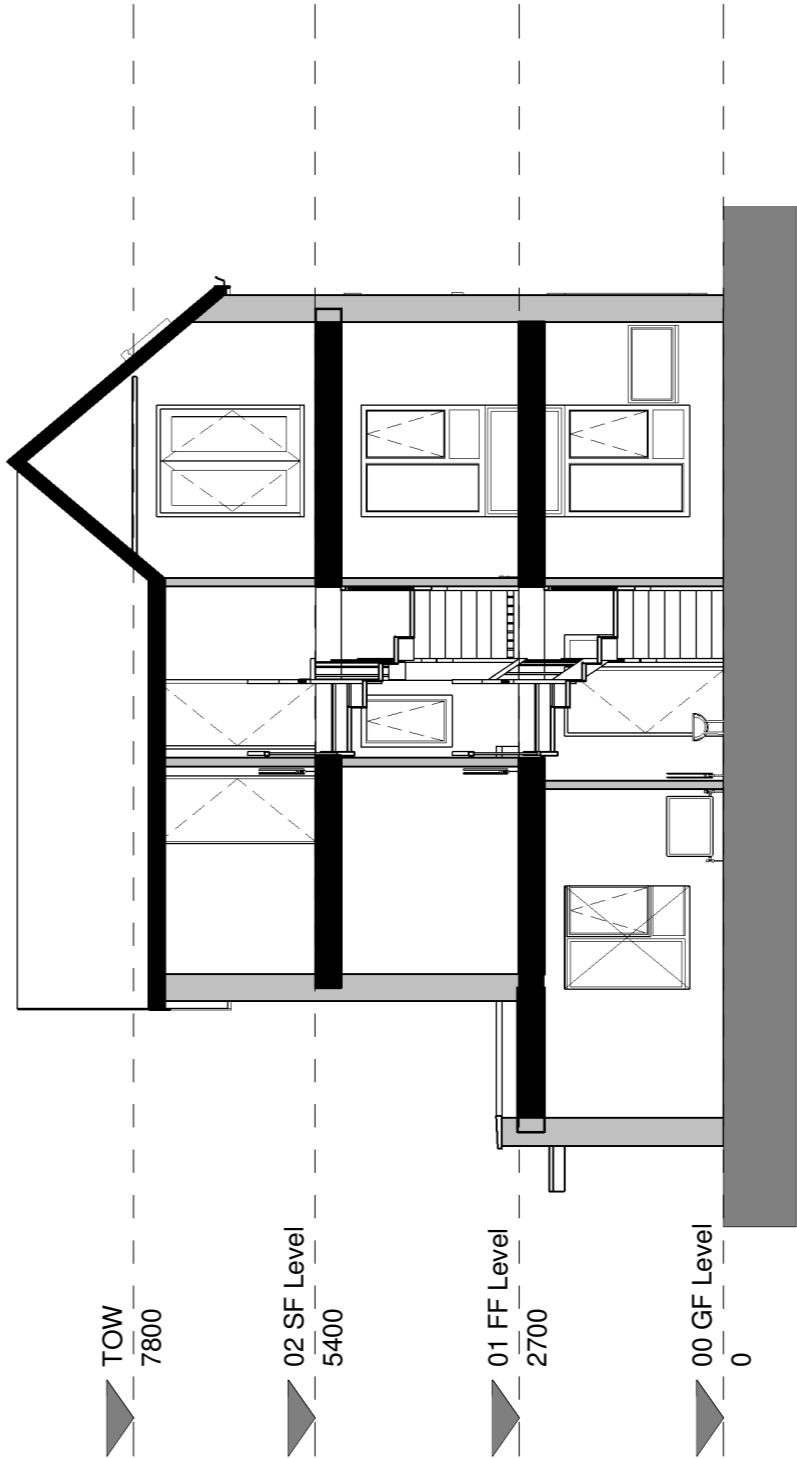


East Elevation

1 : 100



3D View



Section 1

1 : 100



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Materials Key

1 : 50



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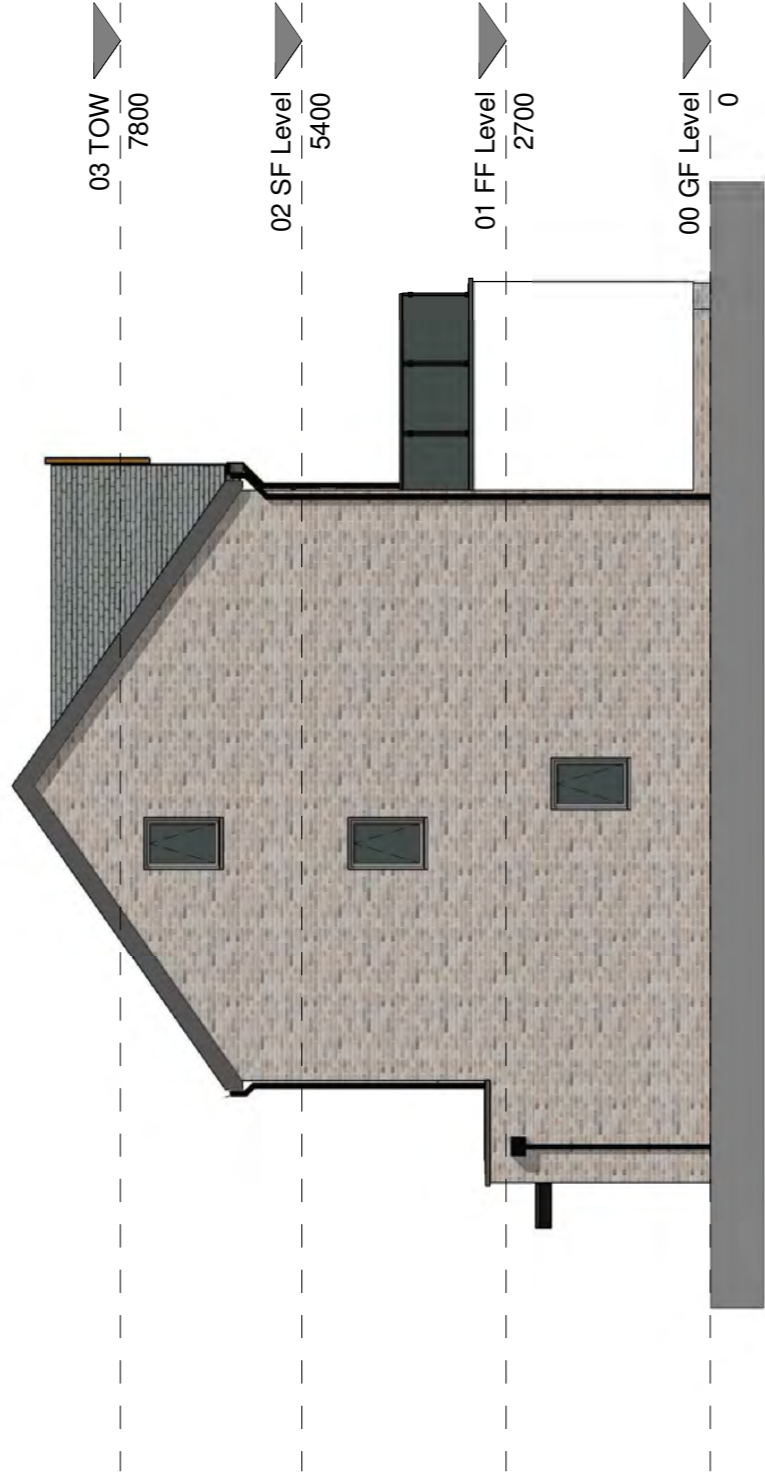
PROJECT	Crescent Rd, Bolton				
CLIENT	Jaga Group Developments				
DRAWING	Plot 11 Floor Plans and Elevations				
SCALE	SHEET SIZE	DRAWN	CHECKED	DATE	
As indicated	@ A1	AH	CL	01.08.18	

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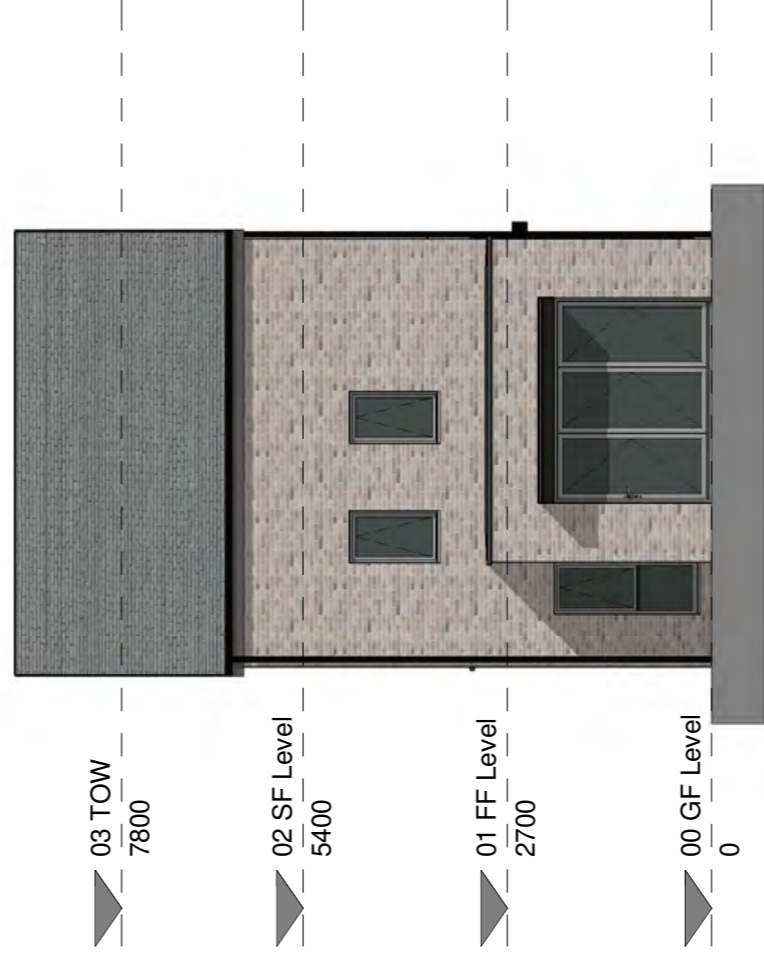
DWG No	DRAWING No	REVISION
18020	1017	A
STATUS	Planning	



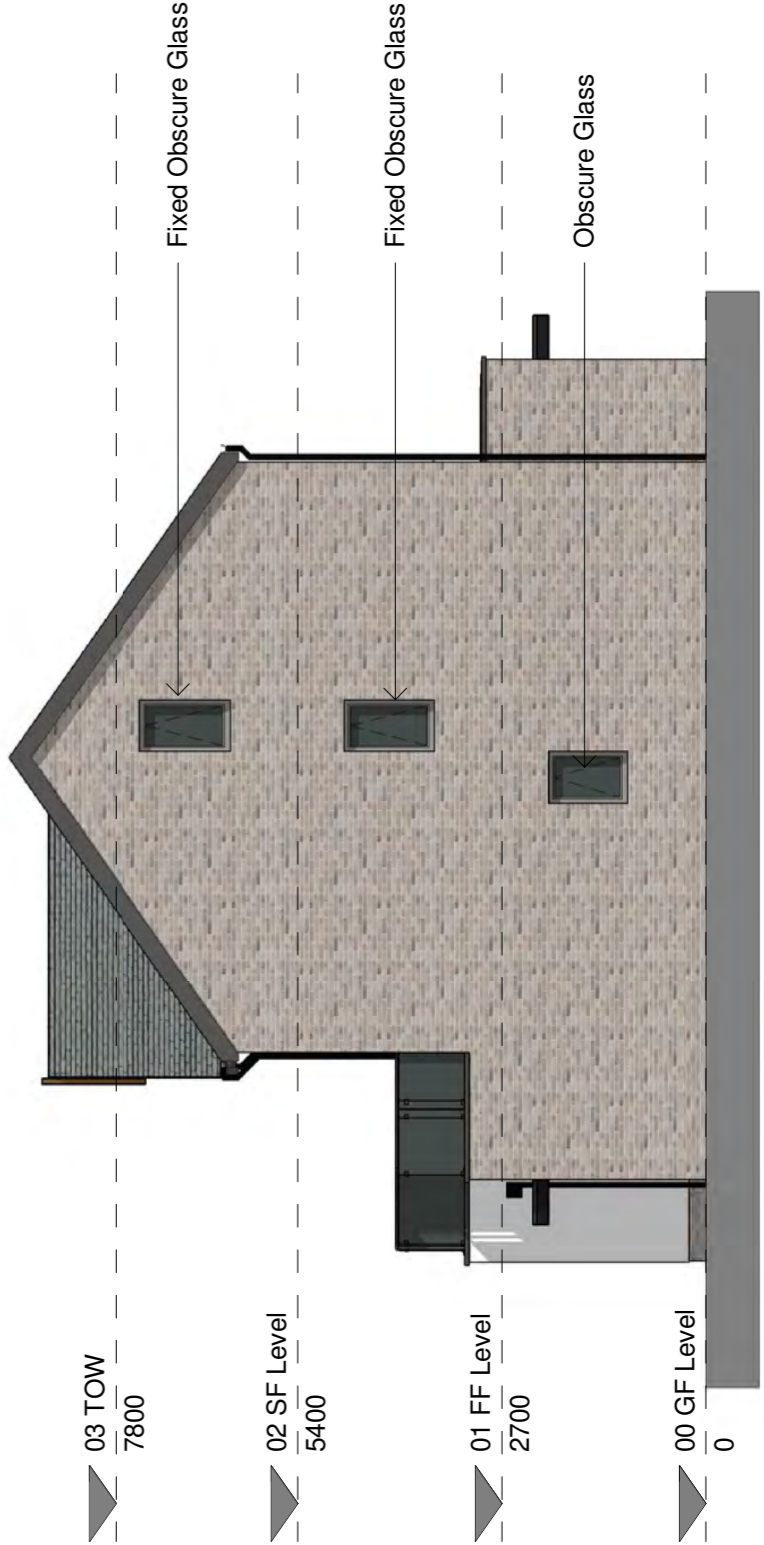
East Elevation
1 : 100



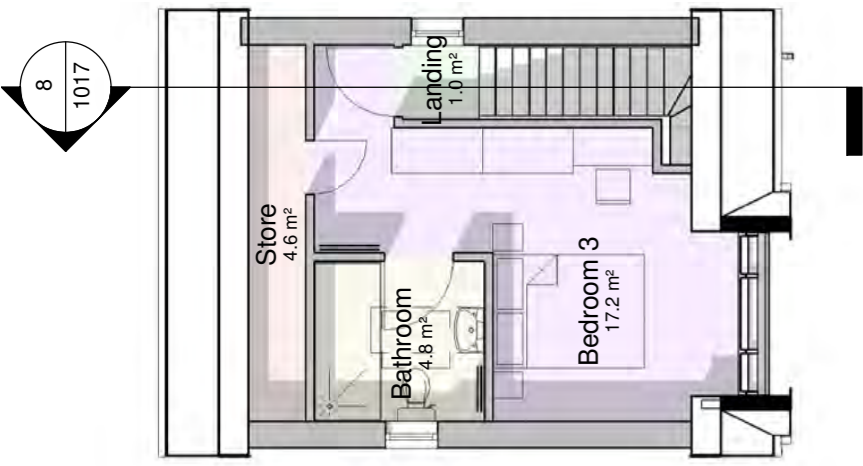
South Elevation
1 : 100



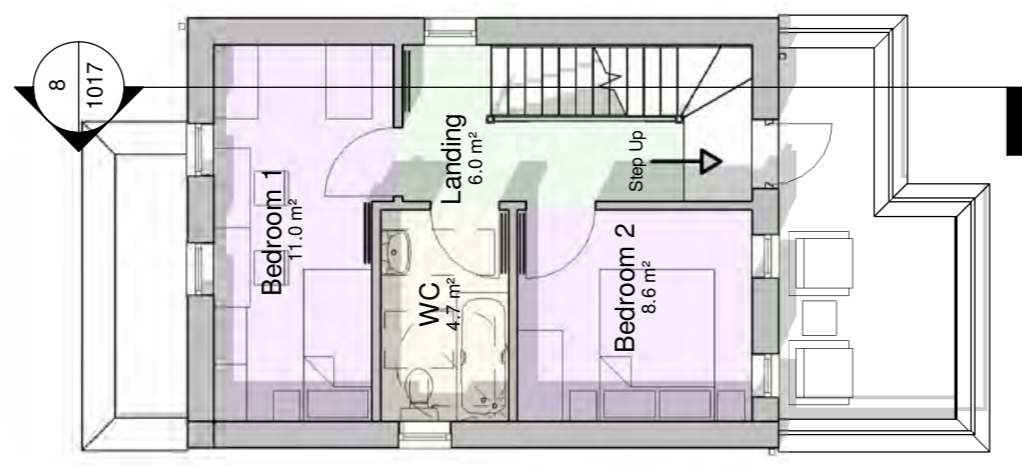
West Elevation
1 : 100



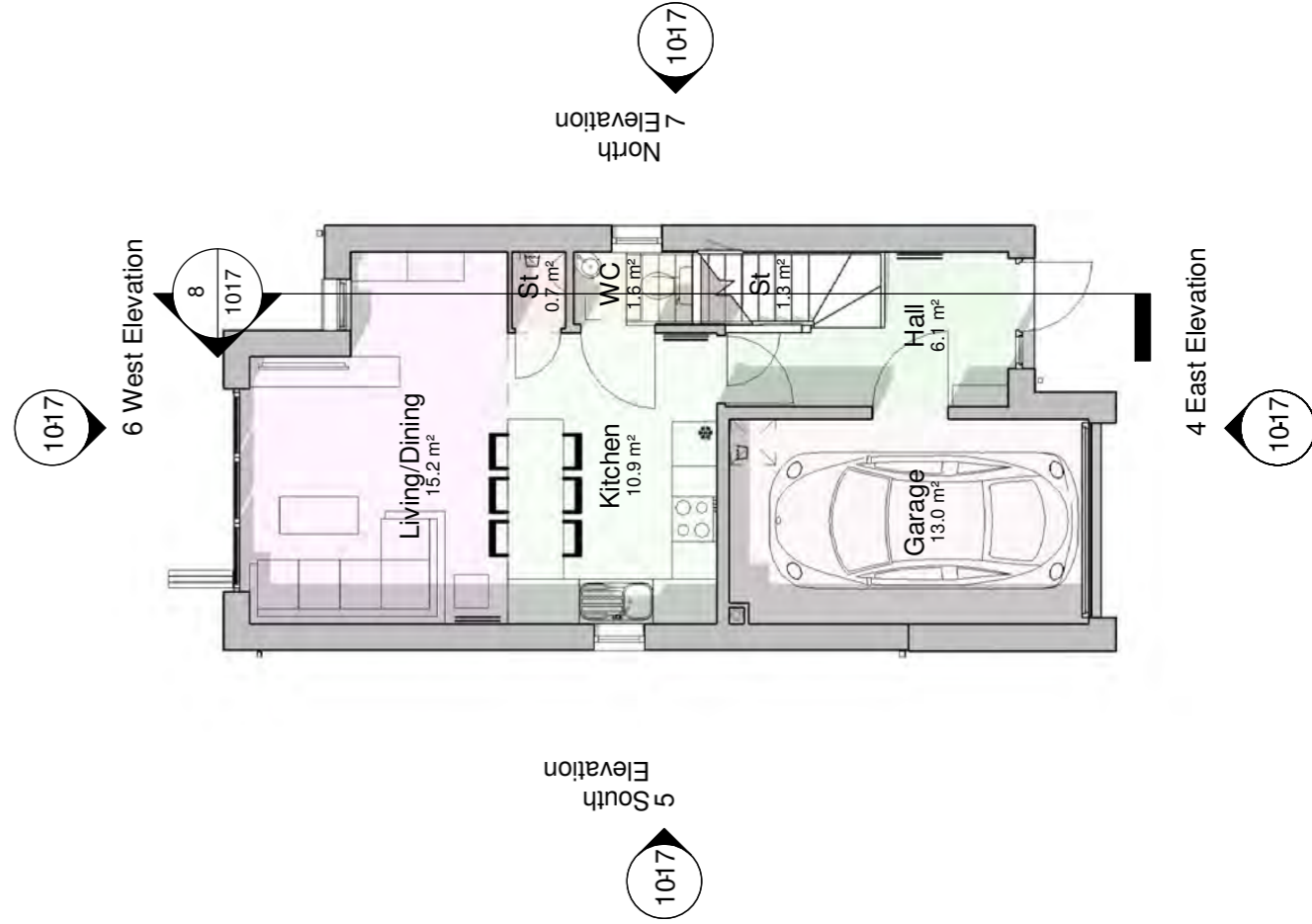
North Elevation
1 : 100



Second Floor Plan
1 : 100



First Floor Plan
1 : 100



Ground Floor Plan
1 : 100



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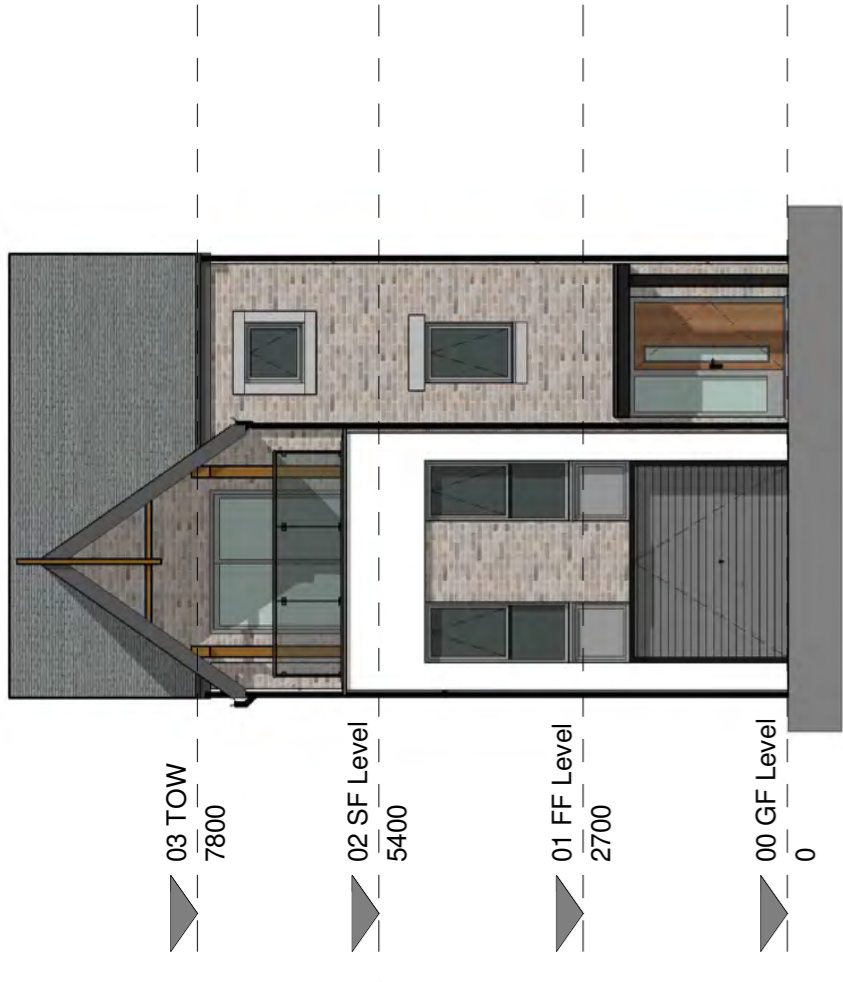


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REV	DATE	DRN			

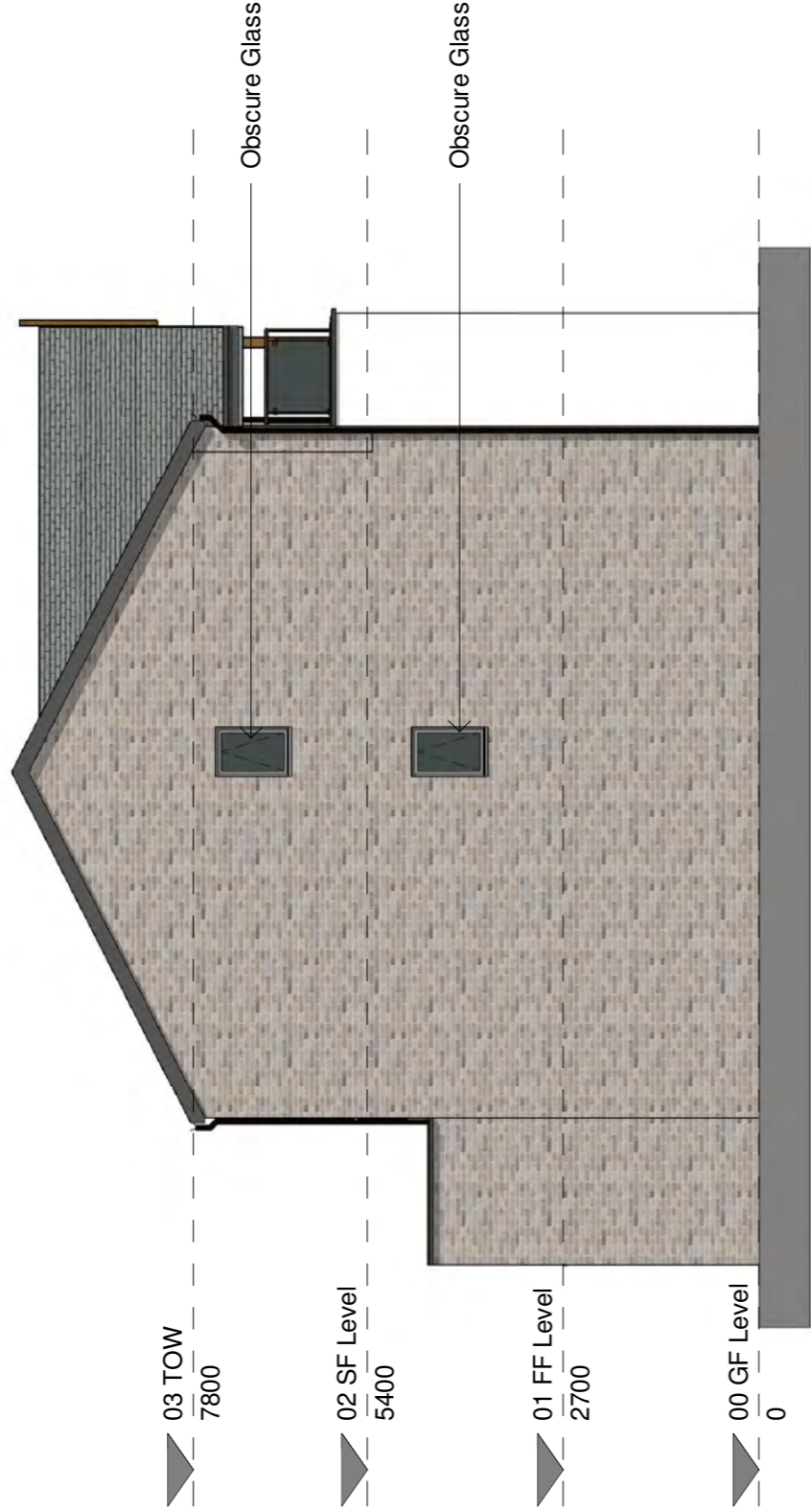
PROJECT	Crescent Rd, Bolton				
CLIENT	Jaga Group Developments				
DRAWING	Plot 28 Floor Plans and Elevations				
SCALE	SHEET SIZE	DRAWN	CHECKED	DATE	
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STATUS	Planning		



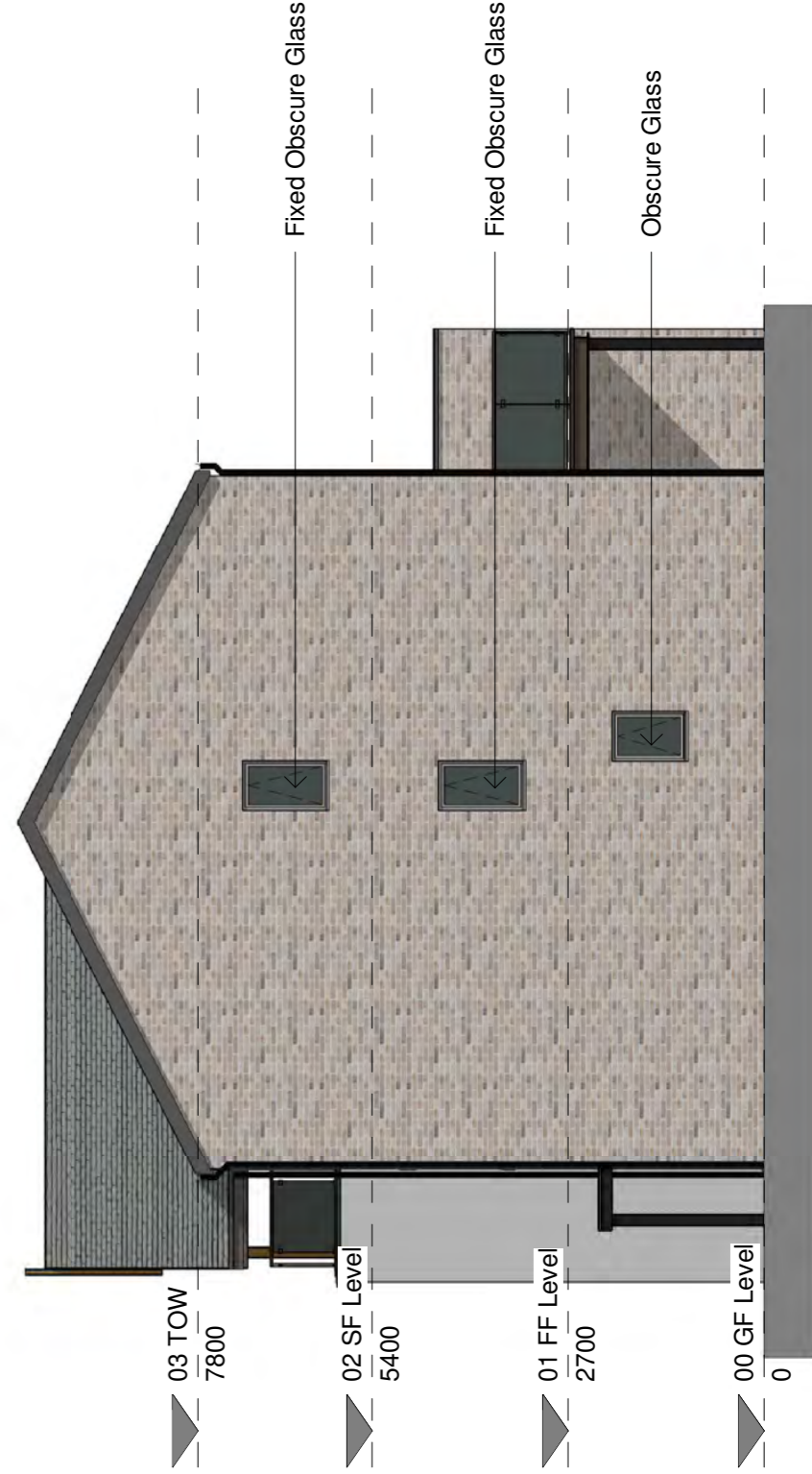
North West Elevation
1 : 100



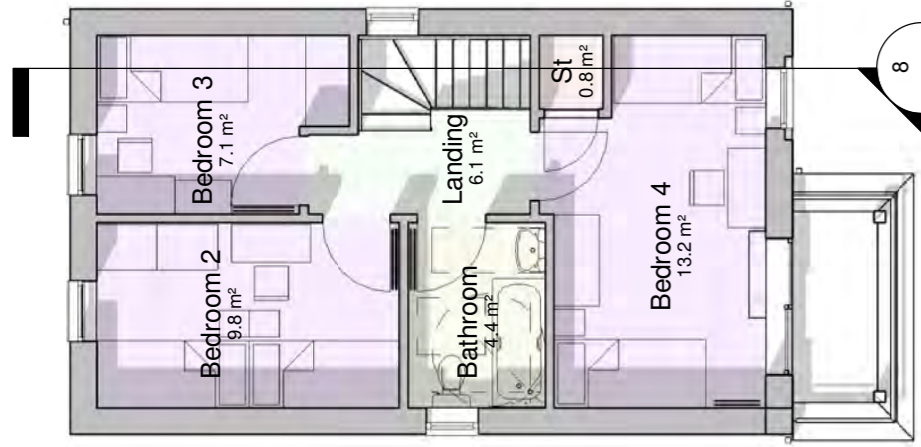
North East Elevation
1 : 100



South East Elevation
1 : 100



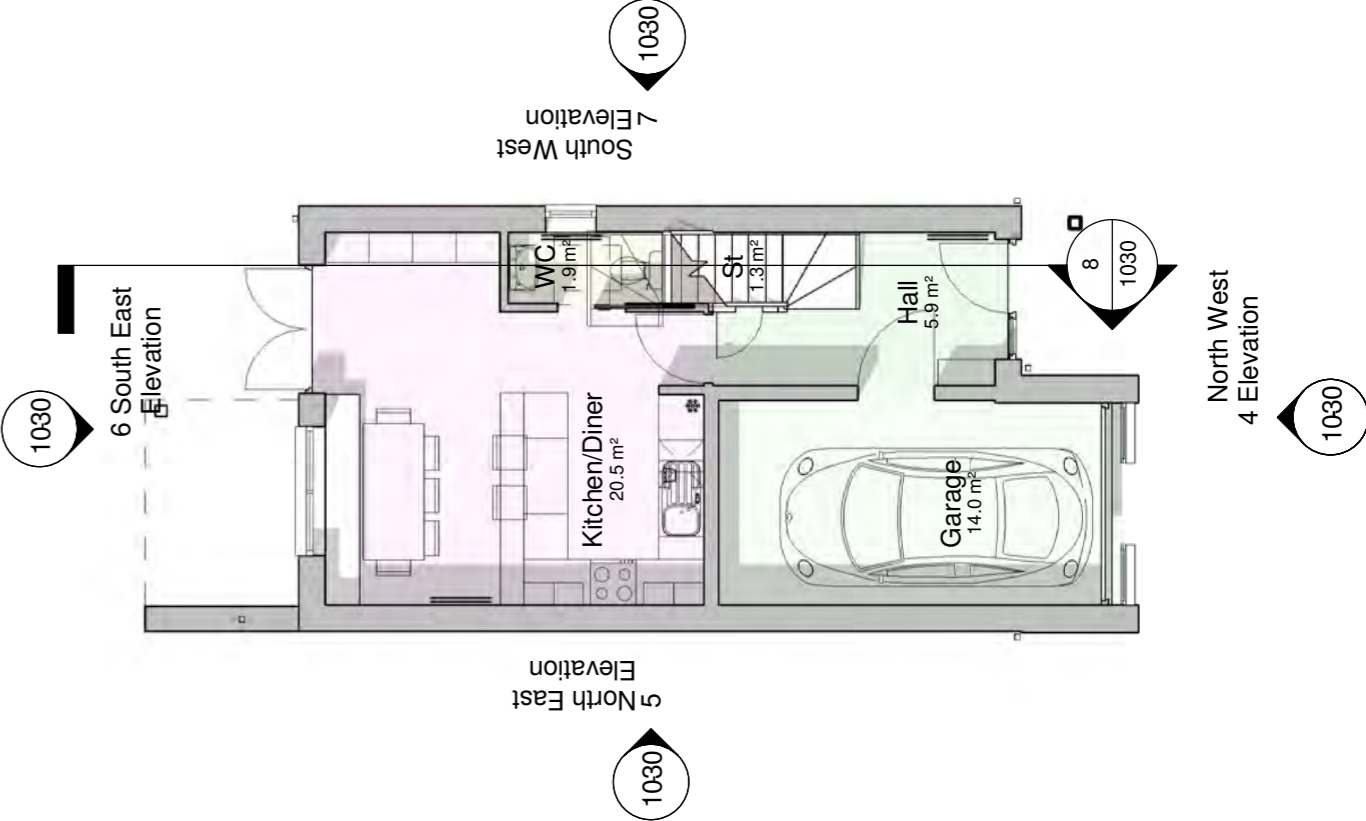
South West Elevation
1 : 100



Second Floor Plan
1 : 100

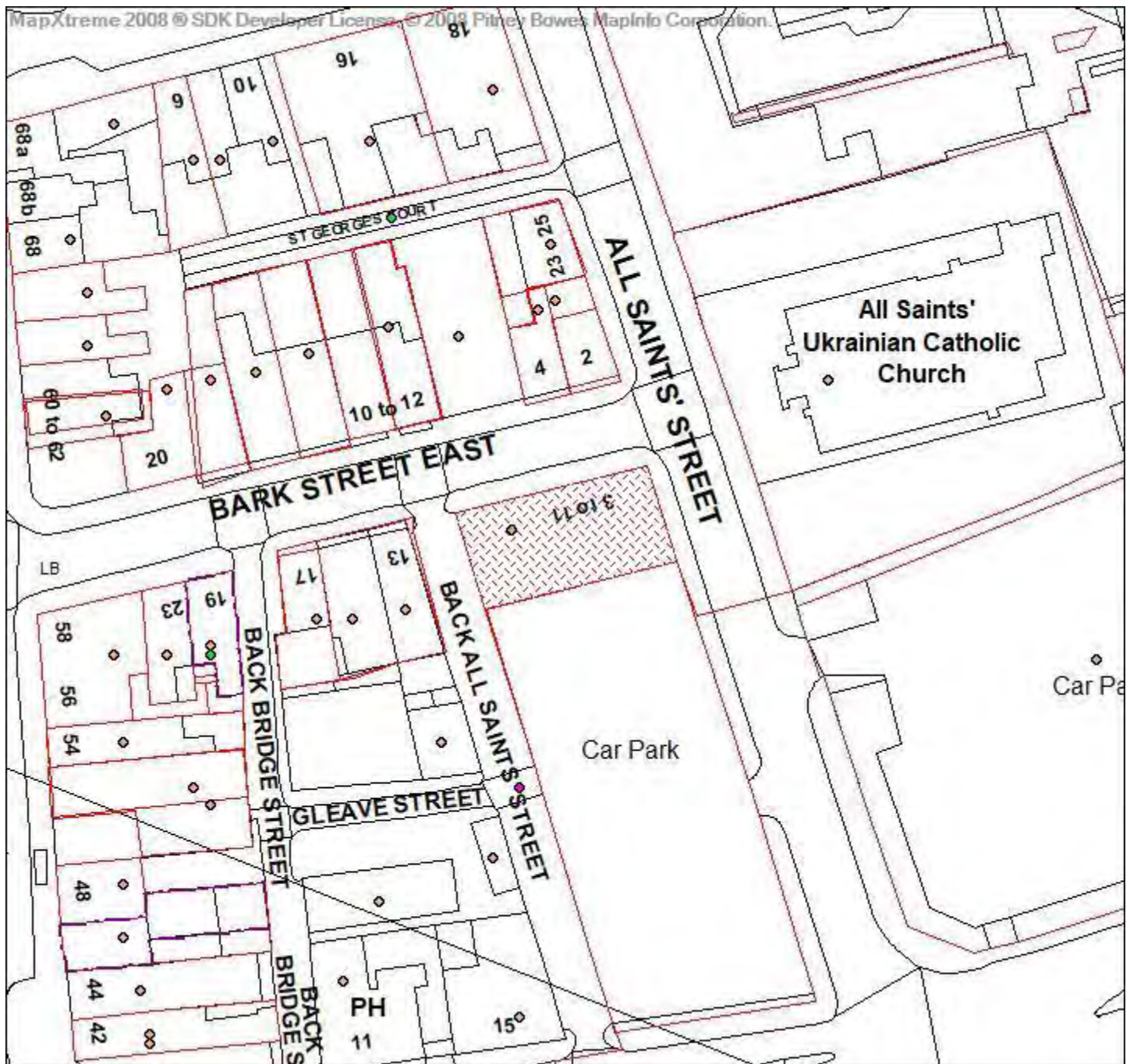


First Floor Plan
1 : 100



Ground Floor Plan
1 : 100

**Application number
05812/19**



**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: 05/12/2019

Application Reference: 05812/19

Type of Application: Full Planning Application
Registration Date: 04/04/2019
Decision Due By: 03/07/2019
Responsible Officer: Martin Mansell

Location: 1-11 BARK STREET EAST, BOLTON, BL1 2BQ

Proposal: DEMOLITION OF COMMERCIAL PREMISES AND ERECTION OF NINE STUDIO APARTMENTS

Ward: Crompton

Applicant: c/o Madisons Ltd
Agent : RA Design & Project Management Ltd

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- consent is sought to erect a three storey building containing 9 one-bedroomed apartments each measuring 46 square metres
- the external design has been improved to include railings at the front, timber-framed sliding sash windows, natural slate roof and other details appropriate for a Conservation Area.
- whilst the external space available is highly constrained and likely to be unusable, the reduction in the number of units from 12 to 9 has allowed for an increase in the available internal space
- all units are now dual aspect i.e. have windows facing both north and south; however, as the bathrooms and kitchens have been placed at the rear, they are unlikely to place any real constraint on the development of the land to the south. The units no longer rely on private land in order to provide a reasonable outlook

Background

1. The application was deferred at the meeting of 9th September so that the reasons for recommending refusal could be addressed.

Proposal

2. Full planning permission is sought to demolish the existing single storey building on the site and erect a three-storey building containing 9 one-bedroomed apartments; though it must be noted that the building has now been demolished without consent.
3. The plans have been improved at Officer's request and now show a three storey brick building with two front rear entrances and regular fenestration. It is proposed to have a natural slate roof with sliding sash timber windows, stone heads, cills and detailing together with railings at the front. The main entrances would have a brick arch above.

4. The 9 units are shown being laid out on a 3 per floor basis with each unit being served by four windows. The front elevation would therefore have 9 principal windows looking north across Bark Street East with only kitchen and bathroom windows looking south across a public car park. The units are shown as having a double bed each and have a gross internal area of 46 square metres, including internal corridors.
5. No off-road parking spaces are proposed. The development would have an area of curtilage to the south allowing access to and from the bin storage area.
6. As well as the relevant plans and elevations, the application is supported by the following documents:-
7. Planning & Heritage Statement, Phase 1 Ground Investigation, Drainage Strategy, Crime Impact Statement
8. This application previously appeared before Members as it was considered that the proposal raised policy and precedent issues in relation to the quality of residential development proposed for Bolton town centre going forward and as the land immediately to the south of the application site is in the ownership of the Council - it was therefore considered to be preferable that any decision relating to the application site be given the additional scrutiny that is provided by the Council's Planning Committee. Members previously deferred the decision and would therefore have a reasonable expectation that they would be able to consider any amended scheme.

Site Characteristics

9. This roughly rectangular site lies within the St Georges Conservation Area at the junction of Bark Street East and All Saints Street. Both the Building Bolton SPD and the St Georges Conservation Area Character Appraisal consider the building to be "neutral" in its impact - whilst parts of it have a degree of heritage value (for instance, the use of roughly coursed stone on the rear elevation) the building has been so substantially altered over time by the use of brick, a dominant frontage fascia and the use of roller shutters that its overall impact can in fact be considered to be harmful. Its single storey nature is at odds with the two and three storey character of the former Georgian dwellings of Bark Street East and the St Georges Conservation Area in general.
10. St. Georges Road and Bark Street were laid out in the late eighteenth century parallel to the River Croal as Bolton town centre expanded, with Little Bolton forming a generally middle class residential area that was largely converted to office use in the second half of the twentieth century. The tight grid network of Bark Street and All Saints Street have terraced buildings at the back of footway which give a distinctive visual enclosure framing the view to All Saints Church to the east. The opposite side of Bark Street East largely consists of a highly distinctive row of Georgian terraced housing, improved under a Townscape Heritage Initiative grant approximately 10 years ago. Whilst two storey buildings dominate the domestic typologies, three-storey buildings do exist in significant numbers, including to the immediate west of the application site.
11. Immediately to the south of the site and sharing a boundary with it is the All Saints Street West car park, a Council owned pay-and-display car park operated by NCP. The car park is included in a package of sites which are the subject of a Heads of Terms agreement between the Council and its development partners for the regeneration of the Town Centre - the intention being that these sites are developed for housing, consistent with the aims of the Bolton Town Centre Framework (September 2017)

Policy

The Development Plan

12. Committee should have regard to the requirements of the development plan as a whole. The following policies are considered to be particularly relevant.
13. Bolton's Core Strategy Development Plan Document (2011) - Strategic Objectives - SO3 - To take advantage of the economic opportunities presented by Bolton town centre and ensure that these opportunities benefit everybody in Bolton, including those people living in the most deprived areas, SO4 - To create a transformed and vibrant Bolton town centre, SO5 - Ensuring Bolton takes full advantage of its location in the Greater Manchester City Region, SO9 - To reduce crime and the fear of crime, and improve road safety by ensuring that neighbourhoods are attractive and well designed, SO10 To minimise Bolton's contribution to climate change and mitigate and adapt to its adverse effects, SO11 Conserving and enhancing the best of Bolton's built heritage and landscapes, SO12 To protect and enhance Bolton's biodiversity, SO13 To reduce the likelihood and manage the impacts of flooding in Bolton, and to minimise potential flooding to areas downstream, SO14 - Providing housing that meets the needs of everybody, SO15 To 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, SO16 To develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.
14. Bolton's Core Strategy Development Plan Document (2011) - P5 Accessibility, S1 Safe, CG1 Cleaner Greener, CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses, SC1 Housing, TC9 Little Bolton, TC11 Design in Bolton Town Centre, IPC1 Infrastructure and Planning Contributions and Appendix 3 - Car parking standards.
15. Bolton's Allocations Plan (2014) - P7AP Strategic Route Network

Other Material Considerations

16. Supplementary Planning Documents - Accessibility, Transport and Road Safety (October 2013), Infrastructure and Planning Contributions (July 2016), Affordable Housing (February 2013), General Design Principles (June 2015), Sustainable Design and Construction (October 2016), Building Bolton (2006)
17. National Planning Policy Framework - building a strong and competitive economy, ensuring the vitality of town centres, promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, meeting the challenge of climate change, flood and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment.
18. Relevant National Planning Practice Guidance - Air Quality, Build To Rent, Climate Change, Conserving and Enhancing the Historic Environment, Design, Ensuring the Vitality of Town Centres, Flood Risk and Coastal Change, Health and Wellbeing, Housing, Land Affected By Contamination, Land Stability, Light Pollution, Natural Environment, Noise, Open Space, Public Rights of Way and Local Green Space, Planning Obligations, Renewable and Low Carbon Energy, Travel Plans, Transport Assessments and Statements, Use of Planning Conditions, Viability, Water Supply, Wastewater and Water Quality
19. The Setting of Heritage Assets: Historic Environment Good Practice Advice Note 3 in Planning (Historic England 2017) and Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning Note 2 (Historic England 2015), Conservation Principles for the Sustainable Management of the Historic Environment

(Consultation Draft, 2017)

20. Planning (Listed Building and Conservation Areas) Act 1990 s. 66 - general duty as respects listed buildings in exercise of planning functions.
21. St Georges Conservation Area Character Appraisal (July 2007)
22. The Bolton Town Centre Framework was approved by Members of Bolton Council's Cabinet on 25th September 2017 and is a material consideration in the determination of planning applications in Bolton Town Centre, particularly within and adjacent to the identified intervention areas.
23. Consultation closed on the revised draft of the Greater Manchester Spatial Framework which focuses on making the most of Greater Manchester's brownfield land and prioritises the regeneration of town centres and other sustainable locations. Only limited weight can be given to this; however it is considered to be unlikely that the GMSF will change its focus away from brownfield and town centre regeneration.

Analysis

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies taken as a whole should be refused unless material considerations justify granting permission. Similarly, proposals which accord with the Development Plan 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 as whole and then take account of other material considerations.

25. The main issues in relation to the proposal are:-

- impact on the character and appearance of the area
- impact on the road network
- impact on the future and adjoining occupiers
- impact on the regeneration of Bolton town centre
- impact on housing provision
- other matters

Impact on the Character and Appearance of the Area

26. Strategic Objective 11 of the Core Strategy aims 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.
27. Core Strategy policy CG3 seeks to ensure that new development proposals contribute to good urban design. This has a number of elements including (amongst other things):
 - conserve and enhance local distinctiveness ensuring development has regard to the overall built character and landscape quality of the area
 - compatibility with surrounding area – scale, massing, grain, form, architecture, local materials and landscape treatment
 - conserve and enhance the heritage significance of heritage assets and area
 - maintain and respect the landscape character of the surrounding countryside and its distinctiveness, being compatible with the nearby landscape character

28. Chapter 16 of the NPPF "Conserving and enhancing the historic environment" emphasises at para 185 that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. In terms of proposals affecting heritage assets, Para 189 states that during the determination process of application the applicant must describe the significance of any heritage assets affected, including any contribution made by their setting. Para 190 further comments that local planning authorities should identify and assess the particular significance of any heritage assets that may be affected by a proposal taking account of the available evidence and any necessary expertise. The impact of the proposal on the significance of a non-designated heritage asset should be taken into account in determination of an application taking a balanced judgement as to the scale of the harm and the significance of the heritage asset.
29. Core Strategy Policy TC11 relates specifically to development in Bolton Town Centre and states that the Council and its partners will protect, strengthen and enhance the distinctive townscape qualities of Bolton town centre. Development should conserve and enhance the special nature of the conservation areas and listed buildings; ensure that development along the gateways to the town centre enhances the townscape through the use of high quality design and improved street frontages and pedestrian permeability; ensure streets are designed in accordance with the Public Realm Implementation Framework to achieve a high standard of design which exhibits safety, consistency and accessibility, particularly for pedestrians, cyclists and users of public transport; require development to respect and enhance existing vistas - new architectural 'set pieces' will be supported where the design is of exemplary quality; have regard to the existing hierarchy of built forms as indicated in the Building Bolton SPD; make efficient and effective use of land in the town centre due to the existing levels of high density development, ensuring that development provides adequate amenity space and privacy, or attractive public areas, where appropriate for the site.
30. Core Strategy Policy TC9 relates specifically to development within the Little Bolton area; however it refers to the allocation of uses rather than seeking to promote or discourage particular forms of design or architecture.
31. Officers consider that Core Strategy policies CG3 and TC11 are consistent with the NPPF and can be given substantial weight in the consideration of design matters.
32. The Building Bolton SPD contains a detailed analysis of the existing built form of Bolton town centre and highlights its local distinctiveness. Development proposals are very much welcome but are encouraged to work with rather than against this distinctiveness. It contains design guidance for a series of areas within the town centre, including the Little Bolton area, and advocates a more organic design approach to ensure that new development in the area avoids standardised solutions and maintains the domestic scale and tight urban grid characteristic of the area.
33. The National Planning Policy Framework (February 2019) sets out the Government's planning policy requirements. Section 12, Achieving Well-designed Places identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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. Para 127 further states that planning policies and decisions should ensure that developments are in accordance with the following:-
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development

- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)
 - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
 - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks
 - 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
34. Paragraph 131 states 'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings'.
35. The building that formerly existed at the site has been demolished. Whilst it was considered to be neutral in terms of its impact on the St Georges Conservation Area, the demolition of buildings within a Conservation Area without first gaining consent is capable of being a criminal offence. Whilst Officers are likely to have accepted that the building could indeed be demolished - provided that the replacement building was of sufficient quality for the heritage setting - it is not now possible to impose a condition delaying the demolition of the building until a contract of works for the redevelopment has been signed and a copy provided. The purpose of conditions such as this is to discourage unsightly gap sites within Conservation Area whilst sites are awaiting redevelopment. Further information on the likely timescales for delivery and for the urgent removal of the unsightly detritus caused by the unlawful demolition have been sought from the Applicant and would be reported at the meeting.
36. It is considered that the site can accommodate a three-storey building of this scale without harming the street scene. Whilst two storey buildings dominate, three storey buildings do exist, including immediately to the west of the site. The removal of the existing vacant and dilapidated building is considered to be of benefit. The Applicant is suggesting the use of Ibstock A2611A, a "distressed" red brick that should fit well within the Conservation Area - though the final material will be controlled by a condition requiring a sample panel to be erected at the site so that the bricks can be considered in their context. The use of slate for the roof and timber windows is also welcomed; however, the rear windows would be mock sash rather than operational sash windows and it is not clear whether any stone elements would be natural stone or reconstituted fake stone - a condition will require the use of natural stone. No details of rainwater goods are shown and the two metre close boarded timber fence originally proposed for the rear boundary would not have been consistent with the characteristic boundary treatments of the Conservation Area and therefore an alternative has been shown.
37. Subject to conditions controlling the design and material quality of the finished scheme, the development is considered to significantly enhance the character and appearance of the site, the street scene and the wider St Georges Conservation Area.

Impact on the Road Network

38. Core Strategy Strategic Objective 6 seeks to ensure that transport infrastructure supports all the aspects of the spatial vision and that new development is in accessible locations and makes the

best use of existing infrastructure. In addition, Core Strategy Strategic Objective 9 aims to improve road safety by ensuring that neighbourhoods are attractive and well designed.

39. Core Strategy policy P5 and S1 seek to ensure that new development proposals take account of accessibility of transport prioritising pedestrians, cyclists, public transport users over other motorised vehicle users, design developments to be accessible by public transport, servicing arrangements, sufficient parking, transport needs of people with disabilities. Major trip generating developments would need to be supported by a Transport Assessment. Core Strategy policy S1 seeks to ensure that the Council and its partners will promote road safety in the design of new development and also target expenditure on road safety to locations with the worst safety record.
40. Appendix 3 of the Core Strategy provides car, cycle, motorcycle and disabled parking standards for a range of new development proposals. In addition, guidance contained within the Accessibility, Transport and Safety SPD covers a range of highways related matters including provision of facilities for people with disabilities, provision for pedestrians, cyclists, public transport and car parking. In addition, the SPD provides guidance on highway design, Transport Assessments/Statements, Travel Plans, Infrastructure provision and the means for securing such provision.
41. Chapter 9 of the NPPF (Feb 2019) relates to the promotion of sustainable transport. Para 102 stresses the importance of development proposals addressing transportation issues at an early stage in a development in order to identify the potential impacts of a proposal and look at opportunities to reduce them together with promoting more sustainable methods of transport. Para 103 states that the planning system should actively manage patterns of growth in support of these objectives, focusing on locations that will limit the need to travel offering a genuine choice of travel modes, with the overall aim being to reduce congestion and emissions. Para 105 states that planning policies should support an appropriate mix of uses across an area, and within larger scale sites, minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.
42. Officers consider that whilst Core Strategy policies P5 and S1 were adopted prior to publication of the NPPF, they are consistent with the NPPF and can be given significant weight.
43. No off-road parking is proposed, nor could any reasonably be provided. However, the Council's Highway Engineers note that the site is within the Bolton town centre area and is thus highly accessible to sustainable transport provision and the surrounding amenities and public car parking provision - this would provide an element of justification to a relaxation of the Council's residential car parking standards in this case. Owing to the constraints of the surrounding highways at that location, a detailed demolition/construction and traffic management plan would be required at the post-planning stage.
44. Subject to details of the proposals for demolition and construction management and provisions to repair any damage caused during this phase, the impact on the road network is considered to be acceptable and to comply with policies P5 and S1 of Bolton's Core Strategy and the Accessibility, Transport and Road Safety SPD.

Impact on Future and Adjoining Occupiers

45. Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. It also seeks to ensure that development does not generate unacceptable nuisance by way of odours, fumes, noise or light pollution nor cause detrimental impacts upon water, ground or air quality.

Development proposals on land affected by contamination or ground instability must include an assessment of the extent of these issues and any possible risks. Development will only be permitted where the land is, or is made suitable for the proposed use.

46. Paragraph 72 of the NPPF states that Local Planning Authorities should set clear expectations for the quality of development and how this can be maintained and ensure that a variety of homes to meet the needs of different groups in the community will be provided. It also states that planning policies and decisions should create places which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes whilst ensuring safe and healthy living conditions.
47. The NPPF also states that policies may 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.
48. Officers consider that Core Strategy policy CG4 is consistent with the NPPF and has significant weight in the determination of this application as has the NPPF guidance itself.

Internal and External Layout

49. Each unit would be 46 square metres. The national minimum space standards require 39 square metres for a one bedroom one person unit but 50 square metres for a one bedroom two person unit. The typical layout shows a single bed but if any of the units were occupied by two persons, they would be substandard by 4 square metres. It is considered that a "single person occupancy" condition could not be adequately monitored or enforced by the Council.
50. The external amenity space standard contained within the General Design SPD would require a communal area of 162 square metres. The plans show a narrow strip of land to the rear, likely only capable of being used for bin storage. However, bearing in mind the constrained area available at the site, the town centre context, the relatively generous layout of the units and the need to make more efficient use of land in a town centre, the impact on the living conditions of future occupants is considered to be acceptable.
51. None of the windows on the rear elevation would be principal windows as they would serve only the bathrooms and kitchen areas of the units. Therefore, the fact that they overlook land that is not in the Applicant's ownership is not considered to be a major issue, due to them being non-principal or secondary windows.
52. One result of the redesign is that one of the ground floor units would directly overlook bin storage areas at the rear and would therefore potentially be exposed to odour from bins, noise and disturbance from fellow residents whilst accessing or moving the bins and possibly privacy issues due to fellow residents passing by this area. Whilst this arrangement is not considered to be ideal it is also not considered to represent a defensible reason for refusal, bearing in mind that such arrangements are not uncommon in relatively intensive developments such as this.
53. Whilst the site is constrained in terms of external amenity space it is relatively generous in terms of internal space. Bins can be accommodated off the highway, though this arrangement creates its own set of issues due to communal bins being stored in an area directly outside two of the

kitchen windows. Nevertheless, the internal and external layout of the development is considered to be acceptable.

Noise

54. Following the closure of the Ikon nightclub some years ago, this part of Bolton town centre is much less dominated by night time economy uses in the way that Churchgate, Bradshawgate and Nelson Square are. It is not considered that occupants will be at great risk from external noise, and internal noise between units would be controlled via the Building Regulations.

Air Quality

55. The application is not supported by any information relating to air quality. However, it is not considered that air quality is likely to be such an issue that planning permission should be withheld on this point - town centre traffic is of course a major source of poor air quality; however, its effects fall significantly relative to distance from major roads. A construction management condition would adequately mitigate the impact on air quality during the construction phase.

Odour

56. Policy CG4 seeks to ensure that new development does not generate unacceptable nuisance by way of odours. As this is primarily a residential development, Officers are satisfied that the development itself will not generate nuisance by way of odours. Whilst a small number of food uses exist nearby, they are not considered to be of such a scale as to cause harm to living conditions.

Impact on Nearby Uses

57. It is noted that an objection has been received from a business to the west on the grounds that the proposed development will have a severe and negative impact on these premises and the people that work there. The main concerns raised are that the height of the proposed development would drastically reduce the light that is currently enjoyed in the nearby offices.
58. Officers have considered this issue and note that the affected property benefits from large windows on its north and south elevations in addition to the affected windows on the side facing the application site. It is also noted that whilst the affected property was most likely originally constructed as a residential property, it is now in commercial use and the Council has adopted no policies that seek to protect the conditions experienced within such properties. It is considered that whilst the amount of light enjoyed by this property will be reduced, it will not be reduced to such a degree that would unacceptably affect its operation as offices - in reality, even if no light at all were to be provided to the eastern elevation, the way in which the office would be used would be essentially no different to any mid-terrace office property that can be found elsewhere on Bark Street East, Silverwell Street, Wood Street, St Georges Road or Chorley New Road. The objector could of course consider whether they may have a reasonable case under Right To Light legislation; however this would not be matter for the Council.
59. In summary, the Bolton Town Centre Framework seeks to deliver "the right mix of affordable, high quality homes". Whilst the proposed development is considered to be entirely acceptable in terms of a number of amenity issues such as internal layout, noise and odour, the location of the bin storage is not considered to be ideal - though it is difficult to see how this could be resolved on such a small site. The proposal is considered to comply with Policy CG4 of the Core Strategy and the relevant policies of the NPPF and has the potential to deliver the "high quality homes" envisaged by the Town Centre Framework in terms of the quality of its design, the materials used and the relatively generous internal space.

Impact on the Regeneration of Bolton Town Centre

60. The Core Strategy notes that Bolton town centre is the principal location for employment in the whole borough with an emphasis on retailing, offices and leisure; it is subject to considerable development pressure, and its role within the borough is a vital one. It goes on to state as an aim that Bolton town centre will continue to be a vibrant mix of uses and will be the principal location for retailing, leisure, cultural and civic activities. It will make a significant contribution to the new jobs to be located in the borough over the plan period years, will be a main location for education, especially for those over 16 years old and will be one of the main locations for new housing development and a focus for transport infrastructure. Office developments will be concentrated in Bolton town centre, especially in the Bolton Innovation Zone, Merchant's Quarter and Church Wharf. The town centre will be the principal location for financial and professional services, and the Innovation Zone will be the location for knowledge-based employment, benefiting from the location of the university and colleges. Good urban design is recognised as being essential for producing attractive, high-quality, sustainable places in which people will want to live, work and relax. It is of particular importance for creating a successful and flourishing town centre.
61. Policies SO3, SO4 and SO5 of Bolton's Core Strategy are strategic objectives within the "Prosperous Bolton" theme and seek to take advantage of the economic opportunities presented by Bolton town centre and ensure that these opportunities benefit everybody in Bolton, including those people living in the most deprived areas, together with creating a transformed and vibrant Bolton town centre and ensuring that Bolton takes full economic advantage of its location in the Greater Manchester City Region.
62. The Bolton Town Centre Framework was approved by Members of Bolton Council's Cabinet on 25th September 2017 and is a material consideration in the determination of planning applications in Bolton Town Centre, particularly within or close to the identified intervention areas.
63. The NPPF states at para 85 that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It also recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.
64. Officers note that the Core Strategy states that Bolton town centre will be one of the main locations for new housing development over the plan period. Delivering a significant increase in the number of residents of Bolton town centre will help support its vitality and viability at a time when town centres are generally struggling. New development at fairly prominent locations such as this have the potential to significantly improve the appearance and character of the town centre for visitors arriving at this point from the north and east of Bolton, including visitors to the Market Place. The removal of unsightly elements such as the existing building fronting Bark Street East and clearly visible from Bow Street and Bank Street to the south will deliver some visual improvements.
65. The Applicant was encouraged to consider a revised scheme that provides a more generous internal layout which would balance out the lack of usable amenity space and to avoid the provision of principal room windows on the southern elevation directly overlooking land outside their ownership and has made significant improvements in this regard. They were also encouraged to consider working with the Council and their partners on a scheme at the wider All Saints Street area that might not necessarily be a "joint" scheme but would at least be a scheme that functioned in a comprehensive manner across the Bark Street East / All Saints Street area as

a whole. Engagement with the Council's partners was sought but no real progress has been made. However, as the scheme no longer relies on private land in order to deliver an acceptable scheme in terms of outlook, this issue is much less urgent.

66. The scheme is considered to have a positive impact on the regeneration of Bolton town centre.

Impact on Housing Provision

67. Strategy Objective 15 of the Core Strategy is, "to 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".

68. Core Strategy policy SC1 states that the Council will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026.

69. Chapter 5 of the NPPF (Feb 2019) "Delivering a sufficient supply of homes", states the Government's objective of significantly boosting the supply of housing within the UK. Para 59 emphasises the importance of a sufficient amount and variety of land can come forward where it is needed, and para 72 states that supplies of large numbers of homes can often be best achieved through larger scale development that Local Planning Authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.

70. Para 73 requires authorities to maintain a five-year deliverable supply of housing. Bolton currently cannot demonstrate a deliverable supply when measured against this target and is required to apply a 20% buffer on its housing requirement.

71. This is a brownfield site within the urban area. It is accessible to and from the core area of Bolton town centre and its transport interchange by sustainable means of transport, including walking. The provision of new residential development to meet housing need is a material consideration relevant to the determination of this application. The provision of 9 new homes over a relatively short period would make a small but positive contribution to the Council's housing requirement at a time of undersupply, both nationally and locally.

72. The proposed development would make a small but positive contribution to the housing supply in Bolton, consistent with Policies SO15 and SC1 of Bolton's Core Strategy and contributing to the Government's objective of significantly boosting the supply of housing within the UK, as set out within the NPPF.

Other Matters

Biodiversity and Trees

73. No Bat Presence / Absence Survey was provided. Given the age of the building and the reasonable proximity to the River Croal, it is possible that this building had some degree of attractiveness to bats - a protected species under the Wildlife and Countryside Act 1980. However, as demolition has been carried out without this matter being addressed and without the benefit of planning permission, it is not now possible to advise Members whether or not the demolition of the building has had a detrimental impact on bats.

74. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by providing net gains for biodiversity. For a development of this type, the "net gains" available for biodiversity are likely to be limited to the use of bat bricks or boxes for nesting birds; however, a condition will be imposed to require this.

75. There are no trees on the application site, nor is this considered to be a suitable site for new planting.

Infrastructure, Affordable Housing and Planning Contributions

76. At 9 dwellings, the proposal falls below the 15 unit threshold of Policy IPC1, and the Infrastructure and Planning Contributions and Affordable Housing SPDs. Therefore, no contributions are required or have been sought, nor is it necessary that the developer demonstrates that any such contributions would render the development unviable. Furthermore, it is considered that the high quality design of the building and the quality materials such as natural slate and timber framed windows will make a significant contribution to the appearance of the area.

Surface Water Drainage and Flood Risk

77. The site does not lie within a flood risk area. A drainage strategy has been proposed - it is accepted that in this instance the more sustainable methods of surface drainage (infiltration, nearby watercourse etc) are not viable. It is proposed that the surface water from the site would be drained via the nearby combined sewers. Whilst this is the least sustainable option, given the relatively small site area, the impact on surface water management and flood risk is likely to be negligible.

Sustainable Construction and Energy Management

78. It is understood that a Energy / Sustainability Statement has been commissioned but at the time of writing it has not been received. It is therefore not possible to advise Members whether the requirements of Policy CG2 of Bolton's Core Strategy or the Sustainable Design and Construction SPD would be complied with. Given that the number of units has been reduced from 12 to 9, the proposal falls just under the "major development" threshold and therefore this issue is now less relevant.

Crime Reduction

79. The application is accompanied by a Crime Impact Statement carried out by GM Police which assesses the development against the principles of Crime Prevention Through Environmental Design in order to reduce opportunities for crime and also the fear of crime. It considers the development to be acceptable in general but raises points for further consideration - the ground floor windows, access control, mail deliveries and the physical security and also makes recommendations that would enhance the security of the development. These recommendations are:-

- ground floor windows should be protected with ornate grilles and certified to BS PAS 24 with a laminated pane and opening restrictions
- consideration should be given to obscure glazing to the lower half to increase privacy
- alarms should be installed to ground floor apartments with contacts on windows and doors together with internal PIRs
- through the wall secure postboxes should be provided so that postal workers do not need to enter the building
- a video entry system should be provided
- pedestrian routes and external spaces should be illuminated
- an additional list of Secured By Design improvements is also recommended

80. Preventing criminal access to the ground floor windows is now not considered to be as important an issue due to the use of front railings and a rear boundary treatment.

Land Stability, Ground Conditions and Coal Mining

81. There is no reason to suspect that this land is unstable. The site lies outside of the defined high risk areas in relation to former coal mining activities. A Phase 1 Contaminated Land Survey has been provided and Officers are satisfied that the site can be appropriately remediated in order to accommodate a residential use.

Conclusion

82. The proposed development has a number of positive aspects:-

- the development would significantly enhance the Conservation Area via the use of timber-framed sliding sash windows, natural or reclaimed stone and railings to match those already in place at properties on Bark Street East
- the existing building is harmful to the character and appearance of the area
- it would deliver 9 units to Bolton's housing supply, though this has to be considered in the context of the limited space available to occupants
- the application is supported by information relating to crime reduction, land contamination and drainage

83. A number of improvements have been secured by Officers including:-

- reduction from 12 units to 9
- railings on the Bark Street East frontage
- a more regular pattern of fenestration, consistent with a Georgian conservation area
- solid timber doors
- no reliance on third party land for outlook

84. The proposal is now considered to comply with the relevant national and local planning policies and is recommended for approval accordingly.

Representation and Consultation Annex

Representations

An objection has been received from a business to the west on the grounds that the proposed development will have a severe and negative impact on these premises and the people that work there. The main concerns raised are that the height of the proposed development would drastically reduce the light that is currently enjoyed in the nearby offices.

Consultations

Advice was sought from the following consultees: Drainage and Technical Support, Highways Engineers, Strategic Development Unit, GM Police, Bolton Civic Trust, Conservation and Design Officer

Planning History

The site has no relevant planning history.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

1. Commencement

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. Contaminated Land - Pre-commencement

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.

Reason for Pre-Commencement Condition:

Any works on site could affect contamination which may be present and hinder the effective remediation of any contamination causing a risk to the health of future occupiers and harm to the environment, hence the initial investigation must be carried out prior to the commencement of any works on site.

3. **Construction Environmental Management Plan - Pre-commencement**

Prior to the commencement of development a Construction Environmental Management Plan (CEMP) for that phase or plot shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following details:

- a) Hours of construction and deliveries
- b) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway
- c) Dust suppression measures;
- d) Noise emission suppression measures;
- e) Construction routes in and around the site;
- f) Compound locations together with details of the storage facilities for any plant and materials including off-site consolidation if appropriate, the siting of any site huts and other temporary structures, including site hoardings and details of the proposed security arrangements for the site,
- g) Parking of vehicles associated with construction, deliveries, site personnel, operatives and visitors,
- h) Sheeting over of construction vehicles.

The development shall be carried out in accordance with the approved CEMP.

Reason

To ensure that adequate consideration is given to the need to minimise the impact on the road network and reduce pollution, in accordance with Policies P5 and CG4 of Bolton's Core Strategy.

Reason for Pre-commencement Condition

It would be too late to consider this matter once construction had commenced

4. **Levels - Pre-commencement**

No development shall be commenced unless and until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of the building and related structures together with the ramped pathway at the rear have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason

To ensure the development safeguards the character and visual appearance of the locality in accordance with Policies CG3, TC9 and TC11 of Bolton's Core Strategy.

Reason for Pre-commencement Condition

Due to the sloping site, it is necessary that any changes to the levels within or around the site be fully understood before those works take place.

5. **Materials - Prior To Above Ground Works**

Notwithstanding any description of materials in the application no above ground construction works shall take place until samples, drawings or full details as appropriate of all elements listed below have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour, profile and texture of the materials. The approved materials shall be implemented in full prior to the occupation of any of the approved dwellings and shall be retained in full thereafter.

- bricks proposed for use on all elevations and the rear/side boundary treatment (a sample panel

showing the brick type, coursing and the colour and type of mortar should be erected at the site for inspection)

- railings to match those on the properties opposite, set on natural stone plinths of a colour and profile to match those opposite
- solid 6 panel timber front doors of a detail to match those opposite and detail of fanlight above the door at 1:5.
- hardwood framed painted sliding sash windows for the northern elevation (sections, plan and elevations at 1:5 are needed,) hardwood framed painted mock sliding sash windows for the southern elevation, all set within reveals to match the buildings opposite
- natural slate for the roof.
- natural stone for the string course, sills and lintels on the front elevation together with sills and lintels on the rear elevation
- timber panels for the rear boundary treatment
- gates to the bin storage area
- tarmac surface to the "leftover" areas to the immediate east and west of the building.
- surface treatment for rear curtilage area
- rainwater goods and eaves details

Reason

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

6. Surface Water Drainage - Prior To Above Ground Works

Foul and surface water shall be drained on separate systems. Unless otherwise agreed in writing, no above ground works shall commence unless and until a system of surface water has been implemented in full in accordance with drawing PROVISIONAL SW DRAINAGE DESIGN RAD-BL-B-10-01 01.08.19 and document BARK ST SW DESIGN.PFD Chris Lynch 01/08/2019.

Reason

To ensure that surface water is appropriately managed in order to minimise flooding elsewhere in accordance with Policy CG2.2c of Bolton's Core Strategy, paragraphs 148, 150, 155 and 157 to 163 of the National Planning Policy Framework.

7. Biodiversity Net Gain - Prior To Above Ground Works

No above ground works shall take place unless and until a package of biodiversity enhancements has been submitted to and approved by the Local Planning Authority. It is recommended that provision be made for bat bricks and / or boxes for nesting birds within the fabric of the building. Such details as are approved shall be implemented in full prior to the occupation of any of the dwellings and shall be retained in full thereafter.

Reason

In accordance with Policy CG1.2 of Bolton's Core Strategy and in order to implement the net gains for biodiversity required by Policy 170 of the National Planning Policy Framework.

8. Highway Reinstatement - Pre-occupation

Prior to the first occupation of any of the dwellings hereby permitted, full details of the highway works at Bark Street East/All Saints Street/Back All Saints Street comprising the repair/reinstatement of footway/carriageway surfaces arising from the demolition/construction phases of 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" and to ensure that the character and appearance of the public realm is maintained.

9. **Security Measures - Pre-occupation**

Unless otherwise agreed in writing with the Local Planning Authority via a phasing plan, no dwelling shall be occupied unless and until a package of security measures and reasonable modifications to the site plan have been submitted to and approved by the Local Planning Authority. The development shall achieve Secured by Design Part 2 Compliance in accordance with recommendations contained within the submitted Crime Impact Statement dated (08/08/2019 – URN: 2019/0277/CIS/01) and shall be implemented in full before first occupation of any dwellings, or in accordance with any approved phasing plan, and retained in full thereafter.

Reason

In the interests of crime reduction in accordance with Policy S1 of Bolton's Core Strategy.

10. **Bin Storage and Boundary Treatment - Pre-occupation**

Unless otherwise agreed in writing with the Local Planning Authority via a phasing plan, no dwelling shall be occupied unless and until the following elements shown on Proposed Plan RAD/1950/19/2/Rev C have been implemented in full:-

- all boundary treatments
- enclosed and surfaced area for bin storage

These elements of the scheme shall be retained in full thereafter.

Reason

To ensure sufficient accessibility, access to refuse storage and security in accordance with Policies S1 and P5 of Bolton's Core Strategy.

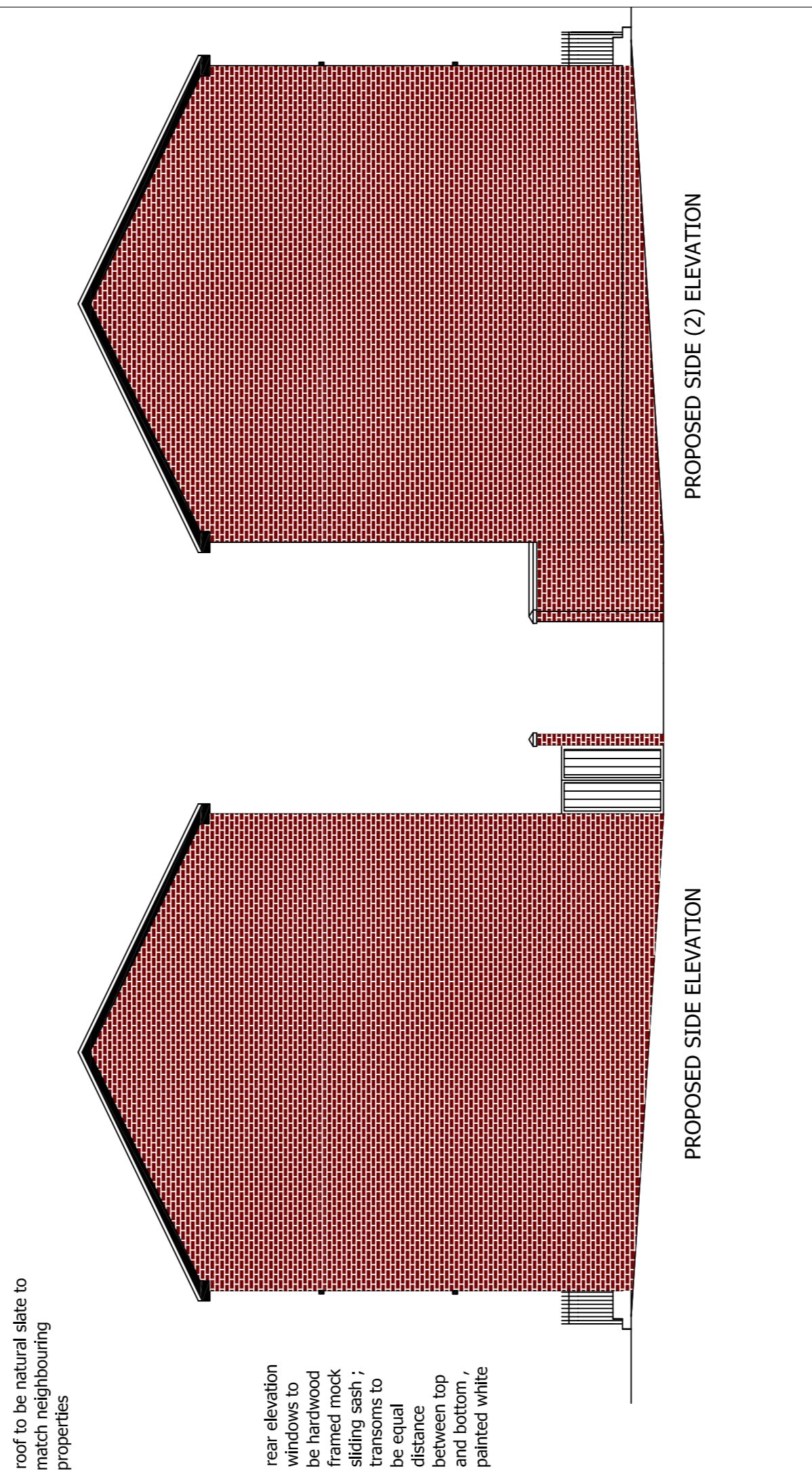
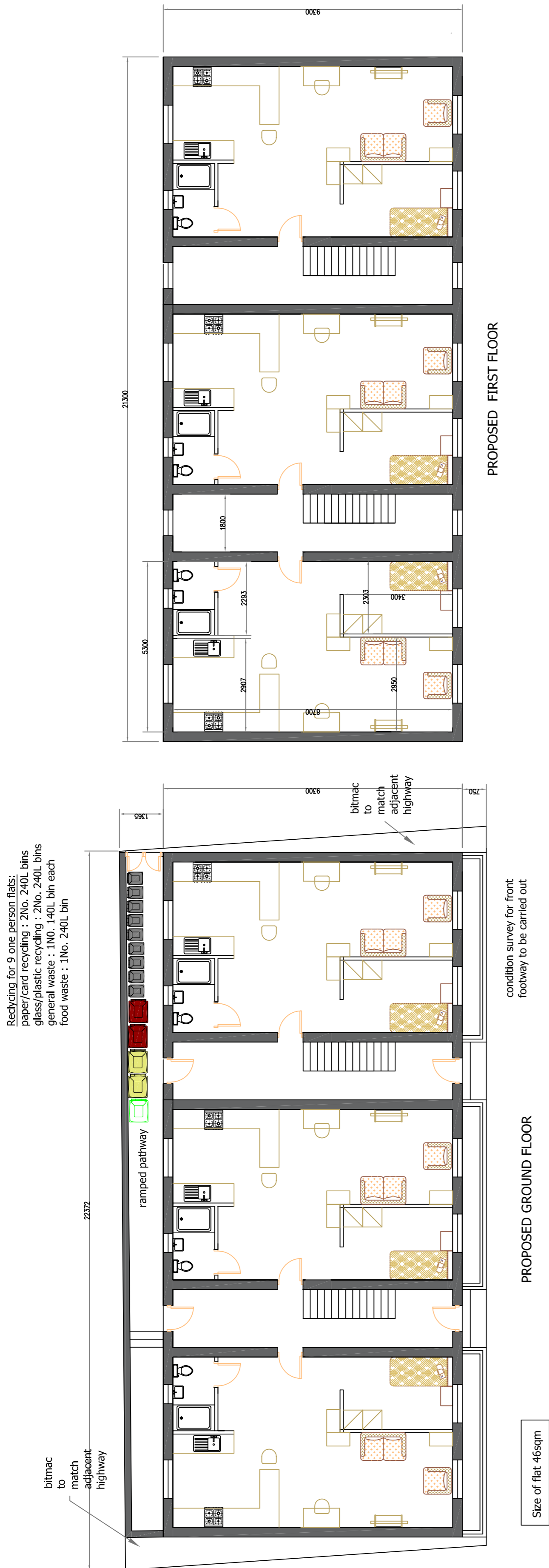
11. **Approved Plans**

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

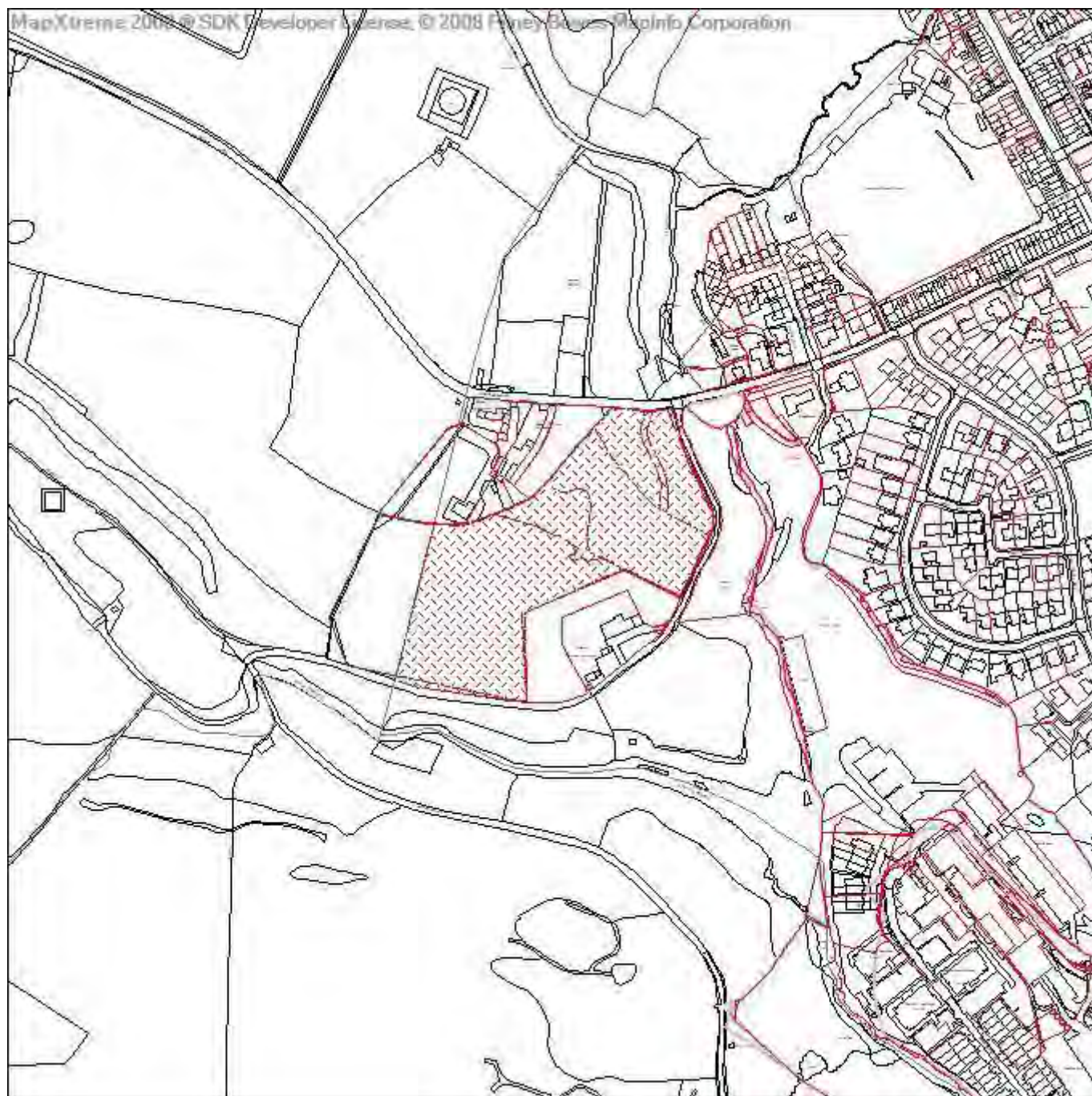
RAD/1950/19/2/Rev C

Reason

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

[illegible]

Application number
06257/19



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: 05/12/2019

Application Reference: 06257/19

Type of Application: Full Planning Application

Registration Date: 12/07/2019

Decision Due By: 05/09/2019

Responsible Officer: Franc Genley

Location: HIGHER CRITCHLEY FOLD BARN, LONGWORTH ROAD, EGERTON, BOLTON, BL7 9PU

Proposal: ERECTION OF DWELLING AND STABLES WITH ASSOCIATED ACCESS AND LANDSCAPING TOGETHER WITH CHANGE OF USE OF LAND TO OUTDOOR LEARNING AREA AND WILDLIFE TRUST AREA.

Ward: Bromley Cross

Applicant: Mr D Norris

Agent : The Intelligent Design Centre

Officers Report

Recommendation: Refuse

Executive Summary

- The proposal is for the erection of a new dwelling, with stables, together with a change of use of land to an outdoor learning area (OLA), with Wildlife Trust zone;
- The site sits within the Green Belt as designated by the Allocations Plan policy CG7AP;
- The application proposes is almost exactly the same as the previous planning application (04798/18), refused at Committee in March 2019. That application is currently under appeal with the Planning Inspectorate;
- The proposal was deferred in November following the receipt of new information from the applicant;
- However, the pair of rotating solar array (Smart Flower) structures proposed by the applicant prior to the November 2019 Committee (and communicated to some Members directly via email from the applicant) are no longer proposed;
- The main differences relate to the written information submitted in support of the proposal:
 - (a) several local schools have expressed support or interest in making use of the OLA after contact from the applicant;
 - (b) further technical information on the benefits of outdoor learning have been submitted from a UCL Professor, referencing accredited studies and articles in the national press supportive of outdoor learning;
 - (c) a draft legal agreement offering school/community group access to the OLA for a 99 year period; and
 - (d) a legal opinion calling challenging the Council's previous and current interpretation of Green Belt policy.
- Although the proposal would generally satisfy less strategic policies, it is considered that the

proposal remains contrary to Allocations Plan policy CG7AP and section 13 of the National Planning Policy Framework.

- It is considered that the proposal (as amended) would comprise inappropriate development within the Green Belt.
- A Unilateral Undertaking (UU) is proposed by the applicant to help secure the perpetual provision of the OLA. The weight to be attached to the importance of the the UU is a matter for the decision taker to determine. Officers consider that the UU does not meet the criteria of NPPF paragraph 56 (which sets out the circumstances when a legal agreement can be sought).
- The proposed development is considered to be harmful to the openness and purposes of the Green Belt.
- It is considered that the circumstances put forward by the applicant do not comprise 'Very Special Circumstances' and do not "clearly outweigh this harm" (paragraph 144 of the NPPF). In any event, without the UU, there is no way of securing the OLA so its weight as a legitimately sought benefit is diminished.
- The application is contrary to Policy CG7AP of Bolton's Allocations Plan and the guidance contained within chapter 13 (Proposals affecting the Green Belt) of the NPPF.

Proposal

1. Planning permission is sought for the erection of a detached zero-carbon residential dwelling together with the change of use of part of the site from grazing land to an outdoor learning area (OLA) and Wildlife Trust area. Although the description of this repeat submission adds the Wildlife Trust element to the development description, it was depicted on drawings accompanying the previous submission (04798/18), but was not detailed in that proposal description.
2. Despite the National Planning Policy Framework having been updated twice since the previous submission the applicant's supporting information for this application still makes reference to NPPF paragraphs 55 and 56 in respect of Green Belt policy. The latest version of the NPPF was published in February 2019, four months before this current proposal was submitted and the paragraph relevant to the development of isolated homes in the countryside is now no.79. Unless indicated otherwise, the paragraph numbers referred to in this report pertain to the 2019 version of the NPPF.
3. The applicant submits that the proposed dwelling, within the Green Belt, would meet the criteria within paragraph 55 (now numbered 79, as above) of the National Planning Policy Framework (NPPF), in that it would be of an exceptional quality and of an innovative design (meeting all four of the criteria within the paragraph): "a paragraph 79 house".
4. The dwelling would have a bespoke design and would be incorporated into the existing contoured landscape. The proposal includes associated parking, driveway and landscaping including the creation of ponds. Access to the site would be via Longworth Road. A portion of the site (hatched in green on drawing ref: 15068-35) would be used as an outdoor learning area to be made available via a legal agreement for schools and registered education/daycare providers, with a wildlife area also demarcated.
5. The proposed building and stables would be constructed of the following materials:
 - Zinc metal
 - Hardwood timber
 - Natural Stone
6. This proposal is the fifth planning application submission on the site. This application is a repeat submission of the previous application (04798/18) that was considered at Committee in March

and refused in April 2019. During the lifetime of the previous application the proposal was considered before an independent design review panel (Places Matter) and the scheme was revised several times in light of the comments received at each stage. Comments from the panel have been included in the application submission. A 3D model and design boards have previously been seen by the Planning Department to aid in the decision-making process.

7. There are four differences in the scope of this application when compared to the previous submission. They comprise:
 - a Legal Opinion from a Solicitor on the applicant's behalf discussing 'how to interpret NPPF paragraph 79';
 - a signed Unilateral Undertaking relating to the use of the OLA and wildlife area promising 99-year access;
 - letters of support from 5no. local schools and 1no. after school activity group expressing support for or interest in using the OLA for formalised school/group trips. A further school commented that they run their own forest school but did not express an interest in making use of the proposed OLA; and
 - a letter of support from a UCL Professor qualified in the study of outdoor learning, together with the findings of research into the benefits of outdoor learning.
8. Given the history of the site, the context of the currently pending Planning Appeal on the previous refusal and the weighing up of the benefits and harm of this proposal, it is considered that this application warrants the scrutiny of Members and the consideration of the case at Planning Committee.
9. Members will be aware that the applicant has appealed to the Planning Inspectorate (PINS) against the Council's refusal of the previous application and requested the Informal Hearing process. This appeal has yet to be determined by PINS.

Site Characteristics

10. The applicant owns an area of grazing land to the south of Longworth Road. The site that is subject to this application is within this wider plot with access taken from Longworth Road. An area of land at the south west is within the boundary of Blackburn-with-Darwen Council.
11. The site is currently undeveloped grazing land and is open in appearance. The site is bound to the north by Longworth Road and Delph Reservoir, to the east by woodland and a residential dwelling (Lower Critchley Fold Farm), to the south by Belmont or Eagley Brook and Dunscar Golf Club and to the west by the residential dwellings at Higher Critchley Fold and Higher Critchley Barn.
12. A public footpath runs to the east and south of the site (Turton Egerton 058). This footpath is outside of the site and remains unaffected by the proposal.
13. The site is located within the Green Belt.

Policy

14. Core Strategy Policies: P5 Accessibility and Transport; S1 Safe Bolton; CG1.1 Biodiversity in Rural Areas; CG1.5 Reduce Risk of Flooding; CG1.7 Maximise Renewable Energy; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA5 North Bolton.
15. Allocations Plan Policies: CG7AP Green Belt and P8AP Public Rights of Way

16. Supplementary Planning Documents: Accessibility, Transport and Safety and General Design Principles
17. National Planning Policy Framework (NPPF)
National Planning Policy Guidance
18. A Landscape Character Appraisal of Bolton

Analysis

19. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
20. It is considered that the main issues in the determination of this application are:
 - Impact on the Green Belt
 - Landscaping
 - Impact upon Residential Amenity
 - Impact upon Parking and Highways
 - Impact on Flood Risk and Drainage
 - Ecology and Nature
 - Planning Obligations

Impact on the Green Belt

Whether the proposed development would constitute inappropriate development

21. The site is located within the Green Belt as identified within the Council's development plan. Bolton's Allocations Plan policy CG7AP and the National Planning Policy Framework (NPPF) provide the policy framework from which planning applications in the Green Belt are determined. The NPPF attaches great importance to the Green Belt and identifies its fundamental aim as being, to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 133). Paragraph 134 of the Framework indicates that the Green Belt serves five purposes:
 - To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
22. As with previous Green Belt policy, "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances" (paragraph 143). Paragraph 144 indicates that, "local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" and that, "very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations".

23. The construction of new buildings in the Green Belt would normally constitute inappropriate development; paragraph 145 of the Framework identifies exceptions to this:
- buildings for agriculture and forestry;
 - provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserves the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - a. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - b. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - c. limited infilling in villages;
 - d. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - e. limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would
 - f. not have a greater impact on the openness of the Green Belt than the existing development; or
 - g. not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
24. Policy CG7AP of Bolton's Allocation Plan seeks to ensure that development within the Green Belt maintains the openness of the Green Belt. It states that other than in very special circumstances, inappropriate development will not be permitted within the Green Belt. In order to justify 'inappropriate development' in the Green Belt there must be circumstances which can reasonably be described not merely as special, but as very special and the harm to the Green Belt by reason of inappropriateness and any other harm must be clearly outweighed by other considerations. Those other considerations must be capable of being so described, whether they are very special in the context of the application.
25. Policy CG7AP of the Council's Allocations Plan reiterates the advice contained within the relevant paragraphs of the NPPF.
26. New dwellings within the Green Belt are not listed in either the NPPF or the Council's Core Strategy and Allocations Plan as an exception to inappropriate development within the Green Belt.
27. The proposed dwelling is considered inappropriate development, which is by definition harmful to the Green Belt and substantial weight has to be given to this. The next question to be answered is whether there are very special circumstances to justify inappropriate development within the Green Belt.

Whether there are very special circumstances that clearly outweigh the harm to the Green Belt

28. Paragraph 144 of the NPPF states that when considering planning applications substantial weight should be given to any harm to the Green Belt and very special circumstances "will not exist" unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly "outweighed by other considerations". The degree of weight to be accorded to each very special circumstance is a matter for the judgement of the decision taker, in this case the Planning Committee, acting reasonably.

Paragraph 79

29. The applicant has put forward a case that the scheme would promote sustainable development in a rural area, satisfying paragraph 79 of the NPPF which seeks to avoid the development of new isolated homes in the countryside unless the proposal meets one or more of the circumstances listed within the paragraph. One circumstance listed is:

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

30. Appeal decision ref: APP/D0840/A/14/2221558 provides clarification on the determination of an isolated dwelling in the countryside with the inspector stating:

"it seems to me that the bullet point list set out in paragraph 55 does not automatically confer an acceptance in principle. It simply provides examples of situations where special circumstances might apply. It is for the decision maker to consider, in each individual case, whether the circumstances are sufficiently exceptional or unique as to warrant their description as being "special".*

*Paragraph 55 in the NPPF 2012, now paragraph 79 in the NPPF 2018.

31. It is recognised that there could be a case that paragraph 79 of the Framework is relevant to the proposal insofar as the site is outside of the defined urban area, is rural in nature and paragraph 79 does not specifically exclude the Green Belt. However, during consideration of a previous application on this site for this development (reference 02566/17), in the Schedule of Supplementary Information reported to Committee (31st May 2018), the applicant submitted information to suggest that he does not consider the site to be 'isolated' as it is not unduly detached from the urban area for the following reasons:

- there are regular bus services 400-600m away;
- train services just over a mile away;
- local services and shops nearby.

32. If this is the case, then paragraph 79 would not apply at all. Notwithstanding this, as the previous applications have been assessed as being paragraph 79 dwelling (or paragraph 55 as it was at that time), the criteria of paragraph 79 will again be addressed.

33. The application site is an irregular shaped piece of land with land levels increasing away from Longworth Road to the top of a small hillock; the land then slopes in a southerly direction down towards the valley. The site is currently undeveloped grazing land and is generally open in appearance. The small hillock partially screens the site beyond towards the valley when viewed from Longworth Road. The applicant states that 'an independent surveyor' engaged by him previously 'marked out the site with posts' and that 'the house and 80% of the site will not be visible from the road'. Verification of land levels is not something that is typically done by the Council unless unauthorised building work were being investigated and enforcement action being considered. It is for the applicant to demonstrate through the submission of sufficient intersecting section drawings through the levels of the site. In this case, the Council has not been able to verify that the positions and/or heights of the posts correspond to plans as only one section has been submitted.

34. The proposed dwelling incorporates high quality design and the applicant states that the dwelling could not be replicated on any other site. The proposed house is designed to be carbon neutral. To achieve this, the dwelling would be built against the existing hillside, to maximise thermal mass and reduce heat loss/gain. In addition, the dwelling would feature the following sustainable elements:

- Solar thermal photovoltaic panels
 - Ground source heat pump
 - Air source heat pump
 - Biomass boiler
 - Controlled ventilation MHRV
 - Rainwater management
 - Natural pool water filtering
35. The proposed dwelling would be of a contemporary design. The applicant, in support of the proposal, considers that the development would be an exceptional, custom-built dwelling which would fulfil the role of sustainable development and would not, due to its siting and design, be detrimental to the appearance of the site and wider surrounding area. The agent states that the design is not only 'zero-carbon' but the building method, Insulated Concrete Formwork (ICF), will be one of only four in the Borough. However, it is considered that as these methods have been used elsewhere within the Borough they would not satisfy the 'innovative or outstanding' category of Paragraph 79.
36. Officers have no reason to conclude that the proposed dwelling would not achieve its design objective of using a combination of available technologies to create a zero-carbon dwelling. However, the building would use materials and employ technologies that are now well-established in the industry and have been used in combination with others. A number of dwellings have been built to this zero-carbon standard within Bolton, thus it is not considered that the dwelling would represent innovative design.
37. Officers accept that the scheme is a genuine effort to create a well-designed dwelling which has undergone a well-considered and thoughtful approach to create a contemporary dwelling with high-quality architectural features. The proposal has been taken before an independent design review panel who have provided comments on each of the iterations of the scheme as it has been developed. The design review panel conclusions, submitted with the application, state that the design of the building is a modern interpretation of a traditional farmstead. The main living areas are akin to the outbuildings and barns found on nearby farms and the central atrium area is an interpretation of the traditional farm courtyard often found amongst the outbuildings and barns, etc. It is acknowledged that the comments from the design review panel were positive and indicated that the panel were content that the development design progressed in a positive direction with each iteration considered to be an improvement on the last.
38. Whilst it is clear that the design review panel are confident that the scheme represents high quality architecture and are positive about the proposal, they do not confirm, in their professional opinion and experience, that the design is outstanding or exceptional in its nature. Furthermore, the panel state the sustainable technology proposed is not new or innovative. The applicant states that his 3D model, his house and the benefits of the OLA are all 'unique', but Officers have seen no evidence that the design panel considered the proposed dwelling to be "truly outstanding" or "innovative" (the words used within paragraph 79 of the NPPF).
39. The agent has referred to the approval of an application for a new dwelling in the Green Belt, reference 91189/13, which was for its time considered to be of an innovative and exceptional design. The agent has created a summary explaining why he feels there are notable differences between the 2013 approval and that currently proposed. These comments have been noted but the differences highlighted do not take away from the fact that the current proposal, while recognised as being of high quality architecture, is not representative of cutting edge technology and innovative building methods today. Thus, it is considered that while well thought out, the proposal does not represent a unique, innovative and exceptional proposal as a whole.

40. When considering whether the development significantly enhances its immediate setting and is sensitive to the defining characteristics of the local area, due to the natural hillock on the site, where the land slopes from one level to another, the bespoke dwelling would be incorporated to some extent into the existing landscape. The main bulk of the proposed dwelling's accommodation would be at ground floor level with the first floor being kept to a minimum. There could be views of part of the roof of the proposed dwelling from Longworth Road. Longworth Road is not the only public vantage point here; a Defined Public Right of Way bounds the site from Longworth Road, heading south and towards the west and there will be much more prominent views of the dwelling from the south, looking up towards Longworth Road.
41. The agent states that the development would cover less than 5% of the applicant's land but it must be noted that openness of the Green Belt is epitomised by the lack of development, not by developments that are unobtrusive, camouflaged or screened in some way.
42. On the one hand, improvements would be made to the appearance of the site by the significant natural landscaping of the site. On the other hand, the proposal would introduce inappropriate development, as defined by paragraph 145 of the NPPF, with a residential development that has the potential to bring with it cars and other domestic paraphernalia and would involve a significant quantum of built development. The built form and floor area of the new house/structures and associated domestic paraphernalia would comprise development that would make the site appear less open than at present.
43. Officers can reasonably conclude that the proposal would be neither exceptional nor innovative and would not be exemplar of regional or national significance and whilst the proposed house is of a good design, the current fields and hillock would not be 'improved' by the addition of the property. The proposals would thus detract from the area's character as an area of open land close to the wider built up area of Bolton.
44. The considering under Paragraph 79 of the Framework is only one consideration of "very special circumstances".
45. An area has been defined as an Outdoor Learning Area (OLA) and is intended to be offered up to the local community and would allow local schools and after school groups to enhance their curriculum. One after school club and Six schools have expressed support for the OLA, with the club and five of the schools expressing an interest in using the facilities if they come to pass. The OLA, which is proposed within the front portion of the site towards Longworth Road, would feature food growing areas, outdoor classroom seating, informal play areas with stone steps and a wildlife pond. The OLA is a commendable proposal of benefit to a section of the local community.
46. Another element of the development that has been put forward to represent a very special circumstance is the designation of an area to be set aside for the Wildlife Trust to use as a breeding ground for Lapwings. The applicant has been in discussions with the Wildlife Trust regarding the planting plan and transplanting mature trees from the nearby clough, which the trust manages, to enhance the ecological value of the site. In their letter of support the Wildlife Trust are very positive about the scheme.
47. The benefits of offering the OLA land to the community and the meadow for Lapwing conservation have been fully considered but these must be weighed against the harm arising from the inappropriateness of introducing a substantial dwelling in the Green Belt. Officers do not see why the OLA and Lapwing conservation area could not be proposed without the dwelling

and assessed on their own merits. The applicant states that it is only through the sale of the family's current home (on site) that he would have sufficient funds to build and provide the OLA facility. Nonetheless, despite the positive benefits of the OLA, significant landscaping proposals and biodiversity enhancements, it is not considered that the benefits outweigh the harm to the openness and purposes of the Green Belt caused by the provision of the house.

48. Given the location of the site within the Green Belt and next to Longworth Clough Nature Reserve it is considered the use of the land for an OLA by a local primary school and after school groups would have a limited impact on the openness of the Green Belt or the purposes of including land within it. It is noted that permitted development rights would allow for the forestation of the land without the need for planning permission. On its own, the proposal for the OLA would not permanently alter the openness of the Green Belt. The applicant states that the facilities shown on the proposed plans are all the school would require. Should additional facilities or buildings be required on the site, planning permission would be required. Whilst this change of use of land, taken on its own, is considered acceptable, this element of the proposal is not considered to constitute very special circumstances to justify the erection of a new dwelling within the Green Belt.

Lack of a five-year supply of deliverable housing land

49. The Council has accepted that it cannot demonstrate a five-year supply of deliverable housing sites.
50. Guidance contained within Planning Policy Guidance states that the contribution of a development proposal towards unmet housing need in itself is unlikely to comprise a very special circumstance. Officers consider that this matter carries very limited weight in the planning balance of the determination of this application, given that the proposal would only deliver one dwelling.
51. In conclusion, the proposal amounts to inappropriate development in the Green Belt. The potential benefits of the scheme are not matters that could only apply on this site and so Officers do not consider them to be 'very special', nor do they outweigh the harm to the Green Belt (as identified above). The lack of harm with regard to some other issues, such as the OLA and landscaping, is not considered to outweigh the harm of the proposal as a whole. The scheme is contrary to CG7AP of the Bolton's Allocations Plan and Green Belt guidance contained within the NPPF.
52. It is also concluded that the proposal does not satisfy the criteria of NPPF paragraph 79, even if the dwelling were considered to be an isolated home in the countryside.

Landscaping

53. Policy CG3 of the Bolton Core Strategy states that the Council expects development proposals to contribute to good urban design, respect and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area. Policy CG3.7 states that the Council will maintain and respect the landscape character of the surrounding countryside and its distinctiveness. any soft landscaping and landscape enhancement scheme should enhance biodiversity and be compatible with the nearby landscape character types identified by the Landscape Character Assessment.
54. The proposal would introduce new landscaping across the site with most of the tree planting contained to the perimeter of the site. No trees are proposed to be felled to accommodate the proposal. The site is an irregular shaped parcel of Green Belt land currently used for grazing.

55. The character of the site is one which has been used for grazing. It is contained within the Green Belt and is formed of grassland and the wooded clough area to the south. The Landscape Character Appraisal of Bolton was published in 2001. This land is allocated as being within a landscape character area, defined as the 'Upland Moorland Hills' designation.
56. The document also goes on to state that the key landscape features are:
- Glaciated rounded hills, generally lower in altitude and less severe than the highest moorland plateaux.
 - Valuable mosaic of upland habitats including blanket bog, heather moorland, wet heath and acid grassland.
 - Important archaeological landscape.
 - A sense of wildness created by the altitude and long, wide views.
 - Accessible recreational resource for the surrounding urban areas with a number of recreational facilities and an extensive rights of way network.
 - Close relationship with the adjacent urban areas providing the landscape backdrop for surrounding towns.
 - Features typically associated with overgrazing on the lower slopes including moor-edge farms, access tracks and moor gates.
 - A loss of traditional field boundaries and their replacement with post and wire fencing.
 - Pockmarking of the moors with quarry faces.
 - Intrusive features including transmission masts, overhead power lines and quarries.
57. Whilst this document was written in 2001, it remains an accurate reflection of the overall character of the application site and wider area. The proposed development would not physically alter the shape of the application site, however it would introduce a number of new trees and reinforcement planting would be provided, along with the creation of meadow land and a number of ponds. As a result of the planting strategy, it is likely that close views of the development (with time) would be partially screened, with limited glimpses through from the front of the site. Due to the levels of the land, from the rear the development would however be highly visible from the golf course and land to the southern side of the valley.
58. The solid structures of the proposed development would form a strong physical presence and appearance, including the stable block with associated equipment, which would change the character of the rural fields in which they would be located despite the proposed landscaping.
59. The Council's Landscape team commented on the application and raised some initial concerns. The applicant has sought to address these and has provided a landscape masterplan and design and innovation statement. The layout and planting areas indicated in the masterplan are considered sufficient. Should the application be approved by Members a detailed planting plan, specification and schedule should be secured by way of condition.

Impact on Residential Amenity

60. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.
61. Given the site's location in respect of the nearest residential dwelling, which is located approximately 65 metres away, it is not considered that the proposed dwelling would result in an unacceptable impact on neighbouring residents, in accordance with policy CG4. Additionally, there is some screening along the southern boundary of the site with significant landscaping including the planting of mature trees proposed.

Impact on Parking and Highways

62. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility, servicing arrangements and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.
63. Access to the dwelling is proposed via a driveway off Longworth Road to the north of the application site. There is sufficient on-site parking proposed in relation to the dwelling. The proposed OLA would also be accessed via Longworth Road. The previous application envisaged that with the OLA serving one school it was not expected that the intensity of OLA use would lead to significant trip generation, nor a great influx of vehicles accessing the site at one time. Whilst there remains sufficient space within the site to safely park and turn a single minibus (the expected form of travel to this area) no specific detail has been provided of how the applicant intends to manage the arrival, parking or departure of school and community group minibuses now the number of schools/clubs expressing an interest in using the OLA has increased from 1no. to 6no. Highway access conflicts may occur if a second or third vehicle arrives on site before the current visiting group's vehicle has turned and left. Separate to the likely frequency of visitors, in isolation, sufficient detail in respect of the visibility splays at the access onto Longworth Road has been provided that exceed the requirements for the speed limit of the road.
64. Highways Engineers raised no objection to the proposal as originally submitted. Further comments have been sought given the increase in number of likely patron schools/clubs.

Impact on Flood Risk and Drainage

65. 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.
66. The Council's Drainage Officers have raised no objection to the proposed development. However a condition to secure details of the implementation, maintenance and management of the proposed sustainable drainage scheme is considered necessary to satisfy the requirements of the NPPF.

Ecology and Nature

67. Policy CG1.1 of the Core Strategy states that the Council will safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value.
68. The proposed development is located directly adjacent to the Longworth Clough Site of Biological Importance. The applicant has provided a lighting plan (Drawing no. 15068-34) to address this matter. However, the plan is in layout form only, with no light heights specified and no elevations or images of the lighting fixtures/posts depicted. The Council's Greenspace Officers have requested that the development curb excessive lighting in this otherwise dark rural location for biodiversity reasons. In order to address this aspect if approval is recommended, a planning condition should be attached requiring a fully detailed lighting scheme in addition to the submitted plan to be submitted and approved. The survey should include explicit details of dimensions, heights, and direction of illumination for all outdoor lighting infrastructure shown on the layout. A further condition should remove permitted development rights in respect of other sundry lighting to the proposed house and its curtilage. Subject to this matter being conditioned, the Council's Greenspace Officers raise no objection, stating that the proposal would not cause significant impact upon the biodiversity of the area. The Design and Innovation

Statement (October 2018) and the Landscape Masterplan (Dwg.15068-25-A) provide for enhancement and development of habitats in accordance with the Council's Strategic Objective 12 and policy CG1.1.

69. The Greater Manchester Ecology Unit comment that the scheme appears very similar to the recent application for the site (App 04798/18). Given the ecological status of the site has not significantly changed since consideration of that application the GMEU comments are very similar to the ones made in respect of that previous application. Although the application site is not itself of substantive wildlife value it lies adjacent to Longworth Clough Site of Biological Importance (SBI), close to the West Pennine Moors Site of Special Scientific Interest (SSSI) and close to an upland nature reserve managed by the Lancashire Wildlife Trust. The SSSI has been designated in part because it supports important upland habitats and upland bird species, and the nature reserve is managed in part to encourage marshy grassland and upland bird interest. The site does support wet grassland which contributes to the overall upland context of the area. GMEU consider that this context has been taken into account in the overall design of the development, with an area of 3.5 acres within the application boundary set aside to be managed for Lapwings to complement the Wildlife Trust Reserve and the SSSI. Documents submitted with the application indicate that the Lancashire Wildlife Trust has had an involvement with the design of the scheme and will be responsible for advising on the management of part of the site. National Trust figures state that the April 2019 Marsden fire destroyed over 280ha of moorland. The applicant states that unlike the region's public moors which recently suffered from arson resulting from public access, the 3.5ha area for Lapwings here will be managed with public access restricted. However, it is noted that the Lapwing area would still be set between two large dwellings and the lower boundary would sit adjacent to a public right of way. In addition, an Outdoor Learning Area for a nearby school is proposed along with indicative landscaping.
70. If approval is to be recommended, fully detailed Landscape Plans for any of the land within the curtilage of the development and the OLA will need to be secured by way of planning conditions to detail and planting plans, species, densities and features, and guarantee implementation on site. Subject to such conditions, GMEU conclude that if the plans are approved and implemented as described the development would likely result in a net gain for biodiversity.
71. Natural England have raised no objection to the proposal and confirmed that the West Pennine Moors SSSI does not represent a constraint for this site.
72. It is therefore considered that the proposal would comply with policy CG1.1 of the Core Strategy.

Planning Obligations

73. The applicant has submitted a draft signed Unilateral Undertaking with this application to secure the perpetual use of the OLA and wildlife areas. This document would address the advice given to the applicant by Officers during the previous application where only a restrictive covenant was proposed.
74. The absence of a UU and the provisions it could secure were not a material reason for refusal on the previous application. The submitted Unilateral Undertaking sets out positive guarantees regarding access to the OLA and Lapwing area. The applicant considers that the house is needed in order to guarantee the provision of the Lapwing wildlife zone and access to the OLA by way of financing the initial build. However, subject to a separate planning application to secure permission for them, these aspects could be provided in isolation from the residential development proposed. No financial provisions appear to be made for future maintenance, and improvements over the gifted 99-year period.

75. Collectively the letters of support for the OLA from local schools, Professor Reiss and the thrust of the articles in the National Press that the applicant has submitted (see Representations Annex) combine to state the following: Research has established that Outdoor Learning plays a huge part in a child's wellbeing. Many children at local schools spend only a limited time outdoors. Time outdoors has been linked to a reduction in stress levels, increased emotional wellbeing and increased exercise levels which the schools consider paramount in the developmental years of well-rounded members of society. The Primary National Curriculum is broad and some schools state that they already undertake outdoor learning and engage forest school practitioners across their curriculum. The schools and the professor consider that this development would allow extra opportunities to do this locally and help expose children to a variety of habitats that they would otherwise not have the opportunity to experience.
76. The current group of letters are helpful in understanding the role outdoor learning can play in education. However, in one of his late submissions, the applicant states that the OLA is 'much needed', but provides no assessment of that need. At the very least, the Council would expect to be presented with summary evidence of: (a) the number of schools operating an on-site forest school or/and outdoor learning area; (b) the number of schools without such facilities; (c) the number of private/public facilities available for use by schools; or (d) the location relative to schools and public transport routes of alternative existing provision, all within a 5km radius of the site. Such information may help the applicant demonstrate the established need for the OWA, for which he could attempt to justify Very Special Circumstances. If that were successful, then the applicant and Council may agree the need for the Unilateral Undertaking (UU).
77. However, paragraph 56 of the NPPF is clear that planning obligations can only be sought where they meet *all* of the following tests:
(a) *necessary to make the development acceptable in planning terms;*
(b) *directly related to the development;* and
(c) *fairly and reasonably related in scale and kind to the development.*
78. The necessity of the Unilateral Undertaking and the guarantees it offers are not in themselves matters that make the proposals an 'appropriate development' within the Green Belt. As such the planning obligations the UU would secure would fail the test of 56 (a). Similarly, it is not typical for applications for a single dwellinghouses to set aside space within the red-line for public educational needs or wildlife protection. In some respects, the educational functions of the OLA and the potential quantum of visitor activity associated with it be at odds with the private residential nature of the proposed dwellinghouse. There is a significant risk that the educational access guarantees of the UU would place an unreasonable burden of disruption on the amenity of future residents, risking compliance with test 56 (c). The proposed UU, in the opinion of officers, fails to meet the criteria and as such the Council would not be acting in accordance with the NPPF if it were to recommend approval subject to this Unilateral Undertaking but this is a matter for the decision maker.
79. Without a UU that satisfies the NPPF tests, there can be no way of securing, in perpetuity, the 'benefits' offered by the applicant in respect of the OLA or Lapwing wildlife area.
80. Despite being informed of the above, the applicant states that he "would agree to a planning condition stating that the proposed dwelling could not be occupied until both the OLA and wildlife trust areas are provided." However, the Council can only attach a condition to a planning permission if that condition meets the legal tests set by paragraph 55 of the 2019 NPPF. To satisfy paragraph 55, a condition must be demonstrably "necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

81. The suggested condition does not preclude the construction of the house parallel with the development of the OLA area. Once both are built, the condition as worded by the applicant would not secure the commencement of the OLA use. In the absence of a legitimate UU (see previous paragraphs) there would be no way of securing the perpetual provision of the OLA for schools etc. A future owner of the site could seek to remove the condition via the appeal process and likely win on procedural points as the condition would not meet the tests set by the NPPF, regardless of the current philanthropic intention of the current applicant and the Council acting in good faith. The house would then exist legally in the Green Belt, causing the same harm as identified in this report but be under no legal or planning obligation to provide the limited benefits to local schools and community groups in the form of free 99-year access to the OLA.

Value Added to the Development

82. Previous applications were amended following presentation to the independent design review panel at Places Matter. Further schools and an after school club have expressed support for, and an interests in using the OLA.

Local finance considerations

83. 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:
84. New Homes Bonus for the single proposed dwelling – this is not a material planning consideration.

Conclusion

85. Paragraph 30 of this Committee report refers to the Appeal Decision [APP/D0840/A/14/2221558] which states that even if a development proposal is considered to include truly 'innovative and outstanding qualities', "*It is for the decision maker to consider, in each individual case, whether the circumstances are sufficiently exceptional or unique as to warrant their description as being 'special'.*". The Council, as the decision maker has made this assessment and refused the same scheme earlier in 2019, which is now the subject of a Planning Appeal. A fresh assessment has been made of this repeat submission, and the accompanying legal opinion. The Council has again concluded that the qualities of the scheme do not comprise 'very special circumstances' as expressed by para 143 of the NPPF that would clearly outweigh the harm to Green Belt.
86. The visual benefits of the architectural appearance of the proposal are not considered to comprise 'Very Special Circumstances' (NPPF paragraph 144). The failure of the UU to satisfy the tests of NPPF paragraph 56 means that both the UU and the 'benefits' it offers cannot be considered to comprise material considerations in the determination of the application. Without the UU, the Council cannot secure the provision of the applicant stated 'benefits', nor can it consider the educational/community 'benefits' to comprise 'Very Special Circumstances'.
87. The proposed development represents inappropriate development within the Green Belt. The proposed development is considered to be harmful to the openness and purposes of the Green Belt in this location and the circumstances put forward by the applicant do not comprise 'Very Special' and do not 'clearly outweigh this harm' (paragraph 144 of the NPPF). The application is contrary to Policy CG7AP of Bolton's Allocations Plan and the guidance contained within chapter 13 (Proposals affecting the Green Belt) of the NPPF.
88. The Council's Committee has previously determined to refuse a substantially similar application which the applicant is currently contesting by way of an Appeal with the Planning Inspectorate (PINS). The only tangible changes to this application when compared to the refusal/appeal

relates to the applicants' submission of additional letters of support from local schools and an afterschool club, along with a letter of support from a Professor who has researched the benefits of educating children in an outdoor context. This report has demonstrated that the development remains contrary to Green Belt policy, with 'Very Special Circumstances' (as required by the NPPF) not sufficiently demonstrated to satisfactorily overcome the 'inappropriate development harmful to the Green Belt' conclusion reached by the Council.

89. In terms of the additional number of schools now expressing an interest in the OLA and the revised draft UU, some of this information has been submitted by the applicant to PINS. Thus, the appeal will consider most of the subject matter of what is proposed in this re-submission.
90. The principal issues for assessment in this resubmission remain as previously determined by the Council. The small number of schools that have expressed an interest state they support the OLA, not the house. Given that no operational need (from the OLA/wildlife area) has been demonstrated for the house, the Council still consider that the philanthropic provision of the 99-year OLA and wildlife area could still be made independently of the need for any new house. None of the documentation accompanying this current application has overcome previous concerns or conclusions.
91. In this particular case, it is considered that the independently operated Planning Appeal process remains the most appropriate manner for the applicant to challenge the Council's previous decision. The applicant states that the OLA is 'much needed', but provides no evidence of that need for the Council to assess. The Planning Inspectorate comprises a higher level of decision making, and, at the request of the applicant, an Inspector has already begun scrutinising the previous case. Submission deadlines closed in October and the Council has submitted its case for refusal. A date for the Informal Hearing is in the process of being arranged.
92. Members are recommended to refuse this repeat application.

Representation and Consultation Annex

Representations

Egerton Community Primary School have written to advise that they support the development of an Outdoor Learning Area for the local community. They consider that this will be a beautiful resource for children from local schools and Early Years provisions to access. They have previously stated that they are not at liberty to sign any form of lease agreement. Notwithstanding this, they support this project as a local school and hope it becomes a valuable resource for local community groups.

The Wildlife Trust has previously commented that the site is currently of low value for nature/biodiversity and the proposal appears to deliver net gains in accordance with the NPPF requirements.

During the lifetime of this application, the applicant has provided by email a host of information and links to sites and/or articles he considers relevant to the assessment of the proposal. Many of the emails that would normally have gone to officers have been copied by the applicant to Members. The pertinent planning points have been incorporated into this updated report while other matters relating to procedure and the appeal are not included. In summary, the applicant states that this submission comprises a different application to the previous refusal in the following ways.

- Amended Unilateral Undertaking;
- Both Barristers' Opinions;
- New HEAL Planning Statement Reports;
- Additional support from a variety of schools and one neighbour as follows:
 - The Oaks Primary School (Bolton) have expressed an interest in using the OLA facilities on site;
 - School's Out Kids Club (Lathom, Ormskirk) have outlined support for OLA facilities during term and holidays;
 - * Eagley School Nursery (Bromley Cross) support the proposal as it would provide additional resources such as a pond, a wildflower area and woodland which would have a positive learning impacts on their pupils;
 - * St John The Evangelist RC Primary (Bromley Cross) support the proposals as they would present a fantastic opportunity to provide local schools with an excellent outdoor learning area;
 - * St Columbus RC Primary (Bolton) state they have their own forest school running in their grounds;
 - * Walmsley CE School (Egerton) strongly support the proposals and consider that the OLA will benefit their pupils by enhancing opportunities they already provide; and
 - * Neighbours at Higher Critchley Fold Farm raise no objections and feel the OLA would be beneficial to the future of local children.
- * Letter of support from Professor Michael Reiss [MA PhD MBA FRSB FRSA FAcSS] (Professor of Science Education, UCL):

The professor offers his support for the proposal. He states his field is the education of children and that he has a particular interest in and writes about the use of out-of-doors facilities for teaching and learning. He states research that he and others have carried out has demonstrated the very considerable benefits not just for learning but for health and well-being of children receiving some of their education out-of-doors. He makes these comments in the context of the proposed Outdoor Learning Area / Forest School facility being provided free of charge for 99 years for all children to use. Subject to ensuring that there are no significant adverse implications for wildlife in the development, he fully supports the scheme.

The applicant's solicitor is not acting as the applicant's agent but has provided further commentary (25.11.2019) about how he considers the Council should be interpreting and applying national planning policy; disagreeing with the draft conclusions of this report (of which the applicant was made aware ahead of publication); and offers general report writing advice for the case officer. The applicant's solicitor's main points are that (i) the Committee report unfairly 'predetermines' this case outcome and that (ii) it is wrong for the Council to simply consider that 'it was beyond doubt that the earlier application should have been refused' given the range of new information submitted with the application. A third point (iii) made is that 'the only correct approach in this case is for the Council to approve the application subject to a s106 Unilateral Undertaking'.

Council Response:

In response to point (i): the Council's committee reports have to come to a reasoned conclusion and recommendation for a decision in order to assist Elected Members in determining a case. To not make an assessment, draw a conclusion and or make public a recommendation in advance of a Committee meeting would fail to satisfy the procedural requirements of the various Acts of Parliament that govern Local Council decision making and the planning process in general.

In response to point (ii): the previous case was reviewed by senior, experienced officers and presented to Committee for Elected Members to consider and determine. The previous case has been appealed and the Council has submitted its written evidence and defence of this refusal, citing established appeal decisions and the facts of the case. A decision will not be made until an Informal Hearing has been convened by PINS. The main difference between the previous refusal and this current submission relates to the submission by the applicant of six additional letters from local schools/club and a letter of support from a UCL Professor qualified in the study of outdoor learning. The documents all offer varying degrees of support for the OLA, express interest in using the facility and offer positive commentary on the benefits of outdoor learning. The letters were provided at a late stage after the publication of the November 2019 Committee report, resulting in it being deferred until December to allow their incorporation into the assessment. The report now assesses the supporting information and draws its own independent, evidenced conclusions that the application remains contrary to policy. The application has received an assessment consistent with the approach taken to the previous case(s) and the assessment against adopted policies.

In relation to point (iii): paragraphs 73-81 of this report already address this matter sufficiently.

Consultations

Advice was sought from the following consultees: Highway Engineers, Economic Strategy, Strategic Development Unit, Public Rights of Way Officer, Landscape Officers, Greater Manchester Ecology Unit, Natural England, Greenspace Management, Drainage, Ramblers Association, Open Spaces Society, Peak and Northern Footpaths Society, Design for Security, Blackburn-with Darwen Council, Lancashire Wildlife Trust and Egerton Community Primary School.

Planning History

04798/18 Erection of dwelling and stables with associated access and landscaping together with change of use of land to outdoor learning area – Refused 11.03.2019 (Appeal pending, Full PINS Reference APP/N4205/W/19/3229616)

96247/16 Erection of Zero Carbon Dwelling – Refused 27.05.2016

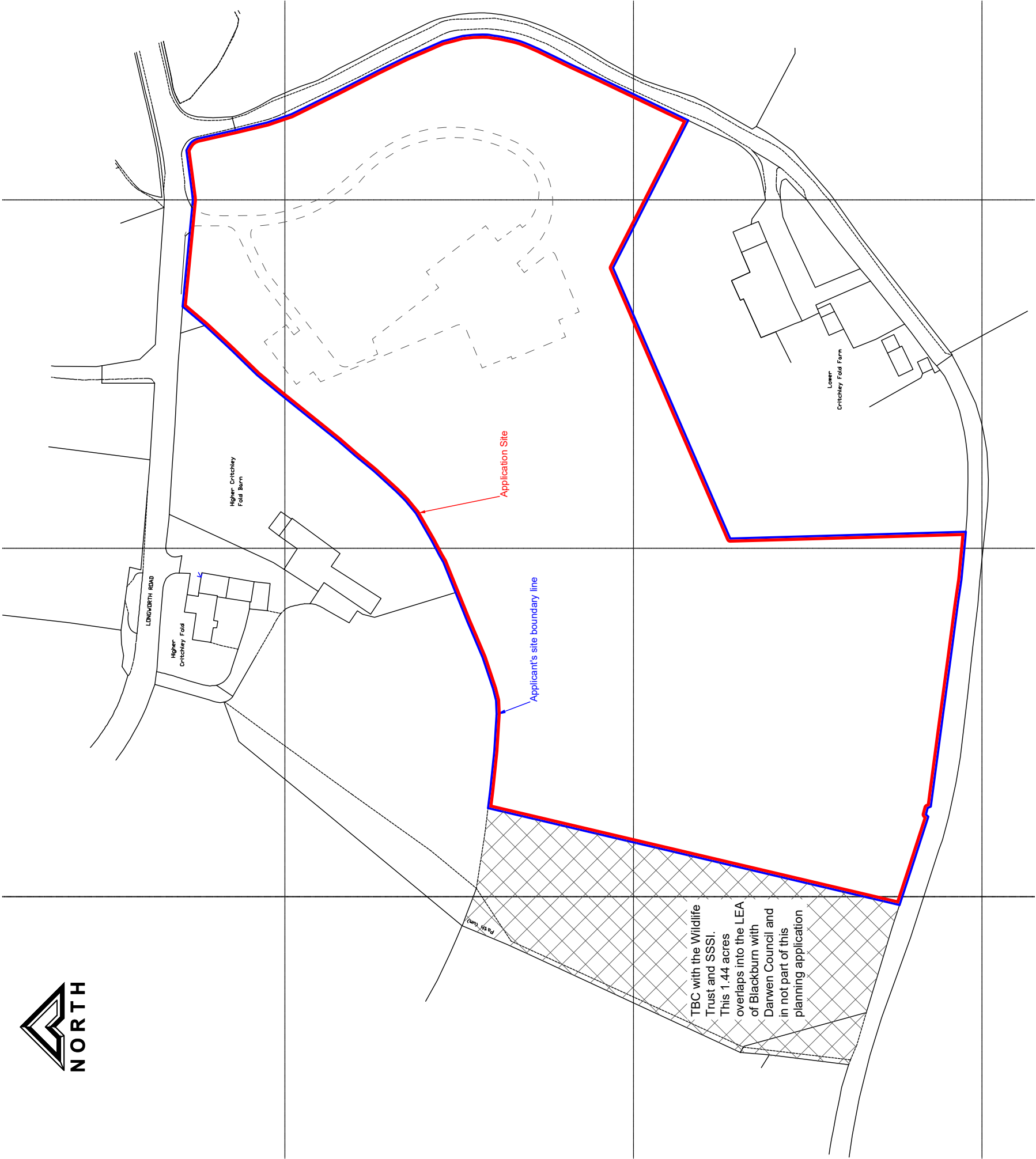
98123/16 Erection of detached dwelling and stable block together with new access, community based food growth plots, wild flower meadow with service zone - Withdrawn 26.04.17

02566/17 Erection of a dwelling with associated access and landscaping including creation of ponds, erection of stable block and change of use of land to an outdoor learning area - Withdrawn 28.06.18

Recommendation: Refuse

Recommended Conditions and/or Reasons

- . The proposed development, by virtue of its use, siting, size and design, represents inappropriate development within the Green Belt and the very special circumstances put forward by the applicant do not clearly outweigh the harm that would be caused to the purposes and openness of the Green Belt, contrary to Policy CG7AP of Bolton's Core Strategy and the guidance contained within section 13 of the National Planning Policy Guidance.



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E	19/10/18	D/W	Alterations for October planning resubmission
D	3/10/18	M/Z	Alterations asked from the planner
C	18/01/18	M/Z	Alterations for planning resubmission
Rev	Date	Drawn by	Comments

Client

Mr D Norris

Project

New Residence
Middle Critchely Fold

Drawing

Location Plan

Date
January 2018

Drawn by
JP/MZ

Scales
1:1250 @ A3

Job No - Dwg No - Rev

15068 - LP - F



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Notes

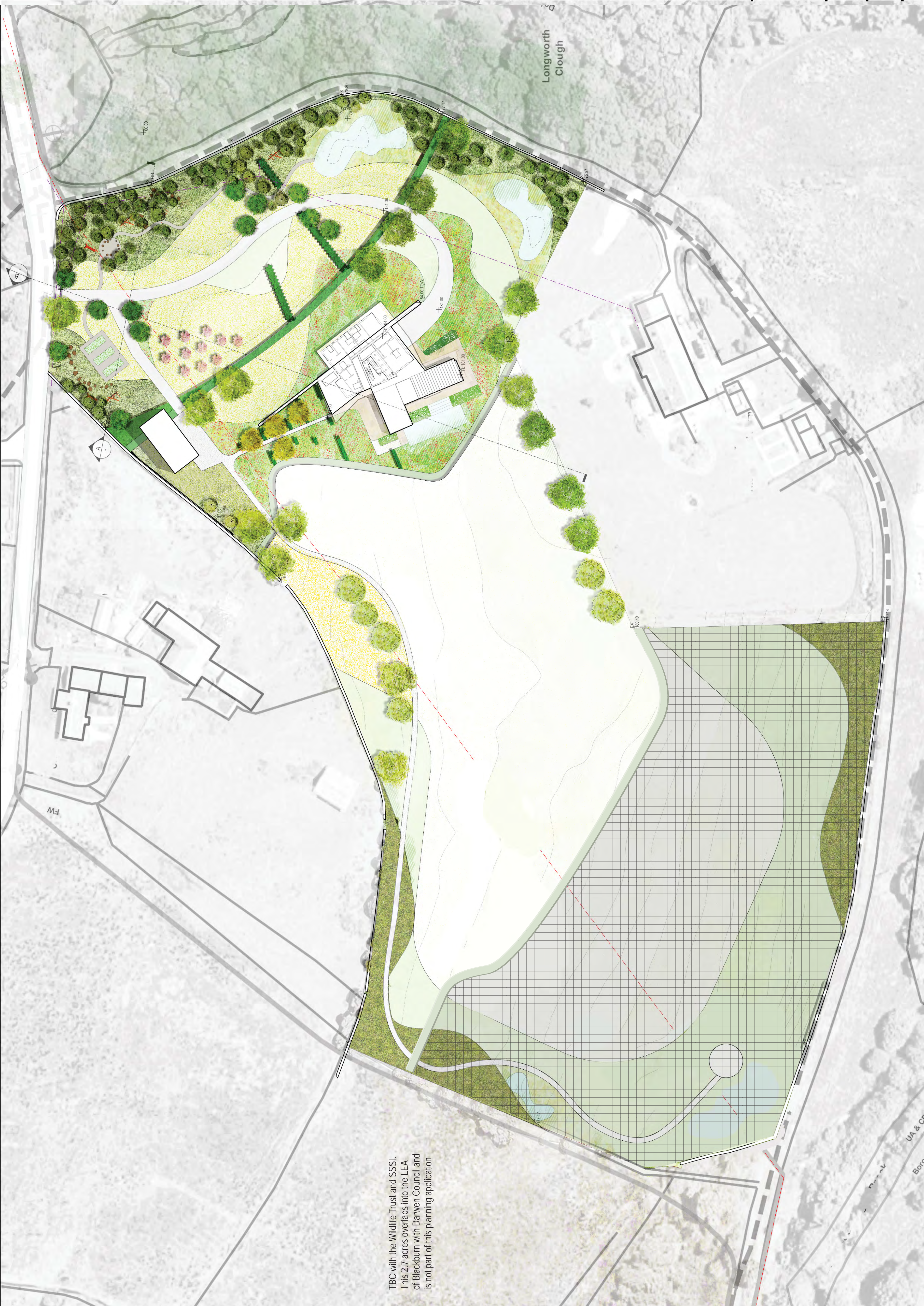
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TBC with the Wildlife Trust and SSSI.
This 2.7 acres overlaps into the LEA
of Blackburn with Darwen Council and
is not part of this planning application.



B	18.10.2018	JH	Amended following architects feedback
A	24.10.2018	BT	Amended following client feedback
Rev	Date	Drawn by	Comments

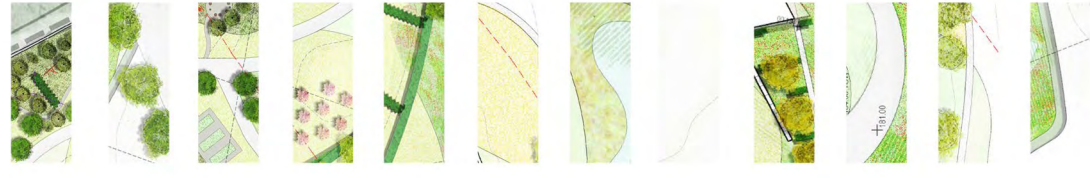
Client
Mr D Norris
Project
**Middle Critchley Fold
New House**

Drawing	Proposed Site Plan	Drawn by	Scales
Date	January 2018	JH / JP	1:500 @ A1
Job No - Dwg No - Rev			

15068 - 11 - B

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KEY



- | |
|---|
| Proposed native woodland (transplant and feathered woodland planting) |
| Proposed native trees |
| Proposed feature trees |
| Orchard |
| Hedgerow |
| Wildflower meadow |
| Wetland planting |
| Acidic grassland area |
| Ornamental planting beds / gardens |
| Resin bound gravel road |
| Gravel path |
| 'Haha' |
| 1. Stable |
| 2. Food growing area with raised planters and storage shed |
| 3. Outdoor classroom seating |
| 4. Informal play area with stone steps, logs |
| 5. Wildlife pond |
| 6. Attenuation pond |
| 7. Natural pond |
| 8. Retained existing stone wall |
| 9. Existing services |
| 10. Access Gate |







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b	March 18	JH	Revised for planning resubmission
a	Nov 16	BT	Revised for planning resubmission
Rev	Date	Drawn by	Comments

Client

Mr D Norris

Project

Middle Critchley fold
Egerton, Lancashire

Drawing	Proposed Elevation East	Scales
Date	September 2018	Drawn by JH / JP
		1:50 @ A1

Job No - Desg No - Rev

15068 - 17 - C



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House obstructed from view by landscaping

b	March 18	JH	Revised for planning resubmission
a	Nov 16	BT	Revised for planning resubmission
Rev	Date	Drawn by	Comments

Client

Mr D Norris

Project

Middle Critchley fold
Egerton, Lancashire

Drawing	Proposed Elevation North	Scales
Date	March 2018	Drawn by JH / JP
		1:50 @ A1

Job No - Draw No - Rev

15068 - 16 - C



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b	March 18	JH	Revised for planning resubmission
a	Nov 16	BT	Revised for planning resubmission
Rev	Date	Drawn by	Comments

Client
Mr D Norris

Project
Middle Critchley fold
Egerton, Lancashire

Drawing	Proposed South Elevation	Scales
Date	March 2018	1:100 @ A1
	JH / JP	

Job No - Desg No - Rev

15068 - 18 - C

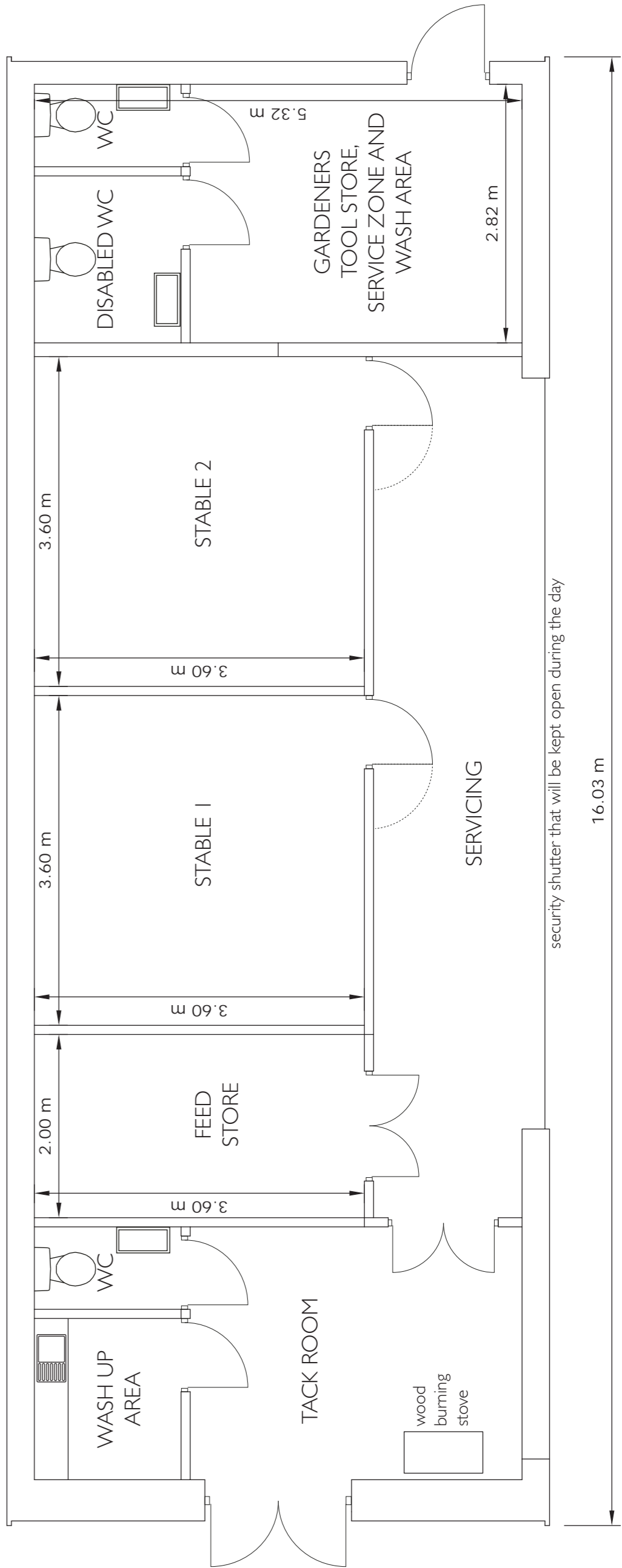
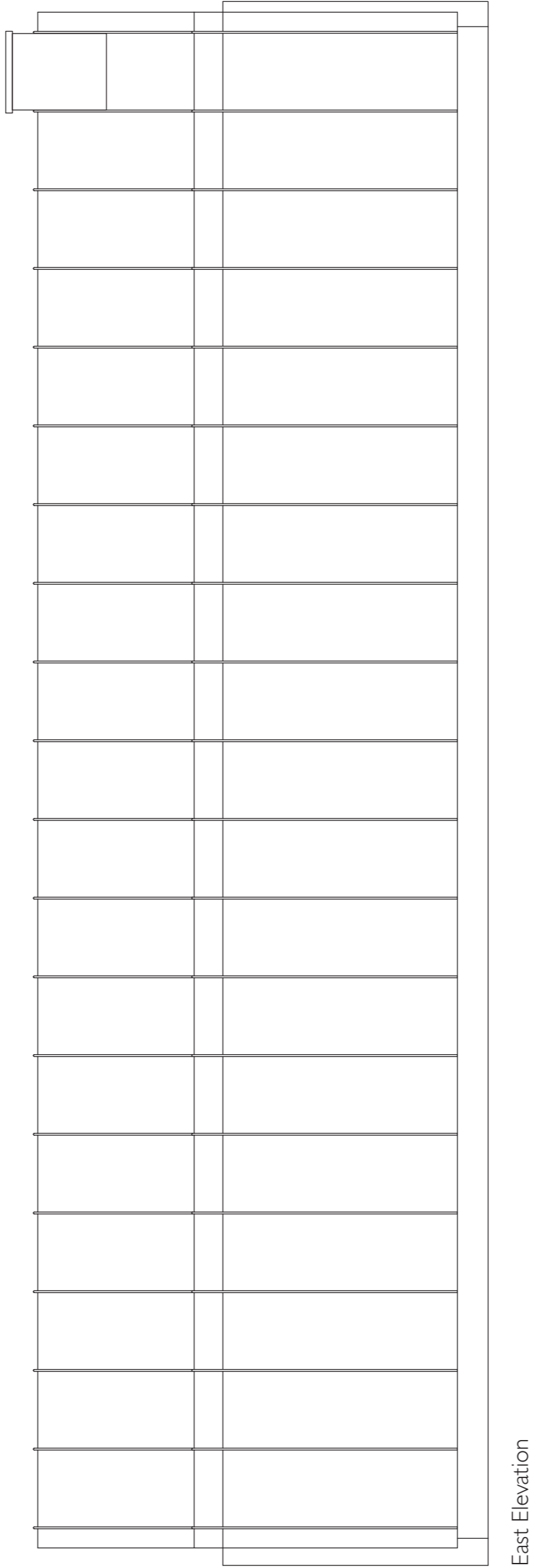
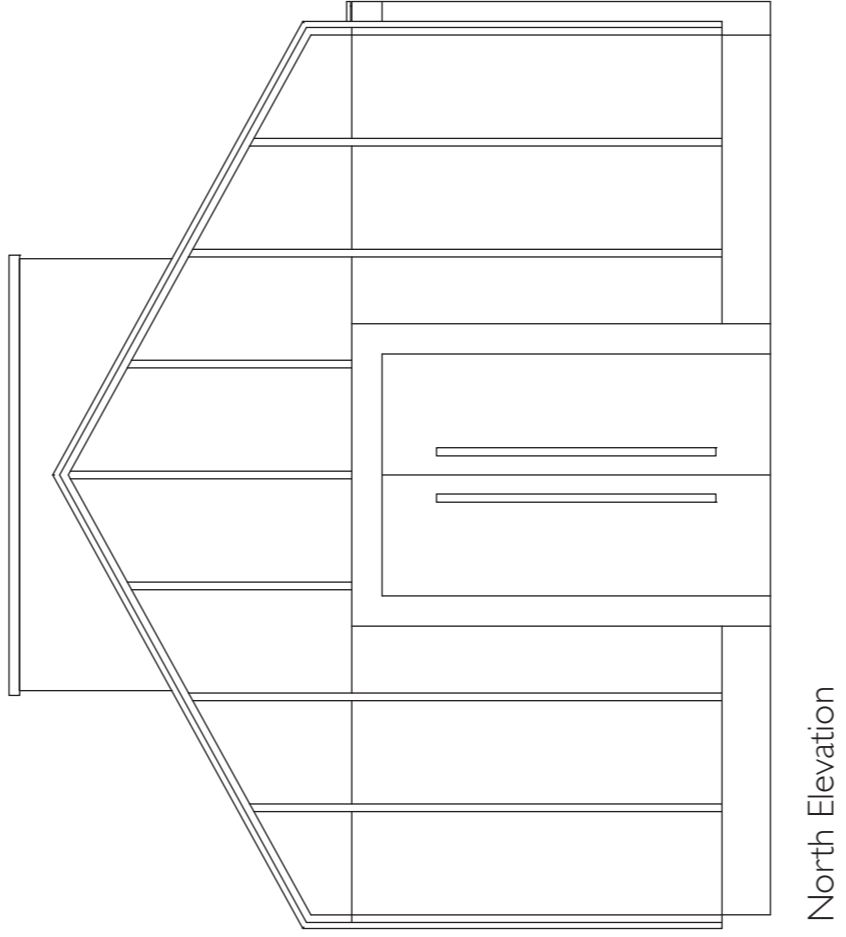
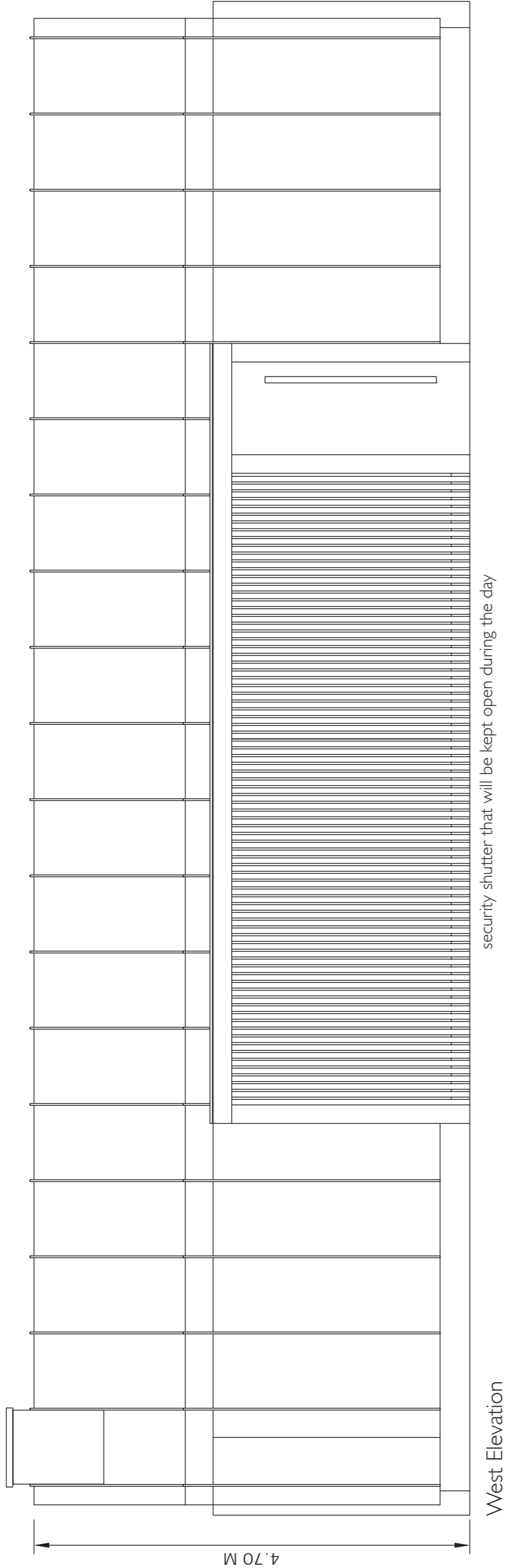
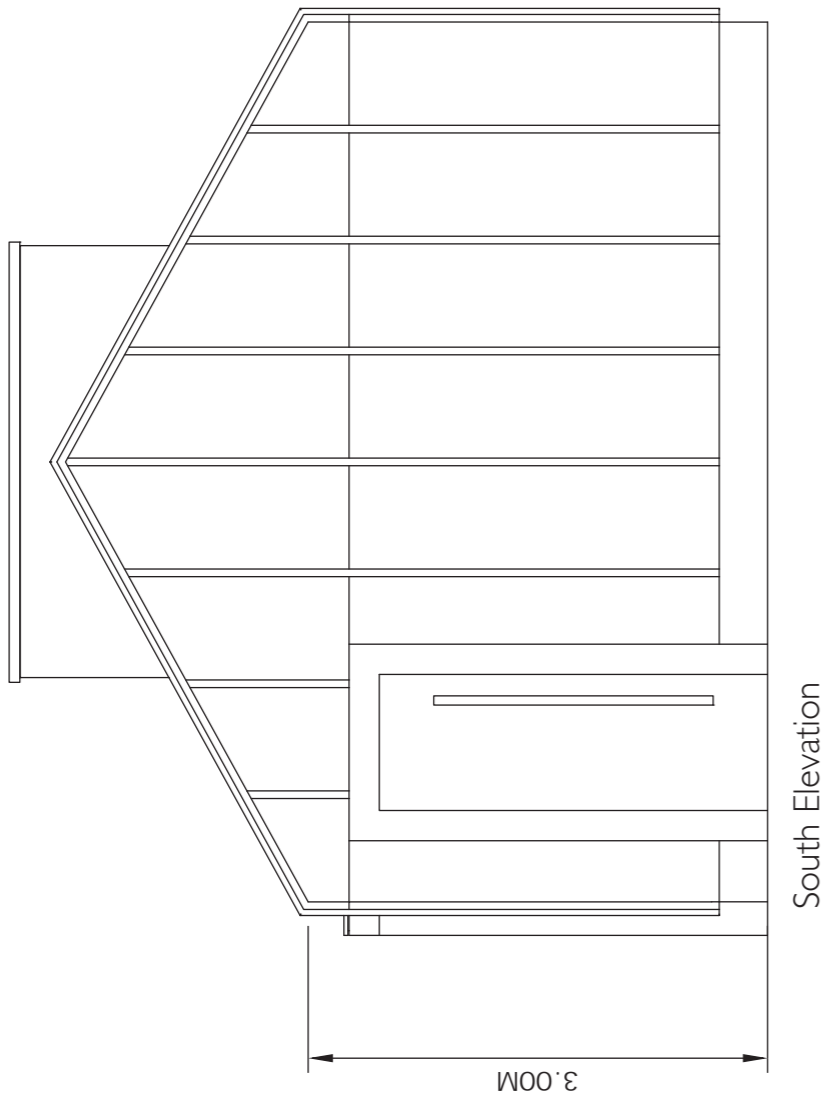


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Client

Mr D Norris

Project

Middle Critchley Fold

Drawing

Saddles Plan & Elevation

Date

JANUARY 2018

Drawn by

JH / JP

Scales

1:50 @ A1

Job No - Dwg No - Rev

15068 - 31 - A

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b	March 18	JH	Revised for planning resubmission
a	Nov 16	BT	Revised for planning resubmission
Rev	Date	Drawn by	Comments

Client

Mr D Norris

Project

Middle Critchley fold
Egerton, Lancashire

Drawing	Proposed Elevation West	Scales
Date	September 2018	Drawn by JH / JP
		1:50 @ A1

Job No - Draw No - Rev

15068 - 19 - C



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Application number 06551/19



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: 05/12/2019

Application Reference: 06551/19

Type of Application: Full Planning Application

Registration Date: 19/07/2019

Decision Due By: 12/09/2019

Responsible Officer: Franc Genley

Officer:

Location: 523 & 525 PLODDER LANE, FARNWORTH, BOLTON, BL4 0LB

Proposal: RETROSPECTIVE CONSENT FOR DEMOLITION OF NO. 523 AND THE MAJORITY OF NO. 525 PLODDER LANE AND THE ERECTION OF A DETACHED TWO STOREY DWELLING WITH PROPOSED EXTERNAL ALTERATIONS TO THE STRUCTURE AS BUILT, TOGETHER WITH HARD SURFACING WITHIN THE CURTILAGE AND INSTALLATION OF NEW GATES.

Ward: Harper Green

Applicant: Mr Ali
Agent : RA Design & Project Management Ltd

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- Planning permission was granted twice in 2018 for extensions to the pair of houses as they existed, together with amalgamation into one unit;
- Following a complaint, enforcement investigations established that the combined dwelling had been built marginally larger than previously approved;
- Following officer negotiations, works ceased and this application was submitted;
- The description of the proposal has altered following investigation into what has been demolished, what has been built, what would be further altered on site;
- On-site measurements have been taken by separately by both the Case and Enforcement Officer. These confirm that the footprint of the structure shown on revised plans accurately relates to what has been built;
- Officers have secured the deletion from plans of the Juliet balcony and the single storey side and rear extensions that were proposed upon submission;
- 11no. local households and a passing commuter have objected to the proposed retention of the house, including the changes proposed as part of this application. The main planning concerns are loss of privacy, overdevelopment of the site and circumvention of the planning system;
- The proposal is approximately 0.62m wider, 0.53m deeper and 0.50m higher than the previously approved extensions to form an enlarged, merged, two-storey house;
- When assessed against the previous applications, the impacts of this proposal would be very similar to the previous approval;
- When assessed against adopted policy, the scheme as proposed for retention complies with the wording of the policies;
- Where there are differences, mitigations are considered capable of addressing the issues identified;
- A balanced assessment is made and approval is recommended, subject to a series of conditions to address amenity concerns;
- Amongst more standard conditions, specific ones would secure the removal of the Juliet balcony openings, installation of obscure glazing to the rear dormer, provision of supplementary boundary planting and the removal of permitted development rights.

Proposal

1. Retrospective permission is sought for the demolition of nos. 523-525 Plodder Lane and the erection of a detached two storey dwelling; 0.62m wider, 0.53m deeper and 0.50m higher than the previously approved detached two storey house. There are changes to dimensions of the bays and central gable projections the front elevation, with changes to the position, size and number of windows within each of the remaining three elevations. The proposals will result in a seven bedroomed dwelling (one bedroom in the roof space) with six off road parking spaces to the front. Previously the dwelling was approved with five bedrooms. The site level has been excavated and the height measurements above have been taken from marked ground level on drawings, not the below ground level of the building exposed on site.
2. The dwelling for which retrospective permission is sought measures 18.36m wide on plan (18.35m on site), 11.45m deep (on plan and on site), 5.5m high ground-to-eaves (8.93m high ground to ridge). The relative dimensions of the previous approval (ref 03579/18) comprised 17.77m wide, 10.93m deep, 5.4m high ground-to-eaves (8.43m high ground to ridge). The frontage of the house is approximately 0.06m closer to the back edge of the footpath than previously approved. The rear of the property is 0.53m closer to the rear boundary than previously approved. Other elements built differently from the approved plans:
3. The flat roofed 'dormer' to the rear roof face as built measures 9.17m wide, projects 4.66m out from the roof slope at a height of 2.65m, is set 0.23m below the ridge and up 1.26m from the eaves. As previously approved on plans it was to measure 9.17m wide, project 4.2m from the roof slope at a height of 2.25m, be set 0.4m below the ridge of the property, and set back 1m from the eaves. These dimensions have altered since the previous approval, with the main windowed face of the dormer moving 0.4m closer to the rear boundary of the property and rising 0.4m in height.
4. The two-storey front gable with entrance door as built measures: 1.6m deep, 4.25m wide, and 7.37m high (to ridge). It was previously approved as follows: 1.5m deep, 5.95m wide, and 7.9m high (to ridge). Thus, it is 0.53m lower than approved, 1.70m narrower than approved but 0.1m deeper. The windows and doors within the bays differ slightly in style to the previously approved units with three-pane units proposed to replace wider two pane units. A small tiled roof is proposed over the porch doors.
5. The bay windows now each measure 0.8m deep and 3.63m wide. They were previously approved as 0.99m deep and 3.66m wide. Thus, they are each 0.19m shallower than previously approved, but 0.03m wider. The windows within the bays differ slightly in style to the previously approved units in that they are narrower, with brickwork pillars. The flat roof to each bay is now omitted with a small hipped roof over each now proposed, merging back into the main roof.
6. Rear fenestration: To the rear elevation an additional floor to ceiling window is proposed to light the central hallway, in the centre of the rear elevation. All other ground floor windows and doors are as previously approved. At first floor, five window units are proposed in place of the approved three. Although the number of openings has increased, the cumulative length of these openings has been reduced from 5.77m to 4.40m. The internal layout has altered in that where a single 2.2m wide window lit each of the two rear bedrooms, these same rooms are now lit by way of 2no. 0.76m wide windows in each room in the rear elevation. The central window was approved at width of 1.37m but is now proposed for retention at 1.35m.
7. Flank fenestration: Due to internal reconfigurations to provide six bedrooms on the first floor an additional clear window has been introduced to the central part of each flank elevation at first floor. The two obscure-glazed first floor bathroom windows previously approved in each elevation have been relocated from approved central position to the forward and rear portions of

the each elevations. There are no ground floor windows in either elevation.

8. Other fenestration: A series of external alterations are proposed to the as-built dormer structure to remove the taller Juliet balcony window openings in the rear roof structure and insert smaller window openings. The applicant has agreed to install obscured glazing (level 5 obscurity) to the rear windows in the loft extension and limit any opening parts to being 1.6m above finished floor level. Clear glazed roof lights are proposed in the main front and side roof elevations.
9. Other changes: Hard surfacing is proposed to the frontage and parts of the rear of the new dwelling to facilitate car parking and patio areas. Access will be taken along both existing driveways from Plodder Lane. A new pedestrian gate is proposed to the front of the property, though design details have not been provided at this stage.
10. The reference to the single storey side and rear extensions have been deleted from the description as these elements are no longer proposed. The applicant has confirmed their intention to retain the trees on site

Site Characteristics

11. The site originally comprised of a pair of semi-detached dwellings fronting on to Plodder Lane, Farnworth. Each dwelling had its own dropped kerb crossover.
12. In 2018 permission was granted for conversion of the 2no. dwellings into a single dwelling together with the erection of two-storey extensions to the front, side and rear and a rear dormer (02628/18). Permission was again granted in 2018 (03579/18) for the same description, but this time included the distinction '(amendment to 02628/18)' and proposed a larger dwelling and dormer extension.
13. The original pair of houses measured 12.4m in width. The first planning permission drawings secured a new width of 15.2m, with the second planning application obtaining permission for a 17.8m wide extended dwelling. This current proposal seeks to regularise the as-built proportions of the 18.45m wide structure.
14. To the rear, on a slightly lower ground level, are 1950s style houses on Tig Fold Lane with gardens abutting the rear boundary of the site. Along this boundary, within the application site sit a row of well-established evergreen conifers which provide screening between the properties. A low wall provides the front boundary with a fence approximately 1.8m high to the side and rear.
15. Plodder Lane is composed of pairs and terraces of houses dating from the 1920s to the late 1940s with street frontages encompassing mock-Tudor gables over two storey front bays, single-storey front bays, with a mix of hipped ridged roofs and catslide roofs to side elevations. Most gardens incorporate car parking and soft landscaping to the frontage.
16. A public footpath runs parallel to what was the side elevation of no. 523.

Policy

Core Strategy: CG3 The Built Environment, CG4 Compatible Uses, RA2 Farnworth, SC1 Housing, P5 Transport and Accessibility, S1 Safe Bolton and Appendix 3 Parking Standards.

SPD Accessibility, Transport and Road Safety

SPD General Design Principles

SPD House Extensions

National Planning Policy Framework (NPPF)

Analysis

17. 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.

18. The main impacts of the proposal are:-

- context of previous planning approvals and ongoing enforcement investigation
- impact on the character and appearance of the area
- impact on residential amenity
- impact on parking and highway safety

Context of the Previous Two Planning Approvals and the Enforcement Investigation

19. The proposal was originally submitted as an amendment to the approved planning permission 03579/18, to address the findings of an enforcement investigation that established the building was not being built in accordance with approved plans. Following consultation with neighbours and a site visit it became clear that the dimensions of the house as partially constructed were still not accurately shown on the drawings submitted with this current application. Concurrent to an officer request to submit accurate revised plans, officers began to negotiate with the applicant to delete the unbuilt aspects of the proposal from proposed plans.

20. Revised plans were received in October reflecting the structure as built, with no rear or side extensions proposed. Some changes are proposed to the windows in the rear dormer and front elevation as per the details earlier in this report. A revised description of development was also agreed with the applicant to reflect the demolition that had occurred. The revised description and plans were then subject to 21 days of consultation with neighbours.

21. Although some of the objections received relate to the earlier permutations of this application, it is the revised drawing no. RAD/1733/19/5/RevA that this application proposes. The rear and side extensions are no longer proposed and have not been assessed.

22. Partial demolition has indeed taken place, but previously approved plans made clear the extent of works proposed. It is clear from those approved plans that the extent of elevational changes proposed at the time would completely eradicate the original front elevations of both houses.

23. If granted, the permission will establish a new dwelling, with its own curtilage. Although partial demolition has taken place, no.525's two-storey flank wall (facing no.527) and foundations have been incorporated into the build. It is therefore fair to conclude that the structure partially retains some of the original building and although a new dwelling would be the result, the proposal shares significant similarities with the previously approved principle of amalgamating two distinct dwellings and plots into one enlarged structure housing a Class C3 single family dwellinghouse. Even if the Council were not to consider this to be the case, the area is residential and the principle of a new dwelling is compliant with Local Policy.

24. Alongside the current visual appearance of the site, a majority of the objecting households have expressed opinions (amongst other objections relating to privacy etc) that the development should be refused on grounds that the applicant has attempted to circumvent the planning

process. The Planning Act 1990 (as amended) does not prohibit building work without consent. Instead, it states that structures become immune from enforcement action if four years pass uninterrupted by any investigation by a local planning authority. So, the action of building is not a reason to take enforcement action. Furthermore, the applicant stopped when asked by the Enforcement team without need for formal action. Then, when it was established there were discrepancies between approval and construction this application was submitted, seeking to regularise the matter.

25. If this planning application is approved, the enforcement breach will cease. If the proposal is refused, then the Council will have to consider the expediency and merits of taking specific enforcement action against the structure. This aspect will form part of the planning assessment in the conclusion.

Impact on the Character and Appearance of the Area

26. Paragraph 124 of the NPPF highlights that good design is a key aspect of sustainable development and is indivisible from good planning. Furthermore, it states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
27. 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.
28. Policy RA2 of the Core Strategy relates specifically to developments in Farnworth and states that the Council will conserve and enhance the distinctive character of the existing physical and natural environment, will respect and strengthen the traditional grid-iron pattern and the street-scaping of existing houses where it is compatible with good urban design, and will require development to provide adequate privacy and amenity space.
29. The previous planning applications secured permission for two storey side extensions to 523 and a thickening of no.525's flank wall facing no.527. The previous proposal also secured permission for alterations to the front elevation of the enlarged house by way of revised quoining, window position and size, bay alterations, and significantly, removal of the separate doorways and the introduction of a central two storey bay with entrance doors.
30. The current proposals seek to secure retrospective permission for this 0.62m wider, 0.53m higher and 0.53m deeper house when compared to the dimensions of the previously approved planning application. The side elevations of the property would still maintain over 1m from the shared boundary with property no. 527 and these spaces would mitigate against any potential terracing effect. There are other properties in the area that have large two storey side extensions (eg. no.535 Plodder Lane). Compared to the previous scheme, the 0.63m increase in width is marginal and would not make the extension appear as an incongruous feature within this wider setting.
31. Neighbours consider that the original dwellings have been demolished. The applicant has submitted photographic evidence demonstrating that that parts of the original building survive in the western flank and front corner wall of no.535; and that half the building sits on the foundations of no.535. Regardless of the degree of demolition, the reality is that the previous planning applications have established permission for a single unified dwelling on this site, with extensions of proportions very similar to the one that now stands there.

32. Unlike the exposed brick and render dwelling approved via the first planning application, the second application established permission for the extended (unified) dwelling to feature brickwork and stone quoining to frontage corners. Whilst the second planning application secured permission for the forward gable projection, the then proposed mock Regency windows to the front elevation were removed and a pair of two-storey bay windows were approved.
33. The Council have previously given planning permission for extensions and alterations that fundamentally changed the appearance of the frontage of the house, as well as its proportions. The central two-storey gable projection has been approved 0.53m higher and 1.70m wider than currently proposed. Bays have been approved in the same position but 0.19m deeper and 0.03m narrower than currently proposed. The revised gable projection is now smaller and of a size comparable with the two bays so that the frontage is now more balanced with more vertical emphasis, rather than the previous approval whose frontage now appears more squat and horizontal. When compared side by side to the two earlier approvals, the current proposal is considered to possess an arrangement of architectural features typical of a domestic house.
34. Notwithstanding this positive, the proportions of the house are such that it is almost one third wider than the cumulative frontage width of the original pair of houses. It is true that the pair of houses could have been independently extended with Council SPD compliant two storey-side extensions, and that the cumulative frontage length of the extended pair would have matched that of the house as built. While such a form of extension is typical to 1930s semi-detached housing stock, this stretch of Plodder Lane hosts no immediate examples. There are some single storey side extensions but no two-storey ones. This could of course change if acceptable planning applications are approved. The Council has not previously imposed Article 4 restrictions on local development nor considered the area worth of protection via means such as conservation area designation.
35. Whilst it is acknowledged that the proposed structure for retention would have a character and street appearance markedly different from other plots, it remains a material consideration that the Council has previously approved on this site extensions proportionate to the current proposals.
36. The predominant features on the rows of semi-detached houses both adjacent and opposite the application site are bay windows to both ground and or both ground and first floor level. A smaller number of dwellings share an apex mock-Tudor gable. The design of the street elevation has altered slightly since the previous permission and the window proportions within the bays and the forward gable projection now more accurately mimic the proportions of 1930s and 40s architecture of the street. The stone quoining is not a feature of the street but has been previously approved on this site. When compared with what was permitted by way of application 03579/18, the revisions to the front elevation of the dwelling represent minor changes, but positive improvements on the earlier designs sufficient for the Council to support.
37. Whilst it was acknowledged that the roof 'extension' as built is large, the main ridged roof over the house is maintained with both hip ends. The proposed dormer is sited to the rear roof plane and therefore will have no impact on the street scene. Both the roof design (to accommodate the roof extension) and the rear roof extension have been previously approved via the planning process to the same proportions and dimensions. The roof design will remain similar to other properties in the area that have built two storey side extensions. The rooflights would be in keeping with other examples of these features in the local area.
38. The surfacing of some of the front garden to what was no.525 is acceptable, as is the new

pedestrian gate in the centre of the property. Both of these proposals mimic features already evident on neighbouring properties.

39. The building remains unfinished, clad in scaffolding with the building works paused for several months. The scaffolding itself currently contributes to how visible the house is in the street scene. Once scaffolding is removed and the building finished, the additional 0.63m width is unlikely to be obvious to any onlooker. The design changes to the proportions of the bays and front gable projection, including roof detail and window arrangements would provide a stronger vertical emphasis in the elevation that draws the eye and offsets the additional 63cm width.
40. It is considered therefore that the design of the existing building, together with the amendments proposed to the roof and front garden are acceptable and would be compatible with the existing design of dwellings in the locality in accordance with national and local policy.

Impact on Residential Amenity

41. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Whilst the Council's guidance on minimum interface distances between dwellings and private amenity space standards are contained with SPD General Design Principles.
42. Residential properties surround the site to the front and rear. To the rear are properties on Tig Fold Road with these being on a slightly lower level (approximately 0.3m lower). The SPD General Design Guide Principles sets the interface distances between elevations containing principal habitable room windows at 21m. The previous planning application accepted two storey rear extensions to the rear of the original house that reduced the interface distance down to 19.8m and 18.75m (the Tig Fold Road houses are at a slight angle). The justification for this was the adopted SPD definition of 'principal' rooms whereby the first-floor rear bedrooms do not qualify as principal rooms as they are not the largest two bedrooms in the house. Although the rear wall of the house has moved back 0.53m (reducing the above figures to 19.26m and 18.22m the design and layout of the property is such that there is only one principal room window to the rear of the property, this being to the lounge on the ground floor.
43. Neighbours in the Tig Fold Road houses have expressed concerns about loss of privacy and overlooking into their rear bedroom and bathroom from windows in the new house. Similarly, the Council must assess whether the privacy of the new residents will be compromised by the shorter than ideal interface distances to existing habitable room windows.
44. Neighbours have objected strongly to both this application and the fact that the previous ones were approved to start with. However, the manner of assessment has been consistent throughout the run of applications for this site and has had specific regard for the wording of the adopted design SPD (as above) which defines both what a principal habitable room is and when the interface distances of 21m should apply.
45. So, although the interface distance falls 0.53m shorter than the previous planning approval, the SPD policy wording is clear that it does not in this case support a refusal based on an interface distance lower than 21m. Notwithstanding this, the 0.53 reduction in interface distance is adequately mitigated for by way of the natural screening along the rear boundary in the form of landscaping and evergreen conifer trees. The applicant is also willing to supplement this screening with further trees to offset any narrow glimpses that may at times be possible through the dense conifer branches and fronds.
46. In respect of the rear roof level 'extension' (dormer), the rear face is moving 0.4m closer to the

rear of the Tig Fold houses, but both the bedroom and dressing room windows within the dormer are to be obscure glazed as shown on the plans. Furthermore, the central opening parts restricted to a position at least 1.6m above finished floor level. The previously approved roof extension contained a single bedroom whose larger dimensions qualified it as a 'principal room'. Although permission was granted for that structure with fully obscured glazing, as built it included full height Juliet balcony openings. The current plans propose deletion of this and reversion to the obscured windows previously approved.

47. The favourable assessment against SPD policy is supported by the presence of the trees. Only a Tree Preservation Order can be used to safeguard trees in perpetuity. However, a TPO is not appropriate here as the species and grade are unremarkable and of a mediocre quality. A normal planning condition cannot secure the retention of the trees, but a satisfactory planting scheme could be required to be augment and enhance the screening to the rear. It would benefit Tig Fold residents and the applicant to select fast growing natural species. It is in no one's interests to remove the trees, and the applicant has annotated their plans with the intention to retain the trees.
48. Conditions are able to secure removal of the Juliet balcony openings, obscured glazing and opening height for the lifetime of the development. With overlooking from the dormer removed from the equation, the visual interruption afforded by the evergreen trees will help offset the limited visual impact of the dormer when viewed from the rear of Tig Fold houses. Subject to the conditions needing implementation on site prior to first occupation the roof 'extension' would satisfy adopted policy.
49. The proposal extends the rear elevation of the house an additional 0.53m, however it will not have a detrimental impact on the adjacent property at no.527 as the two properties are set 5.9m apart and there exists a detached garage with ridged roof over within 527's rear garden beyond the rear living room windows of 527, interrupting the view of the new house.
50. The clear bedroom window in each flank would face the adjacent property. In the case of no. 527 this would look onto a brick wall containing three windows lighting a landing, a bathroom and wc. All three windows are obscured. The clear bedroom window facing no. 521 would sit 13.6m from the facing elevation in that property with a public footpath passing between the two houses. There is an obscure glazed bathroom window in the first floor side elevation of no 521, and a stairway landing window between floors. A tall hedge sits on the boundary. Neither the bedroom, nor the landing comprise principal rooms and the 13m interface distance satisfies the requirements of the Council's SPD.
51. The four rooflights would face the roof slopes of nos.521 and 527, and the same non-principal windows as detailed in the previous paragraph. The rooflights in the front roof slope would face the street and light the bathroom and bedroom. They would be positioned approximately 28.5m from the facing windows in the houses opposite and there would be no harm to neighbouring amenity from any of the rooflights.
52. The previous permission removed the property's Permitted Development (PD) rights for extensions and outbuildings to prevent the addition of extensions without the submission and assessment of a further planning application. Given the limited space left on the site, it would be prudent to attach a similar condition to this permission. However, there would be no need to restrict fencing and means of enclosure beyond what is normally permitted.
53. The proposed development is considered to be compatible with the surrounding residential dwellings and would not result in an unacceptable loss of light. Existing trees offer suitable

interruption to short interface distances and no principle habitable room windows are compromised in either the application property or Tig Fold houses to the rear. Obscure glazing and supplementary landscaping conditions are proposed to add extra safeguards to the existing neighbouring amenity and the development provide adequate internal and external space for the future occupants in accordance with policy CG4 of the Core Strategy.

Impact on Parking and Highway Safety

54. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] 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.
55. The proposed development would provide six car parking space within its curtilage in line with Appendix 3 of Bolton's Core Strategy. The new gateway and gates will provide a safe pedestrian entrance to the house, separate from the two existing vehicular access points. Highways and Engineering raise no objections to the proposal and it is considered that the proposed development would be in accordance with policies S1, P5 and Appendix 3 of the Core Strategy.

Landscaping

56. Policy CG3 of the Bolton Core Strategy states that the Council expects development proposals to contribute to good urban design, respect and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area. Policy CG3.7 states that the Council will maintain and respect the landscape character of the surrounding countryside and its distinctiveness. any soft landscaping and landscape enhancement scheme should enhance biodiversity and be compatible with the nearby landscape character types identified by the Landscape Character Assessment.
57. Whilst the forecourt of no.523 was previously hard surfaced, the area around no.525 was not and permission is sought in respect of additional hardstanding to accommodate cars on the frontage. To avoid flash run off during rain showers it is considered appropriate to attach a condition requiring porous bound surfaces to be used for the parking areas to the front of the house. Similarly, to help augment the tree screening on site and local biodiversity, a condition should require the implementation of supplementary planting to the rear boundary of the site.
58. Because of the limitations of the plot, all domestic permitted development rights (bar means of enclosure) in respect of the new dwelling are to be removed by condition. This means that any additional paving, decking, outbuildings, extensions and new windows within the plot will be subject to the full planning process.

Value Added to the Development

59. The applicant has deleted proposals for single storey side and rear extensions from plans and also showed a reversion in the 'dormer' to traditional windows rather than Juliet balconies and tall openings. The proportion of first floor rear glazing has been reduced and obscure glazing is proposed to the rear dormer windows sufficiently addressing privacy concerns. Proportions of the bays and front gable feature have been reduced to improve the vertical emphasis and residential identity of the frontage. The accuracy of drawings has been improved, enabling a thorough assessment against earlier approvals.

Local Finance Considerations

- 60 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

61. In summary, while the Council shares neighbours' disappointment that the applicant did not seek planning permission prior to the structure being built larger than approved, this factor does not alter the material assessment against planning policy and site constraints that the Council is obliged to make. This report has assessed whether there are any distinct harms, in excess of those previously considered acceptable on the previous permission (caused by the increases in height, depth, width and elevational appearance) that cannot be sufficiently mitigated against by way of condition.
62. The street elevations successfully incorporate references to the period character of houses on the street and would be compatible with the existing design of dwellings in the locality in accordance with local policies RA2 and CG3 and paragraph 124 of the NPPF.
63. Subject to conditions to address the matters raised in this report (obscure/non opening glazing, supplementary tree planting, removal of PD rights), the proposed development would be compatible with the surrounding residential dwellings and would not result in an unacceptable impacts on neighbouring or future occupant amenity, including privacy, in accordance with policy CG4 of the Core Strategy.
64. The proposed highway, parking and access arrangements would satisfy policies S1, P5 and Appendix 3 of Bolton's Core Strategy.
65. Subject to the further amendments proposed on plan and the application of the conditions suggested in this report, the extensions and structure as built would not compromise the aims and objectives of the relevant policies contained within the Core Strategy and there are no material planning considerations that would justify a refusal of permission. It is recommended that the application be approved.

Representation and Consultation Annex

Representations

Letters:- Objections have been received from nine households on Plodder Lane and two households on Tig Fold Road. Many of the objections are repeat submissions of the same objection, updated with additional comments following reconsultation in respect of revised plans deleting the single storey rear and side extensions and the roof balconies. As part of the revised 21 day reconsultation the description was refined to reference the demolition of one of the dwellings to better reflect the findings of the enforcement investigation and accurately reflect the parameters of the retrospective application. All comments received up to 19th November have been incorporated below.

- Concern that neighbours were not consulted on previous applications;
- Applicants have no regard for their neighbours;
- Plans are inaccurate and do not show accurate distance to what has been built;
- Dimensions of what has been built on site need to be checked;
- Out of character with Plodder Lane houses;
- Overbearing, much higher than surrounding dwellings;
- Significant loss of privacy. First floor and dormer windows look directly into the rear first floor bedroom (childrens' room) on the Tig Fold Road houses, and also rear gardens;
- Concerns that application forms imply trees are to be removed, worsening loss of privacy;
- Natural light has been reduced to rear of no. 527;
- Size of property will to accommodate 5no. families with 6-10 children, and will generate unreasonable levels of noise, activity;
- Size of property will to accommodate 5no. families will generate car parking needs for 10 cars, with site incapable of hosting, causing overspill onto road and double yellow lines/bus stop;
- Demolition has taken place without consent from the Council;
- Council should take enforcement action to demolish the dwelling and force the applicant to rebuild the original houses and form the extensions only as they were approved on the first application, not the second approval;
- New house as built is less than the legally required 21m distance from rear windows of the Tig Fold houses;
- Previous permission removed the property's PD rights to prevent the addition of extensions without the grant of further planning permission; Each bedroom has an ensuite bathroom so safe to assume that the house will be turned into an HMO; and
- Font size and selected dimensions on plans are intended to mislead.

Officer comments: Previous application records confirm consultations took place with all properties sharing boundaries with application site. Revised plans correcting dimension errors have been secured and checked on site as accurate by two separate officers. All other matters are addressed in the report.

Objections to elements of the scheme no longer proposed

- Juliet balconies completely unacceptable as will worsen already diminished privacy;
- Balcony over single storey rear and side extensions will cause further overlooking at short distances.

Officer comments: Officers have secured the removal of the single storey side and rear extensions from proposed plans. And the applicant has agreed to re-engineer the roof extension to remove the Juliet balcony openings and instate wall and window openings as per proposed plans.

Non Planning objections

- Additional height of proposal will impact on solar panels (opposite) and ability to generate

- electricity/revenue;
- Applicant has carried out development in this way to circumvent planning system and achieve a new dwelling in place of two houses which would have been refused had it been specifically applied for;
- The original planning applications should not have been approved;
- Building Control applications have been refused in 2018 yet building work continued into 2019. Residents not consulted on Building Regulations applications.

Officer Comment: The ridge of the house is 0.53m higher than approved, at a distance of over 33m from the roof face with panels. It is not unlawful under the Planning Act 1990 (as amended) to carry out building works without planning permission in place. In any event, works ceased at the involvement of the Enforcement Service, culminating in the assessment of this application to regularise the situation through the correct channels. The previous applications were assessed against the same adopted policies and publicised in the normal way prior to approval. Building Regulations applications are not subject to public consultation.

Petitions:-None

Elected Members:-

Councillor Susan Haworth has written to the Council asking that if approval is recommended the case be heard by the PLANNING COMMITTEE and the site visited by members before a decision is made. The material planning considerations in this case are listed as follows:

- Around ten homes from Plodder Lane and Tig Fold Road have raised objections
- The objections are separate to the on-going enforcement case.
- Residents consider that this proposal conflicts with Bolton's House Extensions supplementary planning document in respect of dormer windows, street appearance, measurements between properties, amenity and windows.
- At least five homes (28-36 (evens) Tig Fold Road) consider themselves at risk from loss of residential amenity and privacy, and at risk from overlooking and loss of privacy.
- Concerns have been raised that the extensions have resulted in large scale change residents were not expecting with the character and appearance fundamentally altered.

Consultations

Advice was sought from the following consultees: Greenspace Neighbourhood Services; Highways & Engineering; United Utilities; Pollution Control

Planning History

035579/18 - Conversion of two dwellings into single dwelling including erection of two storey extensions to front, side and rear and rear dormer (amendment to 2628/18). Approved July 2018.

02628/18 - Conversion of two dwellings into single dwelling including erection of two storey extensions to front, side and rear and rear dormer. Approved March 2018

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. 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 dwelling being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the first occupation of any part of dwelling 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. 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

4. Before the first occupation of the building/extension hereby permitted the glazing units in both of the window opening in the second floor roof structure facing the rear of nos. 28-34 Tig Fold Road 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 with level 5 obscured glazing in that condition thereafter. No part of either of those two windows, or any replacement unit shall be openable unless that part is above 1.6m in height from the internal finished floor level.

Reason

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

5. Before the first commencement of the residential use hereby permitted no less than 6 car parking spaces with minimum dimensions of 2.5m x 6m shall be provided within the curtilage of the site, in accordance with approved drawing Drawing RAD/1733/19/5/Rev A]. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

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

6. Any additional hardstanding to be laid down to the street frontage of the new dwelling hereby approved shall be formed from a porous bound surface.

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.

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

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. Alterations proposed to the building hereby retrospectively approved shall be constructed using materials 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, soil stacks, waste, pipes (other than rainwater pipes), meter boxes, central heating or biomass heating flues, solar PV, solar thermal, wind turbines, satellite dish(s), TV or radio antenna, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed attached to the dwelling or within the curtilage shown on approved drawings without the further explicit grant of of planning permission by way of a separate planning application

Reason

To safeguard the character and appearance of the dwelling and the amenity of neighbours now that the resulting plot size is limited by way of the approved dwellings proportions in accordance with policy CG4 of Bolton's Core Strategy.

10. 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 windows or doors shall be formed in the rear elevation or rear roof elevation (including second floor roof extension) of the development hereby approved other than those shown on the approved drawings, nor shall those approved windows or doors be enlarged or altered.

Reason

To safeguard the outlook, privacy and living conditions of neighbouring residents and to comply with policy CG4 of Bolton's Core Strategy.

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

RAD/1733/18/1/RevC (Site Location Plan)
RAD/1733/19/5/RevA (Proposed Elevations and Plan)

Reason

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

Original Pair of Houses



Original Approval



Second Approval



Current Proposal



All drawings are in scale with each other but dimensions should be taken from master drawings

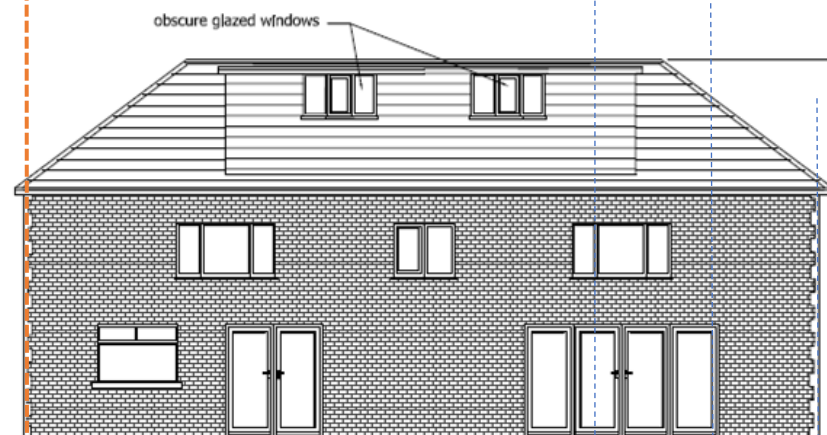
Original Pair of Houses



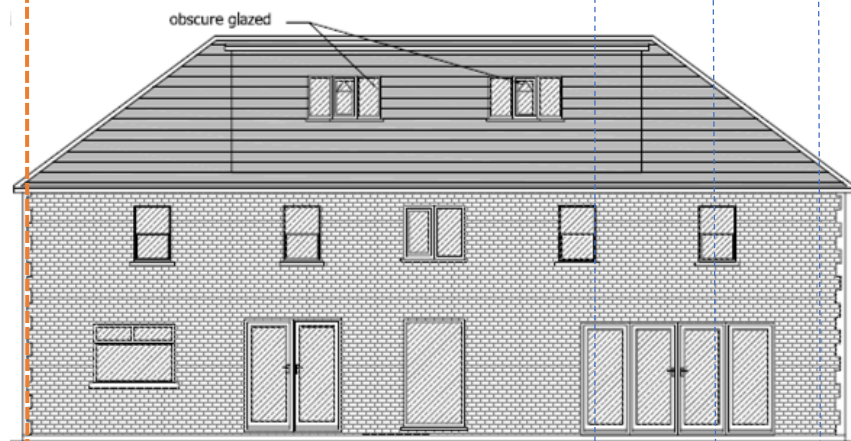
Original Approval



Second Approval

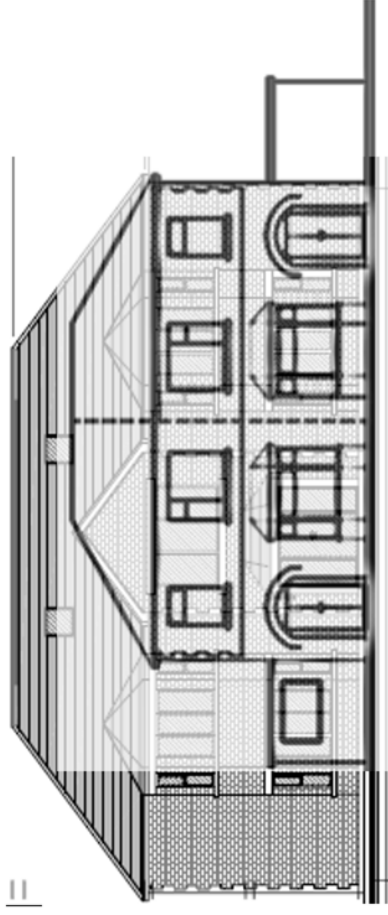


Current Proposal



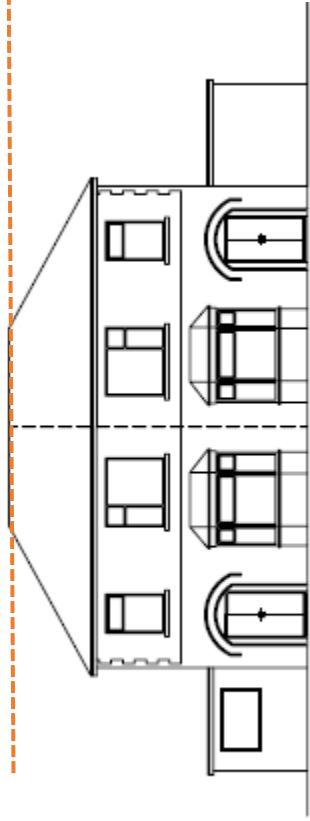
All drawings are in scale with each other but dimensions should be taken from master drawings

Original Pair of Houses laid over Current Proposal

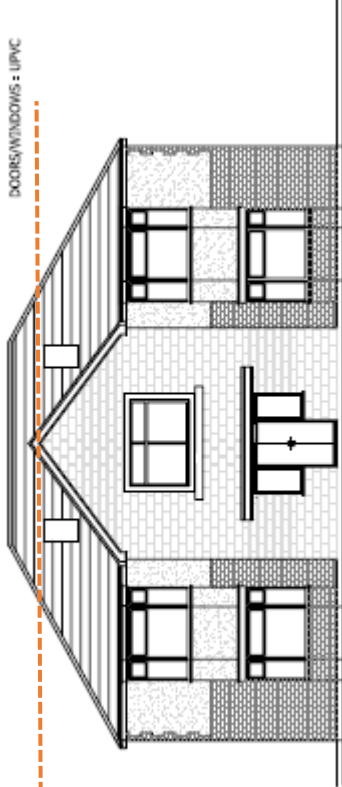


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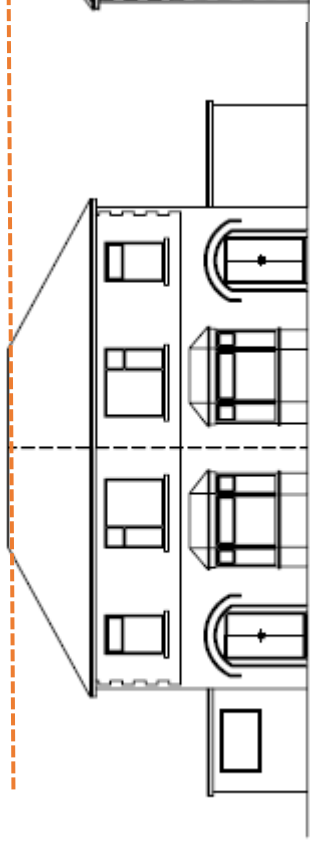
Original Pair of Houses



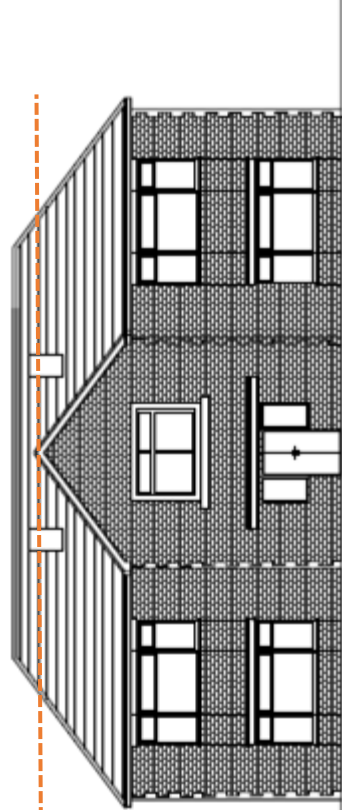
Original Approval



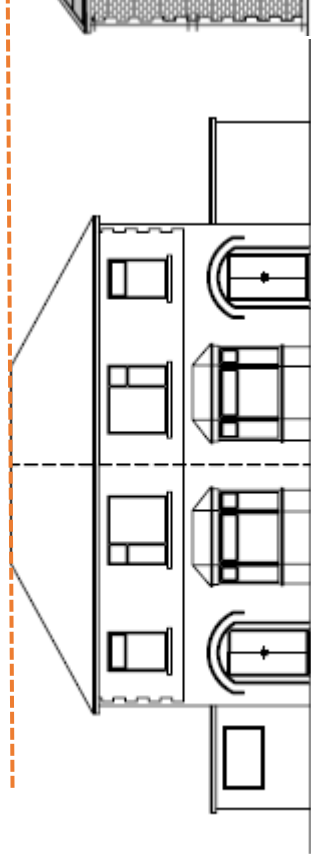
Original Pair of Houses



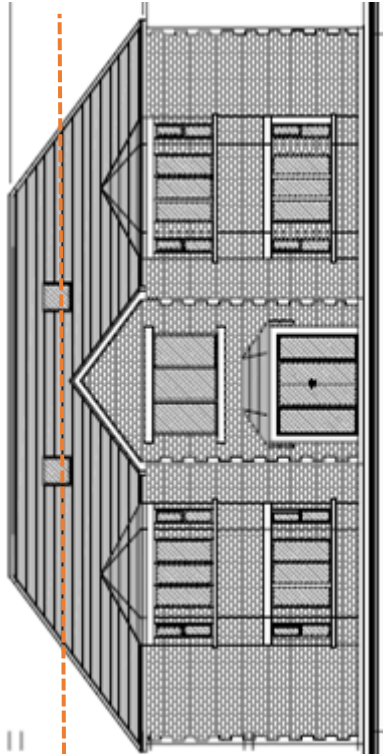
Second Approval



Original Pair of Houses

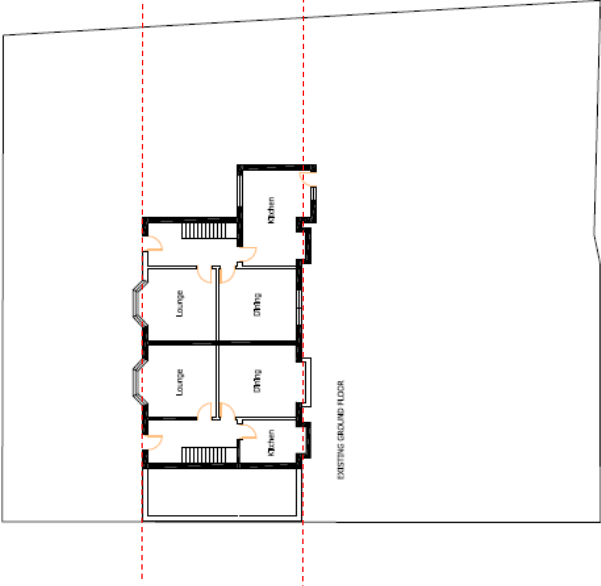


Current Proposal

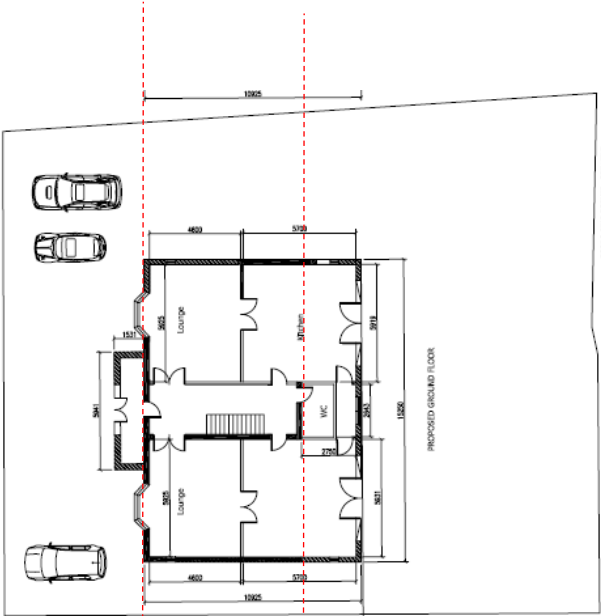


All drawings are in scale with each other but dimensions should be taken from master drawings

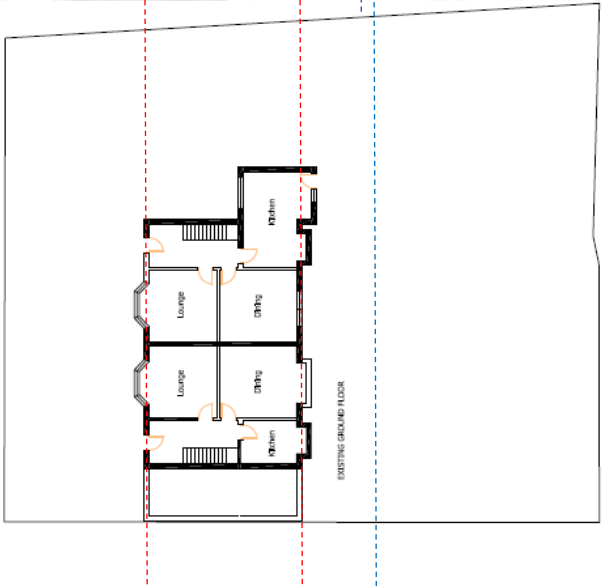
Original Pair of Houses



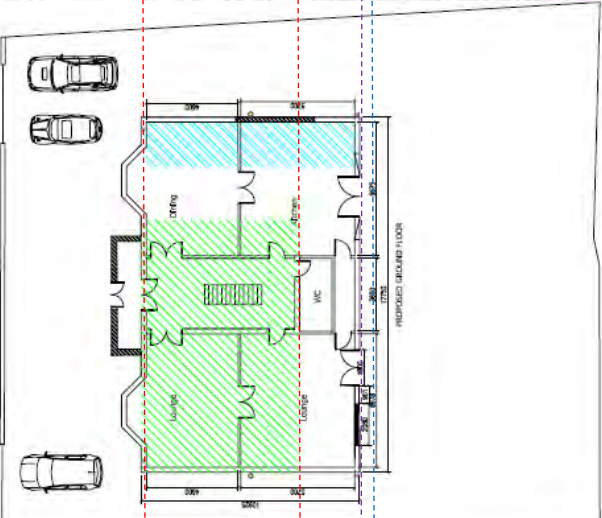
First approval



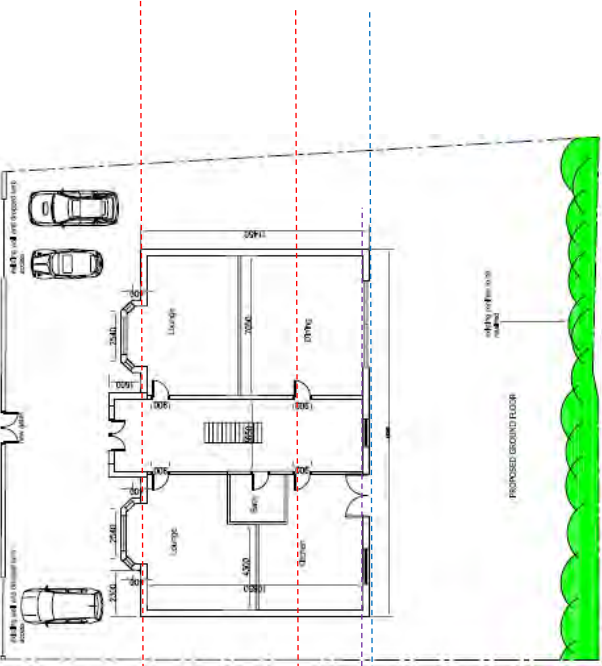
Original Pair of Houses



Second Approval



Current Proposal



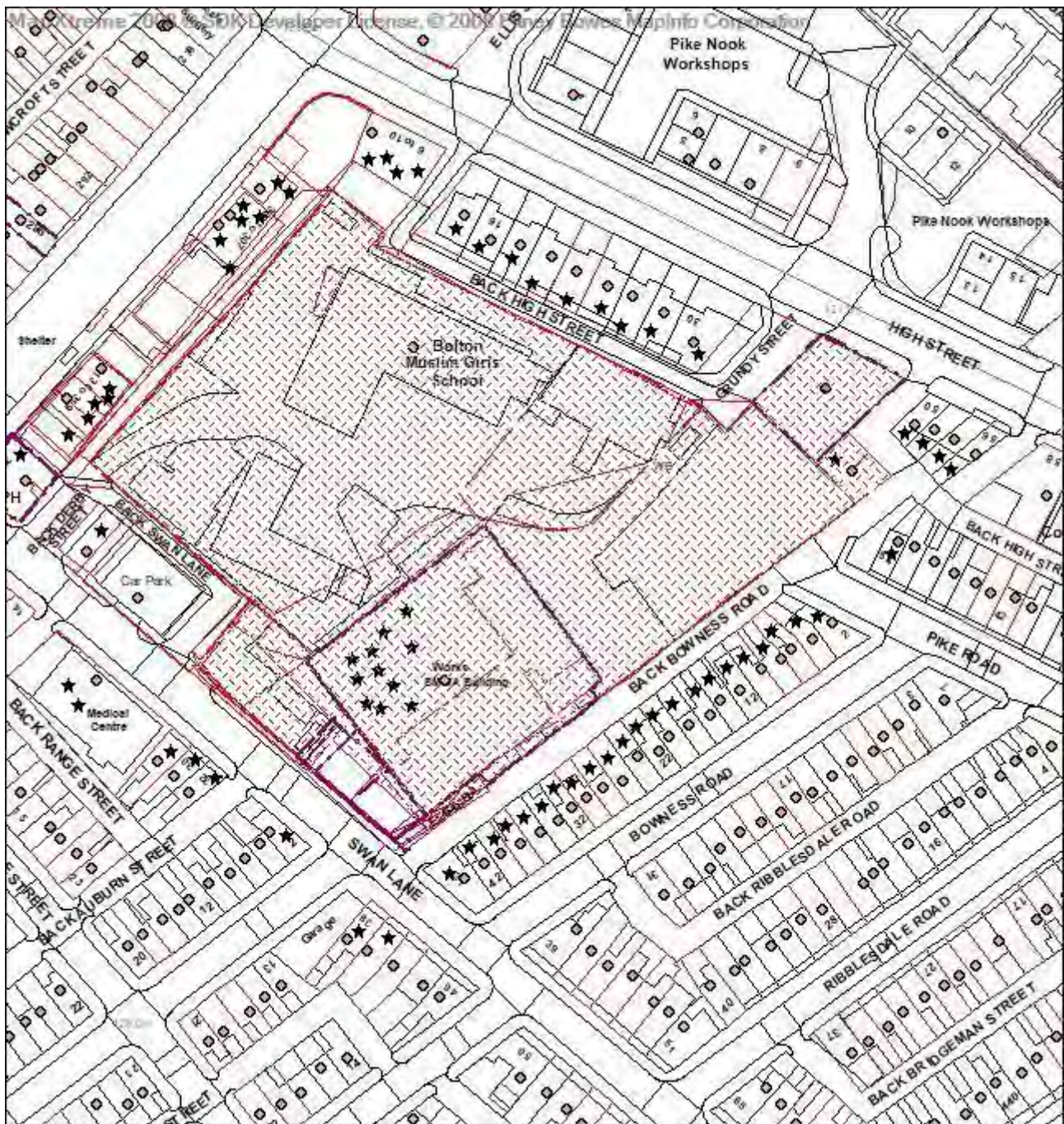
All drawings are in scale with each other but dimensions should be taken from master drawings

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RAD The White House, 42-44 Chorley New Road, Bolton BL1 4AP Tel : 01204 322196 Fax : 01204 214110 Mob: 07790 361104 Email: info@radesignprojects.co.uk			Project 523-525 PLODDER LANE BOLTON BL4 0LB			Client MR A. ALI		
Notes			Title EXISTING PLANS & ELEVATIONS			Drawn RA		
This drawing is subject to copyright and is not to be reproduced in part or whole without approval. Figured dimensions take precedence over scaled measurements from the drawing. All dimensions and drawings to be checked by Client and Contractor and discrepancies clarified with the Client prior to commencement. The whole of the works to complete the project shall be subject to current Building Regulations. No work to commence without Planning & Building Regulations approval. The client must ensure the project complies with the Construction Design and Management Regulations 2015 and any subsequent amendments. The Client should ensure compliance with Party Wall Act 1996 obtained, as well as compliance with Party Wall Act 1996.			Date 25/10/19			Date SEP 2019		
Rev. A.			As built drawings			Scale 1:100 @ A1 / 1:200 @ A3		
Initials RA			Drawing Number RAD/1733/19/5/RevA					

Application number 06663/19



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: 05/12/2019

Application Reference: 06663/19

Type of Application: Full Planning Application

Registration Date: 16/09/2019

Decision Due By: 10/11/2019

Responsible Officer: Monika Dubacka

Location: BOLTON MUSLIM GIRLS' SCHOOL, HIGH STREET, BOLTON, BL3 6TA

Proposal: CHANGE OF USE OF SECOND AND THIRD FLOORS TO EDUCATIONAL USE TOGETHER WITH THE ERECTION OF A FOUR STOREY EXTENSION PROVIDING RECEPTION AREA, OFFICE AND CIRCULATION AREAS

Ward: Rumworth

Applicant: Bolton Muslim Girls School

Agent : ZA Architects Ltd

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- The proposal is for the change of use of 2nd and 3rd floor of the mill building to a school with the erection of four-storey side extension to accommodate reception, office and circulation areas;
- The site is within the grounds of the existing Bolton Muslim Girl's School accessed off Swan Lane;
- The proposed extension is of a contemporary design. The mill is not within a Conservation Area and the building is not listed;
- The proposal would accommodate a 150 (No.) increase in pupils and 10 staff over a 5-year period (30 additional per year);
- The submitted Transport Assessment and Travel Plan both indicate that impact on highway capacity would be marginal;
- No objections have been received from consultees; and
- This application was called in to the Planning Committee by Councillor Shamim Abdullah and will be the subject of an advanced site visit.

Proposal

1. The applicant proposes the change the use of second and third floors of the mill (previously occupied by B class uses) to education use together with erection of a four-storey side extension to accommodate reception, office and circulation areas which would provide direct access from the School curtilage into the adjacent Mill building.

2. According to the information submitted it is a proposal to increase the number of pupils at the school from 600 to 750 with the number of staff increasing from 80 to 90.
3. The Design and Access Statement indicates that this 150-number increase in pupils and 10 staff will be accommodated over a 5-year period (30 additional per year).
4. The proposed change of use would accommodate additional class rooms, hall, W.Cs, changing rooms and staff rooms at the second floor with additional hall at the third floor, which depending on funding could be converted into further classrooms in the future
5. The proposed extension would be situated to the north-west elevation of the mill and would measure approx. 18m in height to its flat roof, 7.8m in width and would project approx. 12.4m to the side of the building. This would provide an access and staircase and lift to second and third floor of the building with reception at the ground floor, lobby and an interview room at the first floor, circulation areas at the 2nd and 3rd floor with internal plant to be installed within its roof at the 4th floor level.
6. The extension would be finished in modern materials including grey coloured metal cladding and coloured panelled glass.
7. The opening hours are proposed as 7:00 - 18:00 Mondays – Fridays with no openings on Saturdays, Sundays or Bank Holidays.
8. The applicant has submitted a range of documents including proposed site layout, site sections, elevations of the extension and the mill, drainage strategy including Flood Risk Assessment, Noise Assessment, Air Quality Assessment, Phase 1 Geo-Environmental Assessment and an Energy Strategy report, to enable the Local Planning Authority to assess and determine the proposal.
9. Whilst shown on proposed plans, retention of modular two storey building to the north-west of the mill building is not part of this scheme and is being applied for under a separate planning application ref. 07129/19.

Site Characteristics

10. The school site is located off St Helens Road, access is via Swan Lane and off Grundy Street/Back High Street. At present the school can be viewed, albeit in a limited form from St Helens Road.
11. To the rear is an established mill building, which contains a number of uses including commercial use at ground floor (tyre repair unit, a gym and 2 light industrial clothing storage/ warehouse usage). The access for the commercial tenants is from the High stress access point which is also used by the staff to access the carpark.
12. The first floor of the Mill building is used for supplementary Islamic madrassa used between the hours of 4:30 -7pm approx. Access for these users is from Swan Lane

13. Pupil access to the school is from Swan Lane, near to a small public car park.
14. The main teaching blocks are situated to the north-west of the site and access off Grundy Street/Back High Street with temporary two storey modular buildings situated to the south of the site adjacent to the mill building.
15. To the west is a medical centre. Residential properties back onto the site, these are situated on Bowness Road, however Back Bowness Road runs between the properties and the school. The school is split into two buildings, blocks A and B. The site is situated on a lower topographic level than the majority of the surrounding built form.

Policy

The Development Plan

16. Core Strategy CS) Policy A1.1 Achieving, P5 Accessibility, S1 Safe, CG1 Cleaner Greener, CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses and RA1 Inner Bolton

Other material considerations

17. National Planning Policy Framework (2019)
18. General Design Principles Supplementary Planning Document (SPD) and Accessibility, Transport and Safety SPD

Analysis

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

20. The main impacts of the proposal are:-

- Principle of the development;
- Impact on surrounding land uses and occupiers
- Impact on the character and appearance of the area
- Impact on highway safety/capacity

Principle of the development

21. Core Strategy policy A1.1 seeks to support the development of secondary schools in accessible locations along transport corridors and in renewal areas.

22. Part of this site is still in active use as part of Bolton Muslim Girl's School. It is noted that CS policy RA1.3 encourages the regeneration of mills and other older industrial premises and that CS policy RA1.7 allows for the renewal of buildings at Bolton Muslim Girl's School.
23. Paragraph 94 of the NPPF places great importance on a sufficient choice of school places being available to meet the needs of existing and new communities with LPA's taking a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Great weight should be given to the:
- '...need to create, expand or alter schools through the preparation of plans and decisions on applications; and work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*
24. The application site is located within a renewal area (CS policy RA1) and is located adjacent to a bus corridor with the mill building located approx. 80 metres away from the junction of St. Helens Road / Swan Lane.
25. The proposed development would extend into and re-use part of the existing mill, which 2nd and 3rd floors. Both floors have been vacant for some time and their reuse would assist in regenerating the site and allow the school to expand and continuously function within the same site.
26. Officers consider that the proposal would comply with Core Strategy A1 and also guidance within paragraph 94 of the updated NPPF. In terms of the key issues identified with regard to the proposed development, the highways solution detailed below seek to address the main concerns of local residents, ward councillors and other interested parties.

Impact on surrounding land uses and occupiers

27. 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.
28. The initial application submission provided a noise assessment for the use of the school classrooms. Subsequently the applicant has recently submitted a further noise assessment which focuses on the use of the external areas within the school curtilage. This report concludes that the use of the building would comply with the recommended WHO guidelines without any mitigation.
29. With regards to submitted contamination report and air quality reports Bolton Council's Pollution Control team also raised no objections.
30. In terms of the surrounding residential uses, given the above-mentioned findings, it is not considered that proposal would have a detrimental impact on the living conditions of the neighbouring residents. In terms of the impact on the outlook from residential properties it is considered that the proposed extension would be sited an adequate distance to any of the surrounding residential properties. In addition, no new windows would be introduced to the mill

building and the windows within the extension would in majority be staircase/circulation windows.

31. The proposal would result in the regeneration of the site, improving the appearance of part of the mill building, which is currently in disrepair. It is considered that the extension and change of use would be complementary to the existing educational use within the site.

32. Therefore, it is considered that the proposal would comply with Core Strategy policy CG4.

Impact on the character and appearance of the area

33. Core Strategy policy CG3 seeks to ensure that new development conserves and enhances local distinctiveness and which is compatible with the surrounding area in terms of scale, massing, architecture and landscape treatment. Core Strategy RA1.11 seeks to ensure that the character of the existing physical and natural environment is conserved and enhanced. Core Strategy policy RA1.12 seeks to ensure that development has particular regard to the massing and materials used.

34. The modular block of classrooms would be sited to the west-north of the mill building towards the temporary modular classrooms and other two school blocks to the north-west of the site. Its positioning would ensure easy connection between the other buildings of the site allowing for new classrooms within the 2nd and 3rd floors of the mill to be accessed from within the school grounds rather than from the surrounding roads. The arrangement shall take on a L/dog leg shape which would create a courtyard appearance when the site is viewed on the whole.

35. A flat roof is to be used. At the highest point the building would stand at 18m high which would be higher than the existing mill building. The footprint would be spread over a 12.4 metre length and 7.8metre depth.

36. In terms of the building's design it is noted that this will be finished in metal cladding with coloured window panels. Whilst this will not match the existing red brick use on the mill, it would be of a high standard of design.

37. The planning statement submitted in support of this application states:

"The design has been developed deliberately so that the extension appears as a modern addition. The glass frontage with the grey cladding will reflect the industrial feel of the building, as well as giving the School and Mill building a new lease of life and really expand on the schools branding (this is currently lacking) and colour theme with the bold signage and coloured panels incorporated into the frontage".

38. Bolton Council's Conservation and Design Officer supports the scheme and has confirmed that the use of contrasting materials to a mill building can provide visual interest and contrast to the mill. This approach has been used on a number of other sites across the country and allows the building to be perceived in its own right and any new contemporary addition be honest and of its time.

39. The plans, however, has been amended to introduce more glazing on the side elevations and to add interest by contrasting. The school's colours have been introduced to front, tall windows of the extension. There would be no important and distinctive architectural features that would be

lost as a result of the proposal and there would be no impacts on resident views from the rear of properties on St Helens Road.

40. Officers consider that the proposal would comply with Core Strategy policies CG3 and RA1.

Impact on highway safety/capacity _

41. Core Strategy policy P5 seeks to ensure that new developments take site accessibility into account with sufficient provision for prioritising pedestrians, cyclists and public transport users over motorised forms of transport. Guidance contained within the Council's Accessibility, Transport and Safety SPD also provides guidance.

42. Guidance contained within the Council's Accessibility, Transport and Road Safety SPD covers a range of highways related matters including provision of facilities for people with disabilities, provision for pedestrians, cyclists, public transport and car parking. In addition, the SPD provides guidance on highway design, Transport Assessments/Statements, Travel Plans, Infrastructure provision and the means for securing such provision.

43. Paragraph 111 of the NPPF (2019 as amended) 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 (paragraphs 108 and 109):

i) 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

ii) 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.

44. In support of the application the applicant has submitted a Transport Assessment together with a Framework Travel Plan. Integral to the proposed scheme is as follows:

- Site access (including pedestrian access) from the existing access point off Swan Lane;
- Staff to continue to use existing car park facilities off High Street
- Provision of on site cycle storage can be accommodated within the site (Students have lockers and changing facilities. Changing and shower facilities for staff that cycle to school);
- Access to bus stops in close proximity to the site access;
- Provision and use of the existing school drop off facility at Swan Lane (Ensure parents have information and guidance on pick up and drop off
- points and discourage use of main school gate entrance before and at the end of the school day)
- Promote sustainable travel and the health benefits of walking to school through tutoring and PHSCE programmes
- Duty staff to supervise traffic before and at the end of the school day to reduce congestion
- Add information on bus, rail and cycle links and Cycle to Work scheme to induction packs

45. The agent has clarified that currently the school have a drop off/ pick up management plan in

place to ensure smooth running at these times. A member of staff is stationed at the school gates to manage the current situation at drop off and pick up time. There are 2 no. of staff at drop off and 4 no. of staff at pick up ensuring the flow and safety of the pupils as they walk in.

46. There is a one way drop off road adjacent to the school gates which ensures traffic will flow through and not congest Swan Lane. In addition to the staff at the gate there is members of the senior leadership team who assist in guiding the traffic and negotiating with any parents parked incorrectly on double yellow lines or posing a risk to the safety of learners and other road users. The situation is as such you would expect during a school drop off as any school in the vicinity, however the school's management plan is in place to ease the situation.
47. The Design and Access Statement indicates that this 150-number increase in pupils and 10 staff will be accommodated over a 5-year period (30 additional per year) would be marginal per year. The Council's Highways Engineers have commented that the submitted Transport Assessment is robust in terms of potential vehicle impact which reiterates the sites accessibility to sustainable transport provision and the surrounding residential catchment.
48. They also advise that the additional traffic can be accommodated without detriment to the operational capacity of the surrounding highway network and that the cumulative impact of the development would not be classed as severe.
49. In terms of the submitted School Travel Plan the Council's Highways Engineers have concluded that this document is robust with achievable sustainable travel targets aimed at creating a modal shift from use of the private car which would assist in reducing the traffic impact of the scheme further.
50. The Council's Highways Engineer acknowledge that school sites generates a unique set of traffic management issues at drop off and pick up times (which is the case with the highways surrounding the Bolton Muslims Girl School). They consider that the level of increase in pupil numbers indicated over the allotted period will have a minimal impact on this issue.
51. In relation to staff car parking, it is noted that this is provided to the rear of the site off High Street and is not considered that addition of 2 no. of staff per year (10 no. of staff for the next 5 years) would have a detrimental impact on highway capacity/ safety or car parking provision within the site.
52. Whilst neighbours comments about existing highways issues are acknowledged, acting on the information that has been presented, it is considered that the proposal will meet the requirements in current planning policy in terms of potential impact on the surrounding highway network (Para 108/109 NPPF) and would not exacerbate existing highways issues and the cumulative impacts on the road network would not be severe to warrant refusal of this application.
53. As a result the Council's Highways Engineers have no objections to the perspective to what is being proposed under this application.
54. Given the above, it is considered that overall the proposal is compliant with Policies P5 and S1.2 of the Core Strategy and the NPPF as the development would not have a severe impact on road

network.

55. With regards to comments made by neighbours and Councillor Abdullah, the agent has explained that the School have been exploring measures to put in place to further mitigate any impacts in form of drop off for 2 year groups being placed from the High Street side access.
56. However, the agent highlighted that this a complex route and the feasibility of this option in regards to safe guarding, health and safety and cost factors would all need to be explored further. In addition, given that High Street side currently does not have a designated drop off zone, there would need to be a designated walkway/crossing for the separation and safety of the students due to the current commercial usage of that side of the site.
57. Whilst the applicant is willing to explore this option in detail if required, since the School would not want anything to hinder the expansion proposals it does not form part of the current scheme. Should members decide that this is necessary to make the scheme acceptable, the applicant would need to outline timeframes on delivery and submit new plans to show how this is to be implemented without impacting on other uses within the mill, on highways safety and on the existing car parking provision off High Street.

Conclusion

58. It is considered that the layout and design of the proposed for expansion of the school is appropriate and complies with the above mentioned local and national policies. It is acknowledged that the School are committed to encouraging pupils and staff to travel to the School using sustainable modes of transport. In addition, the trip generation from the proposed expansion will not be detrimental to the operational capacity of the existing highway network
59. Members are therefore recommended to approve this application, subject to the recommended conditions

Representation and Consultation Annex

Representations

Letters:- two letters have been received and a petition objecting to the proposed development, summary as follows:

i) addressed in the main body of the report:

- the proposal would impact on highway and pedestrian safety;
- the informal car park is inadequately lit;
- lack of stewards to supervise the traffic during start and finish times.

ii) non material planning consideration:

- people visiting the site are choosing to park on surrounding streets;
- cars are constantly blocked;
- neighbouring residents are subject to verbal abuse and their car are being damaged by people parking inconsiderably on streets;
- ice cream van parks daily outside of the building adding to the existing highway issues; and
- parking enforcement officers should ensure people are parked properly.

Petitions:- one petition objecting to the proposed development has been received which has been signed by 69 people from 59 individual properties. The issues raised have been addressed above.

Elected Members:- Councillor Shamim Abdullah requested this application to be determined at the Planning Committee for the following reason:

"At the public consultation held at BMGS, residents had spoken with me expressing their concerns, that the current situation is already hugely affecting the residents.

The present road infrastructure cannot cope with the traffic as it is. With the student entry/exit points being on Swan Lane (very close to Derby St) this causes congestion which then leads on to the main road. Affecting both Swan Lane/ Derby St traffic and the users of Swan Lane Medical Centre and neighbouring residents.

There has been a request made by residents to consider placing student entry/exit points from the High St side to reduce the impact.

These were the main points of concern that I picked up. From the plans it can be seen that the residents concerns have not been considered.

The increase in numbers will only exacerbate the current situation and therefore for this reason I request that this planning application be determined at the Planning Committee."

Consultations

Advice was sought from the following consultees: the Council's Highways Engineers, Pollution Control officers, Drainage Flood Risk officers, Greater Manchester Police - Design for Security and officers

from the Greater Manchester Archaeological Advisory Service.

Planning History

Planning application for retention of two storey portable class rooms. Ref.07129/19 – Pending consideration;

Approval granted for construction of car park and installation of perimeter wall and access gates to car park and steps and ramp to building access. Ref. 06767/19;

Approval granted for construction of car park and installation of perimeter wall and access gates to car park and steps and ramp to building access. Ref. 02953/18;

Approval granted for change of Use to Islamic Education Facility (First Floor Only). Ref. 91387/14 situation;

Approval granted for a temporary three year period for the erection of the canteen storage unit. Ref 85728/11;

Approval granted for a temporary three year period for a portable building to be used as office accommodation. Ref: 84172/10;

Approval granted for an enclosed fire escape. Ref: 83153/09;

Approval granted for a twin mobile classroom and ramped access for a temporary period. Ref: 82394/09;

Approval granted for an external fire escape. Ref: 82311/09.

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. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples or full details of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. 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. No part of the development hereby permitted shall be occupied until those parts of the items detailed in part 5 of the approved Travel Plan (ref. A114581, 1st Issue, dated 08.08.19) have been implemented in full. The approved monitoring measures detailed in part 6 of the approved Travel Plan shall be implemented in full and shall include annual monitoring of the Travel Plan throughout the lifetime of the development.

Reason

To encourage use of alternative forms of travel in accordance with Core Strategy Policy P5 and the National Planning Policy Framework

Reason for pre commencement condition

Mitigation measures as outlined in the approved Travel Plan must be incorporated before the first use in order to inform and encourage future users of the site to utilise the sustainable travel options available to them.

4. The use of the extended school hereby approved, shall not take place other than between the hours of:

- 7:00 - 18:00 Mondays – Fridays

No operations shall take place on Saturdays, Sundays or Bank Holidays.

Reason

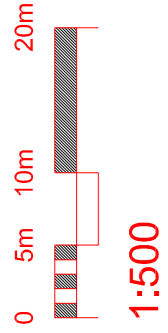
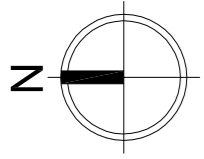
To safeguard the living conditions of residents and the amenity and character of the area with regard to noise and/or disturbance and in order to comply with Bolton's Core Strategy policies CG3 and CG4

5. Notwithstanding uses of the ground and 1st floors of the mill and sitting of the modular building(s) within the application site, which do not form part of this application, the development hereby permitted shall be carried out in complete accordance with the following approved plans:

- Proposed Elevations drawing number 0218.005 PL_009 rev. E dated 11.11.19
- Proposed Second Floor Plan drawing number 0218.005 PL_007 rev. C dated 20.08.19
- Proposed Third Floor Plan drawing number 0218.005 PL_010 rev.C dated 03.07.19
- Proposed Ground Floor and Second Floor Layout -Circulation Block drawing number 0218.005 PL_011 rev.C dated 26.07.19
- Proposed Roof Plan drawing number 2018.005 PL_008 rev. C dated 21.05.2019
- Proposed Roof Plant Room (Fourth Floor) drawing number 2018.005 PL_015 dated 02.09.2019
- Site Layout drawing number 2018.005 PL_002 rev. A dated 21.06.2019

Reason

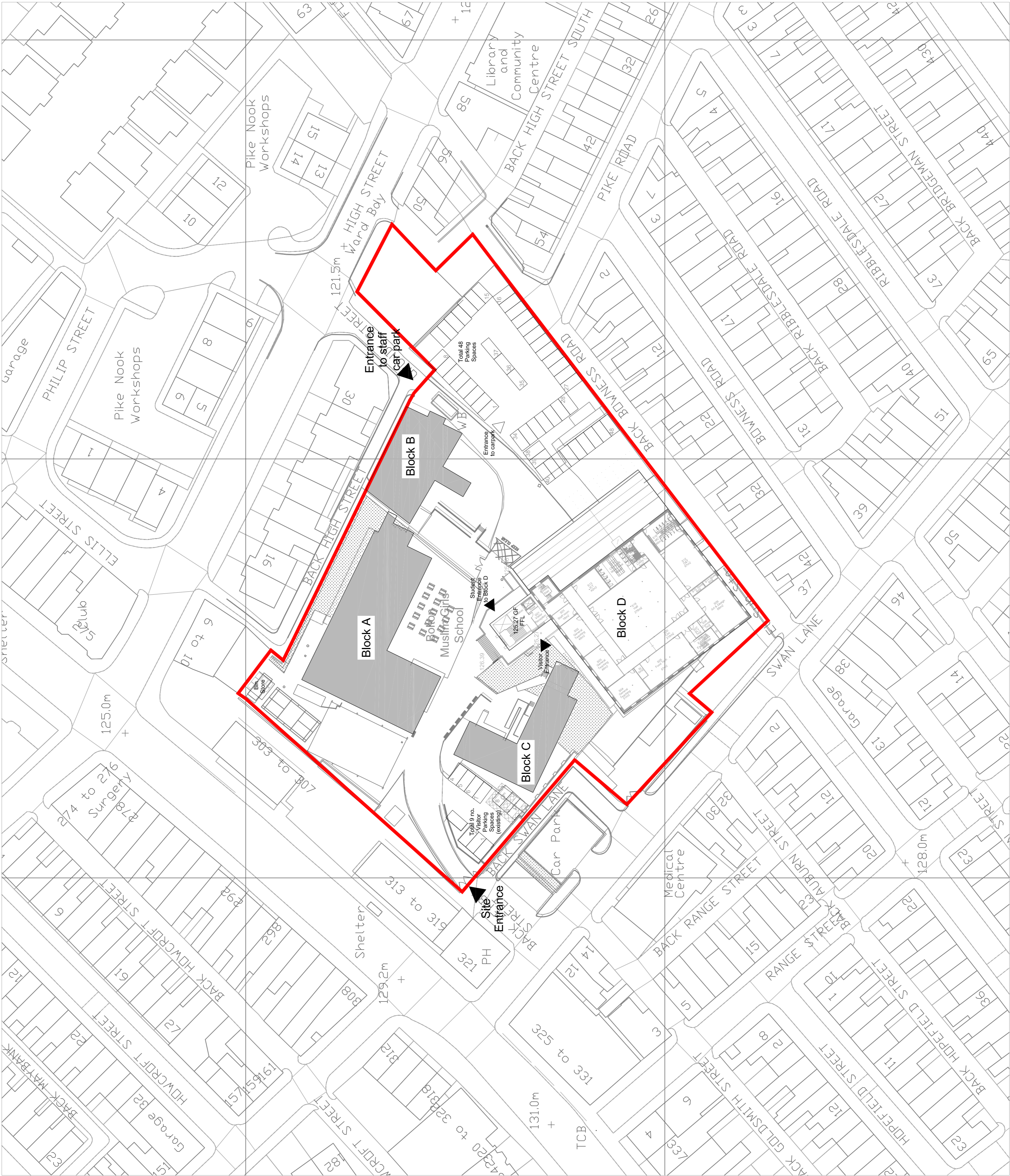
For the avoidance of doubt and in the interests of proper planning.



KEY

BOUNDARY LINE

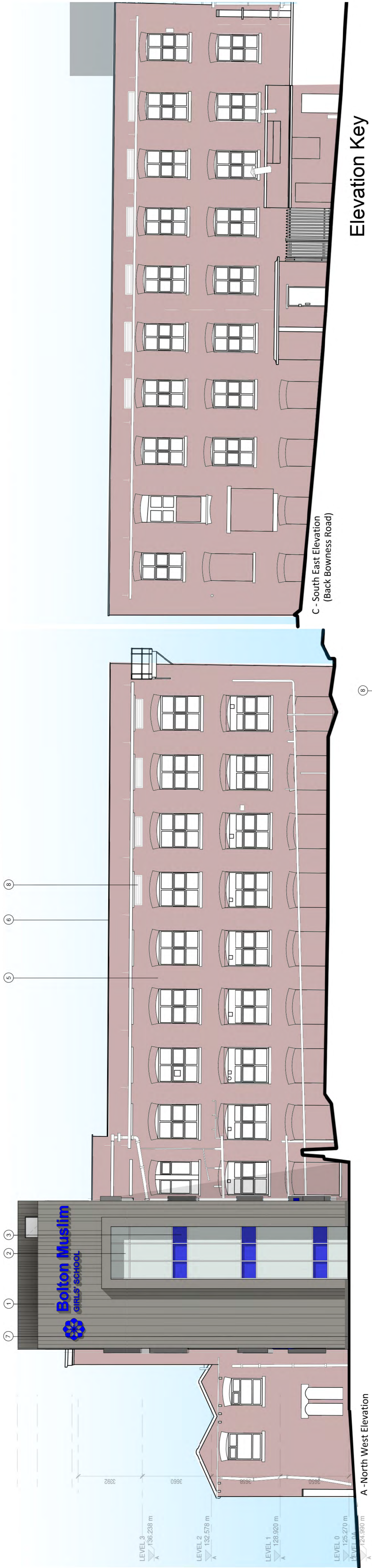
BOUNDARY LINE - SECONDARY



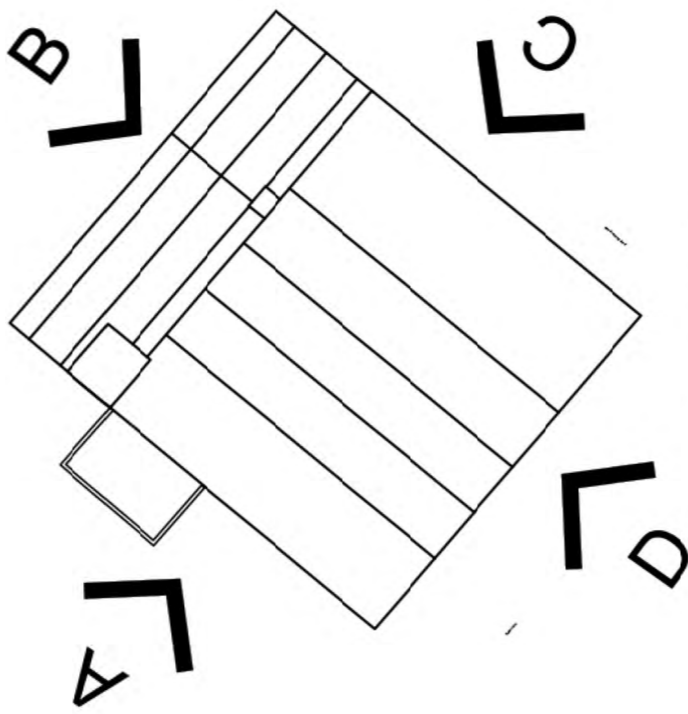
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project		BOLTON MUSLIM GIRLS SCHOOL	
drawing		Site Layout Plan	
computer file			
C:\Documents\PROJECTS\Bolton Muslim Girls School\Drawing			
project number	by	plot date	scale
2018.005	AA	21/06/2019	1:500
drawing number	rev	issue status	@A1
PL_002	B	Planning	
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Elevation Key



Materials Key

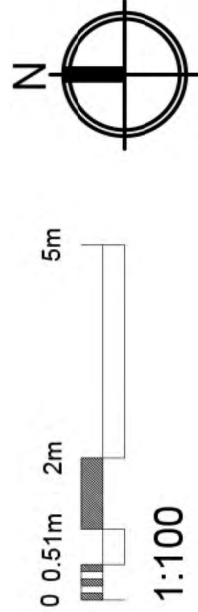
1. Aluminium standing seam external wall cladding RAL 7040 TBC
2. Aluminium window/ curtain walling system RAL 7040 TBC
3. Spandrel panel RAL 5017 TBC
4. Cladding Timber TBC
5. Existing Brickwork
6. Existing roof grey
7. Proposed brickwork to base of cladding - grey
8. Proposed Louvre - grey

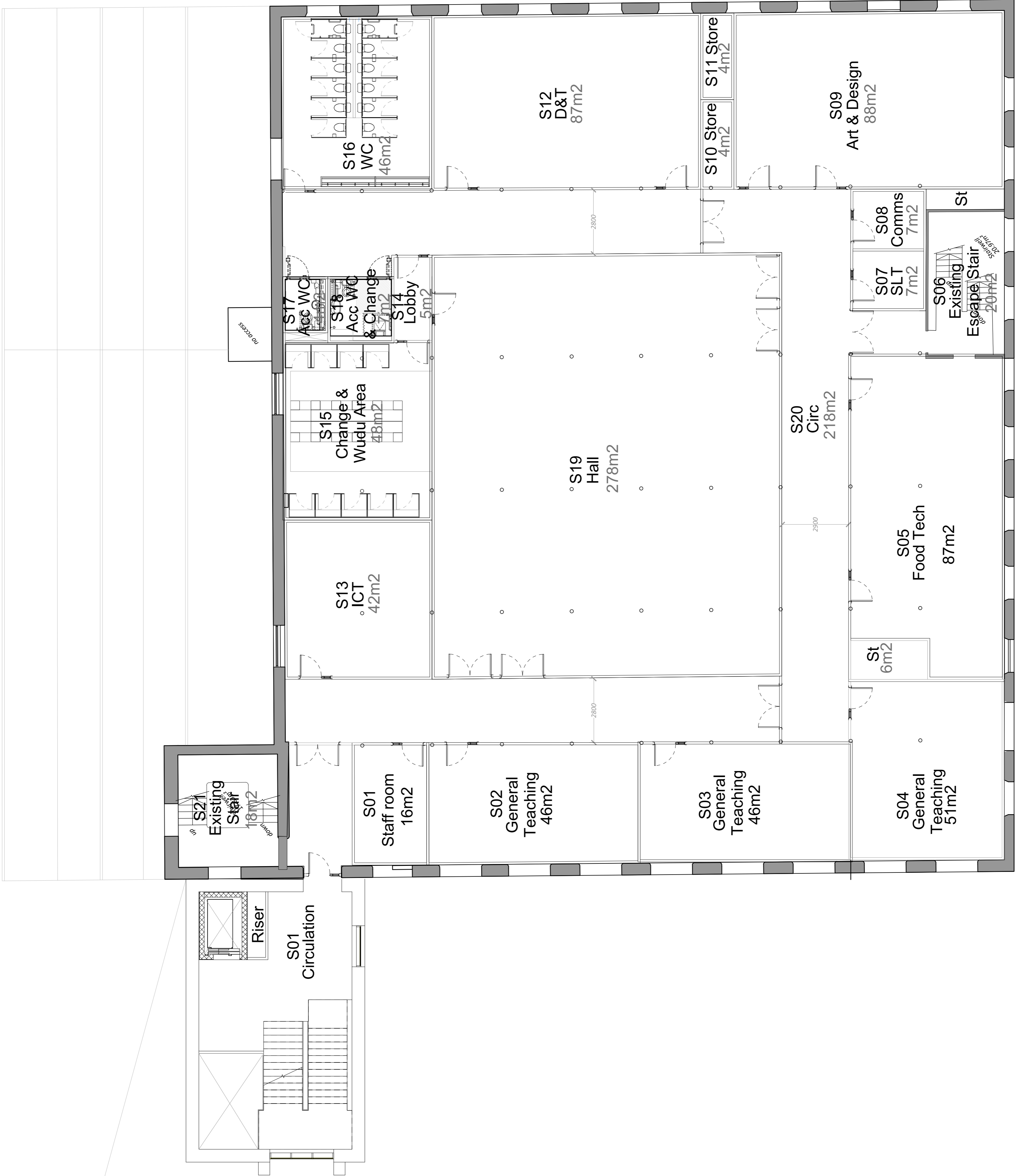
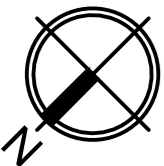
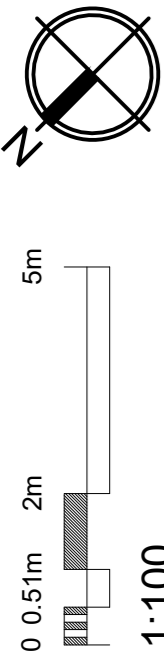
REV E - General amendments including two new windows added, levels updated. 11/11/19 AA

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www.za-architects.co.uk

project	BOLTON MUSLIM GIRLS SCHOOL
drawing	drawing
proposed number	2018.005
drawing number	PL_009
date	21/06/2019
scale	1:100
rev	E
issue status	Planning
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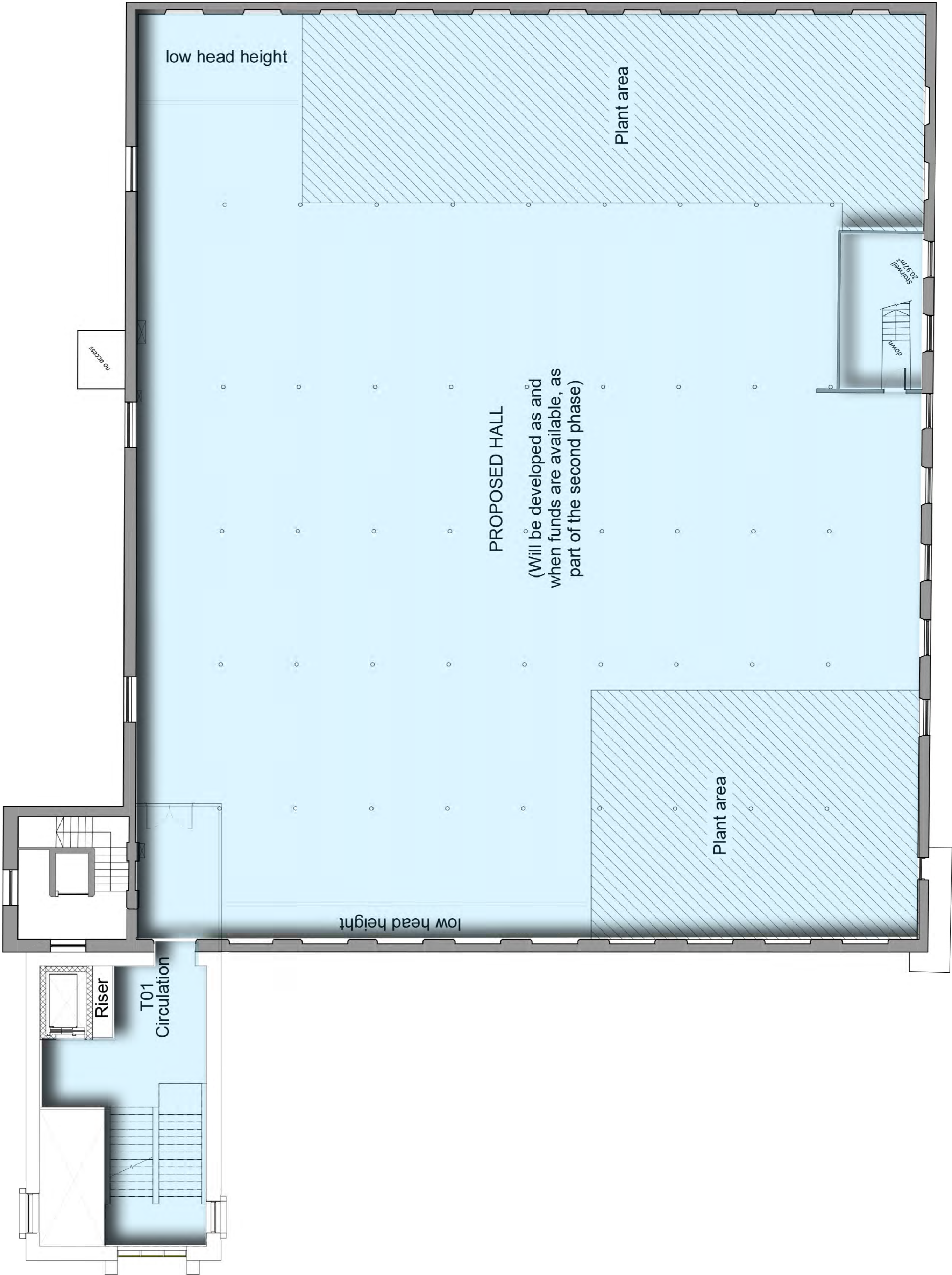
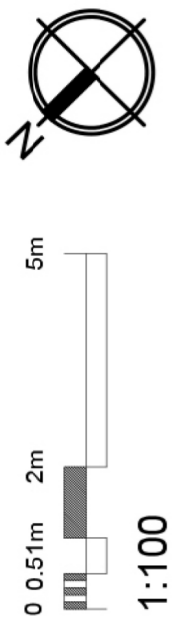
Second Floor Plan - Proposed

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project				BOLTON MUSLIM GIRLS SCHOOL			
drawing				Proposed Second Floor Plan			
computer file				c:\documents - projects\bolton muslim girls school\dwg\2nd floor			
project number	by	plot date	scale	project number	by	plot date	scale
2018.005	AA	18/07/2019	1:100	2018.005	AA	18/07/2019	1:100
drawing number	rev	issue status		drawing number	rev	issue status	
PL_007	A	Planning		PL_007	A	Planning	

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project BOLTON MUSLIM GIRLS SCHOOL

drawing Proposed Third Floor Plan

computer file	C:\Documents\PROJECTS\Bolton Muslim Girls School\Drawings\Planning								
project number	2018.005	by	AA	plot date	03/07/2019	scale	1:100	sheet	@A1
drawing number	PL_010	rev	C					issue status	Planning

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Third Floor Plan - Proposed

19_ AERIAL VIEW



Application number 06685/19



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: 05/12/2019

Application Reference: 06685/19

Type of Application: Full Planning Application

Registration Date: 08/08/2019

Decision Due By: 02/10/2019

Responsible Officer: Peter Slegg

Location: SHARPLES PRIMARY SCHOOL, HUGH LUPUS STREET, BOLTON, BL1 8RU

Proposal: ERECTION OF 2.4 METRE HIGH TWIN MESH SECURITY FENCE

Ward: Astley Bridge

Applicant: Sharples Primary School

Agent :

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- Installation of new green powder coated perimeter fence around the school playing fields to ensure safeguarding for security and safeguarding of children.
- Residents concerns over the height of the fence. The school have conformed the height complies with government advice.
- The proposed fencing would be compatible with existing fencing at the School and the adjoining Secondary School;
- The fencing would have a limited impact on adjoining residential properties on Langham Close to the north and east. Existing properties are in the main screened by existing boundary treatment - including existing hedging and boundary fencing; and
- The proposal complies with policy and is recommended for approval.

Proposal

1. Planning permission is sought for the erection of a 2.4m green twin mesh fence around the perimeter of the school playing fields for reasons of security and safeguarding. The school has provided an additional statement outlining their current concerns over the lack of control of who has access to the playing field. Surrounding residents have direct access to the playing field and currently there is direct access from the playing field to a public highway (Langham Close).
2. The intention is to erect the proposed fencing at a height recommended by the Department of Education to improve security and safeguarding children and visitors using the playing fields.

Site Characteristics

3. The proposal relates to the playing field to Sharples Primary School. The school is located in a suburban area with residential development to the north and east of the site and Sharples

secondary school to the west. There is an area of green space to the north west of the site. The site is specifically for the area of land to the north of the primary school that is currently used as a school playing field. The application proposes no change in levels.

4. The site is currently enclosed by a range of different fencing material of varying heights which includes (i) a low level timber fence with wire open mesh on the western perimeter; (ii) high level grey galvanised steel fencing on the southern perimeter; (iii) high level private residential fencing which is predominantly concrete posts and solid panels on the northern boundary and high level mature hedging with intermittent fencing on the eastern boundary. To the front of the school gates (to the south of the site) the proposed fencing is already erected.

Policy

Development plan

5. Core Strategy Policies (2011): A1 Achieving Bolton; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG3 Cleaner and Greener Bolton; CG4 Cleaner and Greener Bolton; OA5 Outer Areas – North Bolton

Material considerations

6. National Planning Policy Framework (June 2019).
7. Supplementary Planning Documents - General Design Principles.

Analysis

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

9. The main impacts of the proposal are:-

- * impact on the character and appearance of the school building and surrounding area; and
- * impact on impact on the amenity of neighbouring residents;
- * impact on designing out crime;
- * other matters.

Impact on the character and appearance of the school building and surrounding area

10. 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, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Core Strategy policy OA5.8 seeks to also conserve and enhance the character of the existing physical environment.
11. The style and colour of fence is the same that is already erected to the front gates of the primary school and is also the same style of fence erected around the neighbouring secondary school. The fence is considered to have regard to the existing built character of the area and is compatible with the existing boundary treatments. The open mesh fence design allows clear visibility through the fence that would retain the sense of open space to the surrounding area and natural surveillance to and from the site.

12. It is considered that the proposed fence is compatible with the character and appearance of the school building and surrounding area therefore the proposed development is in accordance with Policy CG3 and OA5 of the Core Strategy as well as the advice contained within SPD General Design Principles.

Impact on impact on the amenity of neighbouring residents

13. Policy CG1 states the Council will safeguard and enhance playing fields and improve the quality and multi-functional benefits of these assets. The erection of the proposed fencing would achieve this aim to manage the use of the playing field to maximise its benefits to the children of the school and those wishing to use it outside of school hours in agreement with the school.
14. The impact of the fence on the amenity of the surrounding residents is not considered to be significant. The existing boundary treatments of existing properties that adjoin the school playing fields is predominately close boarded fencing or mature hedging that has a solid non visible impact to the surrounding area. The existing boundary treatments vary in height but a number of them are already between 2-2.5m. The fencing is an open mesh style and it is considered that it would be acceptable in terms of its impact on residential amenity.
15. The height of the fence has been questioned in representations submitted but the school is adhering to the Department for Education publication 'Output Specification Technical Annex 2B: External Space and Grounds, May 2019 update', which states in paragraph 8.1 'Any new fencing to the site boundary shall be designed to meet the security requirements in the SSB which will be based on a risk assessment and shall: a. be a minimum of 2.4m in height b. be constructed of appropriately spaced posts and panels of anti-climb weldmesh with no horizontal footholds c. be in accordance with local design standards and any additional requirements of the SSB d. have gates at agreed locations; the design, height and construction of which match the corresponding fencing system and maintain the same level of security'. The height of the fence is therefore justified based on the school seeking to adhere to the Department for Education's evidence.
16. The importance of the open space to the landscape setting will be retained and natural surveillance will be maintained due to the style of mesh fencing proposed, which is in accordance with the SPD General Design Principles.
17. The proposed development is therefore in accordance with Policies S1, CG1, CG4 and OA5 of the Core Strategy as well as the advice contained within SPD General Design Principles.

Impact on designing out crime

18. Core Strategy policy S1 seeks to ensure that the Council and its partners will ensure the design of new development takes into account the need to reduce crime and the fear of crime.
19. The development would support the development of the primary school in communities they serve as the head teacher has made it clear in the application that the fence is necessary for security and safeguarding reasons. Currently the playing field is accessible to adjacent properties from their rear gardens and the school has no control over who can gain access from these properties. The playing field is also directly accessible to a public highway and the playing field has suffered from damage and litter being left. The school cannot monitor or ensure the safety of those using the playing field.
20. It is considered that the introduction of the fencing would be in accordance of Policy S1 whereby the Council and its partners will ensure the design of new development will take in to account the need to crime and improve the safety of children. The school has advised that it is

committed to ensuring the safety of children and those on its premises and the proposed erection of the fence reflects Department for Education Output specification Guidelines.

21. The proposed development is therefore in accordance with Core Strategy policy S1.

Other matters

22. Some objections have been raised from neighbouring residents who have raised concerns about the impact on property values, future access to their rear boundary, the fences height and its detrimental impact on local amenity.

23. Property valuation is not a material consideration when determining a planning application and the issues concerning height and amenity value have already been covered in this report. It is advised that in future residents seek agreement with the school to access the schools land to maintain their boundary. The intention of the fence is to improve the security of the playing fields so that the school can control who has access and ensure that the safety of children and visitors is safeguarded.

Local finance considerations

24. 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

25. The proposal complies with the development plan as a whole and provides additional security for the school to control those accessing its land.

26. In addition, it is not considered that the proposal results in loss of residential and visual amenity detrimental to the character of the surrounding area nor would it harm the living conditions of neighbouring residents. It is the same style of fencing used at the front of the school building and at the neighbouring secondary school and therefore considered appropriate in design in the local context.

27. Taking all of the above factors into account, it is recommended that Members approve the application.

Representation and Consultation Annex

Representations

Letters:- 6 objection letters together with two comment letters. These letters raise the following concerns (Officer comment in italics):

- Access of residents to maintain their rear boundary treatment - *the maintenance of the rear boundary is not a material consideration for decision making of planning, but it is advised that future arrangements would need to be agreed with the school if residents are seeking to access the schools land to maintain their boundary;*
- Difficulty to understand the plans - *Every effort is made by the Council to display and communicate to residents the plans available in accordance with National and Council guidance. It is considered that the Council has met its obligations in relation to this;*
- Current gates to the playing fields from the residents' gardens are locked and therefore provide the necessary security - *Existing gates from residents' properties to the playing field are not controlled by the school and therefore the school cannot be confident of the safety and security of its children and visitors using the playing field;*
- Proposed fence is too high and higher than existing fences along the boundary of the playing field. The land also drops away in some gardens resulting in the fence being far higher than 2.4m when viewed from some residents gardens - *The height of the fence adheres to the information published by the Department of Education and is considered in the report above;*
- Adverse impact on the amenity of residents - *Issues of amenity have been considered and these are set out in the report above;*
- Lower the property price of surrounding houses - *Property valuation is not a material consideration for decision making in planning matters;*
- Would not achieve the aim of keeping the school safe as only three quarters of the playing field will be fenced and not the school - *The proposed works would support the schools approach to address concerns of safeguarding and security, but the overall extent of the fencing around the school site is not a material consideration for decision making in planning matters;* and
- Concern the fence would run across residents existing garden and shed area - *The proposed development of the fence is shown on the submitted location plan and does not encroach on a residents private property.*

Petitions:- None received

Elected Members:- None received

Consultations

Advice was sought from Corporate Property Services/ Estates.

Planning History

No relevant planning history.

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 weldmesh fence as shown on the Sport Court Twin Wire 868 Mesh specification drawing shall be erected fully in accordance with the approved design details and coloured green (RAL 6003) within 30 days of installation and retained so coloured thereafter.

Reason

To ensure adequate standards of amenity are obtained and the development reflects the landscape and townscape character of the area and in order to comply with Bolton's Core Strategy policies CG3, CG4 and OA5.

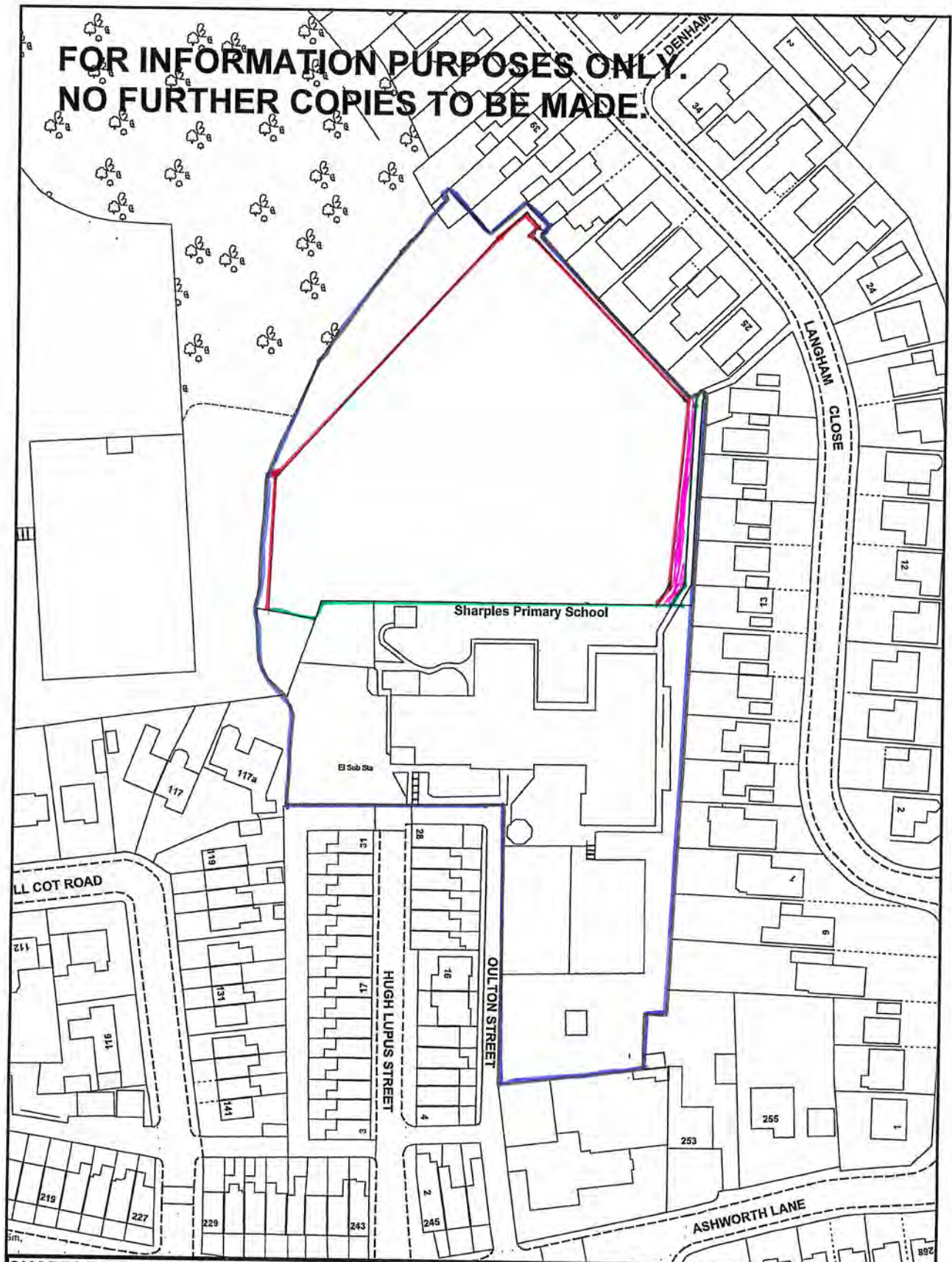
3. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

**Proposed Site Plan scanned to file 13/11/19 and dated 08/08/2019;
Sport Court Twin Wire 868 Mesh**

Reason

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

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**SHARPLES CP SCHOOL
HUGH LUPUS STREET BOLTON
BL1 8RU**

Prepared by: JC
Asset Ref: 01260
Reference: JS
Date: 08/08/2019

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**Bolton
Council**

DEPARTMENT: PLACE
SECTION: ASSET MANAGEMENT

N
↑
scale
1:1250

— school boundary
— proposed fence

— existing fence
— pedestrian access path



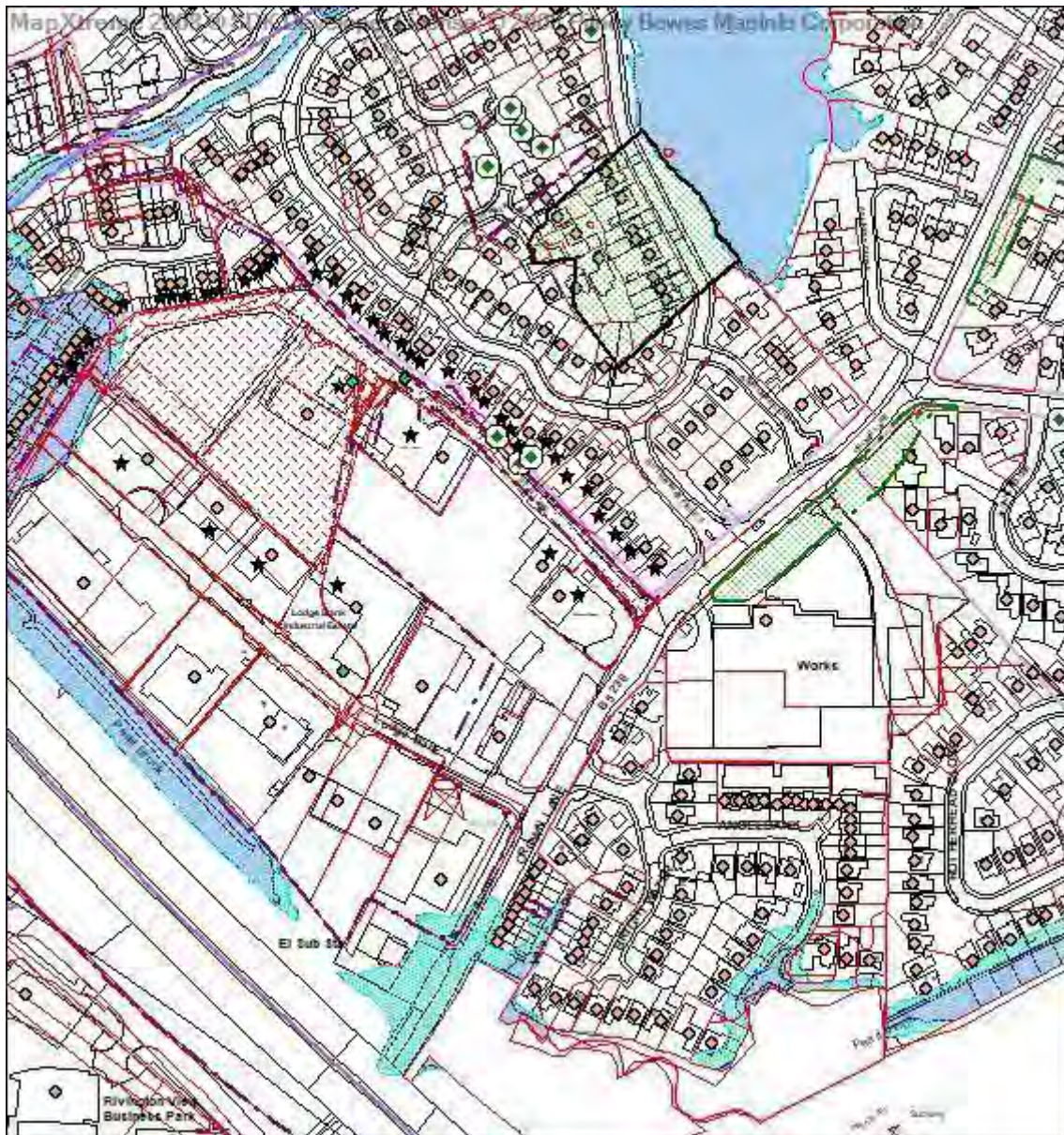
Sport Court Twin Wire 868 Mesh

Twin Wire 868 mesh fencing is principally designed for a sports environment.

The configuration of double 8mm horizontal wires sandwiching a 6mm vertical wire is ideal for ball rebound and offers a robust perimeter solution.

For purpose built sports courts there is an optional extra to have a 50mm x 50mm square rebound mesh to the bottom 1200mm to replace the traditional timber boards.

Application number
06687/19



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: 05/12/2019

Application Reference: 06687/19

Type of Application: Full Planning Application
Registration Date: 08/08/2019
Decision Due By: 02/10/2019
Responsible Officer: Kara Hamer

Location: LOSTOCK SKIP HIRE, STAR LANE, HORWICH, BOLTON, BL6 5HR

Proposal: ERECTION OF A SINGLE STOREY BUILDING FOR OFFICE SPACE TOGETHER WITH AMENDMENTS TO PARKING ON PREVIOUSLY APPROVED APPLICATION 78145/07

Ward: Horwich and Blackrod

Applicant: Lostock Skip Hire
Agent : Evolve Architectural Design Ltd

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- the application has been amended during the determination process upon Officers advice and nine parking spaces have been moved to a position immediately adjacent the proposed building as opposed to on the existing access track adjacent the residential shared boundary fence;
- the sole considerations of this application are the completion of the new building with associated parking spaces and footpath and the resurfacing of the private access track;
- Officers note that hours of trade are set by The Environment Agency licence/s, as are the volumes of waste the plant can process (not the LPA);
- previous application ref 78145/07 granted consent for the erection of three industrial buildings for use as storage/warehousing (B8) and offices (B1) and commencement has been demonstrated on site with the erection of a steel frame for one of the buildings which is the subject of this application;
- approval of this application would over ride application ref 78145/07, currently application ref 78145/07 could still be completed;
- no objections received from statutory technical consultees and the Case Officer recommends approval.

Proposal

1. Permission is sought for the erection of a single storey building for office use together with amendments to parking on the previously approved application ref 78145/07. The application has been amended during the determination process upon Officers advice and nine parking spaces have been moved to a position immediately adjacent the proposed building as opposed to adjacent the residential shared boundary fence. An existing private unadopted access track would be resurfaced in tarmac from which access to the new building would be taken. A turning area is proposed as the track currently has a 'dead end'.
2. Previous application ref 78145/07 granted consent for the erection of three industrial buildings for use as storage/warehousing (B8) and offices (B1). Commencement on site has been demonstrated by the erection of steelwork for one of the approved buildings, slightly west of the

position of previously approved building 'Unit A' which has consent for part office part warehouse use. The proposed new use is solely office. The original approved building and the newly proposed building both measure approx. 20m x 16m and the proposed height is the same at 7.90m.

3. The proposed new building differs in design from the previous approval - the new building would have windows at first floor level height, though there is no actual first floor proposed, the large roller entrance at full height has been removed and windows now feature in every elevation. The applicant submits that the current office cabins would be removed upon completion of the new building.
4. The proposed external materials comprise facing brick at lower level (Lancrete red multi) and profiled metal cladding at upper level and roof (light grey) to match other similar use buildings on neighbouring sites.
5. No additional staff are proposed within the submission and no alterations to hours of trade are proposed. Officers note that hours of trade are set by The Environment Agency licences, as are the volumes of waste the plant can process.
6. Approval of this application would over ride application ref 78145/07 - currently application ref 78145/07 could still be completed.

Site Characteristics

7. The site at present is already used by Lostock Skip Hire for storage of skips and other associated industrial activities related to the waste transfer station. The site is currently accessed from Star Lane via Crown Lane (B5238).
8. The site lies within a Protected Employment site in Bolton's Allocation Plan and is characterised by a typical industrial setting. A fluvial flood plane also covers the site.
9. The wider area is characterised by a mix of uses including:
 - A number of industrial premises to the south which are typically large single storey units with a brick plinth and clad in coloured metal.
 - Butterwick Fields new residential development to the east past Star Lane which has been built and occupied. The boundary to these residential properties is an extensive landscaped strip.
 - Hazel Pear Close new residential development to the north which has been built and occupied. The boundary to these residential properties is a close boarded timber fence of approx 1.8m in height, there is no separation to the site/red edge as the access track (as existing) runs along the rear boundaries of these properties. The three storey town houses which back onto the application building occupy a slightly lower ground level of approx. 950cm/1m - this is difficult to establish on site due to established planting - which also partially screens the building from the houses.

Policy

10. Core Strategy Policies: S1 Safe Bolton; P1 Employment Land; P5 Parking; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.
11. Allocations Plan: Section 3 Prosperous Bolton - Employment Land
12. SPD Accessibility, Transport and Road Safety
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.

15. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission.
16. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission.
17. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
18. The main impacts of the proposal are:-
 - * impact on the protected employment site
 - * impact on the character and appearance of the building and the area
 - * impact on the amenity of neighbouring uses
 - * impact on the highway network and servicing the unit

Impact on the Protected Employment Site

19. Policy P1.2 of the Core Strategy states that the Council will safeguard existing employment sites where they are compatible with residential amenity and contribute to the sustain ability of communities in which they are situated. Where they are not compatible, mixed uses will be encourages to retain an element of employment.
20. Crown Lane/Lodge Bank is a protected employment area within the urban area. The current approved use for this partially built building is warehouse with ancillary office. The proposed use would be solely office, ancillary to the waste transfer plant. The applicant submits that the current office cabins would be removed upon completion of the new building. It is considered that the proposed development would not be contrary to Policy P1 of the Core Strategy.

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

21. 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.
22. The principle of the proposed development was established under approval ref 78145/07.
23. The proposed materials and design of the application building are considered to be in keeping with the application site and the wider industrial area. Officers recommend the use of a condition to ensure that existing office cabins are removed upon occupation of the new office building.
24. As the building is entirely consistent with its surrounding, it is considered that the proposal would not harm the character and appearance of the waste transfer site, the employment site or the immediate surrounding mixed use industrial/residential area, compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Amenity of Neighbouring Uses

25. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and

security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.

26. The use of the waste transfer site would not change and no additional staff are proposed within the submission. Officers note that hours of trade are set by The Environment Agency licence/s, as are the volumes of waste the plant can process.
27. The closest residential properties to the proposed new building are three storey town houses located along Hazel Pear Close (nos. 70, 58, 60, 62), these dwellings back onto a strip of open land and a short section of the existing access track/proposed turning area (which would provide separation to the new building). The rear elevations of nos. 58, 60, 62 (3 storey town houses) would be 21.5m from the proposed building (this is the interface for the closest dwelling). No. 70 has a side configuration to the proposed building and a 17.3m interface. Whilst there are windows at first floor level in the proposed building these are for light purposes only as there is no actual first floor level. The three storey town houses which back onto the application building occupy a slightly lower ground level of 950cm/1m - this is difficult to establish on site due to established planting - which also part screens the building from the houses. The dwelling directly facing the proposed office building is 21.5m away. The eaves height of the proposed office is approx 950mm higher than the nearest facing dwelling but the window on the office is 900mm lower than eaves height whereas the window on the dwelling is around 300mm lower so they are at a comparable height.
28. Pollution Control Officers have been consulted on the proposal and have raised no objections and have conditioned opening, delivery, operation hours as 07:00 – 18:00 Mondays - Fridays, 07:00 – 13:00 Saturdays and no operations on Sundays or Bank Holidays and, have conditioned noise rating levels of fixed plant, requesting a noise assessment be submitted for LPA approval and details of any external lighting scheme. In addition, Pollution Control Officers have requested preliminary site investigations are undertaken and any remediation works required are validated for LPA approval. Officers note that the operational hours proposed to be conditioned are in line with The Environment Agency licence/s.
29. It is therefore considered that the proposal would not unduly harm the amenity of neighbouring uses and as such the proposal would comply with Policy CG4 of the Core Strategy.

Impact on the Highway Network and Servicing the Unit

30. Core Strategy policy P5 and S1 seek to ensure developments which would not have an adverse impact upon the road network and which makes appropriate provision for parking, the needs of pedestrians and vehicle manoeuvring.
31. The Council's Highways Engineers have been consulted on the revised proposals and have raised no objections, commenting "the access roads indicated on the submitted site plan are classed as private according to the Councils Highway Asset Register and thus fall outside of the remit of the Local Highway Authority. Accessibility and manoeuvrability into the site from Star Lane appear to be sufficient along with parking provision according to the submitted site plan".
32. It is therefore considered that the proposal would comply with Policy P5 and S1 of the Core Strategy.

Conclusion

33. For the reasons discussed above it is considered that the proposed new building will not harm the economic function of the locality, will not harm the character and appearance of the site or the surrounding area, will not unduly harm the amenity of neighbouring uses and will not jeopardise highway safety. Members are therefore recommended to approve the application.

Representation and Consultation Annex

Revised scheme

The application has been amended during the determination process upon Officers advice and nine parking spaces have been moved to a position immediately adjacent the proposed building as opposed to on the access track and adjacent the residential shared boundary fence. In addition, traffic flows have been marked on a site plan indicating that office staff would use the resurfaced track to access the new building/car park whilst HGV's would turn into the main site as existing, thus no change to HGV movement.

Councillor Grant objected to the 1st version of revised plans on the grounds of insufficient parking spaces as only 4 off road spaces were proposed (*Officer comment - parking spaces since increased to 9no.*). In addition Cllr Grant objects to a turning provision at the end of the track (*Officer comment - turning provision is required as the track has a dead end*). A further objection has been received from Councillor Grant in relation to increase in waste volumes processed and interface distances. *Officer comment - waste volumes are not a material consideration for this application, this application is for an office building and resurfacing of access track not expansion of the process/facility, the plant operates on licence from the Environment Agency. Interface distances are detailed within the body of the report (see Amenity Section).*

An additional objection has been made to the revised plans on the following grounds;

- increase in parking allocation - *Officer comment - the 9no. spaces are to meet the Council's adopted parking standards for office use (see Appendix 3 Core Strategy)*
- the objector has asthma - *Officer comment - this is not a material planning consideration*
- dust and odour on site - *Officer comment - this is not a material planning consideration, the plant operates on licence from the Environment Agency and the office building and road surface will not generate dust and odour themselves*
- increase in waste volumes processed - *Officer comment - this application is for an office building and resurfacing of access track not expansion of the process/facility, the plant operates on licence from the Environment Agency*

Original scheme

Letters:- 18 letters have been received from nearby residents objecting to the proposal on the following grounds;

- expansion of the site has occurred beyond its available boundary with storage on surrounding land/access tracks up to residential neighbouring gardens;
- frequent out of approved hours operations;
- privacy and overlooking;
- likely increase in traffic volumes;
- existing noise levels;
- existing odour levels;
- existing dust levels - number of local children hospitalised in 2018/19;
- frequent rat and fly invasions;
- de-valuation of surrounding houses - *Officer comment - not a material planning consideration*
- under this application the company are seeking to treble waste processed - *Officer comment - this application is for completion of a previously approved office block not expansion of the process/facility*
- concern over local ground conditions

3 letters of general comment have been received which comment upon the following points;

- request to retain existing foliage between residential fence line and proposed parking spaces for dust/noise mitigation purpose; *Officer comment - plants/planting/foliage are not defined*

'development' and as such cannot be conditioned unless protected by way of TPO or a condition can be used for new, purposely identified species to soften the appearance of a new development

- complaint regarding other approved scheme on this industrial estate for a generator - conditions not adhered to for operating times and noise; *Officer comment - the LPA has not received any complaints*
- new developments/expansion on the industrial estate are a concern to residents of new housing adjacent the estate - *Officer comment - Crown Lane/Lodge Bank is a protected employment site*
- noise pollution from expansion - *Officer comment - this application is for an office building and resurfacing of access track not expansion of the process/facility*
- existing pollution/dust levels
- request that lighting of/within the proposed office building is regulated/conditioned for neighbouring amenity
- commercial waste scattered around the site

Councillor Wright has objected to the proposal and requests that the application be decided at committee, on the grounds of;

"New roadway/parking area being constructed at rear of Lostock Skip Hire property, which will see cars driving along this road and turning around at the end (behind new building). There is no road there at the moment as this is a disused narrow strip of land that gathers water and has potential to flooding in areas. This roadway/parking area will be right up to the fences of neighbours rear gardens and may impact on the privacy of their gardens. Also when this road is to be tarmaced would this exasperated the risk of flooding?" - *Officer Comment - the access track is existing, the turning head is required as the existing access track has a 'dead end', tarmac is a quieter surface than the existing rough surface (as advised by Pollution Control Officers), a sustainable drainage scheme is conditioned, the parking spaces have been moved.*

Points raised without Officer comment have been addressed in the Officers Report.

Representations

Horwich Town Council:- raised objections to the proposal at their meeting of 19th September 2019 on the ground of health and safety concerns and risk to human health due to increase in particulates, poor drainage and increased traffic. *Officer comment - this application is for an office block not expansion of the process/facility*

Consultations

Advice was sought from the following consultees: The Council's Pollution Control Officers, Highways Engineers, Economic Strategy, Drainage and Bridge Maintenance and the Environment Agency.

Planning History

Planning permission for three industrial buildings was granted in 2007 (78145/07)

Planning permission for three industrial buildings was granted in 2001 (58559/01)

Planning permission for the erection of a waste transfer facility was granted in August 2000 (56924/00)

Planning permission for the renewal of 45478/94 for purposes of industrial development was granted in 1997 (52000/97)

Planning permission for the importation of inert waste materials for the purpose of industrial development; construction of improved highway; construction of sewers and drains; construction of access road within the site and outline planning permission (means of access and siting details only) for industrial units (Use Classes B2 and B8) phase one units 6 to 11 were granted in 1994 (45478/94)

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 any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 6 l/s. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason

To ensure the site provides satisfactory means of surface water drainage and in order to comply with Core Strategy policies CG1.5 and CG2.

Reason for Pre-Commencement Condition:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

3. 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.

Reason for Pre-Commencement Condition:

Any changes in land levels on site could affect the character and amenity of the area and the living conditions of nearby residents, thereby details of existing and proposed land levels must be agreed with the LPA prior to commencement.

4. Development shall not commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.
- i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority.
 - i) Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. 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 and approved by the Local Planning Authority.
 - i) 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.
 - i) 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.
 - i) 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 Local Planning Authority.

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

General Note to Applicant

Please note: The responsibility to properly address contaminated land issues, including safe development and secure occupancy, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

Reason

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

Reason for Pre-Commencement Condition:

Any works on site could affect contamination which may be present and hinder the effective remediation of any contamination causing a risk to the health of future occupiers and harm to the environment, hence the initial investigation must be carried out prior to the commencement of any works on site.

5. 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.

A noise assessment shall be carried out and a report submitted to, and approved in writing by, the Local Planning Authority prior to the construction phase of the development. The report shall include all the information specified in Clause 12 of BS4142:2014 and details of any mitigation proposed to achieve the rating level. The approved details 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.

6. Before the development hereby approved is first brought into use 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 more than 5 lux at the nearest residential property. The beam angle of any lights directed towards any potential observer should be kept below 70 degrees. Spill shields should also be fitted. 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 locality and to prevent light pollution and in order to comply with Bolton's Core Strategy policies CG3 and CG4

7. Prior to the development hereby approved being brought into use the means of vehicular access to the site from Star Lane shall be constructed in accordance with the drawing ref EAD_053_03 Rev S3.

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 development is first brought into use no less than **9** 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 approved plan (**drawing ref EAD_053_03 Rev S3**). 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. 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'.

10. Within one month of the development hereby approved being brought into use the current office accommodation at the application site shall be entirely and permanently removed.

Reason

To protect the visual amenity of the area and to comply with Core Strategy policy CG3 and OA1

11. No operations (including the repair of plant machinery and the movement of such machinery) shall be carried out on the premises outside the following hours:-

07:00 – 18:00 Mondays – Fridays
07:00 - 13:00 Saturdays

No operations 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

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

07:00 – 18:00 Mondays – Fridays
07:00 - 13:00 Saturdays

No opening shall take place on Sundays or Bank Holidays.

Reason

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

13. No deliveries shall be taken or dispatched from the premises outside the following hours:-

07:00 – 18:00 Mondays – Fridays
07:00 - 13:00 Saturdays

No operations 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

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

Proposed Site Plan, EAD_053_03 Rev S3, July 2019
Proposed Site Plan, EAD_053_06 Rev S1, July 2019
Proposed Plan & Elevation, EAD_053_04, July 2019
Site Location Plan

Reason

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

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NOTES

- ENVIRONMENTAL PERMIT APPLICATION BOUNDARY
- LAND UNDER APPLICANTS CONTROL

REV	DESCRIPTION	DATE	BY

CLIENT

LOSTOCK **LSH** SKIP HIRE LTD



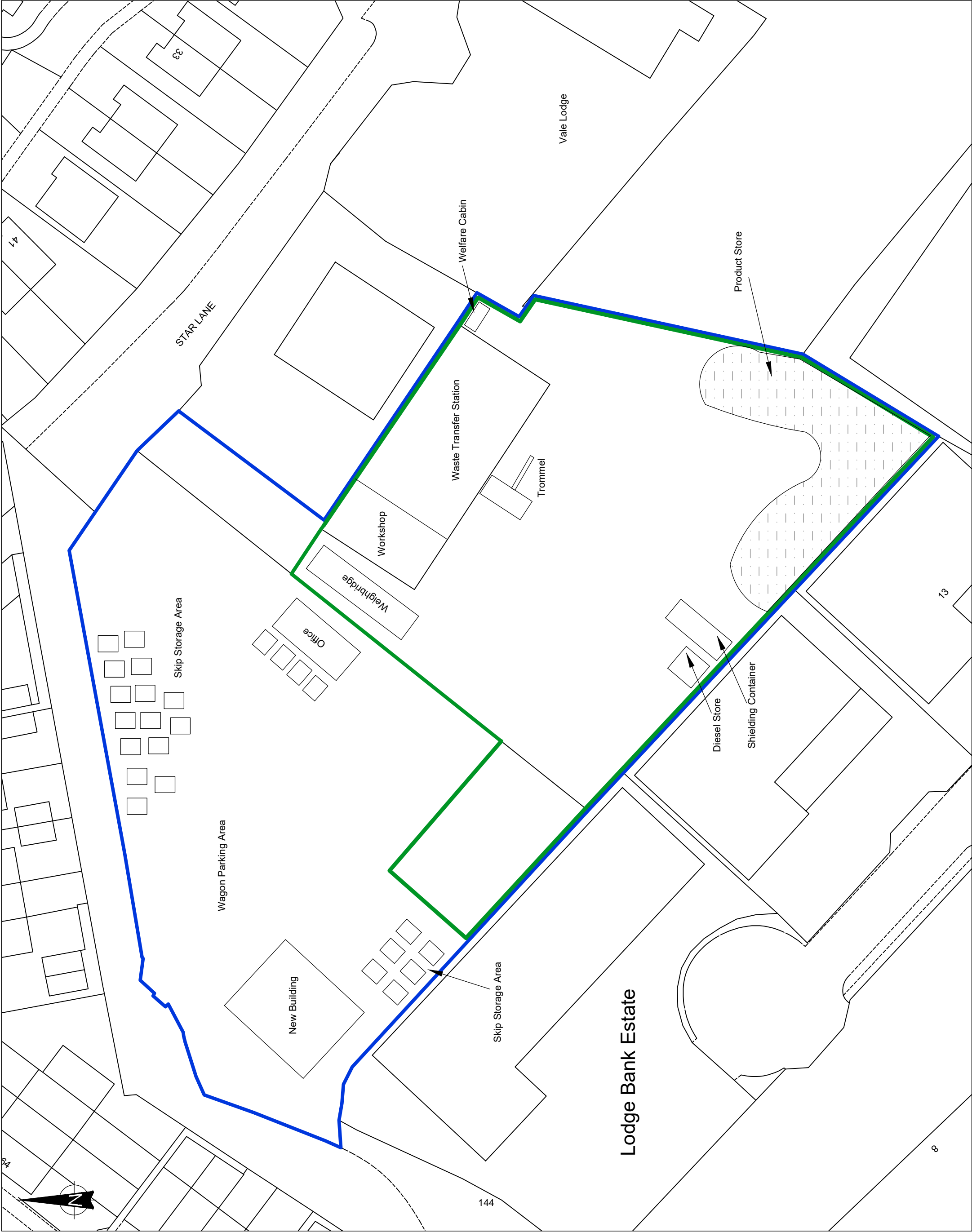
JOB TITLE

LOSTOCK SKIP HIRE WTS-
SITE CONDITION REPORT

DRAWING TITLE

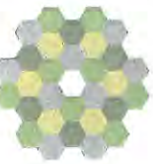
INDICATIVE OPERATIONAL
LAYOUT

DRAWN	DATE	APPROVED	DATE
L.E	11/11/2018	M.G	11/11/2018
SCALE	SHEET	DRAWING NUMBER	REVISION
1:500	A3L	LSH1000/3/03	0

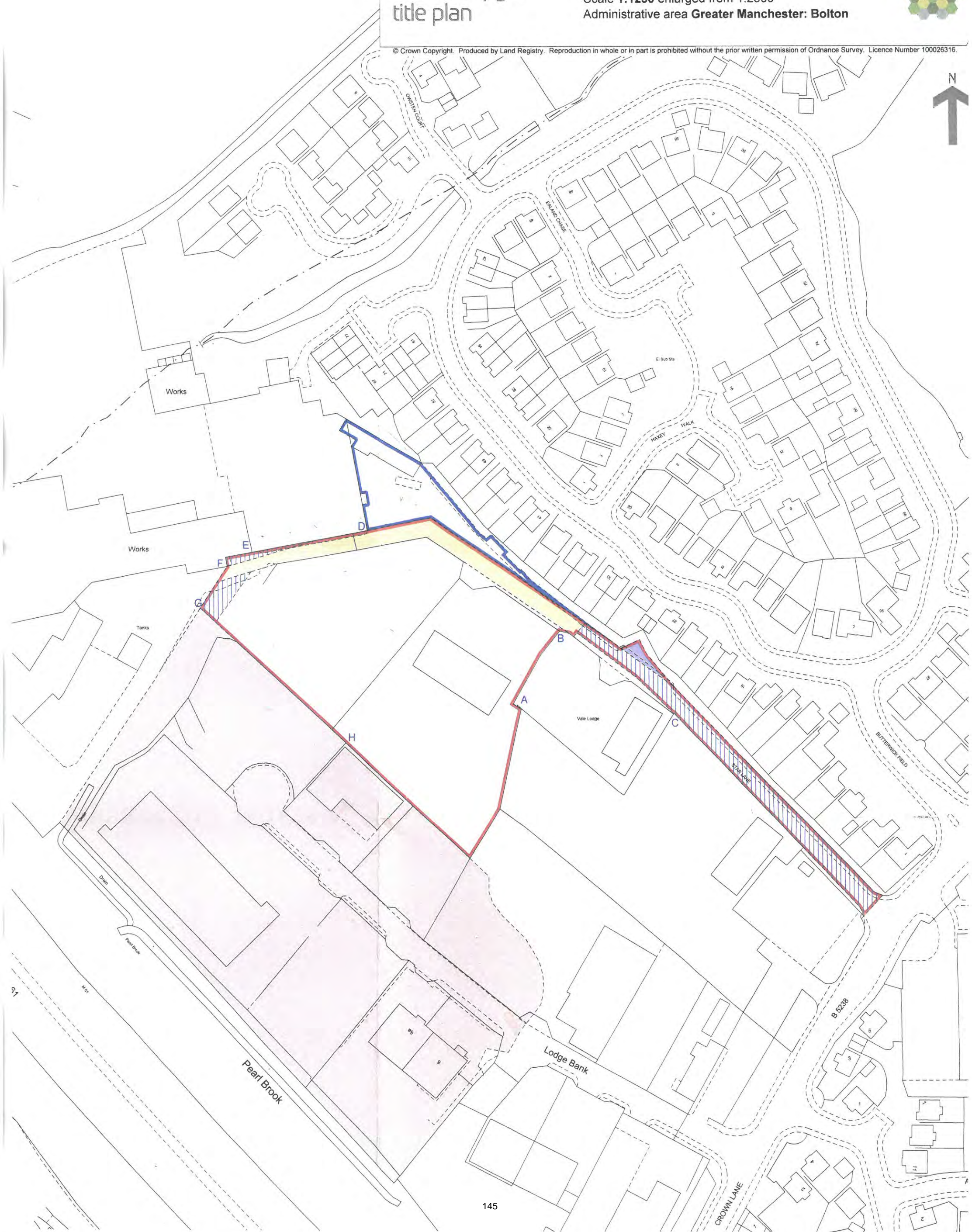


Land Registry
Official copy of
title plan

Title number **GM696926**
Ordnance Survey map reference **SD6211SE**
Scale **1:1250** enlarged from 1:2500
Administrative area **Greater Manchester: Bolton**



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Positions of existing services to be confirmed prior to proceeding

REVISION STATUS

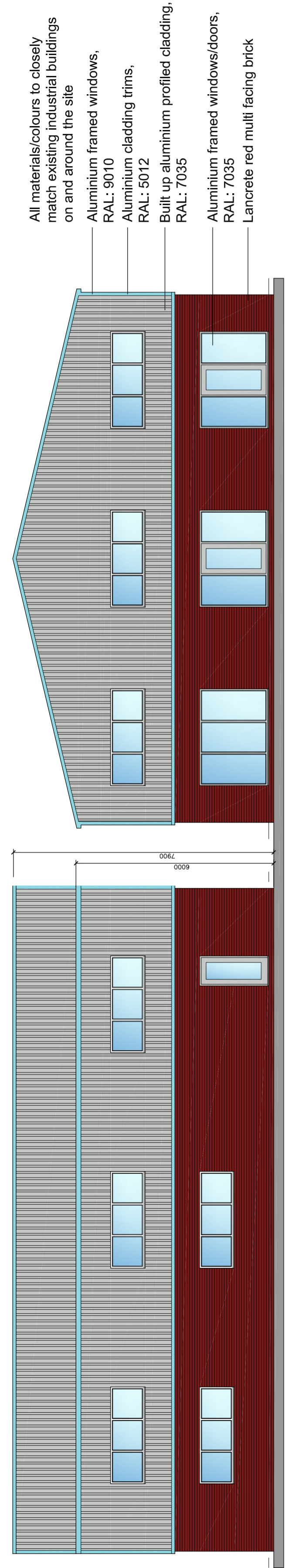
S Information issued for feasibility or scheme design.

T Information issued for tender purposes only.

C Information issued for Construction.

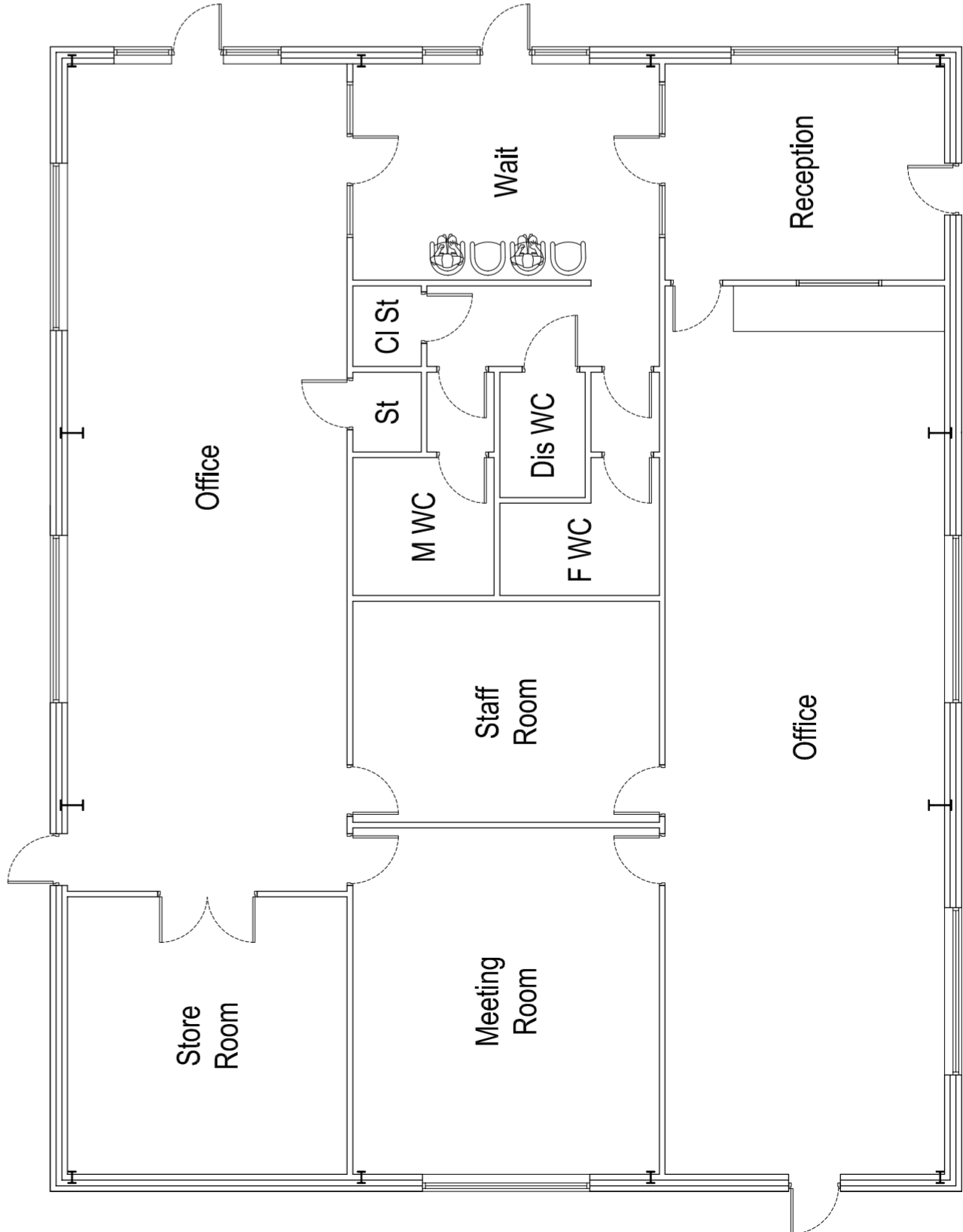
NB: Only those drawings containing a C revision to be used for construction.

NOTES



Proposed North West Elevation

Proposed South West Elevation



Proposed Floor Plan



REVISION	DATE	DESCRIPTION
CLIENT	Lostock Skip Hire	
PROJECT	Proposed Completion of Part Built Structure	
DRAWING TITLE	Proposed Plan & Elevations	
SCALE	DATE	DRAWN
1:100@A2	Jul '19	PRH
DRG NO.	EAD_053_04	
REVISION	CHECKED	

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IMPORTANT

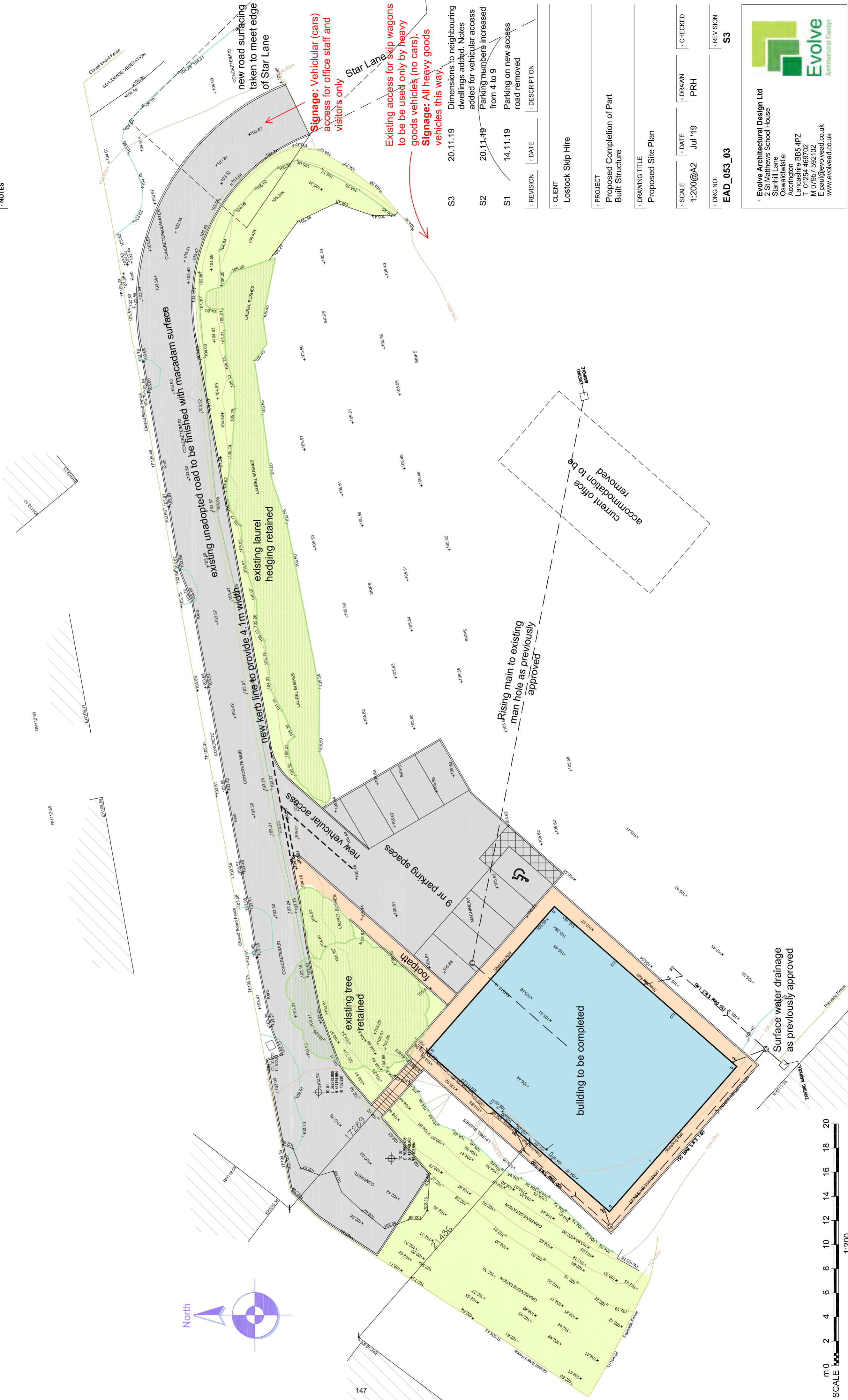
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NOTES



Application number 07195/19



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: 05/12/2019

Application Reference: 07195/19

Type of Application: Full Planning Application
Registration Date: 23/10/2019
Decision Due By: 17/12/2019
Responsible Officer: Lauren Kaye

Location: MOORGATE PRIMARY SCHOOL, ENTWISTLE STREET, BOLTON, BL2 2RH

Proposal: ERECTION OF SINGLE STOREY ASD UNIT EXTENSION TO EXISTING SCHOOL TOGETHER WITH NEW OUTDOOR MACADAM PLAY AREA AND NEW TURNING CIRCLE WITH MINIBUS DROP-OFF AREA WITH FOOTPATHS TO LINK TO EXISTING SCHOOL AREAS.

Ward: Tonge with the Haulgh

Applicant: Bolton Metropolitan Borough Council
Agent : Good & Tillotson Architects

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- The proposal is a modest single storey extension to form an Autism Spectrum Disorder (ASD) unit and outdoor play area along with a turning circle with minibus drop-off area and a footpath to link existing school areas.
- The proposal forms part of the Bolton Council strategy to deliver special education needs provisions across its schools for children who require this.
- The school site is Council owned and the proposed project is Council led.
- The single storey extension to the main building would result in an additional area of 99 sq. metres. In addition, the external play area would be 80 sq. metres.
- The extension would result in an increase in pupil numbers by 8-10 and 3 additional teachers.
- There are no objections from Highways.
- No objections have been received from local residents.
- The proposal is recommended for approval subject to planning conditions.

Proposal

1. This is a Council application. Permission is sought for the erection of a single storey extension to create an Autism Spectrum Disorder (ASD) unit containing a classroom, a quiet room, sensory room and new toilet accommodation. The works will include external works consisting of an outdoor play area with macadam surfacing. Due to the change in level across the play area, a stepped retaining wall will be created to allow level access for pupils.
2. The minibus drop-off and turning area will be created at the front of the site access from

Entwistle Street. This access will be vehicular only with vehicle gates opened and closed at the beginning and end of the school day for the use of ASD pupils with a new macadam path created from the drop off area directly to the proposed ASD entrance.

Site Characteristics

3. The application site consists of a single storey primary school, a car park to the north of the school building and outdoor play areas to the west and south of the building. The main vehicular and pedestrian entrance is off Entwistle Street which sits to the north of the site.
4. The site for the extension is located to the north east of the main school building and is bounded on three sides by a grassed area. The proposed location for the drop off and outdoor play area is also located to the northern boundary.
5. The whole site is generally enclosed within a residential area.

Policy

6. Core Strategy Policies: A1.1 Development of Primary Schools; CG1.2 Urban Biodiversity; CG3 The Built Environment; CG4 Compatible Uses; P5 Transport and Accessibility; S1.2 Road Safety; RA1 Inner Bolton.

Other material planning considerations:

7. Supplementary Planning Document: General Design Principles; Accessibility, Transport and Safety.
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. 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 development
- * impact on the character and appearance of the area
- * impact on the amenity of neighbouring residents
- * impact on highways
- * impact on trees

Principle of Development

11. Strategic Objective 2 of the Core Strategy is to provide everyone in Bolton with the chance to learn, by locating over-16 education provision in Bolton Town Centre, and transforming Bolton's schools and colleges with new buildings and improved services. Core Strategy Policy A1.2 states that the Council will support the development of primary schools in locations accessible to the communities they serve.

12. Paragraph 94 of the NPPF states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. LPAs should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.
13. The proposed extension including classroom, sensory room, quiet room and wcs along with outdoor play area and drop-off area would enable the primary school to offer an ASD unit for 8-10 pupils and would ideally be available for use by the start of the Summer term 2020, after the Easter break. The proposal forms part of the Bolton Council strategy to deliver special education needs provisions across its schools for children who require this. The principle of extending the school (to meet current and future needs in the area) is therefore considered to be fully compliant with the Core Strategy.
14. As the NPPF advises at paragraph 94, great weight should be given to the principle of expanding the school and the provision of additional places in the determination of this application.

Impact on the Character and Appearance of the Area

15. 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, form, architecture, street enclosure, local materials and landscape treatment.
16. Policy RA1 of the Core Strategy relates specifically to development in Inner Bolton and states [amongst other things] that the Council will conserve and enhance the distinctive character of the existing physical and natural environment and ensure that development has particular regard to massing and materials used.
17. The proposed extension is moderate in size and is located at the eastern side of the school and would not project out further to the east than the existing school building. The extension footprint would be 99 sq. metres and the outdoor play area would be 80 sq. metres.
18. In common with the majority of primary schools, the site has an institutional appearance with gates, fencing, buildings and areas of hardstanding. This will not significantly change as a result of the proposed extension, play area and turning circle with drop-off area. The peripheral mature trees will remain including two which frame part of the turning circle/drop-off area, officers therefore do not consider there to be a need for any additional landscaping. It is not considered that the loss of this relatively small area of grass and footpath will result in a detrimental impact on the character of the existing school.
19. The proposed materials for the extension would be similar to the materials used for the existing school, continuing the red brickwork and the roof design complements that of the existing school.
20. It is considered that the proposed extension would be compatible with the character and appearance of the school building and the surrounding area, compliant with Policies CG3 and RA1 of the Core Strategy.

Impact on the Amenity of Neighbouring Residents

21. Policy CG4 of the Core Strategy seeks to ensure that the Council will ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. Development should not generate unacceptable nuisance,

odours, fumes, noise or light pollution.

22. The proposal is for a modest extension to the existing school that will be sited over 33 metres away from the closest residential dwelling to the north on Entwistle Street and 46 metres away from the closest residential dwelling to the east on Ainsworth Lane.
23. The neighbouring residents to the west, Crossmoor Drive and south, Royston Avenue, Rossall Street and Rossall Close are sited away from the proposed extension and external works and would not be impacted by the proposal.
24. The proposed external works and drop-off area would not impact on neighbouring residents and it is considered that the living conditions enjoyed at nearby residential properties would not be significantly worsened by way of noise and disturbance from the school.
25. It is not considered that the development will result in any harm to the neighbouring residents in accordance with policy CG4.

Impact on Highways

26. Core Strategy policies P5 and S1 seek to ensure that Council and its partners will ensure that new developments take into account the requirements for accessibility by different modes of transport, including parking and service arrangements. In addition, there is a requirement that road safety is promoted in the design of new development
27. Highways Engineers considered that the development proposal will marginally increase the level of D1 use class associated with the school/nursery and increase pupils by 8-10no. and staff by 3no. in total. The site currently benefits from 19 off-road parking spaces and the applicant has confirmed that the previously approved application 03877/18 which reduced the number of off-road parking spaces to 16 will not proceed to construction. There is a concern that the proposals for the school could potentially lead to additional parking on the surrounding highway to the detriment of road safety and residential amenity although this location could be considered reasonably accessible to sustainable transport provision and the surrounding residential catchment area, which would in some respects provide an element of justification to a relaxation of the Council's parking standards.
28. In terms of the proposed drop-provision for the ASD unit proposed from Entwistle Street, Engineers are happy in terms of the access/egress points proposed from the highway in terms of accessibility and visibility. The circulation area according to the submitted plan will be sufficient to accommodate vehicle manoeuvrability and area for drop off. The proposal appears optimal in terms of providing pedestrian accessibility to the school. Accordingly to the plan, this location will be used solely as drop-off provision and not for pedestrian accessibility from the highway. Acting on this, there would be no justification to extend the school keep clear markings to cover the drop-off area.
29. Bolton Council's Highways Engineers do not object to the development proposal.
30. The proposal complies with policies P5 and S1 of the Core Strategy.

Impact on Trees

31. 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.

32. The Tree and Woodlands Officers have been consulted and they have advised that based upon the submitted geosystem and hand dig method statement for works within the root protection zones (RPZs) of the trees by the new entrance being provided, this should prevent any damage to the trees either side.
33. Officers have advised that the Proposed Site Plan (1949-GTA-XX-XX-DR-A-0107) states "Existing tree roots protected by installation of new root protection geosystem. Extent of area TBC." This can be conditioned along with a protection fencing condition and arboricultural method statement for the extent of the geosystem within the RPZs of the tree.
34. The proposal complies with policies CG1.2 of the Core Strategy.

Local finance considerations

35. 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

36. It is considered that the proposal complies with policy as detailed above and Members are therefore recommended to approve the application.

Representation and Consultation Annex

Representations

Letters:- None received.

Petitions:- None received.

Elected Members:- None received.

Consultations

Advice was sought from the following consultees: Highways; Pollution Control; Asset Management Unit; Landscape Development & Design; Tree and Woodlands.

Planning History

48226/96 Erection of 3 towers to support security cameras and lights - approved with conditions

90179/13 Erection of single storey extensions to provide new entrance and additional classroom together with internal alterations – approved with conditions

90822/13 Erection of 2no. external play shelter extensions to school building – approved with conditions

96295/16 Erection of single storey side/rear extension and garage conversion to form store and utility room - approved with conditions

03877/18 Erection of single storey nursery extension to front elevation - approved with conditions

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

Reason

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

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

1. The trees within 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).

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.

Reason for Pre-Commencement Condition:

Tree protection measures must be implemented prior to the commencement of works to protect the health and appearance of the tree(s) during the construction phase.

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

specified areas are:

37. Arboricultural Method Statement for the extent of the geosystem within the RPZs of the trees.

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

Reason

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

Reason for Pre-Commencement Condition:

Tree protection measures must be implemented prior to the commencement of works to protect the health and appearance of the tree(s) during the construction phase.

4. Prior to the commencement of development full details of the highway works at Entwistle Street comprising of access/egress points to drop-off area (as indicated on the submitted site plan) 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".

Reason for pre-commencement condition

To ensure that sufficient parking provisions are provided within the site before the loss of the existing parking due to the approved works.

5. 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.

Reason for Pre-Commencement Condition:

Any works on site could affect contamination which may be present and hinder the effective remediation of any contamination causing a risk to the health of future occupiers and harm to the environment, hence the initial investigation must be carried out prior to the commencement of any

works on site.

6. 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 submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the site is safe for use and in order to comply with Core Strategy policy CG4.

7. Prior to the development hereby approved/permitted being first brought into use the means of vehicular access to the site from Entwistle Street shall be constructed in accordance with the drawing ref. 1949-GTA-XX-XX-DR-A-0107.

Reason

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

8. Prior to the 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'.

9. Before occupation of the development details of signage and lining to indicate access/egress points from the highway and the direction of travel through the drop-off area (TSRGD 2016 Signs 833, 834, 835 & 836) shall be submitted to and approved by the Local Planning Authority. The approved signage and lining scheme shall be implemented in full before the development hereby approved is first brought into use and retained thereafter.

Reason

In the interest 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".

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

Proposed Elevations & Sections - Drawing number 1949-GTA-XX-XX-DR-A-0106, Date drawn 04.09.19

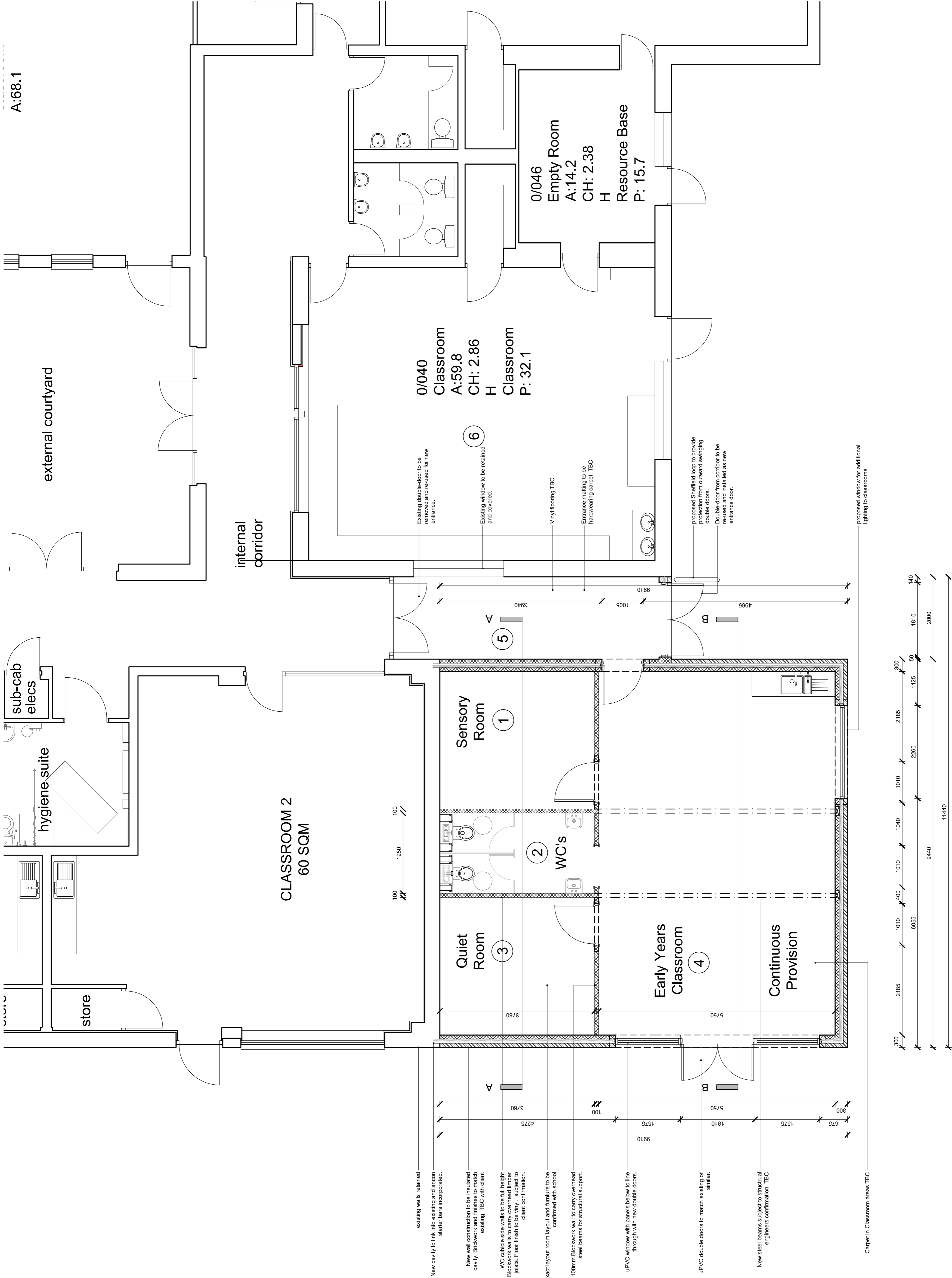
Proposed Ground Floor Plan - Drawing number 1949-GTA-XX-XX-DR-A-0105, Date drawn 03.09.19

Proposed Site Plan - Drawing number 1949-GTA-XX-XX-DR-A-0107, Date drawn 03.09.19

Reason

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

NOTES:
1. All drawings, in all documents prepared by the architect and any works executed, shall remain the property of the architect and shall not be reproduced, in any form, without the written consent of Good and Tilston.
2. All dimensions to be checked on site and any discrepancies to be referred to the architect before proceeding.
3. DO NOT SCALE OFF THIS DRAWING.
4. ALL LEVELS TO BE CHECKED ON SITE.
5. All discrepancies between information shown on the drawings and the information in this specification is to be referred to the architect before proceeding.
6. All component sizes and references to be checked prior to the ordering of materials.
7. Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building surveyor and confirmed on drawings. All new drains and manholes are to be checked and confirmed on drawings. All additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.
8. All relevant boundary positions are to be checked prior to proceeding.



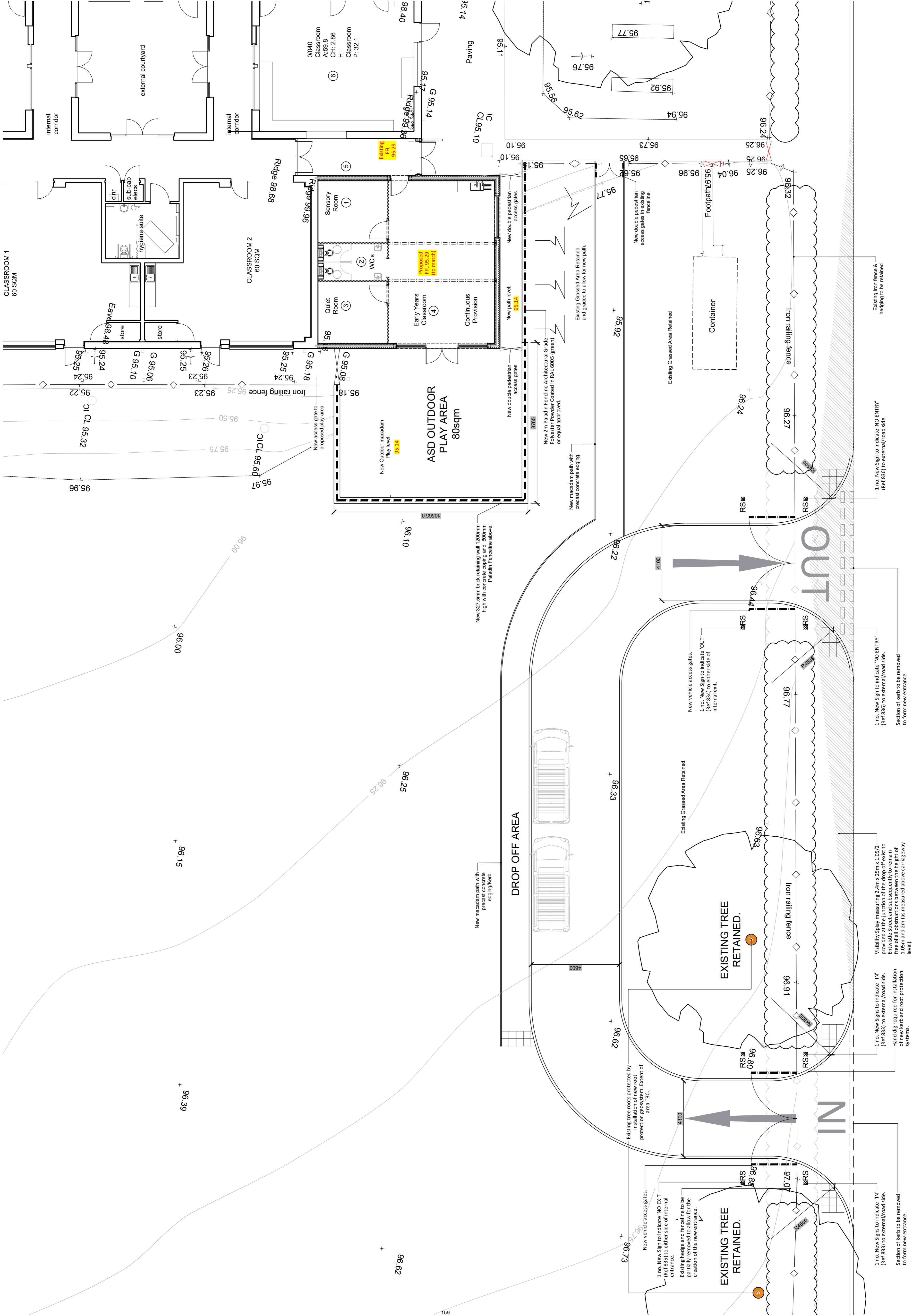
GROUND FLOOR PLAN
SCALE: 1:50

Rev	Revision	Int.	Date
Client	Robertson construction North West		
Project	Moorgate Primary School ASD Unit		
Location	Moorgate Primary School Entwistle Street Bolton BL2 2RH		
Tel	01204 333477		
Good & Tilston Chartered Architects			
2 The Studios, 318 Chorley Old Road, Bolton BL1 4LU			
Tel 01204 497700			
Email - info@goodandtilston.co.uk			
Web - www.goodandtilston.co.uk			
Drawing Title	Proposed Ground Floor Plan		

G&T Job No:	Scale:	Drawn:	Checked:	Date:
1949	1:50@A1	JP	KC	03.09.19
Drawing Purpose:	Status:	Revision:	Rev No:	Rev Date:
PLANNING	S4	-	-	-
Bill Project	Origin	Zone	Level	Type
1949-GTA-XX-XX-DR-A-0105				

PROPOSED SITE PLAN
SCALE - (1:100)

NOTES:
1. All dimensions are in all documents prepared by the architect and any works executed from these documents and drawings, shall unless otherwise agreed, remain the property of the architect and must not be reproduced by, lent or disclosed to, a third party without the written consent of Good and Tilston.
DO NOT SCALE OFF THIS DRAWING.
All dimensions to be checked on site and any discrepancies to be referred to the architect before proceeding.
ALL LEVELS TO BE CHECKED ON SITE.
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect before proceeding.
All component sizes and references to be checked prior to the ordering of materials.
Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building surveyor prior to construction. All drains to be checked and confirmed as drains, to which additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.
All relevant boundary positions are to be checked prior to proceeding.



Rev	Revision	Int.	Date
1	Robertson construction North West		
2	Moorgate Primary School ASD Unit		
3	Moorgate Primary School		
4	Entwistle Street		
5	Bolton BL2 2RH		
6	Tel 01204 333477		
7	Good & Tilston Chartered Architects		
8	2 The Studios,		
9	318 Chorley Old Road,		
10	BL1 4LU		
11	Tel: 01204 497700		
12	Email: info@goodandtilston.co.uk		
13	Web: www.goodandtilston.co.uk		
14	Drawing Title		

Proposed Site Plan

G&T Job No:	Scale:	Drawn:	Checked:	Date:
1949	1:100@A1	JP	KC	03.09.19
Drawing Purpose:	Submit:	Revisions:		
PLANNING	S4			

1949-GTA-XX-XX-DR-A-0107

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

Bolton Council

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Date of Meeting: 05/12/2019

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: Refuse

Executive Summary

- Members were minded to grant planning permission for the proposal in June 2017 subject to implementation of three highway mitigation measures including (i) a residents only parking scheme, (ii) TRO at key junctions and (iii) alleygating two back streets;
- After detailed discussions it is evident that alleygating and residents only parking scheme are unlikely to be appropriate or capable of being implemented;
- Harm caused to highway safety in the area due to parking of vehicles on the adjoining road in and around the venue and increased noise and disturbance to local residents from the use and related parking would outweigh the benefits of providing a community facility.

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 Essington Street South.
2. Detailed discussions have been held between the case officer, Local Highways Authority, Community Safety officers, ward members 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;

- impact on highway safety and residential amenity.

Principle of the Change of Use

16. 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 ways, taking account of the needs of different groups in the borough, including different ethnic groups, age groups and faith groups.
17. 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."

Impact on Highway Safety and Residential Amenity

18. 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.
19. Core Strategy S1 seeks for the Council and its partners to promote road safety in the design of new development. In addition, policy P5 seeks to ensure that new developments take (amongst other things) the following into account (1) Accessibility by different types of transport, prioritising pedestrians, cyclists, public transport users over other motorised vehicle users and (2) Parking to be provided in accordance with the parking standards as set out in Appendix 3 of the Core Strategy.
20. Appendix 3 of the Core Strategy provides maximum car parking standards for new developments. The use of the premises is D2, Appendix 3 states that for uses such as concert halls maximum parking 1 per 8 seats. For indoor recreation the maximum standard is one space per 25 sq.m. The use of St Pauls Mill does not readily fall within either description.
21. Guidance contained within the NPPF (paragraph 108) states that in assessing sites for specific applications for development it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree.
22. Paragraph 109 of the NPPF clearly states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
23. Members will be aware that there are a number of other community uses including the Ghosia mosque and madrassa, Adelaide Street temple and other uses for example Sunning Hill Primary School which generate car parking issues on the adjoining road network. In addition, the Ghosia mosque also has an established use as a wedding venue which also generates its own highway issues.
24. As outlined above the case officer has been in discussions with Highways Officers, the Council's Community Safety team and Legal section to investigate how Members' wishes could potentially be implemented. Since the Committee meeting there has been progress on each item which is

summarised in paragraphs 25 - 39.

Residents only parking scheme

25. 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.
26. 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.
27. 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.
28. A copy of the proposed residents only parking area is attached at the rear of this report.
29. After consideration of this element local ward members consider that after experience with another residents only parking scheme in the Rumworth ward it is difficult to implement for a number of reasons including the requirement to hold a vote with the residents affected. A scheme would only progress to implementation if a majority of residents voted in favour of the proposal.
30. In addition, it is noted that the applicant does not wish to pay for the consultation and potential implementation of a residents only parking scheme. The main reason is that there are a number of other traffic generating uses in the local area including the adjacent mosque and other community uses. The applicant considers that it is not equitable for them to contribute to any potential scheme.

Provision of TRO

31. The provision of Traffic Regulation Orders (TROs) was required at key junctions on Caroline Street.
32. 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.

Alley gating (Public Spaces Protection Order)

33. The earlier requirements were for alley gates to be provided on Back Edgmont Avenue and Back Essingdon Street South. The aim of alley gates would be to allow residents to park in the back streets.
34. 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.

35. The Council's Solicitor has commented that seeking the imposition of alley gates to resolve a parking issue would clearly not be justified.
36. The only other option available to the Council would be a prohibition of driving (POD) on the back streets in question. To promote such 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).
37. 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
38. 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.
39. As a result Highways Engineers do not recommend the use of a POD in this instance.
40. 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.

Other potential improvements

41. At an early stage of consideration of this proposal the applicant proposed the provision of a overspill parking area located off Bridgeman Street adjacent to Swan Lane Mills. However, this proposal was removed from consideration of the application.
42. Officers concerns could potentially be minimised if a suitable location was found for users of the venue to park within close proximity of the site to offset the harm to the surrounding highway network. It would be for the applicant to provide a suitable location, confirmation from the land owner of the acceptability of such a proposal and also to provide justification of how the proposal could be implemented and enforced in practice.
43. Whilst the venue is relatively close to St Helens Road which forms part of a bus corridor, Officers

consider it unlikely that users of the venue would use public transport provision. In addition, no other alternative parking locations have been put forward by the applicant. Furthermore, given the built up nature of the surrounding area it is difficult to envisage any suitable overspill parking areas being available which are in close proximity to the application site.

44. In conclusion, it is considered that the traffic generation and resultant car parking requirements for the proposed/retained use would result in the residual cumulative impacts on the road network being severe. In addition, the impacts on the residential amenity of residents who live in the affected streets adjoining the application site would also be harmed by way of increased noise and activity around the site and the blocking of residential roads, including back streets by visitors to surrounding community facilities.

Conclusion

45. 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. Given the unwillingness of the applicant to provide funding for consultation and implementation of the scheme and also the problems associated with implementing such a scheme it is not considered that this option is viable.
46. In the event that Members were minded for officers to pursue a POD option for the back streets referred to above, Officers consider that this element in isolation would not resolve the access / highways issues in / around the site.
47. In the absence of any suitable alternative to mitigate the negative impacts of the proposal Officers consider that the highway safety problems and associated noise related problems caused to local residents by the proposal would outweigh the benefits accrued by the proposals provision of a local cultural activity/community facility. The proposal is therefore recommended for refusal.
48. If members are minded to refuse permission for the use of the venue the next step would be for the Council to commence enforcement proceedings against the applicant to cease the use of the premises.

Representation and Consultation Annex

Representations

Letters: a large number of objections were received from areas throughout Bolton with the main issues being:

- Proliferation of similar uses in the area;
- Traffic and parking issues;
- Loss of employment opportunities;
- Noise and general disturbance;
- Loss of access to emergency vehicles due to parking congestion.

Three further objection letters have been received from local residents (Edgmont Avenue) who raise ongoing concerns including:

- parking problems including in back streets,
- noise,
- cars screeching,
- wedding venue is rented out throughout the week as well as weekends;
- 300-400 guests attend the venue which is located within a residential area;
- lighting issues - improvements required;
- noise disturbance to local residents from visitors to the venue.

Petitions: one petition was received containing over 400 signatures objecting to the proposal.

Members: Councillor Abdullah has commented that she was not supportive of a parking permit scheme because the scheme was drawn up for streets which go beyond the affected streets. Some of these streets would not be impacted by overspill. The scheme devised by officers would never have gained approval of the wider residents, as within the designated area residents have their own parking issues at different times of the day, for example:

- Around Swan Lane the residents have issues relating to parking after school BMGS, and between 4.30pm and 7.30pm during the weekdays due to the two Madrassas on Swan Lane.
- Residents around Sunning Hill School have problems with staff parking in the neighbouring streets during the day Monday to Friday.
- Residents who live near Ghosia Mosque have problems with parking between the times of 4.30pm and 7.30pm
- Residents who live in the streets adjacent to STEPS Hall and Ghosia Hall have parking issues in the evenings usually between 7.30pm to 11.30pm Thursday to Sunday, and Saturdays and Sundays during the day as both venues have daytime and evening weddings.

Clr Abdullah has stated alley gating was proposed by residents to stop the cars parking and blocking the back streets which has at times resulted in bin collections being missed on Friday mornings due to local attendees and residents from neighbouring streets leaving their cars parked overnight in the back streets (pictures have been provided by residents), and concerns around health and safety in case of a fire or a medical emergency have also been raised, this is due to visitors cars blocking access through irresponsible parking. The second proposal by residents was to have a parking permit scheme for the few adjacent streets, times suggested are Thursday to Sunday in the evenings between 6pm and 10pm and during the day on Saturday and Sunday 11am to 4pm.

Consultations

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

Planning History

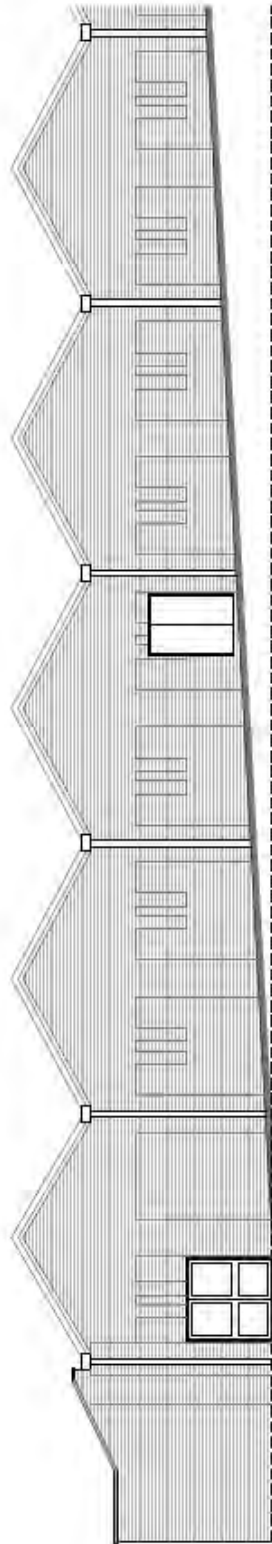
Planning approval for the change of use of part of vacant mill to community and education facility (D1) Ref: 88139/12. The approved hours of use of the building were 0800 hrs to 2200 hrs Monday to Saturday, 0900 hrs to 1800 hrs on Sundays with no opening on Bank Holidays. The unit was a community and 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.

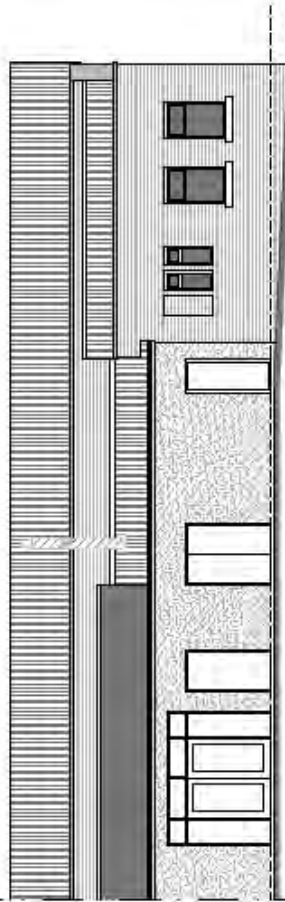
Recommendation: Refuse

Recommended Conditions and/or Reasons

1. The proposed development will give rise to increased traffic and on-street parking on surrounding roads with a resultant increased noise and activity to the detriment of the living conditions of existing residents, and the free flow of traffic in the local area. The applicant has not provided appropriate opportunities to promote sustainable transport modes, demonstrated that safe and suitable access can be achieved by all users or that the significant impacts from the development on the transport network have been cost effectively mitigated to an acceptable degree. The proposal is contrary to Policies P5, S1 and CG4 of Bolton's Core Strategy and guidance contained within paragraphs 108 and 109 of the National Planning Policy Framework.



Front Elevation



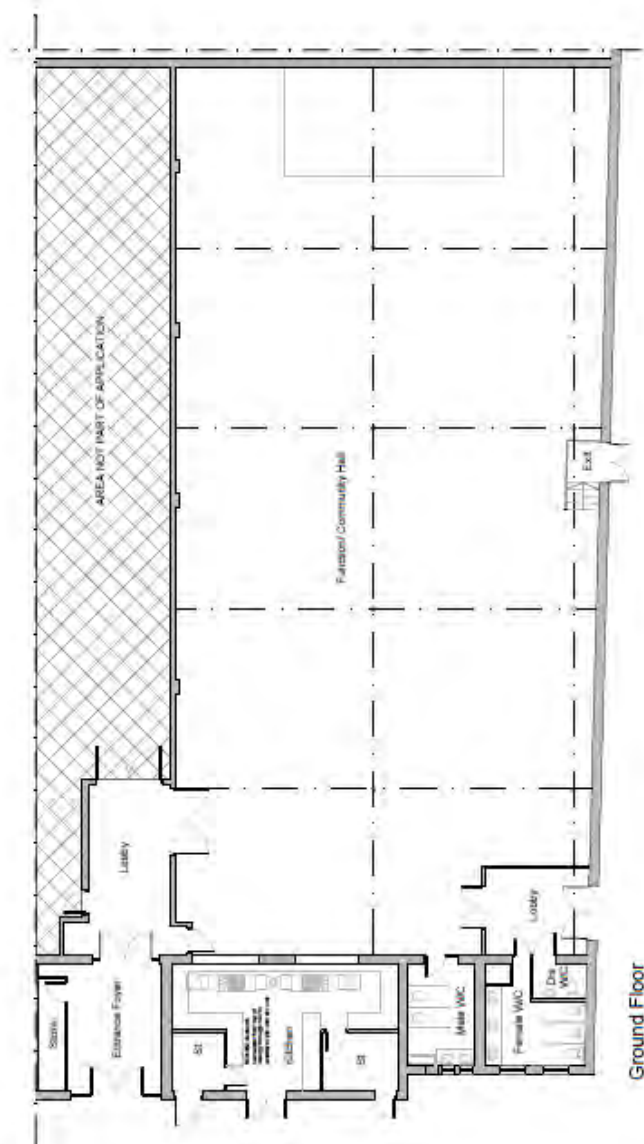
Side Elevation

NOTES:
No scaling or dimensions other than those figured
are to be given from this drawing. All dimensions to
be given from the center of the building.
This drawing is for use at the stated location and
should not be used at any other location or for any
other purposes.

Project Location:
St Pauls Mill
Barbara St
Bolton
BL3 8UQ

04 Proposed
Elevations

Scale:	1:100	Area:	43	Date:	08/15
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NOTES
No scaling or dimensions other than those figured
are to be taken from this drawing. All dimensions to
be centred on walls.

This drawing is for use at the named location and
should not be used at any other location or for any
other purpose.

Project location
St Pauls Mill
Barbara St
Bolton
BL3 6UQ

Drawing
03 Proposed Plan

Scale	Size	Date
1:150	A3	08/15

