

Planning Applications Report

**Planning Committee
23rd June 2022**

**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

Date of Meeting: 23 June 2022

Application Reference: 13111/22

Type Of Application
Registration Date
Decision Due Date
Responsible Officer
Authorizing Officer

Full Planning Permission
8 February 2022
22 March 2022
Martin Mansell

Location

LAND AT ASHBURNER STREET AND BLACKHORSE STREET BOLTON

Proposal

CREATION OF NEW PUBLIC PARK INCLUDING NEW LANDSCAPING, SEATING AREAS AND PERFORMANCE SPACE TOGETHER WITH DEMOLITION OF EXISTING BOUNDARY WALL AND ERECTION OF NEW BOUNDARY TREATMENTS

Ward

Halliwel

Applicant: Mr P Lamb

Agent: Mr A Nowell

OFFICERS REPORT

Recommendation: Approve subject to conditions

Executive Summary

- Funded by the Town Fund bid, consent is sought to redevelop the site of the former Odeon Cinema as a public park
- The development would significantly improve the character and appearance of the site and its wider area together with improving confidence in the wider regeneration plans for Bolton town centre
- Whilst the site has previously benefitted from a residential planning permission, this was not implemented. It is considered that there remains sufficient land within Bolton town centre for the Council's housing aims to be achieved
- The proposal has been the subject of considerable pre-application discussions and advice from the Council's Design & Conservation Officer, Landscape Design colleagues, and Greenspace Management, resulting in the proposal before Members
- The proposal has been assessed by the Secured By Design team of Greater Manchester Police and has been found to be acceptable. Recommendations have been implemented within the scheme, as appropriate
- No objections have been received from consulted properties or technical consultees. The application appears before Planning Committee as this is Council development and the recommendation is to approve

Proposal

1. Consent is sought to redevelop the site of the former Odeon Cinema as a public park, utilising resources from the Towns Fund bid.
2. The park is intended to provide a mix of flexible, open amenity spaces with lawns, a performance area and a paved space with seating and picnic tables. The northern half of the park is a softer landscape with the southern half of the park featuring more hard paving, centred around a flexible open events space where stages could be brought in or facilities for temporary events such as food trucks or performance infrastructure. Around the flexible space are areas of seating

to form a picnic and gathering area with bench seating looking on to the open space for event and performance functions. Pedestrian access points are provided from all surrounding streets and would allow the park to be a space that people can easily flow through. Wide pathways are provided with level access to allow access for all users. Vehicle access would be facilitated from Back Spring Gardens to both service the park and to bring in vehicles for temporary events to the flexible open space.

3. The park draws on the history of the site as a former Odeon Cinema, re-using elements of red brick and steel beams from the former building and retaining these in the design with brick seating walls and sculptural steel posts. A central paved area of granite provides a robust surface under the picnic area, and exposed aggregate concrete is proposed to pathways with feature bands of granite at entry points.
4. The boundaries of the park would typically be open with a planted frontage between the street and the park to provide a soft edge.

Site Characteristics

5. Public green space is limited within the immediate area and the public realm around the site is disjointed in character. Key pedestrian routes are along the existing footpath network along Moor Lane, Black Horse Street, and Ashburner Street through to Le Mans Crescent. Paving surfaces are inconsistent though work is progressing to upgrade kerbing and footpaths as part of the Towns Fund Bid.

Policy

The Development Plan

6. Committee should have regard to the requirements of the development plan as a whole. The following policies are considered to be particularly relevant.
7. 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, SO6 Ensuring that transport infrastructure supports all aspects of the spatial vision, 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, SO16 To develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.
8. Bolton's Core Strategy Development Plan Document (2011) - H1 Healthy, P5 Accessibility, S1 Safe, CG1 Cleaner Greener, CG2 Sustainable Design and Construction, CG3 The Built Environment, CG4 Compatible Uses, SC1 Housing, TC5 Cultural Quarter, TC11 Design in Bolton Town centre, IPC1 Infrastructure and Planning Contributions and Appendix 3 – Car parking standards.

Other Material Considerations

9. Supplementary Planning Documents - Accessibility, Transport and Road Safety (October 2013), General Design Principles (June 2015), Sustainable Design and Construction (October 2016), Building Bolton (2006), Public Realm Implementation Framework (2007)
10. National Planning Policy Framework (July 2021) - 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.

11. Relevant National Planning Practice Guidance - Air Quality, Climate Change, Conserving and Enhancing the Historic Environment, Design, Ensuring the Vitality of Town Centres, Flood Risk and Coastal Change, Health and Wellbeing, Land Affected By Contamination, Land Stability, Light Pollution, Natural Environment, Noise, Renewable and Low Carbon Energy, Use of Planning Conditions, Viability
12. 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)
13. Planning (Listed Building and Conservation Areas) Act 1990 s. 66 - general duty as respects listed buildings in exercise of planning functions.
14. The Bolton Town Centre Framework was approved by Members of Bolton Council's Cabinet in September 2017 and is a material consideration in the determination of planning applications in Bolton Town Centre, particularly within the identified intervention areas.
15. The Bolton Economy, Our Strategy For Growth 2016-2030
16. Consultation closed on Places For Everyone (formerly the Greater Manchester Spatial Framework) on 3rd October 2021. Bolton Council is one of the nine authorities that has committed to preparing a joint development plan. The site is not allocated within the draft of Places For Everyone. Only limited weight can be given to this draft plan; however, it is noted that it promotes the use of brownfield land and town centre regeneration.

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:-
 - the principle of the development
 - impact on the character and appearance of the area
 - impact on the setting of nearby listed buildings and the conservation area and other heritage assets
 - impact on Bolton town centre and Bolton's economy
 - impact on crime reduction
 - impact on ecology, biodiversity and trees
 - impact on nearby uses
 - other matters

The Principle of the Development

19. Policy TC5 of Bolton's Core Strategy states that the Council and its partners will take opportunities to improve Bolton Market as a destination. Whilst the site is not part of Bolton Market, its close proximity on the opposite side of Blackhorse Street means that improvements to the application site will enhance the setting of Bolton Market.
20. Strategic Objective 4 and Policy TC5 of Bolton's Core Strategy also promote the creation of a

transformed and vibrant Bolton town centre. It is considered that the formation of a public park on this site will make a significant contribution to the creation of a transformed and vibrant town centre.

21. Whilst the 2017 Town Centre Framework envisaged the redevelopment of this site for a mixed use development, with a residential block above a deep plan podium with ground floor commercial or community uses, it is considered that the proposed use as a public park is entirely consistent with the broader regeneration and investment aims of the Framework as a whole.
22. Parks and other forms of public open space are typical of many urban centres and therefore the use is considered to be acceptable in principle in this location. Whilst previous approvals at this site have contained a significant element of housing units, it is considered that there remains sufficient land available for relatively high-density residential development within Bolton town centre to ensure that the use of this land as a public park would not have a detrimental effect on housing land supply.
23. The principle of the development is considered to be acceptable, indeed beneficial.

Impact on the Character and Appearance of the Area

24. 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.
25. 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 in terms of 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
26. 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.
27. Core Strategy Policy TC5 relates specifically to development within the area immediately south and west of Bolton of Le Mans Crescent; however, it refers primarily to the allocation of uses rather than seeking to promote or discourage particular forms of design or architecture.

28. The National Planning Policy Framework (July 2021) 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. Paragraph 130 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
29. Paragraph 134 of the NPPF 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.
30. The Government published its National Design Guide on 1st October 2019 as part of the National Planning Practice Guidance.
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 application site, and draws attention to matters such as urban form, scale, massing and detail. The application site falls entirely within the Cultural, University and Transport area and the Building Bolton SPD notes the absence of a clear urban focus and public amenity space, with Le Mans Crescent isolating the area from the Civic Core and beyond this the dominance of out-of-town style developments and highway infrastructure. The SPD expects new developments to take their townscape design cues from the adjacent Civic Core.
33. The proposal has been the subject of considerable pre-application discussions and advice from the Council's Design & Conservation Officer, Landscape Design colleagues, and Greenspace Management, resulting in the proposal before Members.

34. The proposal looks to bring green open space into the heart of Bolton town centre, providing a park which is open, accessible, and welcoming for the community and visitors. The park will be part of the green setting of the Public Realm and Connections project within the town centre Civic and Cultural Quarter. It would deliver a green space which ties into streetscape upgrades on Ashburner Street, providing a complimentary and open frontage to this street, as well as Black Horse Street and Back Spring Gardens. The boundaries of the park would be typically open with a planted frontage between the street and the park to provide a soft edge. The park draws on the history of the site as a former Odeon Cinema, re-using elements of red brick and steel beams from the former building and retaining these in the design.
35. As a cleared and long vacant site within the town centre, the site currently has a significant negative impact on perceptions of Bolton town centre – the proposals will address this and will have a significant beneficial impact.
36. The impact on the character and appearance of the area is considered to be substantially positive.

Impact on the Setting of Nearby Listed Building and the Conservation Area and other Heritage Assets

37. Strategic Objective 11 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.
38. Core Strategy policy CG3.3 states that the Council and its partners will seek to ensure that development should be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture and landscape treatment. Policy CG3.4 aims to conserve and enhance the heritage significance of heritage assets and heritage areas recognising the importance of sites. 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.
39. Chapter 16 of the NPPF "Conserving and enhancing the historic environment" emphasises at paragraph 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, Paragraph 194 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. Paragraph 195 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.
40. Paragraph 199 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.'
41. With specific reference to Listed Buildings it is noted that s. 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that when an LPA is "considering whether to grant planning permission...for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
42. Section 72 of the Act requires the Local Planning Authority to pay special attention to the 'desirability of preserving or enhancing the character and appearance' of the designated areas.

Consequently, it is important to consider the developments contribution to the townscape character of the conservation areas and the impact of the proposed development on this aspect of the wider historic environment.

43. No works are proposed to any listed buildings; however, the site is immediately south west of the library element of Le Mans Crescent, a Grade II Listed Building. Le Mans Crescent also lies within the Town Hall Conservation Area - however, the application site itself lies outside of any designated area and is considered to have little or no relationship with any other town centre Conservation Area or the remainder of the Town Hall Conservation Area due to the strong enclosure provided by the dominant southern elevation of Le Mans Crescent and the scale of other nearby building.
44. The application is supported by a Heritage Assessment carried out by Gillespies. This has been considered by the Council's Conservation and Design and Officer who finds that the proposals respect the important view identified in the conservation area appraisal from the southern end of Queen Street and notes that views from the Conservation Area will be improved by the removal of the hoardings and the introduction of planting, lawns, and trees. There will also be an improvement to the setting of the Town Hall Conservation Area and to that of Le Mans Crescent. In addition, filtered views will now be afforded to the market across Blackhorse Street from within the Conservation Area too. Conditions are recommended in terms of materials and boundary treatment.
45. The impact on the setting of nearby listed buildings and the conservation area and other heritage assets is considered to be substantially positive.

Impact on Bolton Town Centre and Bolton's Economy

46. Strategic Objective 3 seeks to ensure a 'Prosperous Bolton' by taking advantage of the economic opportunities presented by Bolton town centre and the M61 corridor, and ensure that these opportunities benefit everyone in Bolton, including those people living in the most deprived areas.
47. The Core Strategy notes the vital role of Bolton town centre and the importance of good urban design 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.
48. 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. Policy TC5 states that the Council will redevelop the wider area for a mixture of employment, cultural, residential and family orientated leisure uses.
49. The NPPF states in paragraph 8 that the planning system has three overarching objectives, one of which is an economic objective. This is defined as being to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. Chapter 6 Building a strong, competitive economy, indicates that planning should help create the conditions in which businesses can invest, expand and adapt. Paragraph 81 particularly emphasises that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development, building on an area's strength and countering the weaknesses for the future. The NPPF states at paragraph 86 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.
50. It is considered that the Core Strategy is consistent with the NPPF and can be given significant

weight.

51. As one of the towns identified by Government in the 'levelling up agenda, Bolton Council was invited to submit proposals for a Town Deal, a plan to invest up to £25 million of government funding in projects to boost the local economy. This funding has the potential to create a pivot point for the town, creating new reasons for people to live and work in the town centre.
52. A busier town centre will stimulate wider growth with a thriving knowledge economy and cultural quarter focused around Cheadle Square. To ensure that this opportunity is transformational for the town's economy and residents' lives it is necessary to invest in improvements to the public realm.
53. The proposals are considered to greatly enhance the perceptions of this part of Bolton town centre for residents and businesses and visitors and would have an immediate and significant visual impact. It would provide a boost for the businesses and institutions in the area, attracting visitors at a time when Bolton is looking to bounce back from the impact of the pandemic. By encouraging people to socialise and spend time outside the proposals will boost the wellbeing and health of Bolton's population, encouraging social activity in an iconic setting after months of restrictions.
54. As part of wider proposals to improve the public realm within this area, the proposal will create and expand attractive public spaces for pedestrians to use in the area and increase green space encouraging residents and visitors to visit the area's institutions and businesses whilst increasing the quality of life in the town centre. It will improve connections between existing area institutions, removing blockages to pedestrian flows.
55. The impact on Bolton town centre and Bolton's economy is considered to be substantially positive.

Impact on Crime Reduction

56. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are therefore material considerations that a local authority should take into account when exercising its planning functions under Town and Country Planning legislation.
57. Bolton's Core Strategy notes that the town's recorded crime levels are reducing but perception of crime remains high. The Core Strategy's most important direct contribution to reducing crime and the fear of crime is through the design of new development. A contributory factor to improving safety is to create and sustain a sense of place that enables people to identify with their surroundings or locality. This can be achieved through appropriate layout, high quality architecture, good lighting and landscape design. In considering design, the Council takes into account national advice as currently set out in the Government publication 'Safer Places - the Planning System and Crime Prevention.' Ensuring that the whole of the civic and retail core is safe and attractive for pedestrians will be a priority.
58. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, reduce crime and the fear of crime, by ensuring that neighbourhoods are attractive and well designed. Policy S1 is part of the "Safe Bolton" Sustainable Community Strategy theme and states that the Council and its partners will ensure that the design of new development takes into account the need to reduce crime and the fear of crime. Policy CG4 of Bolton's Core Strategy seeks to ensure that new development protects, amongst other things, safety and security.
59. The National Planning Policy Framework states that planning decisions should aim to achieve places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas.

60. The application is supported by a Crime Impact Statement, carried out by Greater Manchester Police's Design For Security team and issued in November 2020. GM Police note a number of positive aspects of the scheme:-

- the layout appears generally free of obstacles to vision allowing people to see and be seen within the area and maintains sight lines across the site. Planting and street furniture has been designed to avoid creating potential hiding places and avoids blocking sight lines. The choice of trees and other plant species should allow some visible permeability through the canopies and foliage so that people cannot be concealed within the public space
- The proposed layout will include a high-quality landscape treatment which is designed to create an attractive space that would draw in legitimate activity. This would increase the pedestrian flow as well as increasing the natural surveillance and should assist with informal policing of the area
- Vehicular access to the space. Street furniture is located within the layout to remove opportunities for vehicles to gain access to the pedestrian area
- The proposed park will be well-overlooked from adjacent premises and streets. The design includes no potential hiding places so that activity within the space can be easily observed from neighbouring properties and passers-by during the daytime

61. In the Crime Impact Statement, Greater Manchester Police make a number of recommendations for further improvements and Officers are satisfied that the designers have fully engaged with these recommendation, noting that:-

- all planting is low level to ensure sight lines are not obscured and does not hinder CCTV coverage. Planting species have been chosen to lessen future maintenance requirements given likely future budget constraints.
- all seating has been selected with future maintenance budgets in mind and are considered sufficiently robust to withstand casual act of vandalism and the final location of benches will be made with maximum natural surveillance in mind. All benches will be fitted with anti-skate studs to act as a deterrent
- the site will be added to the council's existing maintenance schedules and all litter bins will be emptied on a daily basis and more frequently should the site be used for council approved events.
- the site will be closely monitored by CCTV during its early days and beyond and the maintenance schedule will highlight any areas of concern. The existing CCTV cameras that cover the site are regularly maintained to ensure they are fully operational and images can be relied upon for any criminal trials. They have vandal resistant housing and are at a height that deters attack.
- all loose surface materials have been changed to bound gravel or similar materials, with all potential small fragments have been removed
- surfaces will be treated for ease of cleaning as this reduces on-going maintenance budgets. All inspection chambers will be secured.
- following conversations with Counter Terrorism Policing North West, any solid, physical barrier will present a great improvement on the current situation.
- the Council's Street Lighting section have drafted a design for some columns within the site and this meets the current standards.

- no bollard or low level lighting is currently proposed as the council does not want extensive night time use of the site, unless for approved night time events.
- the Council is the procuring body responsible for purchasing all aspects related to the site and will therefore be the 'key holders' for all relevant specification documents and the Council will also be responsible for the ongoing maintenance of the site.
- the site is currently hoarded and will remain so throughout the construction period. The council will ensure that the chosen contractor is a member of the Considerate Constructors Scheme
- the site will form part of Bolton council's property portfolio and its security, like all council sites, will be managed in house with all personnel SIA accredited.

62. The proposed development is considered to be entirely consistent with the NPPF and Development Plan policies above, in particular via the use of clear and legible pedestrian routes and high-quality public space, which encourage the active and continual use of public areas as advocated by the NPPF. The engagement with the recommendations of Greater Manchester Policy (as listed above) is considered to be exemplary and therefore the development is considered have a beneficial impact on crime reduction.

Impact on Ecology, Biodiversity and Trees

63. The aim of Core Strategy Strategic Objective 12 is to protect and enhance Bolton's biodiversity. Core Strategy policy CG1.2 seeks to ensure that the Council and its partners will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development and improving the quality and interconnectivity of wildlife corridors and habitats.
64. Chapter 15 of the NPPF "Conserving and enhancing the natural environment" states at Paragraph 174 that planning decisions should contribute to and enhance the natural and local environment. This can be achieved by providing net gains for biodiversity and by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. This goes onto state that wherever possible, development should help to improve the local environment such as air and water quality. Under the subheading Habitats and biodiversity, developments should protect and enhance biodiversity and geodiversity (Paragraph 179). Paragraph 180 further comments that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
65. Officers consider that Core Strategy Strategic Objective 12 and Core Strategy policy CG1.1 are consistent with the NPPF and can be given significant weight. Additionally, the relevant sections of the NPPF provide a more detailed consideration of biodiversity and ecological matters and should be taken into account.
66. The existing condition of the site is levelled hardcore with brick boundary walls / timber hoardings. As such, vegetation is limited to some grass beginning to cover the hardcore and some Buddleia species growing out of the brick boundary walls. The proposals incorporate trees, ornamental garden beds, and wildflower grasses will provide a substantial improvement for biodiversity to the current baseline condition.
67. Greater Manchester Ecology Unit have considered the proposals and accept the characterisation above. They do query whether neutral grassland in fairly good condition can reasonably be created and managed for 30 years in a space which is designated as a local park - however, given the very low baseline value of the site (which is predominantly hard standing) they accept that even if the condition of distinctiveness of the grassland were modified the

development would still be able to demonstrate an adequate net gain for biodiversity – though it may not be quite as high as the 2965% improvement stated within the submitted report. They also recommend standard informatives relating to nesting birds and similar issues.

68. Officers are satisfied that the current derelict nature of the site and limited vegetation present together with the proposed areas of over 500m² of grassland/wildflowers, over 500m² of new ornamental planting and 48 new trees of varying sizes and species will result in a significant improvement to biodiversity in relation to the existing situation.

Impact on Nearby Uses

69. 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.
70. The NPPF contains in paragraph 8 an environmental objective that development should minimise pollution. Paragraph 174 states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
71. Paragraph 188 of the NPPF states that "the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
72. 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.
73. Officers note that the southern half of the park would feature hard paving, centred around a flexible open "events space" where stages could be brought in or facilities for temporary events, such as food trucks or performance infrastructure. With this in mind, Pollution Control colleagues have requested further information in relation to the number of events per year, the type of events and the likely size of audiences and recommend that an acoustic assessment be provided to ensure that future occupants of the consented development at Moor Lane would not be affected. However, none of this information is available at present and Officers consider that no meaningful assessment could be carried out at this stage.
74. It is considered that public performance would be a very limited element of the proposed use. Such events are entirely common within a town centre context and are welcomed. The Council would maintain control over such events via the experienced team that manage other similar events on Victoria Square and Le Mans Crescent. Such events are subject to licensing arrangements. It is also noted that the existing site is hard-surfaced and could, potentially, be used for events on a limited basis without a breach of planning control taking place, as could many other parts of the town centre. With these points in mind, and taking in to account the clear NPPF position that planning should not seek to duplicate other control mechanisms, it is not considered to be appropriate to seek to control or otherwise constrain any potential future events via the planning system.
75. Pollution Control colleagues do also recommend a condition relating to the control of lighting and this will be conditioned.

76. Other surrounding uses are typically offices together with Bolton Market to the west and it is not considered that they uses are capable of being unreasonably affected by the use of the site as a public park.

77. The impact on nearby uses is considered to be acceptable.

Other Matters

The Road Network

78. The Council's Highway Engineers confirm their support for the proposals and welcome the investment in the public realm.

Surface Water Drainage and Flood Risk

79. Given the nature and limited scale of the use, a flood risk assessment is not necessary.

80. Flood Risk colleagues advise that the proposed drainage arrangement would achieve the 50% brownfield reduction in surface water flows as required by policy. Engagement with the drainage hierarchy has taken place – infiltration has been ruled out due to the nearby railway infrastructure and surface water will either discharge to the existing combined sewers or to the surface water drain in Blackhorse Street, subject to United Utilities' requirements.

Sustainable Construction and Energy Management

81. The application is supported by a Sustainability Statement which proposes a number of forms of sustainable development, including:-

- recycled subbase aggregates to be used
- the re-use of existing bricks on site to form the walls together with the re-use of existing steel posts for catenary lighting and signage
- Forest Stewardship Council timber to be used which ensures it has met the highest environmental and social standards
- use of peat free compost together with recycled green waste / organic matter
- increased number of trees and plants to improve carbon sequestration
- use of new fuel efficient machinery for construction and maintenance operations

Land Stability, Ground Conditions and Coal Mining

82. No actual buildings are proposed and therefore there is no requirement for a coal mining assessment.

83. Some limited information on land contamination has been provided. Given that the site was in industrial use prior to the construction of the Odeon Cinema, together with the fact that soft landscaping is proposed, Pollution Control colleagues recommend that a Preliminary Risk Assessment be carried out.

Value Added to the Development

84. The proposal has been the subject of considerable pre-application discussions and advice from the Council's Design & Conservation Officer, Landscape Design colleagues, and Greenspace Management, resulting in the proposal before Members.

Local finance considerations

85. Section 70(2) of the Town and Country 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. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority

by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

86. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms.
87. In this case, whilst the development is supported via Government funds from the Town Fund Bid, the development is considered to be acceptable in its own right and does not rely on this funding to make it acceptable in planning terms.

Conclusion

88. The development proposal under consideration is a beneficial regeneration scheme, supported by Government funding. It has the potential to make a positive and lasting contribution to the public image of Bolton town centre in terms its transformative impact on the character and appearance of the application site, its immediate surroundings and that the way that this part of Bolton town centre functions.
89. The application was subject to considerable pre-application discussions and advice from the Council's Design & Conservation Officer, Landscape Design colleagues, and Greenspace Management. It has also evolved as a result of advice from Greater Manchester Police in terms of ensuring public safety.
90. It is considered that the proposal before Members represent an opportunity to make significantly better use of this long vacant and derelict site, to improve the public image of Bolton town centre and to increase confidence in the ongoing regeneration of the heart of the Borough.

Representation and Consultation Annex

Representations

No representations were received.

Consultations

Advice was sought from the following consultees: Greater Manchester Ecology Unit, Drainage and Technical Support, Highways Engineers, Landscape Architects, Environmental Health Officers, Strategic Development Unit, Greater Manchester Police Design For Security, Design & Conservation Officer

Planning History

Planning permission was granted in 2007 for the erection of a 44m high mixed use development, primarily residential (76568/07). This approval was subsequently renewed in 2010 but expired unimplemented.

There are also minor approvals in the planning record relating to the former use of the site as a cinema and bingo club.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

Subject to the following conditions, which have been imposed for the reasons stated:-

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

Reason

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

- 2 Prior to the commencement of the development:-

A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, property and/or the wider environment; and

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

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

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

Reason

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

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 The development shall not be brought into use unless and until evidence that the development has been constructed in accordance with the recommendations contained within section 3.3 of submitted Crime Impact Statement dated 22/04/2022, ref: 2022/0069/CIS/01 Version A. Such measures as are incorporated within the development in the interests of crime reduction shall be retained in full thereafter.

Reason

In the interests of crime reduction and Policies CG3 and S1 of Bolton's Core Strategy.

- 4 The development shall achieve a 50% reduction in surface water run-off flows, in accordance with the submitted SUDS Statement.

Reason

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

- 5 Prior to the development hereby approved/permitted being first occupied or brought into use the existing vehicular access onto Back Spring Gardens shall be closed to vehicles and the existing highway (kerbing and footway) made good to adoptable footway standards. There shall thereafter be no means of vehicular access to or from Back Spring Gardens, other than as shown on drawing ref: P20274-00-002-GIL-0100 rev P04 .

Reason

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

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

General Arrangement - P20274-00-002-GIL-0100 rev PO4

Planting Plan - P20274-00-001-GIL-0400 rev PO2

Reason

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



- KEY**
- EXTENT OF WORKS
- SURFACE MATERIALS**
- P1 - YORKSTONE FLAGS
To match Black Horse Street
Refer to Specification
- P2 - YORKSTONE SETTS
To match Black Horse Street
Refer to Specification
- P3 - EXPOSED AGGREGATE CONCRETE
Exposed aggregate concrete paving, joining to Structural Engineers design
with layout coordination with landscape architect
Refer to Specification
- P4 - GRANITE PAVING
Refer to Specification
- P5 - BLISTER TACTILE PAVING
Silver granite grey tactile to uncontrolled crossings
Refer to Specification
- KERBING / EDGING / DRAINAGE**
- K1 - GRANITE KERB
450mm width granite kerb
Refer to Specification
- K2 - FLUSH GRANITE CHANNEL
200mm width flush granite channel
Refer to Specification
- K3 - EXISTING KERB RETAINED/ REPLACED
Existing historic granite kerb to be retained and misaligned units to be reset. Excessively damaged units to be replaced with a matching reclaimed product.
Refer to Specification
- K4 - DROP / FLUSH KERB
Drop kerb to match K3 existing kerb from a matching reclaimed product
Refer to Specification
- K5 - GRANITE DROP / FLUSH KERB
Drop kerb to match K1 kerb
Refer to Specification
- S1 - SLOT DRAIN
Indicative location for stainless steel heelproof slot drain to connect into stormwater network to be confirmed and designed by Engineer
Refer to Specification
- D1 - EXISTING GULLY RETAINED
Existing road gully to be retained
- SOFTWORKS**
- TREE/ SHRUB
Proposed tree/ multi-stem shrub planted within softworks
- ORNAMENTAL PLANTING
Mixed ornamental planting. Bark mulch play routes with natural play features to be integrated within.
- WILDFLOWER MEADOW
Wildflower meadow mix sown from seed
- AMENITY LAWN
Amenity lawn areas with mounding sown from seed
- FURNITURE**
- F1 - TIMBER BENCH
Timber and steel seat
Refer to Specification
- F2 - TIMBER BENCH ON WALL
Timber and steel bench mounted on brick wall
Refer to Specification
- F3 - SEATING CUBE
Timber and steel seat cube
Refer to Specification
- F4 - PICNIC BENCH
Timber and steel seat picnic bench
Refer to Specification
- F8 - TIMBER STAGE SEATING
Timber bench seats
Refer to Specification
- S1 - FEATURE STEEL POSTS
Feature steel posts
Refer to specification
- S2 - RECLAIMED STEEL POSTS
Reclaimed steel posts as sculptural feature
Refer to specification
- W1 - BRICK BOUNDARY WALL
With feature steel posts
Refer to Specification
- W2 - BRICK SEAT WALL
With wall mounted seats
Refer to Specification
- G2 - VERTICAL ENTRY SIGN
Refer to Specification
- LB - LITTER BIN
Powder coated steel and FSC hardwood timber litter bin
- B - FIXED BOLLARD
Black cast iron fixed bollard to match the Octagon public realm bollards
- B1 - REMOVABLE BOLLARD
Black cast iron removable bollard to match the Octagon public realm bollards
- R1 - PEDESTRIAN GUARDRAIL
Refer to specification
- RS(E) - EXISTING ROAD SIGN RETAINED
Existing road sign retained. Post to be repainted black to match existing traditional street furniture palette.
- L1(E) - EXISTING LIGHTING COLUMN RETAINED
Existing column to be retained
- L1 - EXISTING LIGHTING COLUMN RELOCATED
Existing column to be retained, and relocated to Council requirements
- LP - LOCATION OF SUPPLY FOR FUTURE LIGHTING
Indicative location of electrical supply point for future pole top lighting if required by Council. Locations to be confirmed by Council and supply / design / connections by Engineer
- EP - LOCATION OF POP UP POWER SUPPLY
Indicative location to be confirmed to Council requirements and supply / connections / design by Engineer. Pop up supply to be provided with service pit cover to match surrounding paving
- TS - TRAFFIC SIGNAL/ PEDESTRIAN CROSSING CONTROL
Existing traffic light columns and controls to be retained or relocated to Council requirements
Columns to be repainted black to match traditional street furniture palette
- TB - EXISTING TELEPHONE BOX
Telephone box to be removed or relocated to Council requirements
- PIT - EXISTING SERVICE PIT COVER
To be retained and if required reoriented to match paving alignment and replaced with a paved infill cover
- PM - EXISTING PARKING METER
To be retained or relocated to Council requirements
- EC - EXISTING ELECTRICAL CABINET
To be retained and painted black

Rev	Details	By	Date
P00	Working Draft File	KH	18.10.2021
P01	DRAFT	KH	02.11.2021
P02	PLAN UPDATED	SL	17.12.2021
P03	COUNCIL COMMENT/CLARIFICATION/PARK NAME CHANGE	KH	26.01.2022
P04	NAME CHANGE	KH	31.01.2022

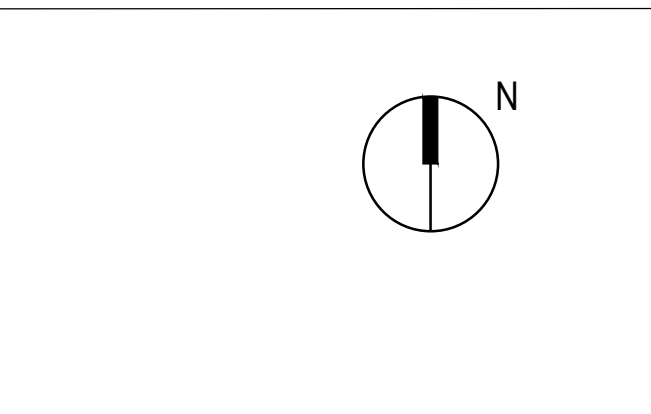
Notes

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1.1 All dimensions to be checked onsite

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Project title
FORMER ODEON SITE

Drawing title
GENERAL ARRANGEMENT PLAN

Drawing number P20274-00-002-GIL-0100	Revision P04
Drawing Status FOR INFORMATION	
Date 16.02.21	Scale 1:125 @ A1
Drawn KH	Checked AN

Client
BOLTON COUNCIL

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KEY

EXTENT OF WORKS

SOFTWORKS

AMENITY LAWN

EG22 STRONG LAWN GRASS MIXTURE

Emorsgate Seeds

Refer to Specification

WILDFLOWER MEADOW

EMS SPECIAL GENERAL PURPOSE WILD FLOWERS MIXTURE

Emorsgate Seeds

Refer to Specification for soil requirements for wildflower areas

ORNAMENTAL PLANTING

MIXED ORNAMENTAL PLANTING

Refer to Specification

BULB PLANTING

BULBS TO BE PLANTED IN GROUPS OF 3-5

Refer to Specification

TREE

PROPOSED TREE PLANTED WITHIN SOFTWORKS

Refer to Specification

Schedule

Species	Specification	Height	Number
Acer platanoides 'Emerald Queen'	Extra Heavy Standard :Clear Stem min. 200 :5 brks :3x :RB	400-450cm	6 No.
Amelanchier lamarckii	Multi-Stemmed :3 Stems :Bushy :3x :RB	300-350cm	10 No.
Cornus mas	Multi-Stemmed :3 Stems :Bushy :RB	200-250cm	9 No.
Ginkgo biloba	Extra Heavy Standard :Clear Stem 175-200 :4 brks :4x :RB	400-450cm	9 No.
Gleditsia triacanthos 'Sunburst'	Selected Standard :Clear Stem 175-200 :4 brks :2x :RB	300-350cm	15 No.

Species	Specification	Pot Size	Density	Number
Hebe pinguifolia 'Pagei'	Bushy :5 brks :C	3L	5/m²	58 No.
Pachysandra terminalis	C	3L	7/m²	15 No.
Santolina chamaecyparissus	Bushy :5/7 brks :C	3L	5/m²	196 No.

Species	Specification	Pot Size	Density	Number
Liriodendron tulipifera	C	3L	6/m²	265 No.
Nepeta racemosa 'Walkers Low'	C	3L	7/m²	277 No.
Perovskia 'Blue Spire'	C	3L	5/m²	259 No.
Salvia nemerosa 'Caradonna'	C	3L	7/m²	474 No.
Sedum hylotelephium 'Matrona'	C	3L	5/m²	161 No.
Stachys byzantina	C	3L	7/m²	74 No.
Stachys monieri 'Hummelo'	C	3L	7/m²	304 No.

Species	Specification	Pot Size	Density	Number
Carex divisa	Full Pot	3L	7/m²	151 No.
Deschampsia caespitosa	Full Pot	3L	5/m²	240 No.
Molinia caerulea	Full Pot	3L	5/m²	195 No.
Sesleria autumnalis	Full Pot	3L	5/m²	260 No.
Stipa tenuissima	Full Pot	3L	5/m²	137 No.

Grass Areas	Seed Mix Name	Seed Mix Supplier	Density
EG22	Emorsgate Seeds	25g/m²	
EG3	Wildflowers	Emorsgate Seeds	4g/m²

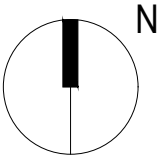
Bulbs	Species	Specification	Number
	Allium giganteum	Grade 18/20 :Planted in groups of 3-5	533 No.
	Crocsmia 'Sunglow'	Grade 6/+ :Planted in groups of 3-5	261 No.

Rev	Details	By	Date
P00	Draft	BK	24.11.2021
P01	Second Draft Issue	BK	02.12.2021
P02	Name change and layout update	BK	31.01.2022

Notes

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Project title
FORMER ODEON SITE

Drawing title
PLANTING PLAN

Drawing number
P20274-00-001-GIL-0400

Drawing Status		Revision	
FOR INFORMATION		P02	
Date	Scale	Drawn	Checked
19.11.21	1:125 @ A1	BK	AN

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