

Planning Applications Report

**Planning Committee
21st July 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

Bolton Council also has a Statement of Community Involvement. As part of this statement, neighbour notification letters will have been sent to all owners and occupiers whose premises adjoin the site of these applications. In residential areas, or in areas where there are dwellings in the vicinity of these sites, letters will also have been sent to all owners and occupiers of residential land or premises, which directly overlook a proposed development. Copies of the Statement of Community Involvement are available at www.bolton.gov.uk

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

The following abbreviations are used within this report: -

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

Date of Meeting: 21 July 2022

Application Reference: 11852/21

Type Of Application
Registration Date
Decision Due Date
Responsible Officer
Authorising Officer

Outline Planning Permission
28 July 2021

Thomas Oconnor

Location

GREEN COMMON COTTAGES GREEN COMMON LANE
WESTHOUGHTON BOLTON

Proposal

OUTLINE PLANNING APPLICATION FOR THE DEMOLITION
OF EXISTING DWELLINGS AND OUTBUILDINGS AND
RESIDENTIAL DEVELOPMENT (WITH ALL MATTERS
RESERVED)

Ward

Westhoughton North

Applicant: Mr S.J Williams

Agent: Mr Rob Lucas

OFFICERS REPORT

Recommendation: Approve subject to conditions

Executive Summary

- The applicant proposes the redevelopment of a previously developed site located within land allocated as other protected open land;
- The proposal is an outline planning application to establish the principle of residential development of the site, other matters including numbers, layout, scale and landscaping are reserved matters for consideration at a later stage;
- Previous applications on the site have been refused due to insufficient information being provided. The current application seeks to address the previous reasons for refusal.
- Cllr Eckerlsey – Fallon has requested that the application be determined by Planning Committee due to concerns over the unsuitability of the access road for construction access, potential loss of privacy for existing residents, the site is not suitable for development and loss of trees and wildlife;
- The proposal would provide for the residential redevelopment of the site without compromising the character and appearance of the area. Whilst some tree loss of lower quality trees would be required to potentially facilitate the development, it is not considered that this identified harm would override the modest benefits of additional housing provision.
- The proposal is recommended for approval subject to conditions.

Proposal

1. The applicant seeks outline planning permission application with all matters reserved for the demolition of the existing 2no. dwelling houses and a number of outbuildings and redevelopment for residential purposes.
2. A development parameters plan has been submitted which identifies the developable area of the site when taking into consideration the constraints of the site.
3. The application contains illustrative site layout options which are not proposed for approval but are submitted to show a number of ways in which the site could be developed in accordance with the development parameters and without harm to the protected trees or the character and appearance of the site

(a cottage and garden).the applicant maintains that the illustrative layouts are able to demonstrate an acceptable layout can be achieved for 2, 3 or 4 dwellings.

4. This is a resubmission of previously withdrawn application ref. 07502/19 and application 08744/20 which was refused permission for similar type of development. The sole reason for previous refusals was that insufficient evidence had been provided to show how a development could take place without an adverse impact upon protected trees and the site's character.

Site Characteristics

5. The application site consists of privately owned land with an existing vehicular access off Green Common Lane. It is surrounded by trees and hedgerows and trees situated within the site, including a number of TPO trees.
6. The site currently comprises of existing two dwellings and their garden areas; a pair of semi-detached cottages situated on a large plot with a number of outbuildings scattered within the application site with a number of trees and hedgerows within the site.
7. The area is rural in character, physically separate from the main settlement of Westhoughton with only few other dwellings along this stretch of the road including the adjoining site with a detached house at Alcora.
8. Adjacent, there is the applicant's dwelling, 'The Bungalow' at Yewtree Farm, and a cluster of residential dwellings in the form of converted barns, all situated to the south of the site. It is noted that there are no dwellings to the north, east or west of the site and there is no fixed pattern to the siting of the houses on this stretch of the road.
9. The site is located within an area of Other Protected Open Land.

Policy

10.The Development Plan

Core Strategy Policies: P5 Accessibility, S1 Safe, CG3 The Built Environment, CG4 Compatible Uses, SC1 Housing and OA3 Westhoughton.

Allocation Plan Policy CG6AP z Other Protected Open Lane

11. Other material considerations

National Planning Policy Framework (NPPF 2021)

Supplementary Planning Documents (SPDs) General Design Principles, Transport and Road Safety.

The Landscape Character Appraisal for Bolton 2001 (LCA)

Analysis

12. 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.
13. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission.
14. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission.
15. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.

The main impacts of the proposal are:-

- principle of development/loss of other protected open land
- housing land supply and delivery
- impact on the character and appearance of the area
- impact on residential amenity
- Impact on coal mining legacy, land stability and contamination
- impact on ecology, trees
- impact on highway safety
- impact on flooding
- impact on designing out crime
- other matters

Principal of development/loss of other protected open land

16. Policy OA3 of Bolton's Core Strategy concerns development in Westhoughton. Policy OA3.3 states that the Council will concentrate sites for new housing in Westhoughton town centre and on other sites within the existing urban area. OA3.6 seeks to ensure Protected Open Land around Westhoughton remains undeveloped.
17. The application site is located within Bolton's Allocations Plan (part of the development plan) as Other Protected Open Land (OPOL). OPOL is defined within paragraph 5.12 of the Allocations Plan as countryside that is not within the Green Belt but is protected from inappropriate development. As the application proposal would develop a site allocated as OPOL for residential development it is potentially contrary to Policy OA3.3 and OA3.6 of the Core Strategy.
18. Policy CG6AP of Bolton's Allocations Plan states that the Council will permit development proposals within the defined areas of OPOL shown on the Proposals Map, provided that they fall within one or more of the following categories:
- The development represents limited infilling within an established housing or industrial area, is in scale with it and would not adversely affect its character or surroundings; or
 - It forms part of, and is required for, the maintenance of an existing source of employments; or
 - The development requires a location outside the urban area, but is appropriate within the Green Belt, and providing it maintains the character and appearance of the countryside; or
 - The development would be appropriate within the Green Belt.
19. As the site is previously developed, if the site was located within the Green Belt redevelopment of the site would comply with the exceptions (specifically para. 149 [g]) of the NPPF which allows for either limiting infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
20. It is therefore considered that subject to the detailed layout and design of any residential redevelopment of the site, the proposal would comply with AP policy CG6AP (iv) above. These matters would be considered at the reserved matters stage.
21. Whilst CS policy OA3.6 states that the Council and its partners will ensure protected land around Westhoughton remains undeveloped, this needs to be considered in relation to the Development Plan as a whole including the Allocations Plan policy which provides further detail on the relevant policy considerations.

Impact on landscape character of the site and the wider area

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

landscape enhancement schemes should enhance biodiversity and be compatible with the nearby landscape character types identified by the Landscape Character Assessment.

23. Policy OA3.7 seeks to conserve and enhance the character of the existing physical environment. OA3.7 seeks to ensure regard is had to the character of farm complexes, folds, vernacular cottages and the wider open landscape.
24. National policy guidance has evolved to focus more on the quality of design and the sense of place, notably para. 126 of the NPPF states that, “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Para 130 seeks to ensure that developments will: function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including built environment and landscape setting; and establish/maintain a strong sense of place.
25. As indicated above, the site comprises two existing dwellings and their garden area. The existing houses are a pair of semi-detached cottages situated on a large plot with a number of outbuildings scattered within the application site with a number of trees and hedgerows within the site. Unlike the majority of Westhoughton which is suburban in its character, the site itself is rural in character with only a few other dwellings along this stretch of the road including adjoining the site with a detached house at Alcora. Next there is the applicant's dwelling at the Bungalow at Yewtree Farm and a cluster of residential dwellings in the form of converted barns, all situated to the south of the site. It is noted that there are no dwellings to the north, east or west of the site and there is no fixed pattern to the siting of the houses on this stretch of the road.
26. The application site comprises a generous plot that is significantly larger than the adjoining plot and the plot occupied by the applicant's dwelling house on one of the neighbouring plots. As mentioned above it contains a number of mature trees of which a number is subject to Tree Preservation Order (TPO). The proposed scheme would result in the loss of the existing dwellings and outbuildings and a number of trees. It is considered that the proposal would result in some change to the character and appearance of the site itself through the introduction of 4 dwellings (or less) and associated works.
27. Views into the site are available from Green Common Lane and from the adjoining property. However, dense trees currently form the site's boundary with the lane and to the edges of the site limiting views into it, and where these are possible tree density within the site would be maintained which would serve to limit the possibility of obtaining an unrestricted view of land beyond the existing houses. With conditions in place to maintain and protect the TPO'd trees the proposal; would make a positive contribution to the surrounding area's verdant character by the presence of the trees and hedgerows within it.
28. The proposal would result in demolition of the existing dwelling and the subdivision of the plot and the erection of up to 4 detached dwellings within their own separate curtilages with a mixture of detached and attached garages. The illustrative plans indicate three options to supply either four dwellings, three dwellings or two dwellings. Each option shows that dwellings are to be located outside of the tree line/root system of the protected trees but these drawings are in indicative plan form only with no illustrative elevations supplied. Should this application be approved final scale, layout and appearance/design would be subject to reserve matters application.

Impact on residential amenity

29. Policy CG4 of the Core Strategy relates to new development and seeks to ensure that future occupiers and neighbours are provided with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. The Council's guidance on minimum interface distances between dwellings and private amenity space standards are contained within the General Design SPD.
30. All new development, alterations and extensions to existing buildings should provide potential users with a satisfactory level of amenity in terms of space (50sqm per dwelling), sunlight, daylight, privacy, aspect and layout.

31. The application site is currently occupied by 2 existing dwellings with a number of outbuildings albeit currently uninhabited and in poor condition.
32. The final layout, scale and appearance along with any impacts on residential amenity of future occupiers of the proposed houses as well of neighbouring occupiers would be a matter to be addressed under a subsequent reserved matters submission, should this application be approved. Indicative plan drawings show that an adequate distance to neighbouring properties could be achieved even with 4 dwellings occupying the site without detriment to the residential amenity of neighbouring residents.
33. Given the above and subject to planning conditions the outline proposal is compliant with Policy CG4 of the Core Strategy and the General Design Principles SPD.

Impact on coal mining legacy, land stability and contamination

34. Paragraph 179 (e) of the NPPF (2021) seeks to prevent new and existing development from contributing to or be put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. It is advised that development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and; (f) remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
35. In addition, Policy CG4 of the Core Strategy, in line with the NPPF, requires all new development to ensure any risk of contamination is identified and adequately managed and that development proposals on land suspected or affected by ground instability must include an assessment of the extent of issues and of any possible risks. Development must only be permitted where the land is or is made suitable for the proposed use.

Land contamination

36. The Council's Environmental Health Officers (EHO) reviewed the submitted Preliminary Risk Assessment: Site investigation required, dated January 2020 (ref: 13-884-R1-1) by EP3 and agreed with the recommendations. Thus, should this application be approved it is recommended that a condition should be attached to ensure that Phase II investigation is carried out and remediation scheme implemented if necessary. The developer/applicant would be also required to carry out a watching brief for unforeseen contamination to be carried out during the construction phase and a verification/completion report to be provided upon the completion.
37. Furthermore, it should be noted that Pollution Control recommended that an asbestos survey is submitted prior to demolition. However, it is considered that this condition is not necessary given that this is covered by the Control of Asbestos Regulations 2012 which is a separate from planning legislation.
38. Similar applies to requirements of electric charging points which are usually imposed on large developments and would also be covered by Building Regulations.

Ground stability

39. The application site falls with the defined Development High Risk Area. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
40. The Coal Authority records indicate that the application site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth. It does not appear that the application is accompanied by the required Coal Mining Risk Assessment, or an equivalent report. However, the Coal Authority is aware that the applicant submitted a Phase I Geo-environmental Site Assessment (January 2020, prepared by E3P) in support of previous outline planning application 07502/19 (with all matters reserved) for residential development at the site earlier in the year. This report included an assessment of the risk posed by coal mining legacy to development at the site.

41. This was also submitted with the current application and the Coal Authority wishes to raise no objection to the planning application subject to recommendation for the imposition of conditions (for intrusive site investigations/remedial measures) contained in our consultation response letter of 28 January 2020 regarding application 07502/19, which remain valid and applicable to the current application.
42. Therefore, subject to appropriate conditions the proposal would comply with CS policy CG4 and guidance contained within the NPPF.

Impact on ecology and trees

43. Policy CG1 safeguards and enhances biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development, and improving the quality and inter connectivity of wildlife corridors and habitats.
44. Section 174 of the NPPF 2021 states that the planning system should contribute to and enhance the natural and local environment by:
 - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and;
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodlands
45. The application site is privately owned land with vehicular access off Green Common Lane. It is surrounded by trees and hedgerows with a number of these situated within the site, including TPO trees.

Impact on trees

46. Bolton Council's Tree and Woodland officer commented on this updated scheme and has observed that the option templates for each of the schemes have been reduced in scale and, this would considerably reduce the impact on the trees across the site. Whilst there was a previous concern over the shading of the properties over various time periods throughout the day, the Tree Officer is now of the opinion that this has now been addressed in points 4.3-4.44 in the Planning and Design Statement as submitted.
47. If developed, Plots 3 & 4 will impact heavily on the group of trees G4 but these are classed as C2 under BS5837 (2012) - Trees in Relation to Design Demolition and Construction which are relatively low category trees of low visual amenity. All three options require the removal of group G4 which is an area of overgrown, unmanaged garden (a mixture of unmanaged shrubs and ornamental trees including a group of Hybrid Cypress). The Tree Officer agrees that this does not have a significant major impact upon the tree cover of the site in that the removal of G6 (group mainly comprised of unmanaged multi stemmed Leyland Cypress) would provide for new landscaping / habitat enhancement opportunities in the locality if the application is to be approved.
48. The access road as detailed would have a reduced impact on the trees as this is along and the existing building is to be demolished and is located outside of the existing root protection zones of the trees. The submitted Arboricultural Impact Assessment notes how the access can be delivered without damage or loss of trees, and there will be a requirement for a fully detailed site section and method statement to show how this is to be achieved if the proposals are to be approved. (Reserved matters).
49. The tree officer has observed that the applicants submitted Arboricultural Impact Assessment states that 'No additional underground services have been indicated to us at this time, but they may be safely routed to avoid rooting zones, if additional services require routing through the root zones of trees for retention, then appropriate sub surface or hand trenching methods should be used and guidance sought prior to any works being undertaken.. This would be required as part of any future Reserved Matters application
50. No boundary treatments have been detailed and this information should be submitted for consideration to ensure no tree losses occur as there are a number of trees that are sited on the boundary line. Boundary fencing should not result in the loss of trees, and this requires clarification as to the type and foundations to ensure that trees are not lost simply because of a new fence.

51. No finished Floor levels have been submitted that indicate how the properties sit in relation to the adjacent retained trees. However, as the newly proposed properties will have a reduced risk on the existing root protection zones of the retained trees as detailed, level differences are less likely to impact on the natural drainage of the site.
52. In the absence of detailed information at the outline stage concerns remain with respect to this absence albeit that we remain satisfied that appropriately scaled dwellings, sensitively designed and located within the site could result in 4 no. dwellings being provided without adversely impacting the trees of merit within the site. However, the submitted template drawings for 2, 3 and 4 dwellings have utilised the plan attached to the TPOs and we are satisfied that none would now adversely impact upon either the root systems or settings of the TPO trees to remain.
53. The planning statement also states that following discussions with the Councils Tree Officer, it is suggested that the important issue of trees at the site be dealt with via a suitable condition imposed at the outline planning permission stage'
54. Whilst it is noted that details of a method statement could be conditioned to be submitted with reserved matters application, should the outline submission be successful, it is also noted that the existing trees would have an effect of reducing the area that could be developed.
55. Within these given parameters development of the site for up to 4 dwellings could be undertaken without causing unacceptable harm the character and appearance of the area. And the development would therefore comply with Core Strategy Policies CG3.2 and CG3.7 insofar as they relate to character and appearance.
56. In conclusion with regard impact on trees the site benefits from a number of trees majority of which are situated along its southern, eastern and northern boundaries, including TPO trees.
57. The current set of indicative plans have been submitted and these have demonstrated how the site can now accommodate the proposed development without significant impact on existing trees and other landscape features within the site, so in this respect the complies with both current NPPF guidance and Core Policy CG1.

Ecological issues

58. Both GMEU and Greenspace have reviewed the scheme and have raised no objections.
59. An ecological survey of the site has been undertaken in July 2019, which followed best practice methodology. The personnel undertaking the survey work appear to be suitably qualified and a search of the Local Records Centre was undertaken. The survey work included an eDNA survey of the pond on site in May 2019 and bat activity surveys (emergence survey and activity transect). This was resubmitted in support of this application on 27/08/21.
60. The works proposed involve the demolition of the existing buildings on the site. The buildings were subject to a daytime inspection in to search for bats, evidence of bats and the potential of the buildings to support bats. No bats or evidence of bats was found in the building, during the day time inspection, but some bat roosting opportunities were found (low potential overall). A dusk emergence survey was also undertaken in July 2019 and no bats were recorded emerging from the building and a low level of bat activity was recorded during the survey.
61. Trees were assessed for their potential to support roosting bats. Trees with a Category 2 for bat roosts were identified. Thus, it is recommended that mitigation measures outlined in paragraph 7.4.3 of the report requiring those trees to be re-inspected to ensure their suitability for roosting bats has not altered, to be secured by a planning condition.
62. The site has the potential to support breeding birds. The nests of all wild birds are protected while active under the Wildlife and Countryside Act, 1981 (as amended) and an informative will be attached to inform

the applicant that work (including building demolition, and any tree or vegetation clearance should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

63. No evidence of any other protected species was found on the site (such as badger and great crested newt which were surveyed for with negative results) and measures identified within paragraphs 7.2 and 7.3 of the ecology report should be followed as a precautionary measure during the proposed development. An informative should be used so that the developer is aware.
64. In addition to the above it is also noted that Himalayan balsam was recorded on the site. These species are listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) making it an offence to plant or otherwise cause the spread of these species in the wild. GMEU therefore recommended a condition to be imposed to ensure an Invasive Species Management Plan is submitted to the LPA for approval, prior to commencement of the development. This should include measures to control and prevent the spread of any Schedule 9 species and follow the principles outlined in the ecology report. Once approved by the LPA in writing the management plan must be followed in full.
65. Furthermore, compensatory planting will be required for any trees which are proposed for removal, and new planting should consist of locally native woody species where possible.
66. In view of the above, subject to the suggested planning conditions, it is not considered that proposed scheme would cause any significant harm to the ecological value and nature conservation interests of the site, especially with regards to impact on bats or GCN in line with Core Strategy Policy CG1 and National Planning Policy Framework.
67. However, in terms of ecological value, of the site it is recommended that no vegetation clearance required to facilitate a development scheme must take place during the optimum period for bird nesting (March to August inclusive) which would be secured by an informative, should this application be approved.

Impact on highway safety

68. Core Strategy policies P5 and S1 and the maximum car parking standards provided in Appendix 3 of the Core Strategy seek to provide adequate off-road car parking and to promote road safety in the design of new development.
69. NPPF advises that developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
70. A core element of this is for the demolition of the existing dwellings and outbuildings and erection of up to 4 no. detached houses. This is an outline planning application with all matters reserved and any future reserved matters application (should this application be approved) will have to demonstrate that each dwelling house could accommodate car parking in line Appendix 3 of the Core Strategy.
71. The proposed development is likely to utilise the existing access to the site and given that the site was used by existing 2no/dwellings it is not considered that the redevelopment of the site for 4no (or less) dwellings would have a detrimental impact to highway safety or/and capacity of the surrounding roads to warrant refusal of this application.
72. The Council Highways Engineers (HE) has reviewed the plans and raised no objections to the proposal. In the HE comments it is acknowledged that according to the Councils Highway Asset Register, Green Common Lane is unadopted public highway which is maintained by the street managers at that location and not at public expense.
73. The applicant will need to serve notice of intent on the street managers/landowner in terms of this development proposal. The property owners within the site will be classed as street managers and will thus be eligible towards the maintenance liability of Green Common Lane. The level of traffic impact in terms of 4 additional dwellings at that location will be negligible and should be accommodated with little detriment to the surrounding highways. The level of traffic impact will potentially be comparable to the

extant use of the site. The proposed site layout will remain as a private road. Accessibility for refuse collection and parking provision for each property will need to be considered at reserved matters stage.

74. Acting on the above comments/observations and subject to the recommended conditions and informatives, the Local Highway Authority has no reasonable objections to what is being proposed under this application and the proposal is considered to be in line with the above mentioned planning policies.

Impact on Flooding and Drainage

75. Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.
76. The application site is located within Flood Zone 1 and is therefore within an area defined as having lowest risk of a flooding event occurring (less than 1 in 1,000 annual probability of flooding from rivers or the sea) therefore, it is considered that the proposed scheme would not in principle be at significant risk of a flooding event and would not result in any significant additional risk of flooding elsewhere.
77. The site is already occupied by a residential development.
78. Bolton Council's Flood Risk team had no comments to make on this application. United Utilities raised no objections subject to an informative advising the provision and implementation of a drainage scheme in line with the requirements for surface water drainage based on the hierarchy of drainage options in the National Planning Practice Guidance. UU recommend that foul and surface water shall be drained on separate systems cannot always be met and this will also be secured by an informative, should this application be approved.
79. It is therefore considered that the proposed development, subject to the above-mentioned conditions, would not increase the risk of flooding on the site or in other areas, compliant with Policy CG1.5 of the Core Strategy.

Impact on designing out crime

80. Core Strategy policy S1.1 seeks to ensure that the design of new development proposals will take into account the need to reduce crime and fear of crime.
81. The final design would be assessed at reserved matters stage, should this application be supported. With regards to the recommended security measures including construction of the building to be up to Secured by Design standards, including laminated glazing; security-certified windows and doors (etc.), these would be all secured by a way of an informative, should this application be approved.

Local finance considerations

82. Section 70(2) of the Town and County Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The following is considered to be a local financial consideration in this case:
83. New Homes Bonus for the 4 no. proposed dwellings – this is not a material planning consideration.

Conclusion

84. It is considered that at this outline stage given the site is previously developed the redevelopment of the site has the potential to meet the criteria detailed within Allocations Plan policy CG6AP to be deemed to be appropriate development.
85. It is considered that detailed matters such as the scale of development, layout design, appearance and landscaping would be considered at the reserved matters stage to enable sufficient control to be given to ensure the proposal would respect the character and appearance of the site and the wider area which retains the overall rural character of the wider area.
86. Officers consider that the proposal complies with Allocations Plan policy CG6AP and the other key policies which have been identified within the Development Plan. The proposal would represent appropriate development of a previously developed site, without compromising the character and appearance of the site, the character and appearance of the wider area. The proposal is therefore recommended for approval subject to conditions.

Representation and Consultation Annex

Representations

Letters:- objections have been received from eight local properties with one letter from and one letter from the local MP in respect of the previous refused application 08744/20. These views will remain relevant given that the application 08744/20 was essentially similar to this, and given that material changes have been made and the recommendation has been changed to an conditional approval. A summary of these representations are as follows

Petitions:- ; petition of 30 signatories

(i) Objections addressed in the main body of the report:

- the proposed development will have a negative impact on the character and appearance of the area
- the proposal would result in overlooking/loss of privacy
- the proposed houses would appear as overbearing and overshadowing to neighbouring properties
- this is inappropriate development in OPOL
- the proposal is not keeping with the rural character of the area
- the proposed houses are out of scale
- overdevelopment of the site
- impact on drainage
- impact on highway safety
- the proposed development would appear incongruous in its setting or with the settlement pattern of the local area
- the poor state of the existing un-adopted road, Green Common Lane, would be affected by the construction traffic and would not be able to cope with additional traffic when houses are finished
- loss of trees detrimental to the area
- impact on wildlife
- no demand for more houses in the area
- loss of green belt
- disturbance from comings and goings when houses are occupied

ii) Not material planning consideration

- Noise and disturbance during construction phase
- The proposed scheme might result in further power cuts in the area
- The proposed could impact on internet access (speeds) in the area
- The proposal could impact on water pressure in the area
- The proposed scheme would affect value of surrounding houses
- More cars on Green Common Lane would disturb livestock on surrounding fields
- land is not being maintained and secured and subject to break ins

Town Council:- Westhoughton Town Council raised objection because the site is unsuitable, access is via a dirt track, with a blind bend which is unsafe for lorries, and there would be a loss of privacy for neighbouring residents

Elected Members:- Cllr Bernadette Eckersley-Fallon requested this application to be taken to the Planning Committee, should it be recommended for approval, and raised concerns over highway safety/accessibility of the site, loss of privacy to existing residents, coal mining and impact on wildlife and trees

Consultations

Advice was sought from the following consultees: GMEU, UU, Greater Manchester Police Design for Security, Westhoughton Town Council, the Council's: Landscape Architects, Highways, Engineers Flood Risk/Drainage team, Greenspace services, Environmental Health Officers and Tree & Woodland Manager

Planning History

07502/19 - Outline application for the demolition of existing dwellings and outbuildings together with the erection of 5no. dwellings (all matters reserved). Withdrawn.

08744/20 - Outline application for the demolition of existing dwellings and outbuildings together with the erection of 4no. dwellings (all matters reserved) - Refused

A previous application was withdrawn and the predecessor to this was refused (08744/20), The reason for refusal pertained primarily to the protected trees ringing the development site. Also other issues were raised in the report as there was insufficient information with regards to the use of the existing site and whether the site could be considered as previously developed land (PDL). However, this was not used as an additional reason for refusal.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

Subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Application for the approval of `Reserved Matters shall be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from the date of this permission, or
- ii) The expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

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

Location Plan : MRSM3008_11_Location Plan A3 1-5000.pdf
MRSM3008_02_Development Parameter Plan A3 1-500 RevA.

Reason

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

- 3 The development hereby approved shall be carried out in full accordance with the following approved Preliminary Risk Assessment: Site investigation required, dated January 2020 (ref: 13-884-R1-1) undertaken by EP3.

1. Prior to commencement and before any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.

Provision of a comprehensive site investigation and risk assessment examining identified potential pollutant linkages in the Preliminary Risk Assessment should be presented and approved by the

Local Planning Authority.

2. 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.

3. Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.

4. Upon completion of any approved remediation schemes, and prior to occupation, a completion

report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise 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.

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

1. The trees within or overhanging the site which are subject of a Tree Preservation Order (TPO)]have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.

2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).

3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

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

Reason

To reflect and soften the setting of the development within the landscape and in order to comply with Core Strategy policies CG1 and CG3.

6 Prior to the commencement of any groundworks, full details of the proposed surface water drainage works shall be 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:

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

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

Reason

The site has the potential to support breeding birds. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds whilst they are breeding. Therefore any disturbance would be contrary to Bolton's Core Strategy policy CG1.

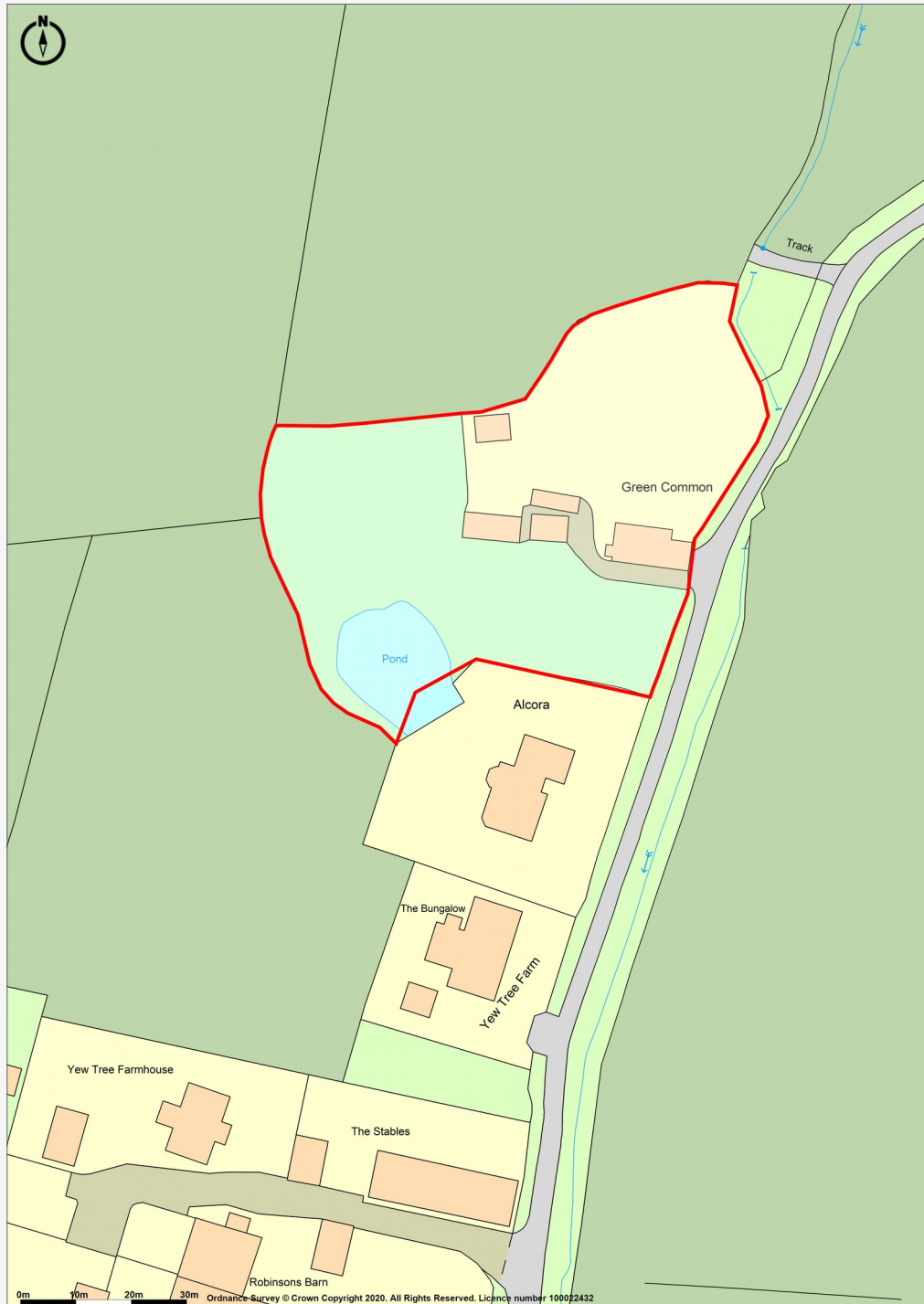
- 8 The presence of Himalayan balsam has been identified on the site. Development shall not commence until a scheme for the eradication of Himalayan balsam has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for implementation. Should there be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

Reason

To ensure the safe development of the site and eradication of an invasive species and to comply with policy CG1 of Bolton's Core Strategy.

Reason for pre-commencement condition

Scheme for the eradication of Himalayan balsam must be understood prior to works commencing on site as it could affect how works are planned and carried out.



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 Site boundary

CLIENT:

Mr S Williams

PROJECT:

Green Common Lane

DRAWING:

Site Plan

PROJECT NUMBER:

MRSM3008

DRAWING NUMBER:

12

CHECKED BY:

RM

REVISION:

00

STATUS:

Final

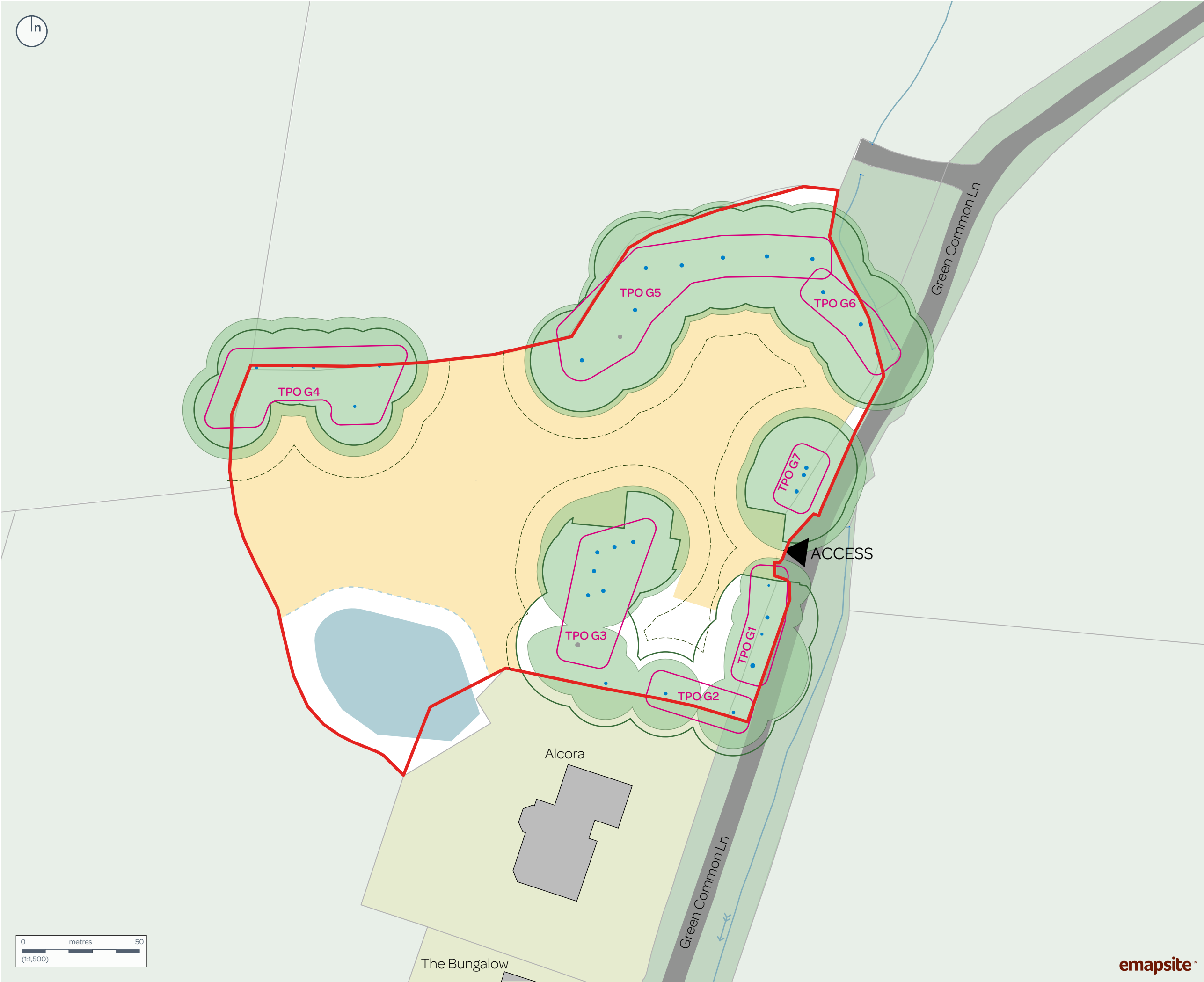
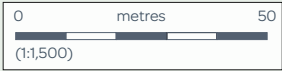
DATE:

July 2021

SCALE:

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- KEY
- Site Boundary
 - Point of Access
 - Local Roads
 - Existing Dwelling
 - Developable Area
 - Pond
 - 3m Pond Offset
 - Tree Crown
 - Category B Tree
 - Category C Tree
 - Root Protection Area
 - Tree Groups with a TPO
 - 3m Tree Canopy Offset (No dwellings within this zone)
 - Watercourse
 - Adjacent Residential Properties
 - Surrounding Agricultural Land
 - Roadside Vegetation

CLIENT:
Mr S Williams

PROJECT:
Green Common Lane

DRAWING:
Development Parameter Plan

PROJECT NUMBER:
MRSM3008

DRAWING NUMBER: **02** CHECKED BY: **RM**

REVISION: **A** STATUS: **Final**

DATE: **June 2021** SCALE: **1:500 @ A3**



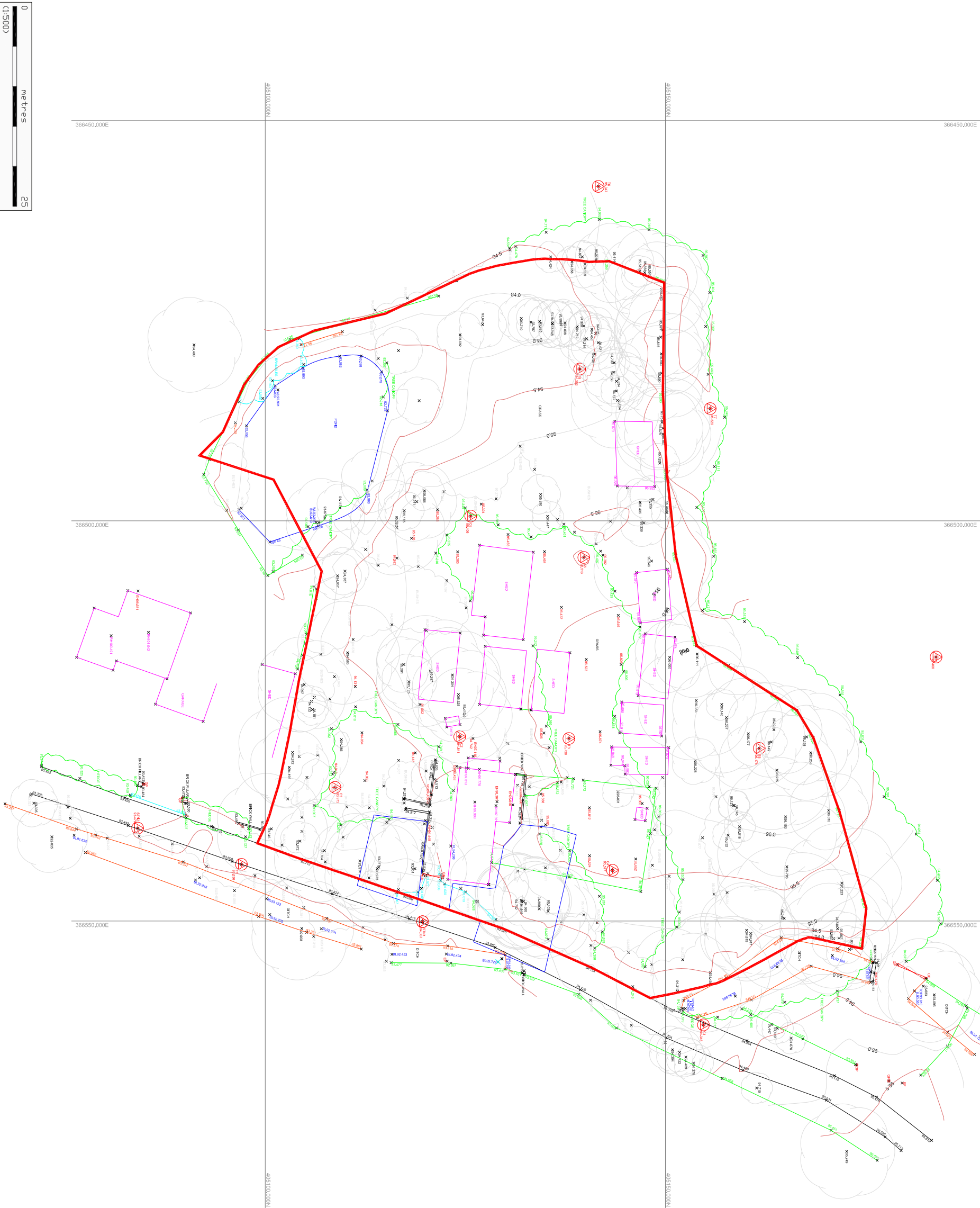
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NOTE: Topographical survey undertaken by JLP Surveying

KEY

Application boundary



CLIENT
Mr S Williams

PROJECT
Green Common Lane

DRAWING
Topographical Plan

PROJECT NUMBER
MRSM3008

DRAWING NUMBER
13

REVISION
13

DATE
July 2021

CHECKED BY
RM

STATUS
Draft

SCALE
1:500 @ A3



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 Site boundary

CLIENT:
Mr S Williams

PROJECT:
Green Common Lane

DRAWING:
**Rendered Illustrative Layout
Option 3**

PROJECT NUMBER:
MRSM3008

DRAWING NUMBER: **10** CHECKED BY: **RM**

REVISION: **-** STATUS: **Final**

DATE: **July 2021** SCALE: **1:500 @ A3**



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 Site boundary

CLIENT:
Mr S Williams

PROJECT:
Green Common Lane

DRAWING:
**Rendered Illustrative Layout
Option 2**

PROJECT NUMBER:
MRSM3008

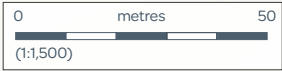
DRAWING NUMBER: **09** CHECKED BY: **RM**

REVISION: **-** STATUS: **Final**

DATE: **July 2021** SCALE: **1:500 @ A3**

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 Site boundary

CLIENT:
Mr S Williams

PROJECT:
Green Common Lane

DRAWING:
**Rendered Illustrative Layout
Option 1**

PROJECT NUMBER:
MRSM3008

DRAWING NUMBER: **08** CHECKED BY: **RM**

REVISION: **-** STATUS: **Final**

DATE: **July 2021** SCALE: **1:500 @ A3**