Revised Draft Greater Manchester Spatial Framework
Representation in Relation to Ditchers Farm, Slack Lane, Westhoughton, Bolton

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1 PURPOSE OF THIS SUBMISSION

1.1 Peter Brett Associates, now part of Stantec, has made various representations over recent years in relation to land now represented by our client, Wallace Land Investments, at Ditchers Farm, Slack Lane, Westhoughton.

1.2 Our January 2017 submission to the Consultation Draft version of the emerging GMSF was comprehensive, and so we do not repeat its contents in full here, but the key points can be summarised as follows:

- We expressed concern that the level of housing growth identified in the Consultation Draft version of the GMSF was too low, both in terms of the level of housing identified for Greater Manchester as a whole (227,200 dwellings), and the apportionment to Bolton Council (16,800 dwellings). Our concerns were supported by detailed technical analysis and commentary, including the following headline points:
  - Despite the GMSF housing requirement being 387 dwellings higher than the OAN there was still insufficient headroom in the proposed target for Bolton, which only provided 2.4 per cent flexibility.
  - It was our firm view that the level of flexibility proposed was completely inadequate and provided insufficient comfort that a rolling five-year supply of deliverable housing land will come forward over the plan period. To remedy this serious shortcoming, we advocated additional allocations in Bolton.
  - We asserted that a balanced portfolio of small, medium and more strategic sites is needed to ensure sufficient delivery in the early years of the GMSF, including sites within and outside of the currently designated Green Belt.
  - We also noted that the distribution of housing as proposed will mean that fewer new homes will be provided in areas where demand is highest and market signals are strongest.

- We welcomed the acknowledgement that exceptional circumstances exist which justify the release of land from the currently defined Green Belt, and we highlighted the need to properly consider the allocation of suitable sites outside of the Green Belt including our client’s site which is identified as Protected Open Land (‘POL’) in Bolton’s Allocations Plan.

- We highlighted the framework utilised to identify new strategic allocations, entitled ‘Approach to Accommodating the Land Supply Shortfall’, which identified that development of POL is deemed preferable to development on land designated within the Green Belt. We were therefore very surprised that the Ditchers Farm site in Westhoughton was not identified as a strategic allocation within the draft GMSF.

- We confirmed that the release of our client’s site, adjacent to the existing urban area with strong defendable boundaries, will have no harmful effect upon the open countryside nor the adjacent Green Belt.
1.3 The Ditchers Farm site in Westhoughton, however, is not one of the sites that is identified as a draft housing allocation in the Revised Draft GMSF. That is disappointing because of the site’s strong deliverability credentials.

1.4 Further to the Ditchers Farm site not being allocated for housing in the Revised Draft GMSF, the site is proposed to be added to Greater Manchester’s Green Belt. National planning policy states that new Green Belts should only be established in ‘exceptional circumstances’.

1.5 In this submission, we provide our observations regarding the purported merits of including the Ditchers Farm Site within the Greater Manchester Green Belt, and we consider the housing need and delivery aspects of the Revised Draft GMSF, again highlighting the strong credentials for residential use of the site at Ditchers Farm.
2 ASSESSMENT OF ADDITIONS TO THE GREATER MANCHESTER GREEN BELT

Context

2.1 The Greater Manchester Combined Authority has produced a number of topic papers to summarise and evidence the decision-making process informing the draft policies and allocations presented in the revised draft GMSF.

2.2 The Green Belt Topic Paper (January 2019) summarises the national planning policy context, identifying that paragraph 134 of the NPPF sets out the five purposes of Green Belt, which we reproduce below for ease of reference:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns;
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.3 The policy context section of the Topic Paper does not consider or provide commentary on paragraph 135 of the NPPF, which is crucial in considering the establishment of new Green Belts, and states:

‘The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:

a) demonstrate why normal planning and development management policies would not be adequate;
b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
c) show what the consequences of the proposal would be for sustainable development;
d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
e) show how the Green Belt would meet the other objectives of the Framework.’

2.4 When defining Green Belt boundary changes, paragraph 139 of the NPPF recommends that local planning authorities should apply the following criteria:

a) ensure consistency with the development plan’s strategy for meeting identified requirements for sustainable development;
b) not include land which it is unnecessary to keep permanently open;
c) where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;

d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an updated to a plan review which proposes the development;

e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and

f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

2.5 It is abundantly clear that exceptional circumstances must be demonstrated to establish new areas of Green Belt and that there must be robust evidence associated with each case.

2.6 LUC was commissioned by the Greater Manchester Authorities in 2018 to undertake an assessment of 32 additional areas of land that do not lie within the Manchester Green Belt, to assess how they perform against the NPPF Green Belt purposes. The report includes the following disclaimer in relation to the assessment work:

‘The assessment sets out how the areas of land contribute to the NPPF purposes. The Study does not consider whether ‘exceptional circumstances’ exist for designating the areas as new Green Belt, or make any recommendations relating to the alteration, or review of Green Belt boundaries.’

2.7 The GMSF Green Belt Topic Paper provides the consideration of whether exceptional circumstances exist in relation to both the removal of sites from the Green Belt and new allocations of Green Belt with the GMSF.

**LUC Assessment**

2.8 Our client’s site forms part of draft Green Belt addition reference LUC01 as identified in Figure 2.1 below. The assessment describes the parcel as follows:

‘The parcel comprises land at the northern edge of Westhoughton. Land within the parcel comprises a relatively large area of flat open farmland. Slack Lane runs into the south eastern corner of the parcel and a number of farm buildings are present along this route which is lit by street lights. More farm buildings are located towards the north east which are present on another narrow lane. The M61 forms the northern parcel boundary and the railway line forms the south easterly boundary. This parcel is not Green Belt land.’
2.9 Below, we provide our observations regarding LUC’s assessment of the land’s contribution towards the NPPF Green Belt purposes identified in NPPF paragraph 134.

**Purpose 1: Check the unrestricted sprawl of large built up areas**

2.10 The assessment considered Green Belt purpose 1 in relation to two measures, listed 1a and 1b.

2.11 The first measure (1a) considered the question: *does the parcel exhibit evidence of existing urban sprawl and consequent loss of openness?*. The LUC assessment rated the parcel’s contribution as ‘strong’ in relation to that consideration, noting:

> ‘The parcel is adjacent to the north of the large built-up area of Westhoughton. There is no built development within the parcel with the exception of farm buildings which are considered to be an appropriate use in the Green Belt. There is a relatively strong sense of openness within the parcel.’
2.12 The second measure (1b) considered the question: ‘does the parcel protect open land from the potential for urban sprawl to occur?’ The LUC assessment rates the site’s performance in relation to this measure as ‘moderate’, stating:

‘The parcel is adjacent to the north of the large built-up area of Westhoughton. The parcel has significant and durable barrier features including a railway line to the east and M61 to the north. There is potential for sprawl to occur within the parcel but the potential for sprawl beyond the parcel is more limited due to the presence of existing development on three sides and the strong separating feature of the motorway.’

2.13 The assessment against Purpose 1 gave no consideration to the recent outline planning approval (LPA reference: 00579/17) for up to 58 dwellings on land at Hartleys Farm, Wingates Lane, Westhoughton, which is within the north-western part of parcel LUC01.

2.14 The permission was granted on appeal (PINS reference: 3193664) and the Planning Inspector considered the impact of the proposed development upon the character and openness of the area. The Inspector noted the site’s location within land allocated as POL by Bolton Council and that the development conflicts with this policy. The Inspector stated as follows at paragraph 12 of the decision:

‘During my site visit, I saw that ribbon development characterises the site vicinity and that nearby dwellings give Wingates Lane a residential character appreciable from the adjoining highway. In addition, despite the engineered presence of the M61, I saw that an open rural character prevails to the north and east of the site, where development in the main is set away from the motorway. This open rural character is visible from vantage points identified by the parties to the north, east and south.’

2.15 The Inspector also made the following comments at paragraph 13 of the appeal decision:

‘As the proposal would continue the ribbon form of development to the south and west, it would retain the residential character prevalent along Wingates Lane. However, the site would extend further towards the north and east where a more open rural character prevails. In this respect I note the appeal decision at Dixon Roads wherein the Inspector identified harm to local character and appearance by virtue of a loss of openness. However, unlike the appeal before me, as the Dixon Road appeal site is more open at its boundaries and is in an isolated location away from development to the south, it would not have the same visual effect.’

2.16 The Inspector highlighted the contained boundaries at this site which would clearly serve to check the unrestricted sprawl of large built-up areas. The strategic infilling of the site would not allow further sprawl of Westhoughton due to the site being completely contained by built development. We note that the LUC assessment reached a similar conclusion in relation to the parcel, describing it as having ‘significant and durable’ boundary features.
2.17 The Inspector went on to consider the proposed boundary planting as mitigation for the proposed development and concluded:

‘The above factors would ensure that the proposal would overall have a limited and localised adverse effect on character and appearance… During the hearing the Council raised concern regarding a precedent for development to the east next to the M61. However, as my findings are specific to the visual effect of development at the appeal site, I cannot agree that my findings would result in a harmful precedent as contended’.

2.18 The approval of up to 58 dwellings at the Hartleys Farm site clearly identifies its capacity for change and ability to deliver much needed housing in a sustainable location. There is no evidence to suggest that this parcel of land has a strong sense of openness when development has already been approved within it, the benefits of which were such that they outweighed the local planning policy designation as POL. The LUC assessment even acknowledges this as it highlights the site having ‘significant and durable barrier features’. It is clear that the parcel’s openness is affected by the approval of new residential development within it and the significant barrier features surrounding it.

2.19 The LUC assessment is inchoate; it seeks to establish a strong role in relation a Green Belt purpose that simply does not exist.

2.20 The parcel is bounded on all sides by built development; the M61 provides a barrier to the north, the Wigan to Bolton railway line borders the site to the east, existing housing and employment land is located to the south and housing off Wingates Lane borders the western boundary. The parcel represents a logical infill development opportunity.

2.21 We therefore consider that the parcel makes a weak contribution to the first Green Belt purpose.

Purpose 2 – To prevent neighbouring towns merging into one another

2.22 The LUC assessment states:

‘The parcel lies between Westhoughton to the south and Horwich to the north. The settlements are located within approximately 1.3km of each other across the parcel. While the M61 and the railway line act as further barriers and provide separation between these settlements, any new development that took place within the parcel could lead to perception of narrowing the gap between them.’

2.23 It is difficult to ascertain how a ‘moderate’ rating has been ascribed in relation to this purpose. The parcel has clear, engineered physical barriers in the form of the M61 and the railway line that prevent encroachment. Beyond the M61 to the north is a substantive swathe of Green Belt land that separates the M61 and the spur of the Chorley to Bolton railway line. It is this railway line which acts as the barrier to contain Horwich to the north and prevent it encroaching further towards Westhoughton to the south. This is highly similar to how the M61 acts as a natural
barrier to preventing the further sprawl of Westhoughton to the north. The M61 is such a substantial engineered feature to the north of parcel LUC01 that it can accommodate development without any perception of the gap between Westhoughton and Horwich narrowing.

2.24 The contribution of parcel LUC01 to the second Green Belt purpose is therefore clearly weak.

**Purpose 3 – to assist in safeguarding the countryside from encroachment**

2.25 The LUC assessment considers that there is a moderate contribution to this purpose, stating:

>'There is some sense of encroachment within the parcel as a result of the adjoining settlement edge on three sides. The parcel is largely free of built development and displays the characteristics of the countryside. It is generally rural in character but is separated from the wider countryside to the north by M61 motorway.'

2.26 The sense of encroachment upon this parcel has been further increased through the approval of up to 58 dwellings off Wingate Lane as previously identified within this section of our representation. The land has a capacity for further development as an infill site due to its spatial relationship with the surrounding built form.

2.27 We consider that the land makes a weak contribution to the third Green Belt purpose. Irrespective of this view, NPPF paragraph 135 (a) requires proposals for new Green Belt to demonstrate why normal planning and development management policies would not be adequate. The land is already designated as POL within the Bolton Site Allocations and Development Management Policies plan. This provides the required protection in the context of the land’s contribution as open land.

2.28 There is no potential for further incremental expansion beyond our client’s land in any direction due to the presence of strong, permanent, defensible boundaries.

2.29 It is our view that the designation as POL seeks to protect the parcel of land until such time that it may be considered sequentially preferable and required for new development. This follows the site selection methodology within the Revised Draft GMSF that seeks to release POL sites prior to releasing Green Belt sites. Bolton Council has recently approved development on POL as a result of the persistent under delivery of housing and inability to demonstrate a five year housing land supply.

**Purpose 4 – to preserve the setting and special character of historic towns**

2.30 The LUC assessment considers there to be a moderate contribution to this purpose, stating:

>'Digital analysis, based on bare earth height data, indicates that this parcel is theoretically visible from the historic settlements of Bolton (Markland Hill), Dean
2.31 It is difficult to understand how an assessment that describes the parcel having a limited role in the setting of the 'historic' settlement of Westhoughton can translate this into it having a moderate contribution towards purpose four. The historic core of Westhoughton and its conservation area is 1.3km from the site with the railway line providing separation from the setting. Ditchers Farm is identified as ‘enclosed agriculture (pre-modern form)’ as part of the National Historic Landscape Characterisation.

2.32 The land is not part of or adjacent a conservation area, nor does it contain any listed buildings or other statutory or non-statutory historic environment designations.

2.33 Parcel LUC01 provides no contribution towards this Green Belt purpose.

**Purpose 5 – Assist in urban regeneration by encouraging the recycling of derelict and other urban land.**

2.34 No assessment is made by LUC against the fifth Green Belt purpose, with an acknowledgement made that: ‘Green Belt has the potential to make a strategic contribution to urban regeneration by restricting the land available for development and encouraging developers to seek out and recycle derelict/urban sites.’

2.35 The Revised Draft GMSF focuses on using brownfield land first as part of the strategy for growth. In Westhoughton, the Revised Draft GMSF proposes the allocation of two strategic employment sites within the existing Green Belt. The recent residential housing appeal considered in this response, coupled with the persistent under delivery of housing in Bolton during the last decade, emphasises the limited availability of brownfield sites in Westhoughton and Bolton to deliver the employment and housing needs that will ‘boost northern competitiveness’.

2.36 Whilst the brownfield first strategy is a worthy objective, any supply from brownfield sites that is being relied upon must be capable of being viably delivered. We are concerned that sufficiently detailed evidence in relation to viability and deliverability does not appear to be publicly available at the current time.

2.37 We also have concerns regarding the clear emphasis placed on increasing densities. Again, whilst high-density development has a valid role to play, we do not agree with the heightened emphasis placed in the latest version of the GMSF on very high-density development as a means of relieving pressure on greenfield sites. The correct approach would be to objectively establish housing needs and then identify the most appropriate opportunities to meet those identified needs. Striving to achieve numeric targets through an increased emphasis on density – and placing greater reliance on brownfield sites in urban and central locations as a result – will not deliver sufficient housing of the right type and in the locations where it is needed.

2.38 There is a clear deficit of available brownfield land in Bolton to meet housing need and historic lack of delivery which emphasises the need for the approach to housing
in the GMSF to be reconsidered. We would have expected sufficient land to be safeguarded in order to meet future needs as and when they arise. The appeal decisions cited in this representation (Appendix A) provide evidence that POL is required to meet housing need and sites like Ditchers Farm will provide an important role in meeting future needs.

**GMSF Green Belt Topic Paper**

2.39 The GMSF Green Belt Topic Paper provides a summary assessment of Parcel LUC01, which contains conclusions regarding whether:

- the land should be kept permanently open; and
- it is necessary to maintain openness?

2.40 The justification statement in relation to the first bullet point identifies the following:

> ‘It is necessary to keep this land open to conserve the character of Westhoughton as a town with open land close to its town centre, especially in the light of the long term potential for the development of other open land around Westhoughton.’

2.41 The statement reproduced above reads as an extremely weak justification, effectively suggesting that the land is a token trade-off for the draft employment land allocations (GMA5 and GMA6) which would be taken out of the existing Green Belt surrounding Westhoughton. As we have demonstrated in this response, there is no fundamental evidence to demonstrate that Parcel LUC01 meets the purposes of including land within the Green Belt and therefore exceptional circumstances do not exist. We do not believe that the Revised Draft GMSF would be found sound in relation to this specific site.

2.42 The justification statement in relation to bullet point 2 identifies:

> ‘Green Belt designation is recognised as affording the highest level of protection thereby giving the greatest level of certainty to those wishing to see the land kept permanently open.’

2.43 The reference to ‘those wishing to see the land kept permanently open’ reads as a political statement as opposed to an objective assessment of the exceptional circumstances to designate this land as new Green Belt. The land forming site LUC01 already benefits from protection through normal development management policies. An independent Planning Inspector recently adjudged that part of the site is suitable for new housing due to the limited impact this would have on the character and appearance of the wider land parcel. The lack of a five-year housing supply and the benefits of developing much needed new housing outweighed the policy protection.

2.44 The situation outlined above does not mean that the normal planning and development management policies are not sufficiently protective. It simply confirms that this is an ordinary piece of agricultural land bounded on all sides by built development and with capacity to provide further sustainable development subject to
there being an evidenced need and lack of available alternative brownfield and non-designated greenfield sites.

2.45 As identified by the recent decision of the Planning Inspector in relation to the Hartleys Farm site, the land has strongly defined boundaries which provide containment.

2.46 The acceptance of development within the north-west section of the parcel is a result of the qualities of the parcel to provide sustainable development in close proximity to a range of local services and facilities that are all accessible through sustainable methods of transport.

2.47 For all of the reasons outlined above, there is clearly no justifiable basis for adding Parcel LUC01 to the Green Belt. The site should be reassessed for its potential as a logical infill development site rounding off the north of Westhoughton contained by the M61.
3 DITCHERS FARM SITE

3.1 We maintain our view from the previous consultation that our client’s site represents an opportunity for making a significant contribution to Bolton’s challenging growth requirements through the provision of a high-quality housing scheme in a sustainable location.

Local Planning Policy

3.2 The development plan for Bolton Council comprises:

- Core Strategy (March 2011);
- Allocations Plan and Policies map (December 2014);
- Greater Manchester Waste Plan; and
- Greater Manchester Minerals Plan.

3.3 Our client’s site is within Westhoughton, where Core Strategy Policy OA3 guides development during the plan period. The site is designated as POL under Policy CG6AP. The policy only permits development on areas of POL where it would fall within one or more specified categories.

3.4 Large scale housing and employment allocations do not meet this criterion; however, it is important to acknowledge that the Council identifies potential for these uses providing the character and appearance of the countryside is maintained.

3.5 A planning appeal decision dated 21 August 2017 granted planning permission for the erection of 129 dwellings on land off Collingwood Way and Old Lane, Westhoughton. The 4.26-hectare site also comprised greenfield land identified as POL.

3.6 The Inspector clarified the agreement between the parties that Bolton Council did not have a 5-year housing land supply and therefore policies OA3 and CG6AP have limited weight. At the time of writing this is still the case within Bolton, with the Hartleys Farm appeal, detailed earlier in our submission and dated 30 October 2018, stating that the Council had a housing land supply of approximately 2.6 and 3.4 years.

3.7 The Inspector in the Collingwood Way appeal identified that ‘the degree of the HLS shortfall indicates to me that the Council’s development plan policies are not functioning to achieve the Framework objective to boost significantly the supply of housing.’

3.8 Paragraph 12 of the decision went on to state:

‘The Council accepts that development on POL will be necessary to address the HLS shortfall but nevertheless put to me that the release of POL for housing should be dealt with as part of a local plan review or through the Greater Manchester Spatial Framework (GMSF). However, whilst I recognise the general desirability of such an approach as part of the plan-led system, the shortfall in the Council’s HLS is an important material consideration. In my view the extent of the..."
shortfall indicates that action is needed now to address it. There is nothing before me to indicate that a review of the local plan will take place in the short to medium term. Furthermore, given its very early preparation stage, the GMSF cannot in my view, carry any meaningful weight.’

3.9 The Council provided evidence to the Inspector that ‘POL should be considered as safeguarded land for the purposes of Framework paragraph 85’ (then the 2012 NPPF but now paragraph 139 of the NPPF 2019). The Inspector went on to state that this argument has limited weight, identifying at paragraphs 15 and 16 that:

‘The Framework makes clear that when defining Green Belt boundaries, local planning authorities should, amongst other things, where necessary, identify in their plans areas of safeguarded land between the urban area and the Green Belt in order to meet longer term development needs stretching well beyond the plan period; and make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes development.

From this, is it clear to me that the identification of safeguarded land is aimed at protecting the long term integrity of the Green Belt. At the Inquiry, the Council confirmed that POL is nearly all land outside the urban area boundary that is not Green Belt. The Framework clearly envisages that safeguarded land is land that will be likely to be developed at some point in the future, as the 3rd and 4th bullet points of paragraph 85 (now paragraph 139 in NPPF 2019) make clear.’

3.10 Having considered the decisions referred to above and the absence of a five-year housing supply coupled with persistent under-delivery, it is clear that further housing allocations are required in Bolton. Surplus POL has a role to play in delivering sufficient housing to meet identified needs as part of the emerging spatial vision at both the local and strategic levels. The opportunities to develop these areas prior to considering Green Belt release must be objectively assessed as part of the plan making process. Bolton simply does not have enough brownfield land to meet the objectively assessed need.

**Housing Delivery**

3.11 We have significant concerns regarding the housing targets identified in the Revised Draft GMSF. The latest version of the emerging GMSF continues to lack sufficient economic or social ambition. The document promotes only just enough new homes to meet the current, trend based, Standard Method.

3.12 Adopting a ‘trend based’ future trajectory is at odds with the stated ambition for the GMSF area, and the wider north of England, which is to break from previous trends rather than perpetuate them. Intentionally planning to deliver the absolute minimum amount of housing required can only hinder the area’s wider ambitions.

3.13 Setting ambitions aside there is a real risk that the emerging plan could be found unsound. The distribution of new homes proposed does nothing to tackle the lack of affordability in many parts of the area. By purposely planning to under-provide in
some parts of the GMSF area, affordability will worsen. We estimate that this will affect more than 40 per cent of the current households in the area. Such an approach directly contradicts stated Government policy of making homes more affordable for local people.

3.14 In relation to Bolton, the emerging GMSF makes no allocation for strategic housing sites in Bolton due to a reliance upon existing large-scale strategic sites with permission in the existing development plan and Bolton’s reliance on Salford and Manchester to deliver part of its housing requirement.

3.15 As evidenced in the latest Annual Monitoring Report (dated 1 April 2018), Bolton Council has continually failed to deliver sufficient housing, with completions over the last 10 years being some 29 per cent below the Core Strategy requirement of 694 dwellings per annum. The most recent appeal discussed within Section 2 of this response identifies a five-year housing land supply of between 2.6 and 3.4 years. The Revised Draft GMSF identifies a distribution target of 726 dwellings per annum (Table 7.1).

3.16 The appeals detailed in this response show no signs of the claimed supply that is being relied upon in Bolton, and there is no realistic prospect of delivery trends improving materially in the short or medium term. Local housing need in Bolton has simply not been met for a substantial period.

3.17 The results of the 2018 Housing Delivery Tests have recently been published for the Greater Manchester Authorities, and they are set out in Table 3.1 below.

3.18 The results demonstrate the under-delivery across Greater Manchester as a whole and emphasise the challenge faced in Bolton, evidenced by recent appeals, with a delivery in relation to the current requirement of just 60 per cent. This puts Bolton at risk of a presumption in favour of sustainable development as detailed in paragraph 11 of the NPPF.

Table 3.1 Housing Delivery Test Results

<table>
<thead>
<tr>
<th>Number of homes required (3 years 2015-2018)</th>
<th>Number of homes delivered (3 years 2015-2018)</th>
<th>Housing delivery test: 2018 measurement</th>
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<td>1,448</td>
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<tr>
<td>Bury</td>
<td>1,635</td>
<td>980</td>
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<td>Manchester</td>
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<td>Oldham</td>
<td>1,394</td>
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<td>Rochdale</td>
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<td>Salford</td>
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<td>Stockport</td>
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<td>Trafford</td>
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<td>Wigan</td>
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<td>23,087</td>
</tr>
</tbody>
</table>
Site Selection

3.19 The release of additional land is required in Bolton to ensure that the Local Authority can meet its existing and future housing requirements.

3.20 The Site Selection Methodology Paper (January 2019) identifies seven site selection criteria informed by the Vision, Objectives and Spatial Strategy in the GMSF. Stage One of the method relates to land which is outside of the existing urban area but which is not in the Green Belt. It considers this land to be sequentially preferable to Green Belt.

3.21 The lack of sufficient brownfield land within the urban area requires the consideration, first, of releasing land designated as POL. The Ditchers Farm site is designated as POL and is a sustainable site that should be allocated for residential development within the next stage of the GMSF to help meet identified housing needs.
4 SUMMARY

4.1 This representation has been prepared on behalf of our client, Wallace Land Investments. It provides our observations regarding the assessment of a proposed new Green Belt designation identified as LUC01 within the Revised Draft GMSF which comprises, in part, land represented by our client. Our representation also explains why our client’s site at Ditchers Farm, Slack Lane, Westhoughton represents an excellent candidate for housing.

4.2 The key points that we have made can be summarised as follows:

- The draft allocation of parcel LUC01 as new Green Belt is fundamentally flawed; the evidence base presented does not amount to exceptional circumstances for designating this land parcel as new Green Belt.

- The Revised Draft GMSF is in danger of not being found sound in relation to the evidence base presented for justifying the allocation of new Green Belt land.

- There is a disparity between the housing to be provided in the GMSF and the economic ambitions of Greater Manchester, and its role in the transformational agenda for the Northern Powerhouse.

- There has been under-delivery across Greater Manchester, as a whole, and Bolton has been persistently failing on housing delivery for a number of years. Bolton is evidenced as failing the Housing Delivery Test.

- Bolton does not have sufficient brownfield land to deliver the required housing within the plan period and so further greenfield release is required. POL should be looked at first based on the methodology endorsed by the emerging GMSF and the local authority’s extant development plan.

4.3 Our client’s site at Ditchers Farm provides excellent potential for delivering much needed housing in a sustainable location. There are no known physical or infrastructure constraints which cannot be overcome or mitigated; the site does not fulfil any Green Belt purpose and thus exceptional circumstances do not exist to designate it as new Green Belt.

4.4 The Ditchers Farm site represents an obvious, infill opportunity with permission recently granted for up to 58 dwellings in the north western section of the parcel. The site is bounded on all sides by built development, is directly adjacent existing housing and as evidenced in this response it has strong, permanent, defensible boundaries.
APPENDIX A  RELEVANT PLANNING APPEALS

Appeal Ref: APP/N4205/W/18/3193664
Hartleys Farm, Wingates Lane, Westhoughton, Bolton BL5 3LP

Appeal Ref: APP/N4205/W/17/3167848
Bowlands Hey, Land off Collingwood Way and Old Lane, Westhoughton, Bolton
Appeal Decision

Hearing Held on 4 September 2018
Site visit made on 4 September 2018

by B Bowker  Mplan MRTPI
an Inspector appointed by the Secretary of State

Decision date: 30 October 2018

Appeal Ref: APP/N4205/W/18/3193664
Hartleys Farm, Wingates Lane, Westhoughton, Bolton BL5 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Hollins Wingates Ltd against the decision of Bolton Metropolitan Borough Council.
- The application Ref 00579/17, dated 27 March 2017, was refused by notice dated 21 November 2017.
- The development proposed is described as ‘erection of up to 58 dwellings’.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 58no. residential dwellings (access details only), at Hartleys Farm, Wingates Lane, Westhoughton, Bolton BL5 3LP, in accordance with the terms of the application Ref 00579/17, dated 27 March 2017, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Hollins Wingates Ltd against Bolton Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In the interests of clarity and accuracy, the description of development used in paragraph 1 above is based on that provided in the decision notice and appeal form.

4. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis, with the Illustrative Masterplan treated as such.

5. Prior to the hearing, the Council raised concern regarding whether the acoustic bund forms part of the application with reference to the description of development and the absence of associated plans, cross section drawings or technical details of highway movements. This matter was discussed during the hearing. As set out at the hearing, as the acoustic bund is set out in planning application documentation¹, and taking into account the outline submission of

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¹ Including within the Illustrative Masterplan, Design and Access Statement and Noise Impact Assessment.

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the application, I do not believe that any party would be unfairly prejudiced by determining the appeal with regard to the acoustic bund. The appeal has been determined accordingly.

Main Issues

6. The main issues are:

- Whether the proposal would be a suitable form of development having regard to development plan strategy and its effect on the character and appearance of the surrounding area;
- The effect of the proposal on pedestrian and highway safety; and,
- Whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework (the Framework) as a whole.

Reasons

Whether suitable form of development

7. The appeal site comprises on open field, with buildings and a small woodland area to its south east corner. The M61 is to the north of the site and residential development along Wingates Lane is to the south and west. Public right of ways are to the north, east and south of the site.

8. The Council highlight Core Strategy\(^2\) (CS) Strategic Objective 15 which seeks to focus new housing in the existing urban area and the CS spatial vision at paragraph 3.11 which amongst other things sets out high quality visual environments of the outer areas of the borough will be protected and enhanced, and constraints on most forms of development in rural areas such as areas of Protected Open Land. The Council state that the Local Plan Published Allocations Plan\(^3\) (LP) prescribes how the vision set out in the CS is to be implemented on a proposals map for the borough.

9. For planning purposes, the site is located within land allocated as ‘Other Protected Open Land’ by the LP. In relation to Protected Open Land, LP paragraph 5.11 identifies the principle of national policy to protect the character and appearance of the countryside from inappropriate development, and the support this approach gives to the Council’s efforts to achieve urban regeneration. In this light, during the hearing I heard that the Council were seeking to promote urban regeneration via a town masterplan.

10. Of particular relevance, LP Policy CG6AP states that development within Protected Open Land will be permitted provided it falls within one or more of its listed categories. As the proposal would not fall within any of its listed categories, it would be contrary to LP Policy CG6AP. On this basis, the proposal would also be contrary to CS Policy 0A3 criterion 6 which seeks to ensure that protected open land around Westhoughton remains undeveloped. The proposal would also conflict with CS Policy 0A3 criterion 3 which seeks to concentrate sites for new housing in Westhoughton town centre and on other sites in the existing urban area.

\(^2\) Adopted March 2011.
\(^3\) Adopted December 2014.
11. The appeal site lies within the ‘Agricultural Coal Measures’ Landscape Character Area\(^4\), described as being of variable quality with some potential for change. The character appraisal states that the pattern of settlement within the area has created a very linear landscape that it is characterised by degraded agricultural land dissected by ribbons of development which closely mirror the road network. The appraisal goes onto say that despite this; some of the largest remaining areas of open rural land in Bolton are located within this zone. Of relevance, objectives for the character area include restricting the extension of the urban edge out into the rural fringes. The character appraisal also states that the cumulative landscape impact of small scale changes and incremental development has gradually imposed a more urban character on the rural fringes. The site is also within National Character Area profile 56 ‘Lancashire Coal Measures’ which sets out a number of similar factors in relation to urban fringe pressure for housing expansion. A Landscape and Visual Statement (LVS) has been submitted in support of the proposal.

12. During my site visit, I saw that ribbon development characterises the site vicinity and that nearby dwellings give Wingates Lane a residential character appreciable from the adjoining highway. In addition, despite the engineered presence of the M61, I saw that an open rural character prevails to the north and east of the site, where development in the main is set away from the motorway. This open rural character is visible from vantage points identified by the parties to the north, east and south.

13. As the proposal would continue the ribbon form of development to the south and west, it would retain the residential character prevalent along Wingates Lane. However, the site would extend further towards the north and east where a more open rural character prevails. In this respect I note the appeal decision at Dixon Road\(^5\) wherein the Inspector identified harm to local character and appearance by virtue of a loss of openness. However, unlike the appeal before me, as the Dixon Road appeal site is more open at its boundaries and is in an isolated location away from development to the south, it would not have the same visual effect.

14. Nonetheless, although glimpsed more often than not at speed, the proposal would be visible for drivers travelling along the M61, as was the case in the Dixon Road appeal. In addition, the proposal would be seen from the public footpath to the north of the site (and nearby property), where despite views of properties at Vista Close and glimpsed views of properties at Fawcetts Fold, it would bring the urban edge closer to the motorway. Furthermore, the proposal would be visible from the bridge above the M61 and from dwellings at Fawcetts Fold. Owing to the relative openness of the eastern site boundary, I saw that the northern tip of the site would be visible from vantage points along the public footpath to the south and further east of the site. This would include from properties along Vista Close. The relative openness of the eastern boundary would also allow views of the development from the adjoining footpath. The landscape is identified as being of variable quality with some potential for change. Nonetheless, as the proposal would result in a visible extension of the urban edge further into the rural fringe, it would conflict with the related landscape objectives identified above. Furthermore and as set out by the Council, the proposed building footprint, massing and density within the

\(^5\) APP/N4205/W/16/3162124.
indicative layout plan is greatest along the northern boundary with the M61, and includes areas for parking.

15. In the context of existing vegetation at and near the site, I cannot agree that additional boundary planting would introduce a feature uncharacteristic of the area. In this respect, whilst the proposal would result in the loss of some trees and vegetation, the effect of the proposal (including the acoustic bund) on the open rural character would be partly mitigated by existing and additional boundary vegetation when established and in leaf. Furthermore, views of residential development close to the M61 would not be an unusual sight in the context of housing to the wider east of the site and from the public footpath to the south. In addition, there are views of an existing bund to the west from the M61 bridge, and the open rural character to the wider north, west and east would remain. I also note that the Council consider that the visibility of the site is generally limited to the immediate site and local environment. Moreover, satisfactory details relating to appearance, landscaping, layout and scale at the reserved matters stage would reduce the visual effect of the proposal.

16. The above factors would ensure that the proposal would overall have a limited and localised adverse effect on character and appearance. During the hearing the Council raised concern regarding a precedent for development to the east next to the M61. However, as my findings are specific to the visual effect of development at the appeal site, I cannot agree that my findings would result in a harmful precedent as contended.

17. Drawing the above together, the evidence before me does not indicate that the proposal would undermine the Council’s regeneration efforts. Nonetheless, the proposal would conflict with LP Policy CG6AP and CS Policy 0A3 and the development plan insofar as it seeks to concentrate development in the existing urban area and constrain most forms of development on Protected Open Land. Although limited and localised in extent, as the proposal would have an adverse effect on character and appearance, it would conflict with CS policies CG3, 0A3, and the CS spatial vision set out at paragraph 3.11. Of relevance, these policies require development to conserve and enhance local distinctiveness, have regard to the overall built character, surrounding countryside, landscape quality and landscape character of the area.

18. Therefore the proposal would not be a suitable form of development having regard to development plan strategy and its effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to LP Policy CG6AP and CS policies CG3 and 0A3, the requirements of which are set out above.

Pedestrian and highway safety

19. During my early morning site visit I saw that Church Lane and Wingates Lane were subject to some traffic. The level of traffic increased significantly in the late afternoon/early evening when I saw vehicles travelling towards Wingates Lane queuing over the M61 bridge. Terraced properties have no off-road parking and on-street parking is unrestricted. As such I saw that on-street parking along some sections of Church Lane and Wingates Lane reduce it to a single lane width and that vehicles had to pull to the side to allow traffic to pass. In addition, the turn of the road reduces visibility between drivers and pedestrians. Furthermore, I observed that vehicles park fully and partly on the
pavement which would consequently require pedestrians, including those with wheelchairs or prams, to have to enter the road to pass. I acknowledge that the timings of my site visits provide only a snap shot of highway activity and on-street parking in the area. However, based on what I heard during the hearing and the submitted pictures, vehicles parked along the highway impede the efficient movement of traffic along this section of highway at peak times. I also note concerns regarding flooding onto the highway in the site vicinity.

20. A number of concerns have been raised by the Council and local residents. During the hearing I heard that despite the bollards, traffic and highway conditions have led to safety concerns including damage to the bridge bollards, accessibility difficulties (including for emergency vehicles), a vehicle driving into a garden area, vehicles driving along the footway, and verbal conflict necessitating the need to contact the police. A recent vehicular accident at the chicane next to the M61 bridge was also brought to my attention. However as set out by the Council and appellants, this accident involved one vehicle and was due to driver behaviour. Limited evidence is before me regarding a 1987 highway fatality at Wingates Lane (prior to Middlebrook Retail Park) as referred to by a local resident. Similarly limited evidence is before me regarding a meeting on the lane closure in 2001, speeding vehicles, car insurance difficulties/vehicular damage costs incurred, unreported near misses and numerous small accidents mentioned at the hearing. This aside, the Council’s explanation that vehicular damage and attempts to reduce traffic congestion is why some drivers park vehicles on the footpath seems plausible.

21. Taking the above into account, it is apparent highway conditions have caused some concern and distress for local residents. Furthermore, concern is raised regarding the ability of future occupants to reach services and facilities by non-private vehicular means. Similarly, the Council raise concern regarding the quality and safety of the walking experience for future occupants.

22. As highlighted by the appellants, the highway is lit and Church Lane and Wingates Lane are subject to measures that are generally accepted to provide a safer environment for non-car users, which includes a 20mph speed zone, speed humps and a one way priority deflection. In addition, the appellants note that on-street parking reduces the speed of vehicular activity (which I observed at peak traffic times during my site visit) and that vehicular weight restrictions should ensure that the majority of vehicles using the highway are cars and small vans that are easier to pass. Also, as vehicular parking would be provided on site for future occupants, the proposal would not result in additional parking along Church Lane and Wingates Lane. Furthermore, notwithstanding the recent accident noted above, the appellants’ evidence indicates that no accidents have been reported along Church Lane and Wingates Lane over the period 2008-2017. This indicates that high levels of traffic during peak times and highway conditions have not resulted in an unacceptable risk to highway and pedestrian safety.

23. Moreover, the Highway Authority raise no objection to the proposal on grounds of pedestrian and highway safety. The Council also stated at the hearing that the construction process does not form part of the reason for refusal in this respect. In the light of vehicular weight restrictions and highway activity in the area, a suitably worded condition to secure a Construction Method Statement

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6 With reference to paragraph 6.3.1 of Manual for Streets.

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would preserve highway and pedestrian safety. A condition is also suggested by the Council to obtain acoustic bund details which would ensure this element of the proposal would preserve highway and pedestrian safety. The Council also raised no concern regarding emergency vehicle access during the hearing and it was highlighted that refuse vehicles already serve existing residents. Taking the above into account, the proposed footway at the site access would enable future occupants to access services and facilities in Westhoughton.

24. The suitability of the visibility splays for the proposed access has been queried in the context of vehicular speeds along Wingates Lane. However no compelling evidence is before me to disagree with the Highway Authority’s acceptance of the proposed visibility splays. Nor has the Council raised any concern regarding the location of the proposed access. Drawing the above together, no substantive evidence is before me to conclude that the additional traffic and pedestrian activity associated with the proposal would result in an unacceptable effect on highway and pedestrian safety.

25. In reaching this view I note that residents have queried the comings and goings associated with the development as set out in the appellants’ Transport Statement (TS). However, the trip generation calculations within the TS are based on the industry standard ‘TRICS’ and the Highway Authority have raised no concern in this respect. Moreover, no substantive evidence is before me to challenge the comings and goings set out in the TS.

26. I also note concerns regarding traffic congestion in the area. This would also include traffic associated with the nearby football stadium (during match days), Middlebrook Retail Park and employers in the area. However, as set out by the appellants, football matches are held outside peak times of traffic for residential development. Furthermore, the Council have raised no concern regarding the impact of the proposal on traffic levels in the surrounding road network. Thus, when taken as a whole, the evidence before me does not indicate that as a result of the proposal the residual cumulative impacts on the road network would be severe with reference to paragraph 109 of the Framework.

27. Therefore the proposal would not have a harmful effect on pedestrian and highway safety. Consequently the proposal would meet the requirements of CS policies P5 and S1 and paragraph 108b of the Framework. Combined these policies seek to ensure a safe and suitable site access, road safety in the design of new development, mitigation of any significant impacts from development on highway safety to an acceptable degree, and ensure accessibility by different types of transport, prioritising pedestrians, cyclists, public transport users over motorised vehicle users.

**Obligations**

28. A signed and dated Section 106 agreement was submitted during the hearing. The agreement would secure contributions towards primary and secondary schools, open space, health facilities, highway works and the provision of on-site affordable housing. Based on the Community Infrastructure Levy Compliance Statement submitted by the Council and the comments of the relevant infrastructure providers, I am satisfied that the contributions sought are necessary to make the development acceptable in planning terms, are directly related to the development, and fairly and reasonably related in scale and kind to the development. As such the obligations sought would comply
with paragraph 56 of the Framework and the statutory tests contained in Regulation 122 of The Community Infrastructure Levy Regulations 2010.

29. However no evidence is before me to demonstrate that the Council’s legal costs associated with the obligations would fall outside the scope of the reasonable everyday functions of a local planning authority or be necessary to make the development acceptable in planning terms. Consequently I have not taken this contribution into account in my determination of the appeal.

**Planning balance**

30. Interested parties consider that there is no need for the proposed dwellings and that brownfield sites should be considered first. Housing developments and other appeals in the area were also referred to at the hearing, alongside the emerging housing requirement set out in the Greater Manchester Strategic Framework. The Council also explained at the hearing that measures to reduce the housing land shortfall are being undertaken, which includes promoting urban regeneration, requiring delivery statements with proposals and the creation of a new delivery role.

31. However, the Council acknowledge that they cannot currently demonstrate a 5 year supply of housing land and this provides a clear indication of an unmet housing need. The Council set out that they can currently demonstrate a housing land supply of approximately 2.6 - 3.4 years. It is also common ground between the Council and the appellants that the balancing exercise set out at paragraph 11 of the Framework is engaged. In addition, no protected areas or assets are identified by the Council or appellants that would invoke paragraph 11d part i). In this light, the Framework states that for decision taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

32. The proposal would result in some limited and localised adverse effect in relation to character and appearance and thus conflict with paragraph 170b of the Framework, which recognises the intrinsic character and beauty of the countryside. As such, the proposal would also result in some conflict with CS policies CG3, 0A3 and the CS spatial vision at paragraph 3.11, insofar as they relate to this matter. Based on the extent of harm identified, these factors attract modest weight against the proposal. As identified above, the proposal would also conflict with LP Policy CG6AP and CS Policy 0A3, insofar as they relate to the development plan strategy of the area. This attracts weight against the proposal.

33. However, the proposal would make a sizeable contribution towards housing supply, which a suitably worded condition would ensure the timely delivery of. In addition, the proposal would provide 21 on site affordable houses. Furthermore, the proposal would contribute towards construction employment and future residents would support and have access to services and facilities at Westhoughton. However the absence of harm to highway and pedestrian safety and the mitigation measures secured by the Section 106 agreement can only be considered as neutral factors in the planning balance.

34. Overall, the harm identified to local character and appearance and the conflict with the development plan strategy would not significantly and demonstrably
outweigh the benefits of the proposal when taken against the Framework as a whole.

35. Section 38 (6) of the Town and Country Planning Act sets out that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding the development plan conflict identified above, in this case the presumption in favour of sustainable development afforded to the proposal by virtue of the Framework paragraph 11d represents a material consideration which indicates that planning permission should be granted. It is on this basis that the appeal should succeed.

Other matters

36. Concerns have been raised regarding the effect of the proposal on wildlife, including the wildlife corridor and timing of the submitted Ecological Survey and Assessment. Reference is also made to the appeal decision at Dixon Street. However, based on the submitted Ecological Survey and Assessment and in the absence of an objection from the Council and its relevant consultees, dismissing the appeal on wildlife grounds would not be justified.

37. Concern is raised regarding the effect of air pollution on future occupants, with reference to the nearby M61 and submitted documentation. Reference is also made to pollution associated with vehicles using Wingates Lane. In addition, concerns are raised regarding the effect of noise pollution on future occupants and in relation to the Noise Survey being undertaken on a dry day. However I note that the Council and its relevant consultee raise no objection on the grounds of noise pollution subject to suitably worded conditions. In addition, subject to a planning condition, no concern is raised by the Council in respect of air pollution and no substantive evidence is before me to dispute the submitted Air Quality Assessment which sets out the location of the site within the Greater Manchester Air Quality Management Area. I also note that the submitted TS anticipates a negligible effect from the proposal on the overall traffic using Wingates Lane and Church Lane. Taking the above into account, dismissing the appeal on the grounds of air and noise pollution would not be justified.

38. Concerns are raised regarding the capacity of schools, doctors, dentists, the police and leisure facilities to accommodate the proposed development. However the submitted Section 106 agreement would secure mitigation in respect of schools, medical facilities and open space provision. Based on the evidence before me, dismissing the appeal on the basis of dentist and police capacity would not be justified.

39. As the Council’s relevant consultees raise no concern on grounds of flood risk and drainage, dismissing the appeal on these grounds would not be justified. The Council’s reason for refusal raises no concern regarding the loss of trees, and I note the comments of its Tree and Woodland consultee. In addition, landscape details at the reserved matters stage could secure additional planting at the site. The effect of vehicular headlights on neighbours would not

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be an unusual or harmful occurrence in an established residential area. Nor is
the site is located in a Green Belt as contended by local residents.

40. It is also contended that the proposal would allow access to develop the wider
area. Concern is also raised regarding precedent. However I must determine
the appeal before me on its own individual merits. Furthermore, this Decision
would not prevent the Council in resisting proposals where substantive
planning grounds exist.

Conditions

41. The conditions set out in the accompanying schedule are based on those
suggested by the Council. Where necessary I have amended the wording of
these in the interests of precision and clarity in order to comply with advice
given in the Planning Practice Guidance. Conditions requiring approval prior to
the commencement or occupation of the development are necessary to make
the development acceptable in planning terms.

42. Conditions 1 – 3 requiring the submission of the reserved matters are
necessary as the proposal is an outline application. To ensure that the
proposal contributes towards the housing land shortfall in a timely manner, a
two year time period as suggested by the Council is included within condition 2.
Condition 4 is necessary in the interests of certainty. Condition 5 is necessary
in the interests of pedestrian and highway safety and the visual appearance of
the site. Condition 7 is necessary to ensure that the site has a satisfactory
appearance. Condition 8 is necessary to ensure that the site is adequately
drained. Condition 9 is necessary based on the comments of the Coal
Authority.

43. Condition 10 is necessary based on the requirements of CS Policy CG2.2.
Condition 11 is necessary in the interests of biodiversity and to ensure the safe
development of the site. Condition 12 is necessary based on the policy
justification set out by the Council. Conditions 13 and 14 are necessary in the
interests of the living conditions of future occupants and to ensure the safe
development of the site. Conditions 15, 16 and 17 are necessary in the
interests of the living conditions of future occupants. Conditions 6 and 18 – 21
are necessary in the interests of pedestrian and highway safety. Condition 22
is necessary in the interests of biodiversity.

44. Based on the limited justification provided, it is not been demonstrated that a
condition requiring the submission of a Crime Impact Statement is necessary.
In any event, as layout is a reserved matter, crime considerations could be
taken into account at a later stage.

Conclusion

45. For the reasons set out above, I conclude that the appeal should be allowed
subject to the attached schedule of conditions.

B Bowker
INSPECTOR
Schedule of Conditions

1) Details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan Ordinance Survey Map Scale 1:1250, Proposed Site Access; drawing no. PB6321/SK001, Rev B, but only in respect of those matters not reserved for later approval.

5) The landscaping details shall include details of the earth bund, including sectional plans, the proposed method of construction and how the bund would be landscaped. The approved details shall be implemented in full before first occupation of the dwellings hereby approved and retained as such thereafter.

6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
   i) the parking of vehicles of site operatives and visitors;
   ii) loading and unloading of plant and materials;
   iii) storage of plant and materials used in constructing the development;
   iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
   v) wheel washing facilities;
   vi) measures to control the emission of dust and dirt during construction;
   vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
   viii) delivery, demolition and construction working hours;
   ix) Construction vehicle routing and access.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

7) No development shall take place, including soil stripping, until a tree method statement detailing how the site will be constructed without causing harm or damage to the trees, root protection zones and hedgerows to be retained, has been submitted to and approved in writing by the local planning authority. The development shall be undertaken fully in accordance with the approved details. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise approved in writing by the local planning authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s). No development shall be started until a
minimum of 14 days written notice has been given to the local planning authority confirming that the approved protective fencing has been erected.

8) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. 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;

ii. include a timetable for its implementation; and,

iii. 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.

9) No development shall take place until a scheme of intrusive investigations that complies with the recommendations of the Coal Authority has been submitted to and approved in writing by the local planning authority. The details shall include:

- The submission of a report of findings arising from the intrusive site investigations; and,
- The submission of a scheme of any necessary remedial works for approval.

The approved remedial works shall be implemented prior to the commencement of development and upon completion of the works written confirmation shall be submitted to and approved in writing by the local planning authority. No development shall commence until the approved remedial works have been carried out in full to the written approval of the local planning authority.

10) An energy assessment shall be submitted as part of the reserved matters application. This shall include a scheme which details how either (i) renewable energy technology or low carbon energy sources or (ii) an alternative scheme, for example design measures to the built form of the development, shall reduce CO2 emissions of predicted energy use of the development by at least 10% (CO2 reduction targets are measured against Building Regulations Part L standards). The development shall be completed in accordance with the approved details and retained thereafter.

11) Development shall not commence until a scheme for the eradication of Japanese knotweed (and other non-native invasive species) has been submitted to and approved in writing by the local planning authority. This shall include a timetable for implementation. Should there be a delay of
more than one year between the approval of the scheme and its implementation or the commencement of development then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the local planning authority. The scheme shall be carried out as approved and retained as such thereafter.

12) Prior to the first occupation of any dwelling hereby permitted, details regarding the provision of public art (including timescale) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

13) Development shall not commence until the following information regarding an assessment of risks posed by any contamination has been submitted to and approved in writing by the local planning authority:

- Prior to any physical site investigation, a methodology shall be submitted to and approved in writing by the local planning authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site, the potential for off-site migration, and provision of a comprehensive site investigation and risk assessment examining identified and unidentified potential pollutant linkages in the Preliminary Risk Assessment.

- Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment.

- 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 shall be submitted to and approved in writing by the local planning authority.

- Upon completion of any approved remediation schemes, and prior to occupation of any of the dwellings hereby permitted, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be submitted to and approved in writing by the local planning authority.

The requirements as part of this condition shall have regard to the Preliminary Risk Assessment that has been submitted to the local planning authority, namely the requirement to carry of a site investigation, dated March 2017 (ref: sa/pks/4775) by Sedgwick Associates.

14) No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the local planning authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material. Prior to the development being first occupied a verification report including soil descriptions, laboratory certificates and photographs shall be submitted to and approved in writing by the local planning authority.

15) Development shall not commence until full details of the design and siting of the 2.4 metre high acoustic barriers referred to in the Noise Impact Assessment (dated 27th October 2017) has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full before first occupation of the dwellings hereby approved and retained as such thereafter.
16) The development hereby approved shall be carried out in full accordance
with the mitigation measures detailed in the submitted noise impact
assessment “Noise Impact Assessment, Wingates Lane, Bolton – REC ref:
AC102368-1R5; dated 27th October 2017”. The mitigation measures shall be
carried out in full and retained as such thereafter.

17) The development hereby approved shall be carried out in full accordance
with the mitigation measures detailed in the submitted air quality
assessment “Air Quality Assessment, Wingates Lane, Bolton – REC ref:
AQ102577r2; dated May 2017”.

18) Prior to the commencement of development full details of the highway
works at the site access comprising a 2.0 metre footway from the site access
to the existing footway provision fronting 26 Wingates Lane shall be
submitted to and approved in writing by the local planning authority. The
approved scheme shall be implemented in full prior to the development
being first brought into use and retained as such thereafter.

19) Prior to the development hereby permitted being first occupied the existing
vehicular access points onto Wingates Lane shall be closed to vehicles and
the existing highway (kerbing and footway) made good to adoptable footway
standards. There shall thereafter be no means of vehicular access to or from
Wingates Lane, other than as shown on drawing ref: Proposed Site Access;
PB6321/SK001, Rev B.

20) Prior to the development hereby approved being first occupied the means
of vehicular access to the site from Wingates Lane shall be provided in
accordance with drawing ref: Proposed Site Access; PB6321/SK001, Rev B.

21) Notwithstanding the details shown in the proposed Site Access;
PB6321/SK001, Rev B, prior to the development hereby permitted being first
occupied a visibility splay measuring 2.4 metres by 25.0 metres shall be
provided at the junction of the site access with Wingates Lane, and shall
subsequently remain free of all obstructions between the height of 1.05
metres and 2 metres (as measured above carriageway level) during the
lifetime of the development.

22) Prior to occupation of any of the dwellings hereby permitted, a "lighting
design strategy for biodiversity" for all areas to be lit shall be submitted to
and approved in writing by the local planning authority. The strategy shall:
a) identify those areas/features on site that are particularly sensitive for bats
and that are likely to cause disturbance in or around their breeding sites and
resting places or along important routes used to access key areas of their
territory, for example, for foraging; and
b) show how and where external lighting will be installed (through the
provision of appropriate lighting contour plans and technical specifications)
so that it can be clearly demonstrated that areas to be lit will not disturb or
prevent the above species using their territory or having access to their
breeding sites and resting places. All external lighting shall be installed in
accordance with the specifications and locations set out in the strategy, and
these shall be maintained thereafter in accordance with the strategy. Under
no circumstances should any other external lighting be installed without
prior written consent from the local planning authority. The development
shall be carried out in accordance with the approved details.
APPEARANCES

FOR THE APPELLANTS:
Paul Sedgwick  Planning Agent
David Manley  Queens Counsel
Brian Laird  Highway Consultant
Sara Boland  Landscape Architect

FOR THE LOCAL PLANNING AUTHORITY:
Helen Williams  Principal Development Officer
Stephanie Hall  Counsel
Peter Coe  Landscape Architect
Graham Langley  Strategic Transport Manager
Paul Whittingham  Head of Development Management

INTERESTED PARTIES:
Christine Wild  Local Councillor
Martyn Cox  Local Councillor
Zoe Kirk-Robinson  Local Councillor
Judith Atkinson  Local Resident
Denise Roscoe  Local Resident
Steven Sheridan  Local Resident
Shelly McLenaghan  Local Resident
Freda Henderson  Local Resident
Arthur McLenaghan  Local Resident

DOCUMENTS SUBMITTED AT THE HEARING:
1. Appeal decisions APP/N4205/W/15/3136446, APP/N4205/W/17/3167848 (appellants) and APP/N4205/W/16/3162124 (including possible site layout) (general discussion, appeared not submitted).
3. Written Statement by Denise Roscoe.


5. List of suggested conditions.


7. Bolton Allocations Plan Policy Policy P8AP.

8. Neighbour Consultation Plan with list.

9. Local Planning Authority’s response to the appellant’s cost application.
Appeal Decision

Inquiry held on 5 - 7 July 2017
Site visit made on 6 July 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2017

Appeal Ref: APP/N4205/W/17/3167848
Bowlands Hey, Land off Collingwood Way and Old Lane, Westhoughton, Bolton

- 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 Limited (Manchester Division) against the decision of Bolton Metropolitan Borough Council.
- The application Ref 97377/16, dated 5 September 2016, was refused by notice dated 16 January 2017.
- The development proposed is the erection of 129 dwellings, the laying out of roads and footways; hard and soft landscaping, walls and fences and drainage; together with the laying out of public open space including ecological mitigation; and other associated works.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 129 dwellings, the laying out of roads and footways; hard and soft landscaping, walls and fences and drainage; together with the laying out of public open space including ecological mitigation; and other associated works at Bowlands Hey, land off Collingwood Way and Old Lane, Westhoughton, Bolton in accordance with the terms of the application, Ref 97377/16, dated 5 September 2016, subject to the conditions set out in the Schedule to this decision.

Procedural Matters

2. At the Inquiry, the Council submitted enlarged versions of the vehicle swept path analyses forming Appendix B of the Highways Proof of Evidence. The details on these drawings are identical to those previously submitted and I am satisfied that no party’s case is prejudiced by my taking them into account.

3. At the Inquiry, the appellant submitted an executed Section 106 Agreement that includes a number of obligations to come into effect in the event that planning permission is granted. These obligations would secure on-site affordable housing along with financial contributions towards primary and secondary education facilities, off-site public open space and highway works. I will return to this matter later in my decision.
Main Issues

4. In light of all the submissions before me, the main issues in this appeal are:

   1. Whether the proposal would be an acceptable form of development having regard to the development plan strategy for the location of housing and any relevant material considerations; and

   2. The effects of the proposal on the efficient and safe operation of the local highway network.

Reasons

Background

5. The site is located to the west of Collingwood Way on the edge of Westhoughton and covers an area of 4.26 hectares. It is a greenfield site identified as Protected Open Land (POL) within the development plan, which comprises Bolton’s Core Strategy (2011) (the CS) and Bolton’s Allocations Plan (2014) (the AP).

6. The site is bounded by mature hedgerows and pockets of woodland. Old Lane runs along part of the site’s southern edge and the railway corridor provides its northern boundary. There is a mature hedgerow running across the site from north to south although it has a substantial gap within it. Although the site’s character is generally reflective of the surrounding countryside, some of the large buildings forming the nearby industrial estate are visually prominent. Thus, there is a distinct sense that the site is next to the urban area.

7. CS policy OA3 sets out, amongst other things, that new housing in the area should be concentrated within Westhoughton town centre and on other sites within the existing urban area. It also seeks to ensure POL remains undeveloped. The main parties agree that the proposal runs counter to this policy and also to AP policy CG6AP that only permits development on areas of POL where it would fall within one or more specified categories. The appeal proposal would not fall within any of the specified categories and the site is outside the urban area boundary. I therefore have no reason to disagree with the main parties that the proposal is at odds with these policies.

8. There is also agreement between the parties that the Council cannot currently demonstrate a 5 year supply of deliverable housing land (housing land supply (HLS)); the accepted and agreed figure being 3.1 years. It is therefore common ground between the main parties that policies OA3 and CG6AP cannot be considered up-to-date and that paragraph 14 of the National Planning Policy Framework is engaged as a consequence.

Location of housing

9. The Council accepted at the Inquiry that, given its HLS position and because CS policy OA3 and AP policy CG6AP are out-of-date, these policies attract limited weight. However, the Council drew my attention to Strategic Objective 15 of the CS (SO15), which also seeks to focus new housing in the existing urban area, especially in Bolton town centre, council-owned housing areas and in mixed-use developments on existing older industrial sites. I accept that this is generally in accordance with the core planning principles of the Framework.

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10. Notwithstanding this, as the judgement of the Supreme Court\(^1\) on 10 May 2017 made clear, the important issue is whether the result of the development plan policies is the existence of a 5 year HLS in accordance with the objectives of Framework paragraph 47. The absence of a 5 year HLS engages Framework paragraph 14. Whilst I acknowledge that development plan policies may be apportioned weight according to their consistency with the Framework, from all that was put to me, I have no reason to take an opposing view as to the limited weight to be given to policies OA3 and CG6AP. These policies flow from SO15, which operates together with them to significantly affect the distribution of housing. I therefore also give limited weight to SO15.

11. The Framework says that planning should encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. As I have already mentioned, the appeal site is greenfield land. Thus, it does not fall within the category of being previously developed. However, the degree of the HLS shortfall indicates to me that the Council's development plan policies are not functioning to achieve the Framework objective to boost significantly the supply of housing.

12. The Council accepts that development on POL will be necessary to address the HLS shortfall but nevertheless put to me that the release of POL for housing should be dealt with as part of a local plan review or through the Greater Manchester Spatial Framework (GMSF). However, whilst I recognise the general desirability of such an approach as part of the plan-led system, the shortfall in the Council’s HLS is an important material consideration. In my view the extent of the shortfall indicates that action is needed now to address it. There is nothing before me to indicate that a review of the local plan will take place in the short to medium term. Furthermore, given its very early preparation stage, the GMSF cannot in my view, carry any meaningful weight.

13. It is also important to note that the Framework says that where there has been a record of persistent under-delivery of housing, local planning authorities should increase (from 5%) a 20% buffer to the HLS to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. The Council confirmed that it is a 20% buffer authority. Therefore, taking the extent of the HLS shortfall into account, the proposal would make an important contribution to the availability of housing in a Borough where there is an accumulation of unmet housing need.

14. Furthermore, the proposal includes the provision of 45 affordable dwellings. Thus it would also make a very useful contribution to this type of housing, the pressing need for which was confirmed by the Council at the Inquiry.

15. I heard evidence on the issue of whether POL should be considered as ‘safeguarded land’ for the purposes of Framework paragraph 85. The Framework makes clear that when defining Green Belt boundaries, local planning authorities should, amongst other things, where necessary, identify in their plans areas of safeguarded land between the urban area and the Green Belt in order to meet longer term development needs stretching well beyond the plan period; and make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent

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\(^1\) Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council

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development of safeguarded land should only be granted following a local plan review which proposes development.

16. From this, is it clear to me that the identification of safeguarded land is aimed at protecting the long term integrity of the Green Belt. At the Inquiry, the Council confirmed that POL is nearly all land outside the urban area boundary that is not Green Belt. The Framework clearly envisages that safeguarded land is land that will be likely to be developed at some point in the future, as the 3rd and 4th bullet points of paragraph 85 make clear.

17. Furthermore, the reliance placed by the Council on the planned release of POL must be balanced against the Framework paragraph 47 requirement and the importance placed by the government on having up-to-date local plans in place and which should meet the full, objectively assessed needs for market and affordable housing.

18. The Council raised the matter of the site forming part of an allocation within the 1995 Unitary Development Plan (UDP) and despite this, proposals for development have been rejected on appeal in 1993 and 1997. Whilst this is noted, the Council expressly conceded that POL will be required to meet the HLS shortfall. This was not the case in 1995 and this appeal is being determined in the context of different local and national planning policy circumstances. The weight I give to this argument is therefore limited.

19. In addition to all of this, is the site’s location next to the sizeable settlement of Westhoughton and its reasonable access to shops and services either on foot or by bicycle. There are also bus stops within reasonable walking distance giving regular access to Bolton and Wigan. Westhoughton rail station is also within reasonable walking distance of the site. I therefore find that the proposal would accord with CS policy P5 that seeks to ensure developments take into account accessibility by transport other than the car and enable accessibility to public transport.

20. Furthermore, the proposal would accord with paragraph 17 of the Framework that says planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. My conclusion on this main issue is that the proposed development would be sustainably located and would accord with the development plan strategy for the location of housing.

Efficient and safe operation of the local highway network

21. Vehicular access to the appeal site would be from Collingwood Way, a residential street that connects to Church Street which is the local distributor road (B5236) via Peel Street and/or Grundy Street.

22. Apart from the Peel Street and Grundy Street junctions, there are a number of other junctions on and leading to Church Street. Based on all that has been put to me, those of greatest significance are the traffic light controlled junctions referred to in the evidence as junctions 1 (A6 Chorley Road); 4 (School Street/Market Street) and; 5 (The Fairways/A58 Cricketers Way).

23. The effect of potential additional vehicles arising from the development has been modelled using both the LinSig and TRANSYT methods. It was agreed at
the Inquiry that there is little difference in the outcomes between the two models in terms of the effects on junctions 1, 4 and 5.

24. However, the Council contends that given the current levels of traffic congestion, any increase would have an adverse effect, particularly in terms of ‘blocking back’ between junctions 4 and 5. I have not been presented with any compelling evidence to show that blocking back currently interrupts the flow of traffic along Church Street and, particularly between junctions 4 and 5. Nevertheless, I accept that there may be some additional waiting time for drivers during the AM and PM peak periods.

25. Transport for Greater Manchester (TfGM) state that a degree of saturation of over 90% means the respective junctions have no available capacity for additional traffic. The modelling shows that there will be an exceedance of 90%. Nevertheless, the Council accepted at the Inquiry, that such a situation is not unusual during peak traffic periods within urban areas.

26. I also heard evidence in relation to the 120/240 second pedestrian cycle time referred to in the modelling. The Council have not produced any empirical evidence to demonstrate that 240 second cycle time is unrealistic. Moreover, TfGM accepted the data based on the LinSig modelling. Furthermore, the traffic lights at junctions 4 and 5 operate using the SCOOT system to control traffic flows. I am satisfied from the evidence put to me that the figures in the modelling can reasonably be taken as conservative and when taking the SCOOT system into account, there would be no significant effects on blocking back between junctions 4 and 5.

27. Accordingly, in the absence of any compelling evidence to the contrary, I consider that the proposal’s effects on traffic flow and congestion would not be out of the ordinary for an area such as Westhoughton during peak periods. Even if I were to accept that there would be some net increase, I am not persuaded on the basis of the evidence, that it would be anything more than modest. Therefore, this particular aspect of the proposal would not in my view, result in a severe residual cumulative impact on traffic flows or congestion. Indeed no such concerns were raised by TfGM or the Council’s highways officers.

28. Having said all of that, the Council also raised concerns that the parking of vehicles within the streets surrounding the appeal site would adversely affect access by refuse vehicles and the emergency services to the proposed development. It is this matter to which I now turn.

29. The appellant has provided swept path analyses for the junctions of Peel Street and Grundy Street with Church Street. At my site visit, I observed a car parked close to Peel Street’s junction with Church Street which gives credence to the photographs in the Council’s Proof of Evidence. However, the space between the end of Peel Street and Church Street is substantial because of the service road immediately to the south that runs parallel to Church Street. This allows for greater visibility into Peel Street than would otherwise be the case and sufficient room for a large vehicle to be able to turn in.

30. The Council’s swept path analysis suggests that refuse vehicles will turn into Peel Street from the service road. However, from what I observed, this is very narrow and given the presence of parked cars at the time, it is clear that the
available space would prohibit access by large vehicles. I have nothing before me to suggest that this is an unusual situation.

31. Peel Street is relatively narrow, which appears to be the reason that vehicles utilise part of the pavements for parking. It was evident to me that without pavement parking, the available road width could restrict the passage of large vehicles such as those collecting refuse or operated by the emergency services.

32. However, whilst I observed a pinch point along Peel Street and that vehicles park close to the junctions of Peel Street and Grundy Street with Church Street, I note the absence of any reported problems in relation to access by refuse vehicles or the emergency services. Notably, there have been no objections to the appeal proposal from the Council’s highways officers or the Fire Service. Furthermore, the Council has powers to increase yellow line parking restrictions to prevent parking close to the junctions.

33. The appellant has carried out a parking survey\(^2\) that has recorded the number and location of parked vehicles in Peel Street, Grundy Street and nearby Wesley Street which also provides access from Church Street onto Collingwood Way via the western part of Peel Street (Peel Terrace). Notwithstanding this, it seems unlikely to me that drivers would use the more circuitous route around Wesley Street to access the development given the much more straightforward access routes via Peel Street and Grundy Street.

34. The parking survey examined parking during various dates throughout March 2017 and shows that of the three recording times (0900; 2100; and 2345) and across each period, there is only minimal double parking of vehicles in Peel Street to the east of its junction with Collingwood Way. Consequently, I am satisfied that on-street parking in Peel Street is not so restrictive that it would result in significant problems for drivers or that the likelihood of vehicle collisions would materially increase. In the event that it was necessary for a vehicle to reverse to allow an oncoming vehicle to pass, the availability of passing places would prevent the need for lengthy reversing manoeuvres.

35. Turning to Grundy Street, instances of parking on both sides of the street are greater than in Peel Street. However, given the greater width of Grundy Street, this still allows vehicles to pass using the passing places created between parked vehicles. Again, I am satisfied that this is an acceptable situation in the context of the proposed development.

36. The majority of parking in Collingwood Way takes place on property driveways and thus, on-street parking here is minimal. Furthermore, the existing levels of parking within the streets surrounding the site would not be increased by the proposed development. The Council accepted at the Inquiry that the proposal would not result in harm to the safety of pedestrians or cyclists using the surrounding streets.

37. Correspondence between the Council and the Fire Service indicates that the latter considered that an alternative emergency access from Old Lane was sought. However, this was not followed through with a firm requirement for such an access. Accordingly, I am not persuaded that the Fire Service request related to anything more than a desirable as opposed to an essential requirement. I am satisfied that the Fire Service has been fully engaged in

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\(^2\) Mr Khan’s Proof Appendix C Doc C3

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discussions about the appeal proposal and would have registered a formal objection if fire tender access was a critical issue in this case.

38. Notwithstanding all of this, I accept that access and traffic flow should not be reliant on pavement parking. However, such a situation exists now and would be likely to continue with or without the proposed development. I have already found that any likely increase in vehicular traffic would be spread across the Peel Street and Grundy Street routes to access Church Street and that this could be accommodated without adverse highway effects. Furthermore, the appellant has provided a planning obligation that includes a contribution towards additional lining works to the junctions of Peel Street and Grundy Street with Church Street including increasing the parking restrictions in Grundy Street. I address matters relating to obligations below but were I to find it to meet the relevant tests, I am satisfied that the parking and access situations at these junctions would be acceptable.

39. Collingwood Way is also a winding street which therefore reduces forward visibility. Manual for Streets (MfS) says that such visibility constraints assist in reducing vehicle speeds. Furthermore, I apply the same considerations to the restricted forward visibility where Grundy Street turns into Bligh Road.

40. I have also noted the Council’s assertions in relation to MfS and in particular, the potential effects on cyclists and pedestrians. However, MfS is concerned with new street layouts and in my view the existing parking situation in Peel Street and Grundy Street is not a matter within the scope of MfS in the context of the appeal proposal. Furthermore, cyclist and pedestrian effects did not form part of the Council’s reason for refusal or its Highways Proof of Evidence and these matters were not substantiated in cross examination at the Inquiry.

41. In addition to all of this the Church Street junctions with Peel Street and Grundy Street are a considerable distance apart. Thus, it would be reasonable to conclude that those leaving the development by car would opt for access to Church Street either by Peel Street or Grundy Street depending on the intended direction of travel along Church Street. Therefore, it would be unlikely in my view, for all future occupiers to use one particular route and any increase in traffic would be spread across the two routes.

42. Moreover, although the appeal proposal has the potential to increase the amount of vehicle trips along the surrounding streets, in reality, these are unlikely to all take place at the same time. Given the nearby availability of public transport, I am not convinced that the number of likely trips by car would have a material effect on traffic flow in the surrounding streets.

43. I note the submissions from interested parties in relation to this main issue. In particular, it has been put to me that parking within Peel Street and Grundy Street resulted in access difficulties for the emergency services due to cars being double parked. These matters were raised at a public meeting held in connection with the planning application that included a video relating to refuse vehicle access. Although I take this seriously, in the absence of substantive confirmatory evidence, including from the emergency services themselves, this does not alter my overall conclusions on this main issue.

44. Taking all of the above into account, I am satisfied that there would be no severe effects on traffic flow or driver safety along Peel Street or Grundy Street. I am equally satisfied that there would be no significant issues with
regard to either refuse vehicles or those used by the emergency services
gaining access to the proposed development.

45. I therefore find that the proposal would not conflict with CS policy P5 which
seeks to ensure developments take servicing arrangements into account.
Further, the proposal would accord with CS policy SC1 that amongst other
things, seeks to promote road safety in the design of new development. I also
find that there would be no conflict with the transport objectives of the
Framework.

Other Matters

46. The appellant is the residential developer for the first phase of development on
the Horwich Loco Works site which will be the key to unlocking the site’s wider
development for 1700 new dwellings. This is a major strategic housing scheme
and the Council is concerned that the development of the appeal site will
distract the appellant from delivering on the Loco Works site.

47. However, I heard evidence that the appellant has now signed a contract in
relation to the Loco Works site and will be submitting a planning application in
the near future. Having regard to this and in the absence of any substantive
evidence to the contrary, I am not persuaded that a generalised concern over
deliverability of the Loco Works scheme is sufficient to weigh against the
appeal proposal in any meaningful way.

48. I have taken into account the objections from interested parties in respect of
historic heritage. I have been presented with a substantial amount of
information in relation to this matter. At the Inquiry, the appellant provided a
specialist witness who was able to specifically address the interested party
concerns raised. Moreover, there is nothing before me to indicate that any of
the relevant statutory or specialist historic heritage consultees have raised any
objections to the proposed development.

49. I have no reason to doubt that the site may host archaeological remains.
However, I have no clear evidence to suggest that they are of such importance
that they must be preserved in-situ. In granting planning permission, I have
the option of imposing a suitably worded condition to ensure archaeological
remains are recorded. I am satisfied on the balance of evidence that the
proposed development would not have unacceptable heritage effects.

50. I also received interested party submissions in respect of ecology and again,
these were addressed by a specialist witness on behalf of the appellant. I am
satisfied on the basis of what I heard that there is nothing to indicate material
harm would be caused to protected species of flora or fauna as a result of the
proposed development, subject to the imposition of conditions which I will
return to later in my decision.

51. Accordingly, I am satisfied that neither heritage nor ecology concerns would be
appropriate reasons to withhold permission in this particular case.

Planning Obligations

52. At the Inquiry, the appellant submitted an executed Section 106 Agreement
that includes a number of obligations to come into effect in the event that
planning permission is granted. I have considered these in light of the
Framework, Planning Practice Guidance (PPG) and the Community Infrastructure Levy Regulations (the CIL Regulations).

53. The obligation in respect of the on-site provision of affordable housing is supported by CS policies SC1 and IPC1 along with the Council’s Supplementary Planning Document Affordable Housing (SPD). I am satisfied that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related to it in scale and kind. It therefore meets the statutory tests set out in paragraph 204 of the Framework.

54. The education contribution is supported by CS policies A1.4 and IPC1 and the Council’s SPD Infrastructure and Planning Contributions (IPC SPD). The contribution would be used towards ensuring the facilities at St Georges C of E Primary School and Westhoughton High School are sufficient to cope with the additional demand for school places resulting from the development.

55. The public open space contribution would be used towards improvements at Westhoughton Central Park in order to provide the appropriate level of play facilities generated by the development that could not all be met on site. The contribution is supported by CS policy IPC1 and the IPC SPD.

56. Finally, a contribution would be used towards the costs relating to a Traffic Regulation Order covering works to Peel Street/Grundy Street/Church Street. This is supported by CS policies P5, S1.2 and IPC1.

57. The Council has provided a CIL Compliance Statement which sets out that none of the contributions sought would be prohibited by the pooling restrictions in CIL Regulation 123. I am satisfied on the basis of the evidence that this is the case and that the contributions provided by these obligations meet the Framework paragraph 204 tests and accord with CIL Regulation 122. Accordingly, I have taken them into account in reaching my decision.

Planning Balance

58. I have found that the proposal would not result in harm to the efficient and safe operation of the local highway network. Neither have I found that there would be unacceptable effects on heritage or ecology interests on the site. Nevertheless, the proposal would run counter to the relevant development plan policies for the location of housing. However, taking into account the Borough’s significant HLS shortfall, these policies cannot be considered up-to-date in the context of paragraphs 14 and 49 of the Framework. As such they attract only limited weight.

59. The contribution that the appeal scheme would make to the availability of housing including affordable, represents significant social benefits of the scheme that attract substantial weight. The proposal would accord with paragraph 50 of the Framework; the objective of which is to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. It would also accord with the Framework requirement to boost significantly the supply of housing and this also attracts very substantial weight.

60. In addition, the scheme would provide a number of economic benefits during and after its construction by providing employment and support for local businesses. It would also have environmental benefits by way of its sustainable
location and the potential for occupants of the development to access work, shops and services by means other than the car. I give significant weight to these aspects of the scheme.

61. Whilst I recognise that the development plan forms the starting point for my decision, having considered all relevant matters, I find that the various environmental, economic and social benefits of the proposal comprise material considerations that are sufficient to outweigh the development plan in this case. The proposal would comprise sustainable development when assessed against the policies in the Framework taken as a whole.

**Conditions**

62. A number of conditions suggested by the Council were discussed at the Inquiry. I have considered these in light of the Framework and PPG. Where necessary, I have amended some of the suggested wordings for clarity, to ensure compliance with national policy and guidance and in light of the discussions between the main parties at the Inquiry.

63. I have imposed a condition specifying the relevant drawings as this provides certainty. Included for completeness and with regard to condition 14, I have included the two plans detailing soft landscaping.

64. To ensure the appearance of the development is satisfactory, I have imposed respective conditions relating to materials and soft landscaping. A condition is imposed requiring the protection of existing trees and shrubs as they make a valuable contribution to the character and appearance of the area and biodiversity. Also in the interests of biodiversity, conditions are necessary relating to the protection of reptiles and amphibians given that the site provides potential foraging habitats for these species. Also in the interests of biodiversity, conditions are imposed relating to external lighting and a Landscape and Ecological Management and Maintenance Plan.

65. I have considered the suggested condition relating to updated bat and badger surveys in the event that the development has not begun by March 2018. I agree that a condition in some form is necessary given that the situation on the site could change in the intervening period. I have therefore imposed a condition requiring adherence to an approved scheme to protect bats and badgers. Also in the interests of safeguarding bats, I have imposed a condition requiring bat boxes to be provided in accordance with the submitted Bat Appendix. This will compensate for the fragmentation of the hedgerow running north-south across the site.

66. In order to ensure the development is adequately drained, I have imposed conditions relating to sustainable drainage and surface and foul water drainage. In order to minimise flood risk, I have imposed a condition requiring ground levels to be in accordance with the submitted Flood Risk Assessment.

67. A condition is necessary in relation to contamination and I have imposed it accordingly. A suite of conditions is imposed in relation to archaeology matters including the provision of a Written Scheme of Investigation.

68. Conditions are imposed relating to access by and parking of motor vehicles in the interests of ensuring the efficient and safe operation of the highway network within the development. However, the main parties agreed, that certain permitted development rights should be removed in order to prevent
the accretion of anything that would inhibit the parking areas being used for their originally intended purpose. Accordingly, I have worded the condition to exclude the grant of planning permission by the operation of statutory provision under the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The High Court and then the Court of Appeal have held that this prevents the operation of the GPDO. The size of the development triggers a requirement to provide public art in accordance with CS policy IPC1. I am Satisfied that this condition would meet the statutory tests set out in national policy and guidance and have imposed it accordingly. Finally, a condition is imposed requiring the submission and approval of a Construction Method Statement in order to ensure the development does not have adverse effects on the living conditions of nearby residents or the efficient and safe operation of the local highway network.

**Conclusion**

70. For the above reasons and having had regard to all other matters raised, including those by interested parties, the appeal succeeds.

*Hayden Baugh-Jones*

Inspector

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3 Dunnett Investments Ltd v SSCLG & East Dorset DC [2016] EWHC 534 (Admin); [2017] EWCA Civ 192
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Vincent Fraser, of Queens Counsel
Kings Chambers
Instructed by Nicola Raby,
Solicitor, Bolton Council

He called:

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BSc, FCIHT, CMILT
AECOM Limited

Ms Helen Williams
BA(Hons), MA, MRTPi
Principal Development
Officer, Bolton Council

FOR THE APPELLANT:

Mr David Manley, of Queens Counsel
Kings Chambers
Instructed by Mike Stone,
Bellway Homes

He called:

Mr Amjid Khan
BSc(Hons), MICE,
MICHT
WYG Transport

Mr Simon Pemberton
MA(Hons), MRTPi,
AIEMA
Lichfields

INTERESTED PERSONS:

Ms Denise Roscoe
Local resident

Mr David Fearnley
Local resident

Mr Stuart Snape
Local resident

Ms Alison Patterson
Local resident

Councillor David Chadwick
Cabinet Member and
Member for
Westhoughton South Ward,
Bolton Council
DOCUMENTS SUBMITTED AT THE INQUIRY

Documents submitted by the appellant

AP1 Comparison of LinSig and TRANSYT Results for Junctions 4 and 5
AP2 Response to Third Party Comments by TEP
AP3 Appellant’s closing submissions

Documents submitted by the local planning authority

LPA1a Refuse Vehicle Swept Path Analysis Access Via Peel Street
LPA1b Refuse Vehicle Swept Path Analysis Access Via Grundy Street
LPA2 Plan showing location of Horwich Loco Works
LPA3 Fee Proposal [redacted] by AECOM to Bolton Council and associated emails
LPA4 Local authority’s closing submissions

Documents submitted by interested parties

IP1 Statement of Opposition from Councillor Zoe Kirk-Robinson
IP2 Witness Statement from Denise Roscoe, local resident
IP3 Email from Alison Patterson (local resident) to Bolton Council Solicitor regarding emergency vehicle access
IP4 Appeal Statement by Councillor David Chadwick

Other documents (submitted jointly by the main parties)

ID1 Agreed list of planning conditions
ID2 Additional planning condition relating to a Construction Management Plan
ID3 Signed, dated Planning Obligation
SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Topographical Survey Drawing No 16H027/002; Fencing Layout Drawing No FL01 Rev. P2; Hard Surfacing Layout Drawing No HS01 Rev. P2; Collingwood Way, Westhoughton – House Types Drawing No BHM005/HT; Proposed Planning Layout Drawing No BHM005/PL01 Rev. P14; Proposed Street Scenes Drawing No BHM005/SS; Planting Plan 1 of 2 Drawing No LDS384-01; Planting Plan 2 of 2 Drawing No LDS384-02.

3) No development above finished floor level of the dwellings hereby permitted shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

4) No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system shall have been submitted to and approved in writing by the local planning authority. Those details shall include:
   i) a timetable for its implementation; and,
   ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

5) No works shall take place including soil stripping and vegetation clearance until a written scheme detailing Reasonable Avoidance Measures to be taken to protect reptiles and amphibians has been submitted to and approved in writing by the local planning authority. The approved scheme shall include but not be limited to, provision for the supervision of all works on the site by a suitably qualified ecologist. Development shall be carried out in accordance with the approved scheme.

6) If development has not commenced by March 2018 surveys of the trees within the site for potential bat roosts and a 30m buffer for badger setts shall be undertaken prior to the commencement of development. Should evidence of either protected species be found, a suitable avoidance or licensed mitigation plan shall be submitted to and approved in writing by the local planning authority. The approved plan shall be implemented in accordance with a timetable that shall first have been submitted to and approved in writing by the local planning authority.

7) The development shall not be occupied until bat boxes have been provided on site in accordance with the recommendations in the Bat Appendix by TEP dated November 2016 Document Ref 5128.02.001. The bat boxes shall thereafter be retained.
8) No development shall take place including any site clearance, earth moving or soil stripping until a biodiversity enhancement plan including a Landscape and Ecological Management and Maintenance Plan for the lifetime of the development has been submitted to and approved in writing by the local planning authority. The plan shall include:

i. the creation of the attenuation basin in accordance with the details shown on approved drawing no. BHM005/PL01 Rev. P14 which shall be designed to hold water under average rainfall conditions;

ii. the creation of a hibernaculum for amphibians in a suitable location within the Public Open Space shown on approved drawing no. BHM005/PL01 Rev. P14;

iii. control of Himalayan Balsam along the section of Pennington Brook within the site;

iv. details of improvements to the section of Pennington Brook within the site including the planting of locally native wetland species;

v. the arrangements for adoption of the attenuation basin by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme to fulfil its attenuation purposes throughout its lifetime.

9) Prior to occupation of the dwellings hereby permitted details of an external lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme should ensure that there is no direct lighting of the site boundaries, retained trees and the section of the Pennington Brook within the site. The lighting scheme shall be implemented in accordance with the approved details and in accordance with a timetable that shall have first been submitted to and approved in writing by the local planning authority. The lighting scheme shall be retained thereafter.

10) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and before any site clearance, preparatory work or development the local planning authority shall be given a minimum of 14 days written notice confirming that the scheme for the protection of retained trees has been implemented.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

11) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the
local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

12) The development hereby permitted shall be carried out in accordance with the ground levels detailed in the Flood Risk Assessment by Ironside Farrar Limited dated August 2016 Document Reference 30219/SRG.

13) No demolition/development shall take place until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include:

   i) the programme and methodology of site investigation and recording;
   ii) the programme for post investigation assessment;
   iii) the provision to be made for analysis of the site investigation and recording;
   iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
   v) the provision to be made for archive deposition of the analysis and records of the site investigation;
   vi) the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

14) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 13.

15) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within 3 working days of their being revealed. Works shall be immediately halted in the area/part of the building affected until provision shall have been made for the retention and/or recording in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

16) A scheme of soft landscaping works shall be implemented in accordance with the details shown on approved drawings nos. LDS384-01 and LDS384-02. The landscaping works shall be carried out in accordance with an implementation programme that shall have first been submitted to and approved in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

17) None of the dwellings hereby permitted shall be occupied until a scheme for the parking and/or garaging of motor vehicles has been implemented in accordance with drawing no. BHM005/PL01 Rev. P14 for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles and for no other purpose whatsoever without express planning consent from the local planning authority first being obtained.

18) Notwithstanding the details shown on the approved plans, none of the dwellings hereby permitted shall be occupied until a means of access for vehicles shall have been constructed in accordance with details that shall
have first been submitted to and approved in writing by the local planning authority. The access shall be retained thereafter.

19) No development shall take place until details of sewage disposal and surface water drainage works have been submitted to and approved in writing by the local planning authority. The sewage disposal and surface water drainage works shall be completed in accordance with the approved details.

20) None of the dwellings hereby permitted shall be occupied until details of public art to be provided within the development have been submitted to and approved by the local planning authority. The public art shall be installed in accordance with the approved details, in a timeframe agreed with the local planning authority and shall be retained thereafter.

21) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

   i) the parking of vehicles of site operatives and visitors;
   ii) loading and unloading of plant and materials;
   iii) storage of plant and materials used in constructing the development;
   iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
   v) wheel washing facilities;
   vi) measures to control the emission of dust and dirt during construction;
   vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
   viii) delivery, demolition and construction working hours.
   ix) construction vehicle routing and access

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.