



Appeal Decision

Site visit made on 27 September 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2022

Appeal Ref: APP/N4205/W/22/3301318

Land at Minerva Road, Farnworth BL4 0HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dorbcrest Homes Limited against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 11570/21, dated 21 June 2021, was refused by notice dated 4 February 2022.
 - The development proposed is the erection of 1 3-storey block of 8 apartments and 2 5-bed shared multiple occupancy units and 2 4-storey blocks providing 16 5-bed shared multiple occupancy units together with highway access and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 3-storey block of 8 apartments and 2 5-bed shared multiple occupancy units and 2 4-storey blocks providing 16 5-bed shared multiple occupancy units together with highway access and car parking at Land at Minerva Road, Farnworth BL4 0HX in accordance with the terms of the application, Ref 11570/21, dated 21 June 2021, subject to the conditions identified in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to scale, height and siting.

Reasons

3. The character of Minerva Road surrounding the site is very mixed. The Hospital site includes two and three storey buildings some of which are imposing in scale. There are also two storey buildings at Bolton Science and Technology Centre and Mount St Joseph school diagonally opposite the site, set back from the road behind mature landscaped areas. This contributes positively to the character and appearance of the area by providing space and greenery. Additionally, between the site and the Kingsland Road junction, there are two storey dwellings which back onto Minerva Road. Such dwellings don't have a strong, or positive, visual presence within the street scene being partially obscured by rear boundary treatments which abut the pavement. The boundary treatments are in varying states of repair and not consistent in appearance.
4. The proposed development includes a three storey, brick building with a pitched roof facing towards Minerva Road. The design includes features that would break up and add interest to the front and rear elevations. Subject to suitable bricks, which can be secured by condition, the design and appearance

would be attractive and of high quality. This frontage building would be set back some distance from the highway behind a private amenity space and a parking area. The generous, largely open landscaped frontage would reflect and enhance the spacious character close to the appeal site.

5. Two further four storey buildings of similar design and materials would be sited behind the frontage building, at right angles to Minerva Road. The proposed frontage building would largely obscure them from views from Minerva Road.
6. In addition to views from Minerva Road, the proposed buildings would be seen from the rear gardens of the adjoining properties and in the gaps between such dwellings, introducing buildings into views that currently comprise trees and mature landscaping. The proposed buildings would have a greater scale and massing than the existing dwellings around the appeal site. Nonetheless, the separation distance that would be achieved between the proposed buildings and such viewpoints would ensure that they would not be visually and unacceptably dominant. Moreover, the views of the buildings would be filtered through the proposed landscaping along the rear and side boundary of the site, and their appearance would soften over time as such landscaping matures.
7. At my site visit I observed construction work taking place within the grounds of the adjoining hospital. My attention has also been drawn to planning permission for a five-storey building associated with the Medical School. This suggests that the area of Minerva Road close to the site is already subject to change and that buildings of a significant scale and height are deemed acceptable in this area. I am not persuaded that the appeal site, unlike the hospital site, would be unsuitable for buildings of a significant scale and height. Moreover, the design and appearance of the proposal would sit comfortably with the varying design and scale of the surrounding buildings.
8. Overall, the design and siting of the proposal is an appropriate response to the existing character of the place it is within. It would contribute in a positive way towards the local character.
9. Therefore, the proposal would not harm the character and appearance of the building. Accordingly, it would comply with the good design requirements of Policies CG3 and RA1 of Bolton's Core Strategy Development Plan Document 2011, and accord with guidance in the General Design Principles 2015 Supplementary Planning Document.

Other Matters

10. Concern has been raised about congestion and highway safety. However, I agree with the Council's conclusion that the cumulative impact of the development on the road network would not be severe and as such would accord with the National Planning Policy Framework (the Framework). In addition, whilst the use of the appeal site to provide additional parking for the adjoining hospital, as suggested, could be beneficial from a highway safety perspective, that does not render the proposal unacceptable. Moreover, I note that the site is allocated for residential development and as such the principle of the residential development of the site is established.
11. Even if homeless people were to occupy the development, and no information has been provided to substantiate such a claim, there is no specific evidence that demonstrates that this will result in an increase in crime in the area.

12. Whilst site preparation works may already have been carried out, I have no reason to conclude that such works constitute a breach of planning control. Even if the works were unauthorised, breaches of planning control are matters that do not relate to the merits of this scheme and are for the Council to address.
13. The potential for the applicant to make a profit from the development is not a factor that weighs against the proposal.
14. Overall, I find no harm regarding the matters I have referred to in this section and therefore they do not provide reason to withhold planning permission

Conditions

15. The Council has suggested a number of conditions which I have considered against the National Planning Policy Framework and Planning Practice Guidance. As a result, I have made some amendments to the wording for clarity and consistency.
16. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying that the development is carried out in accordance with approved plans.
17. To minimise risks for future occupiers, neighbouring occupiers and the environment, conditions are required to ensure that contamination and the implications of past coal mining activity are appropriately addressed. These are pre-commencement conditions to ensure that appropriate investigation is carried out at a very early stage of the development.
18. I have included conditions relating to highway and parking details, including phasing, to ensure that the development does not adversely impact on highway safety or the living conditions of future and existing occupiers. I consider it to be necessary for the access condition to be a pre-commencement condition to ensure that it is available over the full course of development.
19. Drainage conditions are necessary to ensure the site is suitable and correctly drained in the interests of the living conditions of future and nearby occupiers.
20. In the interests of protecting living conditions, and character and appearance a condition is necessary to control finished floor levels. This is a pre-commencement condition because levels will need to be set out at a very early stage.
21. To ensure the satisfactory appearance of the proposed development, I have considered it necessary to attach conditions relating to the facing bricks, boundary treatments, landscaping and implementation of the submitted measures relating to retained trees. For the same reason, I have also included a condition requiring tree protection measures to be implemented which I consider should be a pre-commencement condition to provide protection over the full course of construction.
22. Also, in the interests of nature conservation, a lighting plan and the installation of bird and bat accommodation are required.

23. It is necessary to attach a condition to ensure that the security measures, which are needed to ensure the safety of the occupants of the proposed development are installed in accordance with the submitted details.
24. A condition is attached to secure appropriate energy sources to reduce CO2 emissions in line with local and national policy objectives.
25. A condition has been requested requiring the provision of electric vehicle charging points. However, such a condition is not necessary as this is a matter that is controlled with reference to Part S of the Building Regulations which came into force on 15 June 2022.

Conclusion

26. For the reasons given above I conclude that the proposal accords with the development plan when taken as a whole and there are no material considerations which indicate that the decision should be taken otherwise than in accordance with it. Consequently, the appeal should be allowed.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: submitted location plan, 17-148 1000 Rev J, 17-148 4000 Rev B, 17-148 6000 Rev D, 17-148 19-P-003 Rev B, 17-148 19-P-004 Rev A, 17-148 19-P-005 Rev A, 17-148 19-P-001 Rev B, 17-148 P-001 Rev A, and 5861.01 Rev D, Tree Protection Plan Rev A and HYD325 101.
- 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority

within 21 days of the report being completed and approved in writing by the local planning authority.

- 4) Prior to the commencement of development, the following shall be undertaken:
- a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity;
 - the submission of a report of findings arising from the intrusive site investigations including details of any remedial works necessary for approval; and
 - the implementation of those remedial works.

Upon completion of any approved remediation scheme(s), and prior to occupation, a completion report demonstrating that all remedial works undertaken on site were completed in accordance with those agreed by the local planning authority and that the scheme has been appropriately implemented.

- 5) Notwithstanding condition 2, 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.
- 6) No development or stripping of soil shall be started until the trees and hedgerows within or overhanging the site which are to be retained have been surrounded by fences of a type and siting as detailed on the Tree Protection Plan drawing no. 5861.02.

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 works, including the storage of materials, or placing of site cabins, within the fenced area(s).

No development shall be started until a minimum of 14 days notice has been given to the local planning authority confirming the approved protective fencing has been erected.

- 7) Notwithstanding condition 2, prior to the commencement of development full details of the highway works at the access of Minerva Road as indicated on drawing no. 17-148 1000 Rev J and the resurfacing of the footway across the Minerva Road frontage 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.
- 8) Notwithstanding condition 2, no building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out to investigate 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:

- 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;
 - include a timetable for its implementation; and
 - 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.
- 9) Prior to the commencement of any above ground construction works, details shall be submitted to and approved in writing by the local planning authority for on-site bat and bird accommodation and the proposed location of this. The approved scheme shall be implemented in full prior to the occupation of any of the development and retained thereafter.
- 10) No less than 89 car parking spaces with minimum dimensions of 2.4 metres by 4.8 metres shall be marked out, numbered and provided within the curtilage of the site in accordance with drawing no. 17-148 1000 Rev J. The parking spaces shall be completed in accordance with the phasing scheme as required by condition 11. Such spaces shall be made available for the parking of cars at all times.
- 11) Prior to the development being first occupied, a phasing scheme detailing how each part of the site to be used by vehicles are to be laid out, constructed, surfaced and drained, and when they are to be completed, 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.
- 12) Notwithstanding condition 2, no above ground construction works shall take place until full details of the red brick to be used externally on the buildings has been submitted to and approved in writing by the local planning authority. Such details shall include the type, manufacturer, colour, and texture of the brick. The approved materials shall be implemented in full and retained thereafter.
- 13) Notwithstanding condition 2, trees and shrubs shall be planted 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.
- 14) Before the development is first brought into use a scheme for external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be designed to an illumination value

of no greater than 5 lux at the nearest residential properties. The beam angle of any lights directed towards any potential observer should be kept below 70 degrees. Spill shields should also be fitted. The lighting proposal shall be designed to minimise the impacts on nocturnal mammals such as bats, following guidance within section 5 of the submitted Ecology Report "Ecological Survey and Assessment" by Erap Ltd. The approved scheme shall be implemented in full before development is first brought into use and retained thereafter.

- 15) Prior to the first occupation of the development by any residents, evidence that the security measures recommended by paragraphs 4.6, 4.10 and 4.12 of the submitted Crime Impact Statement have been implemented at the site shall be submitted to and approved by the local planning authority. Such security measures as are implemented shall be retained in full thereafter.
- 16) Prior to the first occupation of the development by any residents, evidence that a means of incorporating appropriate decentralised, renewable or low carbon energy sources to reduce CO2 emissions of predicted regulated and unregulated energy use by at least 10% has been implemented at the site (in accordance with the submitted Energy Statement Ref 2021.028) shall be submitted to and approved by the local planning authority. Such sustainability measures as are implemented shall be retained in full thereafter.
- 17) No dwelling shall be occupied until the access roads, footways and footpaths leading thereto have been constructed and completed in accordance with drawing no. 5861.01 Rev D.
- 18) The development shall be carried out in full accordance with the following submitted documents:
 - Arboricultural Impact Assessment and Method Statement, ref PD8561/AIA&AMS/APR19
 - Tree Survey Report ref PD/5861/TSR/Mar19
 - Preliminary Drainage Layout HYD325/101/Rev B showing the route of services (if there are any changes to the proposed service routes, then details must be submitted to the local planning authority for written approval prior to any groundworks to lay the service routes, no works shall be commenced until written approval is received).
- 19) Other than as required by condition 13, the development hereby permitted shall be constructed entirely of the materials, including windows and door details, as set out in the approved plans and retained thereafter.
- 20) Notwithstanding condition 2, the fencing hereby approved shall be installed with hedgehog holes, details of which shall be submitted to and approved in writing by the local planning authority beforehand. The approved boundary treatments (timber fencing including hedgehog holes, walls, railings and weldmesh fencing) shall be erected in accordance with the approved plans prior to first occupation of the development and retained thereafter.