

PLANNING COMMITTEE
Schedule of Supplementary Information

14th December 2017

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

**Bolton
Council**

01176/17

Ward	Location
BMET	LAND AT OSMUND AVENUE, REAR OF OAKBOTTOM ROAD, BREIGHTMET

The agent has confirmed that the TPO trees are contained within the applicants land ownership boundary. The Planning Department has received no evidence to the contrary; it is therefore considered that the applicant has signed the correct certificate of ownership.

The applicants land adjoins and appears to include part of the unadopted highway, Osmund Avenue; therefore it is their intention to gain access directly onto Osmund Avenue. Any private rights or covenants are matters separate to the planning process.

With regards to the alleged stopping up of the Highway and possible enforcement action there are ongoing discussions between Bolton Council Planning Department and Highways Department.

02140/17

Ward	Location
BRCR	EGERTON PRIMARY SCHOOL, COX GREEN ROAD, EGERTON, BL7 9RE

Additional comments were received since the committee report was published and are summarised below with responses below:

- Concern correct process has not been followed (*Officer Comment: The proposal has been assessed in accordance with The Town and Country Planning Act 1990 and Development Management Procedure Order. A decision is due to be made at Planning Committee by Elected Members*)
- Largely standard response not written by someone with any knowledge of the site (*Officer Comment: The case officer conducted a site visit and the proposal has been assessed against relevant national and local planning policy in the Officer report and any additional matters/concerns considered and addressed prior to committee making a decision which have been included in this addendum report, as is normal practice for all planning applications determined at Planning Committee*)
- Nothing to suggest that in-depth objection letters sent in by residents have been taken into consideration (*Officer Comment: Objections have been reviewed and considered when writing the Officer report and any additional matters/concerns considered and addressed prior to committee making a decision have been included in this schedule, as is normal practice for all planning applications determined at Planning Committee*)
- Greater Manchester police (GMP) recommend that fencing is not placed next to tall trees (*Officer Comment: GMP advice is good practice advice and where possible should be taken into consideration. The proposed fencing is set back from the red line boundary as shown on the proposed plan by 1m. While there would be some trees and other features nearby, it is considered that the proposed fencing would offer improved security on the existing situation.*)

- Alternative suggestions for placement of fence ignored in the officer report *(Officer Comment: It is noted that local residents have put forward alternative schemes for consideration. However given that the current scheme is considered to be acceptable in planning terms, it is not normal practice for the planning department to ask the applicant to consider alternatives to what is considered to be an acceptable proposal.)*
- Application contains untrue statements- current gates are not electronic. *(Officer Comment: The mention of the 'existing electronic gates' within the Design & Access Statement submitted was noted when the case officer visited the site.)*
- This activity is not in keeping with the schools desire to work with the local community *(Officer Comment: This is not a material planning consideration)*
- Recommendation made by neighbouring residents- Review of pick up/drop off policy- any proposed fence should be located close to the school not on the boundary line with Cox Green Close-Electric gate is the not needed at the entrance to the school-A review of the access to the school from Cox Green Road- Theses suggestions would ensure that the local community is appeased and the proposal would be in line with GMP recommendations *(Officer Comment: It is noted that local residents have put forward alternative schemes for consideration. However given that the current scheme is considered to be acceptable in planning terms, it is not considered normal practice that the planning department would ask the applicant to consider alternatives to an acceptable proposal. Additionally the planning department is only able to seek to address issues which may arise as a result of the proposal, and not remedy any existing issues.)*
- Effectively this is an application by a neighbour to erect a 2.4m fence along a boundary *(Officer Comment: Each application is assessed upon its own merits)*
- Unlikely that the slope to the north of the school would be utilised as a play area given the potential for claims against the school- it is therefore inconceivable that the land being enclosed would be used for the purposes of children playing *(Officer Comment: The use of the grassed area to the north of the school building is not part of this planning application. The application is for the erection of a fence and gates. The grassed area forms part of the school unit in planning terms and as such it is capable, in planning terms, of being used for children to play without needing to change the use of the land. Therefore in assessing the proposed fence the potential for school children to play in this area already existing and as such do not form part of this assessment.)*
- At this time of austerity it seems unreasonable and disproportionate for the school to spend thousands of pounds on a fence *(Officer Comment: It is not for the Planning Department to seek to control how schools choose to spend their funds)*

- Diversion of footpath to Druids Close will affect the privacy of all residents on Druids Close and yet not all residents on Druids Close have been consulted. *(Officer Comment: There is no plans to create any new access to the site. The existing pedestrian access onto Druids Close is already capable of being utilised by walkers using the concessionary footpath. The Local Planning Authority consulted beyond the statutory obligation for this application.)*
- Unable to maintain garage if fence is erected *(Officer Comment: This is not a material planning consideration. The proposal is contained within the School's own land.)*

Highways issues

- Constant illegal parking on the highway and complete disregard for parking restrictions
- Cox Green Close is a Private Road and is often used by parents and visitors to the school for turning etc. ignoring the signage and road markings. There is a cost associated to the residents with maintaining this road
- Further congestion as a result of gates stopping vehicles entering the school grounds
- The safety risk associated with the congestion, parking and traffic issues is much greater than a terrorist attack
- Traffic and safety issues which will be exacerbated by the introduction of the closed gates
- The school itself acknowledges a traffic problem
- Incidents of bollards, cones and signs knocked down and children narrowly missed

Officer comments on Highways issues listed above:

It is not appropriate for the Local Planning Authority to seek to remedy existing highway issues through this planning application. The applicant can only be expected to address issues which may arise as a result of this proposal. The Councils Highway Department have commented on the application and raised no objection to the proposal.

It is understood that child and pedestrian safety is highly important, particularly around schools where peaks in pedestrian and vehicular traffic occur. However as stated above when assessing this application while the existing situation has been taken into consideration, the Council cannot seek to remedy existing issues through determination of this application only the impact as a result of this proposal.

Additional comments have been sought from the Councils Highways Department with regards to the issues raised by residents and the following response was received.

- *There have been gates at that location apparently for many years and scrutiny of the injury accident data for that location reveals no record to justify the concern that has been raised. If a vehicle is stationary then it is not considered that it can cause an accident potential.*
- *Inevitably vehicles will have to turn at that location if they cannot gain access (which will be the case now in some instances) although deliveries it is*

assumed will have an allotted time so the school will have an awareness so the gates can be opened.

- *There will be wear and tear on the private section of Cox Green Close owing to the turning area being sub-standard although it could be a consideration to ask the school to pay something towards the maintenance of part of this private road which may alleviate the concerns raised.*
- *Inevitably schools generate their own unique set of issues within the drop-off/pick-up periods. There are additional amenity issues posed by on-street parking at schools located within residential areas. It is expected that the security gates would be opened during these periods, enforced by staff, to ensure that pupils are safely picked up from school. It would be down to the individual driver in question to ensure that they manoeuvre and safely park on the highway. Replacement of an existing gating system should potentially have a minimal bearing on this issue.*
- *It is not considered that Highways could reasonably object based on these grounds.*

Other Matters:

The following sentence appears in the officer report published prior to committee and was included in error. For clarity the below description does not relate to the site and was included in error.

Paragraph 2. *"To the rear is open land with the cricket ground located to the east, to the front are the rears of terraced properties on Vicarage Road West."*

Additionally it is noted that the Subheading under paragraph 8. *"impact on the living conditions of residents living on Vicarage Road East"* was included in error and should read *"impact on the living conditions of neighbouring residents"*

Diversion of concessionary footpath

Since the publication of the Officer Report an application has been received by the Councils Public Rights of Way (PRoW) Officer for a Definitive Map Modification Order (DMMO). The Councils PRoW Officer has confirmed that this process can in some cases take a number of years to complete. This is a process which is separate from planning and in the determination of this application the Council cannot pre-empt the outcome of this process. Therefore a decision must be made based upon the current situation in which the footpath is not a designated PRoW. It is recommended an informative be included, should permission be granted, explaining that should the DMMO application be successful and the pathway be designated as a PRoW the applicant may be required to re-instate the footpath.

01316/17	
Ward	Location
HALL	AL-HUDA ACADEMY, 3 HENNON STREET, BOLTON, BL1 3EH

Additional consultation was carried out as the original plans did not make it particularly clear that 2 metre perimeter weldmesh fencing was proposed. As a result of this consultation, an additional objection was received, raising the following issues:-

- it was understood that the owners has agreed that residents could use the car park but they have now gone back on their word and this will cause more congestion
- preventing the use of the car park will cause people to double park on Hennon St, which is unsafe
- the car park has not been maintained and is used for dumping waste
- weldmesh fencing will be damaged
- those who have supported this application do NOT live on Hennon St or nearby so it will not affect them
- reducing the entry/exit point to one will allow double parking
- internal alterations have already been made
- there are 3 education establishments within easy reach of each other which causes so much congestion

Officers accept that there was previously an informal arrangement that allowed local residents and parents of children at the two neighbouring schools to park at the site. However, this was at the school's discretion and it would be unreasonable to require the school to make their land available for use by third parties. It is not intended that parents of children at Al-Huda Academy be excluded from the parking area; instead, the intention is that the land be for the exclusive use of staff and the parents of children attending this school. There is evidence of fly-tipping and other anti-social behaviour at the site; however, the current proposals seek to address this by improving physical security. A condition requires details of how the reconfigured car park will be treated. Weldmesh fencing is the Council's standard solution for securing schools and other similar sites and has the in principle support of GM Police. The Officer's report clearly sets out the relationship of objectors and supporters in relation to the site. It is not clear how reducing the current two access points to one access point would lead to double parking - the purpose of this reconfiguration is to make more effective use of the land available for parking. Internal alterations do not require planning permission. The Officer's report notes the presence of two other larger schools nearby but also recognises that Al-Huda Primary is significantly smaller than the other two schools.

An additional objection has been received on behalf of a resident of Hennon Street. The objection makes a number of criticisms of the attitude, behaviour and honesty of the school management; however, this is not the issue under consideration by Committee. The objector expresses the view that visitors to the site should be using the school car park and not parking in resident's parking spaces. However, there are no residents parking spaces on Hennon St. Clearly, residents of a street will understandably wish to park their cars near their homes, but they have no actual legal right to do so. The objector also states that they had no issues with the operation of the former Halliwell Labour Club prior to its closure - and this may well be the case - however, the fact remains that a licensed establishment such as this would have had the potential to have its own impacts on living condition, parking and highway congestion, depending on the success of the management in terms of encouraging customers to visit.