

Planning Applications Report

Planning Committee

29th June 2017

**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 |

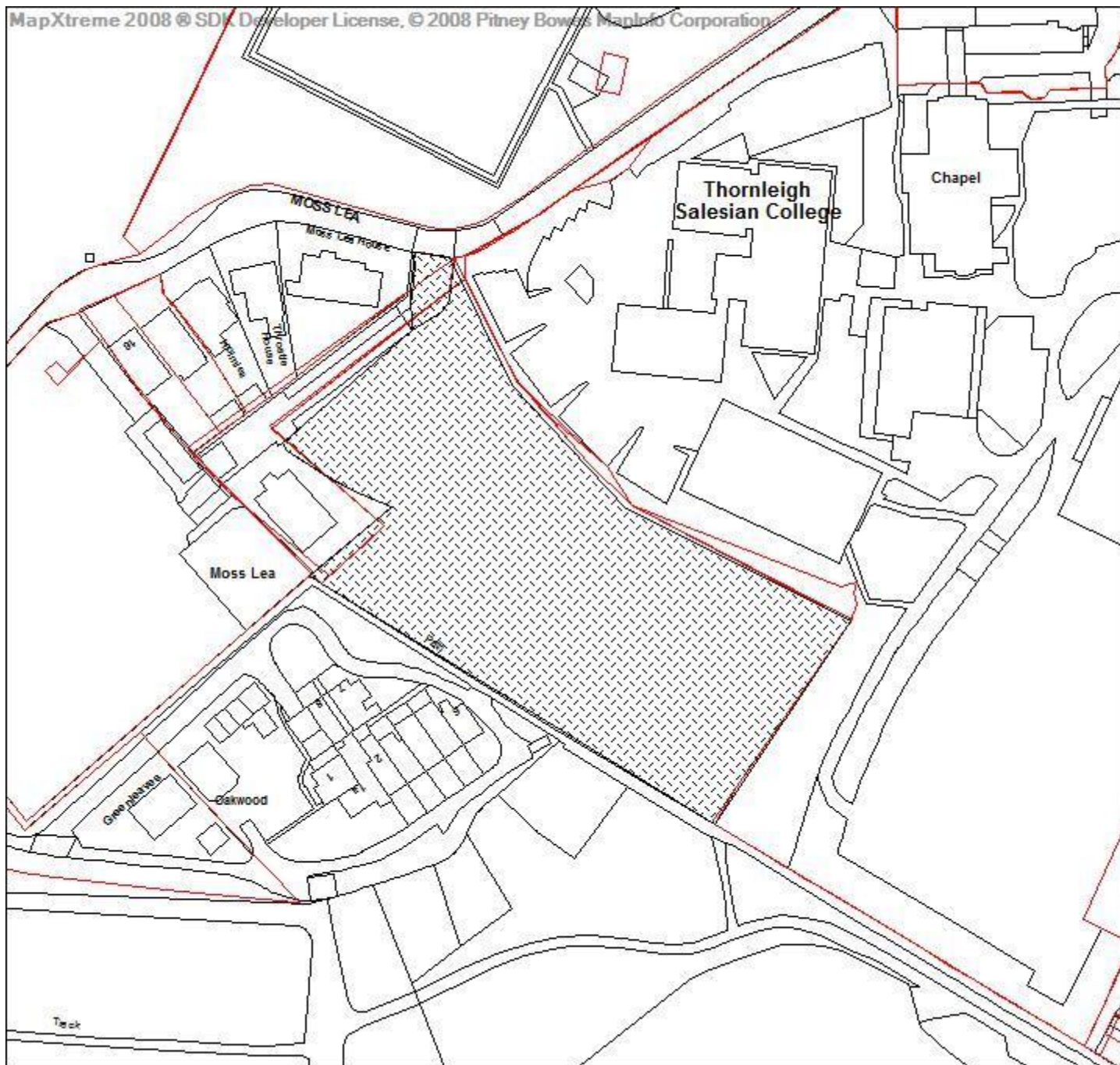
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

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Application number 00695/17



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Bolton Council

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Date of Meeting: 29/06/2017

Application Reference: 00695/17

Type of Application: Outline Planning Permission

Registration Date: 19/04/2017

Decision Due By: 13/06/2017

Responsible Officer: Jodie Turton

Location: LAND AT MOSS LEA, BOLTON

Proposal: OUTLINE APPLICATION FOR THE ERECTION OF 7 NO DETACHED DWELLINGS WITH GARAGES (ACCESS, LAYOUT AND SCALE DETAILS ONLY).

Ward: Astley Bridge

Applicant: Public Sector PLC

Agent : The Bunting Partnership Limited

Officers Report

Recommendation: Approve subject to conditions

1. This application is being presented to the Planning Committee for decision as this is a Council owned site which has received representations from 28 objectors and due to the close relationship and shared issues with the adjacent larger residential development proposal (00700/17) which is also being considered by Members at the June Planning Committee.

Proposal

2. This is an outline application seeking approval for details of access, layout and scale. The application proposes seven large two-storey detached dwellings with associated double garages.
3. Access is proposed from the unadopted road of Moss Lea, where there is an existing access/hardsurfaced area to the entrance of the site. The properties would be arranged around a cul-de-sac access road. The site is heavily treed and some bands of trees are to be retained along the northern, eastern and southern boundaries of the site though some tree removal is proposed within the site. None of the trees are subject to a Tree Preservation Order and a tree survey has been submitted with the application submission.

Site Characteristics

4. The site is greenfield, measures 0.7 hectares and is situated in the Astley Bridge Ward in the northern area of Bolton.
5. The site is on the edge of the urban area and is in an area of less dense development, leading to the more rural areas covered by the Green Belt designation. The site itself is bounded by Thornleigh Salesian College to the north and west. To the north east of the application site is a cluster of detached residential properties along Moss Lea, beyond these are open fields which

are part of the designated Green Belt area. To the west is a newer residential building and beyond this is a paddock, which is the subject of a separate planning application for residential development (00700/17). The two sites are separated by a public footpath. To the south east of the site is a cluster of residential dwellings.

6. The site appears as a natural woodland site as it has, with non-use, naturally evolved over time. The site was previously set aside for use as school playing fields for the adjacent Thornleigh Salesian College, however the site has not been used for a period of greater than ten years and over time has become wooded in nature. The site is allocated for housing development in the Allocations Plan.
7. Moss Lea is an unadopted road, which runs along the north western boundary of Thornleigh Salesian College and provides access to a number of residential dwellings.

Policy

8. National Planning Policy Framework: 6. Delivering a Wide Choice of High Quality Homes; 7. Requiring Good Design; 11. Conserving and Enhancing the Natural Environment.
9. Core Strategy Policy: P5 Accessibility and Transport; S1 Safety; CG1.1 Trees and Woodlands; CG1.5 Flood Risk; CG2 Sustainable Design and Construction; CG3 Design; CG4 Compatible Uses; SC1 Housing; OA5 North Bolton.
10. Bolton's Allocations Plan policy: 6 Strong and Confident Bolton – Housing; P8AP Public Rights of Way
11. Supplementary Planning Documents: General Design Principles, Accessibility, Transport and Safety

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. 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.

13. The main impacts of the proposal are:-

- principle of residential development
- impact on the character and appearance of the area
- impact on the amenity of neighbouring residents
- impact on the highway
- impact on trees
- impact on biodiversity
- impact on drainage and flood risk
- impact on public rights of way
- whether the proposal constitutes sustainable development

Principle of Residential Development

14. Paragraph 47 of the NPPF puts the onus on local authorities to significantly boost the supply of

housing, which demonstrates the need for increased housing provision nationally.

15. Bolton's Core Strategy policy SC1 identifies the need for a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026. The application site is identified in Bolton's Allocations Plan as an allocated housing site with the capacity to provide up to 36 houses. The Core Strategy recognises that in order to meet the need for new housing that there will be some development in the outer areas of Bolton where it is in character with the surrounding area and where there is adequate infrastructure.
16. Given that the application site is allocated within the adopted Allocations Plan as a site for housing, the principle of residential development has already been established. It is recognised that seven houses would provide a nominal number in terms of the overall requirement, however a range of house types and sizes are required to fulfil the Borough's housing requirements and the site would be developed for larger, lower density, detached dwellings, which are characteristic of this area of Bolton.

Impact on the Character and Appearance of the Area

17. Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
18. Policy CG3 of Bolton's Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA5 refers specifically to developments in North Bolton and states that the Council will conserve and enhance the character of the existing physical environment and will require special attention to be given to the massing and materials used in new development.
19. The proposed development is for a low density residential scheme of seven detached dwellings with associated garages. The layout of the scheme would see five dwellings arranged in a linear form along the access road and two further properties would be set at a right angle at the south eastern section of the site. Due to the heavily wooded nature of the site and the desire to retain this character in the surrounding area, the number of properties are limited, which would allow for a development of larger properties with large rear gardens, allowing for the accommodation and retention of trees along the woodland boundaries. The layout of the site along with the retention of the trees would assist in the integration of the development within the area.
20. The existing houses along Moss Lea are larger detached properties of an ad hoc design. The proposed site plan indicates a development that would fit comfortably with the layout of the properties in the surrounding area and although details of design are to be agreed at reserved matters stage, the proposed site plan indicates a development that would be acceptable in terms of scale and layout when taking into consideration the wider Moss Lea area. Local residents have raised concerns that the proposed development would impact on the semi-rural nature of the area and although it is acknowledged that the loss of this woodland site would result in the loss of trees and an area of open space, the layout of the development has been sensitively designed to ensure that larger rear gardens are sited to the edge of the site and that trees are retained to the boundaries which would serve to soften and integrate the development within the surrounding Moss Lea area.
21. The layout and scale of the proposal are considered to comply with Core Strategy policy CG3 and

the details of the individual design of the proposed dwellings would be considered at the reserved matters stage.

Impact on the Amenity of Neighbouring Residents

22. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. SPD General Design Principles sets out the Council's minimum interface distance requirements between new dwellings and neighbouring dwellings.
23. The layout of the development has been designed to comply with the Council's guidelines in terms of interface distances. The closest residential property to the proposed dwellings is Moss Lea House, where there is a distance of approximately 23 metres from the side of plot 1 - this would meet guidelines for both elevations to contain principal room windows.
24. There is a distance of approximately 22 metres from the rear of plot 1 to the nearest residential property, which is again in excess of policy guidelines for two storey dwellings with facing principle elevations.
25. To the south of the site, there is approximately 22 metres between the rear of plot 5 and the side elevation of the nearest residential property.
26. In terms of the proposed dwellings' relationship with the existing houses around Moss Lea, the interface distance guidelines have been met and the proposal is not therefore considered to pose any issues of overlooking or impact on residential amenity. Within the site, the relationship between plots 5 and 6 has been amended from the original plans to avoid any issues of overlooking and impact on residential amenity for future residents.
27. The proposal is considered to comply with Core Strategy policy CG4 and the guidelines contained in SPD 'General Design Principles'.

Impact on the Highway

28. 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 set out in Appendix 3). Policy S1.2 states that the Council will promote road safety in the design of new development.
29. Access to the development is proposed via an existing hardsurfaced access point from Moss Lea. The layout of the scheme has been designed around a cul-de-sac with a turning head at the southern part of the site. Each dwelling would have a private driveway, parking and double garage.
30. The Council's Highway Engineers have assessed the proposal and they consider seven dwellings to be a low density development which would potentially generate negligible traffic volumes onto the surrounding highway network above the existing base-line situation. The number of dwellings falls below the thresholds indicated in national guidance for the submission of a transport statement or transport assessment. However, a Transport Note has been submitted with the application which demonstrates the sites accessibility for refuse collection and compliance with visibility standards onto the highway based on national guidance.
31. Moss Lea which provides access to the site is an unadopted road and carries a restricted by-way. This means that Moss Lea is maintained by the fronting properties.

32. Highway Engineers consider a requirement of the application should be for the applicant to make a contribution towards the maintenance of the highway for upkeep and improvements to drainage, this would be secured via a S106 Agreement. It is also a requirement that the applicant undertakes a condition survey of Moss Lea before and after the construction phase to demonstrate the impact on the highway and the potential level of repair work that would need to be undertaken by the developer.
33. With regard to parking provision, it appears that the driveway and double garage for each dwelling would provide sufficient parking; however this would need to be considered further at the reserved matters stage when details of number of bedrooms are known, in order to ensure compliance with Appendix 3 of the Core Strategy.
34. Local residents have raised significant concerns about the suitability of Moss Lea to serve any additional dwellings. The road is narrow, with no pavements and therefore lacks provision for pedestrians. Thornleigh Salesian College bounds Moss Lea along the first section of the road up to the application site entrance and on the opposite side of Moss Lea are playing fields associated with the school. The narrow road can, at times, get quite busy with parked cars and residents have raised concerns that this is much worse at school drop-off and pick-up times when parents park along the lane. Road safety has been highlighted as a significant issue in relation to this. Highway Engineers are aware of the busy nature of the road at certain times of the day and have assessed the roads accident record data. Over the last 5 years, there is no record of any accidents along Moss Lea. Discussions have also been had with the applicant and Highway Engineers about the possibility of putting a footway along Moss Lea, or alternatively traffic regulation measures to prevent parking along the lane.

Footway

35. There is a stone retaining wall at the junction of Moss Lea/Sharples Park which would need to be moved to accommodate any potential footway and the reconstruction of a new retaining wall to hold up the banking would also impact on the palisade fencing and the sports pitch at that location. From this location up to 19 Moss Lea there is a bank of TPO trees on the northern side of the carriageway along with a hoop-top metal fence. Implementation of a footway would require its relocation and the construction would intrude into the root-protection zone of the protected trees. There is no alternative position to implement a footway due to the limited carriageway width. From an engineering perspective the provision of a footpath would therefore be unviable.
36. The other concern would be as to whether there is a justification to ask the developer to fund a footway and to as whether it would meet the test for a planning condition. The pedestrian footfall from the development owing to the number of residential properties would be negligible. The issues that have been observed on Moss Lea are an existing situation associated with Thornleigh School.

Traffic Regulation Order (Double Yellow Lines)

37. Highway Engineers consider that the implementation of a traffic regulation order (TRO) to enforce parking restriction is something that would work in this location. Although the highway has unadopted status the Highways Authority can still promote these type of restrictions as long as the carriageway surfacing is adequate to receive the physical lining. A concern would be the extent along Moss Lea to be covered, too short and the on-street parking would move to the section where there are no restrictions.
38. On the basis of this information a TRO is recommended to prevent parking along Moss Lea, which would ensure that the road is passable by emergency vehicles, which has been raised as a

concern by residents, but which would also serve to ensure that vehicles could pass without issue.

39. A traffic survey has been commissioned by residents and it is anticipated that the findings of this will be presented to Members via the list of Supplementary Information as at the time of writing the report this had not been submitted.
40. The proposed development is not considered to present a significant increase in traffic or pressure on the highway network and with the potential implementation of a TRO, any additional pressure on the highway would be mitigated. The proposal is considered to comply with Core Strategy policy P5 and SPD 'Accessibility, Transport and Safety'.

Impact on Trees

41. 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.
42. It is recognised that this site is quite heavily treed and wooded in nature, the development of the site would therefore inevitably lead to the loss of a significant number of trees. The trees are not protected by Tree Preservation Order.
43. For a site of this size, the number of houses to be provided is relatively low density (approximately 10 dwellings per hectare), which would allow for the retention of more trees than a more dense development layout. The trees to be retained are around the perimeters of the site and would be retained within gardens of the new houses. This would allow for the softening of the development within the wider area and would also provide a mature garden landscape for future residents. The submitted layout plan shows some replanting within the site, which would serve to replace some of the tree losses and would also ensure a more attractive and desirable residential environment.
44. Tree and Woodland Officers, having assessed the development proposal conclude that the proposal would result in the loss of approximately 32 individual trees ranging from early mature, mature and over mature trees which are predominantly central in the site. In addition, there would be the loss of approximately 11 groups of trees or parts of groups (consisting of areas of naturally regenerated trees).
45. There are various measures that need to be taken to ensure that the trees shown for retention on the site are not damaged by the development process and that an effective management plan is in place to ensure the long term retention and enhancement of the trees is secured. These issues will be covered via the recommended conditions as put forward by the Council's Tree and Woodland Officer.

Impact on Biodiversity

46. 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.
47. An Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) was submitted with the application.
48. Greater Manchester Ecology Unit has been consulted on the application, however their formal

comments are awaited and these will be reported to Members via the List of Supplementary Information.

49. The Council's Wildlife Liaison Officer has also assessed the ecological survey and have confirmed that the existing trees on the site may, due to their location, have the potential to support roosting bats. Local residents have also reported seeing bats in the area which supports this assertion. The reserved matters application should therefore provide a comprehensive bat survey and this is recommended as a condition.
50. Japanese Knotweed has been identified on the site, as this is an invasive non-native species, and the potential for the plant to cause damage to both the natural and physical environment, it is a requirement that the plant is eradicated from the site. A condition is recommended to provide a scheme for the eradication of this invasive species.
51. Local residents have raised significant concern about the loss of wildlife from the site - bats, birds, deer, hedgehogs and more. It is important for a site such as this that trees are retained, that more trees are planted to compensate for the loss of trees, that relevant surveys are undertaken to ensure that no damage is done to protected species and that no vegetation or trees are removed during the bird nesting season. This area is rich with wildlife and it is hoped that the development would, in the future, integrate well with the surrounding area and support this wildlife.
52. The Council's Wildlife Liaison Officer raises no objection to the proposed development. It is therefore considered that the proposed development complies with Policy CG1.2 of Bolton's Core Strategy

Impact on Drainage and Flood Risk

53. Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk. Policy CG2.2c states that all proposals for five or more residential units should demonstrate the sustainable management of surface water run-off from developments. On greenfield sites the rate of run-off should be no worse than the original conditions before development.
54. The Council's Flood Risk team have not raised any concerns about the development of the site, drainage or flood risk from the site itself and as the scheme is over five dwellings the policy requirement is for a sustainable urban drainage scheme and for surface water run-off to be no greater from the development than from the site in its existing green field state. Conditions are recommended by the Flood Risk team to ensure that the relevant details are provided and scheme drawn up.
55. There is however an issue of surface water flooding on Moss Lea, at the entrance to the application site. This is an existing problem, however increased traffic usage from the development and particularly construction traffic would further exacerbate this problem. Residents have raised significant concerns about the flooding issue along Moss Lea and the unsuitability of the highway to accommodate any additional traffic. The applicant has therefore agreed to fund via a S106 Agreement works to the drains on Moss Lea at the entrance to the site and associated resurfacing of the carriageway.
56. The proposal is thereby considered to comply with Core Strategy policy CG1.5 and CG2.2c.

Impact on Public Rights of Way

57. Allocations Plan Policy P8AP states that the Council will permit development proposals affecting public rights of way provided that the integrity of the right of way is retained.
58. Public rights of way Bolton 077 and 078 are outside the application site, however they would be affected by the development due to footpaths that run around the perimeter of the south of the site.
59. The Council's Public Rights of Way Officer has stressed that it is important that the development enhances footpath Bolton 078 and where possible does not create a tunnel effect. It is recommended that where there is any enclosure of the footpath that it should have a minimum walkable width of 2.0 metres and be open to allow views into and from the footpath for the safety of walkers and to deter loitering and anti-social behaviour.
60. The proposed development, by virtue of the proposed siting of the dwellings, would not affect the integrity of any of the rights of way. Should the application be approved an informative note is suggested to remind the applicant that the Public Rights of Way must remain unobstructed during the construction phase; furthermore a condition is recommended to ensure that a minimum 2.0 metre width is retained along the footpath and treatment to the boundary. Officers are also in discussion with the applicant regarding securing a commuted sum amount to improve the public footpath given this provides a sustainable route to Moss Bank Way and the potential for the increased usage of the footpath by future residents.
61. It is therefore considered that the proposed development would comply with Policy P8AP of Bolton's Allocations Plan.

Whether the Proposal Constitutes Sustainable Development

62. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
63. Paragraph 7 of the NPPF sets out the three dimensions of sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role. These roles are mutually dependent and should be jointly sought.
64. It is considered that the proposal would constitute sustainable development by providing sufficient land to meet housing requirements and providing sufficient infrastructure to meet the requirements of the new development, whilst providing new homes to meet the needs of present and future generations and creating a high quality built environment.
65. It is considered that the application site is in a reasonably sustainable location, within walking and cycling distance of Astley Bridge centre where there are bus links, as well as along Moss Bank Way.
66. It is therefore considered that the proposal constitutes sustainable development.

Benefits of the Proposal

67. The proposed development would contribute to the supply of housing, which is a significant benefit of the proposal and one which should be attached great weight given the national requirement to significantly boost the supply of housing and the Council's shortage of deliverable housing land supply.
68. The proposal would have economic benefits, providing employment opportunities and support

for local businesses and services, initially during the construction phase and then following during occupation.

Local finance considerations

69. 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:

New Homes Bonus for the 7 proposed dwellings – this is not a material planning consideration.

Conclusion

70. This is an allocated housing site in Bolton Allocations Plan and therefore the principle of residential development has already been established for this site. The Allocations Plan identifies the site as being suitable for the development of up to 36 houses. The current development proposal has been designed to recognise the sensitivity of the area in terms of highways impact, ecology and the constraints of the site, notably with regard to the trees. This has resulted in significantly reduced housing numbers than were originally anticipated on this site. This has however resulted in a much better development in terms of layout and relationship with the surrounding area. Moss Lea is characterised by larger, primarily detached houses of varying ages and designs. The proposed development is also for larger detached houses, to be set within a woodland site and retaining much of the trees to the outer perimeter.
71. Highway considerations are clearly an issue here with the unadopted Moss Lea providing the access to the site. However, Highway Engineers are satisfied that even when taking into consideration the application proposal on the adjacent site that the traffic generated by the developments would only have a negligible impact on the road network. A TRO is recommended as well as a condition survey of Moss Lea before and after the development (construction phase), both of which seek to mitigate any impact of the additional traffic on Moss Lea. It is noted that surface water drainage on Moss Lea at the entrance to the site has also been highlighted as a major issue by local residents, however a S106 Agreement has been negotiated to improve the drainage of this section of Moss Lea at the access to the application site.
72. Overall, the proposal is considered to comply with national and local policy objectives and Members are therefore recommended to approve the application, delegating the decision to the Director for the finalisation of the S106 Agreement.

Representation and Consultation Annex

Representations

Letters:- twenty eight objectors have written to the Council raising concerns about the proposals, several objectors have written in multiple times raising concerns. The objections are summarised below - where the issues raised are not addressed in the main body of the report Officers comments are shown in brackets and italics:

Highways:

- Access issues with the school and parking along Moss Lea.
- Unadopted road – the burden for the upkeep is with the residents. The new dwellings will increase traffic levels and wear and tear on the road.
- Damage to the road during the construction process.
- The increased traffic would result in a risk to school children.
- Sharples Park is already dangerous at school times.
- The extra houses would result in more traffic on Sharples Park and Blackburn Road which is already the worst polluted road in Bolton.
- The existing parking on Moss Lea would prevent passage to emergency services and could result in a major incident.
- The road is unsuitable for further traffic.
- When cars are parked along the road in front of the college, the narrow road is only passable for one car.
- There are no pavements along Moss Lea, it is dangerous for pedestrians.
- Substandard access arrangements which cannot be remedied due to the physical and engineering constraints of Moss Lea, which is an unadopted highway. This will lead to road safety issues and a future increased maintenance liability that will be unfairly passed on to the street frontages.
- There are possibly 500-1000 vehicles per week using this country lane as a supposedly temporary access to Smithills Farm and for the new properties at Smithills Coaching House.
- Disagreement with highways assessment that the impact of extra traffic movement will be negligible. Moss Lea can only cope with the current level of use.
- Conflict between pedestrian movements and increased traffic generation.
- Deterioration of the road surface.
- Disruption or loss of bridleways and footpaths.
- The road is used as a cut through to Belmont Road.
- There have been several accidents on Moss Lea due to the traffic (*Highway Engineers have confirmed that there is no record of traffic accidents here for a period of at least 5 years*).
- During the day students park haphazardly along Moss Lea.
- 6th form students congregate on the road when not in class.
- All weather pitch is used by members of the public in the evenings which creates on-street parking.
- Object to the term 'negligible impact' used by highways.
- No pavements on Moss Lea – failure to prioritise pedestrians and cyclists in line with policy P5 of the Core Strategy.
- Poor links to public transport.
- Unsuitable access via Sharples Park and Moss Lea. Sharples Park is a rat run to avoid congestion on Blackburn Road.
- The proposed development at Moss Lea will create more traffic on small lane which is currently enjoyed by walkers and used daily by school children. There is no footpath along Moss Lea and the increase in traffic will the danger to these pedestrians.

Flooding:

- Surface water flooding on Moss Lea.
- Moss Lea floods in less than 24 hours when there is heavy rain.

Residential Amenity:

- Light pollution from the new properties on the existing houses on Moss Lea.
- Overlooking from the new houses and impact on residential amenity.
- An estate development will overwhelm the dispersed settlement of Moss Lea.
- Impact on residents during the construction process (*this is not a material planning consideration and cannot therefore be taken into consideration in the assessment of the development proposal*).
- Disturbance from the comings and goings of residents will detract completely from the current, tranquil, semi-rural character of the area.
- Objection from the cricket club on the possible noise intrusion to the new properties from the cricket club.
- Overshadowing, loss of light.
- Noise from pumping stations.

Ecology:

- Removal of trees – significant impact on bats and owls.
- Loss of woodland.
- Bats are often seen in the woodland and over the paddock – where they roost must be investigated before consent is given.
- The area is home to a pair of tawny owls.
- Spotted flycatchers nest in the wood.
- Wild ducks nest in the area.
- Swallows nest in the stable.
- Loss of wildlife habitat – bats, owls, birds, hedgehogs, deer.
- Negative impact on biodiversity and insufficient information on the impact on protected species.
- The area is controlled by the Woodland Trust and therefore an area not to be abused by further housing (*the site is in the ownership of the Council*).

Impact on the Character of the Area:

- Negative impact on the character and appearance of the locality.
- The allocation of the site for housing development must not outweigh the challenging circumstances of the sites location.
- The proposed development fails to integrate with the locality or contribute to the distinctive rural character of the area.
- Removing the woodland area will have a detrimental impact on the character of the area.
- Detrimental impact on the character of the area, availability of infrastructure, density, over development, layout, design and landscaping.

Other Issues:

- There is no sewage pipe along Moss Lea – concerns as to where the sewage, excess water, electricity and cabling will go.
- Building on the Green Belt (*the site is not within the designated Green Belt area*).
- Loss of land used by dog walkers, ramblers, children and families.
- Development should be concentrated on brownfield urban sites, not greenfield countryside sites.
- Unacceptable cumulative impact of the two developments.
- Local health centres are under threat of closure – the applicant has broken the applications into smaller plots to circumvent contributions (*the two sites are not physically connected, have*

separate accesses and due to the nature of the sites, the fact that one is an allocated housing site and the other is unallocated – for these reasons the sites have been submitted separately as they are two independent and separate schemes).

- Pollution from the houses.
- Strain on existing infrastructure – doctors and schools.
- Loss of food producing fields.
- Urban sprawl.
- Brownfield sites should be used and derelict buildings should be demolished for housing development before the use of greenfield sites.
- Bolton needs affordable housing.
- Building on our green spaces can never be reclaimed and is a terrible legacy for the next generations.
- Negative impact on Smithills Nature Trail.
- Loss of private view (*this is not a material planning consideration as there is no planning right to a view*).
- Loss of value of property (*the change in value of a property cannot be considered as a material planning consideration*).
- Developers used to contribute to building new schools, shops, doctors surgeries and upgrade the local road network when building new estates, now they just cram as many houses as possible on a site.
- The woodland site may have been previously developed but this was for chicken cabins not permanent structures.

The letters also raised some concerns about the Council's procedure around the applications:

- No site notices were put up notifying people of the applications – *site notices were put up at the site on 2nd May 2017.*
- Two weeks is not long enough to make your objection – *the statutory period of 21 days was given for members of the public to comment.*
- Concern that the land is Council owned, the company submitting the application is partly owned by the Council and the Council will make the decision – gerrymandering (*the site is owned by the Council, however the company that has submitted the application is not Council owned. The application has been assessed by the Local Planning Authority and the overall decision will be taken by the Elected Members of the Planning Committee*).

Consultations

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Pollution Control Officers, Tree Officers, Landscape Officers, Wildlife Liaison Officer, Greater Manchester Ecology Unit, Greater Manchester Police, Ramblers Association, Peak and Northern Footpath Society, the Open Spaces Society and United Utilities.

Site Notices were posted on: 2nd May 2017

Planning History

The site has been the subject of three previous applications for housing development, however significantly larger schemes of 27 and 28 houses. These applications were all withdrawn prior to determination (47537/95, 50037/97 and 51780/97).

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

1. Application for the approval of 'Reserved Matters' must 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. Prior to the commencement of development, a condition survey of Moss Lea shall be undertaken (including photographs) and the survey shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also include details of a construction management plan, to include traffic management options for Moss Lea to help aid pedestrian movement associated with the school during the development process. The approved scheme shall be implemented in full prior to the commencement of development. Once the development is complete a second condition survey of Moss Lea shall be undertaken, the survey shall be submitted to the Local Planning Authority for written approval and shall include details of works required to repair the road where damage may have occurred due to the construction process/construction traffic. All agreed works shall be carried out prior to the first occupation of the dwellings hereby approved.

Reason

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

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

Reason

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

4. The reserved matters application shall include the submission of a bat survey. The survey shall in particular focus on the emergence/return of bats from the woodland. A report shall be submitted to and approved in writing by the Local Planning Authority containing appropriate mitigation measures (if required). The approved mitigation measures should be implemented in full and retained thereafter.

Reason

To safeguard the habitats of protected species and to comply with policy CG1 of Bolton's Core Strategy.

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

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

Reason

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

6. The reserved matters application shall include a tree management and construction phase management plan providing details of management measures to ensure the long term retention and improvement of the trees to be retained on the site.

Reason

To ensure the long term protection and retention of the trees on the site and in order to comply with Bolton's Core Strategy policies CG1.1 and CG1.3.

7. The reserved matters application shall include the submission of a Tree Protection Method Statement, detailing how the development of the site will be constructed without causing harm or damage to the protected trees found on the site to the Local Planning Authority. This shall include:
 - Construction exclusion zones and/or special construction zone ground protection methods to be created so as to ensure no damage within the root protection zones of the retained trees takes place.
 - Details of the tree protection method for the road construction and the specification of the attenuation tank and build method.
 - Details of the siting of the proposed services and telecoms infrastructure (it is recommended that these follow the route of the access road into the site).

No development or site clearance shall take place until the Local Planning Authority has agreed the measures in writing, and these measures shall then be implemented fully in accordance with the approved details.

Reason

To ensure the safe development of the site and favourable retention of trees and in order to comply with Bolton's Core Strategy policy CG1.1 and CG1.2.

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

Reason

To protect the health and appearance of the tree(s) and in order to comply with Core Strategy policies CG1.1 and CG1.2 .

9. The reserved matters application shall include 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.

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

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

(iv) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason

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

11. No 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 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.

12. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to 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 Bolton's Core Strategy policies CG1 and CG3.

13. Prior to the development being first occupied or brought into use, details (including a brick or

masonry specification and colour scheme) of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

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

14. The reserved matters application shall provide plans showing details of car parking to meet the Council's parking standards as detailed in Appendix 3 of Bolton's Core Strategy.

Reason

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

15. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Moss Lea shall be constructed to a minimum width of 5.5 with 5.0 metres radii and two no. 2.0 metres wide footway(s).

Reason

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

16. Prior to the development hereby approved/permitted being first occupied or brought into use a scheme shall be submitted to and approved in writing by the Local Planning Authority for the turning of vehicles within the curtilage of the site. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter and not to be used for any purpose except the turning of vehicles.

Reason

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

17. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- 1. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To protect biodiversity habitats and protected species and in order to comply with Bolton's Core Strategy policy CG1.

18. No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and retained thereafter.

Reason

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

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

Reason

To secure proper drainage and to manage the risk of flooding and pollution and in order to comply with Bolton's Core Strategy policy CG1.

20. The development hereby approved must not encroach onto the Public Right of Way (078) and shall ensure that a minimum footpath width of 2.0 metres is maintained.

Reason

To ensure that the public right of way is not detrimentally affected by the development proposal and in order to comply with Bolton's Allocations Plan policy P8AP.

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

Reason

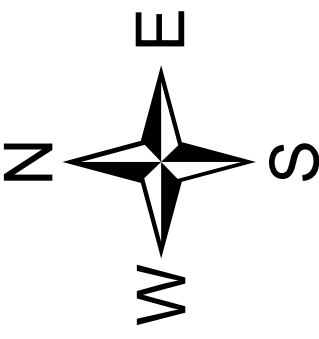
The site has the potential to support breeding birds. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds whilst they are breeding.

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

Site 'A' Plan As Proposed; 2024-013, Revision B; dated 15/06/17.

Reason

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

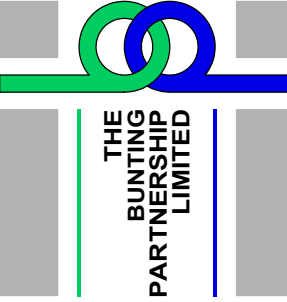


THORNLEIGH SALESIAN COLLEGE

KEY

- Existing trees retained
- Proposed trees/landscaping

PROPOSED ACCOMMODATION:
7No. 2-storey 1600 sq.ft detached houses each with double garage



CLIENT
PUBLIC SECTOR PLC

PROJECT
MOSS LEA
BOLTON

DRAWING
SITE 'A' PLAN
AS PROPOSED

| DRAWING NUMBER | REV |
|----------------|-------------|
| 2024.013 | B |
| DATE | STATUS |
| 15.06.2017 | AS PROPOSED |
| AUTHOR | INFORMATION |
| CSB | |

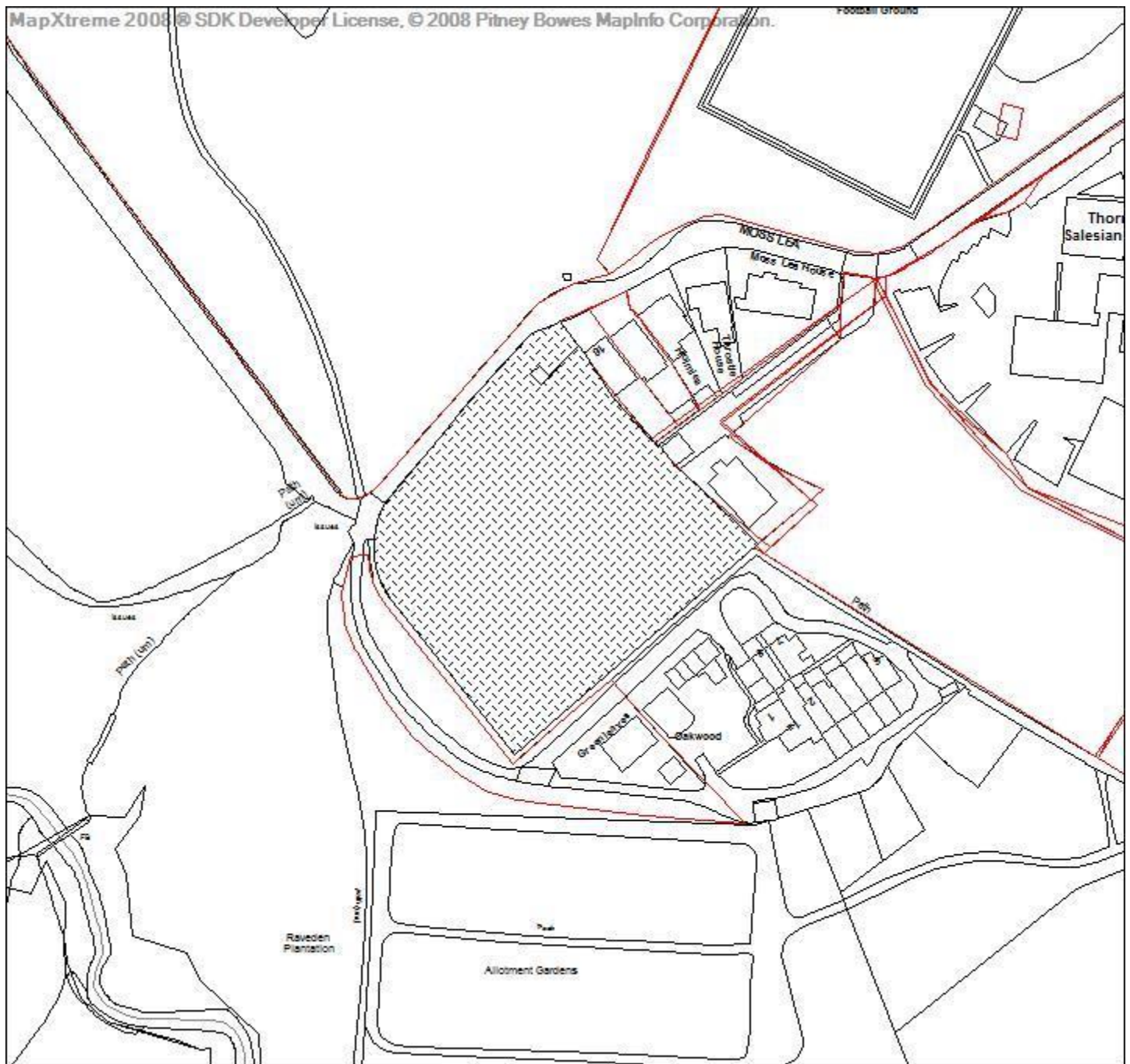
CHARTERED ARCHITECTS
PROJECT MANAGERS
INTERIOR DESIGNERS

THE BUNTING PARTNERSHIP LIMITED

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Application number 00700/17



Development & Regeneration Dept
Development Management Section

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

Bolton Council

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Date of Meeting: 29/06/2017

Application Reference: 00700/17

Type of Application: Outline Planning Permission

Registration Date: 27/04/2017

Decision Due By: 26/07/2017

Responsible Officer: Jodie Turton

Location: LAND AT MOSS LEA (SITE B), BOLTON

Proposal: OUTLINE APPLICATION FOR THE ERECTION OF 14 NO DWELLINGS WITH GARAGES (ACCESS, LAYOUT AND SCALE DETAILS ONLY).

Ward: Astley Bridge

Applicant: Public Sector PLC

Agent : The Bunting Partnership Limited

Officers Report

Recommendation: Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.

1. This application is being presented to the Planning Committee for a decision as this is a major application for 14 houses and has received representations from 23 objectors. Members should note that several objectors have written in multiple times sending photos of relevant issues.

Proposal

2. This is an outline application seeking approval for details of access, layout and scale. The application proposes fourteen dwellings. The dwellings would consist of 8 semi-detached houses and 2 clusters of 3-attached dwellings. It is proposed that the dwellings would all be two-storey and would all have single garages. A detached building is proposed at the entrance to the site, this would function as a foul water pumping station.
3. The vehicular access is to the north of the site from the un-adopted road of Moss Lea. The properties would be arranged around a cul-de-sac access road, which would fork into two, to provide small culs-de-sac within the site. The houses would be served by driveways and have private gardens to the rear. Trees are to be retained around the boundaries of the site and further tree planting is proposed within the site.

Site Characteristics

4. The site is a greenfield site measuring 0.6 hectares. The site is situated in the Astley Bridge Ward in the northern area of Bolton.

5. The site is currently an open field, with stables and used as a paddock. The site is bound by a stone wall and post and rail fence. A public footpath (Bolton 078) runs to the south and west of the site.
6. To the north west of the site is the unadopted road of Moss Lea and beyond this is Sharples Park. To the east of the site are residential properties along Moss Lea. These are characterised by large, detached dwellings which front onto Moss Lea. A relatively recent residential development is sited directly to the east of the site.
7. To the south of the application site are further residential dwellings accessed via Moss Lea and also a small garage colony. These are separated from the development site by the public footpath.
8. Thornleigh Salesian College bounds Moss Lea further to the east and the playing fields/all weather pitch are to the opposite side of Moss Lea.
9. Moss Lea is an un-adopted road, which runs along the north western boundary of Thornleigh Salesian College and provides access to a number of residential dwellings, Sharples Park and access can also be gained to the Smithills Farm and surrounding area.

Policy

10. National Planning Policy Framework: 6. Delivering a Wide Choice of High Quality Homes; 7. Requiring Good Design; 11. Conserving and Enhancing the Natural Environment.
11. Core Strategy policy: P5 Accessibility and Transport; S1 Safety; CG1.2 Trees and Woodlands; CG1.5 Flood Risk; CG2 Sustainable Design and Construction; CG3 Design; CG4 Compatible Uses; SC1 Housing; OA5 North Bolton.
12. Bolton's Allocations Plan policy: 6 Strong and Confident Bolton – Housing; P8AP Public Rights of Way
13. Supplementary Planning Documents: General Design Principles; Accessibility, Transport and Safety

Analysis

14. 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.
15. The main impacts of the proposal are:-
 - principle of residential development
 - impact on the character and appearance of the area
 - impact on the amenity of neighbouring residents
 - impact on the highway
 - impact on trees
 - impact on biodiversity

- impact on drainage and flood risk
- impact on public rights of way
- whether the proposal constitutes sustainable development

Principle of Residential Development

16. Paragraph 47 of the NPPF puts the onus on local authorities to boost significantly the supply of housing, which demonstrates the need for increased housing provision nationally.
17. Bolton's Core Strategy policy SC1 identifies the need for a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026.
18. The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making however it is a material consideration. Whether Bolton Council can demonstrate a five year supply of deliverable housing land is also a material consideration relevant to the housing supply policies.
19. Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against the local planning authorities' housing requirements, with an additional buffer. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Where policies relating to the supply of housing are out-of-date (as a result of not having a five year supply of deliverable housing land), the second bullet point of Paragraph 14 of the NPPF is triggered, which affirms that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
20. The application site is a non-allocated site and the Council did previously seek to protect greenfield sites such as this from development (in fact this site has previous refusals for residential schemes dating back to the late 1990s).
21. The latest assessments of which sites are deliverable within the five year period show that Bolton remains short of the five year requirement required by national planning policy. These sites have been re-examined against the deliverability tests in national policy, which are that sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the sites within five years and in particular that the development of the sites is viable.
22. Therefore whilst previously the view may have been taken to protect undesignated greenfield sites such as this, as the Council is unable to demonstrate a five year supply of deliverable housing sites in the borough, paragraph 49 of the NPPF states that it must therefore be considered to be out-of-date and (as confirmed by a recent Planning Inspector's decision in the Hill Lane, Blackrod appeal) and can only carry very limited weight in the assessment of planning applications for residential development. This means that Paragraph 14 of the NPPF applies whereby permission should be granted unless adverse impacts outweigh the benefits.
23. Thus it is considered that in accordance with NPPF, as the relevant housing supply policies are out of date, there is a presumption in favour of approving the application site for housing unless the other impacts of the development are so harmful as to outweigh the benefits associated with the development.

Impact on the Character and Appearance of the Area

24. Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
25. Policy CG3 of Bolton's Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy OA5 refers specifically to developments in North Bolton and states that the Council will conserve and enhance the character of the existing physical environment, and will require special attention to be given to the massing and materials used in new development.
26. The proposed development is for a low density residential scheme of fourteen dwellings with associated garages. The dwellings to the west of the site have been arranged in a linear form following the line of Moss Lea and whilst it would have been preferable for the dwellings to front onto Moss Lea, to address the street scene as with the existing properties to the east, orientating the dwellings so that their rear gardens back onto Moss Lea would allow for further tree retention along the site boundary and would also provide for a further sense of space with the dwellings set back from the street frontage. The boundary treatment would be an important factor along this section and therefore a condition for boundary treatment is recommended.
27. A detached building which would house the foul water pumping station would be positioned at the entrance to the site, which would sit slightly forward of the building line of the adjacent dwelling on Moss Lea, however due to the rural nature of the road and the ad hoc development of the existing houses the building line is not a strong feature in this location. To the south of the site, along the second fork of the cul-de-sac there would be three clusters of houses, two clusters of three dwellings, and a pair of semi detached dwellings. The clusters of three dwellings would be linked by the garage sections. It is expected that the detailed design submitted for the reserved matters application would show lower roof levels for the linked garage sections which would add interest and break up the massing of the built form.
28. The layout shows a site which accommodates properties with good sized gardens befitting the rural setting of the site. Trees are to be retained around the perimeters of the site and further tree planting is proposed along the north eastern boundary and the north western boundary along Moss Lea, as well as further tree planting within the site. A condition is recommended for the submission of a landscape scheme to ensure that the development is adequately landscaped to assist in the integration of the development within this semi-rural setting.
29. Overall, the proposed development is considered to present an appropriate layout and scale of development for the setting and would not have a detrimental impact on the character and appearance of the area, thus complying with Core Strategy policy CG3.

Impact on the Amenity of Neighbouring Residents

30. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. SPD General Design Principles sets out the Council's minimum interface distance requirements between new dwellings and neighbouring dwellings.
31. Residents at 16 Moss Lea, which is sited adjacent to the entrance to the site, and Rowan House, which is sited to the east of the site, have both raised significant concerns about the impact of the proposed development on their privacy due to the proximity of the proposed dwellings and overlooking.

32. The guidelines on interface distances contained in SPD 'General Design Principles' state that the distance between two facing elevations of dwellings which both contain main room (principal) windows should be 21 metres. Having checked the distances between plots 3 and 4 of the proposed development and the western elevation of Rowan House, which has the living room at first floor with a balcony, the shortest distance is 21 metres, this extends to 23.9 metres to the rear of plot 4. Therefore, although it is acknowledged that Rowan House is used to open views across the paddock, the proposed dwellings meet and exceed the interface distance guidelines contained in the SPD. Furthermore, although it is acknowledged that at present there is no landscaping along this boundary, the submitted layout does show 'landscape screening to the site boundary'. A condition is recommended for a landscape plan for the site to be submitted and approved.
33. No. 16 Moss Lea sits at a right angle to the proposed dwellings at plot 1 and plot 2. Due to the angle there would not be any direct overlooking from the rear of these dwellings. There is a distance of 10 metres to the rear of plot 1 and 14 metres to the rear of plot 2, which is considered acceptable given the opportunity for landscape screening and the orientation of the dwellings. There are no dwellings proposed directly to the side of 16 Moss Lea and therefore there would be no impact on the residential amenity enjoyed by the windows in the side elevation of this existing property.
34. To the south of plot 5 is a garage colony and therefore there would be no issues with interface distances.
35. The layout of the site has been designed to comply with the Council's guidelines in terms of interface distances. The loss of the open paddock and its replacement with housing would inevitably impact on the open views currently enjoyed by some properties, however planning regulations do not provide protection over the right to a view and therefore cannot be considered in the assessment of the development proposal.
36. The proposal is considered to comply with Core Strategy policy CG4 and the guidelines contained in SPD 'General Design Principles'.

Impact on the Highway

37. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3). Policy S1.2 states that the Council will promote road safety in the design of new development.
38. Access to the development is proposed from Moss Lea via a new access point to the north of the development site. The layout of the scheme has been designed around a cul-de-sac with a turning head at the southern part of the site. Each dwelling would have a driveway, either private or shared, driveway parking space and a single garage.
39. The Council's Highway Engineers have assessed the proposal and they consider fourteen dwellings on this site to be a low density development which would potentially generate negligible traffic volumes onto the surrounding highway network above the existing base-line situation. The number of dwellings falls below the thresholds indicated in national guidance for the submission of a transport statement/transport assessment. However, a Transport Note has been submitted with the application which demonstrates the site's accessibility for refuse collection and compliance with visibility standards onto the highway based on national guidance.

40. Moss Lea which provides access to the site is an un-adopted road and carries a restricted by-way. This means that Moss Lea is maintained by the fronting properties.
50. Highway Engineers consider a requirement of the application should be that the applicant undertakes a condition survey of Moss Lea before/after the construction phase to demonstrate the impact on the highway and the potential level of repair work that would need to be undertaken by the developer.
51. With regard to parking provision, it appears that the driveway and garage for each dwelling would provide sufficient parking, however this would need to be considered further at the reserved matters stage when details of number of bedrooms are known, in order to ensure compliance with Appendix 3 of the Core Strategy.
52. Local residents have raised significant concerns about the suitability of Moss Lea to serve any additional dwellings. The road is narrow, with no pavements and therefore lacks provision for pedestrians. Thornleigh Salesian College bounds Moss Lea along the first section of the road up to the application site entrance and on the opposite side of Moss Lea are playing fields associated with the school. The narrow road can, at times, get quite busy with parked cars and residents have raised concerns that this is much worse at school drop off and pick up times when parents park along the lane. Road safety has been highlighted as a significant issue in relation to this. Highway Engineers are aware of the busy nature of the road at certain times of the day and have assessed the roads accident record data. Over the last 5 years, there is no record of any accidents along Moss Lea. Discussions have also been had with the applicant and Highway Engineers about the possibility of putting a footpath along Moss Lea, or alternatively traffic regulation measures to prevent parking along the lane, both options are considered below:

Footpath

53. There is a stone retaining wall at the junction of Moss Lea/Sharples Park which would need to be moved to accommodate any potential footway and the reconstruction of a new retaining wall to hold up the banking would also impact on the palisade fencing and the sports pitch at that location. From this location up to 19 Moss Lea there is a bank of TPO trees on the northern side of the carriageway along with a hoop-top metal fence. Implementation of a footway would require its relocation and the construction would be into the root-protection zone of the protected trees. There is no alternative position to implement a footway due to the limited carriageway width. From an engineering perspective the provision of a footpath would therefore be unviable.
54. The other concern would be as to whether there is a justification to ask the developer to fund a footway and to as whether it would meet the test for a planning condition. The pedestrian footfall from the development owing to the number of residential properties would be negligible. The issues that have been observed on Moss Lea are an existing situation associated with Thornleigh School.

Traffic Regulation Order (Double Yellow Lines)

55. Highway Engineers consider that the implementation of a traffic regulation order (TRO) to enforce parking restriction is something that could work in this location. Although the highway has un-adopted status the Highways Authority can still promote these type of restrictions as long as the carriageway surfacing is adequate to receive the physical lining. A concern would be the extent along Moss Lea to be covered, too short and the on-street parking would move to the section where there are no restrictions.

56. On the basis of this information a TRO is recommended to prevent parking along Moss Lea, which would ensure that the road is passable by emergency vehicles, which has been raised as a concern by residents, but which would also serve to ensure that vehicles could pass without issue.
57. A traffic survey has been commissioned by residents and it is anticipated that the findings of this will be presented to Members via the list of Supplementary Information as at the time of writing the report this had not been submitted.
58. The proposed development is not considered to present a significant increase in traffic, or pressure on the highway network and with the potential implementation of a TRO, any additional pressure on the highway would be mitigated. The proposal is considered to comply with Core Strategy policy P5 and SPD 'Accessibility, Transport and Safety'.

Impact on Trees

59. 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.
60. The site is an open field with trees and hedgerows around the site boundary. An Arboricultural Impact Assessment has been submitted in support of the application.
61. The Council's Tree and Woodland Officer has assessed the site and the development proposal and has confirmed that the trees shown for removal are generally either diseased or damaged trees.
62. It is acknowledged that the boundaries to the site are defined by clusters of mature trees and whilst this would add positively to the setting of the development and would assist in the softening of the new houses in the wider Moss Lea locality, it would also present some issues of overshadowing to the new dwellings. It would therefore be important at reserved matters stage to consider carefully the position of windows, particularly those to principal rooms.
63. Tree Officers have identified an issue with the relationship between the houses on the northern boundary of the site and the existing trees along the Moss Lea frontage. The main pinch point is between plot 12 and 'T2', the applicant has agreed to look at this relationship and to move plot 12 forward to address this. Amended plans are awaited and confirmation of the layout and Tree Officer comments will be reported to Members via the List of Supplementary Information.
64. On the basis of receiving acceptable amended plans, the proposed site layout complies with Core Strategy policy CG1 in relation to the impact on trees.

Impact on Biodiversity

65. 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.
66. An Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) was submitted with the application.
67. Greater Manchester Ecology Unit (GMEU) has been consulted on the application, they have

confirmed, in agreement with the submitted ecology study, that the site is largely grassland with trees around the boundary of the site. The grassland appears to be of low ecological value. The trees along Moss Lea appear to be too young to support features that could be used by bats for roosting but may be used for foraging/commuting.

68. As the application site lies close to woodland and other habitats that are highly likely to be used by bats, GMEU have recommended a condition to ensure that any lighting used in the proposed development does not result in light pollution and so disturb the flight pattern of bats.
69. The Council's Wildlife Liaison Officer has also assessed the application proposal and have confirmed that biodiversity enhancement measures should be submitted with the reserved matters application, this is recommended as a condition of planning permission.
70. Local residents have raised significant concern about the loss of wildlife from the site, bats, birds, deer, hedgehogs and more. It is important for a site such as this that trees are retained, that more trees are planted to compensate for the loss of trees, that relevant surveys are undertaken to ensure that no damage is done to protected species and that no vegetation or trees are removed during the bird nesting season. This area is rich with wildlife and it is hoped that the development will, in the future, integrate well with the surrounding area and support this wildlife.
71. The application submission includes details of recommended ecological mitigation and enhancement measures, a condition is recommended to ensure that these are implemented.
72. The Council's Wildlife Liaison Officer and GMEU raise no objection to the proposed development. It is therefore considered that the proposed development complies with Policy CG1.2 of Bolton's Core Strategy

Impact on Drainage and Flood Risk

73. Policy CG1.5 of the Core Strategy states that the Council will reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk. Policy CG2.2c states that all proposals for five or more residential units should demonstrate the sustainable management of surface water run-off from developments. On greenfield sites the rate of run-off should be no worse than the original conditions before development.
74. United Utilities and the Council's Flood Risk team have not raised any concerns about the development of the site with regard to drainage or flood risk.
75. As the scheme is over five dwellings the policy requirement is for a sustainable urban drainage scheme and for surface water run-off to be no greater from the development than from the site in its existing greenfield state. Conditions are recommended by the Flood Risk team to ensure that the relevant details are provided and scheme drawn up, including details of future management and maintenance.
76. There is however an issue of surface water flooding on Moss Lea, this is at the entrance to the application site (00695/17) which is also being considered by Members at Committee and does not relate directly to the application being considered here.
77. The proposal is thereby considered to comply with Core Strategy policy CG1.5 and CG2.2c.

Impact on Public Rights of Way

78. Allocations Plan Policy P8AP states that the Council will permit development proposals affecting public rights of way provided that the integrity of the right of way is retained.
79. Public rights of way Bolton 077 and 078 are outside the application site, however they would be affected by the development due to footpaths that run around the perimeter of the south of the site.
80. The Public Rights of Way Officer has stressed that it is important that the development enhances footpath Bolton 078 and where possible does not create a tunnel effect. It is recommended that where there is any enclosure of the footpath that it should have a minimum walkable width of 2.0 metres and views are allowed into and from the footpath for the safety of walkers and to deter loitering and anti-social behaviour in order to avoid nuisance to neighbours.
81. The proposed development, by virtue of the proposed siting of the dwellings, would not affect the integrity of any of the rights of way. Should the application be approved an informative note is suggested to remind the applicant that the Public Rights of Way must remain unobstructed during the construction phase, furthermore a condition is recommended to ensure that a minimum of 2.0 metre width is retained along the footpath and treatment to the boundary. Officers are also in discussion with the applicant regarding securing a commuted sum amount to improve the public footpath given this provides a sustainable route to Moss Bank Way and the potential for the increased usage of the footpath by future residents.
82. It is therefore considered that the proposed development would comply with Policy P8AP of Bolton's Allocations Plan.

Whether the Proposal Constitutes Sustainable Development

83. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
84. Paragraph 7 of the NPPF sets out the three dimensions of sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role. These roles are mutually dependent and should be jointly sought.
85. It is considered that the proposal would constitute sustainable development by providing sufficient land to meet housing requirements and providing sufficient infrastructure to meet the requirements of the new development, whilst providing new homes to meet the needs of present and future generations and creating a high quality built environment.
86. It is considered that the application site is in a reasonably sustainable location, within walking/cycling distance of Astley Bridge centre where there are bus links, as well as along Moss Bank Way.
87. It is therefore considered that the proposal constitutes sustainable development.

Benefits of the Proposal

88. The proposed development would contribute to the supply of housing, which is a significant benefit of the proposal and one which should be attached great weight given the national requirement to significantly boost the supply of housing and the Council's shortage of deliverable housing land supply.
89. The proposal would have economic benefits, providing employment opportunities and support

for local businesses and services, initially during the construction phase and then following during occupation.

Local finance considerations

90. 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:

New Homes Bonus for the 14 proposed dwellings – this is not a material planning consideration.

Conclusion

91. It is clear from the representations received that this is a well loved area and that residents and visitors to the area for recreation consider the loss of this greenfield site to be detrimental for a variety of reasons, as well as the inadequacies of Moss Lea as an access route to the site. However, given the need for housing across the Borough and the fact that the Council is unable to demonstrate a 5-year housing land supply, it is vital that a wider variety of sites other than those allocated for housing and brownfield sites are considered.
92. Highway considerations are clearly an issue in this location, with the un-adopted Moss Lea providing the access to the site. However, Highway Engineers are satisfied that even when taking into consideration the application proposal on the adjacent site that the traffic generated by the developments would only have a negligible impact on the road network. A TRO is recommended as well as a condition survey of Moss Lea before and after the development (construction phase), both of which seek to mitigate any impact of the additional traffic on Moss Lea.
93. The site has been designed to meet the Council's guidelines in terms of interface distances both within the site and to adjacent properties. Landscape screening is proposed along the north eastern boundary where there are currently no trees and this would help to screen the development, whilst also softening the appearance within the surrounding locality.
94. Overall, the proposal is considered to comply with national and local policy objectives and Members are therefore recommended to approve the application, delegating the decision to the Director for the finalisation of the S106 Agreement.

Representation and Consultation Annex

Representations

Letters:- twenty eight objectors have written to the Council raising concerns about the proposals, several objectors have written in multiple times raising concerns. The objections are summarised below, where the issues raised are not addressed in the main body of the report Officers comments are shown in brackets and italics):

Highways:

- Access issues with the school and parking along Moss Lea.
- Unadopted road – the burden for the upkeep is with the residents. The new dwellings will increase traffic levels and wear and tear on the road.
- Damage to the road during the construction process.
- The increased traffic would result in a risk to school children.
- Sharples Park is already dangerous at school times.
- The extra houses would result in more traffic on Sharples Park and Blackburn Road which is already the worst polluted road in Bolton.
- The existing parking on Moss Lea would prevent passage to emergency services and could result in a major incident.
- The road is unsuitable for further traffic.
- When cars are parked along the road in front of the college, the narrow road is only passable for one car.
- There are no pavements along Moss Lea, it is dangerous for pedestrians.
- Substandard access arrangements which cannot be remedied due to the physical and engineering constraints of Moss Lea, which is an unadopted highway. This will lead to road safety issues and a future increased maintenance liability that will be unfairly passed on to the street frontages.
- There are possibly 500-1000 vehicles per week using this country lane as a supposedly temporary access to Smithills Farm and for the new properties at Smithills Coaching House.
- Disagreement with highways assessment that the impact of extra traffic movement will be negligible. Moss Lea can only cope with the current level of use.
- Conflict between pedestrian movements and increased traffic generation.
- Deterioration of the road surface.
- Disruption or loss of bridleways and footpaths.
- The road is used as a cut through to Belmont Road.
- There have been several accidents on Moss Lea due to the traffic (*Highway Engineers have confirmed that there is no record of traffic accidents here for a period of at least 5 years*). Although an objector has stated that a little boy was knocked off his bike recently by a speeding car.
- During the day students park haphazardly along Moss Lea.
- 6th form students congregate on the road when not in class.
- All weather pitch is used by members of the public in the evenings which creates on-street parking.
- Object to the term 'negligible impact' used by highways.
- No pavements on Moss Lea – failure to prioritise pedestrians and cyclists in line with policy P5 of the Core Strategy.
- Poor links to public transport.
- Unsuitable access via Sharples Park and Moss Lea. Sharples Park is a rat run to avoid congestion on Blackburn Road.
- The proposed development at Moss Lea will create more traffic on small lane which is currently enjoyed by walkers and used daily by school children. There is no footpath along Moss Lea and the increase in traffic will the danger to these pedestrians.

- The road is used as a shortcut to Smithills Farm.
- When approval was given for the 6th form college there were supposed to be parking restrictions along Moss Lea and this has not happened.
- Cars are damaged along Moss Lea exiting the 6th form car park due to inexperienced drivers.
- Cars using the all weather pitch park on the highway and block residents driveways.

Flooding:

- Surface water flooding on Moss Lea.
- Moss Lea floods in less than 24 hours when there is heavy rain.
- Flooding near Thornleigh School prevents people walking along the lane.

Residential Amenity:

- Light pollution from the new properties on the existing houses on Moss Lea.
- Overlooking from the new houses and impact on residential amenity.
- An estate development will overwhelm the dispersed settlement of Moss Lea.
- Impact on residents during the construction process (*this is not a material planning consideration and cannot therefore be taken into consideration in the assessment of the development proposal*).
- Disturbance from the comings and goings of residents will detract completely from the current, tranquil, semi-rural character of the area.
- Objection from the cricket club on the possible noise intrusion to the new properties from the cricket club.
- Overshadowing, loss of light.
- Noise from pumping stations.
- Loss of access to the side of Moss Lea – (*the pumping station and underground attenuation tanks will be sited to the side of 16 Moss Lea, therefore access will still be available to the side of the property*).
- Gardens back onto the garden of 16 Moss Lea – impact on privacy.
- Impact on the privacy of 16 Moss Lea
- Impact on septic tank (16 Moss Lea) – (*the layout of the site has been designed to take into consideration the siting of the septic tank – rights of access to the tank are a civil matter and outside of the remit of the planning legislation*).
- Impact on Rowan House – the proposal shows four units within the application site whose rear elevations (and presumably principal room windows within those) would be directly opposite similar principal room windows in the facing elevation of Rowan House. New planting may obscure views over time, although to what extent is highly uncertain.

Ecology:

- Removal of trees – significant impact on bats and owls.
- Bats are often seen in the woodland and over the paddock – where they roost must be investigated before consent is given.
- The area is home to a pair of tawny owls.
- Wild ducks nest in the area.
- Swallows nest in the stable.
- Loss of wildlife habitat – bats, owls, birds, hedgehogs, deer.
- Negative impact on biodiversity and insufficient information on the impact on protected species.

Impact on the Character of the Area:

- Negative impact on the character and appearance of the locality.
- The proposed development fails to integrate with the locality or contribute to the distinctive rural character of the area.

- Detrimental impact on the character of the area, availability of infrastructure, density, over development, layout, design and landscaping.
- Overdevelopment – the proposed development is not in character with the area.
- Proposed layout is dense – primarily terraced dwellings.

Other Issues:

- There is no sewage pipe along Moss Lea – concerns as to where the sewage, excess water, electricity and cabling will go.
- Building on the Green Belt (*the site is not within the designated Green Belt area*).
- Loss of land used by dog walkers, ramblers, children and families.
- Development should be concentrated on brownfield urban sites, not greenfield countryside sites.
- Unacceptable cumulative impact of the two developments.
- Local health centres are under threat of closure – the applicant has broken the applications into smaller plots to circumvent contributions (*the two sites are not physically connected, have separate accesses and due to the nature of the sites, the fact that one is an allocated housing site and the other is unallocated – for these reasons the sites have been submitted separately as they are two independent and separate schemes*).
- Pollution from the houses.
- Strain on existing infrastructure – doctors and schools.
- Loss of food producing fields.
- Urban sprawl.
- Brownfield sites should be used and derelict buildings should be demolished for housing development before the use of greenfield sites.
- Bolton needs affordable housing.
- Building on our green spaces can never be reclaimed and is a terrible legacy for the next generations.
- Negative impact on Smithills Nature Trail.
- Loss of private view (*this is not a material planning consideration as there is no planning right to a view*).
- Loss of value of property (*the change in value of a property cannot be considered as a material planning consideration*).
- Developers used to contribute to building new schools, shops, doctors surgeries and upgrade the local road network when building new estates, now they just cram as many houses as possible on a site.
- The woodland site may have been previously developed but this was for chicken cabins not permanent structures.
- The development will create a dangerous environment for children and wildlife.
- Schools capacity.

The letters also raised some concerns about the Council's procedure around the applications:

- No site notices were put up notifying people of the applications – *site notices were put up at the site on 2nd May 2017.*
- Two weeks is not long enough to make your objection – *the statutory period of 21 days was given for members of the public to comment.*
- Concern that the land is Council owned, the company submitting the application is partly owned by the Council and the Council will make the decision – gerrymandering (*the site is owned by the Council, however the company that have submitted the application is not Council owned. The application has been assessed by the Local Planning Authority and the overall decision will be taken by the Elected Members of the Planning Committee*).

Consultations

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Pollution Control Officers, Tree Officers, Landscape Officers, Wildlife Liaison Officer, Greater Manchester Ecology Unit, Greater Manchester Police, Ramblers Association, Peak and Northern Footpath Society, the Open Spaces Society and United Utilities.

Site Notices were posted up on: 2nd May 2017

Planning History

The site has been the subject of three previous applications for housing development, however these proposals were for significantly larger schemes of 27 and 28 houses and covering both the application site and the adjacent woodland site which is also the subject of a planning application (00695/17). These applications were all withdrawn prior to determination (47537/95, 50037/97 and 51780/97).

Recommendation: **Approve the application subject to conditions and authorise the Director of Place and Borough Solicitor to complete all the necessary legal formalities in consultation with the Chair of Planning Committee.**

Recommended Conditions and/or Reasons

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

Reason

To protect the health and appearance of the tree(s) and in order to comply with Bolton's Core Strategy policies CG1.1 and CG1.2 .

3. Prior to the commencement of development of any works on site, the developer shall submit a method statement to the Local Planning Authority for approval, detailing how the following elements of the site will be constructed without causing harm or damage to the trees which are to be retained. The specified areas are:

- The access road construction in or near to the root protection zones of the trees to be retained.

No development or site clearance shall take place until the Local Planning Authority has agreed the measures in writing, and these measures shall then be implemented fully in accordance with the approved details.

Reason

To ensure the safe development of the site and favourable retention of trees and in order to comply with Bolton's Core Strategy policy CG1.

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

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

Reason

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

5. 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 Bolton's Core Strategy policies CG3 and CG4.

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

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

(iv) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason

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

7. Prior to the commencement of development, a condition survey of Moss Lea shall be undertaken (including photographs) and the survey shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also include details of a construction management plan, to include traffic management options for Moss Lea to help aid pedestrian movement associated with the school during the development process. The approved scheme shall be implemented in full prior to the commencement of development. Once the development is complete a second condition survey of Moss Lea shall be undertaken, the survey shall be submitted to the Local Planning Authority for written approval and shall include details of works required to repair the road where damage may have occurred due to the construction process/construction traffic. All agreed works shall be carried out prior to the first occupation of the dwellings hereby approved.

Reason

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

8. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Moss Lea shall be constructed to a minimum width of 5.5 with 5.0 metres radii and two no. 2.0 metres wide footway(s).

Reason

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

9. Before the approved/permitted development is first brought into use no less than 2 car parking spaces for 2 and 3 bedroom dwellings and 3 parking spaces for 4+ bedroom dwellings, with minimum dimensions of 2.4 metres by 4.8 metres shall be provided within the curtilage of the site, in accordance with details to be submitted to and approved by the Local Planning Authority. 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 to comply with policy P5 and Appendix 3 of Bolton's Core Strategy.

10. Prior to the development hereby approved/permitted being first occupied or brought into use a scheme shall be submitted to and approved in writing by the Local Planning Authority for the turning of vehicles within the curtilage of the site. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter and not to be used for any purpose except the turning of vehicles.

Reason

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

11. 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 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.

12. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The landscape plan shall make provision for additional tree planting and replacement planting for those trees that are to be removed. 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 Bolton Core Strategy policies CG1 and CG3.

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

Reason

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

14. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
1. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 2. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To protect biodiversity habitats and protected species and in order to comply with Bolton's Core Strategy policy CG1.

15. No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed.

Reason

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

16. No vegetation clearance or demolition of buildings should take place during the main bird breeding season - 1st March and 31st July 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.

17. The reserved matters application shall include full details of biodiversity enhancement measures, which will be submitted to and approved in writing by the Local Planning Authority. All measures agreed shall be implemented in full and retained thereafter.

Reason

In the interests of protecting and enhancing biodiversity and habitats and in order to comply with Bolton's Core Strategy policy CG1.

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

Reason

To secure proper drainage and to manage the risk of flooding and pollution and in order to comply with Bolton's Core Strategy policy CG1.

19. The development hereby approved must not encroach onto the Public Right of Way (078) and shall ensure that a minimum footpath width of 2.0 metres is maintained.

Reason

To ensure that the public right of way is not detrimentally affected by the development proposal and in order to comply with Bolton's Allocations Plan policy P8AP.

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

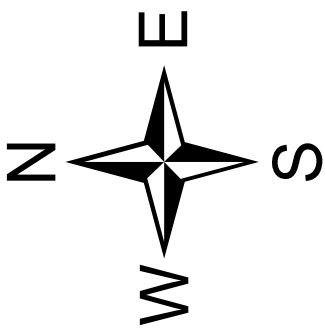
Site 'B' Plan as Proposed; drawing no. 2024-017 Rev C; dated 7.6.17.

Reason

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

| REV | DATE |
|-----|---------|
| A | 27.3.17 |
| B | 24.4.17 |
| C | 7.6.17 |

Alterations tanks indicated
Site work
Accommodation revised as requested
by Planning

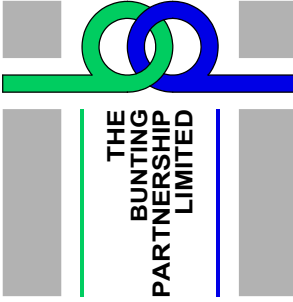


THORNLEIGH SALESIAN COLLEGE

WOODLAND SCRUB



KEY
Existing trees retained
Proposed trees/landscaping
ACCOMMODATION
14No. 1100sq. ft linked houses
with single garage



CLIENT
PUBLIC SECTOR PLC

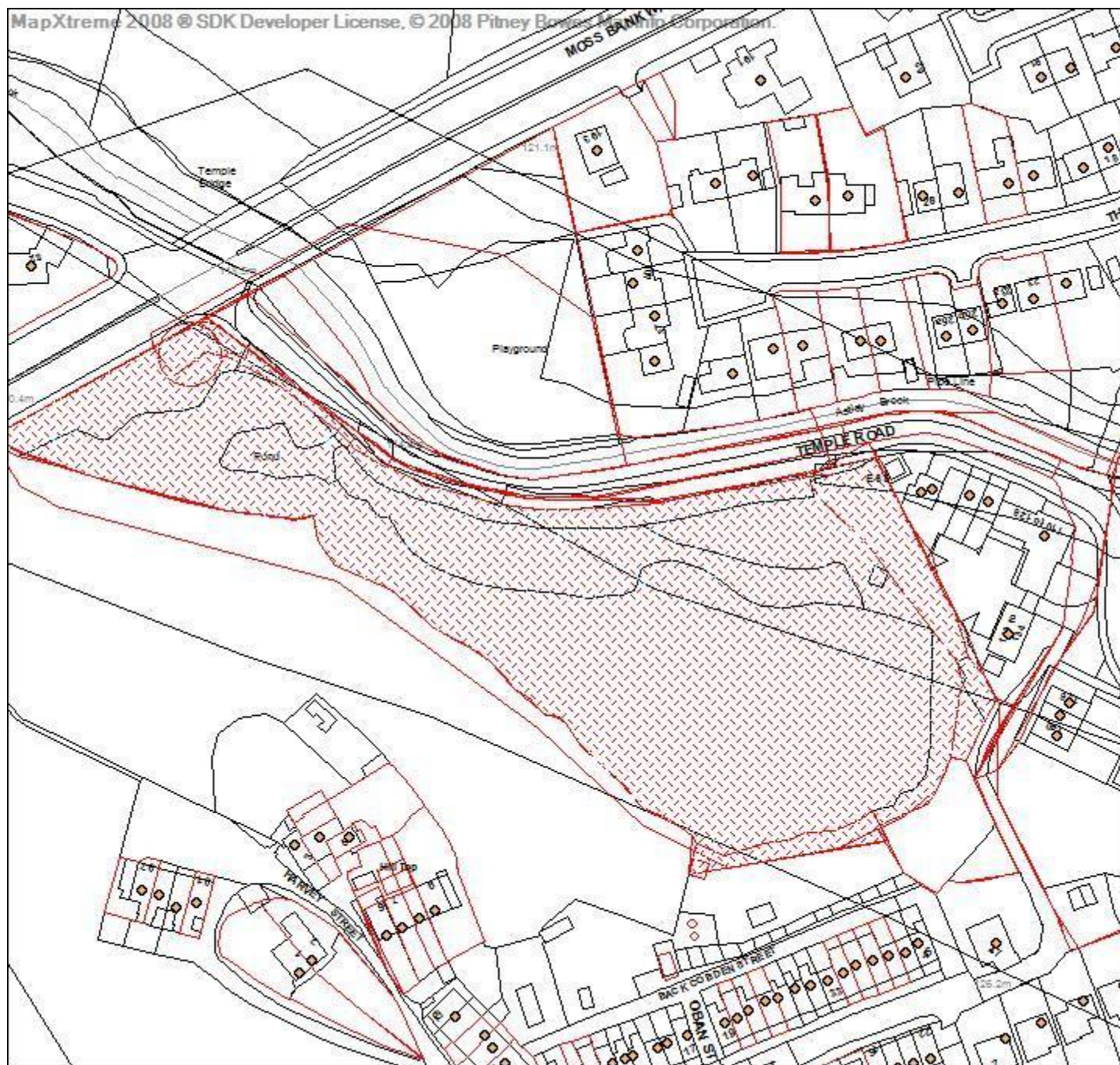
PROJECT
MOSS LEA
BOLTON

DRAWING
SITE PLAN
AS PROPOSED

| DRAWING NUMBER | | REV |
|----------------|-------------|-----|
| 2024-017 | | C |
| SCALE | DATE | |
| 1:500@A2 | MARCH 2017 | |
| AUTHOR | STATUS | |
| CSB | INFORMATION | |

CHARTERED ARCHITECTS
PROJECT MANAGERS
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Application number 97418/16



Development & Regeneration Dept
Development Management Section

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Bolton Council

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Date of Meeting: 29/06/2017

Application Reference: 97418/16

Type of Application: Full Planning Application

Registration Date: 13/09/2016

Decision Due By: 12/12/2016

Responsible Officer: Martin Mansell

Location: LAND AT TEMPLE ROAD, BOLTON

Proposal: ERECTION OF 26 DWELLINGS TOGETHER WITH ACCESS, LANDSCAPING AND ASSOCIATED WORKS

Ward: Crompton

Applicant: JPS Property Co Ltd

Agent : Nathaniel Lichfield & Partners

Officers Report

Recommendation: Approve subject to conditions

Proposal

1. The applicant proposes the residential development of the former Temple Road reservoir to provide 26 dwellings, a mix of 9 three- and 17 four-bedroom open market houses in semi-detached and detached formats. The submitted plans show a range of house types, constructed from brick with stone heads and cills to the windows. All dwellings would be two storey in scale. Vehicular access would be from Temple Road which already serves the Bovis Homes development known as Smithills Glade. The lodge at the western end of the site would be retained and improved.
2. As well as the usual plans and elevations, the application is supported by a Visual Impact Study, a Tree Survey, a Site Investigation Report, a Planning Statement, a Design & Access Statement, a Flood Risk Assessment, an Ecology Report, a Crime Impact Statement, an Arboricultural Impact Statement, a Coal Mining Risk Assessment, a Sustainability Statement and a confidential Viability Appraisal.

Site Characteristics

3. The application site mainly consists of a former reservoir which was drained by the land owner in 2011 together with the remaining smaller reservoir which is adjacent to Moss Bank Way to the north. Properties on the adjoining Bovis residential development are separated from the application site by retained mature woodland. Residential properties to the south on Harvey Street and Cobden Street are separated by existing mature trees and are located at a significantly higher level.
4. The site is allocated for housing as the Temple Road Housing Allocation in the Allocations Plan (2014) but also forms part of the Temple Lodge Site of Biological Importance in the Core Strategy (2012). The site lies within the defined boundaries of the Hill Top Conservation Area but

is physically separated from it by a marked change of levels of approximately 7 metres together with an area of dense woodland.

5. Planning permission was granted at Planning Committee in September 2013 for the erection of 30 houses at this site, establishing the principle of housing development (88397/12)

Policy

6. National Planning Policy Framework - promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, meeting the challenge of climate change, flood and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment
7. Core Strategy Objectives SO6 Accessibility and Infrastructure, SO9 Crime and Road Safety, SO10 Climate Change, SO11 Built Heritage, SO12 Biodiversity, SO13 Flood Risk, SO14 Inclusive Housing, SO15 Sustainably Located Housing, SO16 Community Cohesion and Access
8. Core Strategy Policies P5 Transport, S1 Crime and Road Safety, CG1 Biodiversity, Open Space, Flood Risk and Climate Change, CG2 Sustainable Development, CG3 Design and the Built Environment, CG4 Compatible Uses, SC1 Housing Targets, OA5 North Bolton, IPC1 Infrastructure Contributions
9. Allocations Plan (2014)
Temple Road Housing Allocation
10. Supplementary Planning Documents
General Design Principles, Sustainable Design and Construction, Accessibility, Transport and Road Safety

Analysis

11. 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.
12. The main impacts of the proposal are:-
 - principle of residential development
 - impact on the character and appearance of the Hill Top Conservation Area
 - impact on the Site of Biological Interest and on nature conservation
 - impact on the living conditions of existing and future residents
 - impact on highway safety
 - impact on trees
 - impact on drainage and flood risk
 - impact on infrastructure

Principle of Residential Development

13. Guidance contained within the National Planning Policy Framework seeks to encourage new well designed residential development to meet housing requirements. Councils should aim to deliver

a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In addition, Local Planning Authorities should set targets for the provision of affordable housing.

14. Core Strategy Strategic Objectives 14, 15 and 16 and Policy SC1 seek to provide housing which meets the needs of everybody and the growth in the number of households. Core Strategy policy SC1 seeks to ensure a total of 694 dwellings are completed per annum in the Borough with a concentration of new build on previously developed sites.
15. Planning permission was granted in September 2013 for the erection of 30 houses and associated works, establishing the principle of housing development. Although the permission expired unimplemented in September 2016, the Council has assumed that the site will come forward for development and it has been included within the 5 year supply for the period 2015-2019/20.
16. The Council has sought to meet its housing targets by allocating a number of sites for housing in the Core Strategy and the Allocations Plans, of which the applications site forms a significant part of one such allocation. During the adoption process for the Allocations Plan (2014), the conflict between the site's allocation for housing and its designation as a site of biological importance was considered. The information booklet published by the Council to document the adoption process noted that Greater Manchester Ecology Unit did not maintain an outright objection since that part of the SBI most affected is now of low biodiversity value, following the draining of the reservoir. For this reason, the housing allocation included the land for which a residential consent was granted in 2013 - the area which now forms the application site.
17. The site is defined as previously developed due to the fact that it was a former reservoir and was therefore a manmade structure and it retains a number of unnatural features e.g. reservoir banking. The site is within the urban area and is close to local facilities on Blackburn Road and Halliwell Road including local shopping facilities, schools, open space provision and public transport.
18. The principle of residential development of this brownfield site was established by both the grant of consent in 2013 and the allocation for housing in 2014 and is therefore considered to comply with both national and local planning policy.

Impact on the Character and Appearance of the Hill Top Conservation Area

19. Guidance contained within NPPF and Core Strategy policies CG3 and OA5 seeks to ensure that new development proposals are compatible with the surrounding area in terms of scale, massing, grain, form, architecture, landscape treatment. Development proposals need to:
 - contribute to good urban design;
 - conserve and enhance local distinctiveness, built character and landscape quality;
 - conserve and enhance the heritage significance of heritage assets and heritage areas and recognise the importance of sites and their settings.
20. The character and appearance of the Hill Top Conservation Area is described within the Hill Top Conservation Area appraisal as follows:
21. The area is located to the north of Halliwell Road approximately 1.5 miles from Bolton Town Centre characterised by an area of 19th Century housing and mill buildings. The centre of the area is a group of 18th Century housing including Georgian and Victorian dwellings and terraced housing. The overall townscape of the area is defined by 3 distinct areas:

- Hill Top – an informal group of vernacular buildings, an informal but compact layout and rural in character
- three terraced blocks of early 19th Century stone cottages
- three 19th Century brick terraces.

22. Other notable characteristics of the Conservation Area are:

- dense tree planting on the South Western side of the reservoir partly encloses Hill Top.
- street frontages for the majority of the buildings consist of terraces with small front gardens
- building – simple vernacular style with stone heads and cills
- views from the Conservation Area over the remaining reservoir i.e. not over the now drained reservoir

23. It is important to note that apart from a passing reference within the Conservation Area Appraisal, the now drained reservoir is not directly referred to and the development site is well screened from the majority of the Conservation Area. The applicant has sought to replicate some elements of the character of the Conservation Area within the proposed residential layout and the design of the dwellings via their simple style and the use of brick with stone detailing. However, whilst the application site falls within the boundary of the Hill Top Conservation Area, it is clearly distinct from the greater part of the area due to the significant change in levels between the two areas. It is considered that the application site has more in common with the Bovis Homes Smithills Glade housing development and the typical features of Moss Bank Way than it has with the Conservation Area. In fact, the application site is not visible at all from publicly accessible areas of the Conservation Area such as Harvey Street and Cobden Street.

24. It is considered that the applicant has sought to some degree to complement the existing character of the wider Hill Top Conservation Area. It is not considered that the proposed residential development would result in any undue harm to the character of the Conservation Area, given that it cannot be seen from the more historically significant parts of the area. The proposal would complement the existing character of the Temple Road and Moss Bank Way area and is thus considered to comply with Core Strategy policies.

Impact on the Site of Biological Interest and on Nature Conservation

25. Core Strategy CG1 seeks to ensure that new development proposals safeguard and enhance biodiversity by protecting sites of urban biodiversity including trees, woodland and improving the quality and interconnectivity of wildlife corridors and habitats.

26. The former reservoir and the existing reservoir adjacent to Moss Bank Way form part of a Site of Biological Interest designated because it supported ponds, wetlands, and broadleaved woodland which in turn supported a good population of amphibians and diverse invertebrate communities.

27. It is unfortunate that the reservoir was drained by the owner of the site in 2011, though they state that this was necessary to enable the provision of the access road to the Smithills Glade housing development. During the consideration of the application granted consent in 2013, the Greater Manchester Ecology Unit considered that the former reservoir has the potential to be restored; however, it is clear that the current owners of the site are unwilling to restore it. GMEU therefore reluctantly concluded that an outright objection to the development proposal on the grounds of causing harm to the special nature conservation interest of the SBI could not be likely to be sustained, given that the part of the SBI most directly affected by the proposed development is now of low biodiversity value.

28. In their consultation response for the current application, GMEU now take a different stance, arguing that the site still has ecological interest although that interest has changed since it was first selected as an SBI. They consider that the site could still qualify as an SBI under current selection criteria but they would need to carry out further assessment.
29. The planning application is accompanied by a Phase 1 Ecology Survey prepared by Cameron S Crook & Associates that concludes that no conclusive signs of bat roosting were found on the site, no conclusive evidence of any specifically protected species, no important habitats were identified that would be adversely affected and whilst there a small number of breeding birds, this impact can be mitigated.
30. Planning Officers accept that GMEU will be frustrated by the harm caused to the SBI by the draining of the reservoir in 2011 and understand their wish for the site to be restored so that biodiversity is not harmed. However, Officers find it difficult to see how biodiversity can be further or significantly harmed by the grant of consent for this development, other than to remove the potential for the site to be restored as an SBI.
31. The proposal would cause some degree of conflict with Core Strategy Policy CG1 in that it would remove the potential for the restoration this part of the Temple Lodge SBI. However, the potential for this restoration is considered to be extremely low and the Applicant has made it clear that they do not wish to co-operate with this. Furthermore, all potential for the restoration of the SBI could have been completely lost at any point in time between September 2013 and September 2016 - the period during which works could have commenced on the implementation of the grant of consent for 30 houses at this site. Biodiversity can be improved by the management of the remaining lodge at the site.
32. Whilst there will be a degree of harm to biodiversity, this harm is considered to be reduced by the previous loss of biodiversity caused by the draining of the reservoir in 2011. The grant of a residential consent in 2013 has established the principle of the development of this site. The site was in any case allocated for housing in 2014.

Impact on the Living Conditions of Existing and Future Residents

33. Core Strategy Policy CG4 seeks to ensure that new development proposals are compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. The General Design Principles SPD provides guidance for conventional housing layouts where houses face each other to provide for 21 metres between principal room elevations overlooking each other and where main room windows overlook blank gables, this distance is reduced to 13.5 metres.
34. The proposal would comply with all the external interface distances to properties on both Cobden Street and Thorns Close and thus is considered to comply with policy. Members will be aware that the planning system does not seek to protect views from existing properties but instead seeks to ensure that existing and proposed dwellings have a reasonable prospect and outlook by way of imposing interface standards. The proposed development is not considered to be of a sufficient scale to unacceptably harm living conditions during the period of construction. The proposed layout is of a typical and acceptable form and would provide appropriate living conditions for future occupants.
35. The impact on the living condition of existing and future residents is considered to be acceptable.

Impact on Highway Safety

36. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements, parking (in accordance with the parking standards set out in Appendix 3), and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 states that the Council will promote road safety in the design of new development.
37. Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
 - safe and suitable access to the site can be achieved for all people
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development
 - development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
38. Policy SO9 of Bolton's Core Strategy is a strategic objective and seeks to, amongst other things, improve road safety. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety. The Council has also adopted the Accessibility, Transport and Road Safety SPD which notes that the provision of a safe, high quality transport network is vital to the economic prosperity of the borough and the ability of residents to safely access potential new jobs being created together with health, education, community facilities and housing. The SPD also seeks to ensure that the use of transport does not adversely affect the climate and therefore requires new development to reduce the need to travel by car, and encourage people who live, work and visit to walk, cycle and use public transport.
39. Each new property would have the ability to park two cars off road which is in accordance with the car parking standards outlined in Appendix 3 of the Core Strategy. A footway would be provided to the site frontage, improving pedestrian accessibility to the existing Smithills Glade development.
40. The Council's Highway Engineers accept that the principle of residential development at this location was approved under previous planning consent 88397/13. As the number of dwellings proposed under this application falls below the number approved previously, Highways colleagues do not consider that they can reasonably object to what is being proposed. They recommend that the applicant fund the promotion of waiting restrictions along Temple Road to improve convenience and accessibility for vehicles exiting the development and also require the funding the of a traffic order and signage to promote a 20mph speed limit.
41. It is considered that the proposed development would not be detrimental to highway safety and complies with both Core Strategy policies P5 and S1.

Impact on Trees

42. Core Strategy Policy CG1 seeks to safeguard and enhance biodiversity by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development. The Council's Trees and Woodland Officer has been consulted and responds as follows:-

43. The main area of proposed tree loss is on the frontage with Temple Road where the trees are situated on the existing banked area. With the exception of an Oak tree the majority of the trees are of poor general condition, particularly the Willow trees, with the Sycamore trees being generally classed correctly as low quality and amenity value in accordance with BS5837. The area to the western edge of the development and pond consists of poorly formed self-seeded specimens a number of which have fallen over and re-layered to form closed canopy asymmetrical canopy forms. The remaining trees, which form the semi-natural woodland around the development have been categorised into three main types as high quality trees, moderate quality trees through to the remaining trees within the low quality category of mainly landscape value. The trees shown for retention within the wooded areas will require future management to ensure that their health and form is improved in respect to their positions in relation to the new properties and public safety. It is considered appropriate that there is a need for a detailed tree & woodland management plan that should be agreed with the Council to be conditioned in this instance should the development be approved. Protective fencing will be required (as detailed in BS5837 2012: Trees in Relation to Design Demolition and Construction) on the periphery of the root protection zones (RPZs) of the retained trees during development. Planting in mitigation of trees losses will also be required in the form of a landscaping scheme throughout the new housing development.
44. Planning Officers therefore consider that whilst the proposal would result in the loss of a number of trees it is considered that the proposed development would provide adequate replacement tree planting to offset any loss to existing trees and to assist in retaining the overall character of the area, consistent with policy.

Impact on Drainage and Flood Risk

45. The National Planning Policy Framework contains 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should, amongst other things, take full account of flood risk. Para 100 states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
46. Policy S10 of Bolton's Core Strategy is a strategic objective and seeks to reduce the likelihood and manage the impacts of flooding in Bolton, and to minimise potential flooding to areas downstream. Policy CG1 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.
47. The site itself lies within Flood Risk Zone 1 i.e. the lowest risk category - land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding. That said, other nearby areas close to Astley Brook do lie within Flood Risk Zone 3, the highest category of risk.
48. The submitted Flood Risk Assessment was carried out by Michael Lambert Associates in December 2016 and notes that the site is a former mill feedwater reservoir and is all made ground i.e. the lining of the former reservoir. It is intended that foul drainage drains to the public sewer system in Temple Road and new surface water will drain to Astley Brook via a new outfall - the new flow rate will be limited to the existing greenfield flow rate of 15.47 litres per second. Surface water runoff from the surrounding steep private garden slopes to the north will be channelled to the small lodge next to Moss Bank Way and this already drains into Astley Brook via an existing outfall. New surface water storage will be in oversize pipes plus cellular storage as needed. A ground investigation has been carried out by LK Consult showing silt, sand, gravel and

clay mixtures - so whilst there may be some soakage potential percolation tests would be best carried out post-consent via a condition.

49. Comments from both the Council's Flood Risk team and the Environment Agency have been received and the applicant has subsequently provided additional information and subject to conditions limiting surface water run-off from the site and showing the detailed design of a drainage system, it is considered that the proposal would comply with policy.

Impact on Infrastructure

50. Core Strategy policy IPC1 sees to ensure that where new development proposals which propose 15 dwellings or more, make reasonable provision for affordable housing, public open space, education, public health and public art contributions.
51. For the consent granted in 2013, the Applicant signed a Section 106 agreement, agreeing to contribute the following:-
- Affordable housing: On site contribution of 15% of the total number of units
 - Public open space provision: £31,980
 - Education: £33,238.53
 - Health: £6,726
 - Public art: nil provision due to under threshold
52. The Applicant has reassessed the viability of the proposal and now considers that the provision of these contributions in full would render the development unviable and therefore the development would not come forward in this form. They now propose the following:-
- a contribution of £25,000, to be spent on any of the above issues (Officers consider that affordable housing is the most pressing requirement)
 - a "clawback" clause in the S106 agreement, requiring viability to be reassessed once 75% of the dwellings have been constructed and if the profit margin is higher than expected, contribution can be made
53. Policy IPC1 states that contributions are applicable unless it can be demonstrated by the applicant that the scheme would not be viable if contributions were sought or offered. The confidential viability appraisal has been assessed by the Council's Corporate Property Officers and the Council's external consultant JL Property Solutions, both of whom broadly accept the conclusions of the viability assessment.
54. It is considered that the proposal would not be viable if the contributions required by Policy IPC1 were to be applied. Officers accept that the assessment of viability is not an exact science and it requires many assumptions to be made over issues such as costs, future sales prices and potential profit. However, in this case, it is accepted that the development of a drained former reservoir does create some abnormal costs in terms of its safe development.
55. The application of the "clawback" clause in the Section 106 agreement would require that viability be reassessed at much later stage and therefore when far fewer assumptions have to be made. At this point in time, the costs of development could be actually evidenced and actual sales information could be provided. Viability can then be even more robustly interrogated and if higher profits are being made some of this money could potentially be diverted to the Council's requirements for planning contributions.
56. As the Core Strategy policy is worded in such a way as to accept that viability can reduce or

remove the requirements for planning contributions, the proposal is considered to comply with Core Strategy policy IPC1.

Local finance considerations

57. 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:

New Homes Bonus for the 26 proposed dwellings – this is not a material planning consideration.

Conclusion

58. The application relates to a previously developed site located in an accessible and sustainable location within the urban area and close to Halliwell Road, Blackburn Road and Moss Bank Way. The proposal would include provision of affordable housing with modest, well designed properties with sufficient off road car parking. Whilst the proposal would result in the loss of a former reservoir the proposal would assist in meeting the Council's Strategic objectives for housing and would involve replacement tree planting and ecological enhancement of the retained reservoir.

59. It is considered that the proposal complies with policy and it is therefore recommended that Members delegate the decision to the Director of Place to enable a s.106 agreement signed to secure the contribution with clawback clause detailed in paragraph 52.

Representation and Consultation Annex

Representations

Letters:- 10 representations of objection have been received from properties on Temple Road, Cobden Street, Holmes Cottage and Raveden Close. The grounds of objection include:-

- loss of open aspect and adverse impact on views
- reduce property values (not a material planning consideration)
- inappropriate within and will damage the Hill Top Conservation Area
- too close to properties already being sold in the area
- access onto Moss Bank Way will be a problem in the morning with the addition of 26 new houses
- existing mains sewerage problems and will increase pressure on existing system
- pedestrian access on Back Cobden Street is in a poor state of repair
- reduce quality of life for residents and local wildlife, such as bats and herons
- no rationale for building houses in such an undesirable location
- existing developments are vacant in the locality
- loss of trees and habitat, damage to the Temple Lodge Site of Biological Importance
- why was the lodge allowed to be drained?
- previous applications at Temple Road have been refused
- unacceptable increase in traffic at the junction of Temple Road and Moss Bank Way
- the homes would be built on a flood plain
- problems with surface water run-off - concerns about flooding on the proposed site and the risk of flooding onto Temple Road, north of Moss Bank Way. The Environment Agency have designated Temple Road as an area at risk of flooding
- dispersed water from recent nearby building developments has been channelled into Astley Brook which cannot handle these amounts. Collapse of the culvert on Forest Road in the last year is believed to be due to this building work combined with increased rainfall
- the rear gardens of Temple Road are always drenched due to poor drainage and during heavy rain the water has come up to the door
- some of the supporting documents are four years old
- preferred option would be the restoration of the wetland
- impact on the state of the roads
- disturbance to residents of Temple Road (north of Moss Bank Way) during construction by lorries being erroneously guided by satnav down Temple Road
- properties on Cobden Street have extended their gardens towards the former lodge and the residential development will reduce their enjoyment of these spaces

Petitions:- a petition has been received, signed by 178 nearby residents and objecting to the proposal on grounds similar to those listed above

Elected Members:- Councillor Bilkis Ismail (Crompton Ward) has requested a Committee determination and an advance site visit

Consultations

Advice was sought from the following consultees: Greater Manchester Ecology Unit, Environment Agency, Coal Authority, Greater Manchester Police, Primary Care Trust, Highway Engineers, Flood Risk, Greenspace, Landscape, Strategic Development, Economic Strategy, Trees & Woodland

Planning History

88397/12 - Planning permission was granted in September 2013 for the erection of 30 houses and associated works, establishing the principle of housing development

87032/11 - Part A - felling and pruning of various trees. Part B - felling of sycamore tree as outlined in schedule no 3. Part approved/Part refused.

74821/06 - Details of the siting, design, external appearance and landscaping for the erection of 85 no. dwellings. Approved with conditions

74582/06 - Outline application for residential development without complying with condition 01 on 66177/03 (to extend period of time within which the reserved matters application can be made). Withdrawn.

74577/06 - Outline application for residential development (means of access only) without complying with condition 3 on application 66177/03 (to vary specification of access road construction). Approved with conditions.

65971/03 - Outline application for residential development (means of access details only) without complying with condition

01 on application 60985/02. extend commencement time to seven years. Withdrawn.

66177/03 - Outline application for residential development (means of access details only) without complying with condition

15 on application 60985/02. "affordable housing". Approved with conditions

66176/03 - Outline application for residential development (means of access details only). application to remove condition

16 on planning application 60985/02. "no development shall be started on site until details of the applicants business relocation proposals have been submitted to and approved by the local planning authority". Approved with conditions

50166/97 - Demolition of factory buildings and erection of 42 dwellings (siting and means of access details only), including part filling in of reservoir. Withdrawn.

16040/81 - Erection of a new production building, alterations to existing buildings and provision of a car park. Alterations to existing access road and to existing vehicular/pedestrian access at junction of Temple Road and Moss Bank Way. Approved with conditions

14711/80 - Draining and levelling of Mill Lodge to provide a car park, together with alterations to existing vehicular/pedestrian access Reservoir. Refused

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of 3 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. No development shall be commenced until full details of the type and colour of facing materials to be used for the external walls have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development safeguards the character and visual appearance of the locality.

3. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason

To ensure the development safeguards the character and visual appearance of the locality and to safeguard the living conditions of nearby residents particularly with regard to privacy and outlook.

4. No demolition, development or stripping of soil shall be started until the trees within or overhanging the site which are shown to be retained have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority. The approved fencing shall extend to protect the Tree Root Protection Zone (in accordance with BS 5839) or as may otherwise be agreed in writing with the Local Planning Authority; such fences shall remain until all development is completed.

Reason

In order to avoid damage to tree(s) within the site which are of important amenity value to the area.

5. No development shall be started until a minimum of 14 days notice in writing has been given to the Local Planning Authority that the protective fencing referred to in Condition 04 has been erected.

Reason

In order that the Local Planning Authority can inspect the protective fencing with a view to avoiding damage to tree(s)/shrub(s)/hedgerow(s) within the site which are of important amenity value to the area.

6. Before development commences details of the treatment to all boundaries to the site shall be submitted to and approved by the Local Planning Authority. Such details as are approved shall be implemented in full before the development is first occupied or brought into use and retained thereafter.

Reason

To ensure adequate standards of privacy are obtained and to enhance the setting of the development within the landscape character of the locality.

7. **Phase II Report**
Should the approved Phase I Report recommend that a Phase II Report is required, then prior to commencement of any site investigation works, design of the Phase II site investigation shall be submitted to, and approved in writing by, the Local Planning Authority. Site investigations shall be carried out in accordance with the approved design and a Phase II Report shall then be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The Phase II Report shall include the site investigation data, generic quantitative risk assessment, detailed quantitative risk assessment (if required) and recommendations regarding the need or otherwise for remediation.

Should the Phase I Report recommend that a Phase II Report is not required, but during construction and prior to completion of the development hereby approved, contamination or gas migration is found or suspected, the developer shall contact the Local Planning Authority immediately and submit proposals for investigation and remediation of the contamination or gas migration within seven days from the date that it is found or suspected to the Local Planning Authority for approval in writing.

Options Appraisal

Should the Phase II Report recommend that remediation of the site is required then unless otherwise agreed in writing with the Local Planning Authority, no development shall commence unless or until an Options Appraisal has been submitted to, and approved in writing by, the Local Planning Authority. The Options Appraisal shall include identification of feasible remediation options, evaluation of options and identification of an appropriate Remediation Strategy.

Implementation of Remediation Strategy

No development shall commence, unless otherwise agreed in writing with the Local Planning Authority, until the following information relating to the approved Remediation Strategy has been submitted and approved by the Local Planning Authority:

- i) Detailed remediation design, drawings and specification;

- ii) Phasing and timescales of remediation;
- iii) Verification Plan which should include sampling and testing criteria, and other records to be retained that will demonstrate that remediation objectives will be met; and
- iv) Monitoring and Maintenance Plan (if appropriate). This should include a protocol for long term monitoring, and response mechanisms in the event of non compliant monitoring results.

The approved Remediation Strategy shall be fully implemented in accordance with the approved phasing and timescales and the following reports shall then be submitted to the Local Planning Authority for approval in writing:

- v) A Verification Report which should include a record of all remediation activities, and data collected to demonstrate that the remediation objectives have been met; and
- vi) A Monitoring and Maintenance Report (if appropriate). This should include monitoring data and reports, and maintenance records and reports to demonstrate that long term monitoring and maintenance objectives have been met.

Reason

To ensure that the development is safe for use.

8. Prior to the commencement of development hereby approved/permitted, all developer obligations shall be fulfilled to enable the Local Highway Authority to carry out a review of Traffic Regulation Orders in the locality where necessary and to enable the Local Highway Authority to consult , advertise, promote and implement Traffic Regulation Orders to implement a 20 mph speed limit and no-waiting restrictions on Temple Road. All such Orders shall be implemented into full prior to the occupation of any of the dwellings.

Reason

In the interests of highway safety.

9. Prior to the commencement of development full details of the highway works at Temple Road comprising of 5.5 metre wide carriageway and 2 metre wide footway along the site frontage together with a junction access to the development site with 5.0m radii shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety.

10. No development shall commence until a woodland and landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas within the applicant's control (excluding privately owned garden areas) shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried in accordance with the approved scheme.

The scheme shall include the following elements:

- detail the extent and type of new planting, based on native species and which integrates with site surface water drainage proposals including any remodelling work for the smaller retained pond and the overflow to Astley Brook;
- details of the maintenance regimes for each retained habitat type;
- details of the treatment of the site boundaries and/or buffers, particularly around the southern and western boundaries;
- details of management responsibilities including a 5 year habitat management plan.

Reason

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

11. Prior to the commencement of any groundworks surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Foul and surface water shall be drained on separate systems and the scheme shall be designed in accordance with the principles set out in the submitted Flood Risk Assessment Ref No. B1234, dated 18/05/12 and prepared by Michael Lambert Associates. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

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

Reason

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

12. Prior to the commencement of development, an energy assessment of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include a scheme which details how either (i) renewable energy technology or (ii) an alternative scheme e.g. enhanced insulation shall reduce CO2 emissions of predicted energy use of the development by at least 10%. The approved scheme shall be installed, retained and maintained in perpetuity thereafter unless agreed by the Local Planning Authority.

Reason

To enhance the sustainability of the development and to reduce the reliance on fossil fuels in order to comply with Core Strategy policy CG2.

13. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted to and approved by the Local Planning Authority before development is started. Such scheme shall be carried out within 6 months of the occupation of any of the buildings or the completion of the new 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 planting season with others of similar size and species.

Reason

To soften the development proposed and to enhance and improve the setting of the development within the landscape of the surrounding locality.

14. No development shall take place unless and until a report of findings arising from intrusive site investigations and a scheme of remedial works has been submitted to and approved by the Local Planning Authority approval. Such works as are approved shall be carried out in full prior to the occupation of any of the dwellings and retained thereafter.

Reason

Coal mining legacy potentially poses a risk to the proposed development

15. No development shall take place until a plan for the protection and/or mitigation of damage to BAP

habitats Lowland Mixed Broadleaf Woodland & Pond, both during construction works and once the development is complete and including management responsibilities, shall be submitted to and approved in writing by the local planning authority. The Lowland Mixed Broadleaf Woodland & Pond] protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason

To protect the BAP habitats Lowland Broadleaf Woodland & Pond within and adjacent to the development site.

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

Reason

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

17. Prior to the commencement of development full details of the highway works at Temple Road comprising construction of VACs (dropped-kerbs) to facilitate driveway access to the properties shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

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

18. 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 areas provided and in order to comply with Core Strategy policy P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

19. Prior to the occupation of the dwelling houses hereby permitted provision shall be made for the parking or garaging of two motor vehicles adjacent to each of the dwelling houses in the area identified for that purpose on the approved plan ref: 1051-PL06B rev B. Those areas shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or replacing that Order) other than a garage, no extensions, porches, outbuildings, sheds, greenhouses, oil tanks or satellite antennae shall be erected within that area.

Reason

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

20. The development hereby approved/permitted shall not be brought into use unless and until a visibility splay measuring 2.4 metres by 34 metres is provided at the junction of the site access road with Temple Road, and subsequently maintained free of all obstructions between the height of 1.0 metres and 2 metres (as measured above carriageway level).

Reason

To ensure traffic leaving the site has adequate visibility onto the highway.

21. No dwelling shall be occupied until the access roads, footways and footpaths leading thereto have been constructed and completed in accordance with drawing ref: 1051-PL06B rev B .

Reason

In the interests of highway safety.

22. The garage(s) hereby approved/permitted shall be made available at all times for the parking of a motor vehicle.

Reason

The loss of garage spaces would be likely to lead to an increase in on-street parking to the general detriment of highway safety.

23. No vegetation clearance or tree removal should be undertaken between the months of March to July inclusive.

Reason

To ensure the protection of wildlife/biodiversity.

24. Notwithstanding the provisions of Class A to Schedule 2 Part 2 of the Town and Country Planning General Permitted Development Order 2008 (or any Order amending or replacing that Order) no fences, gates, walls shall be erected within the curtilage of (any of) the approved dwelling house(s) other than those expressly authorised by this permission.

Reason

The development has been designed with specific regard to the design of boundaries and new fences and walls in these positions would spoil the appearance of the site.

25. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 2008 (or any Order amending or replacing that Order) no dormers shall be constructed or other alterations to the roof carried out on the approved dwelling(s) other than those expressly authorised by this permission.

Reason

To safeguard the architectural character and appearance of the dwellings.

26. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning General Permitted Development Order 2008 (or any order amending or replacing that order) no extensions, porches, garages, outbuildings, sheds, greenhouses, oil tanks, or hardstandings shall be erected within the curtilage of (any of) the approved dwellinghouse(s), other than those expressly authorised by this permission.

Reason

The private garden space of the dwellings is limited and the site is located within the Hill Top Conservation Area and any extension would result in an unsatisfactory scheme in terms of open space, privacy requirements and the impact on the character and appearance of the Conservation Area.

27. No work, including the storage of materials, or placing of site cabins, shall take place within the extreme circumference of the branches of any tree shown to be retained or those trees overhanging the site.

Reason

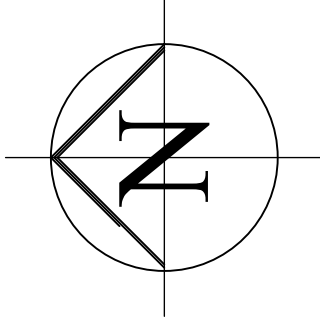
In order to avoid damage to tree(s) within the site which are of important amenity value to the area.

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

Garage Type A
Garage Type B
House Type AB Elevations
House Type AC Elevations
House Type AC Plans
House Type C Plans And Elevations
House Type D Elevations
House Type D Plans
House Type E Plans And Elevations
House Type F Plans And Elevations
House Type G Plans And Elevations
House Type H Elevations
House Type H Plans
1051-PL06B rev B

Reason

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



Rev B: Footpath reinstated
Rev A: Footpath alterations

21/3/17
19/1/17

Project
Proposed Development at
Temple Road, Bolton

Title
Proposed Site Layout

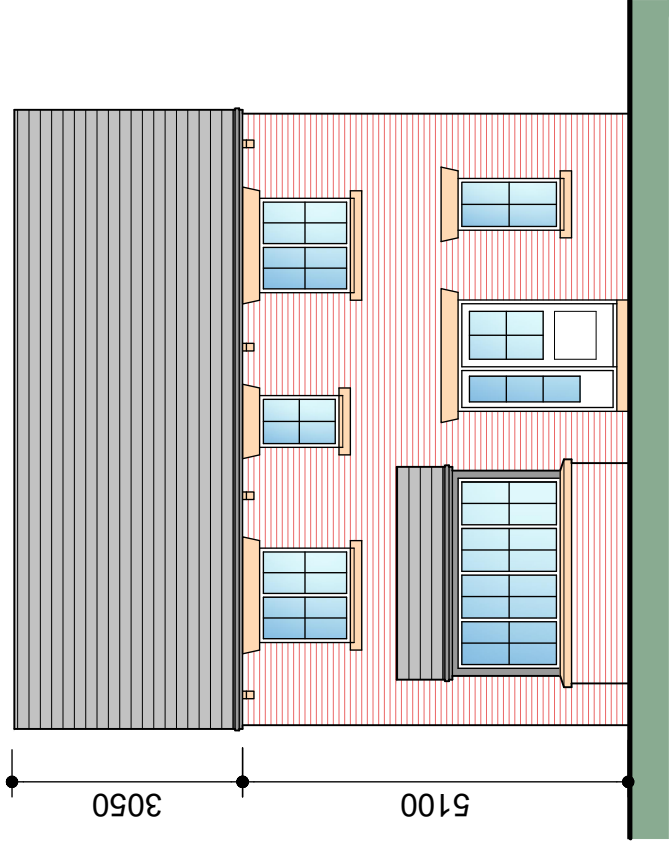
PWL

ARCHITECTS

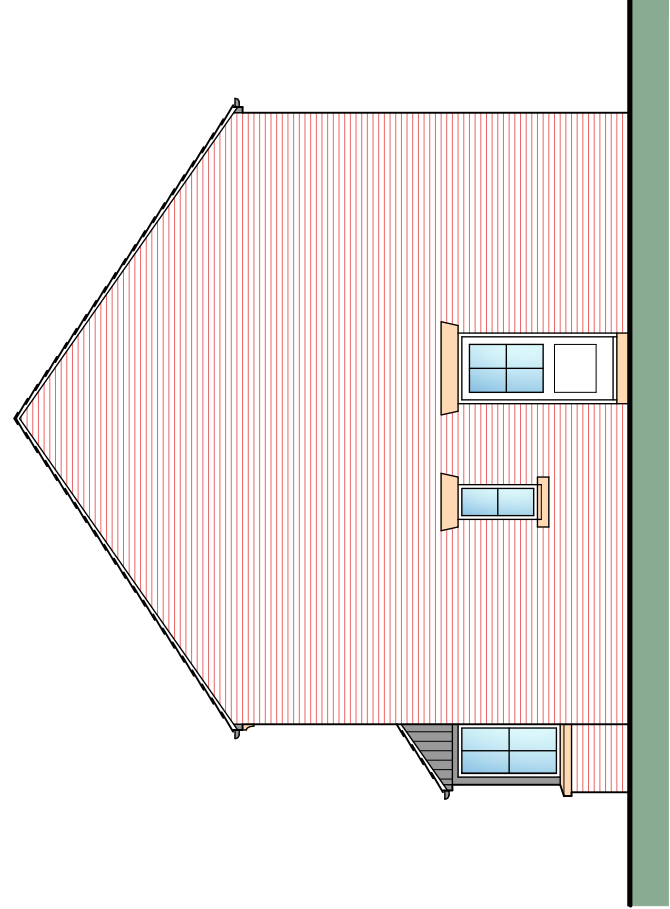
The Studio 29 Bent Lane Leyland Preston PR25 4HP
Tel 01773 467404 E Mail info@pwlarchitects.com

Scale
1:500@A1+
1:1000@A3
Date
August 2016
Drawn
PL
Dwg No
1051-PL06B

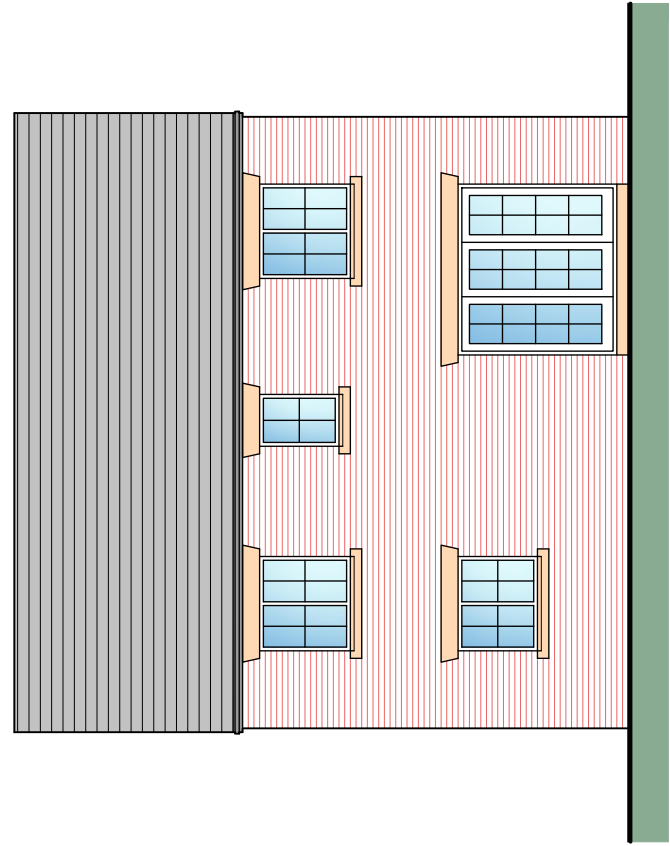
TEMPLE ROAD, BOLTON - Proposed Site Layout



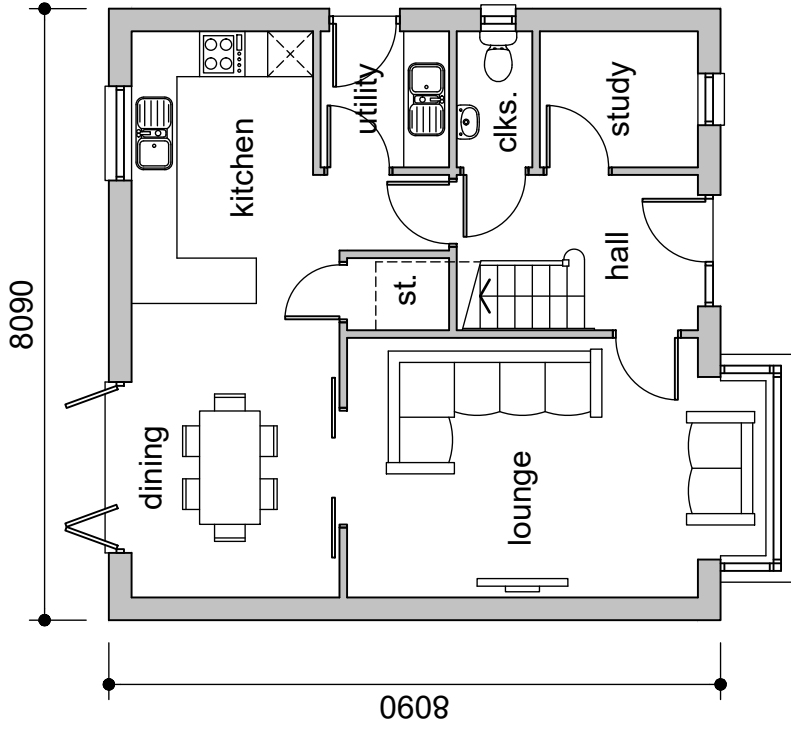
Front Elevation



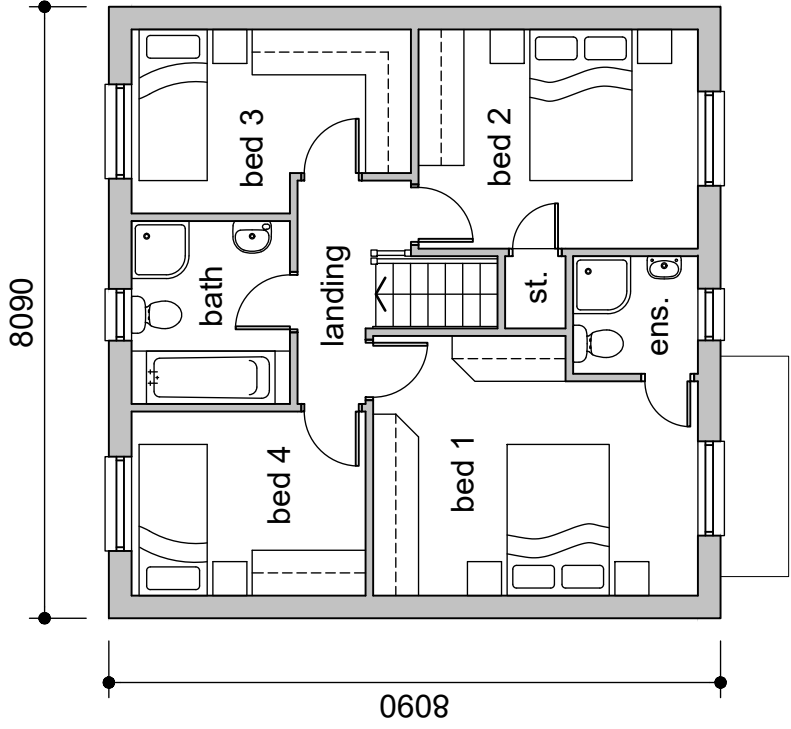
Side Elevation



Rear Elevation



Ground Floor Plan

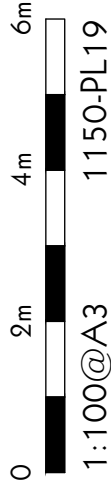


First Floor Plan

Plots 5, 8, 19 + 21 (12 + 20 handed)

TEMPLE ROAD, BOLTON

House Type E



ARCHITECTS

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Bolton Council

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Date of Meeting: 29/06/2017

Application Reference: 95081/15

Type of Application: Full Planning Application

Registration Date: 24/03/2016

Decision Due By: 18/05/2016

**Responsible
Officer: Alex Allen**

**Location: UNITS 1 AND 3, ST PAUL'S MILL, BARBARA STREET, BOLTON,
BL3 6UQ**

**Proposal: CHANGE OF USE FROM INDUSTRIAL UNIT TO COMMUNITY
AND FUNCTION SPACE**

Ward: Rumworth

Applicant: Mr Jiva

Agent : Smusa1

Officers Report

Recommendation: Refuse

Background

1. This proposal was initially presented to the Planning Committee on the 17th December 2015 but was deferred at the meeting for a site visit and further information. The following additional information/changes have been made and the consultation process has been repeated:
 - Certificate B was submitted identifying all correct ownership
 - The additional parking at Swan Mill was deleted and a new site plan with an amended red edge has been submitted (further consultation was undertaken on receipt of the corrected plan).
2. The application was subsequently placed on the 30 June 2016 Planning Committee agenda recommended for approval (on balance recommendation). Officers considered at the time that there were no objections from the Council's Environmental Health Officers subject to conditions. It was noted that the Council's Highways Engineers raised concerns with the proposal. Notwithstanding Highways Engineers concerns it was considered that the proposal was located in a sustainable location accessible to the surrounding community and that the parking measures as outlined could alleviate some of the current parking/highways related issues.
3. In the light of the time that has elapsed, representations received and also the discussions which had be undertaken in the local community, Officers felt it was prudent to revisit the original recommendation.
4. As originally agreed with Planning Committee Members it is intended that the application will be the subject of an advanced site visit prior to consideration by Members.

Proposal

5. A change of use is proposed to use part of the mill building for a community and function facility, which falls within a D2 use classification. It is noted that the building is currently in use as a community / function room facility as set out in the proposed description of the application.
6. The proposal includes a function and community assembly space together with a serving area and kitchen. The seating capacity of the venue has been detailed as 150 - 250 people. Twenty five car parking spaces have been allocated within the existing car park that serves St Paul's Mill as a whole.
7. The applicant has requested that the hours of opening will be 11:00 - 23:00 Monday to Sunday with 22 employees (2 x full time and 20 x part time).
8. Minor changes to the front and side elevations are proposed to provide a new entrance lobby (to the side) and two exit doors to the front.
9. It has been reported that the use of the site as a function space has commenced and is on going.

Site Characteristics

10. The site is a former mill which lies in the heart of Inner Bolton. To the north and east are residential dwellings, typically laid out in rows of terraces. To the south are other mill buildings, which are put to commercial uses. The adjoining part of the mill is used as a mosque (Goshia Mosque). There are further small units in use within the site.

Policy

11. National Planning Policy Framework
12. Core Strategy Objectives - SO2 Achieving Bolton; SO11 Bolton's Built Heritage
13. Core Strategy Policies CG3.2 Conserve and Enhance Local Distinctiveness; CG3.3 Scale, Massing, Grain and Form; CG4.1 Compatible Uses; SC2.1 Cultural and Community Facilities; RA1 Inner Bolton.

Analysis

14. 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.
15. The main impacts of the proposal are:-
 - Principle of the change of use;
 - Impact on the living conditions of local residents;
 - Impact on the character and appearance of the building/wider area;
 - Impact on highway safety;
 - Impact on employment; and
 - Other matters.

Principle of the change of use

16. Core Strategy policy CG4 states that the Council and its partners will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.
17. In addition Core Strategy policy Core Strategy policy SC2.1 states that the Council and its partners will ensure that local cultural activities and community facilities are located in the neighbourhoods they serve. It is acknowledged that the Core Strategy can achieve community cohesion in a number of different way, taking account of the needs of different groups in the borough, including different ethnic groups, age groups and faith groups.
18. The use as proposed within the description of the proposal is currently in use at the site: this is unauthorised. The unit did get approval for use as a community education facility (D1 use) in 2012 this permission however was never implemented. Therefore, the authorised / lawful use of the property would be for general industrial (B2) use.
19. The previous permission for the site reflected the aspirations and requirements of Core Strategy policy SC2.1 in promoting a community and education facility which would serve the community in the local area. However, concern is raised with the function use of the building which generates a large number of visitors a proportion of which would not be from the local community / area. It is acknowledged that the current facility does provide a venue for community / charity based activities. The value of such activity is not questioned.
20. The principle of a change of use to one which provides local cultural activities and community facilities is deemed to be acceptable in principle. However, the significant element of use by non local residents is deemed to be run contrary to the aspirations detailed within Core Strategy policy SC2.1.

Impact on the living conditions of local residents

21. Core Strategy policy CG4.1 outlines the Council's stance regarding the protection and preservation of neighbouring occupiers privacy and amenity by ensuring new development is compatible with surrounding land uses and it does not generate unacceptable nuisance, fumes, odours, noise or light pollution.
22. Objection has been raised to the proliferation of similar uses in the area. Several objections have been received to the proposal with one issue being the possibility of noise disturbance with the use of the venue. A letter reported fireworks being released within close proximity of nearby houses.
23. The Council's Environmental Health Officers (EHOs) have re-evaluated their original comments in the light of the site circumstances and the representations which have been received. Their concerns are two fold:
 - Impact of the use on the adjoining operation of the Ghosia Mosque - the premises and Mosque share a party wall. They comment that there is the potential for noise (music) emanating from the application site to cause disturbance to the use of the mosque, thus creating an incompatible relationship between the two uses. They consider that due to site circumstances it would be very difficult to insulate the party wall boundary, extremely onerous for the applicant and would not necessarily resolve any issues as the noise could enter the mosque building from a number of pathways.
 - Impact on adjoining residential uses - Officers have been made aware of complaints from

local residents regarding noise disturbance including cars arriving and leaving the venue, fireworks being let off late at night, and people making noise outside the venue. Complaints have also been received regarding cooking odours. They clarify that some of these complaints were unsubstantiated. In addition, they confirm that as the property is not licensed then noise issues cannot be regulated and the noise sources complained of cannot be dealt with via the statutory nuisance legislation.

24. The EHOs conclude that due to the nature of the use of the premises and the close physical relationship the proposal is likely to result in noise disturbance.
25. The Council's EHOs were also asked whether if the applicant wished to reduce the proposed hours of use of the function hall would this make the proposal acceptable. EHOs have confirmed that this would not remove their concerns regarding noise disturbance.
26. It is understood that some objections have been removed on the basis of a condition being placed on any approval which seeks to restrict the use of the hall / function suite to not use means of amplification, whether music or microphones. It is perceived as this would limit the impact of the function suite use on the adjoining mosque. Given the two uses share a common boundary it is considered that whilst this may reduce noise disturbance the use of the function suite without amplified sound would not in itself guarantee that no disturbance occurs.
27. In addition, when combined with the impact of noise and disturbance on adjoining residents of the use both as existing and in the future, it is not considered that the proposal would comply with Core Strategy policy CG4.

Impact on the character and appearance of the building/wider area

28. Core Strategy policy CG3 and RA1 seek to ensure that the Council and its partners will require new development proposals to be compatible with the surroundings area.
29. In addition, Core Strategy policy RA1.3 states the Council will seek to regenerate mills and other older industrial premises with a mixture of new build and refurbishment for primarily employment uses, with supporting residential and mixed uses. Policy RA1.11 and RA1.13 seek to conserve the distinctive character of the existing physical and natural environment and respect and strengthen the traditional grid iron pattern and street-scaping of existing housing and mills where it is compatible with good urban design.
30. The proposal has brought into use a number of vacant units whilst making only minor changes to the external appearance of the building. As such it is considered the proposal complies with Core Strategy policies CG3 and RA1.

Impact on highway safety

31. Policy S1.2 seeks to promote road safety in new development, whilst policy P5 asks that developments are accessible by different means of transport and take into account the parking standards contained in Appendix 3.
32. Guidance contained within paragraph 32 of the National Planning Policy Framework states that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'
33. Objections have been raised to possible traffic/parking issues that may arise due to the use of the site. Some of these issues have been recently reported by residents as the venue is currently

in use. The issues highlighted were the amount of parking congestion in the immediate vicinity due to functions (on same days) at this site and the adjoining Ghosia Hall, with vehicles being parked haphazardly leading to the access to the rears of properties on Edgmont Ave/Essington Street being blocked.

34. Highways initial response to the amended site plan was as follows:-

- The 25 spaces within the site curtilage are not solely for this proposal and are utilised by other businesses that are located within the premises;
- The over-spill parking provision proposed within Swan Lane Mill is actually non-existent - this element has been withdrawn from consideration;
- There will be a reliance for on-street parking on Bridgeman Street and within the surrounding residential areas for the proposal to be viable;
- We have had a number of complaints from residents relating to parking issues associated with this business which appears to be operating illegally;
- The Highways Authority is not supportive of what is being proposed owing to the level of on-street parking that it will/is generating at this location and the impact that it will potentially have on surrounding existing businesses/facilities and on the amenity value to residents within the surrounding areas.

35. It is noted that there is congestion at the site and that previously the following measures were proposed to alleviate these issues:-

- The erection of gates to both back streets serving Edgmont Avenue to allow private residents parking;
- The incorporation of a Parking Permit Scheme to Edgmont Avenue during the hours of 18:00 - 22:00 Monday to Friday and 11:00 - 15:00/18:00 - 22:00 on Saturdays and Sundays;
- The insertion of double yellow lines to the corners of the streets junctioning with Caroline Street to avoid access and egress issues.

36. Provision is also available for 25 vehicles in the car park, although this is shared with the adjacent local business on the site.

37. The Highway Engineers have expressed the following reservations to the above proposals:-

- The Highways Authority would be reluctant to support a residents only parking scheme at this location. The scheme implementation would be reliant on the implementation of a traffic regulation order to enforce the proposal, this in turn would be reliant on the satisfactory outcome of a consultation exercise with residents/businesses and stakeholders at that location;
- Both the above would not prevent parking on Bridgeman Street associated with the proposed development which was our main concern.

38. It is understood by Officers that affected residents have been consulted on the above mitigation measures and a positive response has been received from local residents.

39. This element of the proposal has also been revisited by Planning Officers. It is considered that the use of the site as a venue for functions would in itself generate a substantial amount of vehicle movements and car parking. Whilst the maximum car parking standards referred to in Appendix 3 of the Core Strategy provide a figure of 1 car parking space for 8 seats this is for uses such as cinemas, bingo hall / casino or concert halls. Given the proposed use it is not considered appropriate to use the figures contained in Appendix 3 of the Core Strategy for this

particular use.

40. It is also noted that some of the more community based activity, for example use for charitable purposes, would perhaps not generate significant vehicle movement or car parking. In addition, it is noted that there are significant (existing) car parking issues and concerns in relation to the use of the adjoining Ghosia Mosque and also the connected hall/ function room / hall.
41. It is considered that the use of the application site as a function suite and the use of the adjoining sections of St Pauls Mill generate substantial levels of on street parking which results in streets being blocked off to normal vehicular traffic and the emergency services. It is considered that the disruption and problems this causes is severe. The car parking mitigation measures proposed on Edgmont Avenue would be potentially better for local residents who live on that street. However, by enforcing these measures it would shift the problem onto a number of the adjoining residential streets including Bridgeman Street.
42. Therefore, it is considered that the proposal would not comply with Core Strategy policy P5 or S1 and would be where the residual cumulative impacts of development are severe.

Impact on employment

43. Core Strategy policy P1.2 states that the Council and its partners will safeguard existing employment sites where they are compatible with residential amenity and contribute to the sustainability of communities in which they are situated. Where they are not compatible, mixed uses will be encouraged to retain an element of employment.
44. One objection has been raised with regards to the loss of local employment. However the site was previously vacant, and its re-use would create 22 new employment opportunities for local people.
45. It is considered that the retention of an industrial use in this location in close proximity to dense residential development is not ideal. Therefore, an alternative use of the building is welcomed. The current application provides for 22 new employment opportunities.
46. However, whilst the lawful and unrestricted industrial use of the premises would be incompatible with adjoining residential properties it is questionable whether the replacement of one incompatible use with another incompatible use is acceptable.
47. It is considered that the proposal would not comply with Core Strategy policy P1.2 as the proposed / existing use of the use applied for is incompatible with the wider area.

Other Matters

48. An objection has been received to the validity of the final site plan with concerns that the full ownership of the site had not been highlighted (area edged in blue).
49. This issue was brought to the attention of the applicant and a request for a correction was made. No correction has been received to date. However this issue is a legal issue, the site edged red shown on the plan is indeed correct and therefore does not invalidate the application.
50. Concern has also been voiced that the owners listed on Certificate B have not been issued with Notice. However the applicant confirms that Notice has been sent. This does not affect the validity of the planning application.

Conclusion

51. It is clear that there are a number of benefits to enabling the continuation of the use of the application site as a community and function space most notably that the building is a useful community resource and provides a source of local employment. However, the use of the premises as a large function suite generates substantial generation of vehicular movements, car parking and noise disturbance and when combined with the existing community uses within the Mill results in disturbance to local resident.
52. Officers consider that the benefits of approving the retention of the use do not outweigh the significant harm that would be caused to local residents by way of noise and disturbance and highway safety.
53. The proposal is recommended for refusal for the reasons set out above.

Representation and Consultation Annex

Representations

Letters:- Objections have been received from areas throughout Bolton with the main issues being:-

- Proliferation of similar uses in the area
- Traffic and parking issues
- Loss of employment opportunities
- Noise and general disturbance.
- Loss of access to emergency vehicles due to parking congestion.

Petitions - one received containing 400+ signatures objecting to the proposal.

Several letters of support have also been received.

Consultations

Advice was sought from the following consultees: Highways, Environmental Health.

Planning History

Planning approval for the change of use of part of vacant mill to community and education facility (D1) Ref: 88139/12. The approved hours of use of the building were 0800 hrs to 2200 hrs Monday to Saturday, 0900 hrs to 1800 hrs on Sundays with no opening on Bank Holidays. The unit was a community and education facility with the proposed floorplans showing the building broken up into a number of smaller rooms used primarily as Classrooms.

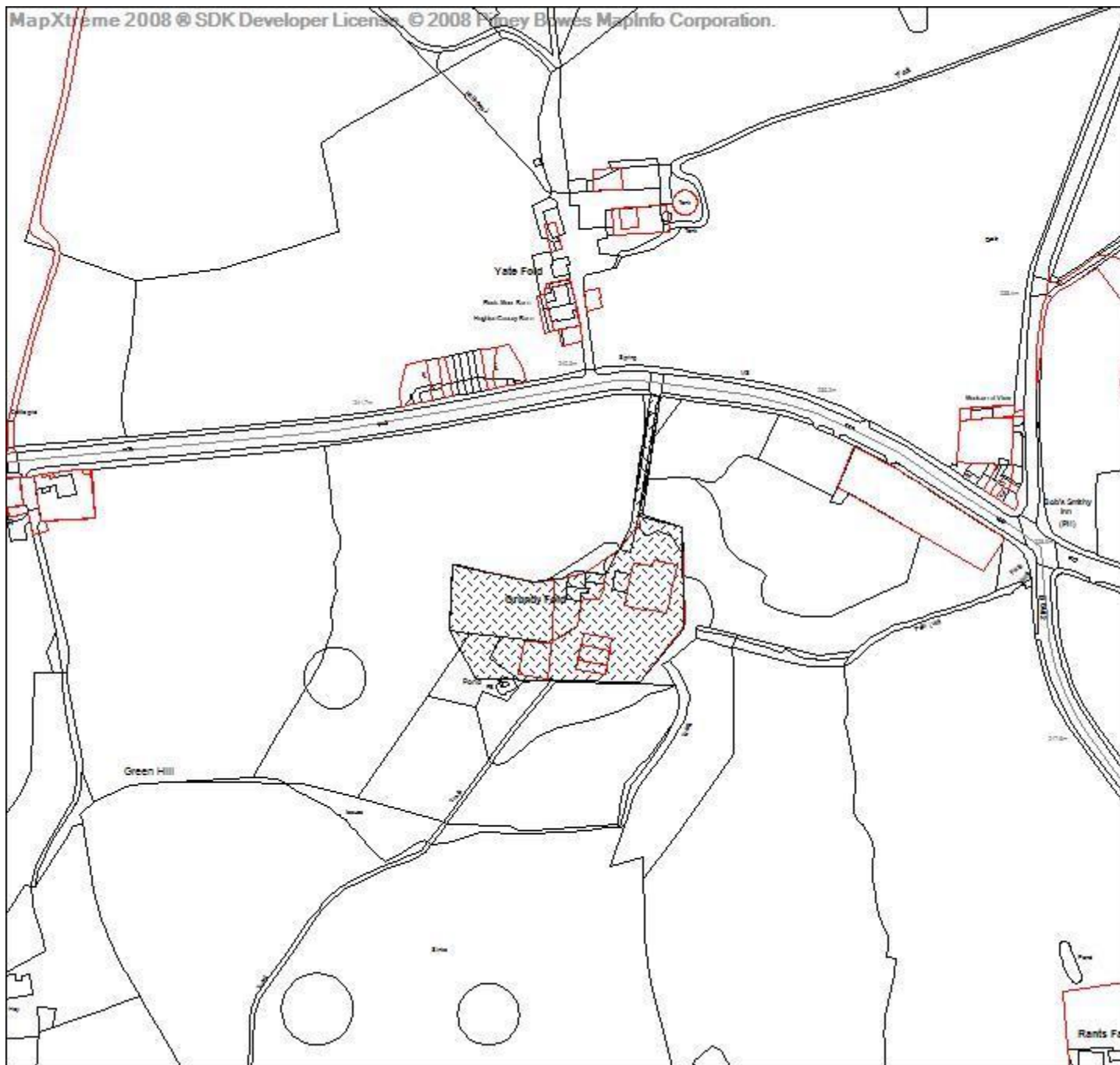
Planning permission was granted in 1999 (Ref: 55262/99) for the change of use from general industrial use (B2) to D1 use (H). Restrictions were placed on the permission including no call to prayer, daily worship times from 0415 hrs between the months of May and October, and from 0615 hrs between the months of November and April. An informative was placed on the decision notice stating that visitors to the site who attend weekend functions should be aware of the availability of car parking at Swan Lane Mills. These visitors were encouraged to make use of this car park to reduce the incidence of on street parking.

Recommendation: Refuse

Recommended Conditions and/or Reasons

1. The proposed development will give rise to increased traffic and result in on-street parking to the detriment of the visual appearance of the locality and highway safety and is contrary to Policies CG3, P5 and S1.2 of Bolton's Core Strategy.
2. The proposed development represents the introduction of a non conforming use in close proximity to residential area which will lead to increased activity in and around the application premises to the detriment of the living conditions of nearby residential properties, and is contrary to Policy CG4 of Bolton's Core Strategy.

Application number
00417/17



Development & Regeneration Dept
Development Management Section

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

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Date of Meeting: 29/06/2017

Application Reference: 00417/17

Type of Application: Full Planning Application

Registration Date: 17/03/2017

Decision Due By: 11/05/2017

Responsible Officer: Helen Williams

Location: GRUNDY FOLD FARM, CHORLEY OLD ROAD, HORWICH, BOLTON, BL6 6QA

Proposal: ERECTION OF FIVE DWELLINGS TOGETHER WITH IMPORTATION OF MATERIALS AND RAISING OF GROUND LEVELS

Ward: Heaton and Lostock

Applicant: Sparkle Developments Ltd.

Agent :

Officers Report

Recommendation: Refuse

Proposal

1. This is a retrospective application for the retention of five detached dwellings that have been erected on the site of the former Grundy Fold Farm. The application is to be heard before Committee as it is considered that it is in the public interest for it not to be dealt with under delegated powers.
2. Planning permission was granted at Committee in August 2014 for five dwellings comprising the extension and alterations to the farmhouse (to form one dwelling), the demolition of all other buildings on the site, and the erection of four detached dwellings (application 91673/14).
3. However, the development that has taken place on site does not accord with the scheme that was approved; it has instead resulted in the erection of five dwellings all of a different siting/orientation, footprint and design to those dwellings approved in 2014 including the demolition of the former farmhouse that was to be converted. The sizes of the dwellings at plots 1 to 4 have also been increased. Changes to the approved garages have also been carried out in that each dwelling now has a detached garage, compared to the original permission which included some shared garage space in the centre of the site.
4. The application proposal description also refers to the importation of materials and the raising of ground levels. Material has been imported within the development site to raise the ground levels at the rear of the site, however the majority of this material is located outside the red edge of the application site (to the south). The applicant has advised that they will be submitting a further planning application for the retention of this development.

5. A summary of the differences between the approved and the built dwellings are as follows (the footprints and floor areas are the case officer's approximate measurements, taken from the submitted plans, whilst the volumes have been provided by the applicant):

Plot 1

6. The dwelling at plot 1 has been re-sited approximately 24 metres away (to the north east) of the approved siting and re-orientated so that it faces north west/south east rather than north/south. Its garage has also been moved approximately 10 metres to the north west.

| | <u>Approved</u> | <u>Built</u> | <u>Difference</u> |
|------------------|----------------------|----------------------|--------------------------------|
| Footprint | 225.58 sqm | 294.63 sqm | + 69.05 sqm (+ 30.6%) |
| Total floor area | 611.74 sqm | 754.45 sqm | + 142.71 sqm (+ 23%) |
| Volume | 1,539 m ³ | 2,007 m ³ | + 468 m ³ (+ 30.4%) |
| Height | 10.3 m | 10.3 m | Same |

The dwelling now also includes a sizeable balcony at the rear (first floor) and increased glazing, particularly on the front and rear elevations.

Plot 2

7. The dwelling at plot 2 has been re-orientated so that its eastern elevation is approximately 15.5 metres further to the south than previously approved. The dwelling is now orientated north/south rather than the approved north west/south east siting. The dwelling also now has a detached garage proposed to its north east rather than a shared garage block, which was previously approved at the centre of the site.

| | <u>Approved</u> | <u>Built</u> | <u>Difference</u> |
|------------------|----------------------|----------------------|--------------------------------|
| Footprint | 200 sqm | 238 sqm | + 38 sqm (+ 19%) |
| Total floor area | 568.46 sqm | 664.5 sqm | + 96.04 sqm (+ 17%) |
| Volume | 1,579 m ³ | 1,769 m ³ | + 190 m ³ (+ 12.0%) |
| Height | 10.3 m | 10.6 m | + 0.3 m |

The alterations to the design of this dwelling include an enlarged glazed central feature on the front elevation between two more prominent front gable elements.

Plot 3

8. The dwelling at plot 3 has been re-sited approximately 19 metres to the south of the approved footprint. The dwelling now has a detached garage to its east rather than the use of a shared garage block, which was to be sited at the centre of the site (to the north).

| | <u>Approved</u> | <u>Built</u> | <u>Difference</u> |
|------------------|----------------------|----------------------|--------------------------------|
| Footprint | 212 sqm | 280 sqm | + 68 sqm (+ 32%) |
| Total floor area | 565.16 sqm | 682.9 sqm | + 117.74 sqm (+ 21%) |
| Volume | 1,636 m ³ | 1,922 m ³ | + 286 m ³ (+ 17.5%) |
| Height | 10.7 m | 11.1 m | + 0.4 m |

The design of the dwelling has been altered to include increased glazing (particularly on the front and rear elevations) and a large rear balcony at first floor, which extends the width of the dwelling.

Plot 4

9. The dwelling at plot 4 has been re-sited approximately 23 metres to the west and approximately 5 metres further to the south. The garage for plot 4 had been approved to the north of the

dwelling but it is now proposed approximately 24.5 metres to the west.

| | <u>Approved</u> | <u>Built</u> | <u>Difference</u> |
|------------------|----------------------|----------------------|--------------------------------|
| Footprint | 202.3 sqm | 269.34 sqm | + 67.04 sqm (+ 33%) |
| Total floor area | 516.17 sqm | 742.91 sqm | + 226.74 sqm (+ 44%) |
| Volume | 1,680 m ³ | 2,053 m ³ | + 373 m ³ (+ 22.2%) |
| Height | 10.2 m | 10.3 m | + 0.1 m |

The design of the dwelling is significantly different from the dwelling approved at plot 4 (which was to have an asymmetrical gabled feature on its front elevation), and the dwelling as built (in common with the other built dwellings) contains increased glazing on its front and rear elevations.

Plot 5 (replacing the former farmhouse)

10. The new dwelling at plot 5 has been re-sited approximately 20 metres further north than the former farmhouse and its proposed extension. The proposed garage would be approximately 9 metres further to the north west than approved.

| | <u>Approved</u> | <u>Built</u> | <u>Difference</u> |
|------------------|----------------------|----------------------|------------------------------|
| Footprint | 186.6 sqm | 190.82 sqm | + 4.22 sqm (+ 2%) |
| Total floor area | 512.25 sqm | 518.48 sqm | + 6.13 sqm (+ 1.2%) |
| Volume | 1,399 m ³ | 1,304 m ³ | - 95 m ³ (- 7.0%) |
| Height | 10.3 m | 10.3 m | Same |

The dwelling is now a new build rather than an extension and alteration to the former farmhouse. Rather than an L-shaped footprint (as approved) the dwelling is rectangular in shape and includes increased glazing.

The applicant's justification for the amendments to the development

11. The applicant has stated within their submission that the dwellings have needed to be re-sited owing to the need to provide an easement either side of a geological fault line that runs through the site. They have also stated that the "structural unsoundness" of the farmhouse meant that its demolition was the only viable option. A letter from LK Consult Limited regarding the geological fault and a letter from Foxx Limited regarding the condition of the former farmhouse have been submitted by the applicant to support these statements.
12. The applicant's justification for the amendments is discussed in more detail within the analysis below.

Site Characteristics

13. The application site formerly comprised the farmhouse to Grundy Fold Farm, three large metal clad buildings (two of which were used for the storage of caravans), one large stone barn, two brick and breezeblock built buildings and numerous small temporary buildings and structures.
14. The site is now a construction site comprising five large, stone built dwellings. The detached garage for plot 4 was being constructed at the time of the case officer's last visit. Access to the site is from Chorley Old Road (B6226) to the north.
15. The site occupies an elevated location within Green Belt and is surrounded by open fields to the south, east and west. The site is at a lower ground level than Chorley Old Road to the north and land continues to fall to the south offering extended views.

16. The application site was previously relatively flat with neighbouring land sloping quite steeply to the south. The site remains relatively flat, though the area to the south of the site (mainly outside the red edge of this application) has been built up with imported material. The site is relatively isolated, though highly visible from the surrounding area. The tracks and path adjacent the site are not designated public rights of way.

Policy

17. National Planning Policy Framework (NPPF)

18. Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.1 Rural Biodiversity; CG1.5 Flooding; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA4 West Bolton.

19. Allocations Plan Policies: CG7AP Green Belt.

20. SPD General Design Principles; SPD Accessibility, Transport and Road Safety.

Analysis

21. 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.

22. The main impacts of the proposal are:-

- impact on the purposes and openness of the Green Belt
- impact on the character and appearance of the area
- impact on highways
- impact on biodiversity
- impact on flooding

Impact on the Purposes and Openness of the Green Belt

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

24. Paragraph 80 of the NPPF explains that Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

25. Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other

harm, is clearly outweighed by other considerations.

26. Paragraph 89 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. However, exceptions to this include [amongst other things] limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
27. Policy CG7AP of Bolton's Allocations Plan also concerns development within the Green Belt and reflects the national policy within section 9 of the NPPF.
28. The report therefore considers whether the development is inappropriate and if it is, whether there are very special circumstances that clearly outweigh the harm to Green Belt, and any other harm, caused by the development.

The original planning permission for the site (91673/14)

29. The original planning permission for the site is considered to be a material consideration in the determination of this latest submission (the approval is still extant until August). This section of the report therefore revisits the justification for the development that was granted planning permission, in order to compare the approved scheme with what has now been constructed.
30. During the determination of the original application 91673/14 (the planning approval for the erection of four dwellings and the extension to and alteration of the farmhouse), the local planning authority considered that the application site was a previously development site (brownfield land) within the Green Belt, as the site contained permanent buildings that were no longer being used for agricultural purposes.
32. Officers considered that paragraph 89 of the NPPF was therefore applicable, as the proposal would constitute the redevelopment of a previously developed site within the Green Belt. The determining issue in terms of Green Belt policy was therefore considered to be whether the four proposed dwelling, along with the proposed extension to the farmhouse, would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the previous development (that was, the former buildings).
33. Regarding the purposes of the Green Belt, it was considered that as the proposed dwellings would replace caravan storage and buildings used in association with the then applicant's landscaping business (inappropriate uses within Green Belt) that therefore there would be a limited impact on the purposes of the Green Belt.
34. In considering the impact of the original development on the openness of the Green Belt, the siting, orientation, gross footprints and volumes of the approved dwellings had been compared in relation to the permanent (now former) buildings that were on the site.
35. In terms of the siting and orientation, it was considered that the approved dwellings would be sensitively sited, following the existing pattern and footprints of buildings and creating a close knit 'hamlet' form of development whereby the dwellings would have surrounded a central courtyard clustered around the original farmhouse. It was acknowledged during the determination of application 91673/14 that the dwelling proposed at plot 4 would extend beyond the existing built form of the farm buildings, but officer's felt this was compensated for by the sensitive siting of the other three new dwellings and the proximity of the retained farmhouse.

36. At that time, the gross footprint and volume of the approved dwellings were less than the gross footprint and volume of the former buildings. The footprint of the former buildings was 1,857.88 sq. metres whilst the approved dwellings comprised between 998 sq. metres (applicant's calculation) and 1,026 sq. metres (officer's calculation). The volume of the former buildings were 11,885.06 cubic metres whilst the approved dwellings were 7,833 cubic metres. The impact in respect of visual amenity and openness of this original scheme volume was considered to be the maximum justified on the site, replacing the original volume in the form of new houses was not considered and would have been unlikely to have been acceptable. The original buildings have been demolished and another chapter in the planning history of the site has now begun and limited weight can be attributed to the volume of the original buildings on the site.
37. A condition to the approval for 91673/14 removed permitted development rights for the dwellings, to restrict the future footprints and volumes of the development and also to discourage further encroachment into the part of the site where no buildings were previously.
38. This application was determined by Planning Committee firstly in July 2014 (when it was deferred for amendments to the appearance (rear elevations) of the dwellings) and then in August 2014 (when it was approved subject to conditions).

The development as built/now applied for

39. This section considers the development as has been constructed and is now proposed (to retain the development and complete it in accordance with the submitted plans).
40. Paragraph 89 of the NPPF is still considered to be applicable to the determination of this application. The site remains previously developed and in terms of the impact on the *purposes* of the Green Belt, the applicant still proposes five dwellings on the site in place of the former buildings. Whilst the farmhouse has been demolished, officers consider that the principle of replacing the farmhouse (a former dwelling) with a new dwelling is acceptable (and would have been had it been proposed at that time) as paragraph 89 allows for the replacement of a building within the same use. It is therefore considered that the *purposes* of the Green Belt in this location is not, in principle, materially further harmed by the proposed development, as the principle of the proposal remains the same – that is the development of a previously developed site in the Green Belt for five houses.
41. However, as set out in paragraph 89 of the NPPF, officers consider the determining issue in respect of Green Belt policy to be whether or not the proposed amendments to the scheme (the changes to the siting, orientation and scale of the dwellings) would have a greater impact on the openness of the Green Belt than the "existing development". Whilst, the existing development in this case should be considered as the previous permanent former buildings on the application site (and not include any temporary buildings) officers have also considered in this report both the former buildings on the site and the approved dwellings, as the planning permission is a material consideration.
42. The specific differences between the approved dwellings and the dwellings as built/now applied for in terms of their footprint, siting, orientation, gross floor area, height and volume are set out in the "Proposal" section at the beginning of this report. In summary, all of the five dwellings have been re-sited within the site. In particular the changes to the siting are such as to increase the distance between the siting of the dwellings and the centre of the site and the distances between the dwellings, spreading them out wider and beyond the footprints of the former buildings; changes to the orientation have generally resulted in south facing dwellings; and whilst heights are broadly the same, the size of four of the dwellings (Plots 1 to 4) has been increased. The applicant's justification for spreading/ expanding the plots away from a central

point is considered further below.

43. In order to fully consider whether the proposed development has a greater impact on the openness of the Green Belt than existing development, this section considers and compares the changes to siting and orientation, volumes, footprints and heights.

Siting and Orientation

44. In considering siting and orientation it is considered important to note and compare individual changes to plots and the collective impact this has on the openness of the Green Belt. Reference to the site layout plans included within this report is therefore advised.

Plot 1

45. This dwelling has been re-sited approximately 24 metres further to the north east than the previously approved dwelling. The proposed detached garage for this dwelling is also to be re-sited approximately 10 metres to the north west of the previously approved garage. Whereas the approved dwelling was sited on part of the footprint of one of the former caravan storage sheds, the proposed dwelling has been constructed to the north west of this previous building on a former yard and grassed area (thus not within the footprint of a previous building). The proposed garage would also spread out the built form of the development further to the north. The change in this siting is compounded by the increased scale of the dwelling from that previously approved (an increase of approximately 30.6% in footprint, of approximately 23% in total floor area and of approximately 30.4% in volume).

Plot 2

46. This dwelling has been re-orientated so that its eastern elevation is approximately 15.5 metres further to the south than the previously approved dwelling at plot 2. It is also proposed that this dwelling will have a detached garage (to its north east), whereas the previously approved dwelling was to have a garage within a shared block that was to be sited at the centre of the site. Whereas the previously approved dwelling was to be sited over the south eastern corner of the footprint of one of the former storage buildings, the new dwelling would be sited to the south of the former building, on a former yard area (not within the footprint of a previous building). The proposed garage would also not be sited within the footprint of a previous building. Again, the re-siting of this dwelling (further south) is made more discernible by the increased scale of the dwelling from that previously approved (an increase of approximately 19% in footprint, of approximately 17% in total floor area and 12% in volume).

Plot 3 and Plot 4

47. These are considered together because of the siting and size of the former buildings and the reasoning behind the location of Plot 3 and Plot 4 in the approved permission.
48. Plot 3 has been re-positioned approximately 19 metres to the south of where the approved dwelling was to be sited. A detached garage is also proposed to the east of the built dwelling, whereas the previously approved dwelling was to have a garage within a shared block that was to be sited at the centre of the site. Plot 3 was originally intended to be located on the footprint of the barn closer to the centre of the site. A large storage shed was formerly located immediately to the south of that barn and rather than Plot 4 being incongruously sited immediately behind Plot 3, within the original permission, the footprint of the storage shed which extended the built form further south than the other buildings was 'surrendered' and Plot 4 was sited to the west in an attempt to reduce the impact on the openness of the Green Belt and maintain the 'cluster' of buildings. However, what has actually been built and is now proposed is to site Plot 3 further south on the footprint of the former storage shed, not the barn, with Plot 4 also moving further west and south (see below). It should also be noted that the proposed

detached garage would now not be sited within an area that previously contained any buildings.

49. Plot 4 has been re-sited approximately 23 metres further to the west and approximately 5 metres further south than the previously smaller approved Plot 4. The garage for the dwelling (currently being constructed) is also approximately 24.5 metres further to the west than approved.
50. Whilst the previously approved dwelling at Plot 4 was not on the site of any former permanent building, it was on balance considered acceptable as the development proposed the siting of Plot 3 on the former barn footprint and the demolition of the former storage shed which protruded further south. It was considered that this 'surrendering' of the footprint of the large shed behind the barn and the alternative siting of Plot 4 to the west of Plot 3 rather than the south, would lessen the visibility of the development to the south and east and help create a hamlet form of development retaining the principle of the dwellings being clustered together around a central courtyard.
51. It is considered that the re-positioning of both Plots 3 and 4 as now built/proposed (Plot 3 significantly further to the south and Plot 4 significantly further to the west) puts an end to the approved 'hamlet' form of development and results in the development becoming highly visible from public viewpoints outside the site. The development would no longer be clustered around a courtyard, which would have minimised its impact on the openness of the Green Belt. The re-siting of the dwelling at Plot 4 is compounded by its significant increase in scale (an increase of approximately 33% in footprint and of approximately 44% in total floor area) which equates to the biggest increase in scale of all the plots.

Plot 5

52. This dwelling now constitutes a replacement dwelling within the Green Belt. Paragraph 89 of the NPPF does allow for replacement dwellings, provided that they are not materially larger than the one it replaces. The new dwelling is of a similar scale to the approved extended farmhouse (there is only an approximate 2% increase in footprint and 1.2% increase in total floor area - and the applicant claims there has been an overall reduction in volume) and the principle of the replacement is considered to be acceptable. However the dwelling and its detached garage have been re-sited approximately 20 metres further north than the former farmhouse building and are sited on a previously grassed area.

Overall Gross Footprint/Volume/Height

53. Despite the increase in the scale of the proposed dwellings the gross footprint of the development as built (applicant's calculation 1,266 sq. metres; case officer's calculation 1,273 sq. metres) remains less than the gross footprint of the former 'farm' buildings (1,857 sq. metres) by approximately 32%. The gross volume of the development as built (applicant's calculation 9,055 cubic metres) is also still less than the gross volume of the previous buildings (applicant's calculation 11,885 cubic metres). The heights of the dwellings as built are not significantly different to the dwellings that were approved (the biggest increase in height is at plot 3 where the house is now 0.4 metres taller than approved). However the widths and depths of the dwellings have been increased, which increases the prominence of the dwellings. The comparison of the proposed compared to what existed as farm buildings is given limited weight as this chapter in the planning history has now been removed by the demolition and construction of the properties now on site.
54. Nevertheless, a comparison in volumes, footprints and heights is only part of the consideration as to whether a proposed development would have a greater impact on the openness of the Green Belt than an existing development. In this case it is considered that the siting and

orientation of the new buildings compared with existing buildings is a key consideration in assessing the impact of openness.

55. To summarise, all the dwellings have been built significantly further away from the centre of the site than previously approved and further away than the cluster of farm buildings that existed on the site, with all the dwellings (with the exception of plot 3) having been built in locations where there were previously no permanent buildings. It is considered that the openness of the Green Belt in this location is therefore detrimentally harmed as there are now large dwellings in areas where there were previously no buildings. The built extent of development has been increased dramatically from what it was previously when it was a former farm complex, with the built development encroaching into previously unbuilt parts of the site.
56. The harm to the openness of the Green Belt created by the siting of the dwellings in particular (as well as the garages) is compounded by the increased scale of the dwellings, making them particularly prominent within the landscape in their new locations.
57. It is therefore considered that the proposed development is inappropriate development within the Green Belt as it is harmful to the openness of the Green Belt.

Very special circumstances put forward by the applicant

58. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
59. The applicant has put forward the following as very special circumstances in this case:
- *The dwellings needed to be re-sited to provide an easement either side of the geological fault line running through the site.*
60. The applicant has submitted a letter from LK Consult Ltd which states that during a desk based review of BGS Geological Mapping in the area it was noted that a geological fault runs through the site. They advise that, "Such faults would generally not compromise a constraint to low rise housing where it is a suitable thickness of overlying superficial deposits: however, during the subsequent site investigation by LK Consult Ltd it was noted that bedrock was present close to the surface. While the fault is probably not recent and may be considered unlikely to reactivate it does comprise a potential plane of weakness." They continue further in the letter that, "Any foundations that straddle the fault or extend into the faulted zone may suffer from unacceptable levels of differential settlement due directly to weight of the structure, the differing strengths of possible different strata and various degrees of shearing." The consultant concludes their letter by stating, "Therefore, it may be appropriate to relocate those buildings which are proposed to be constructed in the vicinity of the fault."
61. The Minerals and Waste Planning Unit has confirmed that there is an historic "inferred" geological fault that runs through the site. They are unable to confirm the exact location of the fault line as they state that the fault lies below superficial deposits at the site. However the plan showing the line of the fault, from the BGS data the Unit hold, shows the line to the south of the application site, and not in the central location where it is shown on the applicant's plans.
62. The letter from LK Consult Ltd refers to subsequent site investigation, however officers have not been presented with this information to back up the claims within the letter. Officers have

sought advice on this issue from an independent geotechnical engineer. The advice received is that they would have expected to have seen some evidence in the form of an intrusive ground investigation showing that the weaker rocks had been observed and that the strength of the rock in the location of the approved buildings is insufficient. The applicant has also not provided any information about the "required easement" on either side of the fault line.

63. The letter from LK Consult Ltd also concludes that it, "...may be appropriate to relocate those buildings which are proposed to be constructed in the vicinity of the fault", not that they must be. Advice from the geotechnical engineer is that it is generally possible to build anywhere providing that the developer is willing to pay for bigger foundations.
64. Officers therefore do not consider that there is sufficient justification from the applicant as to why all five dwellings have had to be re-positioned. From viewing the submitted site layout plan there also does not appear to be a rationale for why some of the dwellings are sited further away from the "easement" than other dwellings (for example Plot 3), why some dwellings have had their orientation substantially altered (for example Plots 1 and 2), and why Plot 4 needed to be moved significantly further to the west when its approved location is away from the "easement".
65. The presence of a fault line also does not provide justification for the increased scale of the dwellings from that approved.
66. Notwithstanding the above, had sufficient evidence been provided by the applicant to justify that the dwellings needed to be re-sited it is not considered that this need would sufficiently outweigh the harm to the openness of the Green Belt caused by the proposed scheme. It is not considered this merits a very special circumstance.
 - *The original farmhouse was structurally unsound and its demolition was the only viable option.*
67. A letter from Foxx Limited regarding the condition of the former farmhouse has been submitted by the applicant. Whilst this letter is only a letter and not a structural report (and therefore does not provide evidence to support the claims within the letter), the principle of replacing a former dwelling with a new dwelling is considered to be not inappropriate within the Green Belt (paragraph 89 of the NPPF). A requirement to demolish the former farmhouse however does not justify why the new dwelling has been re-positioned. It is not considered this merits a very special circumstance.
 - *All dwellings and their associated curtilages remain within the confines of previously developed land and within the same red-edge as approved.*
68. Annex 2 of the NPPF states that previously developed land is, "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure."
69. The red-edge of the application site includes land that is outside of the previous building and yard areas, and therefore (as per annex 2) cannot be automatically assumed to be previously developed land. The dwellings at plots 1, 4 and 5 are now sited outside the previously developed areas.
70. Notwithstanding that the built dwellings are still located within the same application site (red-edge), the site boundary is wider than the land that could be considered

previously-developed and their amended siting and sizes have been found to have a greater impact on the openness of the Green Belt than the previous buildings on the site, and the previously approved dwellings. It is not considered this merits a very special circumstance.

- *The size of the proposed development would equate to a total built volume significantly below that of the former buildings on the site.*

71. This issue has been addressed above. Whilst it is noted that the built dwellings have a smaller footprint and volume than the previous buildings on site, their siting is harmful to the openness of the Green Belt given that they are located in areas where there have previously been no buildings (that is, away from the centre of the site where the former farm buildings had been sited). Whilst this is a material consideration, it is not considered to merit a very special circumstance.

- *The overall approved design concept is maintained and the development incorporates high quality materials and rural design detailing.*

72. This is discussed in more detail below in the "Impact on the Character and Appearance of the Area" section of the report. A high quality design would however not carry sufficient enough planning weight to clearly outweigh the recognised harm to the openness of the Green Belt and is not such as to be considered to merit a very special circumstance.

- *The visual impact of the development is an improvement to the appearance of the previous buildings and structures on site.*

73. The applicant argues that the overall appearance of the former site was unsightly and alien in relation to the wider landscape, owing to the use of the site for the internal and external storage of caravans and building materials. It is considered that this argument from the applicant is subjective: the buildings on site were former agricultural buildings (later converted) which are a common sight within rural areas/on working farms and external storage could have been better managed. It is nonetheless considered that the development as built is more prominent within the landscape than the previous buildings on site (owing to the dwellings' siting and appearance). It is considered that any benefit would not outweigh the recognised harm to the openness of the Green Belt and as such is not a very special circumstance.

- *The applicant has acted in good faith having previously brought the amendments to the attention of the local planning authority.*

74. The applicant has stated that they had discussed the proposed re-siting of the dwellings with a former officer of the planning department. They however did not formally apply for any amendments to the development. This matter cannot be given any material planning weight and is not a very special circumstance.

- *The Council has a substantial shortfall in deliverable housing land and therefore there should be an assumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.*

75. Paragraph 14 of the NPPF is invoked when a local planning authority cannot demonstrate a 5 year supply of deliverable housing land. This paragraph states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

76. The benefits of the proposed development would be the provision of five dwellings however the site already has permission for five dwellings which, without sufficient justification being provided, is still considered to be implementable. Furthermore, the provision of five dwellings would only have a very limited contribution to the borough's housing supply. As the Government attaches substantial weight to the protection of Green Belt it is considered that the adverse impacts of the development (the harm to the openness of the Green Belt and the character and appearance of the area) would significantly and demonstrably outweigh the benefits of the development and as such this is not considered to merit a very special circumstance.

- *Plot 1 is a larger dwelling as it has been designed to include a care facility for the future occupier's elderly parents*

77. The applicant has submitted a letter from a doctor (NHS) which confirms that one of the future occupiers' parents has a condition whereby they need an element of care. It is however not considered that the proposed increased scale of the dwelling at Plot 1 (which comprises [amongst other rooms] seven large en suite bedrooms, two offices, a study, a media room and a guitar room) is justified by the future occupiers' need to accommodate their parents.

78. For the reasons discussed above it is considered that the very special circumstances put forward by the applicant do not clearly outweigh the harm the development has to the openness of the Green Belt (by virtue of the siting and scale of the dwellings).

79. It is therefore considered that the proposed development is contrary to section 9 of the NPPF and Policy CG7AP of Bolton's Allocations Plan.

Impact on the Character and Appearance of the Area

80. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment, and will maintain and respect the landscape character of the surrounding countryside and its distinctiveness. Policy OA4 states that the Council will conserve and enhance the character of the existing physical environment, ensure that development in West Bolton has particular regard to the overall density, plot sizes, massing and materials of the surroundings, and ensure that development respects the large amounts of open space and lower density development in West Bolton.

The approved development (91673/14)

81. Officers considered that the design and siting of the approved development constituted good urban design, as the four new dwellings would have been sited, along with the extended farmhouse, compactly around a central courtyard. The dwellings were to be constructed from stone and with slate roofs.

The development as proposed/built

82. The dwellings have all been constructed from stone and have slate roofs, as previously approved. However each dwelling has been amended in design, has been increased in scale (with the exception of plot 5, but this is now a new build rather than an extended former farmhouse) and has been re-sited within the site.

83. It is considered that the previously approved 'hamlet' form of development has been lost, with the dwellings no longer being sited within a central cluster, but spread out within the site in more isolated positions (the intimate/community feel of the approved development has been

replaced with a more segregated feel of development).

84. The amendments to the siting of the dwellings, along with their increase in scale, has also resulted in the development becoming more prominent and incongruous within the otherwise open landscape. The dwellings (particularly those at plots 2 to 4) are highly visible from surrounding public viewpoints, more so (it is considered) than the previous buildings within the site given their height, width and stark glazed rear elevations (that do not complement the local rural vernacular). Members will recall that the rear elevations of the approved dwellings were amended (at the request of Members at the July 2014 Committee meeting) to reduce the amount of glazing proposed. The siting and scale of the built dwellings are also more prominent and dominant within the landscape than the previously approved dwellings.
85. It is therefore considered that the scale, siting and design of the dwellings do not respect the landscape character of the surrounding area and the character and appearance of the surrounding built form, contrary to Policy CG3 of Bolton's Core Strategy.

Impact on the Highway

86. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility, servicing arrangements and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.
87. The proposed access into the site remains the same as previously approved under application 91673/14, from the existing access into the site off Chorley Old Road. A condition of the previous planning approval was that the visibility splays at the junction of the access with Chorley Old Road were to be improved to increase visibility (as Chorley Old Road has a speed limit of 60mph). Each dwelling is again to have a double garage and a driveway for parking provision (though in different positions to approved under application 91673/14).
88. The Council's Highways Engineers raise no objection to the proposal and it is considered that the proposed development complies with Policies P5 and S1.2 of the Core Strategy.

Impact on Biodiversity

89. Policy CG1.1 of the Core Strategy states that the Council will safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity.
90. A bat survey was submitted with the previous application for the site (91673/14), which covered the buildings that were proposed to be demolished. This survey recommended that on-site bat accommodation be provided as mitigation for the loss of the buildings. A condition requiring this was therefore attached to planning approval 91673/14.
91. The Council's Greenspace Officers have noted that the former farmhouse has also now been demolished and that this building was not investigated as part of the original bat survey as it had been proposed to be retained. Officers also note that the applicant has not provided any on-site bat accommodation to date. They therefore recommend that a condition be attached to any approval to require this alternative accommodation and they also advise that there is provision for the nesting of swallows and swifts on site given that they had been reported to use the former farm buildings.
92. It is considered, subject to the recommended conditions, that the proposal would comply with Policy CG1.1 of Bolton's Core Strategy.

Impact on Flooding

93. 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.
94. The applicant has stated that surface water will be disposed of via the main sewer, which passes alongside the application site.
95. The Council's Drainage Officers have advised that this proposed method of disposal for surface water does not follow the drainage hierarchy recommended by the Council or United Utilities (the applicant has made no mention of looking into the use of sustainable drainage systems (SuDS) before proposing to dispose of the water via the sewer). Drainage Officers also advise that United Utilities do not automatically give approval for surface water to be connected to their combined asset even if there is an existing private connection. They have seen no evidence from the applicant that they have had any approval from United Utilities.
96. The Council's Drainage Officers recommend a standard condition requiring SuDS on the site be attached to any approval.

Other Matters

97. The local planning authority has discussed with the applicant the possibility of the applicant, instead only applying for the retention of part of the site (say just Plots 1, 2 and 5) rather than the retention of all five dwellings, however the applicant wishes the local planning authority to make a decision on the whole development as built and there is no possibility to reduce or amend the scale of the dwellings as built.

Local finance considerations

98. 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:

New Homes Bonus for the five proposed dwellings – this is not a material planning consideration.

Conclusion

99. For the reasons discussed above it is considered that the proposed amendments to the siting and scale of the dwellings detrimentally harm the openness of the Green Belt in this location and therefore the development constitutes inappropriate development in the Green Belt. It is further considered that the "very special circumstances" put forward by the applicant do not clearly outweigh the substantial weight & harm that has occurred to the openness of the Green Belt in this location. It is considered that the proposed development is contrary to national Green Belt guidance contained within section 9 of the National Planning Policy Framework and Policy CG7AP of Bolton's Allocations Plan.
100. Furthermore, it is considered that the proposed amendments to the siting, scale and design of the dwellings fail to respect the landscape character of the surrounding area, contrary to Policy CG3 of Bolton's Core Strategy.
101. Members are therefore recommended to refuse this application for these two reasons.
102. Should Members be minded to refuse this application, as the development carried out is unauthorised it is advised that the next steps would be to serve an enforcement notice requiring the demolition of the unauthorised development (considered to be unacceptable in planning terms). This notice would give the applicant six months to commence demolition. The applicant

would have the right to appeal the planning decision and the subsequent enforcement notice. The applicant remains entitled to implement the original planning permission providing this was done in accordance with the conditions.

103. Should Members be minded to approve this application then the decision would need to be referred to the Secretary of State (under the provisions of The Town and Country Planning (Consultation) (England) Direction 2009) as the application proposes over 1,000 sq. metres of inappropriate development (that is, residential development) within the Green Belt.

Representation and Consultation Annex

Representations

Letters:- Six letters of support have been received, which state the following:

- * The development is visually more attractive than the previous dilapidated buildings on the site;
- * The houses are of an appealing design;
- * It is an impressive and attractive development;
- * The dwellings are not overbearing in their positioning or height;
- * The development enhances the area; They add character by breaking up the vastness of the formally neglected plains;
- * They add value to the area;
- * There are no public footpaths across the site;
- * Two of the supporters have bought two of the houses (plots 1 and 5);
- * Insisting on demolition would not impact on the developer but the innocent parties who have paid money for the properties to be built;
- * The Council will benefit financially from five large council tax bills to pay;
- * The dwellings have stunning views.

25 letters of objection have been received, which raised the following concerns:

- * The design and scale of the dwellings are out of character with the area; They are a blot on the landscape;
- * The dwellings are extremely large; They are much larger in footprint and volume than the previously approved houses;
- * The dwellings should be more similar in scale to the surrounding properties;
- * The dwellings are more prominent as they are in an elevated position; They are visible from miles around;
- * They are spread out beyond where the farm buildings stood;
- * The development bears little resemblance to the original planning approval;
- * The dwellings are significantly taller than the original buildings on the site;
- * The natural contours of the land have been significantly changed to the detriment of the landscape;
- * Impact on privacy to the neighbours at Rants Farm;
- * Inappropriate development in the Green Belt;
- * Impact on the Green Belt owing to their size, height and siting;
- * Should not be building on Green Belt;
- * The applicant knew that there was a fault running through the site as it was mentioned in the previous application (in the desk top study);
- * Impact on the listed buildings opposite on Scant Row (*officer's comment: is not considered that the proposed development harms the setting of the Grade II listed row of cottages given the distance between the new dwellings and the listed cottages and as there are limited viewpoints were the two can be viewed together*);
- * How can they have been built without planning permission;
- * It makes a mockery of the planning system; What is the point of planning regulations/the planning department if developers can ride roughshod over them;
- * The previous approval was a poor decision by the Council;
- * The developer should adhere to the original permission, certainly in terms of scale and hamlet layout;
- * If the approved houses cannot be built due to a fault they should not be built at all;
- * Loss of views from neighbouring properties (*officer's comment: not a material planning consideration*);

- * Impact on saleability of neighbouring properties (*officer's comment: not a material planning consideration*).

Elected Members:- Cllr. Silvester has objected to the proposal. He believes that the proposal is overdevelopment in the Green Belt and that the houses are completely out of character with the appearance of the surrounding area. He considers that their siting, height and scale are overbearing, very dominant and do not respect the area. He believes that the natural contours of the land have been significantly changed with the importation of materials, which have raised the land to the detriment of the landscape.

Cllr. Allen has requested an advance site visit.

Consultations

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Greenspace Officers, Pollution Control Officers, Strategic Development Unit, Corporate Property Officers, Greater Manchester Minerals and Waste Planning Unit, and Greater Manchester Police.

Planning History

Permission was granted at Planning Committee in August 2014 for the extension of the existing farmhouse along with the demolition of existing outbuildings and the erection of four dwellings (91673/14).

Extensions and alterations to the existing farmhouse and replacement garaging were approved in April 2013 (89512/13).

Permission was granted in October 2011 for the installation of solar photovoltaic panels to the roof of the silage ban (86807/11).

An application for prior notification for the erection of a single span agricultural building to provide fodder/machinery storage and livestock housing was approved in August 2011 (86643/11). This building was not been constructed.

Permission was granted in April 2008 for the change of use of two agricultural buildings to caravan storage (79402/08).

Recommendation: Refuse

Recommended Conditions and/or Reasons

1. The proposed development, by virtue of its siting and size, represents inappropriate development within the Green Belt and the very special circumstances provided by the applicant do not outweigh the harm caused to the openness of the Green Belt in this location, contrary to section 9 of the National Planning Policy Framework and Policy CG7AP of Bolton's Core Strategy.
2. The proposed development, by virtue of its siting, scale and design, fails to maintain and respect the landscape character of the area, contrary to Policy CG3 of Bolton's Core Strategy.

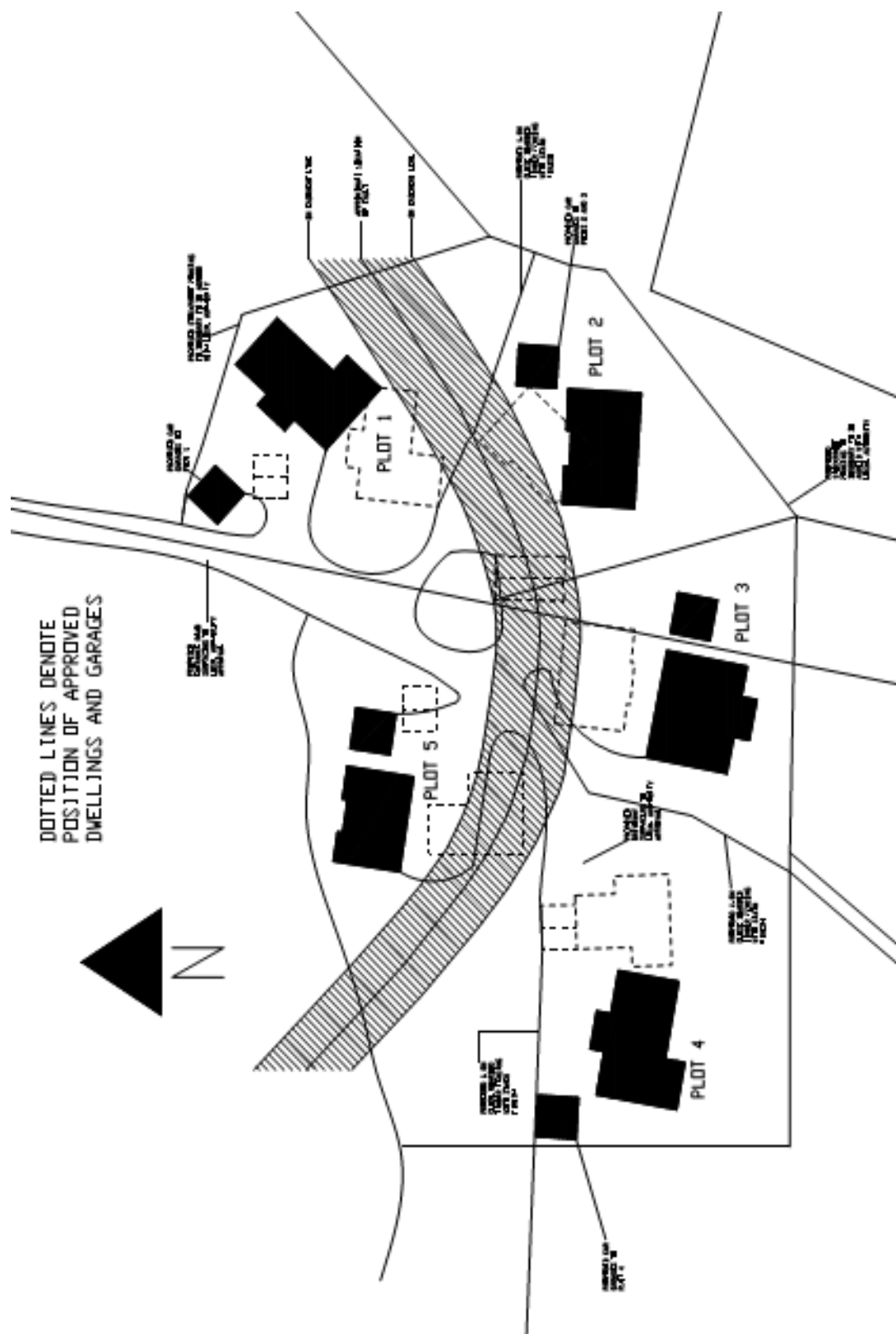
Shaded areas indicate actual positions of dwellings

Red lines indicate approved positions of dwellings

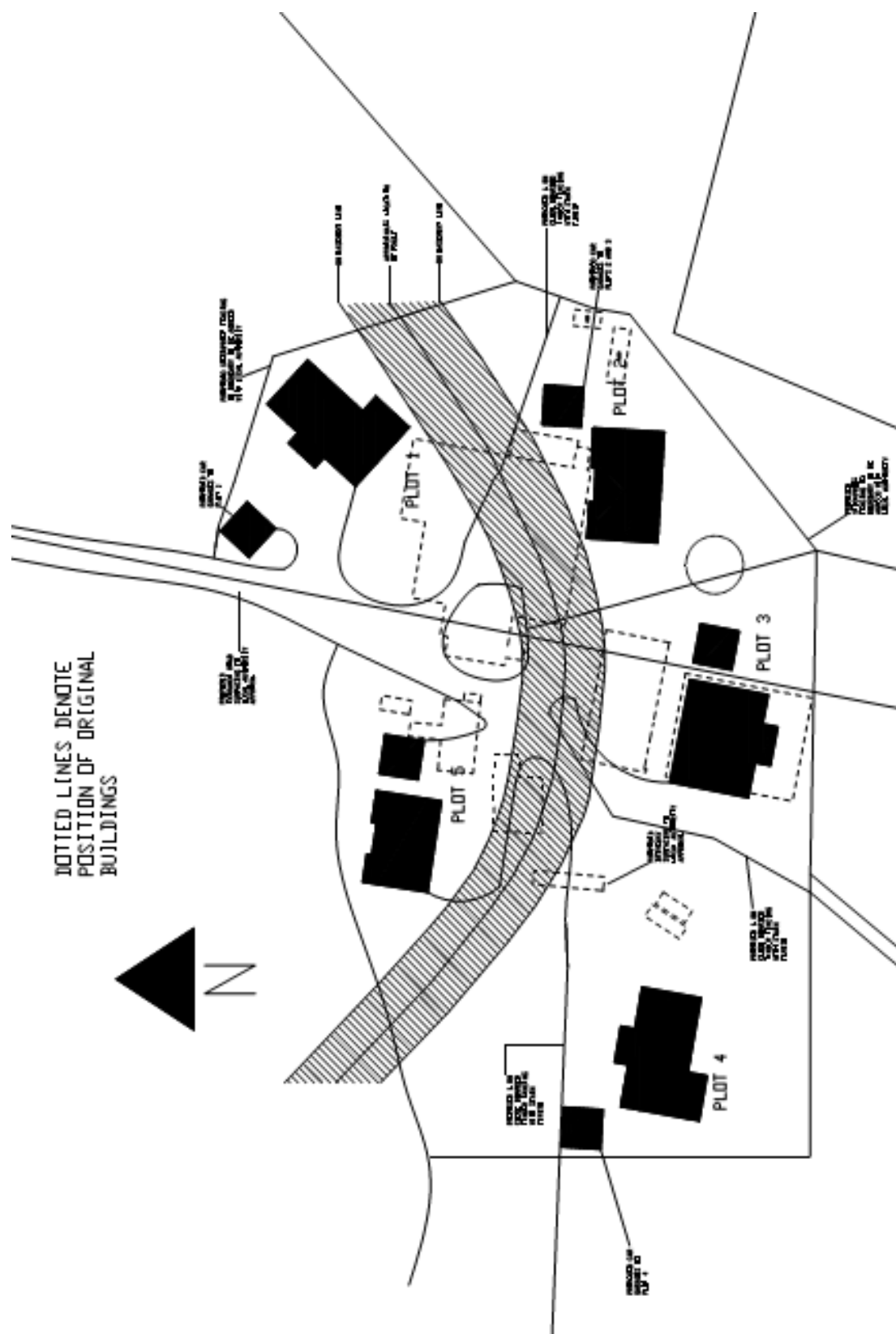
Dotted blue lines indicate positions of original buildings



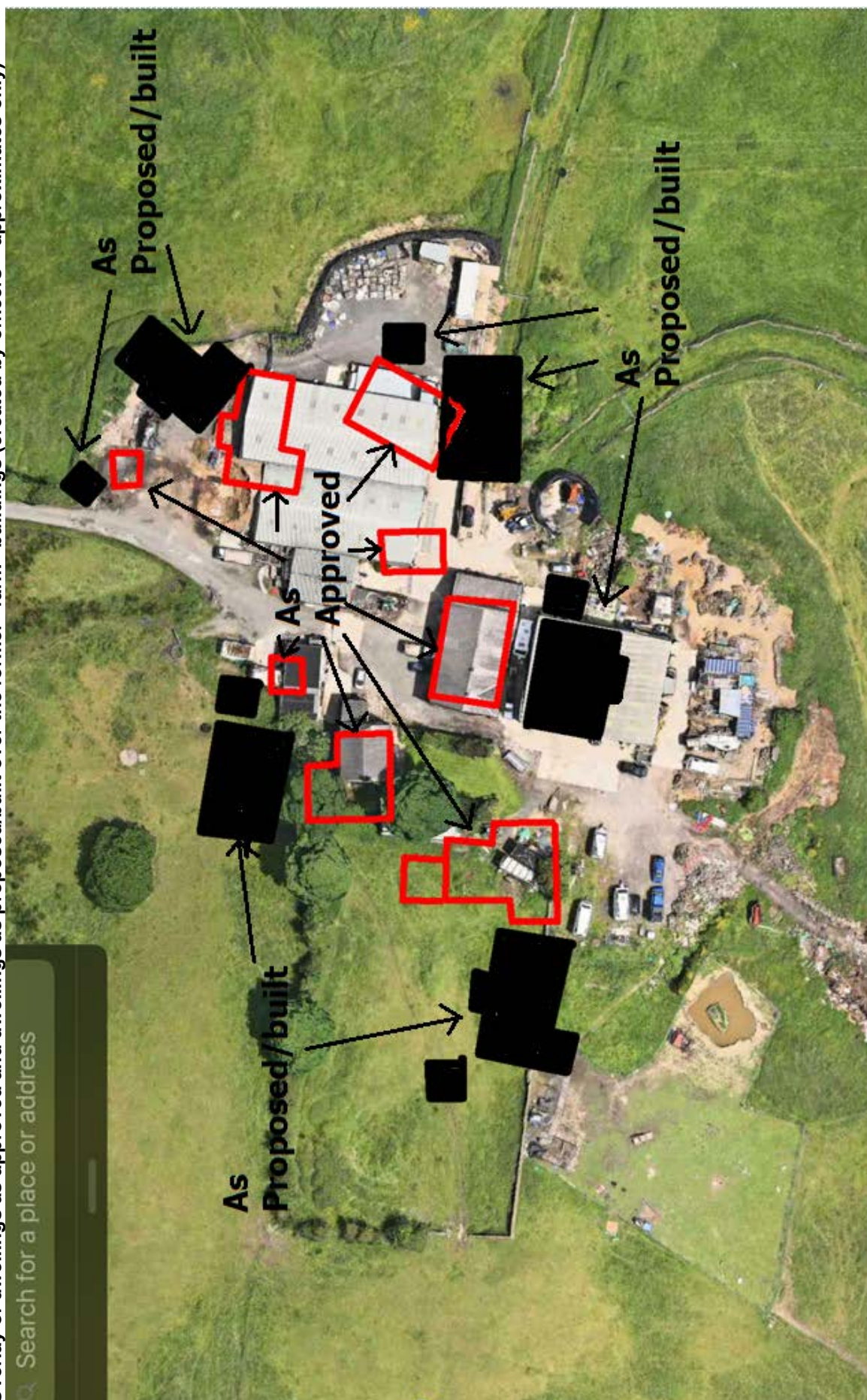
Comparison of proposed/built dwellings (solid) with approved dwellings (dotted line)



Comparison of proposed/built dwellings (solid) with former “farm” buildings (dotted line)



Overlay of dwellings as approved and dwellings as proposed/built over the former "farm" buildings (created by officers – approximates only)

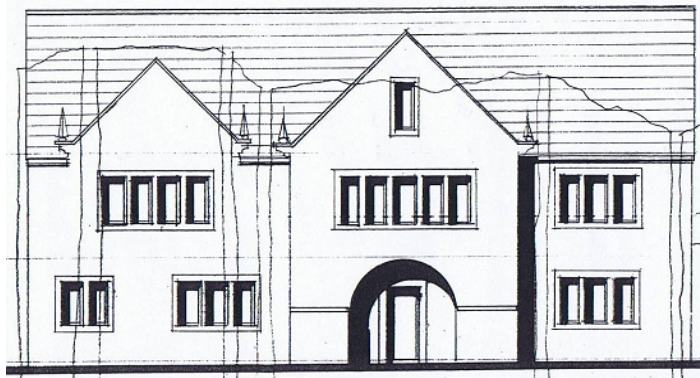


Plot 1

Front elevation as proposed/built (21.37m wide)



Front elevation as approved (18.95m wide)



Plot 2

Front elevation as proposed/built (19.45m wide)



Front elevation as approved (16.85m wide)



Plot 3

Front elevation as proposed/built (18.44m wide)



Front elevation as approved (17.3m wide)

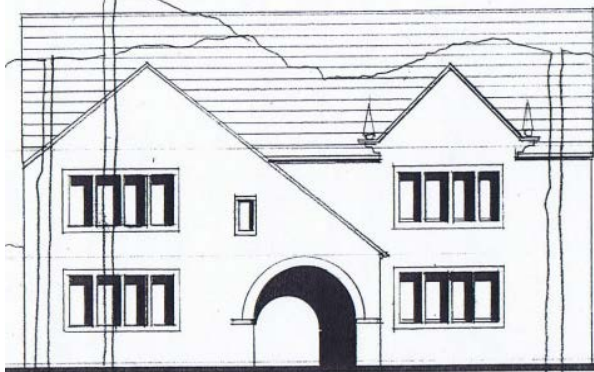


Plot 4

Front elevation as proposed/built (21.37m wide)



Front elevation as approved (16.35m wide)



Plot 5

Front elevation as proposed/built (16.3m wide)



Front elevation as approved (16.6m wide)

