

Planning Applications Report

Planning Committee

12 January 2017

**Bolton
Council**

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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: -

UDP	The adopted Unitary Development Plan 2005
RSS	Regional Spatial Strategy for the North West of England 2008
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

Application number 97199/16



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Bolton Council

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Date of Meeting: 12/01/2017

Application Reference: 97199/16

Type of Application: Full Planning Application

Registration Date: 10/08/2016

Decision Due By: 08/11/2016

**Responsible
Officer: Alex Allen**

Location: LAND AT, BLINDSILL ROAD, FARNWORTH, BOLTON

**Proposal: ERECTION OF 77 DWELLINGS, (19 X 2 BED, 50 X 3BED, 8 X4
BED) WITH ASSOCIATED ROADS AND SEWERS.**

Ward: Farnworth

Applicant: Gleeson Homes

Agent :

Officers Report

Recommendation: Delegate the decision to the Director

Background

The application was deferred by Members at the December 2016 Planning Committee to enable the ward members at the applicant to meet to explore potential increased s.106 contributions.

The applicant has submitted a draft Unilateral Undertaking which makes provision for commencement of development within 3 months of discharge of the pre commencement conditions.

Proposal

The applicant proposes the erection of 77 new homes with the retention of three areas of informal public open space within the development. The development would provide a mix of house types, including , 19 two bedroomed semi detached properties, 37 three bedroomed semi detached properties, 13 three bedroomed detached properties and 8 four bedroomed detached properties. All new dwellings would be two storey.

The sole vehicular access to the site would be from Macdonald Avenue to the south whilst an emergency access point would be located to the west from Ramsay Avenue (between No's 77 and 83). This would also ensure that access points to existing properties would also be retained. Additional existing pedestrian points off Ramsay Avenue (between No's 33 and 35), Gorton Street and off George Street (between No's 42 and 44) would be enhanced.

The scheme has been designed to ensure that the new area of public open space are overlooked by the proposed new properties.

Site Characteristics

The site comprises of an area of open space and former skate park which is approximately

2.5 hectares in area. The land is mainly used as informal open space by members of the public. The site is enclosed and bound to all sides by the rear gardens of existing dwellings located along Macdonald Avenue, Gorton Street, Ramsay Avenue and George Street.

There are a number of established informal access points into the site from George Street, Gorton Street, Macdonald Avenue and Ramsay Avenue. The existing site is undulating with the site sloping generally to the south/Macdonald Avenue.

Policy

National Planning Policy Framework

Core Strategy policies:- P5 Accessibility, S1 Safe, CG1 Cleaner Greener, CG3 The Built Environment, CG4 Compatible Uses, SC1 Housing and RA2 Farnworth.

General Design Principles SPD, Accessibility, Transport and Safety SPD and Infrastructure and Planning Contributions SPD (July 2016).

Analysis

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.

The main impacts of the proposal are:-

- * principle of residential development;
- * impact on the character and appearance of the area;
- * impact on highway safety;
- * impact on the adjoining uses / users;
- * impact on ecology / biodiversity;
- * impact on surface water run-off / site drainage / flooding; and
- * impact on land stability;
- * impact on existing infrastructure.

Principle of residential development

National policy on residential development is contained in the National Planning Policy Framework. Paragraph 47 states Local Planning Authorities should ensure a sufficient 5 year housing land supply, in the context of the presumption in favour of sustainable development. In addition, paragraphs 50 and 53 seek to provide a mix of housing reflecting local demand with Council's setting out policies to resist the inappropriate development of residential gardens where this would result in harm to the local area.

Policies outlined in Bolton's Core Strategy sets out clearly the approach which needs to be taken. Core Strategy policy SC1 seeks to prioritise the use of previously developed land whilst making an

allowance for some greenfield development, predominantly as part of the Transforming Estate Programme.

In addition, the Core Strategy Allocations Plan identifies sites which are considered to be appropriate for housing use. These allocations sought to provide sufficient housing land to meet the Council's Housing Land requirement between 2012 and 2026. Whilst at an early stage Members will be aware that a consultation draft of the Greater Manchester Spatial Framework seeks to create a strategic plan for the conurbation of Greater Manchester. Part of this strategy will be to provide sufficient housing in Greater Manchester between 2015 to 2035. This Strategy includes new sites either on land within the Green Belt or on Other Protected Open Land. It is noted that as a baseline the requirements include land already allocated for housing, predominantly in the urban area.

In the context of the application site, it is noted that the site is allocated for residential development and as such is considered to be appropriate for housing. Due to the size of the site it is clear that it has the potential to provide housing in the short term i.e. within 5 years of commencement.

The proposal will have a positive impact in housing provision terms. It is considered that the application complies with Core Strategy policy SC1.

Impact on the character and appearance of the area

Core Strategy Policy CG3 seek to ensure that the design, landscaping and context of new residential developments, reflect their surroundings and make a contribution to good urban design.

The character of the wider area is one of semi detached two storey residential properties. Century Mill to the east located on George Street provides a local land mark.

Whilst the site is currently greenfield, it is surrounded on all sides by residential development. The informal routes into the existing area of open space would be retained.

The proposed house types, including the proposed materials, would be similar to those properties which adjoin the site. Whilst the majority of the existing open space would be removed by the proposed development it is noted that the development would retain open space within the development with soft edges/areas of open space retained off Ramsay Avenue to the west and Gorton Street in the eastern corner of the site.

Whilst the character of the site would change it is considered that given the site's allocation for residential development the proposal would be acceptable and that the retention of some green space within the overall development would soften the impact of the proposed development.

It is considered that the proposal would comply with policy.

Impact on highway safety

Core Strategy policies P5 and S1 states that the Council will permit those developments that have taken into account provision for pedestrians and cyclists; road design, layout and construction; vehicle servicing and access arrangements; car, cycle and motor-cycle parking; and access to, and by, public transport. Development proposals should not adversely affect the safety of highway users, including pedestrians, as well as the safe and efficient circulation of vehicles.

The Council's Highways Engineers have confirmed that the proposed layout provides sufficient parking provision to support the level of development. The residential layout also complies with the Council's standards for adoption.

Subject to the conditions recommended by the Council's Highways Engineers, it is considered that the proposal complies with policy.

Impact on the adjoining uses / users

Core Strategy policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses by way of privacy, amenity and security. In addition, guidance contained within the House Extension SPD provides advice on interface distances to ensure adequate privacy between existing and new developments.

In terms of the interface distances outlined within the General Design Principles SPD, the proposals would meet the recommended interface distances.

The proposal has been sensitively designed to maintain the living conditions of existing residents and complies with policy.

Impact on ecology / biodiversity

Core Strategy policy CG1.2 seeks to safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows.

The Council's Trees and Woodland Officer states that the proposal would remove nearly all of the existing trees on the site, particularly on the northern, eastern and central area. Whilst the trees are categorised as being B2 in quality i.e. trees of moderate quality and value as they are in large numbers their collective value is greater. The Council's TWO also recognises that some of the trees have been damaged by anti social behaviour.

Within the retained areas of public open space it is considered that the proposal has the potential to provide sufficient replacement tree planting within the site to offset the loss of existing trees. The Council's TWO has recommended that larger trees be planted where appropriate. It is considered that this would be conditional upon any approval.

A number of local residents have raised the potential presence of Great Crested Newts and bats within the site. The presence of Great Crested Newts is extremely unlikely due to the lack of any potential breeding ponds within 250/500 metres of the application site.

With regard to bat roosts within the existing trees, the applicant has submitted a Habitat Survey as part of the original application submission. This document states that the site was surveyed as to the presence of roosting bats. No features of bat roost potential were found within the site. The report does conclude that the site has potential for foraging and commuting bats. The report concludes that after development once landscaping on the site and the retained open space establishes itself this will increase the opportunity for additional food sources for bats to be developed.

Officers from the Greater Manchester Ecology Unit have commented that the site is of limited ecological value. They comment that the site does support trees and scrub which may be used by nesting birds. Therefore, based on GMEU comments it is recommended that conditions be placed on any permission which restrict the removal of vegetation from the site to outside the bird breeding season, together with the removal of Japanese knotweed from the site and the submission of biodiversity enhancement measures.

It is considered that the submission of biodiversity enhancement measures could potentially include bat and bird boxes attached to the proposed new dwellings.

It is considered that the proposal would over time compensate for the initial loss of trees and biodiversity value from the site once the new landscaping of the site/area becomes established.

Impact on land drainage / surface water run - off and flooding

Core Strategy policy CG1.5 seeks to ensure that new development proposals 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. In addition, Core Strategy policy CG2.2 (b) seeks to demonstrate sustainable management of surface water run-off from developments.

The Council's Drainage officers have commented that the applicant has not provided all the required information to enable full assessment of the proposal.

Officers would note that whilst the above pieces of information are important, they are not critical to whether the development is acceptable. The applicant has submitted a Flood Risk Assessment which is considered to be satisfactory. It is not considered appropriate to request the additional information prior to determination.

It is considered that the proposal would comply with Core Strategy policy CG1 and CG2.

Impact on land stability

Core Strategy policy CG4 seeks to ensure that new development proposals on land affected by ground instability must include an assessment of the extent of the issues and any possible risks. Development will only be permitted where the land is, or is made suitable for the proposed use.

It is noted that the Coal Authority require further information from the applicant to ensure the development could be safely developed. As part of the submission the applicant has provided a Phase 1 which recommends a more intrusive survey of the site.

It is considered that the proposal could be satisfactorily built out subject to an adequate remediation / development strategy for the site. This would need to be submitted prior to commencement of development and would be conditioned upon approval from Members.

The proposal complies with Core Strategy policy CG4.

Impact on existing infrastructure

Policies H1, A1 and IPC1 and guidance contained within the Infrastructure and Planning Contributions SPD all seek to ensure that the existing and proposed infrastructure has the capacity to absorb the proposed development. This includes potential requirements ranging from affordable housing, public open space, public art, and an off site contribution for education provision.

As part of the original submission the applicant provide a viability report which summarised that the development would provide the applicant, Gleeson Homes with a profit margin of some 10%. This has been verified by the Council's surveyor as an accurate assessment of the site. Furthermore, Gleeson Homes business model is such that the properties would be sold at a level which would enable persons renting accommodation in the local area to afford a mortgage for the properties.

However, as with the Gleeson Homes development which is currently underway at Lorne Street (which was also unviable), the company are prepared to provide a contribution of £500 per plot, a total of £38,000 for s. 106 contributions. This money would come from central company funds. Given the loss of public open space it is envisaged that this money should be spent on improvement existing public open space elsewhere within the locality. The Council's Landscape team have

recommended the monies are spent on improved play facilities at James Street some 250 metres to the south of this site.

As referred to at the last Planning Committee meeting the Council's Asset Management section have confirmed that the proposed sum of money would not enable the provide additional school places at local schools. It could however, be used to assist in providing additional school places when supported by other Council funds. Given local member concern regarding the impact of the proposal on school places it is considered that it would be reasonable to secure the monies to be spent on school place provision instead of improvements to local play space provision.

Details of the meeting between the applicant and ward members will be reported at the Committee meeting.

It is considered that the proposal would comply with Core Strategy policy IPC1.

Conclusion

The proposal represents development which would be in character with the residential character of the adjoining area. Whilst the proposal would result in the removal of a large proportion of the existing open space there would be some open space retained within the development which would have the ability to be used by new and existing residents. The proposal would respect the living conditions of existing residents together with ensuring the road layout and off road car parking is sufficient not to be detrimental to highway safety.

Subject to the provision of an off site contribution to provide for the improvement of public open space within the local area, and replacement tree planting to offset the proposed tree loss as part of this development it is considered that the proposal would on balance be satisfactory. Officer recommend members delegate the decision to the Director of Place pending signing of the s.106 agreement/completion of the Unilateral Undertaking.

Representation and Consultation Annex

Representations

Letters:- two objections letters have been received from local residents raising the following concerns:

- the proposal would deprive local residents of the only piece of public land available in the area which is used as a football pitch and skate park.
- loss of mature trees;
- loss of existing access rights over land;
- concerns over mining subsidence - some houses in the area have had to be pulled down due to this issue;
- loss of area for children to play on;
- increase in demand for school places;
- canals run underneath the land/area;
- loss a beautiful place;
- unaffordable housing.

Petitions:- one petition has been submitted with a total of 929 signatures stating that there are few green spaces left in the area where children can play. 2 protected species (Great Crested Newts and bats) are known to have habitated the land, there is a covenant on the land which restricts its use, the land should be retained for community use and a safer place to play for children. Attached to the petition there are also 219 no. comments on the petitions raising similar concerns as those attached to the petition and also the 2 objection letters including the following concerns:

- Properties will be overlooked by new residents;
- construction noise;
- maximise the use empty houses so new houses aren't required;
- better use of the land would be for a youth club;
- no more houses are required;
- increase in traffic volume;
- should use previously developed sites first.

Elected Members:- Councillor Ibrahim has requested that the final determination of this application is made by the Planning Committee following a site visit by Members. As a major application the proposal was to be determined by Committee in accordance with the scheme of delegation.

Consultations

Advice was sought from the following consultees: the Coal Authority, the Council's Environmental Health Officers, Trees and Woodland officers, Highways Engineers, Wildlife Liaison Officer, Landscape Architects, Housing Strategy officers, Strategic Development Unit, Economic Strategy, Corporate Property Services, Asset Management/Education officers, the Environment Agency, Design for Security (GMP), Greater Manchester Ecology Unit and the Primary Care Trust.

Planning History

Planning permission was granted in November 2003 for a temporary one year permission for the use of part of the application site as a skate park facility including the erection of a fence (Ref: 65897/03).

Full planning permission was granted for the retention/permanent use of part of the application site as a skate park facility in March 2004 (Ref: 66827/04). Reference was made in the report to the earlier use of the site/wider site for quad biking in the evening and the dumping of stolen cars on the land which are subsequently burnt out.

Recommendation: Delegate the decision to the Director

Recommended Conditions and/or Reasons

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

Reason

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

2. Prior to the commencement of development full details of the highway works at the junction of the site access road with Mac Donald Avenue comprising of a 5.5 metre wide carriageway, 2 x 2 metre wide footways and 5.0 metre radii 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.

3. Prior to the commencement of development full details of the highway works at access onto George Street to accommodate emergency access / pedestrian access 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.

4. Prior to the commencement of development full details of the highway works at Gorton Street.Back Gorton Street and Blindsill Road comprising of stopping up of redundant sections of underadopted highway under s. 247/253 of the Town and Country Planning Act 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.

5. 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 on Gorton Street/Back Gorton Street and to enable the Local Highway Authority to consult , advertise, promote and implement Traffic Regulation Orders to implement a 20 mph speed limit.

Reason

In the interests of highway safety.

6. 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 at the new junction access onto Mac Donald Avenue and the turning provision within the site to enable the Local Highway Authority to consult , advertise, promote and implement Traffic

Regulation Orders to mitigate the likely impact of the development.

Reason

In the interests of highway safety.

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

Reason

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

8. Development shall not commence until a scheme for the eradication of Japanese knotweed has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for implementation. Should there be a delay of more than one year between the approval of the scheme and its implementation or the commencement of development then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the Local Planning Authority. The scheme shall be carried out as approved and retained thereafter.

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. 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.

10. Prior to commencement of development a site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority, to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken in accordance with Model Procedures for the Management of Land Contamination (CLR 11) and a written report of the findings must be produced. The written report shall include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to human health, property or the environment;
 - (iii) an appraisal of remedial options and proposal for a preferred option. This should include details of testing methodology for any soil or soil forming materials to be brought onto site.

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

(iv) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall 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.

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

1. The trees within or overhanging the site which are to be retained have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).
3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

To protect the health and appearance of the tree(s).

12. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority [as part of the reserved matters submissions required by condition (number)] prior to the commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of tackling climate change.

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

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

Reason

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

14. Prior to the occupation of the dwelling house(s) hereby permitted provision shall be made for the parking or garaging of (a) motor vehicle(s) adjacent to (the (each of the) dwelling house(s)) in the area identified for that purpose on the approved plan. Garage driveways shall be a minimum of 6 metres long. The (those) area(s) shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order) other than (a) garage(s), no extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines or satellite antennae shall be erected within that area.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway.

15. 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.

16. Prior to the development hereby approved/permitted being first occupied or brought into use, all Traffic Regulation Orders required by the Local Highway Authority to mitigate the impact of the development / implement a 20mph speed limit shall be implemented in full.

Reason

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

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

Reason

To reflect and soften the setting of the development within the landscape.

18. Prior to the development being first occupied or brought into use, details (including a brick or masonry specification and colour scheme) of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

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

19. Before the approved/permitted development is first brought into use car parking spaces metres shall be provided within the curtilage of the site, in accordance with Drawing Ref: GH.212814.101 Rev. A. Such spaces shall be made available for the parking of cars at all times the dwellings are occupied.

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.

20. No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with the GH.212814.101 Rev. A Planning Layout.

Reason

In the interests of highway safety.

21. The garage(s) hereby approved/permitted 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 policy P5 and Appendix 3 of Bolton's Core Strategy.

22. No vegetation clearance or demolition of buildings should take place between the months of march and august inclusive.

Reason

The site has the potential to support breeding birds. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds whilst they are breeding.

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

Drawing No. GH.212814.102 A – Planning Layout, dated 07/16;
Drawing No. 7344/01 – Topographical, dated 01/10/15;
Drawing No. 13/201 02 Rev D – Type 201 Elevations, dated July 2010;
Drawing No. 13/202 02 Rev E – Type 202 Elevations, dated July 2010;
Drawing No. 13/301 02 Rev D – Type 301 Elevations, dated July 2010;
Drawing No. 13/302 02 Rev D – Type 302 Elevations, dated July 2010;
Drawing No. 13/303 02 Rev D – Type 303 Elevations, dated July 2010;
Drawing No. 13/304 02 Rev E – Type 304 Elevations, dated July 2010;
Drawing No. 13/307 02 Rev E – Type 307 Elevations, dated July 2010;
Drawing No. 13/309 02 Rev C – Type 309 Elevations, dated December 2010;
Drawing No. 13/401 02 Rev C – Type 401 Elevations, dated July 2010;
Drawing No. 13/403 02 Rev B – Type 403 Elevations, dated July 2010;
Drawing No. 13/404 02 Rev B – Type 404 Elevations, dated July 2010;
Drawing No. 201/1F – Type 201 Plans and Elevations, dated July 2010;
Drawing No. 202/1F – Type 202 Plans and Elevations, dated July 2010;
Drawing No. 301/1G – Type 301 Plans and Elevations, dated July 2010;
Drawing No. 302/1G – Type 302 Plans and Elevations, dated July 2010;
Drawing No. 303/1E – Type 303 Plans and Elevations, dated July 2010;
Drawing No. 304/1E – Type 304 Plans and Elevations, dated July 2010;
Drawing No. 307/1B – Type 307 Plans and Elevations, dated Sept 2013;
Drawing No. 309/1E – Type 309 Plans and Elevations, dated July 2011;
Drawing No. 401/1G – Type 401 Plans and Elevations, dated July 2010;
Drawing No. 403/1G – Type 403 Plans and Elevations, dated July 2010; and
Drawing No. 404/1F – Type 404 Plans and Elevations, dated October 2010.

Reason

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

Planning Layout

Blindsill Road, Farnworth

Schedule

Site Blindsill Road, Farnworth					
Number	Description	Ref	Name	Area Sq. Ft	Total Sq. Ft
11	2 Bedroom 2 Storey	201	Cork	651	7161
8	2 bed terrace/semi	202	Kerry	671	5368
16	3 Bedroom	301	Tyrone	759	12144
6	3 bed terrace/semi	302	Galway	759	4554
12	3 bed terrace/semi	303	Wicklow	772	9264
3	3 bed terrace/semi	309	Fergus	788	2364
7	3 bed detached	304	Kilkenny	772	5404
6	3 bed detached	307		807	4842
4	4 Bedroom	401	Longford	1066	4264
2	4 bed detached	403	Carlow	1048	2096
2	4 bed detached	404	Cavan	1048	2096
77	Total units on site		Total	59557	



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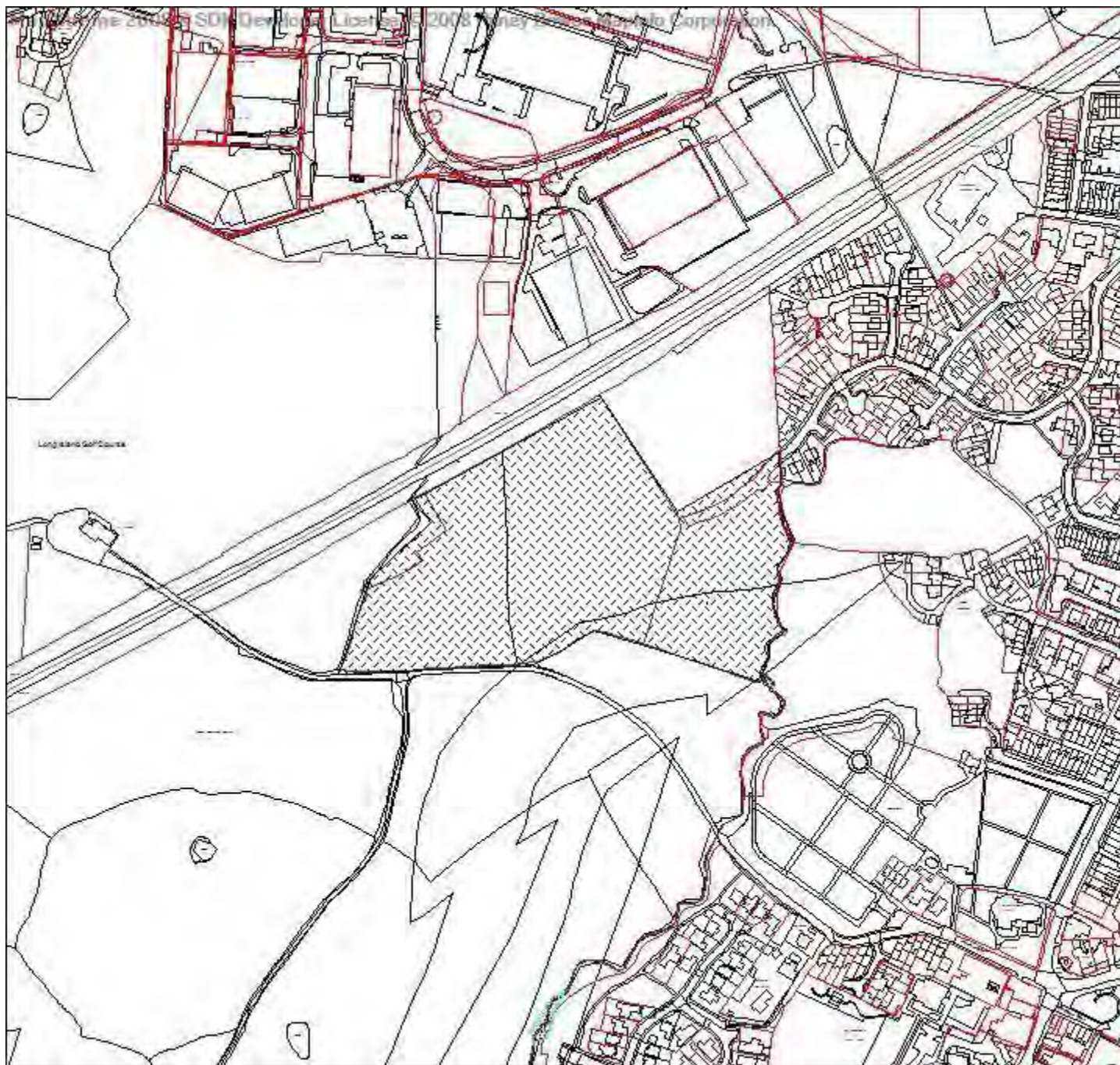


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Application number 97377/16



**Development & Regeneration Dept
Development Management Section**

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Bolton Council

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Date of Meeting: 12/01/2017

Application Reference: 97377/16

Type of Application: Full Planning Application
Registration Date: 08/09/2016
Decision Due By: 07/12/2016
Responsible Officer: Alex Allen

Location: LAND AT BOWLANDS HEY, OFF COLLINGWOOD WAY & OLD LANE, WESTHOUGHTON, BOLTON

Proposal: ERECTION OF 129NO. RESIDENTIAL DWELLINGS, LAYING OUT OF ROADS AND FOOTWAYS, HARD AND SOFT LANDSCAPING, WALLS, FENCES AND DRAINAGE TOGETHER WITH THE LAYING OUT OF PUBLIC OPEN SPACE INCLUDING ECOLOGICAL MITIGATION AND OTHER ASSOCIATED WORKS.

Ward: Westhoughton South

Applicant: Bellway Homes Limited (Manchester Division)

Agent : Nathaniel Lichfield & Partners

Officers Report

Recommendation: Delegate the decision to the Director

Proposal

The application seeks full planning permission for the construction of 129 dwellings, including roads and footways, parking areas, associated services, regrading of the land, biodiversity mitigation, hard and soft landscaping, walls, fences and drainage together with other associated works. The proposed residential development comprises a mix of 16 four bed detached, 1 four bed mews, 32 three bed detached, 70 three bed semidetached/mews, 2 three bed mews properties, 8 two bed mews. Of those, 37 of the three bed semi-detached/mews and 8 of the two bed semi-detached / mews would be affordable. The development would largely consist of two storey properties.

The density of the proposed development is 30 dwellings per hectare. All properties have private garden areas which will afford future occupants appropriate levels of private amenity.

Rear gardens will be enclosed primarily with 1.8m high close boarded fences though those properties with a rear garden adjacent to a proposed road will typically have stronger boundary treatments comprising brick walls.

On site public open space is provided which has been integrated within the development. It is split into two areas across the site; one parcel in the south east measures 0.2ha and a second parcel located to the south west section of the site measures 0.14ha. There is also a strip of public open space along Pennington Brook linking with the larger parcel of formal public open space making a total on site amount of 0.59ha. All areas of the public open space are overlooked by surrounding dwellings which front towards them. The public open space area includes reinstated hedgerows which seek to retain a green network across the site together with retained hedgerows.

Access to the site is proposed from Collingwood Way. The road runs east to west and will then feed three culs-de-sac and two loop roads. All of the roads will have rumble strips with two longer rumble strips on the longer lengths of the larger loop road. The three culs-de-sac are short and only serve a maximum of eleven dwellings. Whilst the site backs onto Old Lane, there will be no direct access, with the boundaries reinforced and augmented with additional hedgerow planting.

The Public Right of Way that runs along and outside the western site boundary will remain as existing. Likewise, the Public Right of Way along Old Lane will be unaffected by the proposed development. Parking is available for all dwellings, normally within the curtilage of the property and either at the front or side of the dwelling. Most properties will have two parking spaces.

The applicant is proposing on site contributions for affordable housing and public open space with off site contributions being provided for education together with an element of improvement to public open space in the area. No requirement is sought for public health contributions.

Site Characteristics

This greenfield site extends to 4.26 hectares, is flat and irregular in shape and comprises sections of three fields. The first of these is a field sitting between the railway line and Old Lane. It is contained by hedgerows on all sides. The second section comprises part of a larger field partially bounded by hedgerows and containing a small area of scrubland. The third field is partly contained by hedgerows with Pennington Brook and the natural end of the scrubland forming the site boundaries.

The surrounding area is predominately residential in character to the east with some industrial development located to the northeast of the site. The site is bounded:

- to the north by the Bolton to Wigan railway line with an industrial estate immediately to the north west of the railway line;
- to the east lies an established residential area with Collingwood Way forming the northern section of the eastern site boundary. This is a residential estate constructed by Bellway Homes in the 1980s. The southern section of the eastern boundary is formed by Pennington Brook with Leigh Common located to the east of the brook;
- to the south there are fields beyond Old Lane which form the southern site boundary. Old Lane is unadopted but the road becomes adopted upon entering the urban area of Westhoughton. A Public Right of Way (footpath only) runs along Old Lane; and
- to the west a Public Right of Way (footpath only) runs adjacent to the western site boundary within an adjoining field with Westhoughton Golf Club beyond.

Policy

National Planning Policy Framework - promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, protecting green belt land, meeting the challenge of climate change, flood and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment, facilitating the use of minerals

National Planning Practice Guidance

Greater Manchester Joint Minerals Plan

Core Strategy Policies: H1.2 Health Contributions; A1.4 Education Contributions; P4 Minerals; 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; OA3

Westhoughton; IPC1 Infrastructure and Planning Contributions.

Allocations Plan Policies: P8AP - Public Rights of Way and CG6AP Other Protected Open Land.

Accessibility, Transport and Safety Supplementary Planning Document (SPD), Affordable Housing SPD, General Design Principles SPD and Infrastructure and Planning Contributions SPD

Bolton's Authority Monitoring Report 2013/2014

A Landscape Appraisal of Bolton (2001).

Analysis

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.

The main impacts of the proposal are:-

The main impacts of the proposal are:-

- * impact on Other Protected Open Land
- * impact on Bolton's supply of housing
- * impact on Mineral Safeguarding Areas
- * impact on the highway
- * impact on Public Rights of Way
- * impact on biodiversity
- * impact on flooding
- * impact on local infrastructure
- * impact on landscape character
- * impact of the overall design of the proposed development
- * impact on the living conditions of neighbouring residents
- * impact on archaeology
- * impact on sustainable development

Impact on Other Protected Open Land

The application site is allocated within Bolton's Allocation Plan as 'Other Protected Open Land'.

Policy OA3 of the Core Strategy states that the Council will ensure Protected Open Land around Westhoughton remains undeveloped.

Allocations Plan Policy CG6AP states that the Council will permit development proposals within the defined areas of Protected Open Land shown on the Proposals Map provided that they fall within one or more of the following categories:

1. the development represents limited infilling within an established housing or industrial area, is in scale with it and would not adversely affect its character or surroundings; or
2. it forms part of, and is required for, the maintenance of an existing source of employment; or
3. the development requires a location outside the urban area, but is inappropriate within the Green Belt, and providing it maintains the character and appearance of the countryside; or
4. the development would be appropriate within the Green Belt.

The reasoned justification for the policy within the Allocations Plan states that the Core Strategy's overall approach is to concentrate development in the existing urban area and to constrain most forms of development on Protected Open Land. It explains that the urban area is defined as that which is not Protected Open Land or Green Belt.

The Allocations Plan states at paragraph 5.12 that it is a general principle of national policy that the character and appearance of Protected Open Land should be protected from inappropriate development. This also supports the Council's efforts to achieve urban regeneration. It is explained that some of this land could be appropriate for development in the future, but not during the plan period up to 2026 and not without a further review of the Core Strategy.

The applicant is proposing to erect 129 dwellings on the application site. It is not considered that the proposed residential development of this site would represent limited infilling within an established housing area, would form part of (or is required) for the maintenance of existing employment, nor would require a location outside the urban area. The residential development of a greenfield site would also not be appropriate development within the Green Belt, also failing to meet category 4 of Allocations Plan Policy CG6AP.

It is therefore considered that the proposed residential development of this 'Other Protected Open Land' site would be contrary to Core Strategy Policy OA1.6 and Allocations Plan Policy CG6AP.

Impact on Bolton's Supply of Housing

Strategic Objective 15 of the Core Strategy states that the Council will 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.

Policy SC1 of the Core Strategy states that the Council will identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026, with at least 80% of housing development to be on previously developed land. Policy SC1.2 states that the 20% of housing on greenfield land will be provided through the Transforming Estates programme.

Bolton's Allocations Plan (2013) states that since 2008 a total of 1,754 net new dwellings have been completed leaving the Allocations Plan to make provision for 10,738 new dwellings for the period 2012-2026. Specific sites over 0.4 hectares in size have been identified for housing on the Proposals Map sufficient to accommodate 5,912 new dwellings. This is in addition to the (up to) 1,700 dwellings allocated through the Core Strategy at Horwich Loco Works. With the exception of Westbrook (the former Manchester Road college site) the Proposals Map does not identify any other specific sites within Bolton town centre, however it is anticipated that around 1,831 dwellings can be delivered within Bolton town centre on sites of 0.4 hectares and above. Housing development will also continue to come forward on sites less than 0.4 hectares that are not identified within the Proposals Map. Evidence from the Strategic Housing Land Availability Assessment (SHLAA) suggests that a small site allowance of 90 dwellings is appropriate which would yield 1,260 units over the years from 2012 to 2026. In addition, Bolton has a legacy of windfall sites becoming available through the redevelopment of former uses. It is anticipated that this will continue in line with the

Core Strategy's approach to regeneration. It should also be noted that the Allocations Plan also does not identify areas for comprehensive mixed use development - housing is a key component in driving the regeneration of these areas and will provide additional housing opportunities.

As stated in the section above, it is considered that the proposed residential development of the application site is contrary to Policy OA3.6 of Bolton's Core Strategy and Allocations Plan Policy CG6AP, as the site is allocated as 'Other Protected Open Land' and as the proposal would constitute inappropriate development on that land.

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan (that is the Core Strategy and the Allocations Plan) unless material considerations indicate otherwise. The applicant is arguing in this case that there are material considerations that indicate that the residential development of application site would be appropriate and planning permission should be forthcoming - that is, they are contending that the Council has a shortage of deliverable housing land.

As detailed within the Hill Lane appeal decision in April 2016 the Planning Inspector concluded that the Council had a range of between 2 years and 3.4 years housing land supply. It was therefore clear that the Council cannot currently demonstrate a five year supply of deliverable housing land by some considerable margin.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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. Therefore, in the context of the current application, Allocations Plan policy CG6AP is considered to be out of date.

The Council's policies for the supply of housing are therefore considered to be out of date.

Members will also be aware that consultation is underway for the creation of the Greater Manchester Spatial Framework which seeks to provide sufficient housing and employment land within Greater Manchester up to 2035. This Strategy seeks to allocate sites outside of the existing urban area as well as developing those sites which are currently allocated within existing Core Strategy plans. In particular, in Bolton and in respect of Westhoughton it identifies a large site known as Bowlands Hey for residential development. This includes the application site. The Strategy is at an early stage of consultation and has currently limited weight in the determination of planning applications.

However, in the above context it is not considered that the proposal would potentially compromise the development of the wider Bowlands Hey site if in the future it is allocated for residential development. It is considered that the current proposal, subject to approval, has the potential contribute to housing land supply and is of a small enough scale to be developed in a timely manner.

Therefore, in terms of housing policies and restrictive policies to concentrate new development in the urban area, the policies in relation to the development of Other Protected Open Land are out of date. It is therefore appropriate to consider the other impacts of the proposal and whether it constitutes sustainable development.

Impact on Mineral Safeguarding Areas

The application site forms part of a Mineral Safeguarding Area for surface coal, brick and clay.

Policy 8 of the Greater Manchester Joint Minerals Plan (2013) states that all non-mineral development proposals within the Mineral Safeguarding Area should extract any viable mineral

resources present in advance of construction. Proposals for non-mineral development within the Mineral Safeguarding Areas that do not allow for the prior extraction of minerals will only be permitted where:

1. the need for the development outweighs the need to extract the mineral; or;
2. it can be clearly demonstrated that it is not environmentally acceptable or economically viable to extract the mineral prior to non-mineral development taking place; or
3. it can be clearly demonstrated that the mineral is either not present or of no economic value or too deep to extract in relation to the proposed development; or;
4. the development is limited or temporary and would not prevent minerals extraction taking place in the future.

Policy P4.3 of the Core Strategy states that the Council will safeguard known resources of minerals, and existing and planned infrastructure that supports mineral exploitation including facilities for manufacturing, handling, processing and distribution of substitute recycled and secondary aggregate materials.

Section 5 of the Applicant's supporting statement addresses the issue of safeguarding. The statement explains that site investigation works have identified that the ground conditions would make minerals working difficult and this would not be cost effective. It goes on to state that:

"Specifically, the site contains no obvious clay pit and the gravel and clay deposits present are assorted and in addition to this half the site is covered with peat which further blights the working of minerals. In addition to this, the proximity of residential properties limits the safe working area with a required standoff distance of at least 200 metres. Furthermore, Officers from the Minerals Waste Planning Unit have concluded that sites of a similar size have been 'too small' to be economically viable. In addition, the need for housing in this location to be delivered quickly is acute given the five year housing land supply position"

On the basis of the above, the Applicant therefore considers that the proposal complies with minerals safeguarding policies.

Given the small size of the site, the findings of the ground investigations and the site's location in close proximity to residential properties, it is considered that prior extraction of the coal and brick clay resource is not practical in this instance. In addition, there appears to be an identified need for housing which, in this specific location, likely outweighs the benefits of mineral extraction. The peat resource should be retained in-situ.

Therefore, it is considered that the proposed development would comply with Policy 8 of the GM Joint Minerals Plan.

Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3), and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 states that the Council will promote road safety in the design of new development.

Policy P5 of the Core Strategy seeks to ensure that developments are accessible by a number of modes of transport including public transport, by cyclists and pedestrians, and prioritise these modes over the motor vehicle. In addition to this the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of

development are severe.

It is noted that both local residents and elected members have raised significant concerns with regard to the perceived inadequacy of the existing road network leading up to the application site and the congestion experienced on the strategic highway network.

The applicants has submitted a transport assessment in order to substantiate development from a transport and highways perspective. This document has been reviewed by the Council's Highways Engineers as part of the consultation process. The assessment is considered to provide a robust assessment of the potential impact on the surrounding highway network and also appears to demonstrate that the site is highly accessible to sustainable modes of transportation at that location. Although the assessment demonstrates potential congestion issues on the surrounding highway network within the AM/PM peak periods of traffic flow and subsequent capacity issues at varying assessed junctions, the net impact on capacity issues based on development/committed development flows will be negligible and will thus have a limited impact on the operational capacity of the highway network at that location and should pose limited road safety implications.

Based on this, the criteria indicated in national guidance and the sustainable nature of the proposal, the Council's Highways Engineers do not believe that they can reasonably object to the principle of residential development at this location, based on the information contained within the transport assessment.

They also comment that:

"Vehicular access to Collingwood Way from Church Street will be via either Wesley Street, Peel Street or Grundy Street/Bligh Road. These sections of highway already serve existing residential properties with limited/no off-road parking provision. This results in parking congestion on the highway which in some respects limits accessibility at that location. The transport assessment indicates that the proposed development will potentially generate 60 two-way vehicle trips within the AM/PM peak periods of traffic flow - this equates to 1 additional vehicle movement per minute associated with the development. Although the access routes onto Church Street are constrained with a level of on-street parking, the negligible increase in vehicle movement associated with the development and the number of alternative access/egress routes onto the principal road network potentially negates this concern".

The Council's Highways Engineers note that whilst access routes onto Church Street are constrained by on street parking they recommend that the promotion of a traffic regulation order at the access junctions onto Church Street (Grundy Street, Peel Street and Wesley Street) which will improve access into the site/wider area.

In terms of the access for emergency vehicles it is understood that the Council's Highways Engineers are satisfied with the proposals. The proposals have been assessed by Greater Manchester Fire Service who looked at the proposed layout and accessibility to the site and were reasonably happy with the proposals.

In addition, the site is located in a highly sustainable location with close proximity to Westhoughton railway station, bus stops located on Church Street and the local facilities which are located on Church Street and Westhoughton town centre to the east/south east.

Members attention is also drawn to two planning appeals which were considered by the Planning Inspectorate in 2006 (LPA reference 74219/06 and 75635/06) which were for an adjoining site at Leigh Common. The applications were refused for two reasons: (i) the Council's ability to manage

and control the supply of housing in the borough and the effect of the proposal on highway safety. In terms of the later issue, the Inspector in the last appeal found that:

- the visibility from surrounding roads onto Church Street could meet all the required visibility splays;
- whilst the bend on Bligh Road/Grundy Street restricts forward visibility this is not harmful to highway safety as it is likely that vehicle speeds will reduce to take account of the bend;
- no evidence of accidents at this bend;
- none of the roads were operating at full capacity;
- the proposed development would not lead to congestion of the local road network;
- on street parking in the streets adjacent to Church Street effectively narrows the road to single carriageway in places - this is not so prevalent as to harm highway safety.

In conclusion, residential development, albeit of a slightly smaller number of houses has been considered previously by the Planning Inspectorate and was found not to be problematic. Whilst the appeal was some 10 years ago it is considered that on the basis of the proposed level of development, the limited impact on the existing road network and the proposed mitigation required by the Council's Highways Engineers would ensure that the proposal would provide adequate access and parking for the new dwellings together with not compromising highway and pedestrian safety on the adjoining road network.

The proposal is considered to comply with policies contained within the NPPF and Core Strategy policies P5 and S1.

Impact on Public Rights of Way

Allocations Plan policy P8AP states that the Council will permit development proposals affecting public rights of way provided that the integrity of the right of way is retained.

The existing right of way runs along the western edge of the application site, delineated by a mature hedge line and would be unaffected by the proposed development.

It is noted that Network Rail have submitted a holding objection in reference to the proposal as they consider that the development would increase the usage of the existing level crossing located to the north west of the application site. In their view, the proposal will increase the amount of vulnerable people such as children living in close proximity to the level crossing and therefore the developer should fund an alternative bridge crossing to replace the level crossing.

The applicant has submitted a rebuttal statement which explains that the proposal would not create a direct connection with the adjoining footpath. The walking route to the level crossing would be approximately 1.6 km entailing a circuitous route via Church Street. In addition, the residential development would be securely fenced from the proposed play area again minimising any substantive increase in the use of the footpath and level crossing.

It is considered that proposal would not be detrimental to the safety of residents of the proposed estate. Network Rail have been reconsulted on the rebuttal statement and their comments will be reported at the Committee meeting.

It is considered that the proposed development would maintain the integrity of the existing footpath network thus complying with Allocations plan policy P8AP.

Impact on Biodiversity

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.

The applicant has submitted an Ecological Assessment and an Arboricultural Impact Assessment with the application together with a bat survey.

Greater Manchester Ecology Unit (GMEU), the Council's Wildlife Liaison Officer and Trees & Woodland Officer have commented on the proposals. It is noted that detailed objections have been received from a number of concerned residents raising issues with the ecological value of the land including its value as a wildlife corridor.

The Council's ecological consultant at the Greater Manchester Ecological Unit has commented as follows:

- The application is supported by an Ecological Assessment which appears to have used reasonable effort to assess the habitats on the site and their suitability to support protected species.
- The assessment concludes that the site supports some features of biodiversity value, which are of value within the local context. It concluded that some protected species (reptiles and amphibians – specifically great crested newts) whilst not recorded during the surveys, have a low probability of being unexpectedly encountered during site clearance - even though they were not recorded in any of the surveys (see below).
- The assessment is accompanied by a great crested newt survey and although these have been recorded in several of the ponds in the past (TEP 2003 & 2004 for closest ponds and 2015 for Pond 1) the survey methodology used was sufficiently robust to conclude that this European Protected Species was not present within the zone of influence of the proposal. GMEU concur with the findings of this element of the assessment and conclude that great crested newts have been sufficiently well investigated.
- There is currently no known reason to contradict the assessment provided and the surveys are sufficiently robust to justify the use of the Reasonable Avoidance Methods of site clearance without the need – at this time – for a licence.
- A number of matters need to be addressed should the development receive permission to ensure that it is implemented in a manner to avoid infringement of any of the relevant legislation and GMEU therefore recommend that these can be dealt with via appropriate conditions:-
 - ◆ A Reasonable Avoidance Methodology should be developed for site clearance which would encompass both reptiles (should they be present) and great crested newt (should they unexpectedly be encountered in terrestrial habitat). This should be submitted prior to the commencement of development including any vegetation clearance, enabling works or earth moving and agreed in writing and subsequently implemented.
 - ◆ All trees & hedgerows to be retained and Pennington Brook should be temporarily fenced to prevent accidental damage or spillage of spoil/stored materials onto them. The stand-off to Pennington Brook should be at least 5m.
 - ◆ All vegetation clearance including tree, scrub and undergrowth should be undertaken outside the bird breeding season (March – August inclusive) unless it can be demonstrated that no nesting activity is present. In its current condition the grassland is not suitable for ground nesting species (either sky lark, lapwing or little ringed plover), but its suitability for these species should be clarified with the ecological consultants prior to top soil stripping.
 - ◆ Prior to the commencement of development including any enabling work, earth moving or top soil stripping a plan for the marking out of the stands of Japanese Knotweed should be provided with a methodology for the treatment of the invasive non-native species including the treatments of spoil arising from any site levelling etc. The scheme should be subsequently implemented and the site monitored for a period of 5 years with

retreatment as required.

- ◆ As part of the highways and/or hard landscaping proposals a lighting strategy should be submitted and subsequently implemented which includes the matters raised in section 5.10 of the assessment including no direct lighting of the boundaries of the site, trees/hedgerows & Pennington Brook and the type of lighting to be used elsewhere on the site.
- ◆ All planting of hedgerows, trees and other habitats to the boundary of Pennington Brook to include locally native species of a known provenance where possible.
- ◆ If development has not commenced by March 2018 then precommencement surveys of the trees for potential bat roosts and of the site and 30m buffer for badger setts will be necessary. Should evidence of either protected species be found then suitable avoidance and/or licensed mitigation will need to be submitted and implemented
- ◆ The NPPF indicates that development should move from a position of loss to biodiversity (as is the case of the development of this site) to one of net gain. Given the scale of the current proposal it is recommended that a biodiversity enhancement plan should be submitted as part of any landscape condition to ensure that a Landscape and Ecological Management Plan (LEMP) is adopted for the site. This should include:-
- ◆ Creation of an attenuation basin designed to hold water under normal rainfall conditions – to provide habitat connectivity for any remaining great crested newt population and other amphibians known to occur in the wider locality.
- ◆ the creation of a hibernaculum in the public open space to replace lost opportunities for hibernation for these amphibian species.
- ◆ Control of Himalayan Balsam along Pennington Brook
- ◆ Details of wetland planting and improvements to Pennington Brook to include locally native species
- ◆ Details of a schedule of works of how the public open space will be managed in the long term (after the normal 5 year establishment period) and how the sustainable urban drainage basin will be operated to fulfil its attenuation purposes and to maintain its biodiversity should be submitted and agreement reached as to who is responsible for implementing and resourcing this.

Greater Manchester Ecology Unit therefore considered that, subject to the satisfactory review of the Bat Survey Report, the application can be forwarded for determination in relation to matters of biodiversity. A number of conditions should be appended to any permission if granted and should be used to ensure that the proposal can be implemented without inadvertent breach of wildlife legislation

In terms of the detailed representations received officers from GMEU have considered the additional information submitted by objectors and comment as follows:

- ◆ There is mention of badger hairs which is not unlikely, but no additional evidence of setts. Pre-commencement surveys are to be conditioned
- The comments regarding great crested newt terrestrial habitat are also relevant, but are picked up in the TEP Reports and translated into GMEU comments regarding the attenuation ponds, hibernacula and long term maintenance of any retained habitats
- Looking back at the historic records for great crested newts in the area there does appear to be an erosion in their population status across this landscape, but there was nothing in the TEP Report which would make GMEU question the results that have been submitted with this current application. Officers take the view that the planning system does not deal very well with the gradual degradation of the status of a species as each application needs to be considered on its own merits. The recommendations in the response – specifically relating to management of waterbodies (attenuation & biodiversity) would help ameliorate this but not overcome general decline.

Officers from the Council's Greenspace Management team remain satisfied that the proposal provides sufficient mitigation to offset the loss of the site from an ecological perspective. This would be controlled through the provision and implementation of an acceptable management regime for the site.

The Council's Tree Officers (TWO) have confirmed that the submitted Arboricultural Impact Assessment is an accurate reflection of the status of trees located within the site. The principle areas of impact would be as follows:

- woodland on the elevated/mounded area of the site (on the eastern side of the site against Pennington Brook). This is developing Lowland Mixed Broadleaf Woodland
- a linear area of mature woodland comprising mixed broadleaved tree species on the south eastern boundary running along the line of the Pennington Brook which should be maintained in its current form to protect the landscape character of the area. Should the application be approved more specific detail will be required in respect to the attenuation basin and the impact it may have on the trees on the south eastern boundary
- there is a linear area of mature woodland comprising mixed broadleaved tree species on the south eastern boundary running along the line of the Pennington Brook which should be maintained in its current form to protect the landscape character of the area. Should the application be approved more specific detail will be required in respect to the attenuation basin and the impact it may have on the trees on the south eastern boundary
- Mitigation (replacement) is required for the removal of Hedgerow (H1)
- hedgerows within the site are a habitat of principal importance. Hedgerow H1 is shown for removal. If lost then mitigation should be provided
- protective fencing is required to the retained trees
- details are required for drainage, levels details and appropriate tree planting and re-landscaping schemes will be required to mitigate tree loss

Subject to the required conditions it is considered that the proposal would provide sufficient mitigation to offset the loss of habitat including trees and hedges. Subject to implementation of the proposed conditions it is considered that the proposal would comply with Core Strategy policy CG1.

Impact on Flooding

Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk. Policy CG2.2c states that all proposals for five or more residential units should demonstrate the sustainable management of surface water run-off from developments. On greenfield sites the rate of run-off should be no worse than the original conditions before development.

The Council's Drainage and Flood Risk team have no objections to the proposed development subject to the provision of a sustainable urban drainage system within the site which seeks to ensure that surface water run-off from the site is no greater than under the existing site conditions.

The Environment Agency has also confirmed that they have no objections to the proposed development subject to satisfactory remediation of the site as necessary.

It is considered that subject to the provision of appropriate conditions the proposal would comply with both Core Strategy policy CG1 and CG2.

Impact on Local Infrastructure

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.

Guidance is also contained within the recently adopted SPD on Infrastructure and Planning Contributions.

The proposal for 129 dwellings in this location generates the following Section 106 requirements:

- Affordable housing: 45 affordable units on site (30% of total unit numbers), with 34 (75%) being for social/affordable rent at 60% discount off open market value and 11 (25%) being for intermediate housing at 30% discount off open market value
- Education: £373,375.84 to be used at the local primary schools in Westhoughton to assist with pupil place provision. £390,044.52 to be used at a local secondary school in Westhoughton to assist with pupil place provision
- Public open space: on site provision which would be maintained by the developer. In addition, an off site contribution of £112,315 for the provision of play and recreation facilities at Westhoughton Central Park
- Health: Bolton NHS have confirmed that there is no requirement for a contribution
- Public art: 1% of total development costs - guidance contained within the SPD (para. 4.35) seeks to ensure that artwork is an integral part of the design of a development. It is considered that there is scope within the scheme to enable this to occur. A condition would be added to any approval to ensure that an appropriate scheme is submitted, approved and implemented during the construction phase of the development and managed throughout the lifetime of the development.

A draft Section 106 has been agreed with the applicant to secure the above requirements if Members are minded to approve the development.

It is considered that the above provisions would meet both the requirements of Core Strategy IPC1 and the guidance contained within the SPD.

Impact on Landscape Character

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, 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, and will maintain and respect the landscape character of the surrounding countryside and its distinctiveness.

Policy OA3.7 refers specifically to developments in Westhoughton and states that the Council will conserve and enhance the character of the existing landscape and physical environment whilst Policy OA3.8 states that the Council will ensure that regard is had to the character of farm complexes, folds, vernacular cottages and the wider open landscape.

The application site falls within the Agricultural Coal Measures Landscape Character type which is characterised by unimproved grassland, overgrown scrubland and semi mature trees. Mitigation in the form of the proposed planting and landscape treatments would assist in strengthening the landscape character of the area.

It is considered that the proposal would comply with policy CG3 and OA3.

Impact of the Overall Design of the Proposed Development

Core Strategy policy CG3 states that the Council will expect proposals to display innovative, sustainable designs that contribute to good urban design whilst conserving and enhancing local distinctiveness.

Notwithstanding the potential loss of open land itself, it is considered that the proposed residential development has been well designed to provide a high quality residential environment which from a landscape perspective has sought to retain key features of the existing setting.

The proposal would retain hedgerows to the west and south together with the establishment of a retained green corridor along the southern edge of the site which would enable the proposal to be assimilated into the wider area. The design and layout of the new estate would be viewed in the context of the existing residential area to the east at Collingwood Way. The Applicant has sought to create a series of development parcels which would all face the street or areas of public open space with a variety of house types creating visual interest.

It is considered that the proposed development complies with Core Strategy policy CG3.

Impact on the Living Conditions of Neighbouring Residents

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. SPD General Design Principles sets out the Council's minimum interface distance requirements between new dwellings and neighbouring dwellings.

The proposed site layout illustrates that the Council's recommended minimum interface distance of 21 metres between fronts of dwellings can be achieved both within the development and between the proposed and neighbouring dwellings. The proposed dwellings would all be set back some distance from existing dwellings respecting the owner/occupiers living conditions.

The Council's Environmental Health Officers whilst raising initial concerns regarding the potential impact of the existing railway track to the proposed new dwellings have now withdrawn their objections subject to conditions.

The proposal is considered to comply with policies seeking to protect amenity and living conditions.

Impact on Archaeology

Core Strategy policy CG3.4 states that the Council will conserve and enhance the heritage significance of heritage assets and heritage areas recognising the importance of sites, areas and buildings of archaeological, historic, cultural and architectural interest and their setting.

Paragraph 128 of the NPPF advises local planning authorities that they should require applicants to submit a heritage assessment of the significance of any heritage assets which may be affected by development proposals. The applicant has submitted a Desk Based Assessment to assess the current proposal and its likely impact on heritage issues such as archaeology.

Officers from the Greater Manchester Archaeological Advisory Service have assessed the submission and note that it draws together information from a variety of historic documentary, index, cartographic and photographic sources whilst also benefiting from the results of a site visit and walkover survey. GMAAS consider that the assessment has been undertaken in line with accepted guidance and meets the initial information requirements set-out in National Planning Policy

Framework paragraph 128.

The submission recognises the presence of a possible prehistoric crop mark feature and a predominance of post-mediaeval features, many related to past coal mining. GMAAS are of the opinion that the Applicant has downplayed the potential significance of a prehistoric site being found within the development area and note that they state that if a prehistoric site were to be found it is unlikely that it would merit physical preservation on site. GMAAS consider that the mitigation proposed by the applicant (a watching brief) is unacceptable.

GMAAS recommend a piece of archaeological work including evaluation of finds, commencing with a geophysical survey which would identify targets for further assessment by trenching. GMAAS also comment on the possible discovery of prehistoric worked flint. They confirm that this evidence reinforces the need for the evaluation to be designed to recognise and recover small artefacts. With regard to the significance of the wood GMAAS were unable to comment on the findings though they conclude that an investigation into the site would need to use palaeo-ecological expertise to inspect evaluation trenches.

GMAAS has suggested an appropriately worded condition which has been added to the draft list of conditions contained at the end of this report.

Subject to compliance with the proposed condition it is considered that the proposal would comply with policy CG3.4.

Impact on Sustainable Development

Paragraphs 6 - 10 of the NPPF state that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. It is considered in the above assessment that the proposal would constitute sustainable development by providing sufficient land to meet housing requirements, providing sufficient infrastructure to meet the requirements of the new development, whilst providing new homes to meet the needs of present and future generations, creating a high quality built environment. Whilst the proposal would result in the loss of an existing field and some trees which are a habitat for wildlife it is considered that the mitigation proposals would offset this loss.

Local finance considerations

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 are considered to be a local financial considerations in this case:

- New Homes Bonus for the 129 proposed dwellings of £1,005,000 – this is not a material planning consideration.
- 38 jobs created over the 3.5 year period of the build;
- 58 indirect jobs could be supported in the supply chain per year of construction;
- £645,000 spent on first occupation expenditure;
- £1,232,000 estimated net additional resident expenditure;
- 14 new operational jobs supported by the increased resident expenditure.

It is clear that the jobs created if the development were to be completed and the investment in the local area would have a positive benefit to the local economy.

Conclusion

The applicant has demonstrated that the proposal would result in a new residential development which would complement the existing residential area of Westhoughton. Whilst removing an existing

area of grass and scrub land the proposal would provide sufficient mitigation within the development to offset the loss of this land. The proposal would have a limited impact on the existing road network and would improve network by a number of improvements to key junctions and also the provision of a number of on/off site improvements to offset the proposal's impact on local infrastructure.

It is considered that the proposal would comply with policy and Members are recommended to delegate the decision to the Director subject to the signing of a Section 106 agreement to secure the agreed on and off site contributions.

Representation and Consultation Annex

Representations

Letters:- a total of 110 objection letters have been received from local residents and a total of 13 support letters have been received. The objection letters raise the following concerns:

- The capacity and structure/geometry of Collingwood Way, Grundy Street and Peel Street are such that it cannot take further development. There are a number of blind bends on these roads which have a number of cars parked on the road which further narrows the width of the road;
- The existing roads are unsuitable to enable access for construction/delivery vehicles;
- Concerns over whether there is a sufficient or suitable emergency access for the proposed development given the existing problems on the adjoining roads;
- Lack of infrastructure - school places, waiting times for doctors surgeries/dentist appointments etc;
- Power cuts in the area due to demand in the area;
- Concerns over water and drainage infrastructure including blocked drains;
- Westhoughton is overdeveloped;
- Vehicles block the road causing obstructions especially at the junction of Peel Street with Church Street;
- The applicants reference to the ability of future residents to be able to commute using trains is disingenuous as the existing trains are full to capacity;
- Few green spaces are left;
- Only benefits Bolton Council through an increase in Council tax;
- Congestion at peak times on Church Street and the surrounding area;
- The area will lose its identity - will result in coalescence of settlements to the detriment of appearance and character of historic Westhoughton;
- The site is allocated Green Belt / Other Protected Open Land and as such should be protected from development; The area of the site which adjoins Collingwood Way offers a concentration of food for wildlife;
- Impact on local bats - mitigation of bat/bird boxes on houses is dependent on property owners agreeing to this
- Questions the sustainability of the proposal when it removes natural bird habitats, nesting areas and cover with retained hedgerows being surrounded by tarmac paths and roads - results in the destruction of the ecological integrity of the area;
- Concerns over the proposed mitigation which will not replace what is lost forever;
- The proposal would wipe out wildlife with no consideration of wildlife corridors in the area and the links that are required between these areas;
- Results in loss of land and the estate will form a barrier within the area and reduce interconnectivity of wildlife corridors and the width of the remaining wildlife corridors and consequential impact on wildlife species;
- In 2002 the site and the area around it were a hot spot for Great Crested Newts.
- Impact of construction and overall residential development of contaminated surface water run-off given the proximity of Pennington and Cunningham Brooks - potential impact on water voles and SBI;
- New sightings of protected species such as kingfisher, water vole and Great Crested Newts which are not referenced by the applicant;
- Result in overlooking and would remove views from existing dwellings over fields/open land;
- Increase in air pollution with the increase in traffic;
- Potential for badgers to traverse the site - badger hair found by objector;
- Some areas of land / habitat not taken fully into account by the applicant - presence of wetland/terrestrial area - presence of marsh orchids;
- The site is of historic interest especially for civil war enthusiasts;

- Circular crop mark is present on site - potentially relates to pre historic activity on site;
- Material found on site such as flints, peat deposits, ancient timber and alluvial sand deposits - all hint at the site being potentially a pre historic/iron age habitation site;
- question the applicants interpretation of the site and whether the proposal would conserve or enhance the site as a potential heritage asset
- recent destruction of some habitats on site due to preliminary site investigations - (Officer comment - this does not require planning consent)

The particular concerns of Westhoughton Golf Club are noted as follows:

- The practice field for Westhoughton Golf Club immediately adjoins the western boundary of the development whilst the Golf Course also is on the northern side of the existing railway line;
- Concern by the Golf Club that the western part of the development would be within 250 metres of the club's 18th tee with some concern over whether stray golf balls may affect the development. A detailed risk assessment will be required. Require protection by trees to properties backing onto the golf course.
- The developer to meet any increase in 3rd party liability insurance for a minimum of 50 years in the event of claims made by the occupants of their development;
- Request the provision of double yellow lines along School Street to the start of Old Lane to ensure emergency access is maintained;
- Requirement for road cleaning
- Old Lane not suitable for access by construction traffic;
- Concerns over the wider site at Bowlands Hey being developed that it will result in Old Lane becoming a ginnel which would discourage its use by walkers;
- Drainage ditch to be provided on the side of the practice field;
- The Golf Club will continue with their normal working practices of grass cutting machines operating from 0530 hrs in the Summer.

The support comments are mainly from Westhoughton residents who are interested in purchasing properties within the proposed development stating that they require larger accommodation which meets their aspirations to stay in Westhoughton in a good location close to local amenities. One person references that new homes are required to enable people to buy at an affordable price.

Petitions:- notes from a residents' meeting were also submitted which indicates that a total of 149 people signed in at the event with over 200 people in attendance. The key issues raised from the minutes of the meeting are as follows: environment, highways, amenity/infrastructure and lack of public consultation.

Town Council:- Westhoughton Town Council raised objection to the proposal on the following grounds:-

- the site is green open space and should be a last resort for development
- the detrimental effect on the environment and wildlife
- additional houses are not required in Westhoughton
- schools, doctors and dentists are already full
- the Highways Department estimates that 60 cars will leave the site during the rush hour but the proposed 129 houses could generate many more – possibly up to 258 cars
- the exit route via Peel Street is very narrow with parked cars
- cars exiting onto Church Street, which is very busy, would increase congestion
- the additional traffic would increase congestion on other main roads in Westhoughton
- traffic already backs up on the motorway at peak times
- it would be difficult for emergency vehicles to access the proposed site at peak periods

- residents appear to be expected to walk approximately one mile to access public transport
- brownfield sites should be developed first
- if the development is allowed nearby areas will also be submitted for development
- only a few residents have been notified of the proposed development and the Town Council requests that a Public Meeting is organised involving all residents who would be affected

Elected Members:- Cllr David Chadwick has requested that the application be the subject of an advanced site visit prior to consideration of the application at the Planning Committee meeting. The significant material planning consideration relating to this application is the existing road network leading up to the site.

Cllr Zoe Kirk-Robinson has provided information / photos to the Planning Officer with provide some information relating to potential archaeological finds from the site.

Consultations

Advice was sought from the following consultees: Westhoughton Town Council, Ramblers Association, Drainage and Flood Risk team, Public Rights of Way Officer, Open Spaces Society, Coal Authority, Greater Manchester Archaeological Advisory Service, Peak and Northern Footpath Society, Economic Strategy, Environmental Health officers, Greenspace Management, Highways Engineers, Strategic Development Unit, Landscape Architects, Trees and Woodland Officer, Housing Strategy, Design for Security (Greater Manchester Police), Greater Manchester Ecology Unit, Greater Manchester Pedestrians Association, Environment Agency, Minerals Waste and Energy Unit, Education and Culture, Public Health Specialist, Primary Care NHS Bolton and Network Rail.

Planning History

There are no recent planning applications for the application site.

The site and the wider Bowlands Hey site has historically been refused planning permission for residential development over the period 1979 to 1999. These proposals were predominantly refused consent by the Council and subsequently dismissed at appeal (if appealed) as the aim was to concentrate new development in the existing urban area with sufficient sites and land to accommodate new housing within the urban area.

It is noted that in 1999 during the consideration of applications 54699/99 and 54700/99 Railtrack (now Network Rail) noted that the proposals will lead to an increase in use of the public footpath crossing and that as a consequence the proposal should eliminate the foot level crossing through the creation of a footbridge. However, at this issue was commented upon by Railtrack rather than forming a formal holding objection.

The appeal decision for the site in 1997 (Ref: 48967/96) also considered the impact of the proposal on the existing highway network and whether the proposal for approximately 95 dwellings was acceptable. It was concluded that whilst on street parking does occur, existing roads were wide enough to provide safe access in addition to footways on both sides of the road to ensure road safety was not an overriding consideration. In addition, it was concluded that visibility onto Church Street was satisfactory.

Recommendation: **Delegate the decision to the Director**

Recommended Conditions and/or Reasons

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

Reason

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

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

Reason

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

3. Prior to the commencement of 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 at the following junctions:

Church Street / Wesley Street;
Church Street / Peel Street; and
Church Street / Grundy Street / Bligh Road

to enable the Local Highway Authority to consult , advertise, promote and implement Traffic Regulation Orders to mitigate the likely impact of the development.

Reason

In the interests of highway safety.

4. 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 within the site and on Collingwood Way, Grundy Street, Wesley Street and Peel Street / Grundy Street / Bligh Road.

Reason

In the interests of highway safety.

5. Development shall not commence until a scheme for the eradication of invasive non native species has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for implementation. Should there be a delay of more than one year between the approval of the scheme and its implementation or the commencement of development then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the Local Planning Authority. The scheme shall be carried out as approved and retained thereafter.

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.

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

the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

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

Reason

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

7. Prior to commencement of development, soil stripping or vegetation clearance a Reasonable Avoidance Methodology (RAM's) statement should be developed for site clearance which would encompass both reptiles (should they be present) and great crested newts should be submitted to and approved in writing by the Local Planning Authority. The approved statement should be implemented in full during the construction phase of the development.

Reason

The site has the potential to support protected species. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb protected species.

8. 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 have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
 2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).
 3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

To protect the health and appearance of the tree(s).

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

10. 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.

11. Prior to the commencement of all work, including any enabling work including site clearance, earth moving or top soil stripping a biodiversity enhancement plan should be submitted to and approved in writing by the Local Planning Authority including a Landscape and Ecological Management Plan (LEMP). The proposals / scheme should include:-
- Creation of an attenuation basin (see layout plan) designed to hold water under normal rainfall conditions – to provide habitat connectivity for any remaining gcw population and other amphibians known to occur in the wider locality.
 - Includes the creation of a hibernaculum in the POS to replace lost opportunities for hibernation for these amphibian species.
 - control of Himalayan balsam along Pennington Brook
 - Details of wetland planting/improvements to Pennington Brook to include locally native species;
 - Details of Schedule of works of how the POS will be managed in the long term (after the normal 5 year establishment period) and how the SuDS basin will be operated to fulfil its attenuation purposes and to maintain its biodiversity should be submitted and agreement reached as to who is responsible for implementing and resourcing this.

Reason

To ensure the favourable status of protected species, to enable the development to provide a net gain of biodiversity to comply with NPPF guidance and to comply with policy CG1 of Bolton's Core Strategy.

12. Prior to commencement of development a lighting strategy shall be submitted to and approved in writing with the Local Planning Authority. The lighting strategy should ensure direct lighting of the site boundaries, retained trees and brook corridor should be avoided to ensure no disturbance to foraging and/or commuting bats. The strategy should include measures to minimise the potential for disturbance to bats, from both temporary lighting during construction and permanent lighting following development:
- ☐ use low pressure sodium lamps instead of high pressure sodium or mercury lamps;
 - ☐ if the use of mercury lamps cannot be avoided they should be fitted with UV filters;
 - ☐ the brightness should be as low as legally possible;
 - ☐ the times during which the lighting can be used should be limited to provide some dark periods;
 - ☐ lighting should be directed to where it is needed to avoid light spillage;
 - ☐ upward lighting should be minimal to avoid light pollution;
 - ☐ light can be restricted to selected areas by fitting hoods which direct the light below the horizontal plane, at preferably an angle less than 70 degrees;
 - ☐ limiting the height of lighting columns and directing light at a low level reduces the ecological impact of the light.

The approved scheme shall be implemented in full in accordance with an approved timetable and retained thereafter.

Reason

To safeguard the character and appearance of the locality and to minimise the impact on the adjoining Pennington Brook wildlife corridor and in order to comply with policies CG1 and CG4 of Bolton's Core Strategy.

13. 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.

14. No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Schemes of Investigation (WSI) provided by the appointed archaeological contractor and approved by the Local Planning Authority's archaeological advisor. It should cover:

1. A phased programme and methodology of investigation and recording to include:
 - an archaeological evaluation through geophysical survey and a mix of targeted and standard array sample trial trenching
 - informed by the above, targeted area excavation (subject to a separate WSI).
2. A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds
 - production of a final report on the significance of the archaeological and historical interest represented.
3. Deposition of the final report with the Greater Manchester Historic Environment Record and dissemination of the results commensurate with their significance. This might take the form of the Greater Manchester Past Revealed Series or/and an academic article.
4. Provision for archive deposition of the report and records of the site investigation.
5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason:

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

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

Reason

To reflect and soften the setting of the development within the landscape.

16. Prior to the occupation of the dwelling houses hereby permitted provision shall be made for the parking or garaging of motor vehicles adjacent to each of the house in the area identified for that purpose on the approved plan. Those areas shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order) other than garages, no extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines or satellite antennae shall be erected within that area.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway.

17. 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.

18. Prior to the development hereby approved/permitted being first occupied or brought into use, all Traffic Regulation Orders required by the Local Highway Authority to mitigate the impact of the development and implement a 20mph speed limit shall be implemented in full.

Reason

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

19. 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 policy P5 and Appendix 3 of Bolton's Core Strategy.

20. No vegetation clearance or demolition of buildings should take place between the months of March and August inclusive.

Reason

The site has the potential to support breeding birds. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds whilst they are breeding.

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

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

22. The boundary treatments as shown on the approved drawings shall be erected fully in accordance with the approved design details and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.

23. If development has not commenced by March 2018 then precommencement surveys of the trees for potential bat roosts and the site and 30m buffer for badger setts will be necessary. Should evidence of either protected species be found then suitable avoidance and/or licenced mitigation will need to

be submitted to and approved by the Local Planning Authority. The approved details shall be implemented in full in accordance with an approved timetable.

Reason

The site has the potential to support breeding birds and other protected species. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds whilst they are breeding.

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

Drawing No. 16H027/002 - Topographical Survey, dated August 2016;

FL01 Rev. P2 - Fencing layout;

HS01 Rev. P2 - Hard Surfacing Layout, dated 23.08.16;

BHM005/HT - Collingwood Way, Weshoughton - House Types, dated September 2016;

BHM005/PL01 Rev. P14 - Proposed Planning Layout dated 05.09.16;

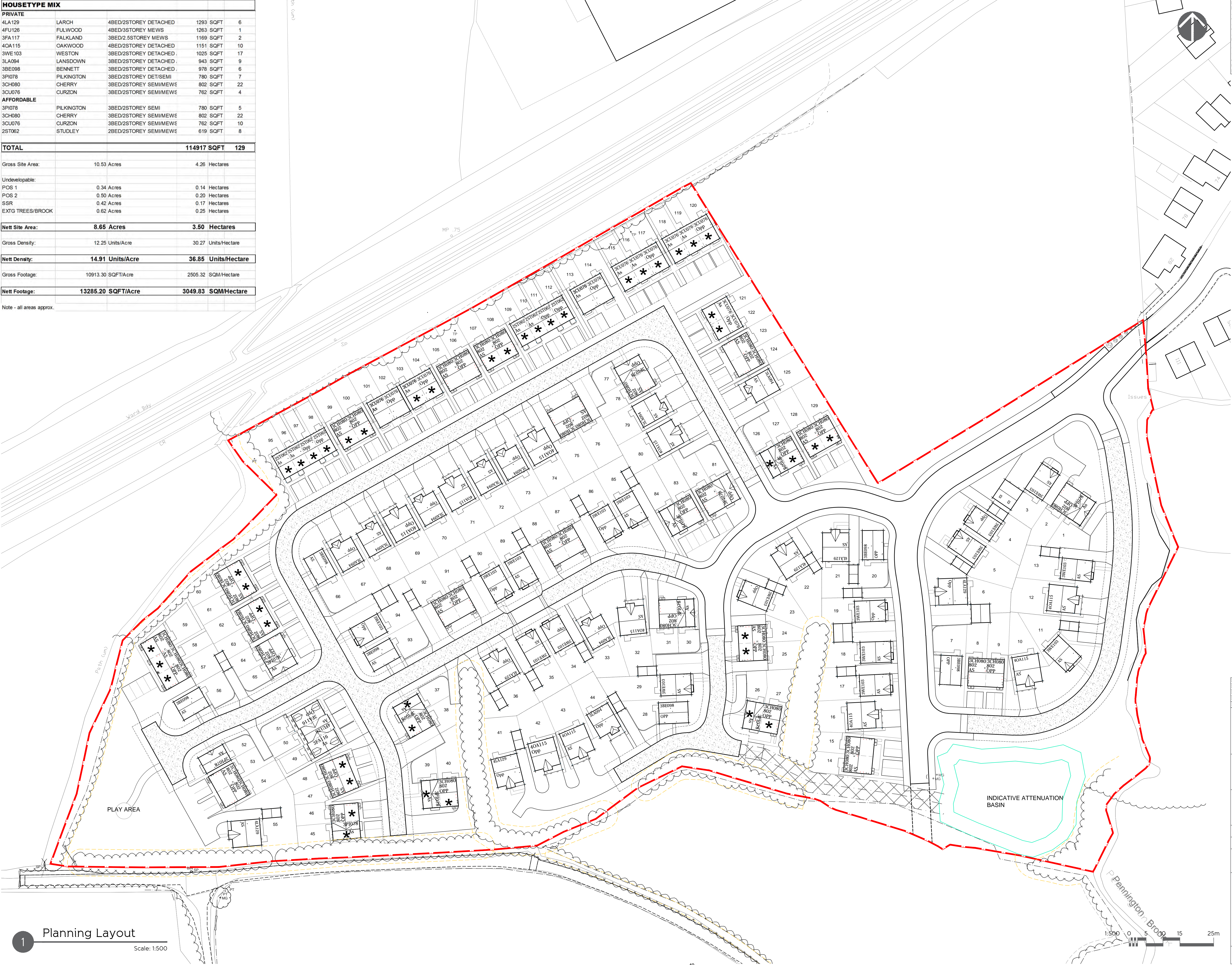
BHM005/SS - Proposed Street Scenes.

Reason

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

HOUSETYPE MIX				
PRIVATE				
4LA129	LARCH	4BED/2STOREY DETACHED	1293 SQFT	6
4FU126	FULWOOD	4BED/3STOREY MEWS	1263 SQFT	1
3FA117	FALKLAND	3BED/2.5STOREY MEWS	1169 SQFT	2
4OA115	OAKWOOD	4BED/2STOREY DETACHED	1151 SQFT	10
3WE103	WESTON	3BED/2STOREY DETACHED	1025 SQFT	17
3LA094	LANDSDOWN	3BED/2STOREY DETACHED	943 SQFT	9
3BE098	BENNETT	3BED/2STOREY DETACHED	978 SQFT	6
3PI078	PILKINGTON	3BED/2STOREY DET/SEMI	780 SQFT	7
3CH080	CHERRY	3BED/2STOREY SEMI/MEWS	802 SQFT	22
3CU076	CURZON	3BED/2STOREY SEMI/MEWS	762 SQFT	4
AFFORDABLE				
3PI078	PILKINGTON	3BED/2STOREY SEMI	780 SQFT	5
3CH080	CHERRY	3BED/2STOREY SEMI/MEWS	802 SQFT	22
3CU076	CURZON	3BED/2STOREY SEMI/MEWS	762 SQFT	10
2ST062	STUDLEY	2BED/2STOREY SEMI/MEWS	619 SQFT	8
TOTAL		114917 SQFT	129	
Gross Site Area: 10.53 Acres 4.26 Hectares				
Undevelopable:				
POS 1	0.34 Acres	0.14 Hectares		
POS 2	0.50 Acres	0.20 Hectares		
SSR	0.42 Acres	0.17 Hectares		
EXTG TREES/BROOK	0.62 Acres	0.25 Hectares		
Nett Site Area:		8.65 Acres	3.50 Hectares	
Gross Density:		12.25 Units/Acre	30.27 Units/Hectare	
Nett Density:		14.91 Units/Acre	36.85 Units/Hectare	
Gross Footage:		10913.30 SQFT/Acre	2505.32 SQM/Hectare	
Nett Footage:		13285.20 SQFT/Acre	3049.83 SQM/Hectare	

Note - all areas approx.



Notes:
Do not scale from this drawing
All contractors must visit the site and be responsible for taking and checking dimensions.
All construction information should be taken from figured dimensions only.
Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.

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Rev.	Date	Description	By	Chd
P14	05-09-2016	Attenuation pond shown indicative	EH	MP
P13	05-09-2016	Attenuation pond shown as per engineers drawing	EH	MP
P12	05-09-2016	Plot 41 amended, landscaping brought in	EH	MP
P11	01-09-2016	Issued for Planning	EH	TJA

Client

Bellway

Project
**COLLINGWOOD WAY
WESTTHOUGHTON**

Drawing Title
**Proposed
Planning Layout**

Drawn by **MP** Checked by **AP** Date **05.09.2016**

Status **PLANNING** Scale @ A1 1:500

Job no. **BHM005** Dwg.no. **PL01** Rev. **P14**

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architecture
master planning
urban design

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Collingwood Way Westhoughton

Indicative Street Scenes



A-A



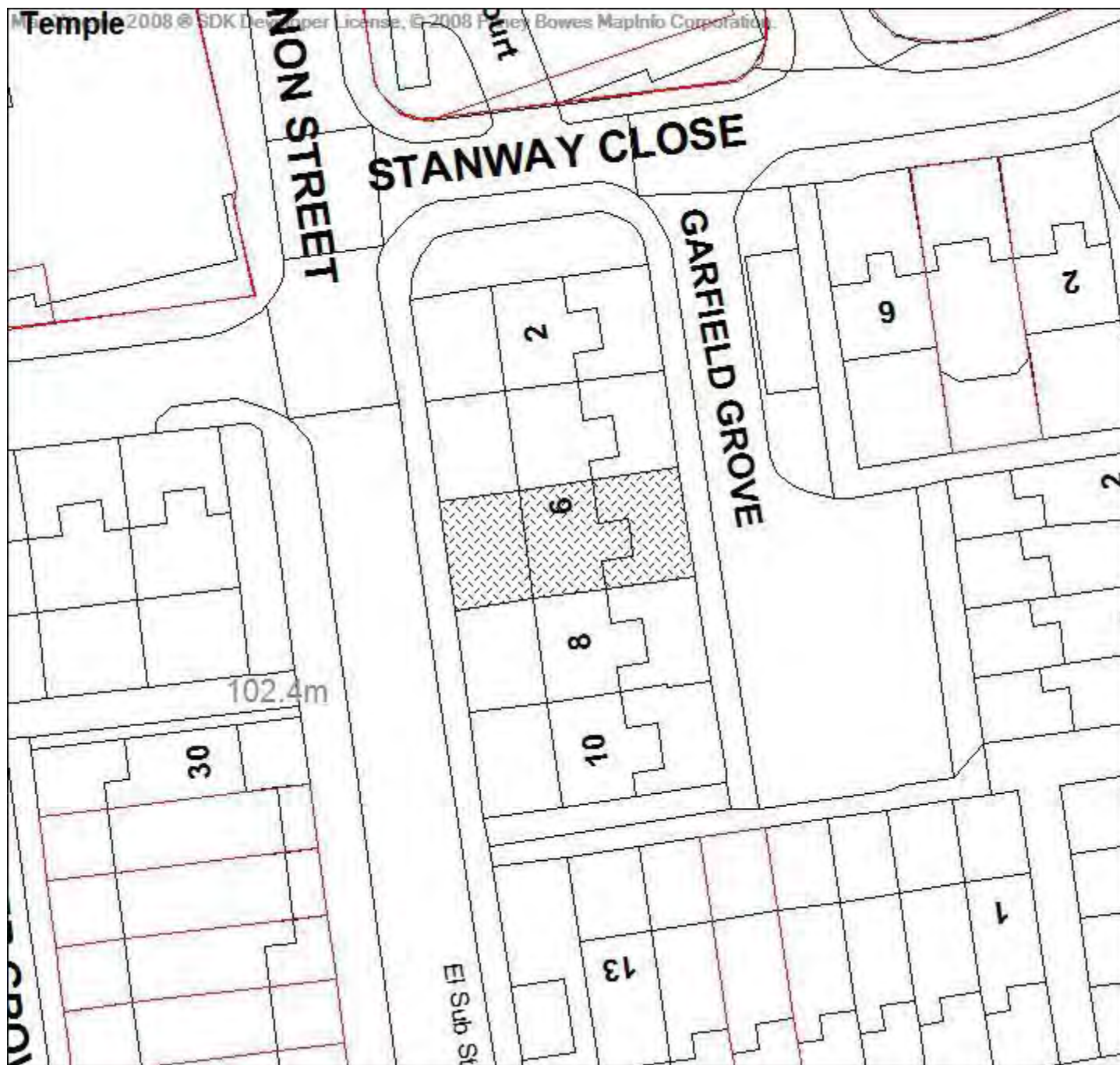
B-B



C-C



Application number
97391/16



Development & Regeneration Dept
Development Management Section

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

**Bolton
Council**

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Date of Meeting: 12/01/2017

Application Reference: 97391/16

Type of Application: Full Planning Application

Registration Date: 07/09/2016

Decision Due By: 01/11/2016

Responsible Officer: Paul Williams

Location: 6 GARFIELD GROVE, BOLTON, BL3 5AY

Proposal: ERECTION OF TWO STOREY EXTENSION TO FRONT.

Ward: Rumworth

Applicant: Mr Many

Agent : SMS architecture

Officers Report

Recommendation: Refuse

Proposal

Summary of planning history

An application for the erection of two storey extensions at both the front and rear of the dwelling was refused at Planning Committee in November 2014 (application ref. 92436/14). At that Committee meeting/site visit Members advised the applicant that a 4 metre long extension at the front of the dwelling (rather than the rear as proposed) would be preferable.

An application proposing this two storey front extension, along with a single storey rear extension, was withdrawn by the applicant in November 2015, following concerns from the Council's Highways Engineers (application ref. 94791/15).

Application 96561/16 was then submitted for just a two storey, 4 metre long front extension (with the single storey rear extension being removed from the plans). This was refused under delegated powers in July 2016 for the following reason:

"The proposed extension would, by virtue of its design, height and siting be detrimental to the character and appearance of the host dwelling and the wider area and in particular would impact detrimentally on the outlook and living conditions of neighbouring residents at 4 and 8 Garfield Grove and is contrary to Policies CG3, CG4 and RA1 of Bolton's Core Strategy and Supplementary Planning Document - "House Extensions"."

Current application

This current application is a resubmission of refused application 96561/16. It seeks permission for an extension that would project 4 metres to the front of the mid-terraced dwelling and which would be the full width of the property (approximately 8 metres).

Councillor Adia has requested that this current application be heard before Committee given the

history of the proposal, as Members had recommended that the applicant amend their plans to propose just a front extension at 4 metres long.

Site Characteristics

The application property is a two storey, mid-terraced, town house in a row of five dwellings.

The front elevations of 2 to 10 Garfield Grove face Garfield Grove, which is a residential cul-de-sac. 1 to 13 Garfield Grove also front this cul-de-sac, and the rears of 2 to 8 Evesham Walk back onto it. 2 to 10 Garfield Grove all have driveway parking within their front curtilage. Numbers 4 to 10 have single storey flat roof porches to their front. Number 2 has been extended with a centrally sited part two, part single storey front extension, but retains in curtilage parking at the front. There are no other extensions facing onto Garfield Grove.

Garfield Grove appears to provide on-street parking for 1 to 13 Garfield Grove and 2 to 8 Evesham Walk, as these properties do not have driveways.

The rear elevation of the application property faces Cannon Street, a road off Deane Road. None of these properties in the row have been extended at the rear.

Policy

National Planning Policy Framework (NPPF)

Core Strategies Policies: P5 Transport and Accessibility; S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses; RA1 Inner Bolton.

SPD House Extensions and SPD General Design Principles.

Analysis

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.

The main impacts of the proposal are:-

- * impact on the character and appearance of the dwelling and the surrounding area
- * impact on the amenity of neighbouring residents
- * impact on parking

Impact on the Character and Appearance of the Dwelling and the Surrounding Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment.

Policy RA1 of the Core Strategy relates specifically to developments in Inner Bolton and states that the Council will ensure that development has particular regard to massing and materials used, will respect and strengthen the traditional grid-iron pattern and street-scaping of existing houses where it is compatible with good urban design, and will require development to provide adequate privacy and amenity space.

SPD House Extensions provides general advice on house extensions and offers guidance relating to the effect of extensions on the appearance of the dwelling itself and the effect of extensions on the street scene and the character and appearance of the area.

The proposed extension would be the full width of the mid-terraced town house (approximately 8 metres in width) and would project 4 metres to the front. The extension would have a gabled front, with the eaves height proposed to match that of the existing house, but with a ridge height approximately 0.6 metres lower than existing.

The '4 metre allowance' within Bolton's SPD "House Extensions", for extensions on terraced dwellings, only applies to rear extensions. The proposed extension would not be located at the rear of the dwelling but at the front. Applying the Council's policy guidance on front extensions (contained within para. 5.3 of the SPD), the proposed extension is contrary to this, as at 8 metres wide and 4 metre long the scale of the proposed extension would not be subordinate to the scale or appearance of the dwelling or the row of dwellings.

It is noted that a part two, part single storey extension has been built at the front of 2 Garfield Grove, however this is only about a third of the width of the proposed extension at number 6 and not a long, and therefore appears much more subordinate to the dwelling and row than the proposed extension would.

It is therefore considered that the proposed front extension would be an incongruous feature and would harm the character and appearance of the dwelling and the street scene of Garfield Grove.

It is also acknowledged that the rear elevations to the terraced row (facing Cannon Street) are more visible from the surrounding area than the front elevations (given that Cannon Street is a through road rather than a cul-de-sac like Garfield Grove), however a rear extension would comply with the Council's policy guidance on house extensions (contained within para. 4.21 of the SPD).

It is considered that the proposed front extension, by virtue of its scale, siting and design, would have a harmful effect on the character and appearance of the host dwelling, the terraced row and the area, contrary to Policies CG3 and RA1 of Bolton's Core Strategy.

Impact on the Amenity of Neighbouring Residents

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.

SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on neighbouring properties, particularly in relation to natural light, privacy and overlooking.

It is considered that the main windows to the dwellings at 2 to 10 Garfield Grove are located in the rear elevations (facing Cannon Street). It is therefore considered that the proposed front extension would not unduly impact on the living conditions of the neighbouring properties at numbers 4 and 8 (despite this being part of the reason for refusal for application 96561/16).

The windows proposed in the front elevation would overlook Garfield Grove and would be approximately 32 metres away from the opposite properties at Evesham Walk.

It is therefore considered that the proposed extension would not harm the amenity of neighbouring residents, compliant with policy CG4 of the Core Strategy.

Impact on Parking

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.

SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on highway safety.

The proposed extension would increase the property from a three bedroom property to a four bedroom property. Its location at the front of the dwelling would remove the existing provision of on-site parking for the property (the front driveway).

The Council's Highways Engineers have recommended that two parking spaces are provided to the rear of the property, off Cannon Street, to accommodate the proposal and mitigate the loss of existing on-site parking. The applicant has not amended their plans to show this recommended parking.

Officers however do not consider that parking at the rear of the property would be a solution to the loss of parking at the front, given that there is no other parking provision at the rears of 2 to 10 Garfield Grove and that hard surfacing here would result in the loss of garden space for the dwelling.

It also appears that on-street parking on Garfield Grove is at a premium given that 1 to 13 Garfield Grove and 2 to 8 Evesham Walk have no off-street parking provision.

Officers therefore considered that the proposal would result in the unacceptable loss of on-site parking for the dwelling (which would also be extended), contrary to Policies P5 and S1.2 of Bolton's Core Strategy.

Local finance considerations

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

For the reasons discussed above it is considered that the proposed two storey front extension would, by reason of its siting, scale and design, harm the character and appearance of the dwelling and the area and the loss of existing off-street parking for the extended dwelling would lead to an increase demand for on-street parking in the area, to the detriment of highway safety. It is therefore considered that the proposed extension would be contrary to Policies CG3, RA1, P5 and S1.2 of Bolton's Core Strategy and the policy guidance contained within SPD "House Extensions".

Members are therefore recommended to refuse this application.

Representation and Consultation Annex

Representations

Elected Members:- Councillor Adia has requested that the application be heard before Committee given the history of the proposal. He has also commented that there is a clear precedent further up the street at 10 Chatham Gardens, whereby an application was approved for a similar house extension to a similar house type.

Consultations

Highways Engineers.

Planning History

96561/16 Erection of two storey extension at front - Refused under delegated powers July 2016.

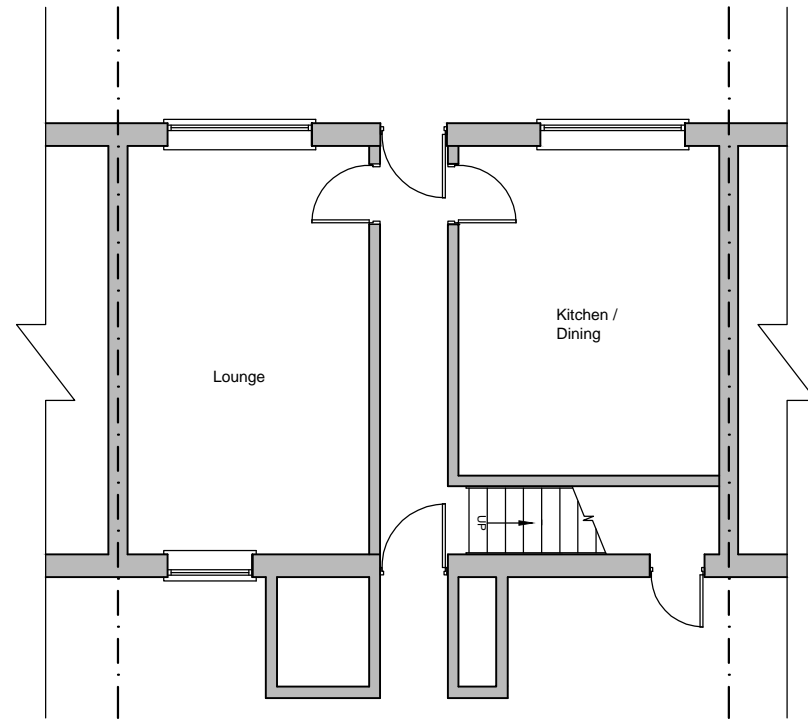
94791/15 Erection of two storey front extension and single storey rear extension - Withdrawn November 2015.

92436/14 Erection of two storey extensions at front and rear - Refused at Planning Committee in November 2014.

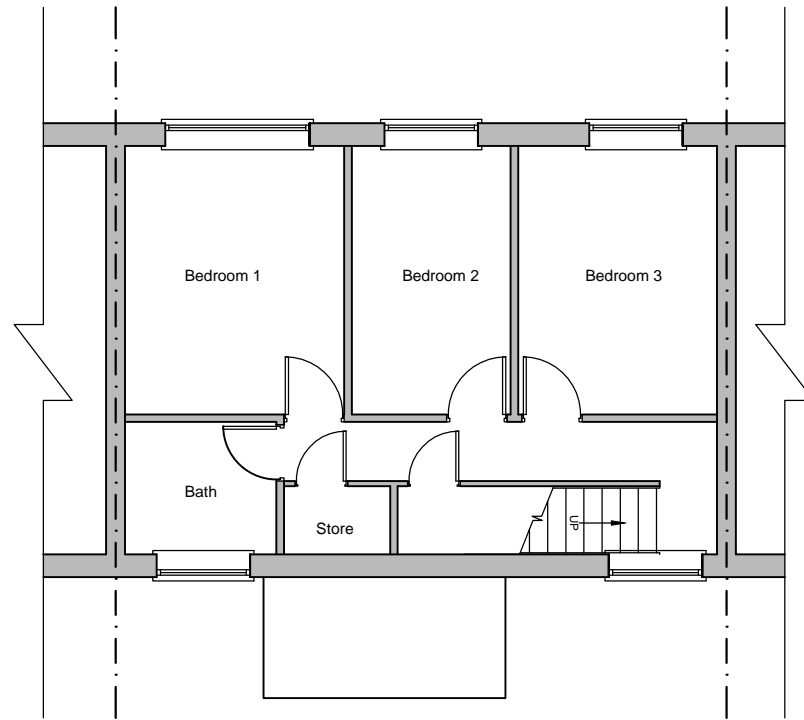
Recommendation: Refuse

Recommended Conditions and/or Reasons

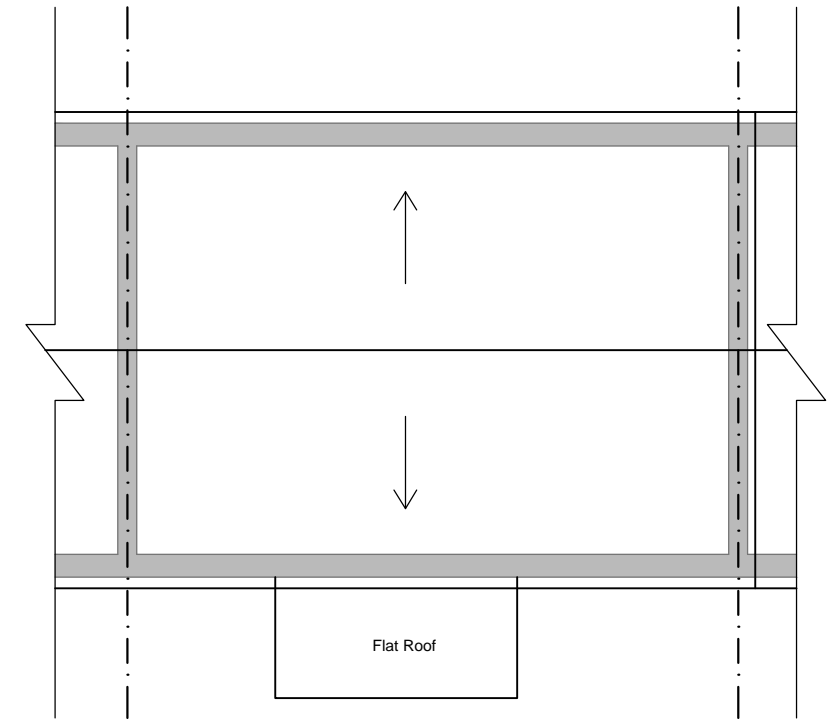
1. The proposed extension would, by virtue of its design, scale and siting, be detrimental to the character and appearance of the host dwelling and the wider area and is contrary to Policies CG3, CG4 and RA1 of Bolton's Core Strategy and Supplementary Planning Document - "House Extensions".
2. The proposed extension will result in the loss of existing/potential off-street car parking provision and will lead to an increase in demand for on-street parking to the detriment of highway safety and is contrary to Policy P5 and Appendix 3 of Bolton's Core Strategy and Supplementary Planning Document 'House Extensions'.



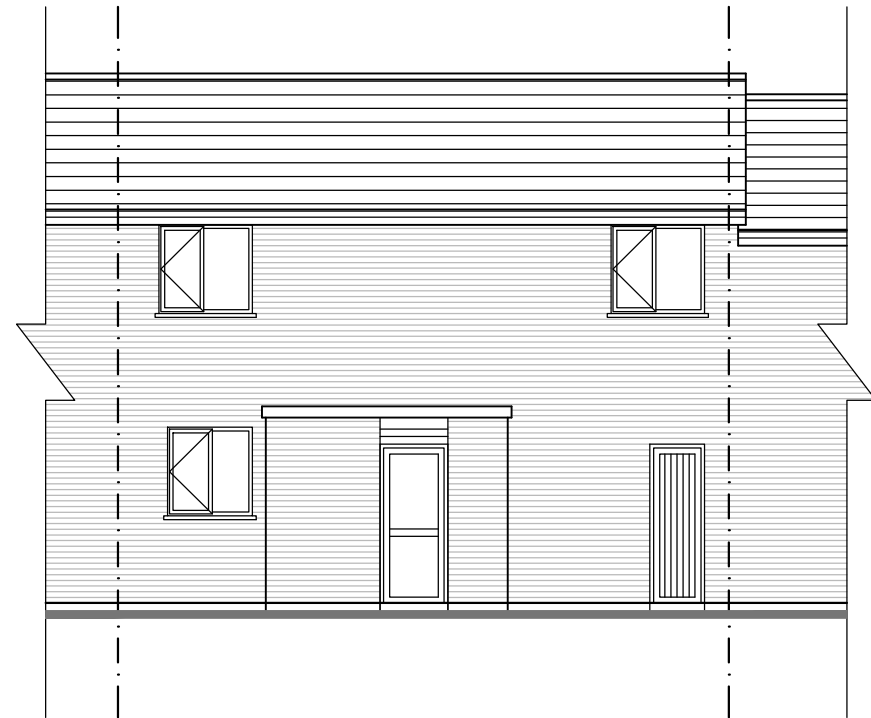
Ground Floor



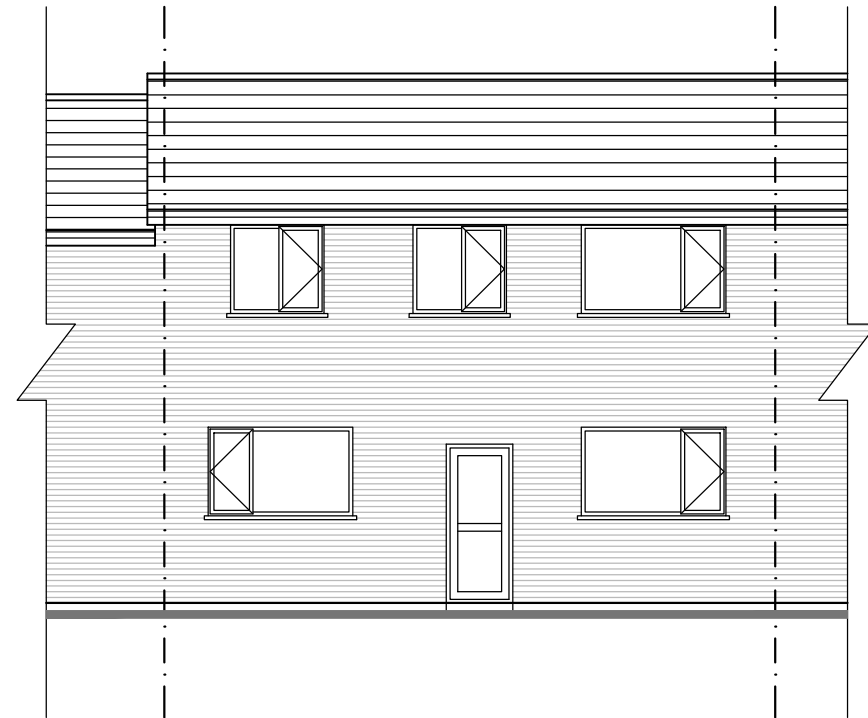
First Floor



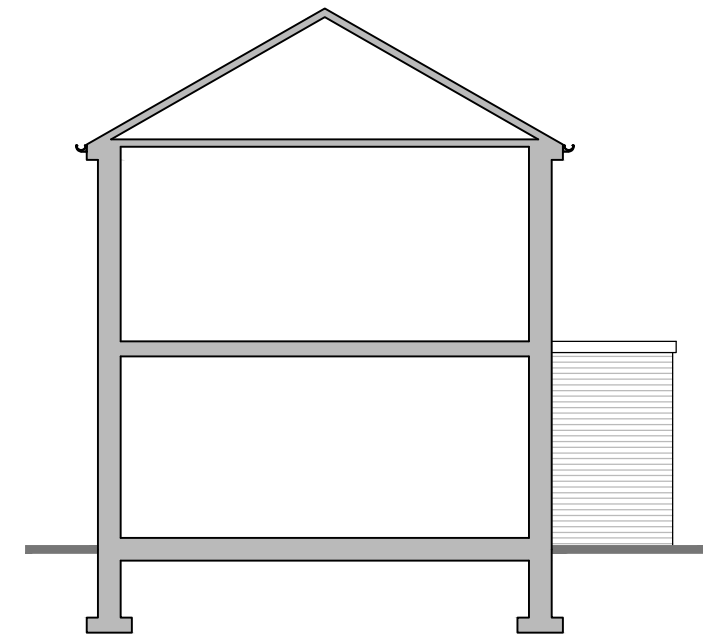
Roof Plan



Front Elevation



Rear Elevation Floor



Neighbouring Elevation

NOTES:

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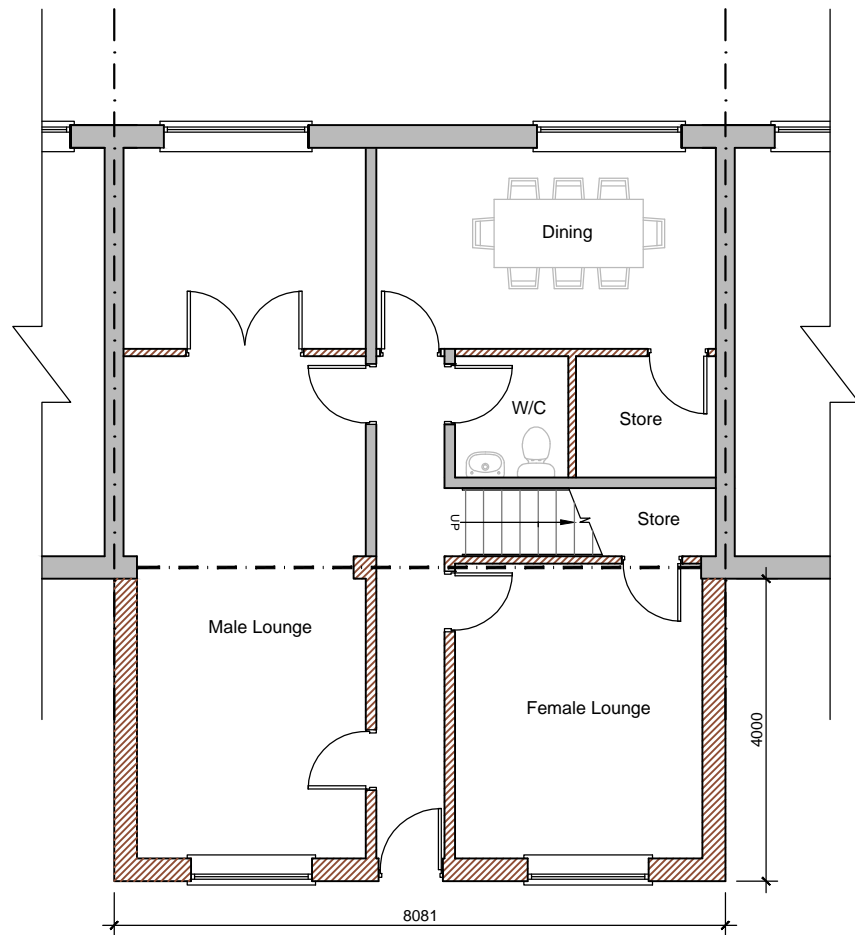
Project Location:

6 Garfield Grove
Bolton
BL3 5AY

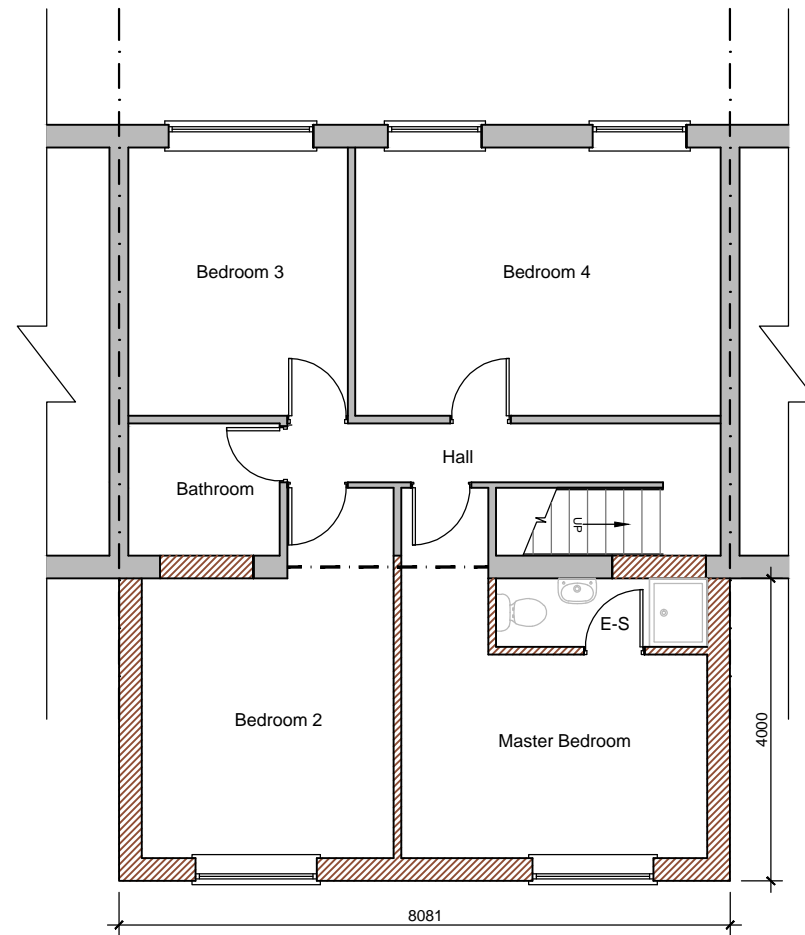
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01 Existing

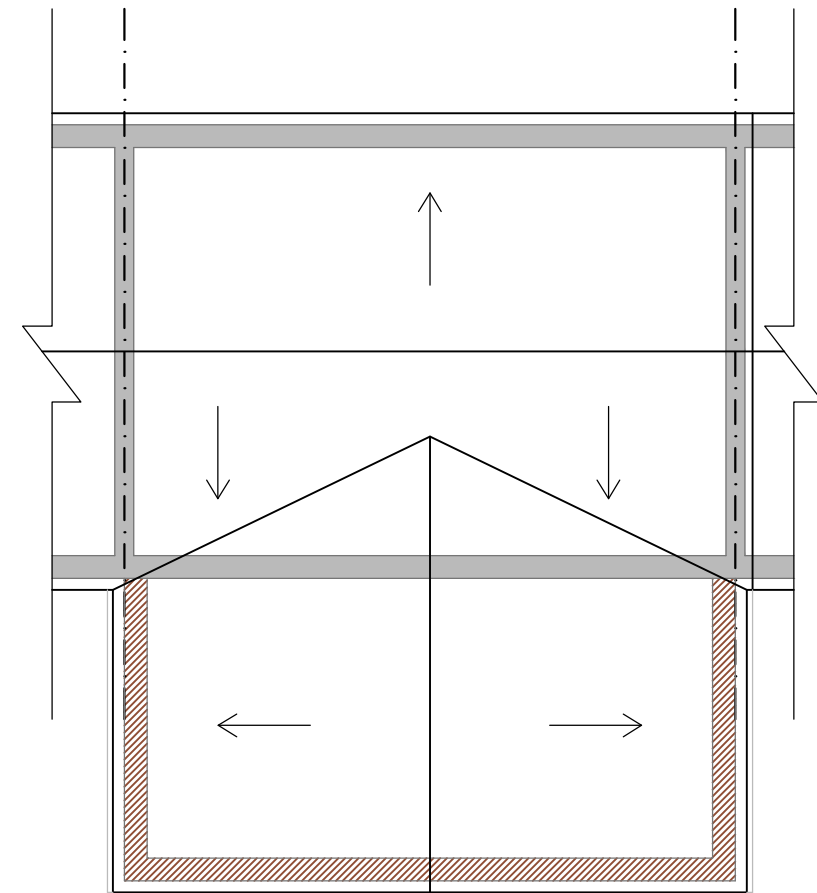
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Ground Floor



First Floor



Roof Plan

NOTES:

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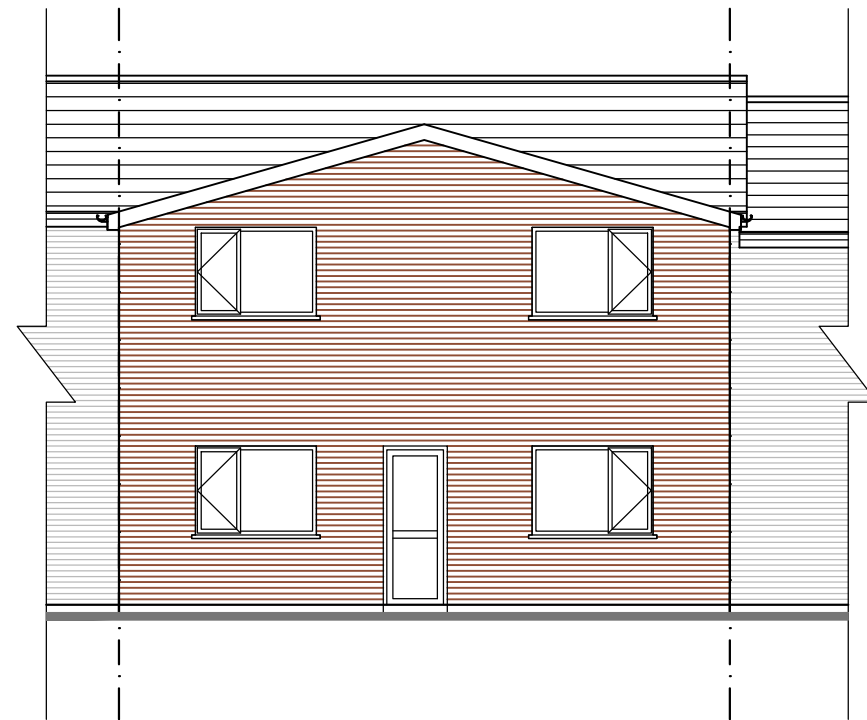
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Bolton
BL3 5AY

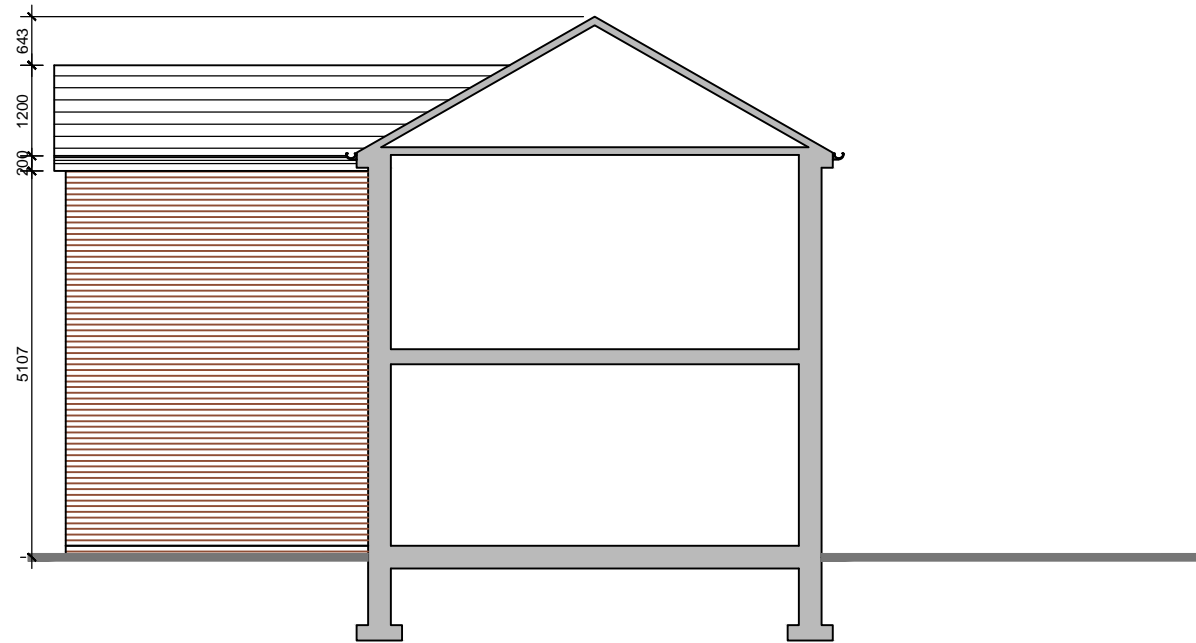
Drawing:

02 Proposed Plans

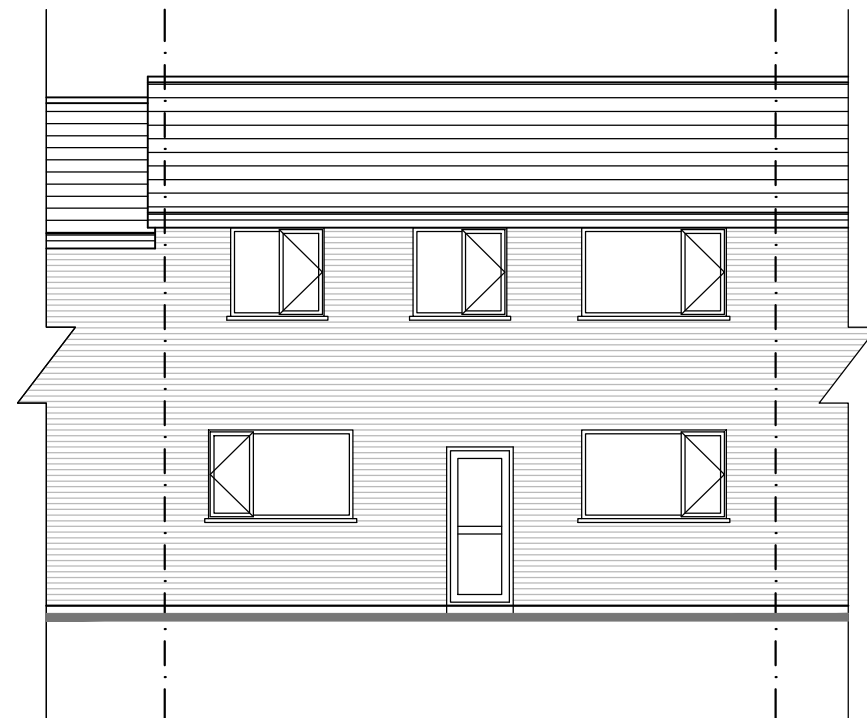
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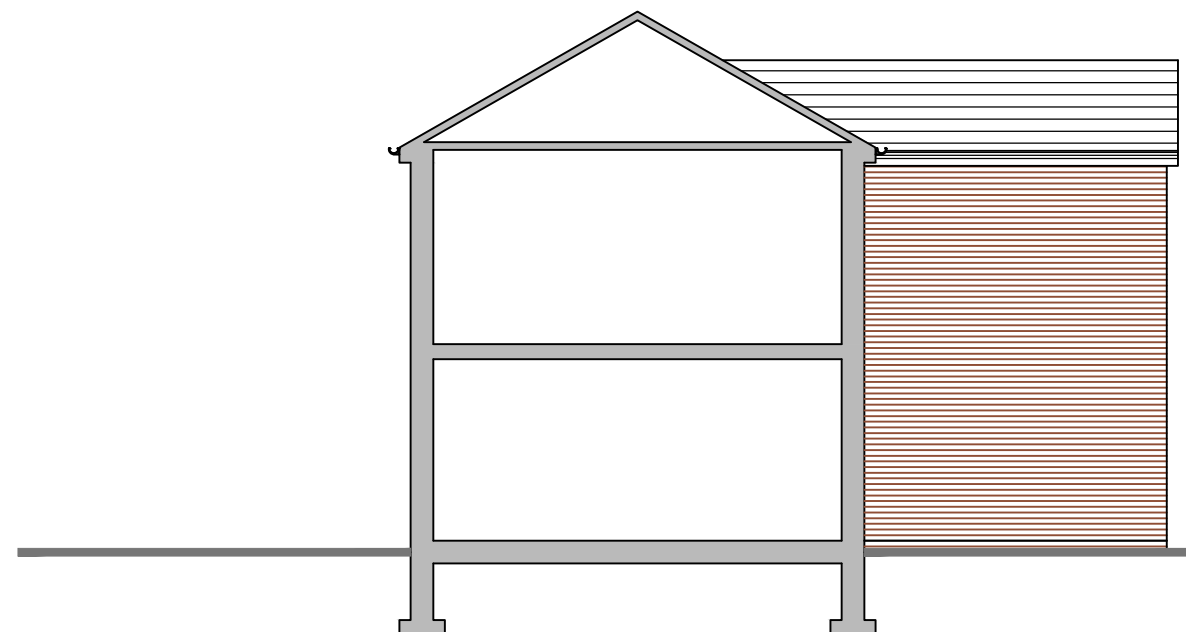
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

NOTES:

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Project Location:

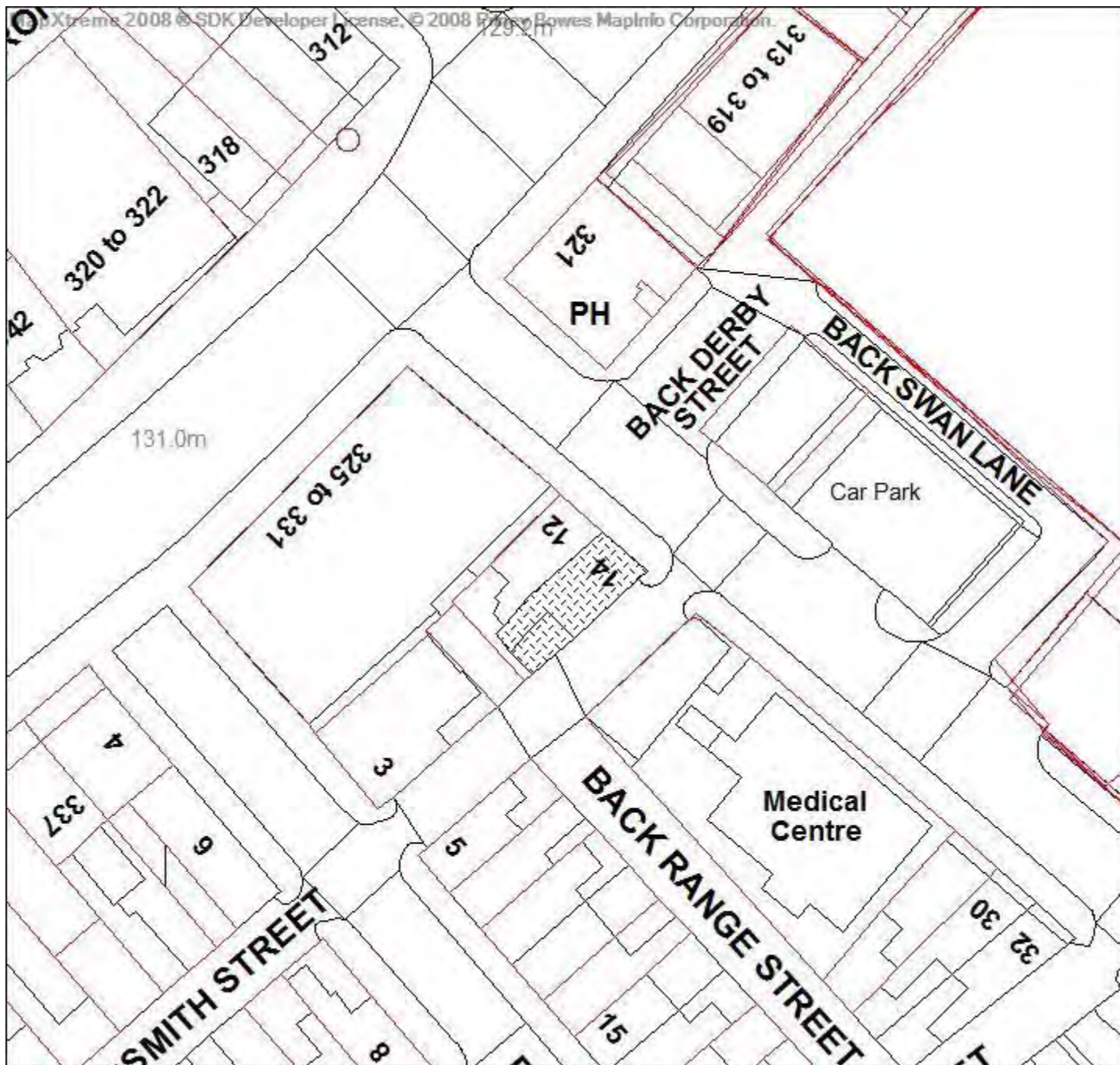
6 Garfield Grove
Bolton
BL3 5AY

Drawing:

**03 Proposed
Elevations**

Scale:	Size:	Date:
1:100	A3	07/15

Application number 97700/16



Development & Regeneration Dept
Development Management Section

Town Hall, Bolton, Lancashire, BL1 1RU
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Date of Meeting: 12/01/2017

Application Reference: 97700/16

Type of Application: Full Planning Application

Registration Date: 19/10/2016

Decision Due By: 13/12/2016

Responsible Officer: Paul Bridge

Location: 14 SWAN LANE, BOLTON, BL3 6TL

Proposal: CHANGE OF USE FROM RESIDENTIAL (CLASS C3) TO RETAIL PHARMACY (CLASS A1) TOGETHER WITH SINGLE STOREY EXTENSION AT REAR AND ALTERATIONS TO FRONT ELEVATION (INCLUDING ROLLER SHUTTERS).

Ward: Rumworth

Applicant: Mr Patel

Agent : LMC Architecture

Officers Report

Recommendation: Approve subject to conditions

Proposal

Planning permission is sought for the change of use from residential (class C3) to a retail pharmacy (class A1) together with single storey extension at the rear and alterations to the front elevation (including roller shutters). The proposal would facilitate the relocation of an existing pharmacy at 284 Derby Street.

The proposal would be accessed via a new door which would be located centrally at ground floor level and incorporated into a new glazed shop front. No detailed information on the roller shutters has been provided. The ground floor of the premises would comprise of a pharmacy, whilst the first floor of the premises would accommodate three storage areas and a toilet. The shop would provide approximately 35 sq. metres of retail floor space (excluding the staff and dispensing area). No details of the number of potential employees have been submitted.

The proposed opening hours would be 09:00 – 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays and closed Sundays and Bank Holidays.

A single storey outbuilding and rear extension located in the rear yard area would be demolished in order to accommodate the proposed single storey extension. The proposed rear extension would be single storey and would project approximately 5.4 metres along the side boundary (adjacent to Back Goldsmith Street) before wrapping around the existing two storey outrigger. It would be approximately 4.85 metres in width and approximately 3.5 metres at its highest point. It would have a hipped roof and would be constructed out of brick and tile.

Site Characteristics

The application site is located in the Rumworth area of the Borough. The application site is located within a mixed use area, with Daubhill Local Shopping Centre being located approximately 8 metres to the west of the site. To the north east of the site is a small car park, a large works building and Bolton Muslim Girls School. To the south of the site is a Medical Centre. To the west of the site is Derby Street which is located on a key arterial route in and out of the Borough of Bolton with a variety of commercial, retail and business uses. At the rear (east) of the site are traditional two storey dwellings.

The surrounding built form is characterised by a variety of traditionally designed buildings with sporadic modern interventions and the highways infrastructure dominating the character the area.

Policy

National Planning Policy Framework (NPPF)

Core Strategy policies: P5 Accessibility; S1 Safe Bolton; CG1 Cleaner Greener Bolton; CG3 the Built Environment; CG4 Compatible Uses; SC1 Housing and RA1 Inner Bolton.

Analysis

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 the development is in accordance with the Development Plan and then take account of other material considerations.

The main impacts of the change of use are:-

- * Principle of Development and impact on Local Centres
- * Impact on Highway Safety
- * Amenity of Existing Residents and Future Occupiers
- * Design and Impact on the Character and Appearance of the Surrounding Area

Principle of Development and Impact on Town, and Local Centres

The use of the site for retail purposes (Use Class A1) forms a main town centre use as defined in the NPPF. It is noted that the site sits outside of a designated, Local, District or Town Centre, which are where local and national planning policy seeks to direct such main town centre uses. However, the application site is located within extremely close proximity (8 metres) to Daubhill Local Centre and Derby Street which is a key arterial route within the built up area of Rumworth (leading into and out of Bolton Town Centre) where there are a number of existing commercial uses including shops, commercial and other uses spread along Derby Street. Due to their siting adjacent to the Medical Centre and close proximity to the Local Centre and other uses, the application site and the adjoining dwelling are segregated from the primary residential areas to the east.

As such it is considered that the retail use could help support the existing commercial uses and improve the vitality of this prominent route. Furthermore, given the small scale of the retail shop at 35 sq. metres it is considered that it would not be of scale to draw trips and demand for surrounding

designated centres. Indeed, given the minor scale of the retail shop (Use class A1), at 35 sq. metres it is noted that an assessment of the impact of the existing retail use would not be necessary as set out in paragraph 26 of the NPPF.

The re-use of the site for retail purposes (Use class A1) is considered to accord with general principles set out in the NPPF which encourages the reuse of brownfield sites within urban areas and provide for a mix of uses. Having regard to the above the use of the site for a small retail premises is considered to accord with policies CG4 of the Core Strategy and the policies within the NPPF.

Impact on Highway Safety

Policy P5 of the Core Strategy seeks to ensure that developments are accessible by a number of modes of transport including public transport, by cyclists and pedestrians, and prioritise these modes over the motor vehicle. In addition to this the NPPF states that, *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

The site on Swan Lane is located approximately 8 metres from a key vehicular arterial route into and out of Bolton Town Centre and links the urban areas of Wigan and Bolton. The proposed retail use would require a maximum parking provision of 1 no. vehicular space. The proposal does not include the provision of any parking on the site and it is noted that there are parking restrictions to the west of the site on the corner of Derby Street and Swan Lane. However, there are limited time waiting bays in close proximity along Derby Street and also a small short stay car park with provision for 10 vehicles to the north east.

As a result, and as noted by the Highways Authority, customers would be forced to park on surrounding streets including Swan Lane and the immediate wider surrounding area. It is noted that the level of on street parking on these streets would not preclude the use of these by future customers. The proposal is for a limited amount of retail space (approximately 35 square metres) (which only require a maximum of 1 vehicle space) and the proposal would not draw trips from other areas of Bolton and would serve the local population. Given this it is considered that potential customers to the premises are more than likely to already be in the town centre (that is, visiting the Medical Centre) with a trip to the Pharmacy forming part of a linked trip to the Medical Centre and/or Local Shopping Centre. Notwithstanding this, there are limited time waiting bays along Derby Street, a car park opposite and unrestricted parking further along Swan Lane. It is also noted that the site is located immediately adjacent to Daubhill Local Shopping Centre and therefore customers would be able to access the site via public transport and also on foot which is considered to be more sustainable modes of travel.

There is also a Traffic Regulation Order (TRO) currently being proposed for Swan Lane, Back Swan Lane and Back Derby Street around Bolton Muslim Girls School. The TRO is required to prevent vehicles from obstructing access and egress to and from the school, keep the flow of vehicular traffic in one direction to help ease the congestion at the school entrance and maintain the needs of guardians/parents dropping off and picking up their children in the morning and early in the afternoon.

In respect of access for emergency vehicles within the immediate area, the proposal would not alter the layout of the road network. Therefore any issues that exist in respect of access for emergency vehicles already exist and the proposal would not exaggerate this to any unacceptable degree.

Having regard to the above, it is considered that the retail use of the site would not cause any severe impact on the function of the surrounding highway network or cause any significant/severe harm to highway safety. The proposals are considered to accord with policy P5 of the Core Strategy and the

NPPF.

Amenity of Existing Residents and Future Occupiers

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.

Noise and Disturbance

The proposed opening hours would be 09:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays (closed Sundays and Bank Holidays).

The proposed use would be sited adjacent to an existing dwelling house. As stated earlier, the application site and no.12 Swan Lane are located within extremely close proximity to Daubhill Local Centre which has established daytime and nighttime activity. The site also sits in close proximity to a busy route with a hot food takeaway within close proximity to the site at the corner of Derby Street and Swan Lane. As such it is considered that the use of the ground floor as a pharmacy (subject to conditions restricting opening hours) would not cause unacceptable harm to the occupants of no.12 Swan Lane by way of noise and general activity. In coming to this conclusion the local planning authority has also been mindful of potential future A1 uses of the premises and also potential temporary changes of uses afforded by the Town and Country (General Permitted Development Order) 2015. A condition has been attached to ensure the use is limited to that of a pharmacy only and for no other potential uses.

Single Storey Rear Extension

The proposed rear extension would be single storey and would project approximately 5.4 metres along the side boundary (adjacent to Back Goldsmith Street) before wrapping around the existing two storey outrigger. It would be approximately 4.8 metres in width and approximately 3.5 metres at its highest point. The adjoining dwelling at no.12 Swan Lane does not have any principal habitable room windows would directly face the extension and it is of a height which would not result in an unacceptable impact in terms of loss of light and being overbearing.

Having regard to the above, it is considered that the ground floor pharmacy use and proposed extension would not cause any significant additional harm to the occupants of the neighbouring properties by way of noise and disturbance and general activity and would form a sympathetic use in accordance with policy CG4.

Design and Impact on the Character and Appearance of Surrounding Area

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.

The development for which permission is sought includes some external alterations to the front elevation and a single storey rear extension.

Single Storey Rear Extension

The proposed rear extension is single storey and would appear subordinate to the existing building and would be constructed out of similar brick and tile to the host building. Its design is therefore considered acceptable.

External Alterations

The proposed external alterations would be limited to the ground floor of the main front elevation. The new shop front would be largely glazed with a new entrance door located centrally within the

shop front. Due to their siting adjacent to the Medical Centre and close proximity to the Local Centre and other uses, the application site and the adjoining dwelling are segregated from the primary residential areas to the east and are seen within the context of the Local Shopping Centre and also the mixed uses adjacent to and in close proximity to the site.

The proposed shop front is relatively well designed. Generally, where an existing shop front is to be designed, it should fit in with the architectural composition of the building. The design should therefore respect the period and style of the building in which it, giving due regard to the design and materials of the building above. Whilst this is conversion of a residential dwelling, it is considered to be consistent with a number of other premises within the immediate local area along Derby Street, which were previously in residential use and which have since been converted into commercial premises at ground floor level. Given this, it is considered that the proposed shop front fits satisfactorily within the host building and would not be out of character with the immediate context and wider surrounding area.

The submitted plans indicate that roller shutters would be erected at ground floor level of the front elevation. As no detailed specification has been submitted a condition has been suggested requesting full details of the roller shutters.

It is also noted that the use of the associated signage may require advertisement consent and therefore the inclusion of an informative advising as such has been recommended.

With respect to storage of waste bins these would be securely stored within the ground floor of the building and the size of this area is considered sufficient to meet the waste collection needs of a proposal of this size and nature.

It is considered that the proposed development would not have any detrimental impact on the character and appearance of the area. Therefore, it is considered that the scheme would be in accordance with policies CG3 and RA1 of the Core Strategy

Other Issues

Access

Good shop front design guidance states that where new shop fronts are installed, designs should aim to incorporate the needs of disabled people and special user groups. The proposal originally accommodated a new disabled access ramp. However, due to concerns from the Highway Authority this has now been removed from the proposal and a manual ramp system would be operated by the applicant. The proposal is considered to be in accordance with policy P5.

Design and Crime.

The GMP Design for Security have been consulted and made a number of recommendations in their consultation comments which included several security measures. These measures have been attached as an informative. In addition they advised they could not provide support for the proposal without being appraised of the first floor arrangements. In order to overcome this, the case officer has discussed this with the applicant's agent who has advised that the first floor would be used for storage only. The proposal is therefore considered to be in accordance with policy S1.

Local finance considerations

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

For the reasons discussed above, it is considered that the change of use to retail (A1) pharmacy shop would provide a new use of an existing building within an urban area, and extremely accessible location. The use is considered to be sympathetic to the surrounding uses and would not cause any significant harm to the vitality and vibrancy of surrounding local, district and town centres. Nor would there be any over-riding harm caused to the amenity of neighbouring occupiers and to the function and safety of the surrounding highway network. The change of use is therefore considered to comply with the aforementioned national and local planning policies. Members are therefore recommended to approve the application.

Representation and Consultation Annex

Representations

Letters: - 21 letters of objection have been received in response to the planning application publicity and who have raised the following concerns:-

- * Traffic Congestion/Highway Safety
- * Lack of Parking
- * Access for Emergency Vehicles
- * Overdevelopment of the site
- * Out of Character with the area
- * There are already enough pharmacies in the local area and this application would set a precedent
Officer comment: Business competition is not a material planning consideration. Each planning application would be judged on its own merits.
- * The proposal will attract drug dealers resulting in anti-social behaviour. *Officer comment: No evidence has been submitted to demonstrate that the proposal would lead anti-social behaviour within the locality of the application site.*

Petitions:- One petition of objection has been received with 20 signatures.

Consultations

Advice was sought from the following consultees: Highways Engineers and Greater Manchester Police - Design for Security.

Planning History

None Relevant.

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 the approved plans the roller shutters shall be of an open grille design, details of which, including its colour shall be submitted to and approved by the Local Planning Authority before the shutters are first installed. The shutters shall be installed and coloured in accordance with the approved details prior to the premise being first brought into use.

Reason

In the interests of reducing crime and the fear of crime and to ensure the development safeguards the visual appearance of the building, and to comply with policies S1.1 and CG3 of Bolton's Core Strategy.

3. The pharmacy use hereby permitted shall be restricted to the ground floor of the premises only.

Reasons

In the interests of residential amenity and to comply with policy CG4 of Bolton's Core Strategy.

4. The premises shall be used for a pharmacy and for no other purpose (including any other purposes in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason

For the avoidance of doubt as to what is permitted, to safeguard the residential amenity of neighbours and in the interests of highway safety, compliant with policies CG4 and S1 of Bolton's Core Strategy.

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

Reason

To ensure the development visually reflects the existing building and to comply with policy CG3 of Bolton's Core Strategy.

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

09:00 - 18:00 Mondays – Fridays

09:00 - 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 to comply with policy CG4 of Bolton's Core Strategy.

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

1622-PL10b - Proposed Ground Floor Plan dated 14.10.16

1622-PL11b - Proposed First Floor Plan dated 14.10.16

1622-PL12 - Proposed Roof Plan dated 14.10.2016

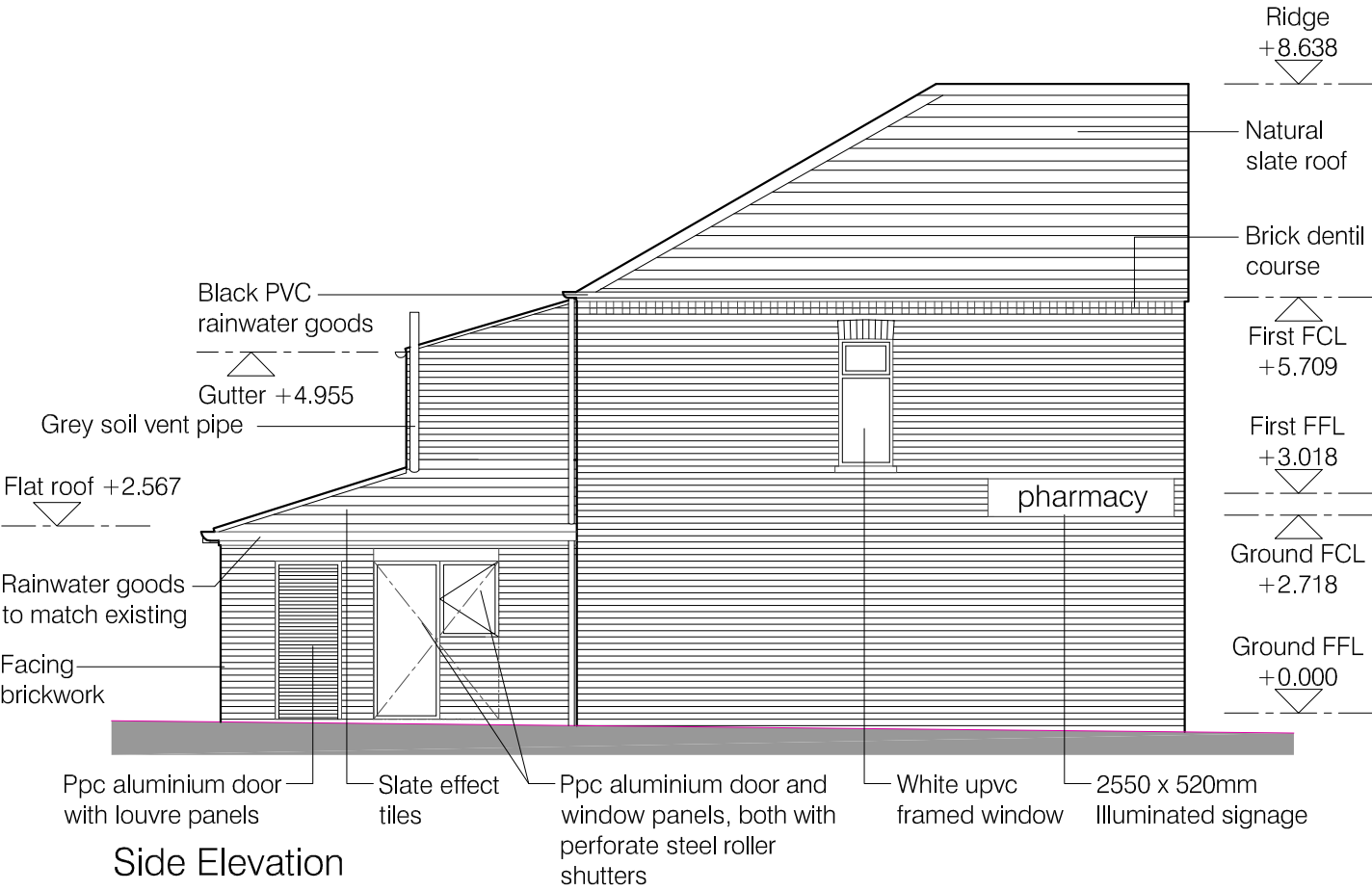
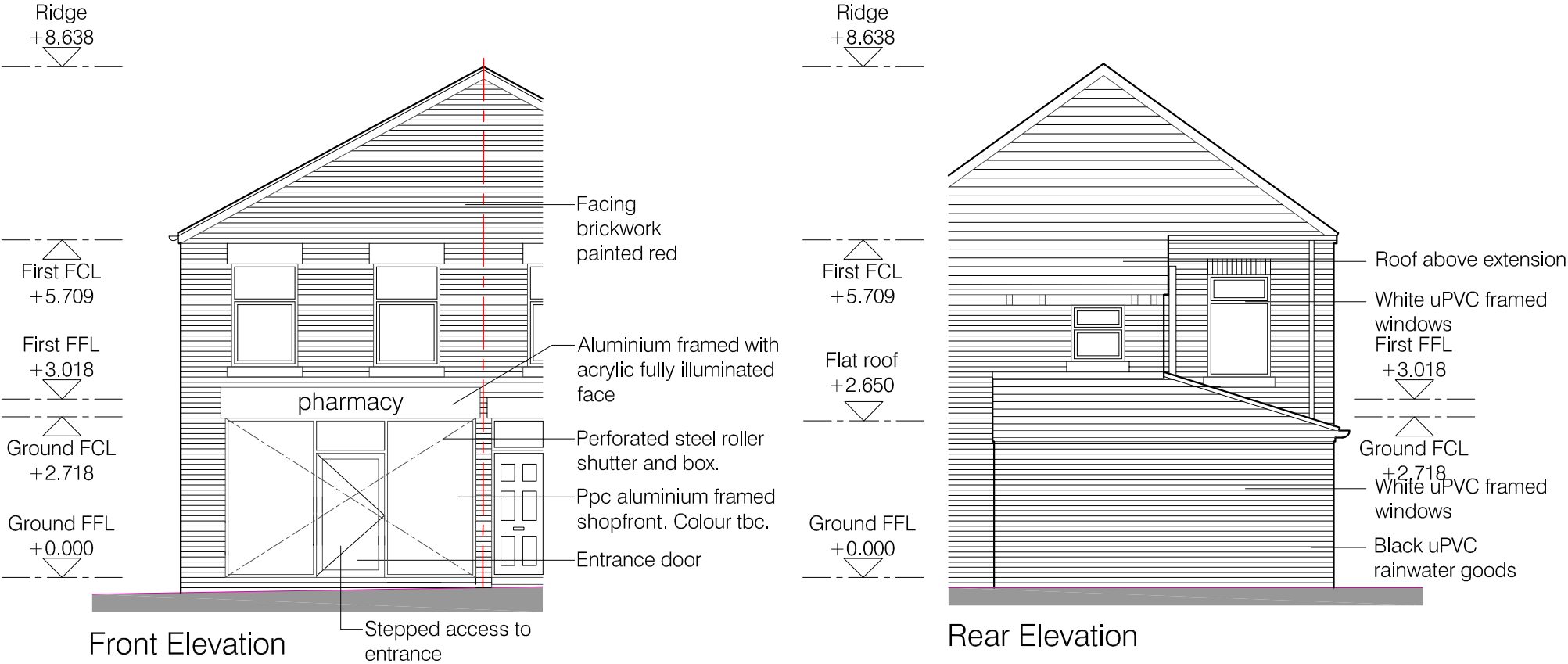
1622-PL13a - Proposed Elevations dated 14.10.16


Reason

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

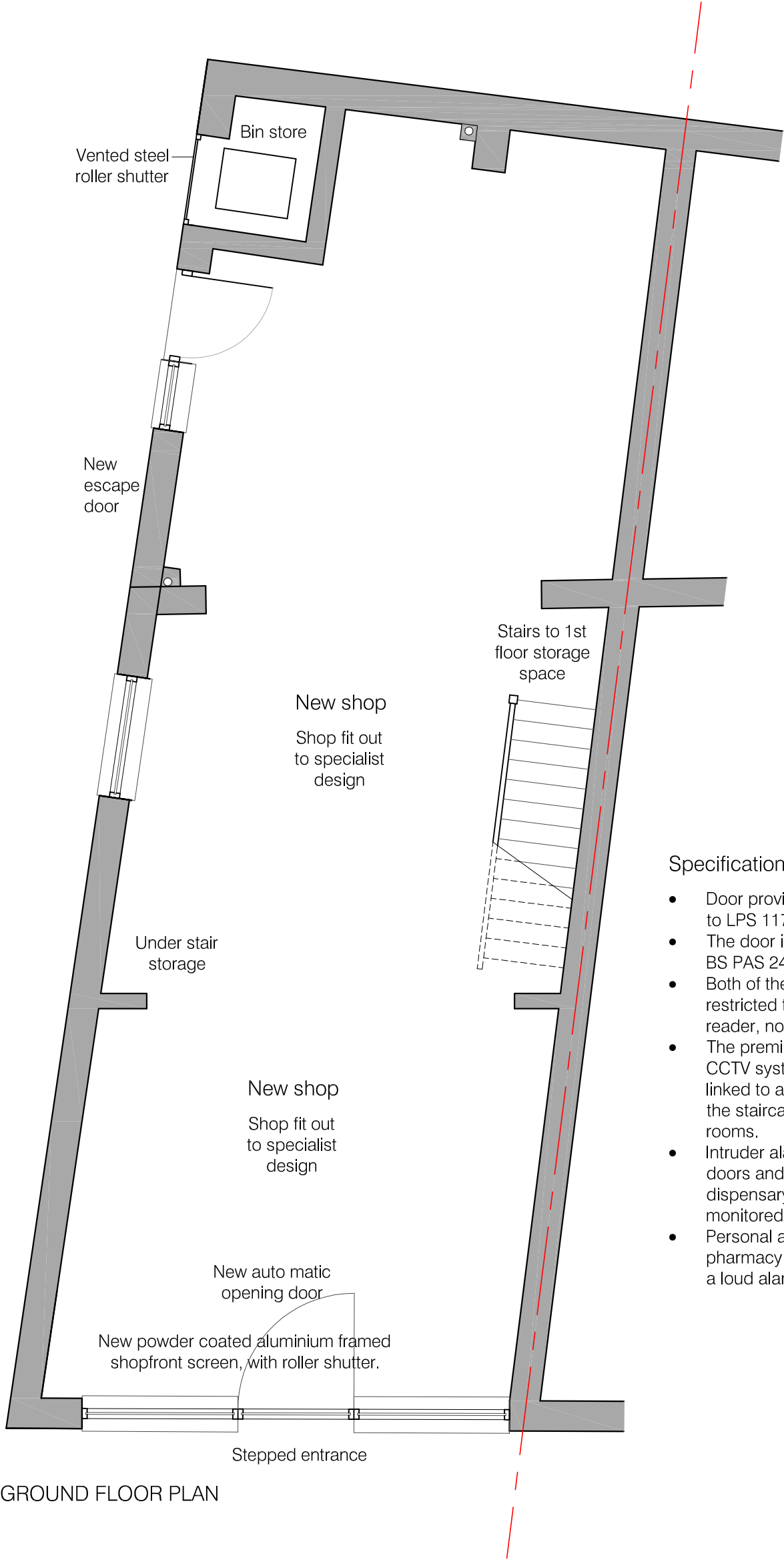
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Revision	Date	Revision note	Drawn by	Purpose of issue
A	29.11.16	Ramp removed.	LM	Planning




Project 14 Swan Lane Bolton	Drawing title Proposed Elevations	Scale 1:100	LMC Building Design Limited Architectural design services 4 Dovedale Drive, Ightenhill, Burnley, Lancashire, BB12 8XD Web : www.lmcbuildingdesign.co.uk	
Client Pharmacy Storage Solutions	Drawing number 1620-PL13 A	Date 14.10.16		

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Revision	Date	Revision note	Drawn by	Purpose of issue
B	01.12.16	Bin store door changed to roller shutter	LM	Planning

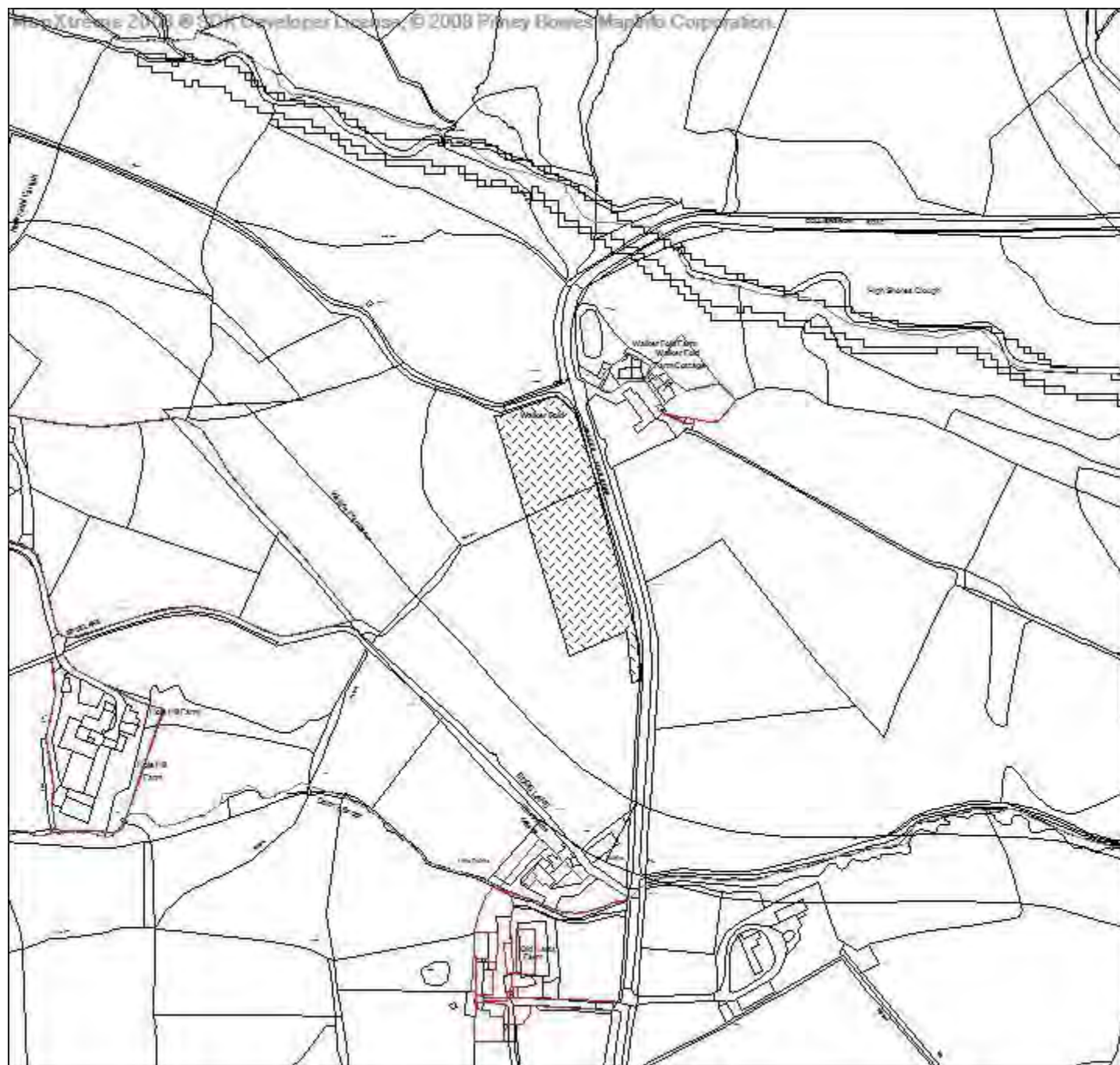


Specification notes:

- Door providing access to the first floor to be certified to LPS 1175 SR3.
- The door in to the storage room will be certified to BS PAS 24.
- Both of these doors will be access controlled and restricted to members of staff using a fob or card reader, not numeric keypad.
- The premises will be covered by a comprehensive CCTV system, camera positions to be confirmed, linked to a monitoring entre. Areas to be covered are the staircase, the dispensary room, the storage rooms.
- Intruder alarms will be installed with contacts on all doors and with movement detectors in both the dispensary and storage rooms. The alarm will be monitored by an appropriate body.
- Personal attached alarms will be provided within the pharmacy unit, once pressed the alarm will activate a loud alarm at the scene.

Project 14 Swan Lane Bolton	Drawing title Proposed Ground Floor Plan	Scale 1:50	LMC Building Design Limited Architectural design services 4 Dovedale Drive, Ightenhill, Burnley, Lancashire, BB12 8XD Web : www.lmcbuildingdesign.co.uk	
Client Pharmacy Storage Solutions	Drawing number 1622-PL10 B	Date 14.10.16		

Application number
97733/16



**Development & Regeneration Dept
Development Management Section**

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

Bolton Council

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Date of Meeting: 12/01/2017

Application Reference: 97733/16

Type of Application: Full Planning Application
Registration Date: 31/10/2016
Decision Due By: 25/12/2016
Responsible Officer: Helen Williams

Location: LAND AT WALKER FOLD ROAD, BOLTON

Proposal: CHANGE OF USE OF LAND TO PROVIDE 60NO. PERMANENT CAR SPACES, DISABLED PARKING BAYS WITH ACCESSIBLE FOOTPATHS AND TEMPORARY CAR PARKING TO BE USED DURING OCCASIONAL SEASONAL EVENTS. FACILITIES TO ALSO INCLUDE LOCATION FOR A MOBILE POP-UP VISITOR CENTRE, SECURE GATING, BENCHES AND ELECTRICAL HOOK UP POINTS (FOR WOODLAND TRUST USE).

Ward: Horwich North East

Applicant: The Woodland Trust
Agent : Appletons

Officers Report

Recommendation: Approve subject to conditions

Background

This application was deferred by Members at the last Committee meeting (15th December) for the applicant to consider partially funding a proposed reduction in the speed limit on Walker Fold Road from 60 mph to 40 mph, given that the visibility splays proposed to the access to the new car park would fall below what the Council's Highways Engineers would normally request on a 60 mph road.

The applicant (the Woodland Trust) has confirmed that they would be willing to contribute to the legal costs involved in reducing the speed limit (which was estimated as a £3,000 contribution by Members at the last meeting).

Notwithstanding the applicant's willingness to contribute towards the legal costs of reducing the speed limit on Walker Fold Road to 40 mph, officers (along with the Council's Highways Engineers) would continue to advise that the request is not "necessary", "relevant to the development" or "reasonable" with regard to the six conditions tests contained within paragraph 206 of the NPPF.

Highways Engineers have also confirmed that the proposed access to the car park is in the optimal location for it on Walker Fold Road, as it takes into account the levels of the land surrounding Walker Fold Road and the vertical visibility requirements under national guidance. The proposed access can therefore not be improved.

Engineers are currently in discussion with the Police with regard to what would be appropriate and

enforceable with regard to a reduction in the speed limit on Walker Fold Road. Further information regarding this will be reported directly at the meeting.

Should Members continue to request that the applicant contribute to the legal costs of reducing the speed limit on Walker Fold Road to 40 mph, it is advised this is done via a planning condition, worded as follows:

"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 the speed limit on Walker Fold Road and to enable the Local Highway Authority to consult, advertise, promote and implement a speed reduction on Walker Fold Road, to mitigate the likely impact of the development."

Proposal

Permission is sought for the construction of a 60 space car park on land to the west of Walker Fold Road. Access to the car park would be off Walker Fold Road, at a point relatively central to the application site and where there is currently a gate.

The permanent car park would be located to the south of public right of way HOR041 and would include disabled parking bays, bicycle racks, accessible footpaths, a location for a pop-up/mobile visitor centre and a central gathering point with benches. The car park will be gated with a lockable gate at dusk (and will be opened at dawn).

The area to the north of the application site (to the north of HOR041) is proposed as a temporary/overflow parking area, which would be used during events. The applicant envisages that this area would be used approximately twice a year, for community events in the summer and corporate planting events in the winter. Access to the overspill parking will only be opened by Woodland Trust staff for the specific events mentioned, and parking during these events will be controlled by a mix of staff and volunteers who will remain on site until the final vehicles have left the area.

The application site is proposed to be sustainably drained (through SuDS) with permeable surfacing being proposed and a reed bed filtration system.

Additional planting (a mixture of native broadleaved trees) is proposed within the site. The existing dry stone wall along Walker Fold Road is proposed to be rebuilt and extended using the existing stone and local sourced stone to match.

It is the applicant's (the Woodlands Trust) aspiration to promote and improve access to the Smithills Estate, and it is proposed that the development would encourage more people to visit the area. The site was identified by the applicant as the best location for a new car park as it next to existing well-used public footpaths, parking already occurs at this location, it is adjacent a highway and good entrance sightline are achievable, the site is relatively flat, it has low conservation/habitat value, and it would balance parking areas across the estate (there would be car parks to the south, east and west).

Site Characteristics

The application site is approximately 1 hectare in size and is located to the west of Walker Fold Road, just south of the bend where the road becomes Colliers Row Road. The site is roughly rectangular in shape with levels rising to the west. The site contains little vegetation of trees, with a single tree at the field entrance and other scrubby boundary vegetation to the north. Marsh grassland vegetation species dominate the site. The eastern boundary of the site is bounded with a dilapidated dry stone wall.

Public Right of Way HOR041 crosses the application site in a east-west direction. Public Right of Way HOR037 adjoins the site to the north.

There is a graveled verge off Walker Fold Road, by the entrance to footpath HOR037, which currently used for informal parking.

Approximately 25 metres away to the north east are the residential properties at Walker Fold, Walker Fold Farm and The Barn. Over 110 metres away to the south are the residential properties of Dakins, Little Dakins Cottage and Little Dakins.

The application site is located within the Green Belt.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1 Green Bolton; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

Allocations Plan Policies: P8AP Public Rights of Way; CG7AP Green Belt.

SPD Accessibility, Transport and Road Safety.

Analysis

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.

The main impacts of the proposal are:-

- * impact on the purposes and openness of the Green Belt
- * impact on the character and appearance of the area
- * impact on highway safety
- * impact on crime and the fear of crime
- * impact on biodiversity
- * impact on the amenity of neighbouring residents
- * impact on the adjacent public rights of way

Impact on the Openness and Purposes of the Green Belt

Section 9 of the National Planning Policy Framework (NPPF) concerns protecting Green Belt land. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Policy CG7AP of Bolton's Allocations Plan reflects national Green Belt policy.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 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.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include [amongst other things] provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

The proposed development (a new car park) is not a building and therefore does not sit neatly with the above exception criterion. It however is considered that the harm that would be caused by the development to the both the purposes and openness of the Green Belt in this location would be low. The car park would be a facility to encourage outdoor recreation and would not affect the openness of the Green Belt in this location.

As the proposed development is not clearly "appropriate" development within the Green Belt, the applicant has submitted the following as very special circumstances to support the proposal:

- * The economic benefits of increased tourism to area/borough;
- * Health related benefits of informal recreation, by encouraging more people to access the public rights of way in the area and engage with the outdoors;
- * Educational facilities by way of the pop-up/mobile visitor centre;
- * Road safety benefits by removing the need to park on the roadside verges and laybys. The car park will provide a safe and secure parking area set away from the road;
- * Conservation and enhancement for public use of the Smithills Estate. There will be increased tree planting.

It is considered that the public benefits associated with the proposed development clearly outweigh the limited harm that would be caused to the purposes and openness of the Green Belt in this location. It is therefore considered that the proposal would comply with section 9 of the NPPF and Policy CG7AP of Bolton's Allocations Plan.

Impact on the Character and Appearance of the Area

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, 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, and maintain the respect the landscape character of the surrounding area and its distinctiveness. Policy OA1 of the Core Strategy states that the Council will conserve and enhance the character of the existing landscape and physical environment and will ensure that new development does not harm the landscape setting and protects views from public areas to the surrounding landscape.

The site contains little vegetation of trees, with a single tree at the field entrance and other scrubby boundary vegetation to the north. Marsh grassland vegetation species dominate the site. The eastern boundary of the site is bounded with a dilapidated dry stone wall.

The proposed permanent car park area has been sensitively designed to reflect the contours of the site and to create an informal looking layout, with spaces separated by new planting. The car park is to be surfaced in gravel within 'geocells' to stabilise the gravel and sustain continuous vehicle movements. A condition requesting further details of the type of gravel to be used is suggested by officers.

The proposed temporary/overspill parking area would be laid with re-enforced matting to prevent drainage issues and to support the grass area.

The existing dry stone wall along Walker Fold Road is proposed to be rebuilt and extended using the existing stone and local sourced stone to match.

Additional tree planting is proposed by the applicant both within and outside the site (on the applicant's land) to help screen the proposed parking areas (mainly along the boundaries). The Council's Landscape Officers have asked for further details of the proposed landscaping, which would include the species choice and a planting schedule. A landscaping condition is therefore suggested, should the application be approved.

It is considered that the proposed development is well designed and would conserve the character of the area, compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on Highway Safety

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport and parking (in accordance with the parking standards set out in appendix 3). Policy S1.2 states that the Council will promote road safety in the design of new development.

The proposed development would provide 60 permanent car parking spaces. A proposed overspill/temporary parking area to the north of the site would allow for further parking when events are being held (the application estimates that this would be approximately twice a year). Access into the car park would be off Walker Fold Road, where there is currently a gated access.

The Council's Highways Engineers have stated that the normal required junction/forward visibility for the proposed access, as Walker Fold Road is a national speed limit road (60mph), would be 215 metres. Owing to the lie of the land on the southern approach and the bend and the farm on the northern approach, this requirement is unachievable. The applicant has therefore submitted a highways statement (written by an independent transport consultant) to justify a relaxation in these viability standards. This includes traffic counts, speed counts and the accident records for the surrounding highways. The speed measurements data submitted appear to indicate that the average 85th percentile speeds for the northbound/southbound approach to the site range from between 37 to 47 mph respectively over a 24 hour period. The Council's Engineers state, based on guidance for these maximum speeds, a requirement of 120 metres of visibility would be required at the access junction to the car park. Engineers also state that Manual for Streets guidance gives a greater relaxation on these standards (59 metres). As the submitted plans show visibility splays of 112 metres to the north and 120 metres to the south, and given that the car park will have limited impact on the operational capacity of the surrounding highway, Engineers consider that the proposed access would pose limited road safety implications.

Councillor Silvester has asked if the applicant could contribute towards the legal costs involved in having the speed limit on Walker Fold Road reduced from 60mph to 40mph. Officers do not consider that it would be necessary, relevant to the development or reasonable for the local

planning authority to ask the applicant to pay towards the reduction of the speed limit on Walker Fold Road as the Council's Highways Engineers consider that the proposed new access from the car park onto Walker Fold Road would be acceptable in highway terms and that the car park would only have a limited impact on the operational capacity of the highway. It is therefore considered that such a requirement of the applicant would not meet the "condition tests" set out on paragraph 206 of the NPPF.

It is therefore considered, subject to the conditions suggested by the Council's Highways Engineers, that the proposed development would not jeopardise highway safety and therefore would be compliant with Policies P5 and S1.2 of Bolton's Core Strategy.

Impact on Crime and the Fear of Crime

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

It is proposed that the car park would be closed at nighttimes with a lockable gate (the pair of heavy duty steel gates with a shroud-covered padlock would be locked at dusk and then opened again at dawn by a local party under contract to the Woodland Trust). This would prevent access onto the site out of hours, as would the control flow plates that are proposed also at the entrance to the car park). The applicant has stated that similar arrangements are in operation at two other Woodland Trust properties in the south east of England, and these have operated successfully for years without major problem.

Local residents have raised concern that the gated access would not be a deterrent to people who want to enter the car park at night. It is acknowledged that people could enter the car park on foot if they were so inclined to do so, as they can currently do. Officers do not consider that the erection of security fencing could be an option as this would have a detrimental effect on the character and appearance of the area. It should however be noted that the car park will not be lit and the applicant, having consulted the police prior to the submission of the application, has confirmed that the site would feature as part of an on-going patrol plan for the PCSOs in the area.

It is considered that the proposed development has taken into account the need to reduce crime and the fear of crime, and therefore complies with Policy S1.1 of Bolton's Core Strategy.

Impact on Biodiversity

Policy CG1.1 of Bolton's 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.

Whilst the application site is adjacent the High Shores Clough Site of Biological Importance (SBI) (which is to the north, on the other side of Public Right of Way HOR037), it is considered that the application site is not of high value. The Council's Wildlife Officer has confirmed that the proposed development would not cause any significant impact on the biodiversity of the area.

Officers have commented that any loss of marshy grassland on site (a Biodiversity Action Plan (BAP) habitat) would be mitigated through wildlife benefits of providing swales and a reed bed on site for surface water attenuation, along with the proposed additional tree and shrub planting.

The proposed amended SSSI (Site of Special Scientific Interest) boundary is some distance to the north of the application site (some distance further uphill).

It is therefore considered that the proposed development would safeguard the biodiversity of the site

and the area, compliant with policy CG1.1 of Bolton's Core Strategy.

Impact on the Amenity of Neighbouring Residents

Policy CG4 of Bolton's 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.

The nearest neighbouring residential properties to the application site are approximately 25 metres way (to the north east) at Walker Fold, Walker Fold Farm and The Barn. The part of the application site closest to these residents (the northern part of the site) would comprise the overspill/temporary car park, which the applicant estimates would only be used approximately twice a year, and during the daytime. It is therefore considered that this proposed use would not unduly harm the amenity of the neighbouring residents.

The proposed permanent car park would be over 60 metres away from the nearest residential property at The Barn, which would not have a direct view of the car park. The car park would only be used from dawn to dusk and would not be lit. It is therefore considered that the car park would not unduly affect the amenity of neighbouring residents by reason of noise, nuisance or light pollution.

The residential properties of Dakins, Little Dakins Cottage and Little Dakins are over 110 metres away to the south.

It is considered that the proposed development would not unduly harm the amenity of any neighbouring resident, compliant with Policy CG4 of the Core Strategy.

Impact on the Adjacent Public Rights of Way

Allocations Plan Policy P8AP states that the Council will permit development proposals affecting public rights of way provided that the integrity of the right of way is retained.

Public Right of Way HOR041 crosses the application site in a east-west direction. Public Right of Way HOR037 adjoins the site to the north.

The routes of both footpaths will be retained.

The aim of the proposed development is to promote and improve access to and within the Smithills Estate. It is anticipated that the proposed car park would encourage more people to visit the area and to use the adjacent public rights of way.

It is therefore considered that the proposed development complies with policy P8AP of Bolton's Allocations Plan.

Local finance considerations

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

For the reasons discussed above it is considered that the public benefits associated with the proposed development outweigh the limited harm that would be caused to the purposes and openness of the Green Belt in this location, that the character and appearance of the area would not be harmed, that highway safety would not be jeopardised, that the biodiversity of the site and the

area would not be harmed and that the amenity of neighbouring residents would not be unduly harmed.

Members are therefore recommended to approve this application.

Representation and Consultation Annex

Representations

Letters:- nine letters of objection have been received from local residents. These raise the following concerns:

- * Do not believe there is a parking problem in the area; the large car park is unjustified; the informal verge is only used by a handful of cars;
- * Too big; Too many spaces proposed (*officer's comment: the applicant has stated that the data they have of current parking/visitors to the area justify the need for 60 parking spaces*);
- * There are other car parks in the area (Barrow Bridge and Horrocks Fold) that could be used; Other sites would be better (*officer's comment: the site was identified by the applicant as the best location for a new car park as it next to existing well-used public footpaths, parking already occurs at this location, it is adjacent a highway and good entrance sightline are achievable, the site is relatively flat, it has low conservation/habitat value, and it would balance parking areas across the estate (there would be car parks to the south, east and west)*);
- * It will be underused if the Woodland Trust intend to charge for parking. People would continue to park on the road (*officer's comment: the applicant has confirmed that there are currently no plans to charge for parking at the site*);
- * Road safety concerns from speeding vehicles on the road, with vehicles entering and leaving the car park;
- * The road survey was conducted at a quiet time of year;
- * Safety for pedestrians, cyclists and horse riders using the road;
- * It will be an everlasting eyesore in the landscape; Impact on landscape and moors;
- * Inappropriate development in the Green Belt;
- * Views from public places will be affected;
- * Anti-social behaviour within the car park (littering, fly tipping, substance abuse, drinking, travellers);
- * Lack of security, especially at night. The locked gates would not be a deterrent;
- * Impact on wildlife, habitat and wildlife corridors;
- * No toilets are proposed;
- * Are the ground levels to be altered? (*officer's comment: the car park has been designed to following the existing contours of the site, however officer's are suggesting a condition that the proposed levels are agreed prior to commencement of development*);
- * There are no details about the proposed tree planting (*officer's comment: details of the proposed planting is requested by condition*).

Horwich Town Council:- raised no objection at their meeting of 24th November 2016.

Elected Members:- Cllr. Richard Silvester has commented on the application. He states that he wishes to see a Section 106 Agreement for this development for the legal costs for a Traffic Regulation Order to reduce the speed limit on Walker Fold Road from 60mph to 40mph. He also would like to see biodiversity protected, with the provision of ponds, swales and a reed bed for surface water attenuation, along with additional planting.

Officer's comment:- It is not considered that it would be necessary, relevant to the development or reasonable (three of the six conditions tests within paragraph 206 of the NPPF) for the local planning authority to ask the applicant to pay towards the reduction of the speed limit on Walker Fold Road as the Council's Highways Engineers consider that the proposed new access from the car park onto Walker Fold Road would be acceptable in highway terms and that the car park would only have a limited impact on the operational capacity of the highway. Swales and a reed bed is to be provided on the site, as will additional tree planting (which is requested by a landscape condition).

Consultations

Advice was sought from the following consultees: Highways Engineers, Landscape Officers, Wildlife Officers, Public Rights Of Way Officer, Ramblers Association, Peak and Northern Footpaths Society, the Open Spaces Society, Wildlife Project, Natural England and Greater Manchester Police.

Planning History

Advertisement consent application 97783/16 for the siting of two advertisement boards had not been determined at the time of writing the officer's report.

There is no planning history for the application site.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

2. Prior to the commencement of development hereby approved/permitted, all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of the speed limit on Walker Fold Road and to enable the Local Highway Authority to consult, advertise, promote and implement a speed reduction on Walker Fold Road, to mitigate the likely impact of the development.

Reason

In the interests of highway safety and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

3. Before the approved development is commenced details of the existing and proposed ground levels within the site 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 to comply with policy CG3 of Bolton's Core Strategy.

4. Prior to the commencement of development full details of any highway works on Walker Fold Road associated with the proposed car park access 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 to comply with policies P5 and S1.2 of Bolton's Core Strategy.

5. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the

Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape and to comply with policy CG3 of Bolton's Core Strategy.

6. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Walker Fold Road shall be constructed to a minimum width of 5.0 metres with 5.0 metres radii and with hard surfacing for 5.0 metres into the site in accordance with the drawing ref 2060_02.

Reason

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

7. Prior to the development hereby approved/permitted being first brought into use a northern visibility splay measuring 2.4 metres by 112 metres shall be provided at the junction of the car park access with Walker Fold 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 to comply with policy S1.2 of Bolton's Core Strategy.

8. Prior to the development hereby approved/permitted being first brought into use a southern visibility splay measuring 2.4 metres by 120 metres shall be provided at the junction of the car park access with Walker Fold 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 to comply with policy S1.2 of Bolton's Core Strategy.

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 and drained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

Reason

To encourage drivers to make use of the parking and circulation areas provided and to ensure that the surface material is compatible with the site's setting, and to comply with policies P5, S1.2 and CG3 of Bolton's Core Strategy.

10. Before the approved/permitted development is first brought into use no less than 60 car parking spaces shall be marked out and provided within the curtilage of the site, in accordance with drawing ref: 2060_02. 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.

11. The approved cycle parking shall be implemented in full before the development hereby approved is first occupied or brought into use and retained thereafter.

Reason

To encourage cycle use and provide adequate facilities for cyclists and to comply with policy P5 of Bolton's Core Strategy.

12. As shown on the approved plans, prior to commencement of development a scheme indicating the provision to be made for not less than 2 car parking spaces or 6% of the total car parking spaces, whichever is the greater, shall be submitted to and approved by the Local Planning Authority. The approved car parking area shall be laid out and reserved at all times for use by drivers with disabilities before the development hereby approved/permitted is first brought into use and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure persons with disabilities are able to use the facility pursuant to the provisions of the Chronically Sick and Disabled Persons Act 1970.

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

2060_02; "Car Park Infrastructure Plan"; dated October 2016
"Landscape Masterplan"; received 24 Oct 2016

Reason

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



Application number 97782/16



Development & Regeneration Dept
Development Management Section

Town Hall, Bolton, Lancashire, BL1 1RU
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Bolton Council

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Date of Meeting: 12/01/2017

Application Reference: 97782/16

Type of Application: County Matters
Registration Date: 31/10/2016
Decision Due By: 29/01/2017
Responsible Officer: Helen Williams

Location: MONTCLIFFE QUARRY, GEORGES LANE, HORWICH, BOLTON, BL6 6RT

Proposal: VARIATION OF CONDITION 2 ON PLANNING APPROVAL 86368/11 (TO EXTEND DEADLINE FOR COMMENCEMENT OF RESTORATION TO ALLOW THE REMAINING PERMITTED RESERVES WITHIN MONTCLIFFE QUARRY TO BE FULLY WORKED AND THE SITE PROGRESSIVELY RESTORED) MINERAL EXTRACTION SHALL CEASE IN 2033 AS OPPOSED TO 2021

Ward: Horwich North East

Applicant: Armstrong Aggregates Ltd
Agent : The Mineral Planning Group Ltd.

Officers Report

Recommendation: Approve subject to conditions

Proposal

The current planning permissions for Montcliffe Quarry (86368/11 and 93076/14) allow for mineral extraction at the quarry until 20th February 2021 (conditioned within condition 2 of both applications).

The applicant is now proposing to vary condition 2 of planning approval 86368/11 to allow an extension of the end-date until 20th February 2033 for the extraction of the permitted reserves at the quarry and for the phased restoration of the quarry (an additional 12 years).

The applicant has stated that they are applying for this extended end-date, "...to allow sufficient time for the essential (HSE required) re-profiling of the north-eastern face of Montcliffe Quarry, the full extraction of remaining already permitted reserves, and the proper restoration of the quarry."

The applicant was granted permission at Committee in February 2015 for the re-profiling and extension of the quarry at the north-eastern face (under application 93076/14). At this time the applicant had expected (and stated within their submission) that the quarrying operations would continue at the existing extraction rate without interruption to the permitted end-date of 20th February 2021. The applicant has now however confirmed that the work involved in re-profiling the north-eastern face has resulted in a lower rate of extraction of the permitted reserves from the floor of the quarry, and this has been coupled with a decline in the market which has also dictated a

downtown in the rate of extraction. The applicant now predicts a daily extraction rate of 550 tonnes instead of the 910 tonnes per day (as anticipated during the determination of application 93076/14), hence the requirement to extend the end-date for the quarry operations.

The proposed extension of the end-date would ensure that the permitted mineral reserves within the quarry are not sterilised (which would be contrary to the aims of section 13 of the NPPF and the Greater Manchester Joint Minerals Plan). The proposed development would not affect the end-date to the re-profiling of the north-eastern quarry face (which remains as conditioned under planning approval 93076/16: 20th February 2021). The application would only affect the end-date for extracting minerals from the quarry floor: the applicant predicts there is a remaining 650,000 tonnes of material in the floor of the quarry.

No other amendments are sought to previous approvals for the site.

The working hours for the operations are proposed to be the same as the permitted hours, those being 07:00 to 18:00 hours Monday to Friday and 07:30 to 13:00 hours Saturdays (with no production works being undertaken on Saturday afternoons, Sundays or Bank Holidays).

Access to the site would be from the existing private access from Georges Lane into the site. Within the site internal haul routes would continue to be utilised. The existing weighbridge, wheel cleaning facilities, sheeting bay and offices would also continue to be used.

It is proposed that the minerals production from Montcliffe Quarry would be at an average rate of approximately 150,000 tonnes per annum. This equates to a daily rate of approximately 550 tonnes (29 vehicles in and 29 vehicles out - which is less than the permitted 100 HGV movements in and 100 HGV movements out conditioned within 86368/11). All vehicles will continue to be sheeted.

Site Characteristics

The application site is Montcliffe Quarry. Montcliffe Quarry occupies approximately 25 hectares and is currently (and has been historically) utilised for mineral extraction (sandstone/gritstone aggregate and blockstone). The site currently has planning permission for its reserves to be fully worked and progressively restored until February 2021 (under approval 86368/11) and for the re-profiling of the north-eastern face, which includes the extension of the quarry into the land behind it (under approval 93076/14).

The application site is within Green Belt, Winter Hill and Smithills Moor Site of Biological Importance (SBI) (Grade A) and the Upland Moorland Hills Landscape Character Area. The site is also within the Area for Search for Sandstone.

Public right of way (PROW) HOR060 runs through the application site, along the edge of the north eastern quarry face. PROWs HOR055 and HOR023 run to the east and HOR015 runs to the north.

The nearest residential properties are sited on Matchmoor Lane (approximately 420 metres to the south east), Makinson Road (approximately 430 metres to the south), and Georges Lane (closest properties approximately 440 metres to the south west).

Policy

National Planning Policy Framework (NPPF) – Sections 1 Building a strong, competitive economy; 4 Promoting sustainable transport; 9 Protecting Green Belt land; 10 Meeting the challenge of climate change, flooding and coastal change; 11 Conserving and enhancing the natural environment; 13 Facilitating the sustainable use of minerals.

National Planning Policy Guidance - Minerals

Greater Manchester Joint Minerals Plan April 2013

Core Strategy Policies: P4 Minerals; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener Bolton; CG3 The Built Environment; CG4 Compatible Uses; OA1 Horwich and Blackrod.

Allocations Plan Policies: P8AP Public Rights of Way; CG7AP Green Belt.

SPD Accessibility, Transport and Safety

Analysis

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.

The main impacts of the proposal are:-

- * impact on the sustainable use of minerals
- * impact on the purposes and openness of the Green Belt
- * impact on the landscape
- * impact on residential amenity
- * impact on traffic and the surrounding highways
- * impact on ecology

Impact on the Sustainable Use of Minerals

Paragraph 142 of the NPPF states that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation. Paragraph 144 states, amongst other things, that local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy.

One of the objectives of the Greater Manchester Joint Minerals Plan (2013) is to provide a steady and adequate supply of minerals to meet Greater Manchester's needs and identifies the requirements for Greater Manchester to make an appropriate contribution towards the supply of primary aggregates within the North West and to maintain an adequate landbank for sand and gravel and crushed rock.

The Minerals Plan identifies Montcliffe Quarry as an existing minerals site contributing towards the minerals landbank in Greater Manchester.

The NPPF introduced a requirement for Mineral Planning Authorities to plan for a steady and

adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA). The LAA for Greater Manchester, Merseyside and Halton and Warrington (2016) explains that most sites for the production of land-won material are located in Greater Manchester, which has seen one recent site closure and one new planning permission during 2015 (the extension of Montcliffe Quarry under planning approval 93076/14). However the general trend has been one of declining reserves within the sub-region due in large part to the heavily urban nature of the area and the lack of workable aggregate resources within it. Although the sub-region remains compliant with its landbank obligations for the moment, it is likely to become more challenging to maintain this position over time. The sub-region imports considerable amounts of aggregate.

Greater Manchester Minerals and Waste Planning Unit has been consulted on the application. They state that Montcliffe Quarry is a supplier of aggregates to the local area and is an important contributor to the Greater Manchester and sub-regional landbank. The Unit agree that the proposal would allow time for the remaining permitted reserves at the site to be worked and that it would support the objectives of the Greater Manchester Joint Minerals Plan.

Impact on the Purposes and Openness of the Green Belt

Section 9 of the NPPF seeks to protect Green Belt land. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 90 confirms that mineral extraction is not inappropriate development in the Green Belt provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

Allocations Plan Policy CG7AP is reflective of national Green Belt policy.

The quarry extension/operations were approved back in 1995 (under application 44430/93), with the end-date for extraction being extended under applications 72520/05 and 86368/11. A further extension to the quarry (at the north-eastern face) was approved in February 2015 under application 93076/14. This latest proposal again seeks to extend the end-date for mineral extraction at the quarry (floor only). The mineral to be extracted is already permitted reserves and therefore no further extension to the quarry (faces and floor) are sought beyond that already approved under the previous applications.

The proposed development would therefore not have any further affect on either the openness or purposes of the Green Belt.

It is therefore considered that the proposal complies with Allocations Plan Policy CG7AP.

Impact on the Landscape

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness ensuring development has regard to the landscape quality of the area, and will maintain and respect the landscape character of the surrounding countryside and its distinctiveness. Any soft landscaping and landscape enhancement schemes should enhance biodiversity and be compatible with the nearby landscape types identified by the Landscape Character Assessment. Policy OA1.11 refers specifically to development in Horwich and Blackrod and states that the Council will ensure that new development does not harm the landscape setting and protects views from public areas to the surrounding landscape.

The application site and the wider area are within the Upland Moorland Hills Landscape Character Area. To the east of Montcliffe Quarry (other side of Makinson Lane and a public footpath) is Pilkington Quarry. To the north and west is an expansive area of Open Access land which consists

primarily of moorland. This rounded moorland upland provides long and expansive views across the lowland areas of the Middlebrook Valley to the south and south east. To the south east are gentler lower slopes.

The proposed extension to the end-date for mineral extraction at, and restoration of, the quarry will result in the quarry continuing to be an intrusive feature within the landscape for potentially a further 12 years. Should this latest application be approved the restoration of the quarry would need to be completed by 2033. The quarry is proposed to be restored in accordance with a restoration masterplan, to facilitate natural regeneration of the grassland and heathland. The proposed restoration is intended to create a final landform and topographic shape that will merge into the adjacent landscape and appear as a natural feature, typical of the locality.

The principle of the works at the quarry and the final restoration of the land have already been approved under previous applications. This latest proposal would only delay the date by which the quarry would be re-landscaped.

As the proposed harm to the landscape will only be temporary in nature and as the development will eventually better blend into the landscape following its restoration (an estimated two to four years following completion of the extraction works), it is considered that the proposed development would not permanently harm the landscape setting of the area, compliant with Policies CG3 and OA1.11 of the Core Strategy.

Impact on Residential Amenity

Paragraph 144 of the NPPF states that when determining planning applications for mineral extraction, local planning authorities should [amongst other things] ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.

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 should not generate unacceptable nuisance, odours, fumes, noise or light pollution.

The nearest residential properties are sited on Matchmoor Lane (approximately 420 metres to the south east), Makinson Road (approximately 430 metres to the south), and Georges Lane (closest properties approximately 440 metres to the south west).

No extension to the hours of operation at the quarry are proposed. These will remain between 07:00 and 18:00 hours Monday to Friday and between 07:30 and 13:00 hours on Saturdays. These hours of operation will again be conditioned should this application be approved.

Also, should this application be approved, it is recommended that the conditions attached to approval 86368/11 restricting drilling operations, blasting operations, and noise levels from operations and plant, equipment and machinery be attached again to this latest application.

The operations involved in the extraction and processing of aggregate have the potential to generate dust emissions (soil stripping, vehicle movements, drilling of shot holes necessary for blasting operations, mineral processing, and haulage of material off site). Previous assessments submitted with regard to the development conclude that any dust occurrence event will be limited and of short duration and will be minimised by the implementation of the dust control recommendations, which have previously been conditioned and will again be conditioned should this application be approved.

The Council's Pollution Control Officers have raised no objection to the proposal and recommend that

all previous conditions protecting residential amenity are attached again to any new approval.

It is therefore considered, subject to the existing conditions, that the proposed extension to the end-date for extraction at the quarry would continue not to unduly harm the amenity of neighbouring residents, compliant with Policy CG4 of Bolton's Core Strategy.

Impact on Traffic and the Surrounding Highways

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] freight movements and serving arrangements. Policy S1.2 states that the Council will promote road safety in the design of new development.

Access into the quarry will remain via an existing private access from Georges Lane. Within the site internal haul roads would continue to be used, and a new haul road would be constructed within the quarry to gain access to the north eastern quarry face to undertake the re-profiling works. The existing weighbridge, wheel cleaning facilities, sheeting bay and offices would also continue to be utilised.

Condition 23 of planning approval 86368/11 restricts vehicle movements associated with Montcliffe Quarry to no more than 100 HGV movements in and 100 HGV movements out of the site Mondays to Fridays and no more than 50 in and out on Saturdays. The applicant predicts, at an average extraction rate of approximately 150,000 tonnes per annum and a daily rate of approximately 550 tonnes, there would be 29 vehicles in and 29 vehicles out on a daily basis. This is therefore below the currently permitted vehicle movements.

The Council's Highways Engineers have raised no objection to the proposal, on the basis that no additional vehicle movements are proposed.

It is therefore considered that the proposal would not jeopardise highway safety, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on Ecology

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.

The operational works at Montcliffe Quarry have previously been approved and were considered not to have a negative impact on biodiversity. Greater Manchester Ecology Unit have raised no objection to the latest proposed development.

It is therefore considered that the proposed development would comply with Policy CG1.1 of the Core Strategy.

Local finance considerations

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

For the reasons discussed above, it is considered that the proposed extension of the end-date at Montcliffe Quarry to allow for mineral extraction until 20th February 2033 (as opposed to the approved end-date of 20th February 2021) would support the objectives of section 13 (Minerals) of the National Planning Policy Framework and the Greater Manchester Joint Minerals Plan, and would

have no further harm on the purposes and openness of the Green Belt, the character and appearance of the landscape, the amenity of neighbouring residents, the highway or biodiversity than the previous approvals. Members are therefore recommended to approve this application, subject to the suggested condition.

Representation and Consultation Annex

Representations

Letters:- Seven letters of objection have been received, raising the following concerns:

- * Another 12 years of huge wagons visiting the quarry;
- * Traffic implications on surrounding roads;
- * Risk to water supply to neighbouring dwellings (which comes from a spring on Fleet Moor);
- * Prolonged risk to the water table in the area either through contamination or water table levels (*officer comment: the groundwater table is considerably below the previously approved maximum quarrying depth of 264m AoD. This has been confirmed within previous planning submissions*);
- * Prolonged effects and dangers to residents, walkers, cyclists and horse riders; Health and safety of highway and footpath users;
- * Blasting will cause horses using the nearby bridleways being frightened and spooked and may bolt;
- * Impact on the West Pennine Moors as a habitat;
- * Negative impact on tourism in the area;
- * Isn't the quarry already big enough? (*officer comment: the size of the quarry is not increasing beyond that previously approved (the applicant will be continuing to work permitted reserves)*);
- * Concerns about land instability of the surrounding area;
- * This is the third time that the quarry owners have applied for an extension to the finishing and restoration date - yet another agreement broken.

Horwich Town Council:- raised an objection to the proposal at their meeting of 24th November 2016.

Consultations

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Pollution Control Officers, Public Rights of Way Officer, the Environment Agency, Greater Manchester Minerals and Waste Planning Unit, Greater Manchester Ecology Unit, Coal Authority, Greater Manchester Archaeological Advisory Service, Ramblers Association, Peak and Northern Footpaths Society and the Open Spaces Society.

Planning History

Permission was granted at Planning Committee in February 2015 for the re-profiling and stabilisation works of the north eastern face of the quarry to alleviate health and safety concerns identified through a quarry regulations appraisal (93076/14). This involved the proposed creation of five 14-15 metre high benches over an area of 3.4 hectares. The proposed re-profiling works was expected to yield some 1.4 million tonnes of mineral, mainly aggregate with a small portion of blockstone (dimension stone).

Permission was granted in February 2012 for the variation of condition 2 on approval 72520/05 (to remove the deadline for the commencement of the restoration to allow the remaining permitted reserves within Montcliffe Quarry to be fully worked and the site progressively restored) (86368/11). This gave a deadline for mineral extraction until 20/02/21 and quarry restoration until 20/02/23.

Permission was granted at Committee in July 2006 for the variation of condition 2 on approval 44430/93 to allow additional time to complete mineral extraction by 21/09/2011 and quarry restoration by 21/09/2012 (72520/05).

An application to vary condition 6 on 44430/93, withdrawing permitted development rights for all

forms of ancillary development was approved in February 1998 (51995/97).

In May 1997 permission was granted for the erection of a workshop building and store (50494/97).

Permission was granted in September 1995 for the extension of quarrying operations including landscaping and improved vehicular access (44430/93). The deadline for mineral extraction on this permission was 21/09/2005 and the quarry restoration 21/09/2007.

Application 41404/92 for the extension of quarrying operations including the relocation of weighbridge, weighbridge office and sheeting bays, erection of WC with septic tank, alterations to access and landscaping was refused in February 1992.

Application 39202/92 for the extension of the quarry and associated landscaping works was refused in December 1991.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The mineral extraction for which this permission is hereby granted shall cease not later than **20th February 2033** and the site shall then be restored in accordance with the conditions of this permission and in any event within a further period of two years from the cessation of extractive operations, whichever is the earlier.

Reason

To ensure a satisfactory form of development and control of life of the site.

2. A five year aftercare scheme shall be submitted for the approval of the Mineral Planning Authority not later than one year after the date of this permission and shall specify the steps to be taken and the periods during which they are to be taken. The aftercare plan shall provide for an annual review between the mineral operator and the Mineral Planning Authority at which time such a scheme may be varied as necessary and thereafter implemented in accordance with the agreed scheme.

Reason

To ensure the satisfactory restoration of the site and to comply with policies CG1.1, CG3 and OA1 of Bolton's Core Strategy.

3. Each blasting operation at the quarry shall be monitored and the results recorded to assess vibration propagation. At 3 monthly intervals the results and regression curves of peak particle velocity against scale distance shall be supplied to the Mineral Planning Authority. The regression curves supplied shall be the mean curve and the 95% percentile limit curve.

Reason

To ensure comprehensive monitoring of the blasting operations and to protect the amenities of neighbouring properties, and to comply with policy CG4 of Bolton's Core Strategy.

4. Unless otherwise agreed in writing with the Mineral Planning Authority, monitoring of noise from site operations shall be undertaken once a quarter for a one hour period on any working day, or at a time interval to be agreed with the Mineral Planning Authority at the noise control points at Hill Top, Hill Crest, Rocky Mount and Montcliffe House, Georges Lane , 1 and 2 Grundy Cottages, Makinson Lane, and the properties at Montcliffe Cottages, Georges Lane. The results of the monitoring shall be recorded and submitted to the Mineral Planning Authority on the last working day of each calendar quarter for the duration of the operations and shall include:-

a) The measured one hour LAeq in dB;

- b) Date and time of measurement;
- c) Description of site activities;
- d) Details of measuring equipment; and
- e) Weather conditions including wind speed and direction.

Reason

To protect neighbouring residential amenity and to comply with policy CG4 of Bolton's Core Strategy.

5. Within a period of 3 months from the cessation of extractive and restoration operations hereby permitted, a scheme for the removal of all plant, machinery, buildings, foundations and hard surfaced service areas associated with the quarrying operations, and subsequent restoration of those areas, shall be submitted to the Mineral Planning Authority for approval. Such scheme shall be implemented within a further period of 9 months from the date of approval in accordance with the restoration and aftercare requirements of this permission unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

To ensure the satisfactory restoration of the site and to comply with policies CG3 and OA1 of Bolton's Core Strategy.

6. No work on the site (including the repair of plant machinery and the movement of such machinery) shall be carried out on the site outside the following hours:-

07:00 to 18:00 hours Mondays to Fridays
07:30 to 13:00 hours Saturdays

unless previously agreed in writing with the Mineral Planning Authority or specified elsewhere by this permission.

Reason

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

7. No drilling operations in conjunction with the working of any benches shall be carried out on the site outside the following hours:-

07:00 to 17:30 hours Mondays to Fridays
08:00 to 12:00 hours Saturdays

Reason

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

8. No blasting operations shall be carried out on the site outside the following hours:-

10:00 to 12:00 and 13:00 to 15:00 hours Mondays to Fridays

In the event of a blast being necessary outside those hours the Mineral Planning Authority shall be notified immediately and in any event within 48 hours of the blast occurring.

Reason

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

9. Blasting operations shall not result in ground vibrations with a peak particle velocity greater than

10mm per second in any plane as measured at the nearest occupied building to such operations and 95% of all blasts throughout the duration of operations shall not exceed a peak particle velocity of 6mm per second.

Reason

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

10. Noise from any activity (with the exception of those relating to top soil and stripping) shall not exceed the equivalent continuous sound level (LAeq, 1 hour) measured over a one hour period of 55dB as measured 3 metres from the facade of those noise sensitive properties located at Hill Top, Hill Crest, Rocky Mount and Montcliffe House, Georges Lane, 1 and 2 Grundy Cottages, Makinson Lane, and the properties at Montcliffe Cottages, Georges Lane.

Reason

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

11. Operations relating to top soil and stripping and other works in connection with landscaping and restoration shall not exceed an equivalent continuous sound level (LAeq, 1 hour) measured over a one hour period of 70dB as measured 3 metres from the facade of those noise sensitive properties located at Hill Top, Hill Crest, Rocky Mount and Montcliffe House, Georges Lane, 1 and 2 Grundy Cottages, Makinson Lane, and the properties at Montcliffe Cottages, Georges Lane.

Reason

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

12. All plant, equipment and other machinery used in connection with the development, operation, maintenance and restoration of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturers original specification and maintained in such conditions at all times.

Reason

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

13. The details of the measures to be taken to ensure that all operations on the site do not give rise to dust or wind blown material being carried onto adjoining property (as set out in planning submission 86368/11) shall be implemented in full.

Reason

To protect neighbouring residential amenity and to comply with policy CG4 of Bolton's Core Strategy.

14. The existing access from Georges Lane shall be retained as the sole means of access to the site and the existing weighbridge, wheel cleaning facilities, sheeting bay and office buildings shall remain available for use in conjunction with the access and proposed works until the completion of the development hereby approved/permitted.

Reason

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

15. Not more than 100 heavy goods vehicle (HGV) movements to the site and 100 HGV movements from the site (including those to enable the full restoration of the whole areas of the site subject to quarrying) shall take place during any single day Monday to Friday and no more than 50 HGV movements to and 50 from the site on Saturdays. There shall be no HGV vehicle movements on Sundays and Bank Holidays.

Reason

In the interests of the amenities of local residents, highway safety and the protection of the surrounding highway infrastructure, and to comply with policies P5, S1.2 and CG4 of Bolton's Core Strategy.

16. All vehicles transporting extracted materials from the site shall be suitable sheeted to prevent the deposition of material from the vehicle.

Reason

To protect the amenities of the area and to comply with policies S1.2 and CG3 of Bolton's Core Strategy.

17. No restoration materials shall be imported into the quarry for the restoration of the application site unless otherwise approved in writing by the Mineral Planning Authority.

Reason

For the avoidance of doubt, as the applicant has stated that the restoration material will be from the overburden material.

18. No mineral working shall take place below the 264 metre (AoD) level or 1 metre above the water table should it be encountered.

Reason

For avoidance of doubt and to comply with policy CG1 of Bolton's Core Strategy.

19. Any oil or chemical storage tank(s) on the site shall be sited on impervious bases and surrounded by liquid tight bund walls; the bunded area shall be capable of containing 110% of the tanks volume and shall enclose fill and draw pipes.

Reason

To protect the amenities of the area and prevent a potential source of pollution, and to comply with policy CG4 of Bolton's Core Strategy.

20. The landscaping scheme approved under application 86368/11 shall be progressively undertaken in accordance with the phased programme. Any trees or shrubs which for any reason die or are removed or felled within 5 years of being planted shall be subsequently replaced with new stock as may be agreed with the Mineral Planning Authority and thereafter maintained for a period of 5 years.

Reason

To ensure the satisfactory restoration of the site and to comply with policies C1.1, Cg3 and OA1 of Bolton's Core Strategy.

**Application number
97790/16**



**Development & Regeneration Dept
Development Management Section**

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

**Bolton
Council**

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Date of Meeting: 12/01/2017

Application Reference: 97790/16

Type of Application: Full Planning Application

Registration Date: 31/10/2016

Decision Due By: 25/12/2016

Responsible Officer: Kara Hamer

Location: 14 KILMAINE DRIVE, BOLTON, BL3 4RU

Proposal: CHANGE OF USE OF LAND TO DOMESTIC USE AND RETENTION OF BOUNDARY FENCE ON THE SIDE OF THE HOUSE (AT POINT 'Y') REMOVAL OF THE REST OF THE FENCING AND PROPOSED SINGLE GATE IN THE FAR CORNER OF GARDEN

Ward: Heaton and Lostock

Applicant: Mr Iqbal

Agent :

Officers Report

Recommendation: Approve subject to conditions

Background

The application for change of use of land to domestic garden and retention of boundary fence has previously been refused twice, initially by officers under delegated powers (93587/15) and then followed by a refusal by Members at Committee (94843/15).

The proposal comprised the change of use of open land to domestic garden and retention of a 2 metre high fence which enclosed this land and the remainder of the curtilage of the property. The fence was constructed of concrete post and slab with wooden panels and had double gates facing the turning head. The retention of the fence was proposed for a temporary period of five years (under the second application 94843/15) to enable planted landscaping to grow and provide the level of privacy required. The fence encompassed a street lighting column existing at the site.

The application was refused on the grounds of representing an incongruous feature on the street scene thus contrary to Core Strategy Policies CG3 and OA4, the fence was erected close to the front elevation of 2 Chesterton Drive and was within 8 metres of their main elevation. This distance fell short of the Council's recommended interface distance and was further compounded by the difference in ground levels with 14 being on a higher level. It was considered that the proposal would have a detrimental impact on the outlook and living conditions of facing residents thus contrary to Core Strategy Policy CG4, In addition Highways Engineers objected to the fence on the grounds of the applicant encompassing the street lighting columns and cables, reducing over hang space for vehicles using the turning head and creating a ginnel effect along the public footpath, thus contrary to Core Strategy Policy S1 and P5.

The applicant appealed the decision and the case was dismissed (APP/N4205/W/16/3150297). The Planning Inspector agreed with the LPA on the grounds for refusal, being; "an unacceptable detrimental effect on the character and appearance of the surrounding area and causes harm to the living conditions of the occupants of No 2 Chesterton Drive" but did not agree with the fence having a significant effect on highway or pedestrian safety.

An Enforcement Notice was served which the applicant did not comply with and thus a date was set for a court hearing of 5th December 2016. In November the applicant removed the fencing.

Proposal

Permission is sought for the change of use of previously open land to domestic garden use and retention of a short section of 2.0m high fence on the east side of the house. Removal of the rest of the fencing and double gates is complete and conifer hedging has been planted behind the fence line. Permission is sought for the insertion of a 2.0m high single pedestrian gate in the far south east corner of the enclosed plot.

Site Characteristics

This detached property is sited on a large corner plot at the head of a cul-de-sac where Kilmaine Drive meets Chesterton Drive. The original boundary fence for the property extended two panel widths from the side of the property, turning ninety degrees and further extending to the southern rear boundary. To the side of the original fence was an open grassed area with trees fronting the turning head. This was the area the applicant previously enclosed with 2.0m high fencing and is now subject to the current proposal.

A public walkway runs parallel to the open land and is used as an access route from Chesterton Drive to St Bernards and Beaumont Primary Schools to the south.

Opposite the property, on Chesterton Drive are small detached bungalows set at a lower level. No 2 directly overlooks the area of land included in this application.

The character of the immediate area is open plan, residential properties with the majority of properties having open frontages.

Policy

National Planning Policy Framework (NPPF)

Core Strategies Policies: S1.2 Road Safety; CG3 The Built Environment; CG4 Compatible Uses; OA4 West Bolton.

SPD General Design Principles and SPD House Extensions.

Analysis

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.

The main impacts of the proposal are:-

- * impact on the character and appearance of the dwelling and the surrounding area
- * impact on the amenity of neighbouring residents
- * impact on highway safety

Impact on the Character and Appearance of the Dwelling and the Surrounding Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA4 of the Core Strategy states that the Council will conserve and enhance the character of the existing physical environment, and will ensure that development in West Bolton has particular regard to the overall density, plot sizes, massing and materials of the surroundings – these features should be retained where possible.

SPD House Extensions provides general advice on household developments and offers guidance relating to the effect of development on the street scene and the character and appearance of the area.

The area of land to which this application relates was previously an open grassed area and appears to be a design feature used throughout the estate, adjacent to 'end of row' properties. More specifically in this case to maintain an open aspect adjacent to a public walkway. Furthermore, the trees that have been removed from the land (albeit unprotected) were seen to have contributed to the visual amenity of the area.

The application site is situated in a prominent location at the junction of two roads and a turning head. The walkway is well used by pedestrians walking between the different cul-de-sacs and taking children to school. It is visible from the north along Chesterton Drive and from properties opposite to the north and west.

It is considered that the planting of conifers behind the now removed fence line is a vast improvement on the siting and visual amenity of the previous 2 m high fence and has a reduced impact on the previous 'ginnelling' effect. The loss of an open grassed area, that is mirrored throughout the estate is reduced by providing a boundary with a softer edge.

It is considered that the insertion of a 2.0m high timber pedestrian gate on the south east corner of the garden plot and the retention of a short section of 2.0m high timber panel fencing at the east side of the property will not harm the character or appearance of the area.

The applicant has previously submitted details indicating that the additional land required and subsequent fence was needed to ensure a safe, private environment for her children to play. They further submit that one of the children has a medical condition, the symptoms of which can lead to mobility issues requiring intermittent use of crutches or a wheel chair.

Officers are of the opinion that the family's requirements have been met with a more sensitive scheme and landscaping which has a lesser impact upon the visual appearance of the street scene and the character and appearance of the area. It is therefore considered that the proposal complies with Core Strategy Policies CG3 and OA4.

Impact on the Amenity of Neighbouring Residents

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.

SPD General Design Principles provides general advice relating to the impact of developments on neighbouring properties, particularly in relation to natural light, privacy and overlooking, together with setting out the Council's minimum interface standards between dwellings.

The conifer hedging has been planted close to the front elevation of 2 Chesterton Drive (8 - 9 metres in distance). As hedging is not considered to be 'development' the Council cannot assess this element of the proposal against interface distances. It is considered that the planting of conifers behind the now removed fence line is a vast improvement on the siting and visual amenity of the previous 2.0m fence.

It is therefore considered that the proposal would not have a detrimental impact on the outlook and living conditions of these residents and thus complies with Core Strategy Policy CG4.

Impact on Highway Safety

Policy S1.2 states that the Council will promote road safety in the design of new development.

SPD House Extensions provides general advice on house extensions and offers guidance relating to the impact of extensions on highway safety.

The Council's Highway Engineers have raised no objections to the revised proposal on highway grounds.

The proposal is considered to comply with Core Strategy Policy S1.

Local finance considerations

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

Given the information above, it is considered that the proposal complies with aforementioned local and national planning policy.

Members are therefore recommended to approve the application.

Representation and Consultation Annex

Representations

Three letters of support have been received.

One letter of objection has been received from a resident of Lomond Place, objecting to the proposal on the following grounds:-

- change of use to domestic garden;
- fence height not as per estate covenant; *Officer comment - not a material planning consideration, this is a civil matter.*
- ginnel effect on footpath;
- the estate has a covenant to ensure it remains open plan. *Officer comment - not a material planning consideration, this is a civil matter.*

Points without Officer comment have been addressed in the report.

Consultations

Advice was sought from the following consultees: The Council's Tree and Woodland Officers and Highway Engineers.

Planning History

Permission refused for the retention of the fence at Planning Committee reference; 94843/15.

Permission refused for the retention of the fence reference; 93587/15.

Permission granted for the erection of a porch and single storey extension together with the conversion of the garage reference; 76917/07.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

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

Reason

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, garages, outbuildings, sheds, decking, greenhouses, oil tanks, hardstandings, fences, gates, walls (other than those expressly authorised by this permission) shall be constructed on the application land.

Reason

To safeguard the character and appearance of the land and to comply with policy CG3 and CG4 of the Core Strategy.

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

Proposed Fence at Point Y and Proposed Gate at Point X (scanned to file 31/10/16)
Site Plan and Location Plan (scanned to file 31/10/16)

Reason

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



LOCATION PLAN (1:1250)

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Ordnance Survey 0100031673

Point Y, Proposed 2m high fencing

Existing fencing and double gates on boundary
to be removed

shrubs/connifers on boundary

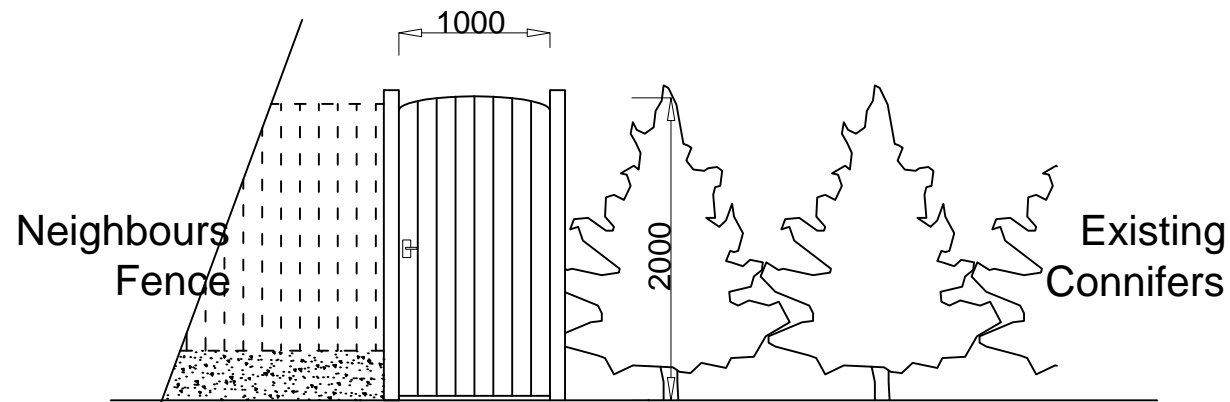
Point X, Proposed single gate

Neighbouring fence

14 KILMAINE DRIVE
BOLTON
BL3 4RU

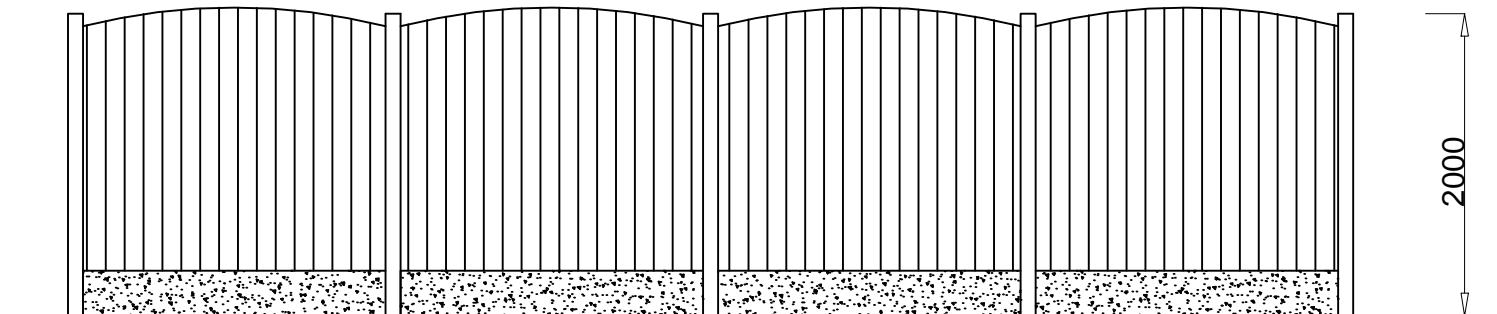


SITE PLAN (1:200)



Proposed Gate at Point X

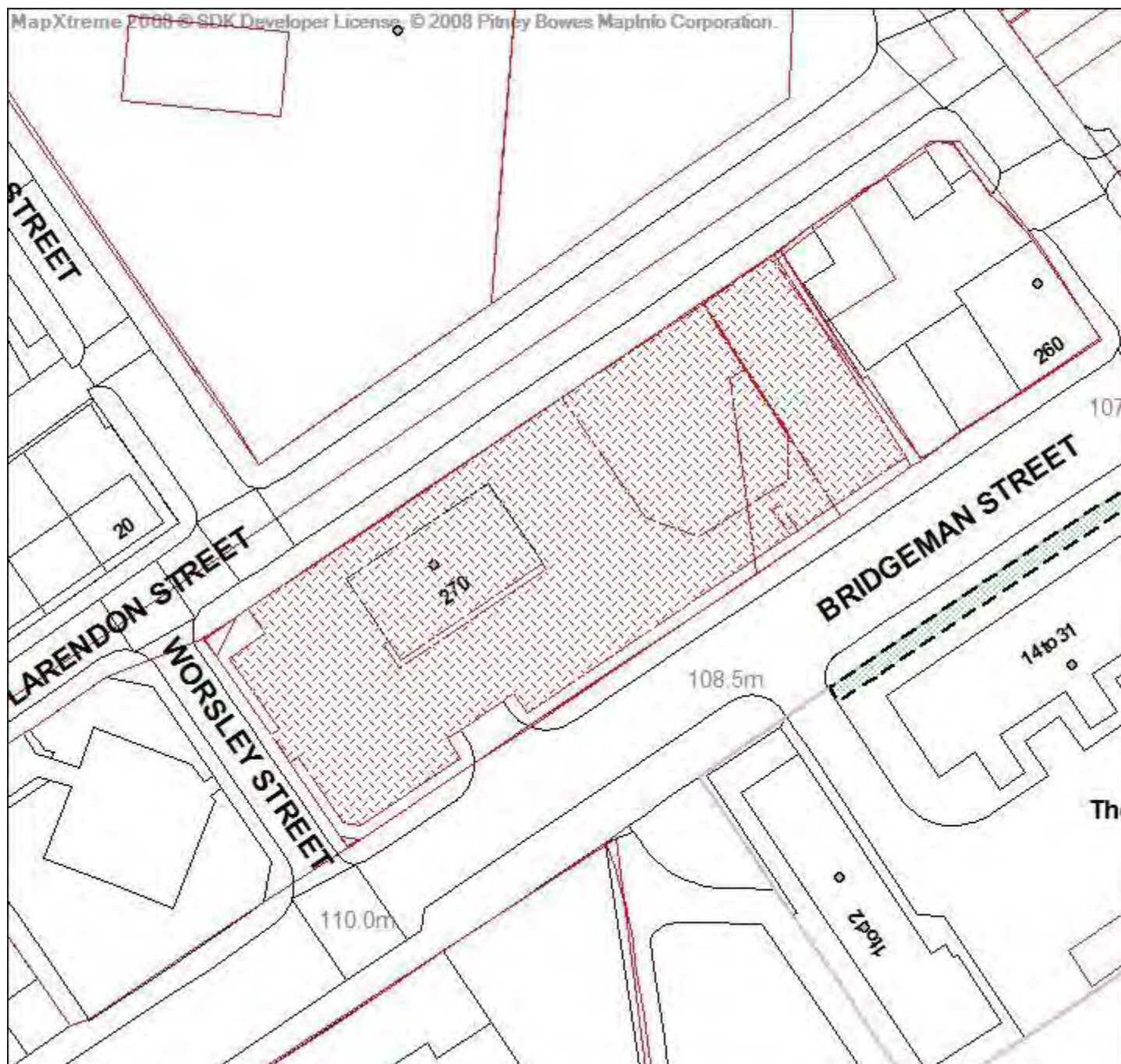
Scale 1 : 50



Proposed Fence at Point Y

Scale 1 : 50

Application number 97925/16



Development & Regeneration Dept
Development Management Section

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

Bolton Council

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Date of Meeting: 12/01/2017

Application Reference: 97925/16

Type of Application: Full Planning Application

Registration Date: 18/11/2016

Decision Due By: 12/01/2017

Responsible Officer: Martin Mansell

Location: 270 BRIDGEMAN STREET, BOLTON, BL3 6BS

Proposal: CHANGE OF USE FROM VACANT CAR SALES SITE/SHOWROOM TO PLACE OF WORSHIP AND COMMUNITY CENTRE, ERECTION OF SINGLE STOREY EXTENSIONS AT FRONT SIDE AND REAR TOGETHER WITH NEW ACCESS POINTS AND ENTRANCE GATES

Ward: Great Lever

Applicant: Mr Rashid

Agent : SMS architecture

Officers Report

Recommendation: Approve subject to conditions

Proposal

Consent is sought to change the use of this vacant former car sales premises to a community hall and place of worship, Class D1. Single storey lean-to extensions are also proposed to the side and rear to form storage areas - the building as extended would have a floorspace of 264 square metres.

The curtilage of the site would be reduced to approximately two-thirds of its present area by way of the installation of a 1.8 metre high mesh fence dividing the site in two. A total of 26 car parking spaces including 3 disabled spaces would be made available. Vehicular access would remain as existing from Bridgeman Street though a new sliding gate is proposed. Two new pedestrian access gates are proposed at the rear.

Site Characteristics

The site is a roughly rectangular area of land fronting Bridgeman Street and bounded by Worsley Street, Clarendon Street and the former Lodge Bank Tavern public house. It currently measures 2,129 square metres. The site is not allocated in the development plan for any particular purpose such as employment.

Uses in the area are predominantly residential though other uses such as the new Clarendon Primary School do exist, together with some industrial uses to the north.

Policy

National Planning Policy Framework - building a strong and competitive economy, promoting sustainable transport, requiring good design, promoting healthy communities

Core Strategy Objectives

SO2 Access to Education, SO5 Bolton's Economy, SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO11 Built Heritage, SO16 Community Cohesion and Access

Core Strategy Policies

P5 Transport

S1 Crime and Road Safety

CG3 Design and the Built Environment, CG4 Compatible Uses

SC2 Cultural and Community Facilities

RA1 Inner Bolton

Supplementary Planning Documents

General Design Principles

Analysis

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.

The main impacts of the proposal are:-

- * impact on the character and appearance of the area
- * impact on nearby uses
- * impact on the road network
- * impact on community provision

Impact on the Character and Appearance of the Area

The National Planning Policy Framework recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including replacing poor design with better design. The Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

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.

The operational development proposed is chiefly limited to the rear and side extensions and the installation of the mesh fence. It is not considered that these proposals would have any significant impact on the character and appearance of the area.

Impact on Nearby Uses

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. Two of these principles are that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and reduce pollution.

Policy CG4 of Bolton's Core Strategy seeks to ensure that new development is compatible with surrounding land uses; protects amenity, privacy, safety and security; does not cause unacceptable nuisance or pollution; and takes potential historic ground contamination into account.

The use is considered appropriate for this area, given the mixed character and the existing use for car sales. The proposed use is not considered to be likely to give rise to land use conflicts over and above the existing lawful use. Hours of use are proposed to be from 0700 until 2300 which are considered to be acceptable though it must be noted that the use would be likely to extend beyond the typical operating hours of a car sales use.

At 264 square metres, as extended, is a relatively small use in comparison to other similar uses in the Borough. The amount of floorspace proposed for use for actual worship would be approximately 158 square metres, a similar footprint to three typical houses. It is not considered that the building would have the capacity to attract so many visitors that it would be likely to have an unacceptable impact on the living conditions enjoyed at nearby dwellings. It is also noted that no objections have been raised by the Council's Pollution Control Officers, subject to typical conditions controlling amplified call to prayer and external lighting - which will be imposed. Conditions are also suggested in relation to sound insulation, land contamination and soil testing but bearing in mind that this predominantly a change of use application, it is not considered that these conditions would pass the tests contained within national planning policy guidance.

The proposal is considered to comply with Policy CG4 of Bolton's Core Strategy

Impact on the Road Network

Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety.

The Council's Highway Engineers note that the proposed extension would increase the building footprint from approximately 190 square metres to 270 square metres and according to the submitted information provide approximately 120 square meters for community/prayer use. The Council's maximum parking standards for this level of D1-Non-residential institutions is 1 per 5 sqm which means that the level of off-road parking provision broadly complies with these standards by way of the 26 spaces proposed. The site is also reasonably accessible to sustainable transport modes via the Great Lever Circular bus route. Planning Officers therefore conclude that the proposed Class

D1 is acceptable at this location in principle in highway impact terms.

However, Engineers do also note that there appears to be no information within the submission indicating what the remainder of the site within the red-edge of the application will be used for and what the justification is for providing 2 additional access points onto the highway. Planning Officers take the view that the severance of this part of the curtilage from the part containing the building will render the remainder of the site as a nil use i.e. planning permission would be required for any future use of this site. For this reason, the Applicant has been encouraged to remove the access gates to the remainder of the site and consider them instead at the point of submission of an application for the future use of the site. Progress on this will be reported at the meeting.

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

Impact on Community Provision

The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

It goes on to state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. Planning policies and decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.

Policy SO16 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities. Policy SC2 of the Core Strategy states that the Council will ensure that community facilities are located in the neighbourhoods that they serve.

The benefits of community uses are acknowledged by national and local planning policies. No information has been provided to demonstrate the likely catchment area of the proposed use, and therefore whether it would be located within the neighbourhood that it serves, but it is understood that the proposal would serve the local Kurdish community. Given the very limited scale of the available floorspace it is not considered that the use would encourage unacceptable number of people to travel from a wider area. Whilst objectors may consider that there are sufficient similar community uses already operating in the area it is considered that the Applicant is best placed to determine the need for the development.

The proposal would deliver community benefits.

Local finance considerations

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

At approximately 264 square metres of floorspace with 158 square metres available for actual worship it is not considered that the proposed use would be of such a scale as to have unacceptable impacts on planning considerations such as living conditions or road safety. It would deliver community benefits and as insufficient harm to planning considerations has been identified in this instance, the application is recommended for approval.

Representation and Consultation Annex

Representations

Letters:- four representations of objection have been received, none of which originate from the immediate vicinity of the application. Two objections have been received from properties on Fletcher Street, approximately 0.45 kilometres around the corner from the application site. Two others are from properties in Farnworth and Hall 'i' th' Wood. The grounds of objection include:-

- * the proposed development would result in a serious loss of a large piece of employment land and this is a prime commercial location
- * the proposed development would attract in the region of 350 worshipers at full capacity and although the application meets council standards for parking there are insufficient on-site spaces to accommodate car users
- * the applicant is playing down the numbers of users, why else would they need 18 spaces for public carrier vehicles ?
- * worshipers who are unable to park onsite will be forced to park in the residential area opposite, thereby harming the residential amenity
- * the proposed development will generate additional traffic and disturbance, and harm the residential amenity. Bridgeman St is quite narrow, and is a busy road
- * no Travel Plan or traffic survey have been submitted with this application
- * the site has been operating and is not vacant as stated
- * the applicant has stated that the Kurdish community does not have a community centre - there are enough Multicultural community centres all around the site and in Great Lever, including the recently approved Makka Mosque
- * this would be classed as segregation as only the Kurdish community would be able to attend the community centre - the Government are trying to stop this

Consultations

Advice was sought from the following consultees: Highway Engineers, Pollution Control

Planning History

96937/16 - change of use to coach parking, withdrawn

63943/036 - erection of car showroom, approved

52598/98 - erection of a car showroom, approved

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. 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 5 lux at the nearest residential property. 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 policy CG4 of Bolton's Core Strategy.

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

Reason

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

4. Before the approved/permitted development is first brought into use no less than 26 car parking spaces shall be marked out and provided within the curtilage of the site, in accordance with the approved site plan. 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.

5. The new mesh fence shall be coloured to match the existing fence and retained so coloured thereafter.

Reason

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

6. 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 to comply with policies P5 and S1.2 of Bolton's Core Strategy.

7. There shall be no externally audible or amplified calls to prayer at any time by way of loudspeakers, amplifiers, bells, tannoy, or other similar public address systems sounded, broadcast or otherwise transmitted from the building or the site or in any other way in association with the approved use.

Reason

To safeguard the living conditions of nearby residents from noise pollution and to comply with policy CG4 of Bolton's Core Strategy.

8. No activities shall take place at the site except between the hours of 7am and 11pm.

Reason

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

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

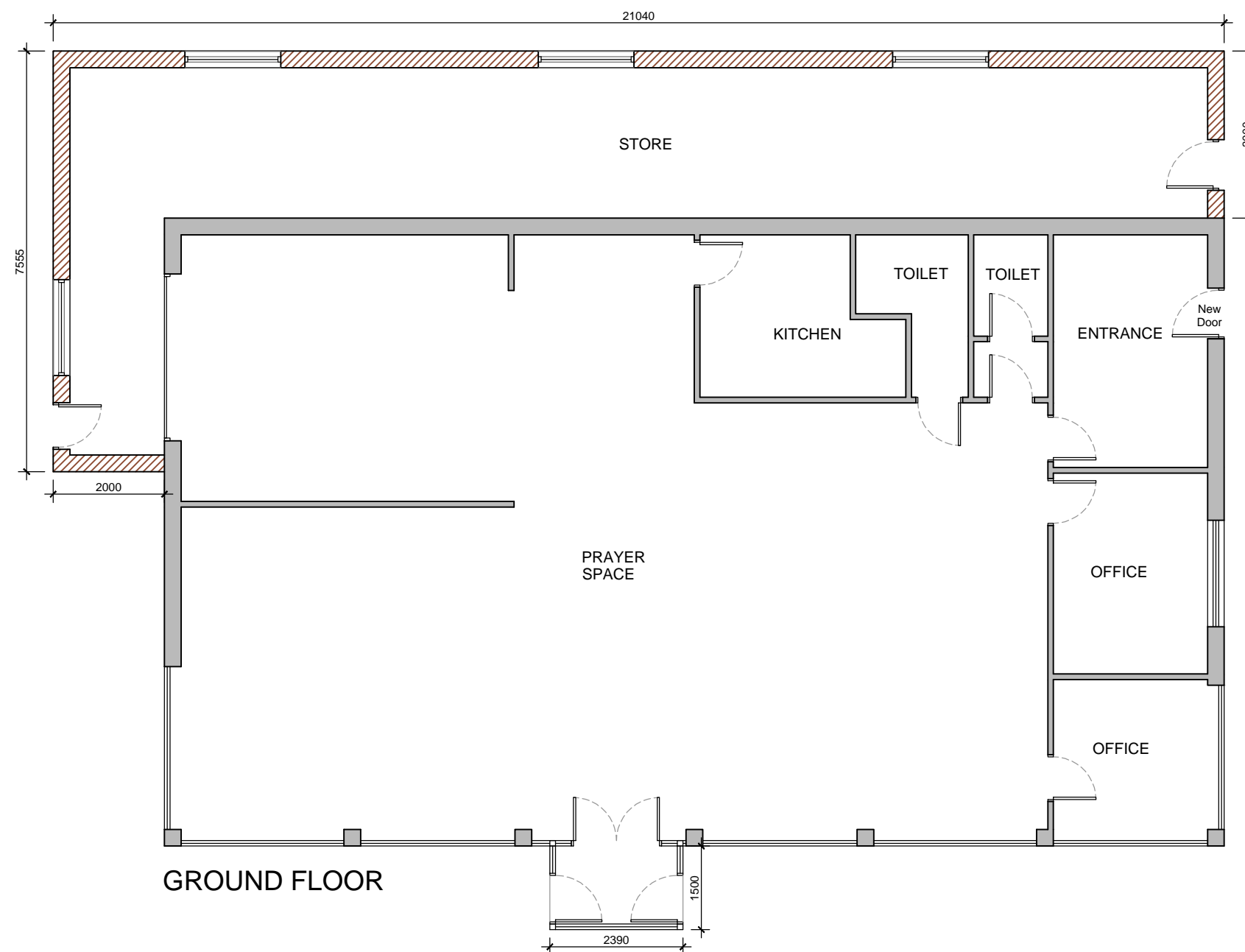
01 Proposed Site; dated 10/16

04 Proposed Plans; dated 10/16

05 Proposed Elevations; dated 10/16

Reason

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



NOTES:

No scaling or dimensions other than those figured are to be taken from this drawing. All dimensions to be checked on site

This drawing is for use at the named location and for Planning Permission purposes only and as such should not be used at any other location or for any other purposes

Project Location:

270 Bridgeman Street
Bolton
BL3 6SA

Drawing:

04 Proposed Plans

Scale:	Size:	Date:
1:100	A3	10/16

CLARENDON STREET

Proposed secondary access point.
New gates to be electric sliding
security gates

New Gate

New Gate

270

Proposed 1.8m high steel mesh
security fencing

26No. Parking Spaces
(Including 3No. Disabled)

Proposed secondary access points.
New gates to be electric sliding
security gates

Existing access point to remain.
Gates to be replaced with new
electric sliding security gates

110.0m +

108.5m +

BRIDGEMAN STREET

NOTES:

No scaling or dimensions other than those figured
are to be taken from this drawing. All dimensions to
be checked on site

This drawing is for use at the named location and
for Planning Permission purposes only and as such
should not be used at any other location or for any
other purposes

Project Location:

270 Bridgeman Street
Bolton
BL3 6SA

Drawing:

01 Proposed Site

Scale:	Size:	Date:
1:250	A3	10/16

