

Planning Applications Report

Planning Committee
24th March 2022

Bolton
Council

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

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

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

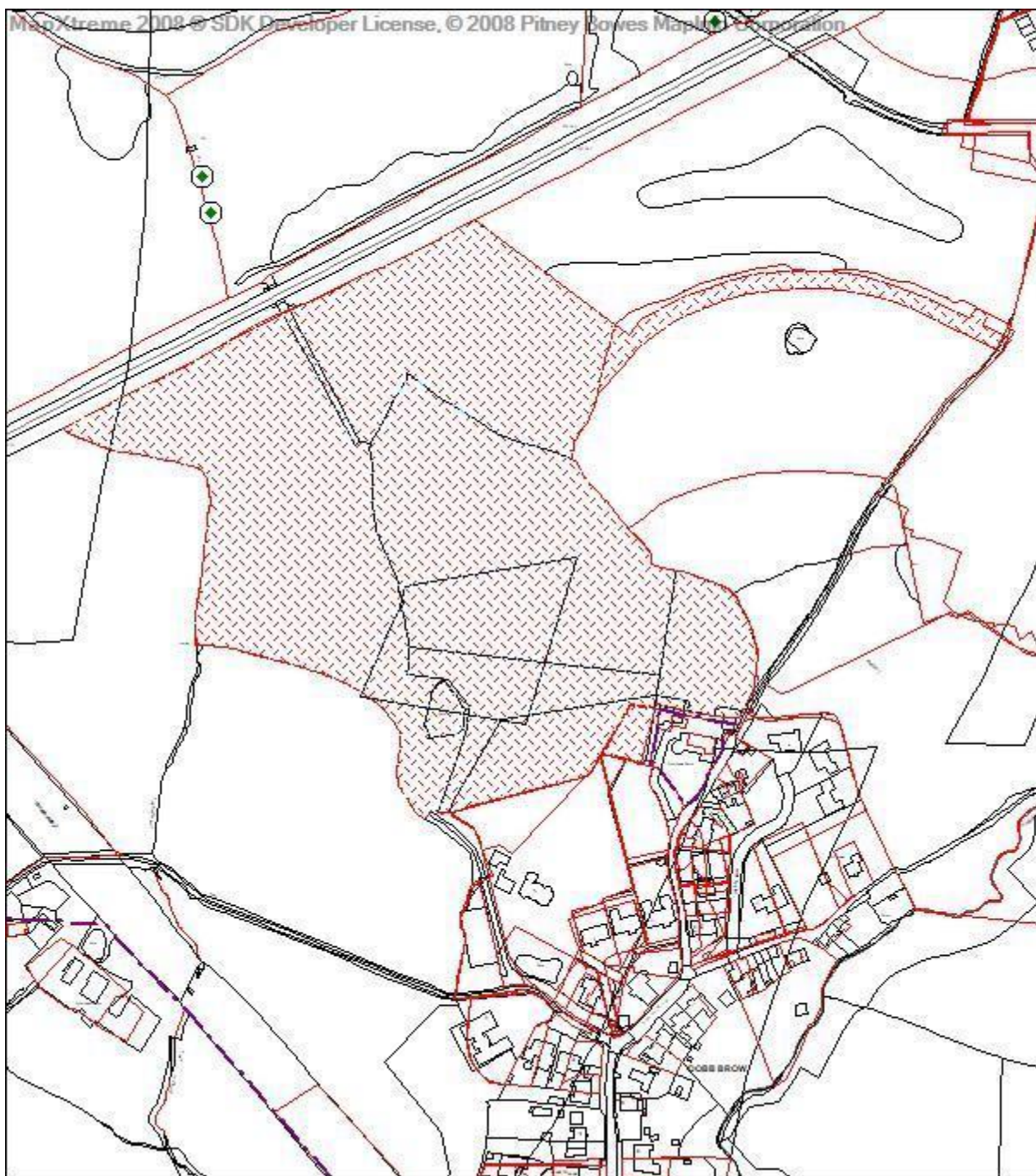
The following abbreviations are used within this report: -

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

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

www.bolton.gov.uk/planapps

Application number 11567/21



**Directorate of Place
Development Management Section**

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Bolton Council

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Date of Meeting: 24/03/2022

Application Reference: 11567/21

Type of Application: Full Planning Application
Registration Date: 20/07/2021
Decision Due By: 18/10/2021
Responsible Officer: Jodie Turton

Location: LAND AT BOWLANDS HEY, WESTHOUGHTON, BOLTON (PHASE 5)

Proposal: ERECTION OF 183 No DWELLINGS WITH ASSOCIATED ACCESS, HARD AND SOFT LANDSCAPING, SUBSTATION, WALLS AND FENCES, DRAINAGE AND OPEN SPACE INCLUDING ECOLOGICAL MITIGATION AND OTHER ASSOCIATED WORKS

Ward: Westhoughton South

Applicant: Bellway Homes Limited (Manchester Division)
Agent : Lichfields

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.

Executive Summary

- 183 dwellings are proposed on land allocated as Other Protected Open Land (OPOL).
- As Bolton does not have a 5-year housing land supply para 11(d) of the NPPF applies and the policies relating to housing delivery (in this case OPOL – CG6AP) are out of date and should be afforded limited weight. The tilted balance shall be applied to the proposal with the weight in favour of housing delivery.
- Harm identified: impact on the character of the area (design and layout), landscape impact, public rights of way, biodiversity net gain, and the lack of construction sustainability information.
- Benefits identified: housing provision, affordable housing (35% of units), S106 contributions to be met in full, socio-economic benefits of construction works.
- Highways – robust Transport Assessment, independently assessed by Aecom. Outcome – requirement for financial contribution for highway improvements to mitigate against impact of development.
- In consideration of the requirement to apply the tilted balance, the proposal is, on balance, considered to comply with policy and has an Officer recommendation of approval, with the requirement to delegate the decision to the Director for the S106 to be signed.

Proposal

1. The application proposes the erection of 183 dwellings on land to the west of Westhoughton

beyond Dobb Brow Road and the Dobb Brow settlement on land known as Bowlands Hey. A range of semi-detached, detached and terraces houses are proposed, comprising 58 x four bed, 94 x three bed, 33 x two bed and 4 x one bed properties. The layout follows a typical housing estate form focused around a series of cul-de-sacs and link roads.

2. The development will be accessed via the Bellways residential development (Phase 2) currently under construction (planning permission 06410/19 approved at Appeal), which itself is accessed from The Fairways. The road will be continued through Phase 4 (subject of a separate planning application: 11568/21) and will form a spine road to Phase 5.
3. A development density of 35.53 dwellings per hectare is proposed. All dwellings are two storeys in height. The dwellings closer to the railway line will be at a higher density, with the larger proportion of terrace dwellings being sited here.
4. All dwellings proposed will have private gardens and dedicated parking, primarily in curtilage and at an average of 2-spaces per dwelling.
5. The proposed development incorporates 1.76 hectares of open space which includes the retention of some existing trees and ponds along the site boundary and hedgerows within the site.
6. Two applications for neighbouring residential schemes are being considered by the Council: Phase 3&4 (11568/21) and Phase 5 (11567/21). The reason for the separate applications is one of landownership, however given the relationship of the sites, the residential scheme would appear as one continual development.

Site Characteristics

7. The application site covers an area of approximately 7.85 hectares and comprises open undulating fields divided by hedgerows and some trees. The boundaries of the site are dominated by trees and hedgerows.
8. Forming the northern boundary of the site is a railway line. To the east is the Phase 4 site (currently open fields) and Westhoughton Golf Club. To the west are further open fields. To the south is Dobb Brow settlement and further open fields.
9. There is one pond within the site which is sited in the southern section and will be retained as part of the open space provision.

Policy

The Development Plan

Core Strategy:

Objectives: SO1 Health and Recreation, SO6 Transport Infrastructure, SO8 Economic Growth and Sustainability, SO9 Crime, SO10 Climate Change, SO12 Biodiversity, SO13 Floodrisk, SO14 Housing, SO15 Location of Housing.

Policies: CG1 Cleaner and Greener, CG2 Sustainable Construction; CG3 Built Environment, CG4 Compatible Uses, OA3 Westhoughton, SC1 Housing, P4 Minerals, P5 Accessibility, S1 Safe Bolton and Appendix 3 - Parking Standards, H1.2 Health Contributions, A1.4 Education Contributions, IPC1 Infrastructure and Planning Contributions.

Allocations Plan:

CG6AP Other Protected Open Land; P8AP Public Rights of Way.

Greater Manchester Joint Minerals Development Plan

Other material considerations

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

National Planning Policy Framework (NPPF)
Planning Practice Guidance

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

Draft Greater Manchester Spatial Framework (Places for Everyone, consultation closed 3rd Oct 2021)
Greater Manchester Landscape Character and Sensitivity Assessment, 2018
Statement of Intent and Priorities 2021 (Bolton 20-Point Plan)
Five-Year Housing Land and Housing Delivery Test December 2021 Position Statement

Living with Beauty, January 2020
DCLG Technical House Standards - Nationally Described Space Standards, March 2015

Analysis

10. 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.

11. The main impacts of the proposal are:-

- * loss of other protected open land
- * housing supply and delivery
- * impact on the character and landscape value of the area
- * impact on residential amenity
- * impact on the highway
- * impact on trees and biodiversity
- * impact on public rights of way
- * impact on land contamination and stability
- * impact on floodrisk and drainage
- * sustainable design and construction
- * infrastructure contribution and affordable housing
- * other matters

Loss of Other Protected Open Land

12. Policy OA3 of Bolton's Core Strategy concerns development in Westhoughton. Policy OA3.3 states that the Council will concentrate sites for new housing in Westhoughton town centre and on

other sites within the existing urban area. OA3.6 seeks to ensure Protected Open Land around Westhoughton remains undeveloped.

13. The application site is located within Bolton's Allocations Plan (part of the development plan) as Other Protected Open Land (OPOL). OPOL is defined within paragraph 5.12 of the Allocations Plan as countryside that is not within the Green Belt but is protected from inappropriate development. As the application proposal would develop a site allocated as OPOL for residential development it is contrary to Policy OA3.3 and OA3.6 of the Core Strategy.
14. Policy CG6AP of Bolton's Allocations Plan states that the Council will permit development proposals within the defined areas of OPOL shown on the Proposals Map, provided that they fall within one or more of the following categories:
 - i. The development represents limited infilling within an established housing or industrial area, is in scale with it and would not adversely affect its character or surroundings; or
 - ii. It forms part of, and is required for, the maintenance of an existing source of employments; or
 - iii. The development requires a location outside the urban area, but is appropriate within the Green Belt, and providing it maintains the character and appearance of the countryside; or
 - iv. The development would be appropriate within the Green Belt.
15. It is not considered that the proposed erection of 183 dwellings on the application site would fall within any of the four categories within Allocations Plan Policy CG6AP.
16. The proposed residential development of the application site is therefore contrary to policies OA3.3 and OA3.6 of Bolton's Core Strategy and Bolton's Allocation Plan Policy CG6AP in that it represents inappropriate development of Other Protected Open Land and would fail to meet the Council's strategic objective of focusing new housing in the existing urban area of the borough.

Housing Supply and Delivery

17. Section 38 of the Planning and Compulsory Purchase Act 2004 and section 70 of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with development plan policies should be refused unless material considerations justify granting permission.
18. As discussed above, the proposed residential development of the application site does not accord with Bolton's development plan as the site is allocated as OPOL. A material consideration of this application is however whether or not the Council can demonstrate a 5-year supply of deliverable housing sites. Where Councils cannot demonstrate a 5-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged (along with footnote 7) which requires consideration as to whether the most important policies relating to the determination of the application are out of date.
19. The Council cannot currently demonstrate a 5-year supply of deliverable housing sites. The last planning appeal decision that addressed the Council's current housing land supply was at Victoria Road, Horwich (Horwich Golf Course, appeal references APP/N4205/W/20/3256381 and 3266030, 2021). The Inspector cited a deliverable supply of only 3.3 years. It was commented that in addition to the absence of a 5-year supply of housing land, the Core Strategy is based on a significantly constrained housing requirement, which is out of date and inconsistent with the NPPF.
20. The Council's most up to date information on Bolton's housing supply is contained within the

Five-Year Housing Land and Housing Delivery Test December 2021 Position Statement. This estimates that the current supply of deliverable sites in the Borough is at 4.8 years. Even with a 4.8 year supply there is still a presumption in favour of sustainable development as the supply is under 5 years. The Housing Land and Delivery Statement suggests that a supply of at least 5.5 years would be required for the LPA to sufficiently demonstrate a deliverable 5-year supply (taking into account completions and schemes falling away).

21. Given that the Council cannot currently demonstrate a 5-year housing land supply, Policies CG6AP, OA3.3 and OA3.6 should be considered out of date and carry only limited weight in the planning balance. The "tilted balance" of paragraph 11(d) of the NPPF must therefore be invoked and there should be a presumption in favour of sustainable development. Paragraph 11(d) states that where the policies which are most important for determining the application are out of date (as is the case here), planning permission should be granted unless, "ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework [the NPPF] taken as a whole."
22. This report will therefore fully consider if there are any adverse impacts associated with the proposed development that would significantly and demonstrably outweigh the benefits.

Impact on the Character and Landscape Value of the Area

23. Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment, and maintain and respect the landscape character of the surrounding countryside and its distinctiveness. Any soft landscaping and landscape enhancement schemes should enhance biodiversity and be compatible with the nearby landscape character types identified by the Landscape Character Assessment.
24. Policy OA3.7 seeks to conserve and enhance the character of the existing physical environment. OA3.7 seeks to ensure regard is had to the character of farm complexes, folds, vernacular cottages and the wider open landscape.
25. National policy guidance has evolved to focus more on the quality of design and the sense of place, notably para. 126 of the NPPF states that, "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". Para 130 seeks to ensure that developments will: function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including built environment and landscape setting; and establish/maintain a strong sense of place.

Design and Character

26. Proposing the development of open fields inevitably impacts upon the character of the area, at a basic level there will be development and infrastructure where previously there was none. The consideration as to whether the development itself is appropriate has already been considered, here we must focus on whether the built form proposed is policy compliant.
27. A standard housing estate is proposed, a relatively dense development based around a series of internal roads and cul-de-sacs. The dwellings closest to the railway line are higher in density, with a higher concentration of terraced dwellings and a tighter grain and layout.

28. Discussions have been held between the LPA and the Applicant regarding design, layout and the development of character areas across the Phases, to provide a more tailored and distinct form of development which responds to the landscape setting and provides a sense of place, rather than a continuation of a housing estate with no discernible difference between each of the phases.
29. Initial concerns were raised by the Council's Design and Conservation Officer (DCO) and despite amendments these concerns have not been satisfactorily addressed. The DCO stated, *"There appears to be very little distinction between the phases rolling out house types across the site with little sense of legibility or identity. I would have expected varied development forms and layouts to create a sense of place, such as clusters of development hamlets to the western end surrounded by larger swathes of landscape and larger dwellings with a lower density to other phases. As the development rolls out it should provide lower densities to the outer edges. Building typology, forms and materials should vary to create a distinction between areas as well as provide exemplar design."*
30. The Applicant has responded by identifying three character areas across the two application sites (Phases 3, 4, 5). The character areas as proposed do not clearly relate to defined areas and passing through the site there are no distinguishing features, landscape breaks or identifiable change in architectural style which would provide a sense of place discernible from the wider housing estate. Furthermore, the grouping of houses within character areas is poorly conceived and indicates a lack of understanding of the importance of creating a sense of place.
31. The Council's Design and Conservation Officer provided the following feedback, *"Character areas should not merely be an exercise in the variation of architectural features on the buildings. There does not appear to be a demonstrable and recognisable difference between each area. Character areas should relate to the quality and character of the spaces, the grain, the streets, the massing and form of the buildings, the landscape, architectural expression as well as boundary treatments."*
32. To conclude, the development proposal fails to comply with policy and is at odds with the focus nationally on delivering high quality design and developments being responsive to local setting and is thereby contrary to local and national policy in this respect.

Landscape Impact

33. The application is supported by a Landscape and Visual Impact Assessment (this has been done jointly for both applications). The site along with the wider Bowlands Hey OPOL area was assessed as part of the LUC OPOL study (Nov, 2018). Bowlands Hey (LUC81) was identified as having medium sensitivity to development, reduced due to the presence of development within the parcel of land.
34. Phase 5 will result in development encroaching into open countryside, with little relationship with the town of Westhoughton and extending beyond Dobb Brow settlement into open fields. If the application for Phase 3 and 4 is refused/not built then Phase 5 would appear as a clear encroachment onto undeveloped land, rather than an urban extension as it largely appears when viewed against the plans for Phases 3&4. Whilst built form itself has some degree of harm, it is the landscape setting which must be considered. It is noted that the proposal includes landscape buffers to the southern boundary with Dobb Brow settlement and along the western boundary. These buffers will ensure that views of the built development will be softened and filtered. It is essential that if approved, these buffers are protected in the event of further development pressure beyond Phase 5. Their importance is recognised as not only a landscape buffer, but also a green corridor and should be included in the S106 as areas of open space.

35. The dwellings at Dobb Brow closest to the application site are sensitive receptors which will experience a permanent change in landscape and outlook. The proposed landscape buffers will provide some mitigation, although this will be limited for some dwellings due to the nature of the change - open field to housing and the activity this will bring through general activities and movements where previously there was none. It is noted that no buffer is to be introduced at the northern part of the site where residential gardens will back straight onto the boundary with the golf club.
36. Landscape Officers have worked with the Applicant to encourage the retention of natural features, trees and hedgerows through the site, to rationalise roads which cut through hedgerows and green infrastructure routes. Plans have been amended to address a number of these issues raised. A pond is to be retained within the open space to the southern tip of the site and hedgerows retained within the central open space area. A point of concern raised by Landscape Officers are the changes to levels proposed across the site. They have highlighted a number of areas where they consider the amenity of the site will be compromised, especially in open space areas, by the levels changes proposed. Concerns are also raised about levels and impact on hedgerows shown for retention, as well as stand off to the hedgerows. Conditions for protective fencing will be required as well as full levels details to ensure that these features are respected and retained throughout the development process.
37. The Applicant argues that the levels shown are due to drainage requirements and also due to the existing undulations of the site. As there is some disagreement on this point, a pre-commencement condition is recommended to ensure that full existing and proposed levels details are submitted, as well as any cut and fill details, retaining walls and land reprofiling.
38. Overall, it is clear that the development proposal will impact detrimentally on the landscape value of the area. A large proportion of this is attributed however to the introduction of built form, which given the Council's policies on OPOL and housing provision are out of date, has only limited weight. Landscape impact derived from the treatment of the site and impact on sensitive receptors does however carry significant weight. The proposal will clearly have a detrimental landscape impact due to the encroachment into the countryside, impact on residents at Dobb Brow who will experience a permanent and high level of change; the levels changes and the loss of some hedgerows and trees are also identified as planning harm and will be given significant weight in the planning balance.

Impact on Residential Amenity

39. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security and does not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality.
40. Policy S1 of the Core Strategy seeks to ensure that the design of new development takes into account the need to reduce crime and the fear of crime.
41. SPD General Design Principles sets out the Council's minimum interface standards between dwellings and amenity space standards.
42. Nationally described space standards for residential dwellings were established by the Government in 2015, although Bolton Council has not formally adopted these, the standards are used as guidance for all new residential developments and are a material consideration in the determination of applications for residential schemes.

Amenity of Future Residents

43. The proposed layout has been designed to largely meet interface distance guidance. Some minor shortfalls have been noted however given these relate to the new build properties within the proposed development, rather than to existing dwellings, future residents will be aware of the interrelationship with neighbouring dwellings and no harm is identified in this respect.
44. Garden sizes generally meet the 50sqm guidance detailed in the SPD. There is a minor shortfall for some dwellings, however not below 40sqm. For these plots it is recommended that permitted development rights for extensions are withdrawn.
45. The dwellings to the northern part of the site will have gardens backing onto the boundary with the railway line. Given the potential for noise disturbance for these residents a noise report has been submitted and assessed by Pollution Control. With mitigation, including an acoustic fence, the noise levels for future residents are considered acceptable and any mitigation will be controlled via condition.
46. Given the proximity of plots 1 and 40-48 to the golf course to the north east a condition is recommended to ensure suitable boundary treatment to protect future residents and property from damage. The Applicant has stated that the existing 4m high hedge will be retained which will provide protection and no other fencing was required for Phase 2 development which has a similar relationship to the golf course. Officers note however that a road separates the dwellings in Phase 2 from the golf course, as well as Dobb Brow road and a landscaped strip, therefore given the gardens of Phase 5 back directly onto the boundary with the golf course, a more robust boundary treatment will be required.

Amenity of Existing Residents

47. The proposed layout has been designed to exceed interface distance guidance to existing dwellings. There will be no detrimental impact in this respect.
48. Officers are aware that there have been some issues with the Phase 2 scheme and noise from piling. Pollution Control have therefore ensured that details are included within the Construction Environmental Management Plan (CEMP) and control measures will be in place to ensure that if piling is required a site report will be required showing consideration of piling methods and mitigation measures to reduce noise impact on local residents. The approved CEMP also includes details of construction working hours, noise control targets, dust mitigation as well as other matters relating to the construction phase of development.
49. The proposal is considered acceptable in terms of amenity for existing and future residents and no harm is identified in this respect.

Impact on the Highway

50. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, prioritising pedestrians, cyclists, public transport users over other motorised vehicles users, servicing arrangements, parking (including parking for cycles and powered two-wheelers, in accordance with the parking standards set out in Appendix 3), the transport needs of people with disabilities, and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Core Strategy Policy S1.2 states that the Council will promote road safety in the design of new development.
51. Paragraph 111 of the NPPF states that development should only be prevented or refused on

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Traffic Impact

52. The application is supported by a Transport Assessment (TA) and additional Transport Addendum Reports. The documents have been reviewed by the Local Highway Authority, TfGM and independently reviewed on the Council's behalf by Aecom.
53. The transport information for both Bowlands Hey applications (11567/21 & 11568/21) has been submitted and assessed together given the interrelationship of the sites and having the same applicant/developer (Bellways).
54. It was agreed that 2016 count and traffic data from the West of Wingates planning application would be utilised within the submitted transport work. This would provide robust pre-covid traffic information that could be utilised within the assessment of potential development impact. In addition, forecast traffic growth up to 2026 was considered, along with sensitivity testing for committed development within proximity of Westhoughton (Hulton Park, Lee Hall Farm, West of Wingates, etc).
55. Highways are satisfied that the submitted TA gives a robust assessment of the potential traffic impact on the surrounding highway network and also appears to demonstrate that the site is accessible to sustainable modes of transportation.
56. The submitted highway information does demonstrate congestion issues on the surrounding highway network at peak times, along with capacity issues at varying junctions and percentage increases in the level of delays on the surrounding highway network. Despite this, Highways are satisfied that the net impact on capacity issues/delay based on the proposed and committed development will potentially be negligible in comparison to the existing baseline traffic situation, and there will be limited additional impact on the operational capacity of the highway network. Highways conclude that, "*The residual cumulative impact of development on the highway network at this location could not be classed as severe. ... the Local Highway Authority would struggle to provide a reasonable objection to the principle of residential development at this location based on the information indicated within the TA and subsequent additional transport work.*"
57. In order to alleviate additional traffic impact, the Applicant has agreed to a financial contribution to be secured via a S106 Agreement to improve site accessibility by sustainable forms of transport and help improve capacity issues on the surrounding highway/junctions:
- £6.6k contribution towards the revalidation of the SCOOT network at the junctions of Fairways/Wigan Road and Wigan Road/School Street/Market Street.
 - £30k contribution towards a junction improvement for pedestrian/cycle movements at the Wigan Road/School Street/Market Street junction as part of the Active Neighbourhood Proposals.
 - Widening of the existing pedestrian island to 3.0m at the Fairways/Wigan Road.
58. Highway improvement was proposed at the junction of Church Street/A6 Manchester Road to improve capacity at that location, however, UTC/TfGM were not supportive of the improvements owing to layout constraints and potential road safety implications associated with the design. The applicant has agreed to make a contribution of £240k which was the budget cost estimate for the scheme towards traffic management/capacity improvements/sustainable travel improvements within this area of Westhoughton in order to help aid accessibility to/from the site.

Internal Layout

59. The development is based around a typical housing estate layout, with a spine road running through (linking to the Fairways) and a series of looping roads and cul-de-sacs off this. Highways confirm the layout appears compliant with the Council's standards for adoption. Parking is proposed for all dwellings, normally within the curtilage of the dwelling and most dwellings have two parking spaces.
60. Overall, there are no highway based objections to the proposed development and on the basis of securing the contributions detailed the proposal accords with policy in this respect. Taking into consideration the proposed mitigation to be secured via S106 contribution, no highway harm or indeed benefit is identified and therefore this is neutral in terms of planning balance.

Impact on Trees and Biodiversity

61. The aim of Core Strategy Strategic Objective 12 is to protect and enhance Bolton's biodiversity. Core Strategy policy CG1.1 seeks to ensure that the Council and its partners will safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value or its contribution to green infrastructure, reducing flood risk and combating climate change.
62. Paragraph 174 of the NPPF states that, *"Planning policies and decisions should contribute to and enhance the natural and local environment"* it goes on to recognise the value of trees and woodland. The NPPF also recognises the importance of trees in new development and the value of these in new residential environments (para. 131).
63. Paragraph 180 of NPPF provides guiding principles for local planning authorities when determining planning applications, including:
64. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. Development resulting in the loss or deterioration of irreplaceable habitats should be refused.
65. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
66. Officers consider that Core Strategy Strategic Objective 12 and Core Strategy policy CG1.1 are consistent with the NPPF and can be given significant weight. Additionally, the relevant sections of the NPPF provide a more detailed consideration of biodiversity and ecological matters and should be taken into account.
67. The application is supported by an Ecological Study which calculates the potential biodiversity net gain across the site. Habitat net gain for phase 5 is below 10% at 6.07%, although greater gains are shown for hedgerow units at over 40%. The failure to achieve 10% habitat net gain is considered a negative of the development proposal and harm is identified in this regard. Although it is recognised that the Phase 3 & 4 proposal exceeds 10% however this is a separate planning application, and the ecological benefits cannot be shared across the schemes.
68. The proposed layout of the site has been tweaked in areas to address concerns raised by GMEU regarding impact on existing ecological features within the site. Amendments have been made to the layout to increase hedgerow retention and to increase standoffs to retained features, despite

this, GMEU still raise concerns that although space to dwellings may be increased, less attention has been given to space between biodiversity features and protection from construction activities and hard standings. A particular point of contention is the distance from the retained pond and the southern end of the pond, which GMEU consider will be at risk due to only 6.7m between the private access road around the closest plot. A better solution would be to lose the closest plot to ensure enough space around the retained pond, however the Applicant was unwilling to do so.

69. As with Phase 3&4 GMEU consider the loss of a small number of plots would have provided a more comfortable standoff with existing ecological features to allow their long-term success within a residential environment.
70. If the application is approved by Members a Landscape Environment Management Plan will be secured via S106 for the long-term management and maintenance of the landscape and retained ecological features. Furthermore, conditions will be required to secure small mammal holes in all boundary treatment, amphibian protecting highway schemes, wildlife friendly lighting and temporary fencing to protect trees, hedgerows and other features during the construction phase.
71. To conclude, biodiversity net gain will be below 10% for Phase 5. Further harm is identified through a lack of standoff to the retained pond and there are GMEU have raised questions over the long term ecological value of the retained features (green areas and hedgerows) due to the proximity of built development to these features and future use/pressure from residents. Planning harm is therefore identified in this respect which will be afforded weight in the planning balance.

Impact on Public Rights of Way

72. Allocations Plan policy P8AP states that, *"The council and its partners will permit development proposals affecting public rights of way, provided that the integrity of the right of way is retained."*
73. The NPPF at para 98 states that, *"Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities."* Para 100 goes on to state, *"..decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.."*
74. Two public rights of way run adjacent to and lead to the application site, one being Dobb Brow Road which runs to the southern corner of the site and the other is the footpath that crosses the Phase 3 site and joins Pennington Brook with Dobb Brow. Both are very well used routes given their accessibility to Dobb Brow Settlement and Westhoughton. Although the footpaths are not within the application site, it is anticipated that given the increase in population, the proposed footpaths linking to these and the routes providing a pedestrian link to Westhoughton town centre that the development will result in increased usage and footfall. A contribution is therefore required for footpath improvements (notably surface improvements and drainage), which will secure the long term viability of the footpaths essential for wellbeing and recreation of future residents. The Applicant has agreed a contribution of £10,000 (£5,000 per application) to be secured via S106.
75. The PROW team have provided further guidance on new footpaths within the application site, for example to ensure pathways are direct and wide, benefit from natural surveillance, do not create tunnelling through narrow widths or high fences. A condition is therefore recommended for details of footpath treatments to be submitted for approval.
76. Despite this, it is noted that harm will be caused to users of the footpaths in terms of

environment and landscape and this should be given weight in the planning balance.

Impact on Land Contamination and Stability

77. Policy CG4.3 of Bolton's Core Strategy states that development proposals on land that is affected by contamination or ground instability must include an assessment of the extent of the issues and any possible risks. Development will only be permitted where the land is, or is made, suitable for the proposed use.
78. The submitted Coal Mining Risk Assessment and Geo Environmental Investigation identify coal mining features and hazards within the site and surrounding area. The Coal Authority have assessed the submissions and recommend that prior to the commencement of development further intrusive site investigations would be required, which will be secured by condition if planning permission is granted.
79. A Phase 2 Geotechnical report has been submitted with the application and assessed by Pollution Control. Further information has also been submitted at the request of Officers. These details are still being assessed by Pollution Control and any further comments will be reported to Members at the meeting. However, no major issues have been identified with regard to land contamination and appropriate conditions will be required to ensure the appropriate works and mitigation are carried out on site.

Impact on Floodrisk and Drainage

80. 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 CG2.2 requires major residential proposals to demonstrate the sustainable management of surface water run-off from developments; for greenfield sites the rate of run-off should be no worse than the original conditions before development.
81. The site is identified as Floodzone 1 which has the lowest risk of flooding.
82. The application is supported by a Flood Risk Assessment and Drainage Strategy. The Council's Drainage Team have assessed the submission and raise no objections to the proposed scheme. The proposal meets policy requirements and surface water runoff will be no greater than the existing greenfield site conditions.
83. The Environment Agency raised some initial concerns about the relationship of the development with Pennington Brook. Plans have been amended to ensure a minimum 8m riparian buffer is provided – the existing line of the footpath along the Brook is to be maintained, although this is within the 8m buffer the route is to be retained as existing. A condition will be required for details of surfacing to the public right of way. The proposed built development (including hardstandings) has a minimum distance of 17m to the nearest road or dwelling (plot 1).
84. United Utilities have raised concerns about the site layout in relation to a water main that crosses the site. The Applicant is aware of the pipe and has been asked to provide further clarification as to whether the amendments to the site layout have addressed this issue. Further information will be reported to Members via the List of Supplementary Information.
85. Conditions are recommended to secure the submitted drainage works as well as further information on the potential of the site to incorporate sustainable drainage systems.

Sustainable Design and Construction

86. Policy CG2 of the Core Strategy seeks to ensure that development proposals contribute to the delivery of sustainable development. CG2.2(b) requires residential schemes over 5 units to adopt measures to reduce predicted CO2 emissions of predicted energy use by at least 10% (measured against Building Regs Part L).
87. No sustainability information has been submitted with the application. The Applicant has requested that this is dealt with via condition as with previous phases of the development. Whilst it is feasible that sustainability can be dealt with in this way, it is not good practice to leave this to the latter stages of a development as sustainability should form the backbone of the design to ensure that new homes achieve the maximum sustainability benefits.

Infrastructure Contribution and Affordable Housing

88. Policy IPC1 of the Core Strategy states that the Council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. In doing so, the Council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development. In determining planning applications the Council will apply a threshold of 15 dwellings in assessing whether planning contributions will be required from proposed housing developments.

89. Policy IPC1 continues that for new residential development specific contributions will be sought for:

90. Affordable housing

- Open space provision and maintenance
- Health and well-being
- Education
- Community facilities
- Site specific infrastructure

Affordable housing

- SPD "Affordable Housing" (adopted February 2013) provides further detail to the policies in the Core Strategy that concern affordable housing. As the site is greenfield the policy requirement for affordable housing requirement is 35% of units, which would equate to 64 dwellings, comprising 75% for social/affordable rent (48 dwellings) and 25% discounted open market value (16 dwellings). The Applicant has confirmed that they will meet this requirement on site in full and this will be secured via a S106 Agreement.

Open space provision and maintenance

91. It is the Applicant's intention to provide open space on site. A small children's play area is proposed, the provision of play equipment would be secured via a S106. A landscape management and maintenance strategy would also be required and secured via S106. The Applicant has agreed to these provisions.

92. A commuted sum is required for improvements to two public rights of way (WES092/92 and WES094). A sum of £10,000 has been agreed and will be secured via S106 (this will be divided between the two planning applications being considered by Members, £5,000 each for 11567/21 & 11568/21).

Health and well-being

93. No confirmation of need has been received from Bolton CCG regarding the need and justification for a health and well-being contribution.

Education

94. Based on current pupil projection data there are sufficient primary school places available within the Westhoughton area. There is however high demand for secondary school places which will exceed available operational capacity and a commuted sum is therefore required to cater for the increased demand. A sum of £621,495 is required (*Members should note that this figure will reduce slightly as was calculated on the basis of 189 dwellings, not 183 as is now proposed*).

Community facilities

95. With regard to community facilities, the development proposal will not result in the loss of any community facilities and no additional community facilities have been identified to enhance the sustainability of the new community, therefore no contribution is sought for health or community facilities.

Highway contribution (Site Specific Infrastructure)

96. A total contribution (for both planning applications – Phases 3, 4 and 5) of £276,600 has been agreed and will be secured via S106, full details contained in the highways section of the report. In the event that one application is approved and the other refused the requirement will be for the contribution to be paid in full by the Applicant.

Conclusion

97. The Applicant has agreed to meet all required commuted sum amounts and this is considered to be a benefit of the development proposal which should be given weight in the planning balance.

Other Matters

Minerals Extraction (CS SO8, policy P4)

98. The site is within a Mineral Safeguarding Area for surface coal, brick and clay. The Applicant's submission indicates that there is a low level of surface coal and that the other minerals are not considered to be practical or viable to extract. Officers have no reason to dispute these findings and similar conclusions were drawn and agreed for the Phase 1 and 2 sites. The proposal is thereby considered to comply with SO8 and P4 of the Core Strategy.

Loss of Agricultural Land (CS policy CG1)

99. The site is identified as to have an Agricultural Land Classification of 3b (moderate quality agricultural land capable of producing moderate yields of narrow range crops), characterised by poor drainage, low fertility and susceptibility to wetness. The site has no Grade 1 or Grade 2 land, therefore the proposals will not result in the loss of the best and most versatile land and the proposal complies with Bolton's Core Strategy policy CG1 in this respect.

Railway Line

100. A railway line runs along the northern boundary of the site. Network Rail (NR) were consulted as a statutory consultee. NR raise a number of concerns regarding the proximity of the development to the railway line and boundary treatment. A proportion of the issues raised by NR are private matters between landowners regarding land ownership and encroachment and are not therefore material planning considerations and thus cannot be considered in the determination of this application. However, the Applicant has confirmed that there will be no encroachment, overhang or any other interference with the railway lane/land in any way, which includes groundworks, excavations and fencing.
101. Network Rail have raised some concerns about drainage to the railway line. Floodrisk have assessed the submitted drainage plans and confirm that no surface water drainage will drain to the railway to the north and although Floodrisk are aware of a section of flooding along the

railway line, the proposed development will not drain to this, and the existing issue is one for Network Rail to address.

102. Further concerns have been raised about piling (this is covered and controlled via the approved CEMP document) and NR request a condition covering ground levels, earthworks and excavations, a condition is therefore recommended to cover this issue.
103. The Phase 1 development has a similar relationship to the railway line and a similar requirement for acoustic fencing. A 1 metre gap between the proposed fence and the NR boundary has been agreed by the Applicant and will be secured via condition.
104. Overall, although concerns have been raised by NR, these are dealt with either via condition or are civil matters between the Applicant and NR.

Local finance considerations

105. 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:
106. New Homes Bonus for the 183 proposed dwellings – this is not a material planning consideration.

Conclusion and Planning Balance

107. Of fundamental consideration to the application proposal is the Council's housing land supply situation. It is recognised that the Council is in an improving position with a 4.8 year supply in the most recent position statement (Dec 2021), which although much improved still remains below the 5 year HLS (or 5.5 year taking into consideration the period and extent of under delivery) and therefore the tilted balance in favour of residential development still applies (Para 11(d) of the NPPF).
108. In making their recommendation, Officers must therefore consider whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of housing provision.
109. The benefits of the development proposal are the provision of affordable housing (significant weight), housing provision (significant weight), S106 contributions to be met in full. In addition, it is noted that the Applicant (Bellways) has a strong track record of housing delivery within the Borough and they are committed to move forward with the scheme as a continuation of Phases 1 and 2. This along with the economic benefits of the construction process also add to the benefits, albeit with limited weight.
110. Conflict between the proposal and specific policies in the development plan are identified as: the development of OPOL (limited weight), design and character (significant weight), landscape impact (significant weight), impact on public rights of way/users (moderate weight), biodiversity net gain (significant weight), no sustainability information (limited weight).
111. Areas where no harm or benefit are identified and thus neutral matters are: highways, land contamination/stability, minerals extraction, loss of agricultural land, trees.
112. On balance, Officers consider that the benefits of the development proposal outweigh the identified harm and it is therefore recommended that Members approve the application, deferring the decision to the Director for the signing of the S106.

Representation and Consultation Annex

Representations

Letters:- 26 letters of objection have been received raising the following concerns. Where possible the issues have been addressed in the main body of the report:

100. Loss of Greenspace and Wildlife:

- Loss of countryside/greenspace
- Large ecological area and hedgerows will be permanently destroyed.
- Loss of habitat
- Impact on wildlife – including red and amber listed birds and mammals
- One of the only rural areas left – well used by walkers, runners, families, dog walkers – essential for well being.
- Impact on biodiversity and wildlife is evident from phases 1 & 2: loss of aquatic birds and frog spawn in the ponds and impact on water quality of Pennington Brook.
- Loss of hedgerows and meadows.

Infrastructure

- Shortage of doctors, dentists, schools and there is no police station
- Lack of play areas for families
- Lack of policing in the town
- St Bartholomew's school is oversubscribed every year (*Officers comment: there is no identified shortage of primary school places in Westhoughton*)
- Lack of consideration of school and health needs and pressure from additional houses/residents (*Officer comment: the Applicant has agreed to pay all required commuted sums*)

Highways:

- Impact on traffic and congestion – particularly at peak times
- Impact on the Fairways junction/Cricketers Way
- Roads are deteriorating due to amount of traffic
- Scepticism about the traffic counts/surveys reflecting the real situation
- Road safety from increased traffic
- Trains to Manchester at peak times are full and it is difficult to even get standing room.
- Traffic congestion at St Bartholomew's school.
- The Transport Plan target to reduce car use by 5% would have minimal impact on traffic volumes.
- If maximum parking spaces aren't met future residents will park on grass verges.
- The TA does not account for cyclists having to use the busy roads for some of their journey.
- Impact on people commuting to work.

Design and Character and Landscape

- Out of character with the area
- Adverse visual impact on landscape/locality
- Bulk/massing, detailing and materials, over bearing, out of scale
- Effect on listed building (*Officers comment: there are no listed buildings within close proximity of the site*)
- Loss of viewpoints

Other Matters

- Impact on air, noise and light quality
- Litter and noise

- Flood risk of the site and surrounding area including the railway line.
- Concern about land stability, groundwater levels and the potential building up of the land with unauthorised materials/waste.
- Overlooking and loss of privacy, shading and loss of daylight
- Overlooking properties at Dobb Brow
- The footpaths and roads are muddier and more liable to flooding with phases 1 and 2.
- Impact on public rights of way
- Impact on pollution from more cars and families
- Should build on brownfield not greenfield
- Overdevelopment of the land
- Noise from construction.
- Developments should include more sustainability measures – no gas boilers and solar panels.
- Criticism of the council – a general feeling that they are not listening to local people, that they don't care about sustainability or pollution, wildlife, habitat loss or the loss of greenspace.
- Bolton Council should tell developers where they can build – vast stretched of brownfield land.
- A new local plan should have been put in place since the last planning approval at Bowlands Hey.
- Developments like this are in direct opposition to Bolton Council's promotion of brownfield sites and the national drive to lower carbon emissions.
- It does not make things look any better splitting the applications into 3 phases.
- No more housing should be approved until the ones under construction are completed and occupied.
- The high street is far too small to accommodate extra people.
- Are the proposed dwellings eco-friendly?

General comment from Westhoughton Golf Club - The development will be adjacent to the left hand side of 11th hole on the golf course. A substantial safety fence the entire length behind the hold will be required to safeguard people and property.

Petitions:- Officers have been made aware of an online petition on change.org with the title 'Reject Bellway's Phase 3 planning application for Bowlands Hey. At the time of writing the report the petition had 905 signatures.

Town Council:- Westhoughton Town Council raised objection to the proposal due to the detrimental impact on residents, the loss of wildlife, the lack of infrastructure and a shortage of GP spaces.

Elected Members:- no comments received.

Consultations

Advice was sought from the following consultees:

Bolton Council: Highways, Design and Conservation, Trees, Greenspace, Landscape, Housing Strategy, Floodrisk, Pollution Control, Education, Public Rights of Way, Economic Strategy.

External Consultees: Environment Agency, GM Design for Security, The Coal Authority, United Utilities, Bolton Ramblers, GMEU, The Open Space Society, Peak and Northern Footpaths, National Rail, Bolton CCG.

Planning History

547744/99 - Outline planning permission was refused in December 1999 for a number of reasons

including that insufficient information has been submitted to enable an assessment of whether sites/areas of nature conservation would not be adversely affected and also whether there would be an adverse impact on the road network.

40183/91 – outline application for the erection of dwellings and a primary school including the laying out of open space was refused planning permission in August 1992 for the same reasons as set out for 38897/91.

38897/91 – outline planning application for the erection of dwellings and the laying out of open space was refused planning permission in January 1995 as there was assessed to be an adequate supply of housing land within the Borough. It was considered that the release of the site would be premature and would prejudice urban regeneration and the concentration of development within the existing urban area.

13159/79 – Development of land for residential purposes – refused planning permission in October 1980.

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. COMMENCEMENT

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. PHASING PLAN

Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing plan.

Reason

To ensure that the development is carried out with minimal disturbance to neighbouring residents and to ensure all the relevant information is submitted for each phase of development and in order to comply with Bolton's Core Strategy policy CG4.

Pre-commencement reason

The phasing plan will need to include all stages of development including groundworks.

3. NATURAL ENGLAND MITIGATION LICENCE

A Natural England mitigation licence will be required to permit development of the Phase 5 development. The following works [earthworks and re-development as detailed in 4.16 of the Ecological Assessment (8653.002)] shall not in any circumstances commence unless the local

planning authority has been provided with either:

- a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorizing the specified activity/development to go ahead; or
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To ensure the proposed works do not harm protected species and in order to comply with Bolton's Core Strategy Policy CG1.

Pre-Commencement Reason

Any works on site, including groundworks have the potential to cause harm to habitats and species which need to be safeguarded/mitigated during the development process.

4. HIMALAYAN BALSAM & RHODODENDRON

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

Reason

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

Reason for pre-commencement condition

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

5. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLANS (Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- a. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- b. The location and timing of sensitive works to avoid harm to biodiversity features.
- c. The times during construction when specialist ecologists need to be present on site to oversee works.
- d. Responsible persons and lines of communication.
- e. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- f. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure the proposed works do not result in unnecessary biodiversity harm and follow good

practice to safeguard biodiversity and in order to comply with Bolton's Core Strategy Policy CG1.

Pre-Commencement Reason

Any works on site, including groundworks have the potential to cause harm to habitats and species which need to be safeguarded/mitigated during the development process.

6. LEVELS DETAILS

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), retaining wall details and full information on cut and fill operations (including details of any materials to be imported onto the site), shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason

To safeguard the visual appearance and or character of the area and in order to comply with Core Strategy policies CG3 and CG4.

Reason for Pre-Commencement Condition:

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

7. TREE PROTECTION FENCING

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).

Reason

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

Reason for Pre-Commencement Condition:

Tree protection measures must be implemented prior to the commencement of works to protect the health and appearance of the tree(s) during the construction phase.

8. TREE/HEDGEROW PROTECTION MEASURES

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

- g. Arboricultural Method Statement showing:
 - h. A full specification and details for the acoustic fencing will be required where it runs within close proximity to the trees adjacent to the railway on the west, and the hedgerow (H1) to the rear of plots 48-54.

1. AMS showing that finished floor and road levels do not impact on retained trees & hedges.
 - AMS for service and utility routes to remain outside of the root protection zones of retained trees and hedges and not result in any further losses.
 - Remediation of soil areas for relandscaping planting if required between the Construction Exclusion Zones (protective fencing) and the development side of the fencing.
- Provision of an Arboricultural Clerk of Works (ACoW) and provision of records and photographs that show correct working methods during construction are being undertaken.
- Tree pruning specification to BS3998:2010 Tree Work: Recommendations for those trees and hedges shown requiring pruning within the Arboricultural Impact Assessment.
2. Construction Environmental Management Plans (Biodiversity - CEMP) that details correct timing for tree works - The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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 policies CG1 and CG3

Reason for Pre-Commencement Condition:

Tree protection measures must be implemented prior to the commencement of works to protect the health and appearance of the tree(s) during the construction phase.

9. SURFACE WATER DRAINAGE

Prior to the commencement of the development, surface water drainage works shall 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 shall be submitted to and approved in writing by the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

3. 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.
4. Include a timetable for its implementation, and
1. 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 a satisfactory method of surface water disposal to reduce the risk of flooding elsewhere and to ensure pollution prevention in accordance with policies CG1.5 and CG2.2 of Bolton's Core Strategy and seeks to provide betterment in terms of water quality and surface water discharge rates and meets requirements set out in the following documents:

- NPPF
- Water Framework Directive and the NW River Basin Management Plan
- The national Planning Policy Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015)

Reason for pre-commencement condition:

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

10. COAL MINING LEGACY

No development shall commence until:

2. a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
3. any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure the safe development of the site and the safety and security of future residents and in accordance with Bolton's Core Strategy policy CG4.3.

Pre-commencement reason

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

11. SITE INVESTIGATION

Development shall not commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority:

1. A Site Investigation shall be undertaken and approved by the Local Planning Authority.
2. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration. Provision of a comprehensive site investigation and risk assessment examining identified potential pollutant linkages in the Preliminary Risk Assessment should be presented and approved by the Local Planning Authority.
1. Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.
2. Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.
3. Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

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

General Note to Applicant: Please note, the responsibility to properly address contaminated land issues, including safe development and secure occupancy, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

Reason:

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

Reason for Pre-Commencement Condition:

Any works on site could affect contamination which may be present and hinder the effective remediation of any contamination causing a risk to the health of future occupiers and harm to the environment, hence the initial investigation must be carried out prior to the commencement of any works on site.

12. EARTH WORKS AND EXCAVATIONS

Prior to the commencement of development (including groundworks) full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved by the Local Planning Authority, who will consult with National Rail on the submitted details.

Reason

To protect the adjacent railway and its boundary and in order to comply with Bolton's Core Strategy policy CG4 and P5.

13. SUSTAINABLE CONSTRUCTION

No above ground construction works shall commence unless and until a scheme, including a timetable for implementation, has been submitted and approved in writing by the local planning authority demonstrating a minimum reduction of 10% of carbon emissions (to be calculated by reference to a baseline for the predicted carbon emissions of the development as defined in the Building Regulations Part L standards current at the time of commencement of development) through the use of decentralised, fabric first, renewable and/or low carbon technologies. Development shall be carried out and maintained thereafter in accordance with the approved scheme.

Reason

In the interests of tackling climate change and in order to comply with Bolton's Core Strategy policy CG2.2.

14. TRAFFIC REGULATION ORDER

Prior to the commencement of development other than groundworks, 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:

4. Promote additional traffic orders to facilitate accessibility and reduce parking congestion associated with the development.
5. Promote moving traffic order for the promotion of a 20mph speed limit (to include signage) within the site.

Reason

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

15. HIGHWAY WORKS: FAIRWAYS/WIGAN ROAD

Prior to the commencement of development other than groundworks full details of the highway works at Fairways/Wigan Road comprising widening of the existing pedestrian island shall be submitted to and approved in writing by the Local Planning Authority. The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the

local planning authority.

Reason

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

16. RAILWAY LINE - METHOD STATEMENT AND RISK ASSESSMENT

Prior to the commencement of development, including groundworks, a method statement and risk assessment shall be submitted to and approved in writing by the local planning authority and Network Rail. The works shall be carried out in full accordance with the approved details.

Reason

To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway and in order to comply with Bolton's Core Strategy policies CG4 and P5.

Pre-commencement reason

Any works on site, notably groundworks may have a detrimental impact on the railway line.

17. BIODIVERSITY MEASURES

Prior to the commencement of any above ground construction works, details of the following shall be submitted to and approved in writing by the local planning authority:

1. All boundary treatment (within the site and site boundaries) to include provision for small mammal/amphibian holes (this may exclude the acoustic fence to the railway line if the provision of mammal holes will affect the acoustic performance of the fence).
2. A scheme detailing provision to be made for amphibian protecting highways.
 1. Provision of bat and bird boxes/bricks.

Reason

To ensure the development is designed to accommodate wildlife requirements and in order to comply with Bolton's Core Strategy policy CG1.

18. NOISE ASSESSMENT ACCEPTED

2. The development hereby approved shall be carried out in full accordance with the recommendations of the following approved Noise Assessment: Glazing and Ventilation remediation required and minimum 20kg/m² - 3m and 1.8m acoustic barriers as per appendix B, dated 28th June 2021 (ref: R1456-REP03AJW) by Red Acoustics.
3. The building walls and windows of the development hereby approved shall be constructed to provide sound attenuation as laid down in BS8233:2014, LAeq/T living rooms 35dB, dining rooms 40dB and bedrooms 30dB (night time) with windows shut and other means of ventilation provided as detailed in section six of the report. Details of the alternative ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to development first commencing. The approved scheme shall be implemented in full before the first occupation and retained thereafter.
 1. Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

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

19. ACOUSTIC FENCE

Prior to the erection of the acoustic barriers, specification for the acoustic barriers shall be submitted to and agreed in writing with the Local Planning Authority. The dwellings hereby approved shall not be occupied/brought into use unless and until the acoustic barrier specification has been approved and the fencing/barriers erected in the agreed position as detailed in the Red Acoustic Noise report dated 28th June 2021. The acoustic barriers shall be retained as approved thereafter.

Reason

To minimise the impact of noise disturbance on the residential amenity of the area and in order to comply with Bolton's Core Strategy policy CG4.

20. ELECTRIC VEHICLE CHARGING POINTS

Recharge points for electric vehicles shall be provided within the development to comply with the following criteria:

2. One electric vehicle 'fast charge' point per unit (dwelling with dedicated car parking)

Details of the electric vehicle charging points to be provided shall be submitted and approved in writing by the Local Planning Authority prior to occupation. The electric vehicle charging points shall be provided in accordance with the approved scheme prior to occupation and shall be maintained for the life of the approved development.

Reason: To safeguard the amenity of the occupiers of the proposed development in respect of atmospheric pollution in compliance with policy CG4 of Bolton Core Strategy.

21. BOUNDARY TREATMENT WITH GOLF COURSE

Prior to the development being first occupied or brought into use, details of the treatment to the boundary with the golf course to the rear of plots 1, 40-48 shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be in addition to the existing hedge and shall be sufficient in height and material to prevent stray golf balls from leaving the golf club site. The approved scheme shall be implemented in full prior to the occupation of plots 1 and 40-48 of the development hereby approved and retained thereafter.

Reason

To ensure the future residents and their property's are adequately protected from golf balls leaving the adjoining golf club site and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

22. PARKING PROVISION

Before the approved/permitted development is first brought into use the car parking spaces (with minimum dimensions of 2.4 metres by 4.8 metres) as detailed on the approved plan 'Planning Layout, PLP501, Rev H, dated 01.03.22' shall be provided within the curtilage of the site. Such spaces shall be made available for the parking of cars at all times.

Reason

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

comply with Bolton's Core Strategy policies S1, P5 and Appendix 3

23. PARKING/GARAGING

Prior to the occupation of the dwelling house(s) hereby permitted provision shall be made for the parking or garaging of (a) motor vehicle(s) adjacent to each of the dwelling houses in the area identified for that purpose on the approved plan. Garage driveways shall be a minimum of 6.0 metres long. Those areas shall thereafter be retained at all times for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order) other than (a) garage(s), no extensions, porches, outbuildings, sheds, greenhouses, oil tanks, wind turbines 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 and in order to comply with Bolton's Core Strategy policies S1, P5 and Appendix 3

24. VEHICLE AREAS

Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced, drained and lit shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

Reason

To encourage drivers to make use of the parking and circulation area(s) provided and in order to comply with Core Strategy policies S1 and P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

25. MATERIALS

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

Reason

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

26. BOUNDARY TREATMENT

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

27. FOOTPATHS

Before the occupation of any dwelling hereby approved, a scheme for the treatment of all footpaths (new and existing) shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of surfacing and boundary treatment (landscaping will be dealt with separately via a landscaping condition), details of the phasing of the works including a timescale for completion shall also be included. The works shall be carried out in full accordance with the approved details and retained thereafter.

Reason

To ensure the satisfactory finish and completion of the footway network and in order to comply with Allocations Plan policy P8AP.

28. PUBLIC ART

Prior to first occupation of any dwelling, a scheme for the provision of public art, including a timescale for implementation, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme which shall be retained thereafter.

Reason

To assist the assimilation of the development with the wider area and in order to comply with Bolton's Core Strategy policy IPC1.

29. LANDSCAPE SCHEME

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 approved scheme shall be implemented in full and carried out in accordance with phasing details to be included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs within any individual plot 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. Any trees or shrubs within the open space landscaped areas that die or are removed within 15 years from the completion of the last dwelling house shall be replaced in the next available planting season with others of a similar size and species.

Reason

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

30. PLAY EQUIPMENT

Prior to first occupation of any dwelling on the site, and notwithstanding any details submitted with the application, full details of the on-site Local Equipped Area for Play (LEAP) to be provided within the central landscaped space (adjacent to plots 30-33 and 16, 29) as shown on the approved site plans, shall be submitted to and approved in writing by the local planning authority prior to any works commencing on the play area. The details to be submitted shall include:

3. a timetable for implementation;
- a detailed layout plan of the Toddler and Junior play area (key ages 0-12 years) providing at least seven pieces of fixed play equipment (to include swings, a slide and a combination play unit) covering the key activities for the age range;
- full manufacturers specification for each item of equipment, which is to be of robust steel construction, safety tested and manufactured by a reputable supplier with appropriate and compliant safety surfacing underneath, and should be inclusive in its design;
- details of bow top fencing around the LEAP at 1.2m high with self-closing pedestrian gates (avoiding finger and head traps and sharp edges) including RAL colours and maintenance

- access;
- hard surfacing within the fenced area to allow fully inclusive use both for users and carers, including wheelchairs and prams/buggies;
- details of hard surfaced paths across the open space to the gates into the play area;
- details of any signage, seats and litter bins;
- a detailed management and maintenance schedule for the facility.

Development shall be carried out in accordance with the approved details and the facility shall be retained thereafter in accordance with the management and maintenance arrangements as approved.

Reason

To ensure that adequate play equipment is provided on site and managed and maintained sufficiently and in order to comply with Bolton's Core Strategy policy IPC1.

31. TRAVEL PLAN

The development hereby approved shall be carried out in full accordance with the submitted Travel Plan by Tetra Tech (rev 02), dated July 2021, including the appointment of a Travel Plan Coordinator. A final Travel Plan document shall be submitted to and approved in writing by the local planning authority within 9 months of the first occupation of the dwellings hereby approved. The implementation and ongoing monitoring and review of the Travel Plan shall be carried out in accordance with the submitted details and timetables for implementation, and retained thereafter.

Reason

To reduce reliance on the private car and reduce impact on the local highway network in order to comply with Core Strategy policy P5 and guidance contained within the National Planning Policy Framework.

32. AIR QUALITY ASSESSMENT

The development hereby approved shall be carried out in full accordance with the recommendations of the following approved Air Quality Assessment: Dust mitigation measures , dated 28th June 2021 (ref:1917-2r3) by Redmore Environmental.

Reason

To safeguard the amenity and character of the area and to safeguard the living conditions of nearby residents particularly with regard to dust and/or noise disturbance during construction and to comply with policy CG4 of Bolton Core Strategy.

33. CONSTRUCTION MANAGEMENT PLAN

The development hereby approved shall be carried out in full accordance with the details submitted to and approved in the Construction Environmental Management Plan, ref: REV 1, received October 2021, by Bellway. The approved CEMP shall be adhered to throughout the construction period for the development. The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development.

Reason

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

34. ACCESS ROAD AND FOOTWAYS

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 drawing: **Planning Layout, PLP501 Rev H, dated 01.03.22.**

Reason

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

35. GARAGES

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

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 and in order to comply with Bolton's Core Strategy policies S1, P5, Supplementary Planning Document 'Accessibility, Transport and Road Safety' and Appendix 3.

36. REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) other than those expressly authorised by this permission:

- No extensions, porches, garages, outbuildings, sheds, decking, greenhouses, shall be erected within the curtilage of approved dwellings at plots: 41-52 (inclusive), 56, 60-62, 66-69 (inclusive), 73-75, 80, 86-108 (inclusive).
- No fences, walls or other means of enclosure shall be erected between the front or side wall of any dwelling and the new estate road or private drive, which the curtilage of the of the dwelling fronts or abuts.

Reason

To safeguard the character and appearance of the dwelling/land or the plot size is limited and any extension would result in an unsatisfactory scheme or would result in the built form coming closer to the railway line to the north.

37. RAILWAY LINE INTERFACE

Notwithstanding the submitted plans, the boundary treatment on the northern boundary of the site with the railway line shall incorporate a minimum 1 metre wide strip between the boundary treatment to the residential development hereby approved and the Network Rail land. The strip shall be wholly accommodated within the red edge of the application site and will provide an access strip for boundary treatment maintenance and shall be retained in as such thereafter.

Reason

To ensure that there is sufficient space for maintenance purposes of National Rail assets and for the safety and security of the railway line and in order to comply with Bolton's Core Strategy policy P5.

38. APPROVED PLANS

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

Planning Layout, PLP501 Rev H, dated 01.03.22

Housetype Pack, March 2022

P5 Location Plan, LP501, Rev A, dated 07.06.21

Reason

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

ILLUSTRATIVE STREET SCENES



ILLUSTRATIVE STREET SCENES



37

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