

**Planning Applications Report**

**Planning Committee  
3<sup>RD</sup> February 2022**

**Bolton  
Council**

Bolton Council has approved a Guide to Good Practice for Members and Officers Involved in the Planning Process. Appendix 1 of the Guide sets down guidance on what should be included in Officer Reports to Committee on planning applications. This Report is written in accordance with that guidance. Copies of the Guide to Good Practice are available at [www.bolton.gov.uk](http://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](http://www.bolton.gov.uk)

The plans in the report are for location only and are not to scale. The application site will generally be in the centre of the plan edged with a bold line.

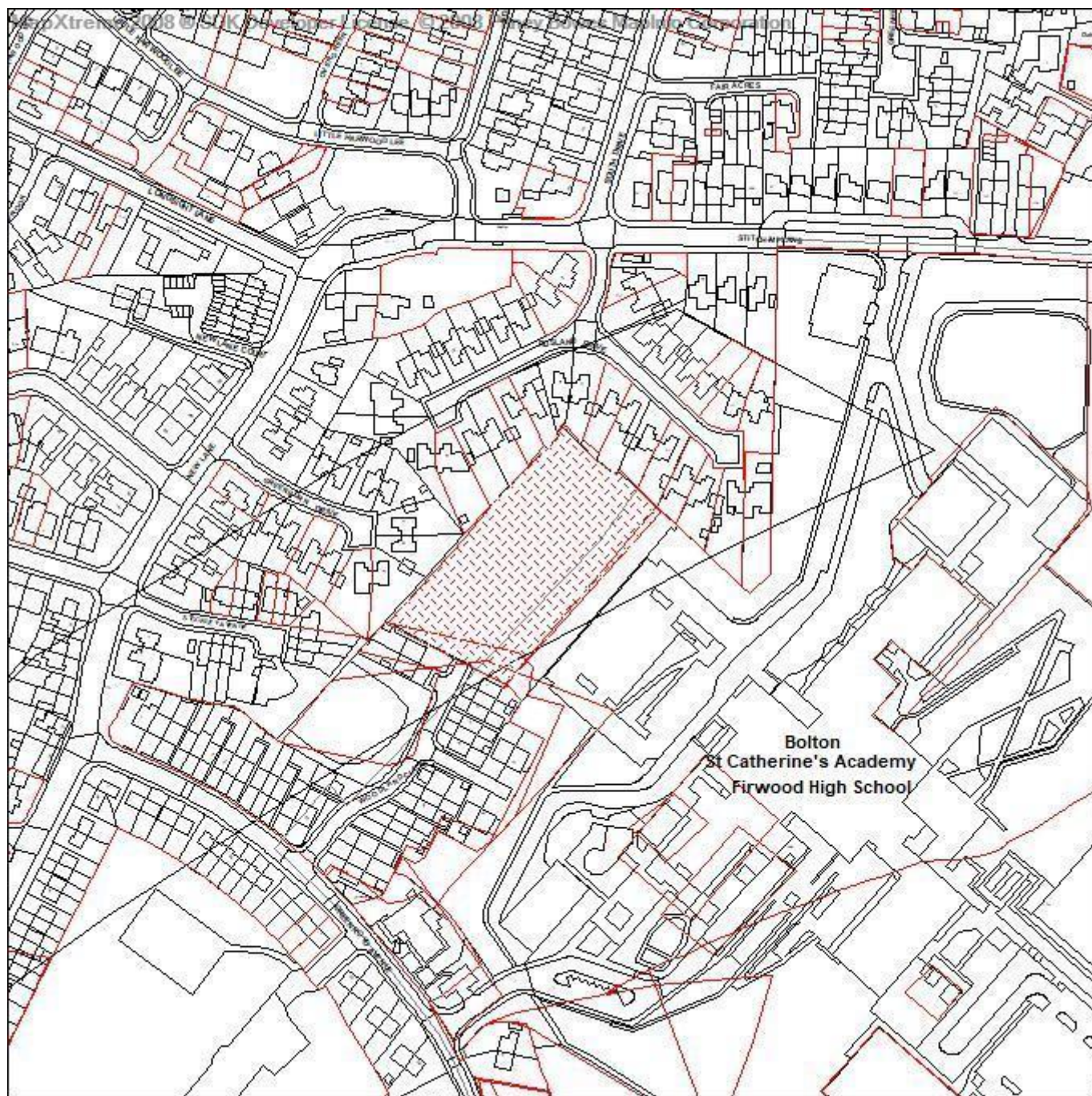
The following abbreviations are used within this report: -

CS	The adopted Core Strategy 2011
AP	The adopted Allocations Plan 2014
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PCPN	A Bolton Council Planning Control Policy Note
PPG	Department of Communities and Local Government Planning Policy Guidance Note
MPG	Department of Communities and Local Government Minerals Planning Guidance Note
SPG	Bolton Council Supplementary Planning Guidance
SPD	Bolton Council Supplementary Planning Document
PPS	Department of Communities and Local Government Planning Policy Statement
TPO	Tree Preservation Order
EA	Environment Agency
SBI	Site of Biological Importance
SSSI	Site of Special Scientific Interest
GMEU	The Greater Manchester Ecology Unit

The background documents for this Report are the respective planning application documents which can be found at:-

[www.bolton.gov.uk/planapps](http://www.bolton.gov.uk/planapps)

# Application number 11060/21



Directorate of Place  
Development Management Section

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

# Bolton Council

Reproduction from the Ordnance Survey Map with the  
permission of the Controller of H.M. Stationery Office. Crown  
Copyright and may lead to prosecution or civil proceedings.

Crown Copyright and database rights 2018. 0100019389



**Date of Meeting: 03/02/2022**

**Application Reference: 11060/21**

**Type of Application: Full Planning Application**

**Registration Date: 15/04/2021**

**Decision Due By: 14/07/2021**

**Responsible Officer: Helen Williams**

**Location: LAND AT WOODLAND CLOSE, BOLTON, BL2 5DN**

**Proposal: ERECTION OF 28No. RESIDENTIAL DWELLINGS WITH ASSOCIATED WORKS**

**Ward: Bradshaw**

**Applicant: Hive Homes (Greater Manchester)**

**Agent : MCK Associates Limited**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Executive Summary**

- \* The application is before Members as the application site is Council owned and as the application is for a major development that has attracted over six objections.
- \* The site is allocated within Bolton's development plan as a housing site (site reference 48SC – St Catherine's – Woodland Close), with a yield of 32 dwellings.
- \* The proposed development would be a continuation to Woodland Close and it has been designed to respect the character and appearance of the existing development on Woodland Close and the surrounding area.
- \* Interface distances between the proposed houses and neighbouring properties all exceed the Council's recommended standards.
- \* The proposed development would result in the loss of the majority of trees within the site, however these are either Category C (low quality and value) or Category U (unsuitable for retention) trees. Regardless of this, and notwithstanding the proposed landscaping scheme and biodiversity enhancement measures, the proposed development would result in a biodiversity net loss. Officers therefore consider that this should be given moderate negative weight in the overall planning balance.
- \* The Council's Highways Engineers have raised no objection to the proposal, finding that the proposed development would not jeopardise highway safety or have a harmful impact on the capacity of the local highway network.
- \* The submitted drainage layout for the development has been approved by the Council's Drainage team.
- \* The applicant has demonstrated, through the submission of a viability appraisal, that the proposed development is unable to support any planning contributions. The Council's viability consultee has confirmed that this is correct.
- \* Members are recommended to approve the application, subject to the recommended conditions.

## **Proposal**

1. Permission is sought for the erection of 28 dwellings, which would become a continuation and terminus of the existing residential development on Woodland Close (approved under application 75011/06 in 2006, applicant Great Places). The residential road will be extended into the application site and would terminate with a turning head. The proposed dwellings would be sited around this new cul-de-sac.
2. The dwellings are to comprise five house types, of which one would be a detached property, 18 would be semi-detached and nine would be mew/terraced dwellings. Six of the mews dwellings are to be 2 bed properties, with the remainder of the dwellings comprising 3 bedrooms. All dwellings are proposed at two storeys in height and would be constructed from red brick with buff brick detail on the front elevation. Each dwelling is to have a front and rear garden and driveway parking for two vehicles.
3. The proposed development would result in the loss of the majority of trees within the site. The trees to be lost are all low Category C or unsuitable for retention Category U trees that have naturally regenerated following the previous clearance of the site. Existing trees along the boundaries are proposed to be retained.
4. All dwellings are proposed as market housing.

## **Site Characteristics**

5. The application site measures approximately 0.59 hectares and is allocated within Bolton Council's development plan as a housing site (site reference 48SC – St Catherine's – Woodland Close). The site is Council owned.
6. The site is a greenfield site in that it has not previously been developed. The site is rectangular in shape and comprises naturally regenerated trees. The site slopes gradually from the west to the east. Missing fencing panels at the end of Woodland Close allows for public access onto the site (there is no formal public access on or through the site).
7. To the south of the application is Woodland Close, a Great Places development that consists of bungalows and two storey semi-detached and mews dwellings. Woodland Close leads onto Greenroyd Avenue, which connects to New Lane to the west and Padbury Way to the south.
8. The application site is neighboured to the west by two storey dwellings on Greenburn Drive and Rusland Drive. These dwellings are at a lower level than the application site and their rear garden adjoin the site. To the north are further two storey dwellings on Rusland Drive.
9. St. Catherine's Academy and Firwood High School are located to the east of the application site. A steep slope, outside the application site, separates the site from a car park at the schools.
10. The application site is located within both the wards of Brightmet and Bradshaw, as the boundary between the wards runs through the centre of the site.

## **Policy**

### **11. Development Plan Policies**

Core Strategy Policies: H1.2 Health contributions; A1.4 Education contributions; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Greener Bolton; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; RA3 Brightmet; OA5 North Bolton; IPC1 Infrastructure and Planning Contributions.

## **12. Other Material Considerations**

National Planning Policy Framework: Sections 2 Achieving sustainable development; 5 Delivering a sufficient supply of homes; 9 Promoting sustainable transport; 11 Making effective use of land; 12 Achieving well-designed places; 14 Meeting the challenge of climate change, flooding and coastal change; 15 Conserving and enhancing the historic environment.

Supplementary Planning Documents: General Design Principles; Accessibility, Transport and Road Safety; Affordable Housing; Infrastructure and Planning Contributions.

Bolton's Authority Monitoring Report (AMR) (February 2020)  
Housing Delivery Test Action Plan (August 2020)

Draft Places for Everyone (former Greater Manchester Spatial Framework) - consultation closed 3rd October 2021

## **Analysis**

13. 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.

14. The main impacts of the proposal are:-

- \* principle of residential development on the site
- \* loss of green space
- \* impact on the character and appearance of the area
- \* impact on the amenity of neighbouring residents
- \* impact on biodiversity
- \* impact on the highway
- \* impact on flood risk
- \* impact on local infrastructure

## **Principle of Residential Development on the Site**

15. The application site is located within both the wards of Brightmet and Bradshaw (the boundary between the wards runs through the centre of the site). Policy RA3.1 of Bolton's Core Strategy states that the Council will develop new housing throughout Brightmet on a combination of brownfield sites and on a limited number of greenfield sites in existing housing areas. Policy OA5 concerns development in North Bolton (the area policy for Bradshaw) and states at OA5.1 that the Council will concentrate sites for new housing within the existing urban area.

16. Brightmet is identified as one of three renewal areas within the Core Strategy. Renewal areas are planned to be the focus for regeneration, including new housing, and paragraph 5.22 of the Core Strategy states that between 35% and 45% of new housing development will be in renewal areas.

17. The application site is allocated within Bolton Council's development plan as a housing site (site reference 48SC – St Catherine's – Woodland Close). The site was allocated as a housing site within Bolton's Allocations Plan, which was adopted in December 2014. At that time no objections to the proposed housing allocation were received.
18. As stated above, Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with policies in the development plan, unless material considerations indicate otherwise. The Allocations Plan along with the Core Strategy and Greater Manchester Joint Mineral and Waste Plans form Bolton's development plan. As dwellings are being proposed on a site allocated for housing there is no conflict with the development plan in this respect. The principle of housing on the application site has indeed already been established by the site being allocated. The proposed development would also provide housing on a site within the existing urban area of Brightmet and Bradshaw, thereby compliant with Policies RA3.1 and OA5.1 of the Core Strategy.
19. The Allocations Plan (at appendix 4) identifies the application site as being able to accommodate 32 dwellings (its yield). Four fewer houses are now being proposed.
20. Notwithstanding the housing allocation, the application site is considered to be in a sustainable location, being within walking distance of local amenities (including shops and a post office) and local primary and secondary schools. The site is also within short walking distance of bus stops, on New Lane and Stitch-Mi-Lane.
21. Paragraph 60 of the NPPF states, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
22. The principle of housing on the application site is therefore fully compliant with Bolton Council's development plan policies. In accordance with planning law, this planning application should therefore be approved unless other material considerations indicate otherwise. These considerations are now considered below within this analysis.

#### Loss of Green Space

23. As stated above, the application site is a greenfield site (not previously developed). It is not protected green space and is instead allocated as a housing site within the Council's development plan.
24. Policy RA3.1 of Bolton's Core Strategy states that the Council will develop new housing throughout Brightmet on a combination of brownfield sites and on a limited number of greenfield sites in existing housing areas. Policy OA5 concerns development in North Bolton (the area policy for Bradshaw) and states at OA5.1 that the Council will concentrate sites for new housing within the existing urban area.
25. Although the application is a greenfield site, it is not identified by the Council as being "informal green space", as it is not listed as such within Appendix 3 of SPD Infrastructure and Planning Contributions (informal green space over 0.4 hectares). Policy CG1.4 of the Core Strategy, which allows for some development of informal green spaces in the urban area provided that it allows for the improvement of remaining green spaces and helps to meet the strategic objectives for housing, therefore is not applicable for this application site.
26. The proposed residential development of this allocated housing site is therefore compliant with

the development plan.

#### Impact on the Character and Appearance of the Area

27. Policy CG3 of the Core Strategy states that the Council will [amongst other things] 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.
28. As the application site falls within both the Bradshaw and Brightmet wards, Core Strategy Policies OA5 (North Bolton) and RA3 are applicable as the area specific policies. Policy OA5 states [amongst other things] that the Council will conserve and enhance the character of the existing physical environment and require special attention to be given to the massing and materials used in new development. Policy RA3 states [amongst other things] that the Council will require development to introduce increased levels of high quality, distinctive design that will enhance the local area.
29. The proposed residential development has been designed to be a continuation of Woodland Close. The proposed dwellings are to be of a similar scale, massing and spacing to those existing on Woodland Close, and their linear siting along and facing the proposed internal road and turning head reflects the established urban grain of the area. The rear garden sizes are also similar in scale to the other properties on Woodland Close and boundary fencing or walls are proposed to the front gardens to retain the open plan character of the road.
30. The dwellings have also been designed to respect the appearance of the existing houses on Woodland Close, being constructed of red brick with grey roof tiles, and having contrasting material between windows on the front elevations (in this instance buff brick). Two types of red brick are proposed within the development, to break up the massing of the development and to add visual interest.
31. Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
32. The loss of the existing trees from the site is discussed in more detail within the biodiversity section below. A landscaping scheme for the proposed residential development has been submitted with the application and has been accepted by the Council's Landscape Architects. This includes the planting of ten street trees (6x Himalayan Birch, 3x Rowan and 1x Field Maple) and eight boundary trees (4x Field Maple and 4x Rowan), which are all native species and are to be planted as heavy standard trees. The landscaping scheme also includes the planting of shrubs with all the front gardens and around the proposed turning head. A suggested landscape condition would ensure that the scheme is planted prior to first occupation of the development and that any trees or shrubs that die or are removed within five years of planting are replaced.
33. It is considered that the proposed development has regard to the character and appearance of the area in terms of its proposed scale, massing, grain, form, architecture, street enclosure, materials and landscape treatment, and therefore is compliant with Policies CG3, OA5 and RA3 of Bolton's Core Strategy.

#### Impact on the Amenity of Neighbouring Residents

34. 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. SPD General Design Principles sets out the Council's recommended interface distances between dwellings. This states that the recommended interface distance between single or two storey dwellings is 21 metres (where elevations contain main room windows) and 3 metres should be added for each additional floor or equivalent level difference. Where a single or two storey dwelling with an elevation containing a main room window faces a two storey blank elevation (no main windows) the recommended interface distance is 13.5 metres, and again 3 metres should be added for each additional floor or equivalent level difference.
35. There would be no direct overlooking between the proposed dwellings and the rears of the houses on Greenburn Drive, owing to the orientation of the houses. There would be a distance of approximately 20 metres, at an oblique angle, between the rear of 14 Greenburn Drive and the dwellings at plots 1 and 2 and a distance of approximately 22 metres, again at an oblique angle, between the rear of 16 Greenburn Drive and the dwellings at plots 5 to 7 (the nearest plots to those neighbours). There is over 30 metres between the proposed dwellings and the rear of 9 Greenburn Drive. These interface distances exceed the recommended minimum interface distances within policy guidance, even given the ground level differences.
36. The rear elevations of 26 and 28 Rusland Drive would be approximately 26.4 metres away from the rear of plot 13 (the nearest new dwelling) and 24 Rusland Drive would be approximately 28 metres away from plot 11 (the nearest dwelling) at an oblique angle. The side elevation of plot 14 would be approximately 21.5 metres from the rear of no. 30 and 14.1 metres (at an oblique angle) from the rear extension of no. 32. These interface distances well exceed those suggested within the SPD.
37. 23 Rusland Drive is the closest neighbouring property to the houses proposed along the northern boundary of the site, but this property does not directly overlook the dwelling at plot 21 and its rear elevation is approximately 22 metres away. The other houses to the north on Rusland Drive will be, at the nearest, approximately 26 metres away from the rears of proposed dwellings, which exceeds the recommended 21 metres interface distance between dwellings.
38. 5 and 7 Woodland Close neighbour the application site to the south and these properties are side on to the proposed development. The dwellings proposed at plots 1 and 28 would not be sited as to infringe upon a line drawn at a 45 degree angle from either the front or rear main windows of 5 and 7 Woodland Close. It is therefore considered that the relationship between these existing and proposed dwellings is acceptable.
39. There will be greater overlooking into neighbouring gardens than the existing situation, given that the application site is currently undeveloped. However, owing to the interfaces described above and as the rear gardens of the proposed dwellings will adjoin the rear gardens of neighbouring properties, it is not considered that any overlooking would be unduly harmful.
40. By the nature of the proposal, there will inevitably be some disturbance to neighbouring residents during the construction period. Officers are therefore recommending that the applicant submits a construction management plan, detailing how construction disturbance is to be kept at a minimum, for the Council's approval prior to commencement of development.
41. For these reasons, it is not considered that the proposed development would unduly harm the living conditions and privacy of neighbouring residents, compliant with Policy CG4 of the Core Strategy.

### Impact on Biodiversity

42. Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development, and improving the quality and interconnectivity of wildlife corridors and habitats.
43. Paragraph 174d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
44. Both local and national planning policy concerning biodiversity requires there to be enhancement and net gains for biodiversity. The Environment Act and Places for Everyone will eventually require (some time in 2023) a minimum biodiversity net gain of 10% for proposed development, but until that time there is no set percentage requirement, only a requirement for enhancement.
45. To accommodate the proposed development the majority of trees within the site are to be felled. All the trees proposed to be felled have been surveyed as being either Category C (low quality and value) trees or Category U (unsuitable for retention) trees. This survey has not been challenged by the Council's Tree Officers. Regardless of the quality of the trees and the poor quality of the grassland within the development site, the biodiversity metric submitted with the application shows that there would be a loss in biodiversity units of 2.17 units, which is a 78.76% loss, as a result of the proposed development.
46. The Council's Tree Officers have raised an objection that additional trees along the western boundary of the site, which are currently shown as being proposed to be retained, could be damaged and even lost owing to the proposed cut and fill of the rear gardens here. The applicant has responded to this to confirm that they have re-designed the layout of the development during the application process, which has moved some of the retaining structures inward along the western boundary to keep adjoining levels as close as possible. A condition is however suggested by officers that an arboricultural impact assessment is submitted prior to the commencement of works at plots 1 to 13 to detail how the root protection zones of these trees are to be protected during the construction phase.
47. The applicant is proposing new tree and shrub planting within the development and biodiversity enhancement measures such as the provision of bat and bird boxes, a 1 metre wide badger access strip along the northern boundary and hedgehog gaps in fencing between gardens (though the Council's Greenspace Officers consider the badger and hedgehog measures to be more mitigation than enhancement, as these mammals can already access the site). Whilst these measures have been welcomed by the Council's Greenspace Officers and Greater Manchester Ecology Unit (GMEU), both have confirmed that they are not considered sufficient to compensate for the loss of the existing habitats (the net loss).
48. Both the Council's Greenspace Officers and GMEU have advised that if on-site measures cannot be secured on-site to achieve biodiversity net gain, which is the case here, an off-site contribution to habitat management/creation should be sought. The Council's Greenspace Officers have suggested funding towards the Seven Acres Local Nature Reserve, which is about a 13 minute walk away from the application site. For the reasons discussed below in the local infrastructure section of this analysis, the applicant is unable to offer any funding towards off-site biodiversity.

49. As the proposed development will result in a biodiversity net less, officers consider that this should carry negative weight in the planning balance when determining this application.

#### Impact on the Highway

50. 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 and parking, in accordance with the parking standards sets out in appendix 3 of the Core Strategy. Policy S1.2 states that the Council will promote road safety in the design of new development.
51. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
52. Access into the development is proposed at the end of Woodland Close, as a continuation of the residential street. Woodland Close is accessed off Greenroyd Avenue, which connects to New Lane to the west and Padbury Way to the south.
53. A Transport Assessment has been submitted with the application. The Council's Highways Engineers agree with the conclusions of the assessment and confirm that the level of traffic impact associated with the proposed 28 dwellings would be minimal above the existing observed traffic situation, and that the development should be accommodated with little additional detriment to road safety and the operational capacity of the surrounding highway network.
54. With regards to the design of the internal road, Engineers have stated that the layout appears to meet the requirements of the Council's standards for adoption and that the resultant cul-de-sac length from Greenroyd Avenue appears to meet the emergency services' requirements under the Council's current codes of practice. Engineers confirm that the tracking analysis included in the Transport Assessment demonstrates accessibility and manoeuvrability into the site for a refuse vehicle.
55. Two driveway parking spaces are proposed for each dwelling, which meets the maximum parking standards contained within Appendix 3 of the Core Strategy. It should also be noted that the application site is located within a sustainable urban location, being within walking distance of local amenities (including shops and a post office), local primary and secondary schools and bus stops.
56. Highways Engineers have suggested that a construction management plan is imposed to any approval, to help reduce any potential road safety implications from HGVs visiting the construction site and also any impact on residential amenity. As mentioned above in the residential amenity section of this report, such a condition is recommended given the close proximity of neighbouring residents.
57. It is therefore considered, subject to the conditions recommended by the Council's Highways Engineers, that the proposed development would not jeopardise highway safety or have a harmful impact on the capacity of the local highway network, compliant with Policies P5 and S1.2 of Bolton's Core Strategy.

#### Impact on Flood Risk

58. 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, concentration new development in areas of lowest flood risk.

Policy CG2.2 states that the Council will ensure that all proposals for 5 or more residential units 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.

59. The application site is a greenfield site located within Flood Zone 1 (the zone lowest at risk from flooding). A flood risk assessment and proposed drainage scheme have been submitted with the application.
60. The proposed drainage for the development would connect to the existing surface water public sewer within the road at Woodland Close. Oversized pipes are proposed to store all surface water volumes up to and including the 1 in 30-year storm events and a cellular storage tank is proposed for any overflow at the end of the turning head in front of plots 20 and 21. The drainage scheme has been approved by the Council's Drainage Officers.
61. It is considered, subject to a standard condition concerning the maintenance and management of the surface water drainage scheme, that the proposed development would comply with Policies CG1.5 and CG2.2 of the Core Strategy.

#### Impact on Local Infrastructure

62. 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. The appeal development proposes 28 dwellings and therefore exceeds this threshold for planning contributions.
63. SPD "Affordable Housing" (adopted February 2013) provides further detail to the policies in the Core Strategy that concern affordable housing and deals specifically with the provision of affordable housing through Bolton's planning processes, with a focus on new supply. The SPD sets out the Council's policy on achieving affordable housing. SPD "Infrastructure and Planning Contributions" (adopted July 2016) provides further detail on policies in the Core Strategy that concern planning contributions. The SPD contains information on when planning obligations may be needed and covers matters including when contributions may be needed, the type and scale of contributions, the circumstances when financial rather than direct provision will be required, how financial contributions will be calculated, and the form and timing of legal agreements.
64. The following Section 106 Agreement contributions would be required for this development:
65. Affordable housing – 10 of the dwellings (35% of the 28 dwellings as this is a greenfield site, 8 for social rent and 2 for shared ownership);
- Education – £181,830.18 (£88,783.50 towards primary provision and £93,046.68 towards secondary provision);
  - Open space/play space – £39,424 (£1,408 per dwelling).
- Policy IPC1 however states that the policy is not applicable if it can be demonstrated by the applicant that the scheme would not be viable if all or some of the contributions are sought or offered. The applicant has submitted a viability appraisal for the proposed development, which concludes that the development is unable to support any planning obligation. This appraisal has been independently reviewed by the Council's external viability consultee, who has confirmed,

following further consideration of assumed sales values for the area and the developer's profit target, that the development cannot support the required contributions.

66. The Council's viability consultee however suggested that the Council could look at imposing a review mechanism (a 'clawback clause') to ensure that some contributions are received should the properties achieve higher sales values than predicted. Officers have however been informed internally that overage has been placed on the sale of this Council owned land, to ensure that the Council does not dispose of the land at an undervalue as required by law. The overage requirement via the land transaction and the Council's asset disposal process would robustly ensure the overage is secured for the site and the applicant has agreed to this overage. It has been stated that the Director of Place – Development and Assistant Director for Economic Development and Regeneration can commit, in the event that overage is secured for this site, that such overage would be subject to a further report and consultation with the Executive Members as to its use. Such a report would reflect the need to deliver biodiversity net gain off-site (as discussed within the impact on biodiversity section of this report) and the Council is already committed to attracting and delivering biodiversity net gain across the Borough and will continue to do so. The Assistant Director considers that overage is a more robust mechanism than a clawback clause to secure any additional contributions from higher sales. Furthermore, a clawback clause would only duplicate the overage.
67. The Assistant Director has also informed officers that the disposal income generated from this application site, and many other Council owned sites, is supporting the delivery of the Council's Capital Programme and critical projects that support all the directorates. Without the disposal income the wider Council capital programme and vision would be placed at risk and that the relationship of income from disposal to the benefit of the Council's delivery of its Capital programme, including the District Centres, is material and significant.
68. As the applicant has demonstrated that the proposed development is unable to support any planning obligations, it is considered that the proposal complies with Policy IPC1 of the Core Strategy.

### **Planning Balance and Conclusion**

69. Section 38 of the Planning and Compulsory Purchase Act 2004 and Section 70 of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with development plan policies should be refused unless material considerations justify granting permission.
70. The proposed development is in accordance with the development plan as dwellings are being proposed on a site allocated for housing (site reference 48SC – St Catherine's – Woodland Close).
71. Officers consider that the proposed development would not harm the character and appearance of the area, not would not unduly harm the amenity of neighbouring residents, would not jeopardise highway safety or have a harmful impact on the capacity of the local highway network, and would not increase the risk of flooding. The proposed development is also compliant with Core Strategy Policy IPC1 as the applicant has also demonstrated that development cannot support any planning obligations.
72. Whilst the all the trees on the site that are required to be felled to accommodate the development are either Category C or U trees, and as the housing allocation of the site identified yield of 32 dwellings would not allow for the trees to be retained, officers consider that the resultant biodiversity net loss should carry negative, moderate weight in the planning balance.

73. It is acknowledged that the Council is not able to demonstrate a 5-year supply of deliverable housing sites. This represents a housing shortfall. In this circumstance paragraph 11 of the NPPF indicates that the policies that are most important for determining the application should be regarded as out-of-date and that there is a 'tilted balance' in favour of granting permission. It is found in this case that the moderate harm caused by the biodiversity net loss and loss of trees would not significantly and demonstrably outweigh the significant positive planning weight that should be given to the provision of 28 dwellings on an allocated housing site.
74. Members are therefore recommended to approve this application, subject to the suggested conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** 13 letters of objection have been received, which raise the following concerns:

75. Loss of privacy to neighbouring properties; The proposed houses are too close to neighbouring properties; Neighbouring properties will now be overlooked;
- Loss of light to neighbouring gardens and houses;
  - Increase in noise and light pollution (*Officer comment: it is considered that the proposed residential use of the application site is compatible with the surrounding residential uses and should not lead to an unacceptable increase in noise or light pollution, above that generally expected for residential use*);
  - Impact on neighbours' well-being and mental health (*Officer comment: as this is unsubstantiated it can only be given very limited weight in the determination of this application*);
  - The design and layout of the development is not in character with the area;
  - Concern about additional traffic and queues on Stitch-Mi-Lane/New Lane;
  - Loss of trees and vegetation;
  - Potential damage to neighbouring trees;
  - Loss of wildlife and habitats (badgers, hedgehogs, foxes, bats, owls, birds and deer);
  - Loss of a green space;
  - Loss of a recreational site/play area for children (*Officer comment: the site does not contain formal access into or across it. The site has been allocated as a designated housing site since 2014*);
  - Flooding – the land has been subjected from flooding owing to the current drainage at the school and heavy rain events; the development of the site could lead to the flooding of neighbouring properties (*Officer comment: the LLFA has stated that there had been damage to the private surface water surface, which had caused flooding. The applicant will be repairing this. A suitable drainage scheme for the development has also been proposed*);
  - Loss of trees and vegetation will increase the risk of flooding (*Officer comment: the proposed drainage scheme is compliant with policy, in that the rate of run-off will be no worse than the original conditions before development*);
  - Disturbance to neighbouring residents during the construction of the development;
  - Traffic, pollution, highway safety and pedestrian safety concerns with construction vehicles using Woodland Close as the access to the development site;
  - Effect on school places in the area;
  - Housing should be concentrated on brownfield site, not a greenfield site like this site (*Officer comment: the site is a allocated housing site*);
  - Loss of Green Belt land (*Officer comment: this site is not within allocated Green Belt*);
  - Have been lied to by the Council and Great Places about the site not being developed (*Officer comment: the site has been allocated as Housing Land since 2014, however this is the first time since then that a planning application for residential development has been submitted*).

*It is considered that concerns raised, without a specific officer comment in response, have been addressed within the analysis of this report.*

### **Consultations**

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Tree Officers, Landscape Officers, Greenspace Officers, Pollution Control Officers, Education Officers, Strategic Housing Officers, Strategic Development Unit, Economic Strategy Officers, Greater Manchester Ecology Unit, Greater Manchester Police, Primary Care NHS Bolton and United Utilities.

## **Planning History**

23510/84 – Outline application for the use of 23.7 acres of land at Earles Farm for residential purposes – withdraw in August 1984.

27476/86 – Retention of a block of three stables – refused August 1986.

28062/86 – Retention of a block of three stables (revised siting) – refused November 1986.

**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.     **Construction Management Plan**

Prior to the commencement of development, including demolition, ground works or vegetation clearance a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall include the following details:

- a) Hours of construction and deliveries;
- b) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway;
- c) Dust suppression measures;
- d) Noise emission suppression measures;
- e) Construction routes in and around the site;
- f) Compound locations together with details of the storage facilities for any plant and materials including off-site consolidation if appropriate, the siting of any site huts and other temporary structures, including site hoardings and details of the proposed security arrangements for the site;
- g) Parking of vehicles associated with construction, deliveries, site personnel, operatives and visitors;
- h) Sheeting over of construction vehicles.

Development of each phase or plot shall be carried out in accordance with the approved CMP.

Reason

To ensure that adequate consideration is given to the need to minimise the impact on the road network and reduce pollution, in accordance with Policies P5 and CG4 of Bolton's Core Strategy.

Reason for Pre-Commencement Condition: The site is close to residential properties and therefore considered to be sensitive to potential disturbances during the construction process and these need to be kept to a minimum to minimise any impact on the sensitive neighbouring uses.

3.     **Tree protection fencing**

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).

Reason

To protect the health and appearance of the tree(s) and in order to comply with Bolton's Core Strategy policies CG1 and CG3.

Reason for Pre-Commencement Condition: Tree protection measures must be implemented prior to the commencement of works to protect the health and appearance of the tree(s) during the construction phase.

4. **Arboricultural method statement**

Prior to the commencement of development of any works at plots 1 to 13 hereby approved, the developer shall submit a method statement detailing the following elements of the site will be constructed without causing harm or damage to the trees to be retained along the western boundary of the site to the Local Planning Authority. The specified areas are:

- Level changes (cut and fill formation levels) to the rear garden areas of plots 1 to 13;
- \* Any new or upgraded services and utilities to the rear of plots 1 to 13.

No development or site clearance at plots 1 to 13 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 and in order to comply with Bolton's Core Strategy policies CG1 and CG3

Reason for Pre-Commencement Condition: Tree protection measures must be implemented prior to the commencement of works to protect the health and appearance of the tree(s) during the construction phase.

5. **Proposed levels**

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 and in order to comply with Core Strategy policies CG3 and CG4.

Reason for Pre-Commencement Condition: Any changes in land levels on site could affect the character and amenity of the area and the living conditions of nearby residents, thereby details of existing and proposed land levels must be agreed with the LPA prior to commencement.

6. **Surface water drainage**

No development shall commence unless and until details of the implementation, maintenance and management of the approved sustainable drainage scheme (as shown within drawing ref. 20083-EDGE-XX-XX-DR-C-2001 Rev P08 and the supporting hydraulic model) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter retained, managed and maintained in accordance with the approved details. Those details shall include:

- 1) A timetable for its implementation, and
- 2) 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

The approved works shall be implemented in full prior to the occupation of the buildings hereby

approved and those works as approved shall be retained thereafter.

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.

Reason for pre-commencement condition: The solution for surface water disposal must be understood prior to works commencing on site as it could affect how underground works are planned and carried out.

7. **External materials**

Notwithstanding any description of materials in the application no above ground construction works shall take place until samples or full details of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. 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. **Doors and windows**

Prior to any doors or windows being installed, a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and retained thereafter.

Reason

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

9. **Bat and bird accommodation**

Prior to first occupation of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority for alternative on-site bat and nesting bird accommodation. The approved scheme shall be implemented in full and retained thereafter.

Reason

To safeguard biodiversity and to comply with Policy CG1.2 of Bolton's Core Strategy.

10. **Soil testing methodology**

No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the Local Planning Authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material.

Prior to the development being first brought into use or occupied a verification report including soil descriptions, laboratory certificates and photographs shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the site is safe for use and in order to comply with Core Strategy policy CG4.

11. **Contaminated land**

The development hereby approved shall be carried out in full accordance with the following approved Site Investigation: Land at Woodland Close, Bolton, dated 13th August 2020 (ref: 20083-EDGE-xx-xx-RP-G-003-Phase 2(Po1)) by EDGE Consulting Engineers.

i) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to

implementation.

ii) During the period of construction, should any unforeseen contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate remediation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed remediation measures.

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 no unforeseen contamination was found that all remedial works undertaken on site were completed in accordance with those agreed by the Local Planning Authority.

Reason

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

12. **Vehicular areas**

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 in order to comply with Core Strategy policies S1 and P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

13. **Traffic Regulation Orders**

Prior to the development hereby approved/permitted first being occupied, 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 and the promotion of additional parking restrictions.

Reason

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

14. **Vehicular access**

Prior to the development hereby approved/permitted being first occupied the means of vehicular access to the site from Woodland Close shall be constructed in accordance with drawing ref: PL01 Rev. E; "Proposed Layout"; revision dated 01/09/21.

Reason

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

15. **Roads, footways and footpaths**

No dwelling shall be occupied until the access roads, footways and footpaths leading thereto have been constructed and completed in accordance with drawing ref: PL01 Rev. E; "Proposed Layout"; revision dated 01/09/21.

Reason

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

and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

16. **Parking**

Before the approved/permitted development is first brought into use no less than 2no. car parking spaces shall be provided within the curtilage of the site in accordance approved plan PL01 Rev. E; "Proposed Layout"; revision dated 01/09/21. Such spaces shall be made available for the parking of cars at all times.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and in order to comply with Bolton's Core Strategy policies S1, P5 and Appendix 3.

17. **Landscaping**

Trees and shrubs shall be planted on the site in accordance with the approved landscape scheme [P-LSC-01 Rev B; "Proposed Landscaping Plan; revision dated 01-09-21] 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 in order to comply with Core Strategy policies CG1 and CG3.

18. **Boundary treatment**

Prior to the development being first occupied, details of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. Hedgehog gaps shall be provided within the boundary treatment to the proposed rear gardens. The approved scheme shall be implemented in full prior to first occupation 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 to safeguard hedgehog movement, and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

19. **Approved plans**

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

**SP01; "Site Location Plan"; dated Nov 2020**

**PL01 Rev E; "Proposed Layout"; revision dated 01/09/21**

**BO-END-001 Rev E; "Bowker End"; revision dated Date 17 [sic]**

**CO-END-001 Rev E; "Cornbrook End"; revision dated 28/10/20**

**CO-MID-001 Rev C; "Cornbrook Mid"; revision dated 30/04/20**

**NH-001 Rev B; "Newhey"; revision dated 27/10/20**

**PO-END-001 Rev B; "Pomona End"; revision dated 05/03/20**

**PO-MID-001 Rev B; "Pomona Mid"; revision dated 05/03/20**

**P-LSC-01 Rev B; "Proposed Landscaping Plan"; revision dated 01-09-21**

**HL01 Rev A; "Hard Landscaping Plan"; revision dated 01.09.21**

**MP01 Rev B; "Materials Plan"; revision dated 01.09.21**

**WP01 Rev A; "Waste Management Plan"; revision dated 01.09.21**

**20083-EDGE-XX-XX-DR-C-2001 Rev P08; "Drainage Layout"; revision dated 08.12.21**

Reason

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

General notes:  
Do not scale the drawing.  
All dimensions to be checked on site prior to commencement of work and any discrepancy shall be immediately reported and resolved prior to work commencing. This drawing is to be read in conjunction with all relevant drawings and specifications relating to the job whether or not indicated on the drawing. Copyright reserved to mck associates ltd., and this drawing may not be used or reproduced without prior written consent.

Schedule of Accommodation					
New name / Sales name	Codes	Typology	Beds	sqft	Total
Pomona End / Mid	Po End / Mid	Mews	2	699	6
Combrook End / Combrook Mid	Co End / Mid	Mews	3	762	3
Combrook End	Co End	Semi	3	762	14
Bowker End	Bo End	Detached	3	837	4
Newhey	Nh	Detached	3	923	1
Total			28	21419	



Rev	Drawn	Date	Info
A	WL	14/9/20	Retainer wall added
B	GO	1/7/20	plot 28 adjusted
C	WL	15/10/20	Retainer wall key added.
D	CT	02/11/20	Updated Schedule and 20.21
E	WL	01/09/21	Plots 3 & 4 swapped with 5-7

## PLANNING

Client:



Project:  
WOODLAND CLOSE  
BRIGHTMET

Drawing Title:  
PROPOSED LAYOUT

Job No:  
19-059

Checked:  
C.T

Drawing No:  
PL01

Rev:  
E

Date:  
FEB 2020



associates limited  
architecture | building surveying | urban design

burnaby villa ■ 48 watling street road ■ fulwood ■ preston ■ pr2 8bp  
tel: 01772 774510 fax: 01772 774511 email mck@mckassociates.co.uk

General notes:  
do not scale the drawing.  
all dimensions to be checked on site prior to commencement of work and any discrepancy shall be immediately reported and resolved prior to work commencing.  
this drawing is to be read in conjunction with all relevant drawings and specifications relating to the job whether or not indicated on the drawing.  
copyright reserved to mck associates ltd. and this drawing may not be used or reproduced without prior written consent.

A 01.09.21 WL PLOTS 3&4 SWAPPED WITH 5 - 7

Rev.	Date	By	Description
Client:			



mck

associates limited

architecture | building surveying | urban design

burnaby villa ■ 48 walling street road ■ fulwood ■ preston ■ pr2 8bp

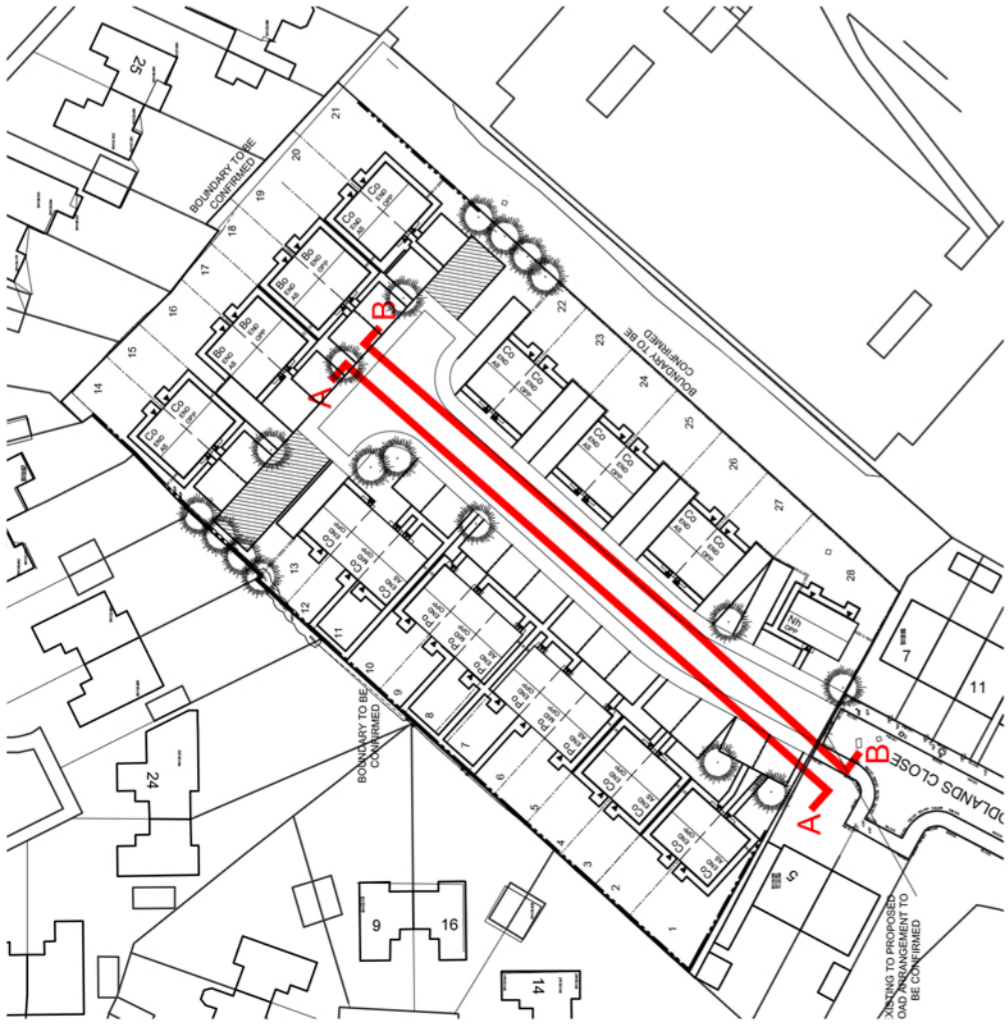
tel: 01772 774510 fax: 01772 774511 email mck@mckassociates.co.uk

Project:

WOODLANDS CLOSE

BRIGHTMET

Drawing Title: PROPOSED STREETSCENES			
Drawn: WL	Checked:	Scale: 1:200	Date: NOV 2020
Job No: 19-059	Drawing No: SS01	Rev: A	



STREETSCENE LOCATIONS



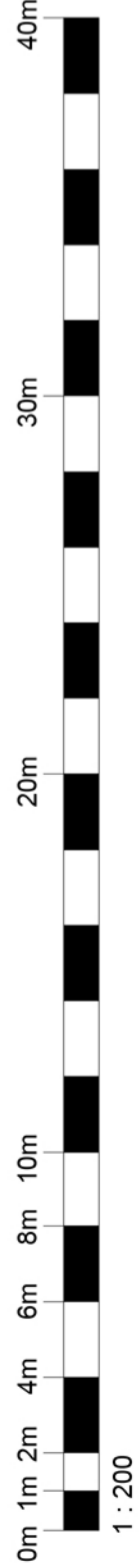
STREETSCENE A-A

PLOT 1 PLOT 2 PLOT 3 PLOT 4 PLOT 5 PLOT 6 PLOT 7 PLOT 8 PLOT 9 PLOT 10 PLOT 11 PLOT 12 PLOT 13



STREETSCENE B-B

PLOT 22 PLOT 23 PLOT 24 PLOT 25 PLOT 26 PLOT 27 PLOT 28



NOTE : FLOOR LEVELS FOR STREETSCENE ARE INDICATIVE ONLY  
FLOOR LEVELS TO BE CONFIRMED

[illegible]