

Planning Support Statement

Section 73 Minor Material Amendment Application – Addressing Reasons for Refusal of application 71819 and additional variation of conditions

Planning Permission 68661- Erection of a dwelling

Address: Ainsworth Nursing Home, Knowsley Road, Ainsworth, Bolton, BL2 5PT

This is an application to vary conditions of planning permission 68661.

The following conditions are sought to be varied:

- 2 – Approved Plans
- 3 – Materials
- 4- Contaminated land
- 11 – Surface Water Drainage
- 12- Construction Traffic Management Plan

Executive Summary

This updated supporting statement has been prepared to support a revised Section 73 application following the refusal of application 71819 on 17th July 2025. The application seeks to vary condition 2 (approved plans) of planning permission 68661 to make design amendments to the approved dwelling.

This statement systematically addresses each of the six reasons for refusal and demonstrates how the revised proposals overcome the planning authority's concerns while delivering an enhanced scheme that respects the site's heritage significance and Green Belt location.

Section 73 Application Justification

This application represents a genuine Section 73 application for minor material amendments as established in case law, particularly **R (Armstrong) v First Secretary of State & Anor [2004] EWHC 3168 (Admin)**.

Legal Basis for Section 73 Applications:

The Armstrong judgment clarified that Section 73 applications are appropriate where:

- The proposed amendments are "minor" in the context of the overall development
- The changes do not fundamentally alter the character or nature of the approved development
- The amendments address practical implementation issues or improve the approved scheme

Application of Armstrong Principles:

Our proposals satisfy these tests because:

1. **Minor in Context:** The amendments represent modest additions to an already approved dwelling, with the basement being underground (no Green Belt impact) and side extensions being single-storey additions that could be constructed under permitted development rights
2. **Character Unchanged:** The fundamental nature of the development remains a single dwelling with ancillary accommodation- exactly as approved under permission 68661
3. **Practical Improvements:** The amendments:
 - Enhance the heritage design through restored traditional details
 - Improve drainage sustainability through integrated SuDS
 - Better protect trees through revised positioning
 - Provide enhanced family accommodation while respecting the site's constraints

Not a Fresh Application:

This is clearly not an attempt to circumvent normal planning procedures. The approved permission 68661 established the principle of residential development on this site. The current proposals refine and improve that approved scheme while maintaining its essential character and addressing the specific concerns raised during the previous application process.

The amendments are genuinely "minor" when assessed against the overall approved development and satisfy the Armstrong test for legitimate Section 73 applications.

Additional Condition Variations

This application also seeks to vary the following conditions from the original planning permission 68661 where comprehensive supporting information is now available:

Variation of Condition 3- Materials Samples

Original Condition: "Details/Samples of the materials/bricks to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority."

Our Submission: We have provided detailed material specifications including:

Primary Brick Material:

- **Product:** Brickland Multi Reserve by Forterra (Butterley)
- **Specification:** Accrington manufactured, Category II, U Clay Masonry Unit

- **Dimensions:** 215 x 102.5 x 65mm (standard work size)
- **Performance:** F2 durability rating, compressive strength $\geq 75\text{N/mm}^2$, water absorption $\leq 7\%$
- **Character:** Vertically perforated multi-coloured brick providing appropriate heritage character
- **SKU:** SACCBMR1600VO for precise ordering specification

This brick selection has been chosen specifically to complement the existing heritage buildings on site while providing a contemporary interpretation suitable for new construction.

Variation of Condition 4- Contaminated Land Assessment

Original Condition: Requirement for contaminated land Preliminary Risk Assessment report and detailed site investigation.

Our Submission: Comprehensive ground investigation report prepared by LK Group providing:

- Detailed contaminated land assessment
- Ground conditions analysis
- Risk assessment for proposed development
- Remediation recommendations where required

Variation of Condition 11- Surface Water Drainage

Original Condition: "Surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority."

Our Submission: Comprehensive drainage strategy provided (Drawing 3551:16) including:

- Sustainable Urban Drainage System (SuDS) design
- Network of filter drains with strategic catchpits
- Basement drainage integration
- Permeable surfacing specifications
- Tree-sensitive drainage positioning

Variation of Condition 12- Construction Traffic Management Plan

Original Condition: Requirement for Construction Traffic Management Plan including dilapidation survey, site hoardings, hours of operation, and measures to prevent mud/debris spread.

Our Submission: Detailed Construction Traffic Management Plan provided including:

- Photographic dilapidation survey methodology
- Proposed site security and hoarding arrangements

- Operational hours and delivery scheduling
- Vehicle size limitations and routing
- Dust and debris control measures
- Emergency access maintenance provisions

These condition variations demonstrate our commitment to providing comprehensive technical information and addressing all aspects of the development in a thorough, professional manner.

1. Response to Refusal Reason 1: Green Belt Impact Assessment

Refusal Reason: "The application and submitted plans contain insufficient information to enable the impact of the proposed development upon the Green Belt to be properly assessed."

Our Response:

We have now provided comprehensive information to enable proper assessment of Green Belt impact:

Volumetric Analysis:

- **Approved scheme volume:** 766 cubic metres
- **Proposed scheme volume:** 898 cubic metres
- **Net increase:** 132 cubic metres 17% increase

Floor Space Assessment:

- **Approved floor area:** 216.30 sq.m
- **Proposed floor area (excluding basement):** 250.0 sq.m
- **Above-ground increase:** 33.7 sq.m (15.6% increase)
- **Basement area:** not contributing to Green Belt impact as underground

Green Belt Openness Assessment:

The proposal maintains compliance with Green Belt policy for the following reasons:

1. **No increase in building footprint at ground level-** the basement is entirely underground
2. **Modest above-ground extensions-** the two single-storey side extensions represent a minor addition to the approved scheme
3. **No increase in ridge height-** the dwelling maintains the same maximum height as approved

4. **Visual impact unchanged**- from external vantage points, the dwelling reads as substantially the same scale as approved
5. **Compliance with 'not materially larger' test**- the 15.6% increase in above-ground floor area is proportionate and acceptable

Permitted Development Context:

Importantly, the proposed single-storey side extensions could be constructed under permitted development rights without requiring planning permission. Under the Town and Country Planning (General Permitted Development) (England) Order 2015, Class A extensions of this scale (single-storey, extending no more than half the width of the original house on each side) would normally be permitted development. The fact that planning permission is being sought demonstrates a responsible approach to development in this sensitive location.

Similarly, basement extensions under existing buildings are often permitted development, further demonstrating that the proposed changes are modest in planning terms.

The development continues to represent appropriate infill development in accordance with NPPF paragraph 154(e) and remains acceptable Green Belt development.

2. Response to Refusal Reason 2: Heritage Impact

Refusal Reason: "The proposed development by virtue of its design, appearance and scale would introduce discordant, disproportionate and inharmonious features and would have a significantly harmful impact on the historic significance of the Non-Designated Heritage Asset."

Our Response:

We have fundamentally revised the design to address heritage concerns:

Design Refinements:

1. **Restored Traditional Entrance:**
 - Reinstated the high brick arch with keystone to the front entrance
 - This directly references the Gate House and Administration Block
 - Maintains visual connection to the historic buildings
2. **Enhanced Window Design:**
 - Restored vertical emphasis to windows consistent with historic buildings
 - Reinstated brick headers at first floor level (front and rear)
 - Window proportions now reflect the established character
3. **Refined Rear Elevation:**

- Reduced number and size of bi-fold doors to minimize contemporary impact
- Balanced arrangement of openings respects the heritage context
- Materials palette harmonizes with existing buildings

4. **Proportionate Scale:**

- The dwelling remains subordinate to Knowsley House
- Respects the established hierarchy of buildings on site
- Single-storey side extensions are modest and appropriate in scale

Heritage Assessment Conclusion:

The revised design respects and enhances the significance of the Non-Designated Heritage Asset through:

- Architectural references to existing historic buildings
- Appropriate scale and massing
- Sensitive material selection
- Preservation of the site's historic character and hierarchy

The amendments demonstrate a clear understanding of the heritage asset's significance and respond positively to the Conservation Officer's concerns.

3. Response to Refusal Reason 3: Insufficient Design Information

Refusal Reason: "The application and submitted plans contain insufficient and conflicting information in relation to the proposed side extensions, the height of the main dwelling and the proposed side extension and the use of the proposed basement."

Our Response:

We have provided comprehensive and consistent information:

Corrected Plans Package:

- All elevation plans now show consistent heights and dimensions
- Floor plans accurately reflect the proposed layout
- Side extensions clearly detailed with consistent roof design
- Basement clearly labeled and detailed

Side Extensions Specification:

- **North Extension:** Single-storey, 6.0m height, hipped roof
- **South Extension:** Single-storey, 6.0m height, hipped roof

- **Materials:** Matching brick and slate to complement main dwelling
- **Purpose:** North: utility/storage; South: home office/study

Main Dwelling Heights:

- **Ridge height:** 8.2 metres (consistent on all elevations)
- **Eaves height:** 5.5 metres
- **Side extension height:** 6.0 metres (consistent)

Basement Specification:

- **Use:** Recreation room/family space with ancillary storage
- **Access:** Internal staircase from ground floor hallway
- **Drainage:** Comprehensive sustainable drainage system as detailed below
- **Natural light:** Provided via light wells on north and south sides

Comprehensive Drainage Strategy:

We have provided detailed drainage information (Drawing 3551:16- Site Plan Drainage) demonstrating a fully integrated sustainable drainage approach:

Surface Water Management:

- **Sustainable Urban Drainage System (SuDS):** Network of filter drains serving the entire development
- **Catchpits:** Strategically positioned to clear sediment and maintain system efficiency
- **Permeable surfaces:** Bonded gravel driveways and parking areas reduce surface runoff
- **Tree-sensitive design:** Drainage positioned to avoid Root Protection Areas

Basement Drainage:

- **Integrated system:** Basement drainage connected to the comprehensive SuDS network
- **Professional design:** System designed to current standards preventing groundwater issues
- **Sustainable approach:** Forms part of the overall site-wide drainage strategy

Key Benefits:

- **Flood risk reduction:** SuDS approach reduces peak flow rates and manages surface water sustainably
- **Environmental enhancement:** Natural drainage processes maintained and enhanced
- **Tree protection:** Drainage design avoids damage to protected trees

- **Future-proofed:** System designed to accommodate climate change requirements

Neighbor Amenity Assessment: All proposed developments maintain required separation distances and comply with SPD6 guidance for residential amenity.

4. Response to Refusal Reason 4: Ancillary Buildings Information

Refusal Reason: "The application and submitted plans contain insufficient information to enable the design of the proposed bin store and cycle store to be properly assessed."

Our Response:

Comprehensive Ancillary Buildings Details:

Cycle Store:

- **Dimensions:** 3.0m x 2.0m x 2.2m high
- **Capacity:** 5 bicycles (complies with SPD11 requirements)
- **Construction:** Timber frame with cedar cladding
- **Roof:** Mono-pitch slate roof
- **Security:** Lockable doors with cycle anchoring points
- **Location:** South side of dwelling, screened by landscaping

Bin Store:

- **Dimensions:** 2.0m x 1.5m x 1.8m high
- **Capacity:** 3 wheelie bins (general, recycling, garden waste)
- **Construction:** Matching brick walls with timber gates
- **Roof:** Flat roof with appropriate drainage
- **Access:** Gates opening onto parking area for collection

Design Integration: Both structures are designed to complement the main dwelling and use appropriate materials that harmonize with the heritage context. They are positioned to minimize visual impact while providing functional access.

5. Response to Refusal Reason 5: Tree Protection Information

Refusal Reason: "The application and submitted plans contain insufficient information to enable the impact of the proposed basement extension upon the protected trees within the site to be properly assessed."

Our Response:

Comprehensive Tree Assessment Provided:

Professional Tree Survey:

- Arboricultural Impact Assessment conducted by James Royston (MSc Arboriculture and Urban Forestry, BSc Forestry)
- Report reference: 250803 AIA dated 16th August 2025
- All trees within and adjacent to the site identified and assessed to BS 5837:2012 standards

Critical Finding- Basement Impact Analysis: The professional arboricultural assessment confirms:

- **Tree T6:** The new basement is **located outside the Root Protection Area** of Tree T6
- **Improved positioning:** The basement is positioned at a **greater distance** from Tree T6's RPA than the previously approved foundations
- **Enhancement over approved scheme:** The revised design represents an **improvement** to the previously approved layout in terms of Tree T6's rooting environment

Parking Area Assessment:

- Parking areas within RPAs will use **Cellweb TRP cellular confinement system** with aggregate fill and permeable bonded gravel surface
- This system allows **less than 20% incursion** into RPAs while maintaining tree health
- **Compliance achieved:** Parking spaces now meet SPD11 dimensions (2.6m x 5.0m as shown on plans)

Tree Protection Strategy:

1. **BS 5837:2012 compliant protection:** Standard tree protection fencing and ground protection measures
2. **No excavation within RPAs:** All significant excavation work positioned outside Root Protection Areas
3. **Specialized surfacing:** Cellweb system for any RPA incursions maintains soil structure and root health
4. **Arboricultural supervision:** Professional oversight during construction phases

Tree Retention Achievement:

- **No significant trees removed:** All significant trees retained as confirmed by professional assessment
- **No pruning required:** Tree T6 and other retained trees require no pruning works

- **Enhanced tree cover:** Large number of new trees to be planted, increasing overall tree coverage

The professional arboricultural assessment conclusively demonstrates that the revised proposals will successfully protect all retained trees and represents an improvement over the previously approved scheme.

6. Response to Refusal Reason 6: Parking and Cycle Storage Standards

Refusal Reason: "There is insufficient cycle storage provided within the site to comply with the Council's parking standards. In addition, the proposed parking spaces would not be of sufficient size to comply with size specified in SPD11."

Our Response:

Compliant Parking Provision:

Car Parking:

- **Spaces provided:** 3 spaces (complies with SPD11 for 5-bedroom house)
- **Space dimensions:** 2.6m x 5.0m (meets SPD11 requirements as confirmed on revised plans)
- **EV charging:** Electric Vehicle Charging Point provided as required
- **Turning:** Adequate turning space for vehicles maintained
- **Special surfacing:** Permeable bonded gravel construction within tree Root Protection Areas

Cycle Storage:

- **Purpose-built cycle store:** Dedicated building provided south of dwelling
- **Adequate capacity:** Sufficient space for 5 bicycles (meets SPD11 requirement)
- **Security:** Lockable structure with internal cycle anchoring provision
- **Weather protection:** Fully enclosed covered structure
- **Integration:** Appropriate design and materials harmonizing with main dwelling

Layout Improvements: The revised site layout provides:

- Full compliance with SPD11 parking space dimensions (2.6m x 5.0m)
- Enhanced cycle storage meeting all requirements
- Tree-sensitive construction using Cellweb cellular confinement system
- Maintained access for refuse collection and emergency vehicles
- Improved integration with landscape design and heritage context

Planning Policy Compliance

Green Belt Policy

The proposal complies with:

- **NPPF paragraph 154(e):** Limited infilling in villages
- **Policy JP-G9:** Appropriate development in Green Belt
- **Policy OL1/3:** Infilling in existing villages in Green Belt

Heritage Policy

The proposal complies with:

- **NPPF Section 16:** Conserving and enhancing the historic environment
- **Policy JP-P2:** Heritage assets and their settings
- **Policy EN1/2:** Townscape and built design

Design and Amenity

The proposal complies with:

- **Policy H2/1 & H2/2:** Form and layout of residential development
- **SPD6:** Extensions and alterations guidance
- **Policy EN1/2:** Townscape and built design

Conclusion

This updated supporting statement demonstrates that the revised proposals comprehensively address all six reasons for refusal of application 71819. The amendments result in:

1. **Clear Green Belt compliance** with comprehensive impact assessment
2. **Heritage-sensitive design** respecting the NDHA significance
3. **Complete technical information** eliminating plan inconsistencies
4. **Detailed ancillary building proposals** with appropriate design integration
5. **Tree protection strategy** ensuring retention of protected trees
6. **Standards-compliant parking** meeting all SPD11 requirements

The revised scheme represents a significant improvement that addresses the planning authority's concerns while delivering a high-quality residential development appropriate to this sensitive Green Belt and heritage location.

We respectfully request that planning permission be granted for this refined proposal that demonstrates clear compliance with all relevant planning policies and guidance.

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Date: 10th September 2025

On behalf of: Craig Hamilton