

CD6.29

Appeal Decision – Westhoughton

Preface:

This appeal decision is important because it deals with an appeal scheme where the Inspector applies greater flexibility to conflict with policies which is relevant to the consideration of the appeal scheme. The Inspector afforded a policy full weight in decision making terms given its consistency with the Framework, however in light of the need to identify land to meet a housing need, the policy was given a greater degree of flexibility than in other circumstances.

The relevant paragraphs referenced in the Appellant's proof are highlighted yellow.



Appeal Decisions

Inquiry Held between 27 to 30 September and on 4 October 2022

Site visit made on 4 October 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2022

Appeal A: APP/N4205/W/22/3296970

Land at Bowlands Hey, Westhoughton, Bolton (Phase 3 & 4)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bellway Homes Ltd (Manchester Division) against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 11568/21, dated 18 June 2021, was refused by notice dated 30 March 2022.
 - The development proposed is the erection of 119 No dwellings with associated access, hard and soft landscaping, substation, walls and fences, drainage, open space including ecological mitigation and associated works.
-

Appeal B: APP/N4205/W/22/3297248

Land at Bowlands Hey, Westhoughton, Bolton (Phase 5)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bellway Homes Ltd (Manchester Division) against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 11567/21, dated 18 June 2021, was refused by notice dated 30 March 2022.
 - The development proposed is the 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.
-

Decisions

Appeal A: APP/N4205/W/22/3296970 (Phase 3 & 4)

1. The appeal is allowed and planning permission is granted for the erection of 119 No dwellings with associated access, hard and soft landscaping, substation, walls and fences, drainage, open space including ecological mitigation and associated works at land at Bowlands Hey, Westhoughton, Bolton (Phase 3 & 4), in accordance with the terms of the application Ref 11568/21, dated 18 June 2021, subject to the conditions set out in the attached schedule.

Appeal B: APP/N4205/W/22/3297248 (Phase 5)

2. The appeal is allowed and planning permission is granted for the 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 at land at Bowlands Hey, Westhoughton, Bolton (Phase 5), in accordance with the terms of the application Ref 11567/21, dated 18 June 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

3. The descriptions of development in respect of appeals A and B are taken from the Council's refusal notices and not the appellant's application forms. This is because the respective proposals were amended at planning application stages and hence the descriptions precisely reflect the plans that are the subject of the appeals.
4. The appeal proposals have been screened and are not Environmental Impact Assessment developments.

Main Issues

5. In respect of appeals A and B, the Council's reasons for refusal are identical. Therefore, the main issues for both appeals are (i) whether the proposals are acceptable in land use principle within land designated as 'Other Protected Land' in the Bolton Core Strategy 2011; (ii) the effect of the proposals individually and cumulatively on the landscape character of the area including any visual impacts; (iii) whether the proposals individually and/or collectively constitute good design; and (iv) whether the proposals would deliver sustainable development in the context of a housing undersupply position.

Reasons

Other Protected Land and Housing Strategy

6. Both appeal sites fall within land designated as 'Other Protected Land' (OPL) in Bolton's Allocations Plan 2014 (BAP). Policy CG6AP states that in OPL development will be permitted as long as it falls within one or more identified categories. There is common ground between the main parties that as a whole the appeal proposals would not fall within any of the four identified categories and hence there would conflict with the policy. In essence Policy CG6AP seeks to restrict development in OPL thereby retaining its openness and concentrating development in the existing urban area.
7. Policy OA3.3 of Bolton's Core Strategy Development Plan Document 2011 (CS) relates specifically to Westhoughton and seeks to '*concentrate sites for new housing in Westhoughton town centre and on other sites within the existing urban area*', to '*ensure Protected Open Land (POL) around Westhoughton remains undeveloped*', and to '*ensure regard is had to the character of farm complexes, folds, vernacular cottages and the wider open landscape*'. In so far that the appeal developments would not be located within the existing urban area of Westhoughton, and major housing development would be provided within protected open land, I find that the proposals would conflict with policy OA3.3 of the CS.
8. I address the weight that I afford to the conflict with the above policies later on in this decision. In respect of the effect of the proposals on the '*wider open landscape*' this is addressed below, although I would point out that the sites do not comprise farm complexes, folds or vernacular cottages.

Phase 3 & 4 – existing site context

9. In respect of the proposed phase 3 and 4 (appeal A) development site, the northern boundary is defined by mature field boundary hedgerows, a tract of land retained for access to the Phase 5 site, with the Westhoughton Golf Club

to the north. The eastern boundary is defined by the consented Phase 2 development which is currently under construction. Mature field boundary hedgerows define part of the boundary adjacent to a public right of way which runs on a north south axis through the site.

10. The southern boundary is defined by Pennington Brook which is a semi-natural habitat. Mature field boundary hedgerows and trees are established along it. The general landform of the site gently slopes into this brook, and then sharply rises on the eastern bank with an area of scrub alongside an existing public right of way. This boundary comprises a number of mature tree species within the brook's shallow valley. Further south lies Dobb Brow, connected via public rights of way. The western boundary is defined partly by open farmland and mature boundary hedgerows.

Phase 5 – existing site context

11. In respect of the proposed phase 5 development site (appeal B), the northern boundary is defined by the railway line which separates this site from Westhoughton Golf Club to the north. Part of the boundary extends beyond the proposed phases 3 and 4 site. The eastern boundary is defined by hedgerow and field boundaries.
12. The southern boundary is defined by mature field boundary hedgerows and trees that are established along it, with Dobb Brow and the associated dwellings and domestic gardens also evident. The western boundary is defined partly by open farmland and mature boundary hedgerows.

Landscape Character and Visual Effects

13. The appeal site lies within Natural England's National Landscape Character Area 56: Lancashire Coal Measures (NCA56) and at regional level, the Greater Manchester Landscape Character and Sensitivity Assessment 2018 (GMLC&SA) defines the landscape as Urban Fringe Farmland. At local level, the Landscape Character Appraisal for Bolton 2001 (LCA) identifies the sites as lying within the Agricultural Coal Measures Landscape Character Type. It is common ground between the appellant and the Council that the regional and district landscape character assessments pre-date the consented phase 2 development.
14. The assessments draw attention to the wider area displaying low grade pasture land with some deterioration in quality and with areas that are strongly influenced by the visual presence of the urban edge and with some development, including golf courses, detracting from its rural qualities. The LCA indicates that there is some potential for change within the character area, with the GMLC&SA stating an overall medium landscape sensitivity to 2-3 storey housing development. The latter sensitivity categorisation is reflected in the judgments reached by previous Inspectors in respect of appeals relating to an earlier phase of housing development adjacent to the appeal sites.¹
15. The appellant has submitted a Landscape Visual Impact Assessment (LVIA), prepared by Tyler Grange and dated 21 July 2021, which assesses the landscape and visual effect of the phases 3, 4 and 5 development. Based on my site visit observations, I do not disagree with the conclusion reached in the LVIA that the phases 3, 4 and 5 development would not be conspicuous in the landscape from longer distance views given intervening vegetation, land

¹ Appeal Ref APP/N4205/W/18/3207361 & APP/N4205/W/20/3247035

topography and/or existing development. Some middle distance views of the northern parts of each of the phases of development would be apparent from Westhoughton Golf Course, but these views would be partly screened as a consequence of the vegetation and topography of the railway track and golf course itself.

16. In essence, the development proposed for all phases would be most apparent when seen from receptors such as dwellings immediately around the sites and from the public rights of way that cross them. It is common ground between the main parties that the effects of development would be localised. My site visit revealed that Old Lane and Dobb Brow Road form part of a well-used footpath network offering a pleasant circular route, close to, and accessible from, the built up area. While the provision of additional dwellings on the appeal sites would change how public rights of way were appreciated by users, it is of note that the scheme as a whole would still maintain attractive and safe routes set within landscaped settings.
17. From large parts of the existing public rights of way, I was able to see on my site visit that construction activity was very apparent in association with the approved phase 2 development. To an extent, the way that the immediate environment is appreciated has already changed to one that is now more urban. Put another way, the appeal sites have some connectivity with the visible expanding settlement edge and, in that regard, it could not be said that they formed part of a very remote landscape. Nonetheless, there can be no doubt, given the quantity and extent of development proposed, that there would be a noticeable change to the otherwise open and undeveloped nature of the appeal sites.
18. Some of the occupiers of dwellings to the north of Dobb Brow Road, including The Brambles, would notice the greatest change to immediate undeveloped views, although this would be in the context that from some of these properties it is already possible to see phase 1 and 2 developments, albeit separated by existing fields. I recognise that views of the phase 2 site from parts of Dobb Brow would have been filtered as a result of implementation of an approved landscaping scheme. However, this would not have fully screened such development.
19. It is of note that the different phases of development include substantial areas of landscaping crossing the site and landscaping to more sensitive boundaries. A number of existing hedgerows, ponds, tracks and vegetation would be retained and incorporated into the layouts for the three phases of development. The western boundary of phase 5 would include a very wide planting buffer thereby ensuring a soft landscaped strip to the new settlement edge where it meets countryside. Furthermore, there would be some proposed landscaping separation between existing development to the north of Dobb Brow Road and the southern boundaries of the phases 3 and 5 proposed developments.
20. The phase 3 development would be seen against a relatively new settlement edge (i.e. the consented phase 2 development currently under construction) and which comprises a mixture of modern two storey brick dwellings. I consider that this proposed development would essentially be appreciated as infilling an open gap between consented development and the properties at Dobb Brow. I recognise that most of the cluster of buildings at Dobb Brow have been in situ for much longer than the approved phase 1 and 2 development

- sites, although age in itself does not necessarily equate to an area of significant distinctiveness.
21. While Dobb Brow is not appreciated in the same way as the phase 1 and 2 housing areas, it is not recognised as having any heritage value in terms of its pattern of development, history or architecture. It is nonetheless a pleasant area with a more informal layout and varied architecture. This does not make it very distinctive, but nonetheless it is reasonable to conclude that it is different to other housing areas in the locality.
 22. On my site visit, I was able to see that in the main Dobb Brow includes more recently erected modern detached dwellings juxtaposed with the boundaries of the proposed appeal sites. In this context, coupled with the separation afforded by the proposed landscaped areas between Dobb Brow and the relevant phases of development, I find that there would be an acceptable visual transition between the appeal proposals and development at Dobb Brow. That said, I do consider that there would be scope to increase the amount of tree planting on the western boundary of the phase 3 site and the southern boundary of the phase 5 site to provide a more obvious landscape break between Dobb Brow and the appeal developments. This is a matter that could be addressed by condition.
 23. Such an acceptable visual transition between developments of varied character would also be appreciated by footpath users who would leave and enter the appeal site at Dobb Brow through a significant area of open space, including tree planting. Overall, I consider that the proposals would ensure that the character of Dobb Brow, including its surrounding setting, was suitably maintained.
 24. In reaching the above views, I do accept that development at Dobb Brow as a whole would not be seen by passers-by in exactly the same way as the proposed housing areas. However, that in itself would not be unacceptable in design terms in so far that juxtaposed areas of different character would add visual interest to the resultant locality. Despite the views expressed by the Council, I do not consider that in landscape character terms the proposals would cause harm to Dobb Brow.
 25. At the inquiry, there was considerable discussion about whether the proposals would result in the coalescence of Dobb Brow and the rest of Westhoughton. However, in development plan policy terms Dobb Brow forms part of Westhoughton. Furthermore, and in my judgment, the passer-by perceives Dobb Brow as being contiguous with the rest of Westhoughton. I find that it is not a discreet and separate area, notwithstanding the views expressed by the Council's witness at the inquiry relating to its separate access or nearby open land/vegetation. Furthermore, I would add that there are, in any event, no development plan policies that make reference to the protection of Dobb Brow in itself, or which seek to avoid coalescence with it.
 26. I do acknowledge that in the 'form, density and setting of existing settlement/development' of the landscape sensitivity assessment table of the GMLC&SA it states that '*the landscape forms a rural backdrop and important separation function between discrete urban areas, preventing coalescence*'. While the proposals would result in some infill and an extension of the existing/consented settlement edge of Westhoughton, I do not find that the development as a whole would seek to erode an important separation function between urban

- areas. Put another way, I do not consider that the proposals would in fact lead to the coalescence of discrete urban areas. I find that the reference to coalescence in the GMLC&CA relates to the landscape character area as a whole, but not specifically to the appeal sites.
27. Even if one were to disagree with my view about coalescence, a finding that the proposal would lead to coalescence would not in this case outweigh my overall conclusion in respect of the appeal proposals. This is because the evidence indicates that development of OPL / POL has been and will continue to be likely needed to deliver the Council's housing requirement as conceded by the Council's witness at the inquiry. Furthermore, and importantly, the LUC 'Review of Protected Open Land in Bolton' 2018 indicates that the appeal development would fall within the least sensitive of OPL sites in Westhoughton.
28. I do not doubt that users of existing and diverted footpaths would appreciate a resultant more built up environment in a different way than is appreciated now. Indeed, the surrounding environment would be less open and, in that regard, some harm would be caused to the way that the area is seen and experienced by users. However, this harm does have to be considered in the context that such an impact is generally an inevitable consequence of the development of most greenfield sites. It also has to be considered in the context that the Council's witness at the inquiry accepted that residential development on the site was acceptable in land-use principle despite the OPL / POL designation.
29. As a whole, I consider that the proposals have been designed carefully such that long sections of footpath would be positioned within landscaped/green corridors and where there would generally be acceptable stand-off distances in terms of built form. I accept that the proposals seek to divert an existing footpath (i.e. WES 93) which is currently positioned within an open field. In the context of the urgent need for housing in the area, the retention of the footpath in its current position would likely reduce the overall number of homes that could be provided on this part of the site. The diversion of this footpath would be in a more urban and less open environment than exists now, but nonetheless it is proposed to pass through an area of open space, including a pond, and with some landscaping. That said, some limited harm would be caused to the way that users of this diverted footpath appreciated the proposed environment.
30. It is not the case, that all of the development will be concealed from view owing to tree planting and vegetation. However, in most areas planting would soften impacts and would filter views from sensitive receptors. Subject to the imposition of conditions, I find that while footpath users would experience a different environment within the appeal sites, in most areas they would nonetheless continue to enjoy some pleasant, albeit different views, and a degree of tranquillity. Overall, I therefore conclude that the proposals would result in only minor adverse harm being caused to the visual amenity experienced by users of the footpaths as a whole. Hence, I do not agree with the Council in terms of extent of harm caused in this regard.
31. The appeal sites do not display very distinct landscape character qualities in themselves and their value is not protected by means of any statutory status. It is of note that paragraph 174 (a) of the National Planning Policy Framework 2021 (the Framework) states that decisions should contribute to and enhance the natural local environment by protecting and enhancing valued landscapes

'in a manner commensurate with their statutory status or identified quality in the development plan'.

32. In effect, the sites have some value in terms of their openness and as green and undeveloped areas for people to walk. Overall, I consider that both appeal sites have medium landscape value. However, in respect of paragraph 174 (a) of the Framework, the sites do not fall within an area that is a 'valued' landscape. Indeed, there is common ground between the appellant and the Council in this regard².
33. While there would be some limited harm caused by the proposals in terms of the way that users of some footpaths experience the resultant more built up environment, even with the mitigation proposed, I am nevertheless satisfied that, on balance, the proposals would suitably reflect paragraph 174 (b) of the Framework in so far that they go far enough in terms of 'recognising' the intrinsic character and beauty of the countryside.
34. In this case, and taking into account acceptable landscaping for the three phases (see also design section below), I conclude that when the new planting has reached maturity the development as a whole would result in only minor adverse landscape character and visual effects. In reality, the development as a whole would, in time, be seen as a sympathetic extension to the existing settlement edge and set within an acceptable landscaped setting. The resultant built development edges would be appropriately softened by landscaping, thereby ensuring soft, defensible and green boundaries to areas of undeveloped countryside.
35. Given the finding that there would be minor adverse landscape character and visual effects, there would therefore be some conflict with the landscape character requirements of policies CG3 and OA3 of the CS. In reaching this view, I have noted the agreed position between the appellant and the Council that the loss of some landscaped area from the phase 2 development arising from the proposals would not in itself materially affect the acceptability of the phase 2 approved development. I do not disagree with this common ground position.

Design

36. Chapter 12 of the Framework provides general criteria by which developments shall be judged from the point of achieving well-designed places. Paragraph 132 of the Framework states that *'early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests'* and *'applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot'*.
37. The National Design Guide 2021 (NDG) addresses the question of how one recognises well-designed places by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics which are context; identity; built form; movement; nature; public spaces; uses; homes and buildings; resources, and life span.

² As confirmed in the landscape statement of common ground dated 30 August 2022

38. The appeal sites comprise undulating fields separated by hedgerows and trees and with public footpaths crossing and close to the sites. There is a railway line to the northern boundary of the phase 5 site and a golf course to the northern boundary of the phase 4 site. The phase 3 site includes the residential hamlet of Dobb Brow to the west, Pennington Brook to the south and consented/built phase 1 and 2 housing development to the west. The latter development, as well as the older housing estate development at Collingwood Way and The Fairways, provide part of the sites immediate context in terms of urban grain.
39. There is a mix of dwelling types in the immediate area, but none are more than two storeys in height and the vast majority are detached or semi-detached. They are primarily built in brick and have front and back gardens. There is a subtle difference between the phase 1 and 2 housing developments with phase 2 having brick arched heads and cills and phase 1 straight brick heads and stone cills.
40. In the context of the above, I find that it is appropriate that two storey development is proposed across all proposed phases of development. It is common ground between the appellant and the Council that *'the design and layout of the proposals is similar in nature to that of phase 1 & 2'*. However, that does not mean that the phases of housing development would not be positively appreciated by passers-by in their own distinctive way. Indeed, each phase of development incorporates existing site features (e.g. ponds, embankments, hedges, trees, public rights of way) and there would be variation in terms of density, layout, materials and the orientation of the dwellings.
41. The appellant's design approach has been to break phases 3, 4, and 5 down into distinct character areas. The 'core' area would have brick heads and cills detailing, the 'heart' area would have feature Tudor boarding and the 'crescent' area would have stone detailing and facing material. All house types would have dark coloured windows, facias and doors: I find that this level of consistency would add positively to the quality of development.
42. However, the variation between the housing areas would not just relate to the use and colour of materials. Phases 3 and 4 development would have a relatively low density. To the north, it would include dwellings positioned in a distinctive crescent form around an existing pond. The provision of a wide green/landscaped buffer separating these phases of development would offer an attractive walking route between areas and would seek to break up what might otherwise have been appreciated as a sprawling housing estate. The crescent shaped development around the existing pond would provide an attractive gateway feature for those entering this phase of development on the spine road and would add some visual interest into the prevailing urban grain where existing and consented surrounding development has a more formal geometry to the pattern of houses.
43. The aforementioned crescent of dwellings would be set well away from the boundary with the golf course. This would ensure that there is an acceptable amount of space around and between buildings and that there is not a hard built up edge with the golf course. The Council raises concern about the position and layout of proposed plots 106-108 of the phase 4 development. While this would include a shared private drive at the entrance to the phase 4 site, this would be capable of being softened as a consequence of high quality

frontage landscaping. In layout terms, these houses would in essence be seen as 'book ends' to the crescent of dwellings with a similar arrangement being also provided for plots 88-92 of the phase 4 development. Unlike the Council, I find that there would be some pleasing variety to the phase 4 development layout, thereby providing some distinction and interest to passers-by.

44. The phase 3 and 4 development would include a landscaped strip along the boundary with the golf course and including trees alongside the proposed spine road. The provision of trees within front gardens and open space areas along the spine road would have the effect of providing a green and pleasant environment.
45. I recognise that 'street trees' would not as such be provided throughout the development as a whole, but the appellant's design response has been drawn from Highway Authority adoption requirements. I am satisfied that in respect of footnote 50 of paragraph 131 of the Framework, clear, justifiable and compelling reasons have been given by the appellant and, in any event, the evidence is that there is scope to provide plentiful tree planting alongside the spine road and within verges, private drives and private gardens within both appeal sites.
46. I note the concern raised by the Council about the likely need to raise land levels and undertake excavations to achieve acceptable surface water drainage on the site. Such works have the potential to impact on trees and hedgerow that are proposed to be retained. This is a matter that goes to the heart of the acceptability of the design of the development as a whole. I find that it would therefore be necessary to impose a pre-commencement condition relating to the submission and approval of details relating to land levels, platforms, excavations (including sections) and the protection and retention of existing trees/hedgerow/vegetation as shown as part of the two appeals. I have not been provided with any objective evidence to indicate that it would not be possible to satisfy the requirements of such a condition, but the fact that it would be a pre-commencement type condition would ensure adequate control and safeguards in the interests of achieving good design.
47. Each dwelling would have private amenity space, and public open space and sustainable urban drainage areas would be maintained by a management company. The evidence is that the Highway Authority, which did not support a Manual for Streets approach to road design, would adopt the main roads. I acknowledge that the Council's design witness would have preferred to see greater variety in terms of road width, including the use of lanes, but the fact is that the Council's engineering standards do not support that. I do not therefore consider that it would be reasonable to withhold planning permission on the basis of road layout and widths. It is of note, in any event, that a similar approach has been approved on the phase 1 and 2 sites and so, in that regard, the development would not look materially out of place.
48. In terms of maintenance of the roads it is intended that most would be adopted by the Highway Authority. Some private drives and other roads would be maintained as part of a management company or by individual residents. This is a matter that could be controlled by way of a condition. Such control would ensure that the development was looked after properly for its lifespan.
49. Pennington Brook would form a visually connected part of the phase 3 development, albeit with houses positioned well back from this area. There is

an opportunity to provide very significant landscaping, including trees, on land between the estate road and the public footpath running through Pennington Brook and this could be secured by condition. I do acknowledge the Council's concern about plots 11-22 in the phase 3 development which include a relatively long length of frontage car parking. At the inquiry, I asked the appellant if it would be possible to include trees within these car parking areas, including the possible use of tree pits. None of the main parties indicated that this would not be feasible or that such an arrangement would make it difficult to park vehicles. This is a matter that could therefore be controlled as part of the submission of a new and detailed landscaping scheme. The provision of additional trees within this car parking area would also assist in softening the effects of both the dwellings and parked vehicles when seen from the public right of way and, in turn, would ensure a more sympathetic relationship with Pennington Brook.

50. The Phase 5 development would incorporate large amounts of open space running through the site centred around the retention of existing trees. The development as a whole would reflect the historic field structure, thereby limiting any adverse effects on landscape character. In this phase, the density of development would be higher to the north where it abuts the railway line. I find that this is an acceptable design solution. While the evidence is that noise from the railway line would not be unacceptable for any residents, it is not disputed that the higher density of development in this area was a deliberate design solution in order to further reduce the effects of low level noise for residents on the wider site. I note that the option of increased density towards the railway line is precisely the same approach which the local planning authority encouraged and endorsed in phase 1.
51. The rest of the phase 5 development site would be relatively low density and the provision of a wide landscaped buffer on the western edge of this phase of development would soften the effects of engineered and built form when seen by residents and footpath users to the west. Furthermore, this would ensure that the phase 5 development was not appreciated as having a hard urban edge where it meets open countryside. In addition, the extent of the retention and provision of landscaping within the site would have some positive nature conservation impacts. In fact, the evidence is that the proposals would deliver significant bio-diversity gain.
52. It is common ground between the Council and the appellant that plots 7, 8, 11-22, 32-38, 39-45 and 48-49 within phases 3 and 4 and plots 41-52, 56, 60-62, 66-69, 73-75, 80, 86-108 within phase 5 fall slightly below the guidance contained for the size of gardens in the Council's General Design Principles SPD 2015. However, I agree with Council that the deficiency in respect of the size of these gardens is not material and that it would not justify withholding planning permission. Some permitted development rights could be removed by condition from these plots in order to ensure that suitable garden space was maintained for future residents.
53. At the inquiry, there was discussion about whether there would be potential to provide additional planting (e.g. trees and hedges) within more front gardens and also within rear gardens across the two appeal sites. Notwithstanding the submitted landscaping schemes for the two sites, I do find that there would be scope to provide some additional landscaping in this regard, thereby ensuring an improved living environment for residents and ensuring that the

development as a whole assimilates better into the wider environment. The provision of additional trees and vegetation in some front gardens would also have the effect of suitably softening the effects of parked vehicles to the front of some dwellings, although it is of note that the layout as a whole does include car parking to the side of some properties thereby ensuring some design variety. The aforementioned requirement for additional landscaping is a matter that could be controlled by condition.

54. Some interested parties have commented that residents may seek to remove trees within private amenity spaces. A condition could be imposed requiring that any landscaping that is removed within ten years, rather than the standard five years, is replaced with the same landscaping.
55. A three metre high acoustic fence is proposed set back 1 metre from the boundary of the site with the railway and which would continue to the rear of plots 44-49 of phase 5. I have no reason to disagree with the common ground reached between the Council and the appellant that this would be an acceptable form of boundary treatment in terms of design, including its height.
56. The layout across the three phases successfully integrates existing green and connectivity infrastructure into the built form in respect of hedges, trees, footpaths and ponds. While each of the dwellings would be two storey, this suitably reflects the scale of existing and consented development in the immediate area. While the evidence is that Council would have preferred buildings of differing heights, the absence of this would not be harmful in design terms given the variety and distinction that would be created amongst the phases of development arising from other aspects of the proposals. The provision of detached, semi-detached and mews type dwellings is evident in the local area and it is of note that they were also considered to be appropriate in respect of the approved phases 1 and 2.
57. As a whole, the 302 dwellings would be appreciated in the context of being set within distinctive and characterful areas. This would relate to the way that building elevations within particular areas would be articulated (e.g. use of building materials), owing to the variations in density, given the position and extent of green buffers/corridors, and the variations in the pattern of development including the use of a crescent of dwellings around one of the ponds. In these respects, the proposals would add new character to the area whilst also respecting the immediate context.
58. While the evidence is that the overall density of development across the three phases would be higher than the average in neighbouring housing estates (existing and consented), I do not find that this change would be noticeable or harmful to those visiting or living in the area. Indeed, the large amounts of green space that would separate the various housing areas would ensure that overall the proposals were not recognised by the community as a sprawling or bland extended housing estate.
59. In this case, the proposals would make efficient use of land in accordance with paragraph 124 of the Framework while also ensuring that a beautiful and sustainable place was created. Furthermore, I would add that the efficient use of land would be achieved in the context that the local planning authority cannot demonstrate a deliverable five year supply of housing sites. While the Council's landscape character and visual effects expert witness expressed a desire at the inquiry to see less development and more landscaping/buffers, I

am satisfied that subject to conditional control an appropriate density, landscaping and buffer treatment balance would be achieved across the appeal sites in the context of the housing under-supply position and the need to make efficient use of land as advocated by the Framework.

60. The layouts would encourage both new and existing residents to use public transport through the new and enhanced connections to the existing footways surrounding the site and therefore the existing bus stops. I find that patterns of movement between the phases of development would be good.
61. The green infrastructure would be multi-use, with formal play areas, green circular walks and informal landscape corridors providing spaces to sit and relax. The proposed local area for play would be close to existing dwellings thereby offering surveillance and ensuring that it would be a safe place for children to play. The containment that the existing landscaping provides would deliver a sense of tranquillity for all users. Despite the views expressed by some other interested parties and the Council, I am satisfied that the appeal developments as a whole would be suitably shaped by an understanding of site context and that that they would have a positive and coherent identity that everyone would be able to appreciate.
62. Affordable housing has been incorporated into the layouts and would be distributed across the phases. The proposals would deliver a mixture of 2-4 bedroom family housing in a range of sizes thereby offering choice in the market place. Furthermore, the evidence is that the dwellings would be energy efficient, that sustainable urban drainage systems would be employed and, given the extent of connectivity on and off the sites, walking and cycling would be likely. A number of these matters would be capable of being controlled by condition, thereby ensuring that the proposals conserve natural resources.
63. As already concluded, I acknowledge that the proposals would result in some limited harm to landscape character and to the way that walkers appreciate the sites from some relatively short sections of public rights of way. However, and, in the round, I conclude that subject to the imposition of conditions the proposals would as a whole constitute good design. In this regard, the appeal developments would therefore accord with the design requirements of the Framework, the NDG, policies CG3, P5, OA3 and S1 of the CS, the Council's General Design Principles SPD 2015 and the Council's Sustainable Design and Construction SPD 2016 (SD&C SPD).
64. In reaching the above conclusion, I have taken into account the evolution and amendment of the proposals following consultation comments from the Council's Design Officer, Landscape Officer and the Greater Manchester Ecology Unit. Such matters are detailed in the table on pages 28-33 of the appellant's urban design proof of evidence. Furthermore, the evidence is that there was at least some engagement with the local planning authority on a master plan type level prior to the submission of the planning applications.
65. While I acknowledge that a formal design review of the detailed proposals does not appear to have taken place, it is nevertheless clear that the appellant has been receptive to making changes to the proposals following some pre-application discussions and at the determination stages of the planning application process. I find that this has resulted in development proposals that would deliver well-designed places. While pre-submission engagement with the community at large does not appear to have taken place, I do not read

paragraph 132 of the Framework as stipulating that this is a pre-requisite, in itself, from the point of view of achieving good design.

Other Considerations

66. There is no dispute between the parties that the local planning authority cannot demonstrate a deliverable five year supply of housing sites. While the main parties do not agree on the precise extent of the undersupply position, ranging between the Council's view that it is 3.9 years and the appellant's view is that it is 3.3 years³, either way there is common ground that there is a significant housing land supply shortfall.
67. At the inquiry, there was some criticism expressed by the appellant about the way that housing land supply information was being presented to members of the planning committee. It was suggested that there was some over-reporting at times and that the Council's position then changed at inquiries. The evidence does appear to indicate that this has happened. For example, the Council's housing position statement dated April 2022 refers to 4.8 years supply, but at this inquiry the Council's evidence refers to 3.9 years supply.
68. Notwithstanding the uncertain housing land supply position above, I have nevertheless opted for the best housing land supply position, i.e. 3.9 years, from the point of view of my planning balance and conclusion below. In quantitative terms, both individually and collectively, the two planning applications would materially boost the supply of dwellings in the area. It is clear that there is a very urgent need to deliver houses in Bolton and so I afford this matter very significant weight in the planning balance.
69. Furthermore, the Council confirmed at the inquiry that OPL would be required to help boost the shortfall in the local planning authority's five year supply of housing sites and that the appeal site was the least sensitive of OPL sites in the area. Indeed, the Council's planning witness confirmed that the principle of residential development on the sites was not at issue at all.
70. In addition to the above, the evidence is that the Council is not performing well in terms of the required delivery of homes in the area based on Housing Delivery Target results (currently at 68%). There is no evidence to indicate that the commencement of the construction of dwellings would be significantly delayed and hence the proposals would positively contribute to both boosting the supply and delivery of homes in the area. Indeed, I have no reason to doubt the appellant's comment that about half of the 302 dwellings would be delivered within five years. It is of note that the appellant has delivered a number of other homes on other sites in Bolton over the years and I have not been made aware of any delivery issues. Furthermore, an agreed two year commencement of development condition, rather than the standard three years, would provide some assistance in terms of ensuring an earlier delivery of much needed homes in accordance with paragraph 77 of the Framework.
71. I have no reason to disagree that the bio-diversity net gain for phases 3 & 4 would be about 11.18% and 41.65% for phase 5. Furthermore, the delivery of a 20.58% net gain in hedgerow units across the respective phases is not disputed by any of the main parties. The level of bio-diversity net gain provided across the two appeal sites is a very positive benefit that weighs in favour of

³ Reference is made to appeals APP/N4205/W/20/3256381 and 3266030 where in 2021 the Inspector referred to a deliverable housing supply of 3.3 years.

allowing the appeals. I reach this view in the knowledge that some of the landscaping proposed would relate to mitigation.

72. While I acknowledge that the provision of 35% on-site affordable housing is a requirement of policy IPC 1 of the CS and the Council's Affordable Housing SPD 2013, and the proposals accord with such minimum requirements, the provision of 106 affordable dwellings across the application sites attracts very significant weight in decision making terms. I reach this view on the basis that an annual need for 496 affordable dwellings has not been met by the Council by a considerable degree. In this context, coupled with 3,261 households in Bolton being on the waiting list, a contribution of 106 affordable homes from the appeal sites would make a very significant difference to the lives of people in the area. While a matter for a phasing condition, the appellant's planning witness confirmed at the inquiry that affordable housing would be prioritised within relevant phases, thereby ensuring the early delivery of affordable homes in the area.
73. Given the number of dwellings proposed, there is no doubt that the proposals, both individually and collectively, would lead to significant construction employment benefits. Furthermore, the extra number of people that would live in the local area would also provide significant additional support and income for local facilities, services and amenities which in turn would have some positive economic impacts. Unlike the Council, who afford such benefits limited weight, I attribute such benefits moderate weight in the planning balance.
74. Collectively, I assign the above benefits very significant weight. Furthermore, given that paragraph 11d of the Framework is engaged, and hence policies CG3 and OA3 of the CS and policy CG6AP of the BAP are out of date, I afford the proposals' conflict with these development plan policies only limited weight in decision making terms.
75. I also attribute the aforementioned conflict with policies CG6AP of the BAP and OA3 of the CS limited weight in the planning balance as there is an undisputed shortfall in the 5-year housing supply, and hence a need to remedy this by granting new planning permissions on suitable sites. In this context, there can be no doubt that these policies have the effect of constraining the supply of housing in the area. In addition, an approach of giving blanket protection to other protected open land as a matter of principle is out of date.
76. I do share the view of the appellant's planning witness that there is a very urgent need to deliver market homes in the Borough. The evidence is that there is now a requirement to deliver almost 1000 homes per annum over the next five years which would be very significantly in excess of what has been delivered annually in recent years. Furthermore, I do have some doubts about whether the Council's Housing Delivery Test Action Plan (July 2021) will actually address what is a very poor housing delivery position. Indeed, in terms of mill sites in the urban area, it states that demolition costs and remediation would suggest that schemes would not be viable. In addition, the evidence before me indicates that the Transforming Estates Programme (TEP), which was the primary vehicle for the delivery of substantial new housing in the renewal areas (35-45% of the total housing supply in the CS), has now been abandoned. The appellant's comment that TEP had not delivered a single home was not disputed by the Council's witness at the inquiry.

77. In addition to the above, it was not disputed at the inquiry that the emerging development plan, 'Places for Everyone' (Greater Manchester Combined Authority), which is scheduled to be examined in November 2022, did not include any housing allocations for Bolton. No interested party has referred me to any emerging policies in 'Places for Everyone' that would alter or outweigh my overall conclusion reached in respect of the two appeal proposals. Furthermore, the appellant's comment that an allocations development plan would be unlikely to be forthcoming for several years was not disputed by the Council at the inquiry.

78. While I have found that the proposals would lead to some minor adverse landscape character and visual effects, I find that as whole the proposals would not result in the development of isolated homes in the countryside with reference to paragraph 80 of the Framework. I accept that there would be conflict with the landscape character requirements of policy CG3 of the CS, but the harm caused in this regard would be limited in extent. While I afford this policy full weight in decision making terms given its consistency with the Framework, I find that in the light of the need to identify more land for housing, the landscape and character protection elements need to be applied with a greater degree of flexibility than in other circumstances.

Other Matters

79. I have taken into account representations made by other interested parties both at planning application and appeal stages. Many of the representations made are common to both appeals.

Traffic and Accessibility

80. A statement of common ground has been agreed between the Highway Authority and the appellant. This is not agreed by Green Meadows Planning Appeal Group (GMPAG) with areas of disagreement outlined in its document 'response to highways statement of common ground (Tera Tech Ref: 784-B026514/HSoCG)' dated August 2022. Subject to highway capacity and sustainable transport/accessibility mitigation, the Highway Authority and Transport for Greater Manchester (TfGM) raise no objection to the proposals.

81. The Highway Authority is satisfied that the appellant's Transport Impact Assessment (TIA) is robust and finds that the proposals would not cause unacceptable harm to highway safety or that the residual cumulative impacts on the road network would be severe subject to the following:

- Improvement to the Fairways at its junction with Wigan Road involving the provision of a controlled pedestrian crossing with pedestrian push buttons and associated signal heads together with a wider pedestrian crossing as shown on drawing No B026514-TTE-00-PL-O-005 Rev P02,
- £6,000 contribution towards the re-validation of the SCOOT network at the Fairways/Wigan Road junction and Wigan Road/School Street/Market Street junction,
- £30,000 contribution towards a junction improvement for pedestrian/cycle movements at the Wigan Road/School Street/Market Street junction as part of the emerging 'Active Neighbourhood Proposals', part of wider Bee Network, which the Highway Authority is promoting in conjunction with Transport for Greater Manchester, and

- £240,000 contribution towards traffic management/capacity improvements and sustainable travel improvements on Church Street and at its junction with the A6 Manchester Road to aid accessibility to and from the site.
82. GMPAG object to the proposals in respect of the robustness and findings of the TIA prepared by the appellant in respect of the accuracy of surveys; queue lengths at specific junctions; the assessment of junctions (reference is made to the omission of the Chequerbent roundabout and junction 5 of the M61); whether the TIA reasonably considers all committed developments; the acceptability of pedestrian and cycle connectivity within and to the sites; cycle and pedestrian distances to amenities and facilities and walking distances to bus stops and Westhoughton railway station (particularly phase 5); and highway mitigation and sustainable transport mitigation proposals.
83. Appended to the GMPAG proof of evidence is traffic count data carried out on the morning of 13 July 2022 between 07.30 and 09.00 hours at junction 1 (the junction of B5236 Wigan Road, The Fairways and A58 Cricketers Way signalised junction), junction 5 (the junction of Mill Street and A58 Cricketers Way signalised junction) and junction 6 (Park Road, Leigh Road and A58 Cricketers Way signalised junction).
84. The GMPAG claim that based on traffic count data, traffic flows on some roads in Westhoughton are showing higher flows than forecasted for 2026 in the TIA. In addition, GMPAG undertook a survey of the School Street/Church Street/Market Street and B5236 junction (junction 3) on 19 July 2022 between 15.55 and 18.00 hrs and assert that based on factoring in other committed developments, it is likely that motorists would sit in queues between two and four traffic light sequences before moving on through the junction. Finally, GMPAG completed town centre car parking surveys on 22 July and 26 July 2022 with the conclusion reached that *'car parking space in the town is getting close to capacity'*.
85. I have considered carefully the comments made both in writing and orally at the inquiry by GMPAG, and representations made by other interested parties, about traffic and accessibility issues. I have also taken into account the appellant's TIA which has been separately appraised by AECOM acting for the Highway Authority and also by TfGM. While the appellant's surveys are now just outside the recommended five-year age limit for data count it was agreed at pre-application stage that the June 2016 and May 2018 surveyed flows were appropriate for TIA purposes. I would add that at the time of scoping, both the 2016 and 2018 survey data was less than five years old. I am satisfied that the appellant's survey data is acceptable for TIA purposes.
86. I acknowledge that GMPAG have carried out their own traffic count surveys. However, I do question whether this data is based on typical conditions. Unlike data from the appellant, the GMPAG surveys were not carried out during a neutral month, i.e. April, May, June, September or October. The National Planning Practice Guidance (PPG) states that transport data should be included that reflects the typical flow conditions. Furthermore, it is not clear whether the GMPAG surveys were impacted by roadworks or accidents in the area. In addition, the surveys undertaken were based on manual counts. It is difficult to verify these results unlike video counts.
87. The evidence is that the Chequerbent roundabout was excluded from the TIA study area following agreement with the Highway Authority. The evidence is

that development traffic from the proposals would mainly impact on the A58 Park Road and the A6 Manchester Road arms of the roundabout. I have no reason to doubt the appellant's comment that the net percentage increase in traffic on the A58 Park Road arm would be about 1.3% and the maximum net percentage increase on the A6 Manchester Road arm would be about 4.4%. I find that this level of change would be acceptable, particularly in the context of the Environmental Management and Assessment publication 'Guidelines for the Environmental Assessment of Road Traffic' (1993) which states *'it should also be noted that the day to day variation of traffic on a road is frequently at least plus or minus 10%. At a basic level, it should therefore be assumed that projected changes in traffic of less than 10% create no discernible environmental impact'*.

88. On the evidence that is available, I have no reason to depart from the conclusions reached by the Highway Authority and TfGM that the forecast 2026 flows are robust and accurate. Furthermore, I am satisfied that the TIA does suitably include committed developments noting that the PPG states that only those with a reasonable degree of certainty of proceeding within the next three years should be included. In reaching this decision, I acknowledge the appellant's comment that there is doubt about whether the Hulton Park approved development will proceed within the next three years given the recent planning history relating to an amended proposal which is the subject of an appeal and where details are provided only in outline. Notwithstanding this uncertainty, 1036 dwellings are still included as a 'commitment'.
89. At the inquiry, there was some discussion between the GMPAG and the appellant's witness about the use of differing Passenger Car Unit factors in respect of 2016 and 2018 data. In oral evidence, the appellant's witness confirmed that this had arisen as a result of different approaches used by other consultants. Nonetheless, the appellant's approach has been accepted by TfGM and the Highway Authority and I have no reasonable objective evidence before me to contradict the view expressed by the appellant's witness at the inquiry that the results *'would not materially change if a consistent approach had been undertaken'*.
90. I consider that the TIA gives a robust assessment of the likely impact of the development on the local highway network. I am satisfied that in respect of junctions 1, 4, 5, 6 & 7 there would be adequate capacity in 2026. The evidence is that in the AM peak, junctions 3 and 2 are at overcapacity. However, funding is being provided by the appellant as part of the completed section 106 agreement for Split Cycle Offset Optimisation Technique (SCOOT) re-validation work at junctions 2 and 3. TfGM has stated in an email to the appellant, dated 15 September 2022, that *'we would estimate that the delays would be reduced by approximately 6% across the SCOOT network'* and *'the Scoot network includes the junctions on Cricketers Way to the east of the site'*.
91. While 6% is an estimate from TfGM, I have no other reasonable or robust information before me to contradict this view. The appellant's expert witness commented at the inquiry that he thought that a 6% reduction was a cautious estimate and indicated that it might be *'up to 10%'*. However, when the estimate from TfGM is applied, it would mean that the proposals could be delivered without any of the junctions reaching saturation point.

92. In respect of paragraph 111 of the Framework, the test is whether the residual cumulative impacts of the proposals on the road network would be 'severe'. Notwithstanding the views expressed by other interested parties, including GMPAG, with the mitigation proposed I do not find that the residual cumulative impacts on the road network arising from the proposed phase 3, 4 and 5 developments combined would be severe. I reach this view in the knowledge that at the inquiry the appellant's expert witness did acknowledge that there were some relatively minor overestimations in the data.
93. While each phase of development is not the same distance from public transport, services and Westhoughton Town Centre by foot or bicycle (phase 5 for example is much further away), I am satisfied that the occupiers of each dwelling on each phase of development would be encouraged to make some use of bus services, the railway station, Westhoughton Town Centre and other services on foot or by bicycle.
94. It is of note that the spine road into the site would be about 6.75 metres wide and hence future bus services within the site would be possible in physical terms. In addition, 3 metre wide combined footway/cycleway routes would be provided within the proposed spine road of the development sites and this would link into similar combined footway/cycleway provision as part of the Phase 2 approved spine road. I am satisfied that it is likely that a significant number of people would opt to walk or use the bicycle for day to day trips.
95. I acknowledge the point made by GMPAG that connectivity from The Fairways to dedicated cycle routes off-site is currently disjointed. Hence cyclists would, in part, have to use off-site roads that did not have dedicated cycle lanes. However, that does not mean that a number of residents would not choose to cycle off-site. Indeed, I have no accident data before me to suggest that there is a particular problem in the area in terms of cyclists sharing roads with motor vehicles. In any event, I heard at the inquiry that cycle routes schemes were being drawn up by TfGM as part of the Bee Network project and hence it is very likely that off-site cycle route facilities and connectivity will improve in the future.
96. The appellant has opted for a middle point of each phase for the purposes of establishing walking/cycling distances to amenities, services and public transport. At the inquiry, the appellant's witness indicated that it was '*normal practise*' to do this, but nonetheless accepted that it was not laid out in development plan policy or national guidance. In this case, the development sites are large and include a significant number of dwellings. Given the size of the appeal sites and the quantum of houses proposed, I find that it is more appropriate to reach a balanced view in terms of accessibility credentials and that this should also take into account the distances involved from dwellings that are on the outer edges of the phases of development.
97. In the context of the above, while the evidence is that some of the walking and cycling travel distances involved would be slightly greater than advised (particularly the outer parts of phase 5), overall the deviations from relevant guidance (e.g. Manual for Streets) would not be very significant in the planning balance. I find that many would still use the bus services which are within reasonable walking distance of both appeal sites. Furthermore, there are routes that would not be unsafe or inconvenient. It is of note that existing services provide an acceptable combined frequency of over 8 buses per hour in the AM

- peak period and 8 buses per hour in the PM peak period to other towns and settlements.
98. I find that the sites are reasonably accessible to a choice of means of transport other than the private motor vehicle, that the two appeal sites would be accessible to a suitable number of facilities and amenities by the use of sustainable transport, and that pedestrian and cycle movements have been adequately prioritised in the phases 3, 4 and 5 layouts. At the inquiry, the witness for GMPAG commented, following my questioning, that she considered that the site had '*medium accessibility*'.
99. In respect of phases 1 and 2, previous decision makers have found accessibility to be very good. However, phases 3, 4 and 5 would have the effect of extending housing development further away from some amenities and services and so it would not be reasonable for me to simply reach the same conclusion as others have done for earlier phases of development.
100. While some of the footpath links may not include fully made up or hard surfaced routes, and the provision of steps/gradients in some areas may represent an obstacle to some with mobility difficulties, it could not reasonably be said that the condition of the public rights of way links, and overall distances to amenities and services, would prevent a very significant number of people from using the routes on foot and/or bicycle for a significant number of journeys.
101. In reaching the above view, I would also add that the main route on foot to the town centre and other community uses to the east would also be possible through the phase 2 development via The Fairways. This route would have acceptably surfaced and lit 2 metre wide footways on both sides of the carriageway. Access to the south of the site to the A58 on foot is also possible via Dobb Brow Road which is surfaced. There are also two possible routes to Wingates Industrial Estate with the best route through the approved phases 1 & 2 developments followed by Collingwood Way, Peel Street and Wesley Street.
102. Overall, and on balance, I find that the accessibility credentials of the two appeal sites combined are between moderate to good and that the financial contributions sought to improve public rights of way would reasonably and proportionately go far enough to enhancing such links in the context of the alternative links that would be available using carriageway footpaths.
103. I would add that a moderate to good accessibility grading should not be seen as a negative conclusion in the planning balance. Indeed, it has to be recognised that the appeal sites fall within the countryside, albeit close to the existing urban edge, and paragraph 105 of the Framework states that '*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport*'. It also states that '*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*'.
104. I am content that the proposals would offer a genuine choice of transport for residents and that the appellant has maximised sustainable transport solutions in the context of the location of the sites and bearing in mind that the local planning authority cannot demonstrate a five year supply of deliverable housing sites. I would also add, and while not a determinative issue, that when

the site was allocated for housing in the Bolton UDP 1995 it stated that '*the sites location adjacent to Westhoughton town centre with its shops, services and public transport links will assist in minimising vehicle journeys and this contributes towards the aims of sustainable development*'. Given the above findings, I do not consider that it is necessary for the appellant to make provision for a local, circular and electric bus service as requested by GMPAG.

105. In addition to the above, the appellant has submitted a Travel Plan Framework. It is proposed that a Travel Plan Coordinator (TPC) for the sites would be appointed who would be responsible for issuing all new households with Travel Packs. Upon 25% occupation of the dwellings, a survey would be undertaken by the TPC detailing how users of the sites travel to and from the sites. Based on these results a full travel plan would be submitted to the Council within 3 months of the survey including resident modal split targets. I note that the GMPAG raise doubts about how effective a Travel Plan would be in terms of reducing reliance on the private motor vehicle in so far that it could not force people to use sustainable transport. Nevertheless, I am satisfied that it would be a useful tool in terms of at least encouraging a shift in behaviour towards greater use of sustainable modes of transport. This is therefore a matter that could be controlled by the imposition of a planning condition.
106. The car parking provision across the three phases of development would be 200%. This would represent a modest shortfall relative to the Council's maximum car parking standards. In this case, the Highway Authority raise no objection to car parking numbers and I have no reason to disagree with their assessment of this matter. Indeed, the sites are in a reasonably accessible location and there would be an acceptable choice of sustainable means of transport to nearby facilities, amenities and services thereby minimising significant ownership and use of the private motor vehicle. Furthermore, Travel Plan measures aim to reduce car usage.
107. Concerns have been raised by other interested parties that existing trains are often full. I do not have detailed information before me to substantiate comments raised about this matter. However, if trains are currently operating at capacity, it would be reasonable to expect that Network Rail would look to provide additional trains/capacity to accommodate increased demand. In addition, the evidence is that there is an ongoing £78 million Wigan to Bolton (including Westhoughton) electrification scheme being planned which is set to be completed in 2025. The appellant's comment that this would enable the route to host longer trains with more capacity has not been disputed by the other main parties.
108. Overall, I find that the two appeal sites have between moderate to good accessibility credentials and that subject to planning conditions and the completed s106 agreement, there would no unacceptable harm caused to highway safety and the residual cumulative effects on the road network would not be severe. Furthermore, and despite the views expressed by GMPAG and other third parties, I am satisfied that the appellant's TIA is robust in terms of its methodology, assessment of data and its forecasting. These are conclusions that are also collectively reached by the Highway Authority, the local planning authority and TfGM.

109. Overall, I conclude that the proposals would not materially conflict with the highway safety, traffic movement/capacity and accessibility requirements of chapter 9 of the Framework and policy P5 of the CS.

Town Centre Car Parks

110. GMPAG have undertaken car parking surveys of town centre car parks on Friday 22 July 2022 and Tuesday 26 July 2022. The surveys indicate that while some town centre car parks were near to being at capacity, none were actually at capacity. I cannot be certain if the survey times were typical of town centre car parking use. While I accept the reasons why GMPAG were not able to conduct the surveys in a neutral month, I cannot nevertheless ignore the fact that this did not happen. Furthermore, the surveys did not extend to including the car parks at the Lidl Store on The Fairways and the Sainsburys superstore on Cricketers Way which it is understood can also be used by town centre shoppers for linked trips.

111. Notwithstanding the above, it is reasonable to conclude that the proposals would likely result in at least some additional use of town centre car parks by residents of the appeal sites. However, the GMPAG surveys were undertaken in the day time when the car parks may have been at least partly used by commuters. I cannot be certain about the extent of commuter use, or indeed whether there is likely to be a trend of more people working from home in future years. It may of course be possible that town centre car parking space availability may increase. This is hard to predict, but the survey assessment does not reasonably deal with this matter.

112. It is of note that the surveys were not carried out in the evenings or at weekends when some of the residents would be likely to want to use facilities and amenities in the town centre. There is no reasonable evidence before me to indicate that at these times the town centre car parks are at or close to capacity. In any event, I have found that overall the appeal sites have moderate to good accessibility credentials. I am therefore satisfied that many residents would seek to walk, cycle or use public transport to reach the town centre and hence car usage would not be a pre-requisite for all.

113. Even if I had been persuaded by GMPAG that town centre car parks would be at or over capacity as a result of the development proposals, in this case I do not find that an option of providing additional town centre car parking would have represented a good planning response. This is because an overprovision of car parking in the town centre could encourage increased car use which would not be a sustainable approach to managing parking demand, particularly in the context that most residents would not actually need to use a car to reach the town centre for all trips.

Impact on healthcare, school and police facilities

114. GMPAG state that current healthcare arrangements in respect of the provision of GP and supporting services are provided by three surgeries in the town; Peter House Surgery, Stablefold Surgery and Westhoughton Branch Surgery. There is dispute between the appellant and GMPAG in respect of whether these surgeries are now at capacity. At the inquiry, the appellant's witness indicated that he had taken his evidence from the NHS and that capacity did exist. However, the appellant's witness did confirm that his evidence could not be reasonably validated. Similarly, the GMPAG indicated

that it could not fully validate its findings. GMPAG also assert that there have been difficulties trying to communicate with the aforementioned surgeries including getting appointments, although in oral evidence the expert witness did comment that matters were improving in that regard.

115. Notwithstanding the above, it is clear that no direct comments have been made or received from the surgeries themselves or from the Primary Health Care Trust or Clinical Commissioning Group. This is despite the Council confirming at the inquiry that required consultations were undertaken at planning application stage. Furthermore, I would add that there is no local planning policy basis for requesting any sort of financial contribution towards improved health provision in the area.
116. In the absence of precise, up to date and unambiguous quantified evidence from any interested party, I am unable to conclude that the proposals would have a direct harmful impact on the area in terms of healthcare provision. While it may be necessary to increase health related facilities in the town in future years, there is no compelling or objective evidence before me to indicate that the appeal proposals would require the direct funding of new health facilities.
117. Reference is made to planning permission 67373/04 for 117 dwellings which, it is suggested, included the provision of land, as part of a s.106 agreement, so that a doctor's surgery on the site could be provided. Reference is also made to planning permission 65859/03 for 494 dwellings which included a doctor's surgery. The latter planning application appears to have been withdrawn. In respect of the former application, it would appear that a doctor's surgery was not provided on the site. I do not know the exact circumstances or details which led to proposals for doctor's surgeries in the past. On the available evidence, I cannot be certain whether health care facilities in Westhoughton / Bolton are currently adequate for the existing and future population. The latter is a matter that will no doubt need to be addressed as part of a development plan review and/or by the Greater Manchester Care Partnership (GMPC). I was informed by the appellant's health witness at the inquiry that the GMCP are now responsible for such a matter in the area.
118. While the GMPAG feel that additional health provision should be made as part of the two appeal proposals, I can only consider this if it is necessary to do so. The test of necessity from an additional health provision point of view is not reasonably borne out in terms of the availability of detailed evidence before me. Therefore, even if the appellant was in a position to offer a financial contribution towards health related facilities in the area, I would have had to conclude that such a contribution would not meet the tests as laid out in paragraph 57 of the Framework. In fact, the witness for GMPAG conceded at the inquiry that there was in fact no basis on which the appellant could lawfully have made a contribution to local medical facilities.
119. On the evidence that is available, there is sufficient primary school capacity in the area to accommodate the development proposals. However, the undisputed evidence is that there would be a requirement to provide a financial contribution towards additional secondary school places. The latter is addressed as part of the completion of s.106 agreements the details of which are referenced later on in this decision. There is no credible evidence before me to

indicate that the financial contributions offered towards secondary school provision would not be adequate in respect of the appeal proposals.

120. Comments have been made that there is a lack of police facilities in the area. However, there is no objective evidence before me from either the police, or elsewhere, to indicate that existing police provision and services would be inadequate as a result of the appeal proposals.

Wildlife and biodiversity

121. While it is acknowledged that the proposal would result in the loss of some vegetation and trees, there is no dispute between the parties that the proposals would result in net biodiversity gain on an individual and collective planning application basis. There would be a significant increase in hedgerows on the sites. The evidence is that the proposals would not have an adverse impact on wildlife or bio-diversity and hence there would be no conflict with paragraph 180 of the Framework. In fact there is common ground between the appellant and the Council that there would be bio-diversity net gain of 11.18% for phases 3 & 4 and 41.65% for phase 5. Furthermore, about 2.18 hectares of public open space would be provided on phases 3 & 4 and 2.04 hectares on phase 5.
122. A medium sized population of great crested newts is supported by ponds located offsite but within 250m of Phase 5 (ponds 6, 7 and 12 to the north). Although no immediate habitats (those within 50m of a breeding pond) would be affected, a Mitigation Licence would need to be obtained from Natural England to enable Phase 5 development. There is no evidence before me to lead me to consider that there is a likelihood of a licence not being granted.
123. It is recognised that pond 1 located in the south of Phase 5 is close to a private drive serving plot 145. This pond would be subject to ecological enhancement including desilting, bank improvements and planting. The construction of the private drive would be covered by a biodiversity construction environmental management plan (BCEMP), which would ensure that pollution control mechanisms were in place to prevent damage to the pond. Although the private drive is close to the pond, I am satisfied that the proposed landscape enhancements and a BCEMP can ensure no net adverse effect on it.

Development of greenfield sites

124. I acknowledge that the proposals would result in housing development on greenfield sites. However, the evidence is that the local planning authority is unable to demonstrate a deliverable five year supply of housing sites in the area. While paragraph 120 (c) of the Framework indicates that decisions should give substantial weight to the value of using suitable brownfield land, in the context of the Council's housing land supply and delivery position the erection of dwellings on greenfield sites does not in itself justify withholding planning permission for the two appeal sites.

Impact on railway line

125. A railway line runs along the northern boundary of the site. Network Rail raise concerns about the proximity of the development to the railway line and drainage. The evidence is that the proposed development would not encroach upon the railway line or that water would drain water towards it. Furthermore,

any changes to ground levels, earthworks and excavations could be suitably dealt with by condition. In addition, surface water drainage is a matter that could be controlled in a similar manner.

126. A three metre acoustic fence is proposed close to the boundary with the railway line. This would ensure that there was no unacceptable noise pollution for occupiers of the proposed dwellings.

Emergency Access

127. GMPAG question whether there would be alternative access arrangements in place for emergency vehicles. The proposals show that multiple access arrangements would be in place for emergency vehicles as detailed in appendix B drawing B4 of the appellant's Highways and Transport proof of evidence. This would include access from Collingwood Way.

Living conditions – outlook, privacy and light

128. Concerns have been raised by some surrounding residents about overlooking and loss of light. While it is acknowledged that some residents would be subjected to new and different views (e.g. some properties in Dobb Brow), there would be suitable interface and separation distances for all proposed and existing neighbouring dwellings in accordance with the Council's guidance.
129. Overall, I am satisfied that the proposals would be acceptable in living conditions terms and that no material harm would be caused to occupiers of surrounding existing residential properties in respect of outlook, privacy and light. I reach the same conclusion in respect to the relationship of the proposed houses within each of the phases of development.
130. While some interested parties raise concerns about the development in terms of effects on air, noise and light pollution, there is no objective evidence before me to indicate that there would be any significant adverse impacts from the proposals in these respects.

Living conditions – construction activity

131. GMPAG and other interested parties have commented that the proposals would give rise to noise and disturbance for those that already live in the area and particularly The Fairways. I acknowledge that construction activity is already underway on adjacent sites and that additional phases of housing development would have the effect of prolonging construction activity in the area. Undoubtedly, this would have the potential to cause some noise and/or disturbance for residents, noting that The Fairways is the main access leading to the appeal sites.
132. In this case, I do not consider that it would be reasonable to withhold planning permission based on the potential for some noise or disturbance to be caused to the occupiers of existing residents in the area. Indeed, to do so from construction activity which would not be permanent, would represent an unreasonable barrier to boosting the supply of much needed homes in Bolton. However, given the quantum and scale of development proposed, I do consider that it is necessary that controls are put in place to minimise any adverse effects arising from construction activity for those that already live or work in the area. In this regard, I find that a condition is necessary requiring

compliance with the construction environment management plan (ref Rev 1) prepared by Bellway.

Surface water drainage and flood risk

133. The appeal sites are in flood zone 1 and are therefore at a low risk of flooding. The appeals are supported by a Flood Risk Assessment and Drainage Strategy with no objection being raised by the Council's Drainage Team subject to the imposition of conditions. I have no reason to disagree with the conclusions reached by consultees and the Council about these matters. The evidence is that for the two development proposals, surface water runoff would be no greater than the existing greenfield site conditions.

134. There is no reasonable evidence that the site would not be capable of being suitably drained or that development on the proposed phases would give rise to flood risk. Pre-commencement surface water drainage conditions have been agreed by the appellant and hence this affords the local planning authority suitable control in respect of this issue.

Loss of agricultural land

135. The evidence is that the proposals would not result in the loss of best and most versatile agricultural land and consequently there would be no conflict with policy CG1 of the CS or paragraph 174b of the Framework. GMPAG states that sites include best and versatile agricultural land because they have been used by local meat suppliers for silage production and grazing for sheep and cattle for many years. However, the latter does not relate to the definition of best and versatile agricultural land as contained in annex 2 (glossary) of the Framework. This states that best and versatile agricultural land is that in grades 1, 2 and 3a of the Agricultural Land Classification and the evidence is that none of the sites falls within such classifications.

Relationship with Westhoughton Golf Club

136. Westhoughton Golf Club comment that safety fencing is needed adjacent to the left hand side of 11th hole and the road adjacent to the 9th hole. This is a matter that could be suitably controlled by condition and without causing material harm to the character and appearance of the area.

Impact on use of exiting sites for recreational/walking purposes.

137. A number of public rights of way run through and adjacent to the site (Westhoughton 091, 092, 093 and 094). Most will be retained on their current route. The development would require the diversion of 093 which runs from the Dobb Brow footpath to the Pennington Brook footpath. The proposed plans show the footpath would be diverted to the northwest and would be retained as a footpath (not running along estate roads) and would therefore be retained as a link between Dobb Brow and Pennington Brook. No objective evidence is before me to indicate that there is authorised public access to the fields.

138. I am satisfied that the continued recreational use of routes has been acceptably incorporated into the proposals. The proposed diversion of one footpath, if permitted as part of a separate public rights of way process, would not have a detrimental impact in terms of continued access to the sites for walking/recreational purposes. Overall, the proposals would continue to ensure suitable access and use of the sites for recreational purposes.

Other matters raised

139. Comments have been made that a new development plan is needed and that planning decisions should be halted until that happens. However, I am required to determine the appeals now taking into account adopted development plan policies and material planning considerations that are pertinent at this moment in time.
140. I acknowledge that a petition has been completed objecting to at least part of the proposals (e.g. petition on change.org with title 'Reject Bellway's Phase 3 planning application for Bowlands Hey'). This includes 938 signatures. While it is clear that large numbers from the local community do not want to see further housing development in this area, including within the other proposed phases of development, it would not be reasonable for me to dismiss the appeals for this reason alone. Some, including GMPAG, raise concerns about the impact of the development on the sense of community in the local area. I accept that the local area would change as a result of the proposed development. However, I have not been provided with any compelling evidence to demonstrate that the expansion of the existing and consented built up area need necessarily equate to a material loss of community cohesion.
141. Some interested parties suggest that the proposals would set a precedent and are akin to '*urban creep*'. It is a well-established principle that each planning application should be determined on its individual planning merits. I have applied this principle in terms of the two planning applications. While I acknowledge that the proposals do represent further phases of development and additional incursion into the countryside, it cannot reasonably be said that it follows that further proposals beyond the appeal developments would automatically be allowed.
142. A combined Coal Mining Risk Assessment and Geo Environmental Investigation, prepared by the appellant, identifies coal mining features and hazards within the site and surrounding area. However, no in principle objections have been raised by consultees, including the Coal Authority, to the proposals subject to the inclusion of pre-commencement conditions requiring further intrusive site investigations and, if necessary remedial action, relating to coal mining legacy. I am satisfied that this level of control would ensure the safety of future residents from a land stability point of view.
143. At the inquiry, the appellant's planning witness confirmed that proposed phases three and four would be built out sequentially and phase five would be completed at the end. Conditions could be imposed for each of the appeal proposals in respect of the phasing of development including the identification of strategic landscaping and the timing of its delivery.
144. None of the other matters raised alter or outweigh my overall conclusion reached below relating to both appeals.

Planning Balance and Conclusion

145. I have found that collectively the proposals would have minor adverse landscape character and visual effects and that, overall, the two appeal developments would deliver high quality buildings and places and hence would represent good design. The accessibility credentials of the sites reach between a moderate to good standard and, in the context of a countryside location, I

am satisfied, having regard to paragraph 105 of the Framework, that the proposals would maximise and suitably make use of sustainable transport solutions.

146. In this case, the adverse effects of allowing the development which include minor adverse landscape character and visual effects and the identified conflict with out of date development plan policies, would be significantly and demonstrably outweighed by the benefits outlined in the other considerations part of this decision above when assessed against the policies in the Framework taken as a whole. Therefore, I find that the proposals would deliver sustainable development.

147. For the above reasons, I conclude that both appeals should be allowed subject to the imposition of conditions and the completed s.106 agreements. I deal with the latter below.

Planning Obligations

148. Policy IPC 1 of the CS 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 proposed developments and/or to mitigate the impact of those developments. In doing so, the Council seek to ensure that schemes are made acceptable in planning terms and achieve the objectives of sustainable development.

149. Section 106 agreements for the two planning applications have been completed (both dated 4 October 2022). For the phase 3 & 4 proposals, the Section 106 agreement provides the following:

- Affordable Housing (35% provision comprising 42 dwellings, 31 of which will be affordable rent and 11 intermediate shared ownership dwellings).
- £120,000 towards off-site Highways Improvement comprising the improvement of Cricketers Way, traffic management / capacity improvements / sustainable travel improvements at the junction of Church Street / A6 Manchester Road area of Westhoughton and related Traffic Regulation Orders.
- A contribution of £3,300 towards the revalidation of the SCOOT network at the junctions of Fairways / Wigan Road and Wigan Road / School Street / Market Street.
- £15,000 contribution towards a junction improvement for pedestrian / cycle movements at the Wigan Road / School Street / Market Street junction.
- £395,093.25 towards the improvement and/or expansion of secondary schools within a 5 mile radius of the site.
- £5,000 towards the improvement of the Wes 092 and 094 public right of way.
- The provision of on-site public open space, the submission of an open space management scheme, and the establishment of a management company to thereafter manage and maintain the open space.

150. For the phase 5 proposal, the Section 106 agreement provides the following:

- Affordable Housing (35% provision comprising 64 dwellings 48 of which will be affordable rent and 16 intermediate shared ownership dwellings).
- £120,000 towards Offsite Highways Improvement comprising the improvement of Cricketers Way, traffic management / capacity improvements / sustainable travel improvements at the junction of Church Street / A6 Manchester Road area of Westhoughton, and related TRO.
- A contribution of £3,300 towards the revalidation of the SCOOT network at the junctions of Fairways/Wigan Road and Wigan Road/School Street/Market Street.
- £15,000 contribution towards a junction improvement for pedestrian / cycle movements at the Wigan Road / School Street / Market Street junction.
- £594,326.79 towards the improvement and/or expansion of secondary schools within a 5 mile radius of the site.
- £5,000 towards the improvement of the Wes 092 and 094 Public right of way.
- The provision of on-site public open space, the submission of an open space management scheme, and the establishment of a management company to thereafter manage and maintain the open space.

151. I have considered all the contributions and obligations in the completed section 106 agreements against Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) which states that they should be '*necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development*'. I am satisfied that the contributions and obligations in the completed section 106 agreements do meet the tests for planning obligations as contained within Regulation 122(2) of the CIL Regulations. They are all needed to make the development acceptable in planning terms.

Conditions

152. Given my reasoning in this decision, I am satisfied that the latest suggested conditions agreed between the appellant and the Council are necessary and that they all meet the tests as outlined in paragraph 56 of the Framework. Where necessary, I have amended such conditions to reflect further discussions at the inquiry and in the interests of precision and clarity.
153. GMPAG dispute that it is necessary to widen the pedestrian island on The Fairways. However, and notwithstanding some temporary inconvenience that might be caused to highway users while this work was being carried out, I find that an increase in the size of the pedestrian island would be necessary and beneficial in so far that it would accommodate additional pedestrian flows and hence make walking opportunities more convenient and safer. Consequently, I do find that a condition is necessary.
154. The Council and the appellant originally suggested a condition requiring the provision of electric vehicle charging points. However, such a condition is not necessary as this is a matter that is controlled with reference to Part S of the Building Regulations which came into force on 15 June 2022. The appellant

confirmed at the inquiry that in respect of the appeal proposals a building notice, full plans application or initial notice had not been submitted before 15 June 2022. Therefore, there is no exemption in place in terms of the requirement to comply with Part S of the Building Regulations.

155. Prior to the consideration of suggested conditions at the inquiry, there was a dispute between the appellant and the Council in terms of whether a condition was necessary requiring a scheme to be submitted to and approved in writing by the local planning authority demonstrating a minimum reduction of 10% of carbon emissions. After some discussion at the inquiry, the Council conceded that policy CG2 of the CS was in fact predicated on the basis of the Building Regulations that existed at that time and not the Part L Building Regulations that followed or indeed exists now.
156. It was therefore agreed by the Council at the inquiry that while its SD&C SPD states at paragraph 4.22 that *'the 10% rule will therefore be applied to current (and emerging) Building Regulation Part L standards'*, this had in effect sought to change policy CG2 of the CS. In that respect, I afford this part of the SD&C SPD limited weight as a material planning consideration.
157. On the basis that Part L of the Building Regulations would deliver 30% less carbon dioxide emissions than the standards prior to 15 June 2022, and hence an improved position relative to policy CG2 of the CS, I find that it is not therefore necessary to impose a condition to deal with this matter. The matter can be suitably controlled as part of the submission of separate Building Regulations applications.
158. At the inquiry, GMPAG raised some concern about the suggested removal of permitted development rights for some plots as this would make it harder for residents to erect small garden sheds which would be of use to store bicycles and/or garden equipment. At the inquiry, both the appellant and the Council agreed that a small shed within each garden would still retain acceptable garden sizes for the identified plots, despite the technical conflict with the Council's guidance. I have no reason to disagree with the agreed position on this matter and have therefore amended the suggested conditions accordingly.
159. For the avoidance of doubt, and in respect of both appeals, I have provided reasons for all the conditions after each condition in the schedule of conditions. I am satisfied that there is clear justification for imposing the pre-commencement type conditions. Such conditions have been expressly agreed by the appellant.

D Hartley

INSPECTOR

Appeal A: APP/N4205/W/22/3296970 (Phase 3 & 4)- Schedule of Conditions

1)The development hereby permitted shall be begun before the expiration of two 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 and having regard to paragraph 77 of the National Planning Policy Framework.

2)Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the local planning authority. The phasing plan shall specify the different parts of the site and phases of development including the identification of strategic landscaping and the timing of its delivery. 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. The phasing plan will need to include all stages of development including groundworks.

3)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 in full.

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. 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.

4)No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following: risk assessment of potentially damaging construction activities; identification of "biodiversity protection zones"; 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); the location and timing of sensitive works to avoid harm to biodiversity features; the times during construction when specialist ecologists need to be present on site to oversee works; responsible persons and lines of communication; the role and responsibilities on site of an ecological clerk of works or similarly competent person; use of protective fences, exclusion barriers and warning signs. The approved LEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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. 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.

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

6) No development or stripping of soil shall be started until: the trees and hedgerows within or overhanging the site which are to be retained have been surrounded by fencing of a type and location as detailed in the submitted Arboricultural Impact Assessment, Ref: P.1436.21 Rev C prior to such works commencing; the approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s); a minimum of 14 days written notice shall be given to the Local Planning Authority confirming the approved protective fencing has been erected.

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

7) Prior to the commencement of development of any works on site, the developer shall submit a method statement to the Local Planning Authority detailing how the following elements of the site will be constructed without causing harm or damage to the trees and hedgerows to be retained on the site in accordance with the approved landscaping details identified in the submitted Arboricultural Impact Assessment, Ref. P.1436.21. The specified areas are:

Arboricultural Method Statement showing: footpath works within the root protection zone of the Birch tree on the northern boundary (phase 4); details of finished floor and road levels and that they do not impact on retained trees & hedges; plan showing service and utility routes – where possible, these are to remain outside of the root protection zones of retained trees and hedges and not result in any further losses; provision of an Arboricultural Clerk of Works and provision of records and photographs that show correct working methods during construction are being undertaken, and tree pruning specification to BS3998:2010 Tree Work: recommendations for those trees and hedges shown requiring pruning within the Arboricultural Impact Assessment.

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. 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) Prior to the commencement of the development, a surface water drainage scheme shall be 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: 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; include a timetable for its implementation, and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage scheme shall be implemented in accordance with the approved details.

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); 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.

9) Prior to the commencement of development, a scheme of intrusive investigations to establish the potential impacts of any coal mining legacy on the development shall be submitted to and approved by the local planning authority. No above ground works shall commence until: the approved scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; 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.

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. 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.

10) Prior to the commencement of development, a Preliminary Risk Assessment and methodology for the investigation of on-site contamination shall be submitted to and 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.

No above ground construction works shall commence on any phase or phases of the development until a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment has been submitted to and approved by the Local Planning Authority and has been implemented.

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.

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.

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

11) Prior to the commencement of development, other than site investigations, remediation and 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. No individual dwelling shall be occupied until those works have been completed in accordance with the local planning authority's approval.

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".

12) The development hereby approved shall be carried out in full accordance with the recommendations of the approved Noise Assessment: Glazing and Ventilation remediation requirements set out in Appendix B, dated 28th January 2022 (ref: R1456-REP02C-JW) by Red Acoustics.

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 acoustically attenuated ventilation for that phase shall be submitted to and approved in writing by the Local Planning Authority prior to the above ground construction works commencing. The approved scheme shall be implemented in full before the occupation of the dwelling to which they relate and retained thereafter.

Upon completion of the approved remediation scheme, and prior to the occupation of any individual dwelling, a completion report demonstrating that the scheme has been appropriately implemented in so far as it relates to that dwelling and that that part of the site is suitable for its intended end use shall be approved in writing 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.

13) 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: all boundary treatments (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); a scheme detailing provision to be made for amphibian protecting highways, and provision of bat and bird boxes/bricks. The development shall be implemented in accordance with the approved details and shall be completed in full prior to occupation of the dwelling(s) to which they relate and shall thereafter be retained.

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

14) Prior to the occupation of a dwelling house(s) the provision for car parking and/or garaging of motor vehicle(s) whether within the curtilage of the dwelling houses or in a communal car parking area as identified on 'Planning Layout, PL02, Rev K' shall be provided, laid out and made available for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or replacing that Order) those areas shall thereafter be retained at all times for that purpose.

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.

15) Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how roads and private drives are to be laid out, constructed, surfaced, maintained, drained and lit shall be submitted to and approved in writing by the Local Planning Authority. Where roads and private driveways are not to be adopted by the local highway authority the submitted details should include an explanation of anticipated ownership and maintenance responsibilities. 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 and thereafter maintained in accordance with the approved details.

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'.

16) 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, including rainwater goods and external utility boxes. 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.

17) 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 boundary details shall be implemented in full prior to occupation of each dwelling and shall thereafter be retained in accordance with the approved plans.

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.

18) Before the occupation of any dwelling hereby approved, a scheme for the treatment of all footpaths affected or created by the development (new and existing) within the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the width, surfacing and boundary treatment (landscaping will be dealt with separately via a landscaping condition) and phasing of the works including a timescale for completion. 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.

19) 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.

20) Notwithstanding approved plans showing areas of proposed landscaping, no development shall take place until a detailed landscaping scheme (including phasing details and including the curtilage of individual dwellings and areas of open space) for the whole of the site has been submitted to and approved in writing by the planning authority. This shall have regard to the need to achieve biodiversity net gain in accordance with the submitted biodiversity net gain assessment (ref. 8653.006 rev 5). Trees, shrubs and vegetation shall be planted on the site in accordance with the approved landscaping plans and phasing details. For the avoidance of doubt, the details shown on the approved landscaping plans shall be completed in their entirety by end of the first planting season following the occupation of the last dwelling on the site. Any trees, shrubs or vegetation within any individual plot that die or are removed within 10 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.

21) Prior to the occupation of the first dwelling a Travel Plan, including the appointment of a Travel Plan Coordinator and the process for issuing a Travel Pack to all new households, that as a minimum delivers those matters set out in the Tetra Tech (rev 02) Travel Plan Framework, shall be submitted to and approved in writing by the local planning authority. All residents shall be provided with a Travel Pack on their first occupation of their dwelling. The implementation and ongoing monitoring and review of the Travel Plan (and Travel Pack) 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.

22) The development hereby approved shall be carried out in full accordance with the dust mitigation measures set out in the Air Quality Assessment 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.

23) The development hereby approved shall be carried out in full accordance with the details submitted to and approved in the Construction Environmental Management Plan (CEMP), ref: REV 1, dated October 2021, by Bellway. The

approved CEMP shall be adhered to throughout the construction period for 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.

24) 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 the approved Planning Layout drawing (ref. PL02 Rev K).

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'.

25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 (other than a shed not exceeding 1.2 metres x 1.8 metres and 4.0 metres in height with a dual pitched roof, 2.5 metres in height if within 2 metres of the boundary of the curtilage of a dwellinghouse or 3 metres in height in any other case), greenhouses, shall be erected within the curtilage of approved dwellings at plots: 7, 8, 11-22 (inclusive), 32 - 38 (inclusive), 39 - 45 (inclusive), 48, 49. 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 a detrimental impact to neighbouring residential amenity due to overlooking and in order to comply with Bolton's Core Strategy policy CG3, CG4 and Supplementary Planning Document 'General Design Principles'.

26) The development hereby permitted shall be carried out in complete accordance with the following approved plans and documents: Site Location Plan (ref. BHM180LP301 A); Planning Layout (ref. BHM180PL02 K); Coloured Planning Layout (ref. BHM180PL02 K); Waste Management Plan (ref. BHM180WM02 D); House Type Pack (BHM180-HT01 rev B March 22); Noise Assessment (ref. R1456-REP02-JW C); Construction and Environmental Management Plan (Ref. Rev1V2); Phase I and Coal Mining Risk Assessment (ref. 3430-02 D July 2021); Swept Path Analysis Drawings 1 to 4 (refs. PL-O-003-01/02/03/04 P03); Swept Path Analysis Bends Drawings 1 to 2 (refs. PL-O-004-01/02 P03); Topographical Survey Sheets 1 and 2 (ref. 02564/Topo); Transport Assessment (ref. 784-B026514 Rev 02) including Figures, Plans and Appendices; Travel Plan Framework (ref. 784-B026514 Rev 02) dated July 2021; Air Quality Assessment (ref. 1917-2r3); Ecological Assessment (ref. 8653.002 V2.0); Arboricultural Impact Assessment (ref. P.1436.21 Rev C);

Reason: For the avoidance of doubt and in the interests of certainty.

---End of Conditions---

Appeal B: APP/N4205/W/22/3297248 (Phase 5) – Schedule of Conditions

1)The development hereby permitted shall be begun before the expiration of two 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 and having regard to paragraph 77 of the National Planning Policy Framework.

2)Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the local planning authority. The phasing plan shall specify the different parts of the site and phases of development including the identification of strategic landscaping and the timing of its delivery. 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. The phasing plan will need to include all stages of development including groundworks.

3)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 in full.

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. 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.

4)No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following: risk assessment of potentially damaging construction activities; Identification of "biodiversity protection zones"; 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); the location and timing of sensitive works to avoid harm to biodiversity features; the times during construction when specialist ecologists need to be present on site to oversee works; responsible persons and lines of communication; the role and responsibilities on site of an ecological clerk of works or similarly competent person; use of protective fences, exclusion barriers and warning signs.

The approved LEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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. 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.

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

6) No development or stripping of soil shall be started until: 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. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed 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. 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.

7) Prior to the commencement of development of any works on site, the developer shall submit a method statement to the Local Planning Authority detailing how the following elements of the site will be constructed without causing harm or damage to the trees and hedgerows to be retained on the site in accordance with the approved landscaping details identified in the submitted Arboricultural Impact Assessment, Ref. P.1436.21 Rev C. The specified areas are:

Arboricultural Method Statement showing: 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; details of finished floor and road levels and that they do not impact on retained trees & hedges; plan showing service and utility routes – where possible, these are 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 re-landscaping planting if required between the Construction Exclusion Zones (protective fencing) and the development side of the fencing; provision of an Arboricultural Clerk of Works 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.

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. 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) Prior to the commencement of the development, a surface water drainage scheme shall be 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: 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; include a timetable for its implementation, and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage scheme shall be implemented in accordance with the approved details.

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). 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.

9) Prior to the commencement of development, a scheme of intrusive investigations to establish the potential impacts of any coal mining legacy on the development shall be submitted to and approved by the local planning authority. No above ground works shall commence until: the approved scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; 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.

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. 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.

10) Prior to the commencement of development, a Preliminary Risk Assessment and methodology for the investigation of on-site contamination shall be submitted to and 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.

No above ground construction works shall commence on any phase or phases of the development until a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment has been submitted to and approved by the Local Planning Authority and implemented.

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.

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.

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

11) 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. The development shall be carried out in accordance with the approved details.

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

12) Prior to the commencement of development, other than site investigations, remediation and 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. No individual dwelling shall be occupied until those works have been completed in accordance with the local planning authority's approval.

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".

13) Prior to the commencement of development within 10 metres of the operational railway, including groundworks, a method statement and risk assessment relating to the effect of development on the railway line shall be submitted to and approved in writing by the local planning authority. 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. Any works on site, notably groundworks may have a detrimental impact on the railway line.

14) 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: all boundary treatments (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); a scheme detailing provision to be made for amphibian protecting highways, and provision of bat and bird boxes/bricks.

The development shall be implemented in accordance with the approved details and shall be completed in full prior to occupation of the dwelling(s) to which they relate and shall thereafter be retained.

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

15) The development hereby approved shall be carried out in full accordance with the recommendations of the approved Noise Assessment: Glazing and Ventilation remediation requirements and minimum 20kg/m² - 3m and 1.8m acoustic barriers as set out in Appendix B, dated 28th January 2022 (ref: R1456-REP03C-JW) by Red Acoustics.

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 acoustically attenuated ventilation for that phase shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground construction works. The approved scheme shall

be implemented in full before the occupation of the dwelling to which they relate and retained thereafter.

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.

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

16) Prior to the erection of the acoustic barriers, specification for the acoustic barriers shall be submitted to and approved 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, ref. R1456-REP03C-JW dated 28th January 2022. 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.

17) 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 properties 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.

18) Prior to the occupation of a dwelling house(s) the provision for car parking and/or garaging of motor vehicle(s) whether within the curtilage of the dwelling houses or in a communal car parking area as identified on 'Planning Layout, PLP501, Rev H' shall be provided, laid out and made available for that purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or replacing that Order) those areas shall thereafter be retained at all times for that purpose.

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.

19) Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how roads and private drives are to be laid out, constructed, surfaced, maintained, drained and lit shall be submitted to and approved in writing by the Local Planning Authority. Where roads and private driveways are not to be adopted by the local highway authority the submitted details should include an explanation of anticipated ownership and maintenance

responsibilities. 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 and thereafter maintained in accordance with the approved details.

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'.

20) 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, including rainwater goods and external utility boxes. 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.

21) 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 boundary details shall be implemented in full prior to occupation of each dwelling and shall thereafter be retained in accordance with the approved plans.

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.

22) Before the occupation of any dwelling hereby approved, a scheme for the treatment of all footpaths affected or created by the development (new and existing) within the site 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.

23) 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.

24) Notwithstanding approved plans showing areas of proposed landscaping, no development shall take place until a detailed landscaping scheme (including phasing details and including the curtilage of individual dwellings and areas of open space) for the whole of the site has been submitted to and approved in writing by

the planning authority. This shall have regard to the need to achieve biodiversity net gain in accordance with the submitted biodiversity net gain assessment (ref. 8653.006 rev 5). Trees, shrubs and vegetation shall be planted on the site in accordance with the approved landscaping plans and phasing details. For the avoidance of doubt, the details shown on the approved landscaping plans shall be completed in their entirety by end of the first planting season following the occupation of the last dwelling on the site. Any trees, shrubs or vegetation within any individual plot that die or are removed within 10 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.

25) 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: 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.

26) Prior to the occupation of the first dwelling a Travel Plan, including the appointment of a Travel Plan Coordinator and the process for issuing a Travel Pack to all new households, that as a minimum delivers those matters set out in accordance with the Tetra Tech (rev 02) Travel Plan Framework shall be submitted to and approved in writing by the local planning authority. All residents shall be provided with a Travel Pack on their first occupation of their dwelling. The implementation and ongoing monitoring and review of the Travel Plan (and Travel

Pack) 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.

27)The development hereby approved shall be carried out in full accordance with the dust mitigation measures set out in the Air Quality Assessment 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.

28)The development hereby approved shall be carried out in full accordance with the details submitted to and approved in the Construction Environmental Management Plan (CEMP), ref: REV 1, dated October 2021, by Bellway. The approved CEMP shall be adhered to throughout the construction period for 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. 29)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 the approved Planning Layout (ref. PLP501 Rev H).

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'.

30)Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 (other than a shed not exceeding 1.2 metres x 1.8 metres and 4.0 metres in height with a dual pitched roof, 2.5 metres in height if within 2 metres of the boundary of the curtilage of a dwellinghouse or 3 metres in height in any other case), 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.

31)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.

32)The development hereby permitted shall be carried out in complete accordance with the following approved plans and documents: Site Location Plan (ref. BHM180 LP501 A); Planning Layout (ref. BHM180PLP501 J); Coloured Planning Layout (ref. BHM180PLP501 H); House Type Pack ((BHM180-HT01 rev B March 22); Waste Management Plan (ref. BHM180 WM03 D); Noise Assessment (ref. R1456-REP03-JW C); Construction and Environmental Management Plan (Ref. Rev1V2); Phase I and Coal Mining Risk Assessment (ref. 3430-02 D July 2021); Swept Path Analysis Drawings 1 to 4 (refs. PL-O-003-01/02/03/04 P03); Swept Path Analysis Bends Drawings 1 to 2 (refs. PL-O-004-01/02 P03); Topographical Survey Sheets 1 and 2 (ref. 02564/Topo); Transport Assessment (ref. 784-B026514 Rev 02) including Figures, Plans and Appendices; Travel Plan Framework (ref. 784-B026514 Rev 02) dated July 2021; Air Quality Assessment (ref. 1917-2r3); Ecological Assessment (ref. 8653.002 V2.0); Arboricultural Impact Assessment (ref. P.1436.21 Rev C).

Reason: For the avoidance of doubt and in the interests of certainty.

---End of Conditions---

APPEARANCES

For the Local Planning Authority:

Ruth Stockley Barrister instructed by Helen Gorman (Solicitor) of Bolton Metropolitan Borough Council.

She called:

Jackie Whelan (Design and Conservation Officer), Bolton Metropolitan Borough Council.

Nicola Jacob (Partner), Randall Thorp

Julie Diamond (Principal Development Officer), Bolton Metropolitan Borough Council.

For the Appellant:

Giles Cannock KC Barrister instructed by Simon Pemberton of Lichfields.

He called:

Martin Parry (Director), Astle Planning and Design Ltd

Mr Jonathan Berry (Director), Tyler Grange

Amjid Khan (Director of Transport - Manchester Office), Tetra Tech

Simon Pemberton (Senior Director), Lichfields

Green Meadows Planning Appeal Group:

Michael Baldwin, local resident.

He called:

Megan Latham, resident

Ann Baldwin, resident

Other Interested Persons:

Jodie Turton (Principal Development Officer), Bolton Metropolitan Borough Council.

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 – Amendments to figures and appendices (technical errors only) of the Urban Design Group
- ID2 – Appellant’s opening statement
- ID3 – Council’s opening statement
- ID4 – Rule 6 party’s opening statement
- ID5 – Copy of Procedural Guide: planning appeals – England (Extracts) Updated 12 April 2022
- ID6 – Career history from 1998 until now for Julie Diamond (currently Principal Development Management Officer, Bolton Metropolitan Borough Council).
- ID7 – Table 7.1 update to proof of evidence prepared by Simon Pemberton
- ID8 – List of agreed suggested conditions from the appellant and the Council received on 3 October 2022
- ID9 – edited footpath distances plan including the existing position of public right of way WES 93 prepared by Mr Jonathan Berry (Director), Tyler Grange
- ID10 – Council’s closing statement
- ID11 – Rule 6 party’s closing statement
- ID12 – Appellant’s closing statement