



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*'.
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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

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

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 an 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 Strategy² (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 Plan³ (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 Area⁴, 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 on to 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 Road⁵ 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

⁴ As set out in 'A Landscape Character Appraisal of Bolton' October 2001.

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 quality⁶ 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

⁶ With reference to paragraph 6.3.1 of Manual for Streets.

- 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 documentation⁷. 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

⁷ Bolton Council 2011 Air Quality Progress Report for Bolton Council, Draft Greater Manchester Spatial Framework Consultation Statement, Greater Manchester Air Quality Action Plan 2016-2021, Bolton's Health Matters JSNA: Respiratory disease.

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 out 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).
2. Letter from Mr Steven Sheridan, including copies of Bolton Council 2011 Air Quality Progress Report for Bolton Council, Draft Greater Manchester Spatial Framework Consultation Statement, Greater Manchester Air Quality Action Plan 2016-2021, Bolton's Health Matters JSNA: Respiratory disease.

3. Written Statement by Denise Roscoe.
4. Signed Planning Obligation dated 4 September 2018.
5. List of suggested conditions.
6. Bolton Core Strategy paragraphs 3.10-3.12.
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.