



Appeal Decision

Inquiry Held on 5 July 2016 and 26 June – 29 June 2017

Accompanied site visit made on 29 June 2017

by Frances Mahoney DipTP PGDipTP MRTPI IHBC

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

Decision date: 19 December 2017

Appeal Ref: APP/N4205/W/15/3139219

Land at Lee Hall, Westhoughton

- 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 Persimmon Homes, Harcourt Developments, Peel Investment (Intermediate) Ltd, Peel Investments (North) against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 94696/15, dated 31 July 2015, was refused by notice dated 13 November 2015.
 - The development proposed is for the erection of 300 dwellings with access, internal link road, playspace and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 300 dwellings with access, internal link road, playspace and landscaping at land at Lee Hall, Westhoughton in accordance with the terms of the application, Ref 94696/15, dated 5 September 2016, subject to the conditions set out in the schedule annexed hereto.

Application for costs

2. At the Inquiry an application for costs was made by Persimmon Homes, Harcourt Developments, Peel Investment (Intermediate) Ltd, Peel Investments (North) against Bolton Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary matters

3. The Inquiry opened on 5 July 2016. Almost immediately the appellant company made a request to adjourn the Inquiry to allow for further traffic modelling of the Chequerbent roundabout and Junction 5 of the M61¹. Through the various stages of consideration of the highway aspects of the proposal, including consultation with Transport for Greater Manchester, the impact on Junction 5 of the M61 was not raised as a concern. It was only when, as part of the preparations for the appeal that the impact on this motorway junction was identified as needing to be modelled². The delay was regrettable but in fairness to the appellant company the Inquiry was adjourned to allow the

¹ Inquiry Doc 1.

² Identified by the Council through the Aecom model audit (Langley Rebuttal Appendix 1).

necessary modelling, which included the collection of actual survey data to be carried out³.

4. The Inquiry resumed on 26 June 2017 following the submission of the revised modelling.
5. For the avoidance of doubt the address used on the planning application form is that reflected in the banner heading and decision above. However, for clarity the appeal site is the land north of Platt Lane, to the east of Park Road and to the south of the Chequerbent roundabout, Westhoughton.

The supply of land for housing

6. The Development Plan includes the Bolton Core Strategy Development Plan Document adopted March 2011 (CS) and the Local Plan Bolton Allocations Plan (LP) adopted December 2014.
7. The appeal site is designated as 'Other Protected Open Land' under the terms of LP Policy CG6AP⁴. The purpose of the policy is to concentrate development in the existing urban area and to constrain most forms of development on Protected Open Land. CS Policy OA3.6 is a criteria based policy which continues this theme at a local level by ensuring that Protected Open Land around Westhoughton remains undeveloped⁵. However, the appeal proposal would not fall within the specified categories and conflict with these Development Plan policies is found⁶.
8. The housing requirement, born of the CS⁷, was based to a large extent on the revoked Regional Spatial Strategy (RSS) figure established prior to the publication of the Framework. Reliance can no longer be placed upon such a figure it being derived from a now revoked plan and cannot be considered to be reflective of the Full Objective Assessed Need (FOAN)⁸.
9. However, there is agreement between the Council and the appellant company on some elements of the five-year housing land supply, including a FOAN figure of 840 dwellings per annum derived from the draft Greater Manchester Spatial Framework⁹ (GMSF). Although this is an emerging plan and subject to a rewrite due to a change in the strategic directors of planning in Greater Manchester¹⁰, this represents the most relevant assessment of the housing requirement¹¹.
10. Paragraph 7.8 of the SofCG sets out the common ground between the Council and the appellant company in the calculation of the five year housing land supply. The Blackrod appeal¹² Inspector identified that in March 2016 the level of under delivery in the 6 successive years to 2014/15 had been considerable. At April 2015 the shortfall was 1547 units (over 2 years

³ The Council did not oppose the adjournment-Inquiry Doc 2.

⁴ Inquiry Doc 10.

⁵ These policies are known as OPOL policies.

⁶ Williams proof para 4.6.

⁷ 694 dwellings per annum between 2008 and 2026.

⁸ CD 5 paras 25-29.

⁹ Agreed position in SofCG para 6.6.

¹⁰ The Mayor and portfolio holder for housing, planning and homelessness.

¹¹ The Council has released an Annual Monitoring Report (2015/16-base date 1 April 2016) which was a consideration in reaching a requirement figure of 840 dwellings per annum (AMR was consistent with the 840 figure) SofCG para 6.6.

¹² APP/N4205/W/15/3136446 – CD13.

supply)¹³. I see no reason to stray from my colleague's conclusion that there has been a persistent under delivery of housing which justifies the application of an additional 20% buffer to the five year supply of deliverable sites to provide a realistic prospect of achieving the planned supply, and to ensure choice and competition in the market for land.

11. As a result, the most appropriate housing requirement for the purposes of this appeal is 840 units per annum¹⁴; and the agreed maximum housing land supply is 3.1 years¹⁵. Therefore, the Council cannot demonstrate a five year housing land supply. Paragraph 49 of the National Planning Policy Framework (the Framework) sets out that where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, the relevant policies for the supply of housing should not be considered up-to-date. However, they are not to be ignored. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.
12. Nonetheless, the important issue is whether the result of the Development Plan policies is the existence of a five year housing land supply in accordance with the objectives of Framework paragraph 47. This, by any stretch of the imagination, is not the case and so is sufficient to engage the 'tilted balance' of paragraph 14 of the Framework¹⁶, a matter which will be returned to in the planning balance¹⁷.

Landscape character/Urban Design

13. The appeal site comprises some 14 hectares of mainly pastoral agricultural land divided up into comparatively small fields by distinct, mature hedgerows and pockets of broadleaf woodland with a scattering of small ponds and a dissecting public footpath linking Platt Lane and Park Road¹⁸. The gently sloping land is located on the eastern edge of Westhoughton and, in general, is undistinguished in its landscape quality.
14. CS Policy CG3 sets out that proposals are expected to display innovative, sustainable designs that contribute to good urban design whilst conserving and enhancing local distinctiveness. It is not a disputed point between the parties that the proposed residential development is well designed to provide a high quality scheme which, from a landscape perspective, has sought to retain key features of the existing landscape setting such as the existing hedgerows and the provision of distinct development parcels bisected by retained/improved areas of open space, amenity areas and play facilities. Mitigation in the form of proposed planting and landscape treatments would strengthen the landscape character of the area. In this way the proposal would respect the landscape character of the surrounding countryside and its distinctiveness

¹³ Measured against constrained figure within CS.

¹⁴ Derived from the draft GMSF.

¹⁵ Agreed between the parties - SofCG para 7.8.

¹⁶ Framework Para 14 4th bullet point.

¹⁷ Upon resumption of the Inquiry the Council confirmed that they no longer wished to defend reason for refusal 1 largely based on the outcome of the Blackrod appeal decision (Allen Proof Appendix 3) - The reason focused on whether the proposal was inappropriate development of 'Other Protected Open Land' as set out in LP Policy CG6AP¹⁷ and whether the benefits associated with the development would outweigh any harm caused to the Council's strategic objective of focusing new housing in the existing urban area.

¹⁸ All characteristics of the Agricultural Coal Measures Landscape Character type within the LP & Landscape Character Appraisal of Bolton.

15. No conflict with CS Policies CG3, OA3.7 and OA3.8¹⁹ is alleged in respect of landscape impact or deficiencies in urban design. From my appraisal of the design and layout, including experiencing the site and its surroundings first hand, I see no reason to disagree.

Location²⁰

16. The appeal site is well located to the strategic highway network, Junction 5 of the M61 being located just to the north, and the Chequerbent roundabout being the intersection of the A6 and the A58, providing ready access into Bolton, Manchester, Merseyside and into Westhoughton. The A58 is a bus corridor providing services into Bolton, Westhoughton and Wigan. There are a number of bus stops within walking distance of the appeal site, close to the junction of Park Road and Platt Lane, servicing all of the passing passenger services.
17. There are train services available from Daisy Hill and Westhoughton. These are more of a stretch of the legs than is likely to be attractive to future residents. However, they only amount to a short cycle ride and are served by bus services. I heard at the Inquiry that overcrowded trains were a particular concern. Nonetheless, the expansion of train services to meet passenger demand is a matter for strategic planning for the relevant responsible bodies. To secure sustainable development in the right locations and at the right time, ideally such transport expansion should be taking a lead from the planned expansion of towns and cities. I have no evidence if such joined up planning is underway, particularly in relation to the GMSF, but as future residents of the new dwellings would have other sustainable transport options more readily available to them I do not consider this would change the overall conclusion on this matter.
18. Westhoughton town centre is about a 20-30 minute walk and includes shopping and services to support the Town residents, including supermarkets. Primary and secondary schools are also within reasonable walking distance.
19. Paragraph 29 of the Framework states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. The appeal site, whilst being further from train services than is ideal, does have ready access to public transport, and being on the edge of the settlement would benefit from the services and facilities already available within the Town. The appellant company is also willing to adopt, promote and secure implementation of the Travel Plan throughout the lifetime of the development²¹.
20. Therefore, taking all of the above factors into account I am satisfied that the appeal proposal would give future residents a real choice about how they travel with the possibility of favouring sustainable transport modes in accordance with the Framework and CS Policy P5.

¹⁹ CS Policies OA3.7 & OA3.8 seek to conserve and enhance the character of the existing physical environment and the wider open landscape – Allen proof Appendix 7.

²⁰ Section 4 SofCG.

²¹ Condition 22.

Main Issues

21. Therefore, taking the above matters into account, the main issues in this appeal are:

- the effect of the proposed additional traffic generated on the free flow of traffic and conditions in relation to the safety of highway users;
- whether the proposal would prejudice comprehensive planning for any future urban expansion of Westhoughton; and
- in light of these issues whether any adverse impacts of granting planning permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Reasons

Efficient and safe operation of the local highway network

22. Vehicular access to the proposed development would be from the Chequerbent roundabout to the north and Platt Lane to the south. The proposed access from Platt Lane would be via a priority controlled junction²². It is the safety of the vehicular access onto the Chequerbent roundabout which is a matter in dispute.
23. To assess the suitability of this additional arm to the Chequerbent roundabout, the VISSIM model was considered the most appropriate tool for assessing the impact on the highway network of additional vehicles generated by the proposal²³. One of the agreed outputs of the model was that the proposal would not give rise to a severe impact on the operation of Junction 5 of the M61²⁴.
24. The internal design of the development layout, including car parking provision, is not a matter of dispute. The concern centres on highway safety and traffic flows of the proposed vehicular route between Platt Lane and the Chequerbent roundabout²⁵, and at the vehicular access point onto the Chequerbent roundabout.
25. At the Inquiry this was further refined in respect of the latter concern to the safety of the proposed means of access onto the Chequerbent roundabout at times when that roundabout is congested, particularly during the PM peak. Anecdotal evidence, along with photographs of queuing traffic, was given to substantiate the Council's point that during peak times queuing is continual and does not dissipate.
26. The concern in essence is the slow moving traffic on the A58 Park Road blocking back to the Chequerbent roundabout, causing queues on the A58 Snyedale Way and on the A6. Any future greater congestion would serve to add to the safety concerns at the roundabout.

²² Agreed as acceptable between the appellant company & the Council – SofCG Highways para 4.

²³ Agreed point – SofCG Highways para 10.

²⁴ A matter which was identified for investigation resulting in the adjournment of the Inquiry in July 2016.

²⁵ SofCG Highways para 11.

27. At my site visits (undertaken both at AM and PM peak) I observed slow moving traffic on the roundabout with queues forming both at the junctions as well as on the roundabout as traffic built-up.
28. Congestion at the Chequerbent roundabout is also aggravated by the Park Road/Platt Lane junction, currently operating over capacity in both peak periods. This impacts on the level of queuing on the southbound section of the A58 which backs back to the roundabout.
29. The VISSIM model modelling the addition of the new access onto the roundabout and the expected level of traffic generated does demonstrate an overall improvement in journey times and, therefore, queue lengths as a result of the proposal²⁶. This follows as the time taken to queue would be taken into account in the overall travel time, a queue being heavy slow moving (sometimes stationary) traffic which would affect how long it takes to get from A to B. This seems a logical and common sense conclusion to come to. Further the identified morning peak delay of 3.5 minutes²⁷ can only be considered to be minor in a journey time of 25 minutes to Bolton and 45 minutes to Manchester²⁸. For the average commuter such a delay would be barely discernible²⁹. I do accept for locals a further few minutes of queuing or waiting to exit their driveways would be annoying but such limited harm, in itself, would not elevate the actual impact on the free flow of traffic beyond that already outlined.
30. However, the model does not demonstrate that queuing on the Chequerbent roundabout, particularly at the PM peak would be removed. From my observations, queuing at peak times at the junctions into and out of the roundabout is a characteristic of traffic movements which can be improved upon but not eradicated. This is unlikely to be solely representative of the Chequerbent roundabout but repeated at other such junctions strategically located within the national highway network. The proposal overall would result in an improvement to journey times but queuing at peak times would still persist.
31. The SofCG Highways indicates that one of the concerns of the Council centres on highway safety at the vehicular access point onto the Chequerbent roundabout. The actual design of the junction complies with Design Manual for Roads and Bridges guidance³⁰. The issue seems to be that vehicles using the new junction would enter the roundabout at peak times when there was stationary or very slow moving traffic in the nearside lane to travel south along Park Road but free flowing traffic in the other two lanes. Visibility of vehicles in those outside lanes being possibly restricted by vehicles in the nearside lane is a matter which I can appreciate.
32. As part of the devices to manage traffic entering the roundabout KEEP CLEAR markings on the nearside lane carriageway are proposed. Their primary function is to prevent the blocking of the junction in times of queuing traffic. In this way joining traffic would be able to access the middle and outside lanes of the roundabout, even if there were standing traffic on the nearside lane.

²⁶ The model was validated against the Design Manual for Roads and Bridges (DMRB) guidance and no conflict was found.

²⁷ May vary upwards and downwards depending on day of the week and time of the year.

²⁸ Agreed timings.

²⁹ Any delay is limited to A58 Park Road to A6 Manchester Road East and A58 Park Road to A58 Wigan Road.

³⁰ It has also been certified by an independent RSA.

33. Obviously if the vehicle in the nearside lane was a large van or truck then visibility would be limited for the driver emerging from the new junction to join the middle or outside lane. However, it strikes me that this is no different than situations on numerous other multiple lane roundabouts, including other junctions of the Chequerbent roundabout when traffic is heavy and queuing³¹. Much does rely upon the driving skills, courtesy of other road users and good driving behaviour. The Council is right that these cannot be ensured and I too observed poor driver behaviour on the roundabout as I did on my drive home from the Inquiry and on numerous occasions as a frequent road user. It would be almost impossible to design out poor driver behaviour. However, it is wrong to suggest that drivers in practice would not comply with the KEEP CLEAR markings. This is not borne out by the fact that even in a wider heavily trafficked road network drivers do get from A to B and devices such as the KEEP CLEAR serve to facilitate those journeys.
34. Emerging traffic onto the Chequerbent roundabout from the new junction would have to exercise caution in observing traffic in the outer lanes but gaps in the traffic would appear. However, whilst such caution is a recognition of potential conflict with on-coming traffic, trusting drivers to exercise care on our roads is a fundamental imperative of keeping our highway network moving. The use of the KEEP CLEAR markings in conjunction with give way lines seems to me to be a pragmatic approach in this regard. There would always be the risk of accidents which does generate limited harm but no more than on any other similar roundabout junction, including the existing arms of the Chequerbent roundabout itself.
35. The diverting of traffic from Park Road, along Platt Lane onto the new estate road and then out onto the Chequerbent roundabout would serve to reduce queuing along Park Road in both the AM and PM peak. This would take traffic away from this route close to the roundabout and would improve the capacity issues at the Park Road/Platt Lane junction. There is concern that such diverting traffic would make the new estate road nothing more than a 'rat run'. However, the road has been designed to accommodate diverted traffic being wide enough to allow the passing of vehicles such as buses whilst still making provision for on-street cycling. The proposed alignment of the route includes sharp bends, shared surfaces, speed humps and raised platforms, all designed to naturally reduce speeds. The design speed of the road is 20mph and there would be a 7.5t weight restriction³². The proposed layout, which has already been confirmed by the Council as complying with CS Policy CG3, contributing to good urban design³³, has been designed to accommodate more than just the traffic generated by the development itself. It has been designed to improve peak time congestion on the roundabout itself and along the roads which converge upon it. The proposed road design devices would slow traffic down whilst passing through the built-up area of the new estate. The layout has been designed to accommodate this through flow of traffic. The use of bisecting open space, cul-de-sacs and avenues would create pockets of housing, served from the main estate road, where the motor vehicle would be accepted but not a dominant feature. In these circumstances the term 'rat run' does not seem applicable to a road designed for purpose.

³¹ That of the west bound A6.

³² Extension of that already in place on Platt Lane.

³³ Planning Applications Report Planning Committee 22 October 2015 – Allen proof Appendix 2.

36. The safety of unaccompanied primary school children seeking to access the equipped play area to the north of the proposed layout was raised by the Council in the context of the new estate road being heavily trafficked.
37. The proposed layout includes a significant amount of open space threaded through the overall development. This would offer play space opportunities for children close to their homes around the estate. However, the main improved play area is in the northern part of the appeal site³⁴. It would certainly be necessary for unaccompanied children to cross the estate road to access the northern play area from some parts of the estate. However, this play area would not be exclusively available to children just from the new development, but from further afield within Westhoughton. The improved play equipment may be quite a draw and part of the journey involved may include crossing the A58. The issue here is not one of road safety but of parental responsibility. Mr Langley's term 'unaccompanied' implies to me that children have been released by their parents to walk to school, the playground, the shops or to a friend's house as those parents consider that child is ready to assume responsibility for themselves having acquired the necessary road sense to negotiate their journey. Any road is a hazard to a child who lacks the road sense to be out alone. The new road has been designed for traffic to travel at comparatively low speeds and driver awareness of the residential setting of the road and the likely consequential hazards which may occur are both factors which would go some way to reducing such risks. However, it would be impossible to design out such a hazard completely in such a conventional residential estate. Therefore, the risk would persist but is limited generating limited harm in this regard.
38. Paragraph 32 of the Framework sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In general terms the design of the new development would promote road safety. The limited harm in respect of the potential risk to unaccompanied children, conflict between emerging traffic and that already negotiating the Chequerbent roundabout, and any minor delay for local residents in joining and traversing the immediate local highway network in the AM peak, when considered as cumulative impacts of the new development would not be severe. As a result the terms of the Framework and Development Plan policy³⁵ are not offended in this regard and the efficient and safe operation of the local highway network would not be unacceptably compromised in this instance.

Impact on the comprehensive planning for any future urban expansion of Westhoughton

39. Whilst only in draft and subject to a re-write the GMSF identifies Westhoughton as an appropriate location for sustainable growth for Greater Manchester within the M61 corridor. Land to the south of the Chequerbent roundabout, which would include the appeal site, has been identified to provide 1700 new homes along with appropriate highway infrastructure to form a Westhoughton by-pass, major highway improvements in the Chequerbent area and a link from the M61 into Atherton³⁶.

³⁴ There is an existing play space in the northern part of the site accessed from Park Road and from the public footpath through the site. This is proposed to be remodelled, landscaped with new play equipment.

³⁵ CS Policies P5 & S1.

³⁶ Williams proof Appendix 7.

40. The Council acknowledge that even given the site's allocation as an Area of Protected Open Land, it has potential for future development³⁷. However, this is envisaged as part of a properly planned approach, in terms of the quantum of development and the associated supporting infrastructure. This would include the potential for the provision of a link road/Westhoughton by-pass in the future.
41. The SofCG sets out that the Council's case on this issue centres on the impact of the proposal on the future provision of strategic highway infrastructure to support future strategic housing allocations within the GMSF, namely the provision of the link road/Westhoughton by-pass.
42. The Council anticipate that the strategic planning of new residential development in the Borough, including the inclusion of previously protected greenfield sites (including Areas of Protected Open Land) would progress through the Greater Manchester review³⁸. As already indicated progress on the GMSF has stalled with the intended re-write. As yet there is no firm timetable for the production, consultation, examination and adoption for the plan. In the present circumstances of a plan still emerging, limited weight can be given to its potential strategies and allocations. However, it is clear that the link road/Westhoughton by-pass would be an integral part of what would be a much larger allocation than the appeal proposal, were this particular housing strategy to be carried forward. The by-pass would also serve to relieve congestion in the area.
43. That said, the Council explained at this stage in the planning of the future strategic allocation, the specification or exact route for such a road has not been agreed upon. The Council has taken the proactive step of agreeing the principle of the by-pass and has commissioned a strategic outline business case which would demonstrate the feasibility of a by-pass. However, this has not progressed the by-pass to a status of a recognised and safeguarded route. In addition, funding has yet to be secured. Until the GMSF crystallises the overall concept and advances the detail of the by-pass³⁹, the provision of this strategic highway route can be considered slightly above aspirational in the context of the Council's approval in principle, but certainly not firm or funded⁴⁰.
44. The ultimate route and design of the by-pass is not known and I can appreciate the Council's wish to prevent the ultimate design of the by-pass being constrained by other development⁴¹. However, whilst the Council indicate they are not promoting an objection to the proposed development in respect of prematurity, such a stance on prejudicing an unknown and unsafeguarded design/route line in the context of confirmation of feasibility, viability, funding and actual provision all being unknown timescales, does have some resemblance to a case of putting off new development until Development Plan catches up.
45. However, the appellant company has reserved land running along the eastern boundary of the appeal site from the Chequerbent roundabout down to Platt Lane which could contribute to the future provision of strategic highway

³⁷ Allen proof para 6.35.

³⁸ GMSF.

³⁹ Including the finalising of a Master Plan for the wider strategic allocation .

⁴⁰ The Council confirmed there is no Development Plan policy protecting the line of the Westhoughton by-pass.

⁴¹ Council's closing para 33 – Inquiry Doc 14.

infrastructure⁴². The appellant company⁴³ has control of the land to the south of the appeal site which would form part of the wider housing allocation in the GMSF⁴⁴. It would be in the interests of the appellant company to ensure adequate provision for a future link road is maintained to avoid prejudicing their future development. The reserved land does not form part of the proposed developed area of the appeal site. Any future development or use (other than agriculture) of it would require further permission and its potential to contribute towards the link road/by-pass would be a material consideration, much as it has been in this case.

46. The Council has already confirmed that the design and layout of the proposed scheme represents good urban design, including the road layout and accesses⁴⁵. To my mind the appeal proposal would optimise the potential of the site to accommodate development. It would not be reliant on future phases for access or open space but capable of dove-tailing into an overall Master Plan for a potential, but as yet uncommitted, wider strategic housing allocation east of Westhoughton which would address stated objectives for the future of the area to be defined through the emerging GMSF⁴⁶.
47. I consider the indication and reservation of land adjacent to the proposed developed area of the appeal site to be an acknowledgement of the need for such highway infrastructure, and of sufficient detail at this stage in a climate of a general vacuum of planning policy information on the provision/route of the link road/by-pass promoted through the emerging GMSF.

Obligations

48. The appellant company has submitted a signed and completed bilateral S106 agreement⁴⁷ relating to the provision and quantum of Affordable Housing (AH), provision and maintenance of the open space and education contribution⁴⁸.
49. CS Policy SC1 targets 243 affordable homes per annum to be completed in the Borough. In 2016 the Greater Manchester Strategic Housing Market Assessment identified a net AH annual need of 569 units. In the AMR 2015/16 confirmed only 84 AH units were completed with only 260 units completed between 2013 and 2015. There is a strong and pressing need to deliver AH in a climate of significant shortfall. The appeal proposal would significantly contribute to the required provision and the S106 would serve as an appropriate mechanism to deliver these much needed homes⁴⁹. The provision of much needed AH is a matter I give significant weight to in the balance of this decision which I will return to.
50. The proposed open space and equipped play area meets Council standards and the S106 is necessary to secure its provision via an Open Space Management Plan. The provision of open space would normally be required principally for the well-being of the future residents of the new development so in terms of weighting would carry neutral weight. However, in this instance the proposal includes the improvement and superior equipping of an existing play area

⁴² To serve potential future strategic allocations in the GMSF.

⁴³ Peel Holdings.

⁴⁴ Allen proof Appendix 10 – M61C2(b).

⁴⁵ The issues as already considered above relates to matters of highway safety.

⁴⁶ Framework Para 58.

⁴⁷ Inquiry Doc 13 & 5 (S106 Summary Schedule – CIL Regulations 122 and 123 justification).

⁴⁸ The Council's SPD Infrastructure and Planning Contributions have been considered – Allen proof Appendix 6.

⁴⁹ SofCG para 7.11-7.16.

which is currently used by the nearby residents of Westhoughton. Therefore, there would be a positive weight to attribute to the open space in the balance of the decision as existing residents of the Town would benefit from the resulting open space improvements.

51. I heard anecdotal evidence that local schools were under pressure in respect of accommodating local pupil numbers. This serves to add confirmation that the Council's position that the requested contribution to education embedded within the S106 is necessary and justified.

The balancing exercise and conclusion

52. The duty in section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the Development Plan. As an essential component of the 'plan-led' system, it is also reiterated in the Framework which is of course a material consideration to which substantial weight should be attached.
53. The appeal site lies outside the built up area of Westhoughton on an area of land subject to OPOL policies. It has already been established that the proposal would be contrary to these policies. However, policy-makers have indicated that it may be necessary to use such identified land for housing in the future to meet housing demand⁵⁰. Further, with Development Plan policies not resulting in a five year supply of housing land, there being a significant shortfall in this regard, the relevant policies cannot be considered up-to-date in the context of paragraphs 14 and 49 of the Framework. Therefore, I consider the weight to be given to the conflict with OPOL policies relevant to the appeal site should be reduced.
54. In reaching this view I have taken into account that the Council is working proactively with developers to move the provision of housing forward, including potential Green Belt releases and granting of planning permission on land subject to OPOL policies. Nonetheless, whilst this is an indication of an awareness of the difficulties faced in the provision of both market and AH in the Borough, the pre-emptive actions of the Council do not in themselves diminish the heavy weighting ascribed to the significant shortfall in overall housing supply.
55. To my mind, in these circumstances, the offence of OPOL Development Plan policy can only be ascribed limited weight and the tilted balance of paragraph 14 of the Framework in respect of the presumption in favour of sustainable development is engaged⁵¹.
56. In addition to the limited weight by reason of offence to the Development Plan, there would also be some harm to highway safety. However, this has already been described above and can be given only little weight in the overall balance. Therefore, cumulatively the harm to be weighed in the negative side of the tilted balance is insubstantial.

⁵⁰ And the GMSF identifying the appeal site as part of a much larger strategic housing allocation.

⁵¹ The tilted balance (first limb of second bullet point under decision-making) first limb requires a balance to be undertaken whereby permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

57. On the other side of the balance, weighing in as substantial is the lack of a five year housing land supply which would undermine the aim of the Framework to boost significantly the supply of housing⁵². In addition, to the considerable shortfall in housing land supply, the Council also are faced with a significant shortfall in AH⁵³. The appeal site would make a timely contribution to seeking to close the gap in supply⁵⁴.
58. In a situation where the emerging Development Plan document⁵⁵, intended to address this unfavourable state of affairs is currently subject to re-write with no firm timetable for adoption in place, I ascribe significant weight to these matters in favour of the proposal.
59. I do not consider that the limited harm that would be caused by the residential development of this sustainably located appeal site would come close to significantly and demonstrably outweighing the benefits⁵⁶ of the scheme when assessed against the policies of the Framework as a whole. Rather, I conclude that the benefits weigh overwhelmingly in favour of permitting the proposed development, the presumption in favour of sustainable development prevailing in this case.

Conditions

60. An agreed schedule of conditions was produced following discussion at the Inquiry. I have amended and amalgamated a number for clarity, elimination of duplication, and taking into account guidance in this regard.
61. Only conditions which are formally required to be discharged prior to works commencing on site have been promoted as pre-commencement conditions. These are imposed as they involve details to be approved for the arrangements of the work on site (Phasing Plan, Construction Management Plan⁵⁷), groundworks and infrastructure approval (highway layout and works, archaeology, landscaping –tree protection, drainage, Wildlife Method Statement) or matters that affect the layout and position of development (levels details). These details are required to be submitted and approved by the Local Planning Authority prior to commencement of development.
62. In summary, a standard condition is required on the timing of commencement of development. Confirmation of the approved plans is needed to define the site and is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.

⁵² Framework Para 47.

⁵³ Social role of sustainable development.

⁵⁴ This is a full planning proposal and the land is within the control of the appellant company who has confirmed they are ready to proceed with development.

⁵⁵ GMSF, in which the appeal site is identified as part of a larger site, as a major opportunity area for housing.

⁵⁶ I have not gone on to add in the other benefits of the scheme as this is unnecessary as the balance is already more than tipped in favour of the proposal.

⁵⁷ This is an additional condition to those on the agreed schedule of conditions (Inquiry Doc 12). Due to the appeal site's close proximity to existing residential dwellings along Park Road this condition has been imposed to safeguard the amenities of those residents and to ensure that existing roads are not adversely impacted upon during the construction phase.

63. The locality has been identified as having some possible archaeological interest. Therefore, a condition requiring a programme of investigation is justified.
64. The condition relating to the Construction Management Plan is required in order to protect the amenities of nearby residents and general amenity.
65. Taking into account the topography of the appeal site it is necessary to include a condition to secure details of the existing and proposed ground/slab/ridge levels.
66. A condition relating to the implementation of the Travel Plan is necessary to provide sustainable transport objectives giving people a real choice about how they travel.
67. A condition relating to the provision of a Sustainable Urban Drainage System is deemed necessary to ensure adequate arrangements are in place, particularly in relation to flooding and in the interests of environmental impact.
68. A condition relating to carbon reduction as an attempt to tackle climate change in accordance with planning policy is justified in the interests of the long term well-being of the planet.
69. The management/protection and long-term well-being of the natural elements of the ecology of the development site is important to safeguard for the reasons of amenity and biodiversity. Various conditions are imposed to this end.
70. Details of the roads, footways, access, parking, garaging and turning are required to ensure the standard of construction; their actual timetabled provision; and their retention for purpose in the interests of highway safety and management and residential amenity.
71. Limitations on external lighting are necessary to minimise visual impacts on this edge of settlement site.
72. The management/protection and long-term well-being of the natural elements of the ecology of the development site, including nesting birds, badgers, amphibians, trees and hedgerows are important to safeguard for the reasons of amenity and biodiversity. Conditions requiring the submission, approval and implementation of a Landscape and Ecological Management Plan, further detail and phasing of the landscape scheme, and details for the eradication of amongst others Japanese Knotweed, all serve this purpose.
73. In the interests of preserving and enhancing the character of the locality details of the facing and roofing materials of the new homes are required to be agreed as is the implementation of the boundary treatment details.
74. Finally, the permitted scheme would result in 300 new homes being built. The management of the phasing of the construction of these buildings would be of importance to secure the required services for the individual dwellings such as roads, lighting, play provision and landscaping in the right place and at the right time. Appropriate conditions have been imposed to secure agreement on the phasing involved.

Frances Mahoney

Inspector

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No development involving the use of any facing or roofing materials shall take place until details of the type and colour of the materials has been agreed in writing with the Local Planning Authority. The approved materials shall be implemented in full thereafter.
3. No dwelling shall be occupied until the access roads, footways and footpaths leading thereto have been constructed and completed in accordance with the drawing ref: 1244/100 H.
4. Prior to the occupation of each of the dwelling houses hereby permitted provision shall be made for the parking or garaging of motor vehicles adjacent to that dwelling house. Those areas shall thereafter be retained at all times for that purpose.
5. Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how all roads, including private drives are to be physically laid out, constructed, surfaced, drained and lit shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.
6. Prior to occupation of the first dwelling the following approved highway works shall be implemented in full and retained thereafter:
 - Proposed new access onto and works at Chequerbent Roundabout as indicated on Croft TS Drawing No. 0624-F06_D scheme; and
 - Access to / from Platt Lane as shown on Croft TS Drawing No. 0624-F01 Rev. B.
7. Prior to the commencement of development hereby approved/permitted, a scheme shall be submitted to and approved in writing by the Local Planning Authority which provides for the following:
 - Road design, including signage, to control a 20 mph speed limit within the development;
 - Measures to prevent the parking of vehicles at access junctions and turning areas within the site;

- Measures to restrict the use of the estate roads by Heavy Goods Vehicles; and
- Proposed timetable for implementation of the approved measures.

The approved measures shall be implemented in accordance with the approved timetable and retained thereafter.

8. The screen fences/walls/railings as shown on drawing ref: SDF05 (Persimmon and Charles Church) SDF02, SDG06, SDG08 and SDW09 shall be erected fully in accordance with the approved design details contained on drawing ref: 1244/300G, 1244/301E, 1244/302E and 1244/303E and retained thereafter.

Prior to first occupation of the dwellings hereby approved a phasing scheme shall be submitted to and approved in writing by the Local Planning Authority which details when the approved boundary detail scheme will be implemented. The approved scheme shall be implemented in full accordance with the approved phasing details or in accordance with such variation as might be agreed under the terms of Condition No. 24.

9. Trees and shrubs shall be planted on the site in accordance with the approved landscape scheme (Hard Landscaping Plans Revision G (1 of 4), Revision E (2, 3, 4 of 4), Planting Plans (1 – 10) and the Landscape Masterplan Revision H. Prior to first occupation of the dwellings hereby approved a phasing scheme shall be submitted to and approved in writing by the Local Planning Authority which details when the approved landscaping scheme will be implemented. The approved scheme shall be implemented in full accordance with the approved phasing details or in accordance with such variation as might be agreed under Condition No. 24. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

10. Prior to first occupation a lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:

- Identify areas/features on site that are potentially sensitive to lighting for bats;
- Show how and where lighting will be installed (through appropriate lighting contour plans) so that it can be clearly demonstrated that any impacts on wildlife are negligible (in particular bats);
- Specify frequency and duration of use; and
- Timescales for implementation of the approved lighting design strategy.

The approved external lighting scheme / strategy shall be installed in accordance with the agreed specifications, locations and timescale/phasing as set out in the strategy or such phasing as might be agreed under Condition No. 24.

11. Prior to the commencement of earthworks/ground works the following should be submitted to and approved in writing by the Local Planning Authority:

- An additional badger sett/activity survey of the site and of land within 50 metres of the development boundaries will occur, excluding any existing residential curtilages;

- Results of the additional badger sett/activity survey;
- Method statement which provides details of the measures to be taken to prevent any possible harm to badgers during the course of development; and
- Proposed timetable for the implementation of the method statement. Once approved the method statement should be implemented in full during the course of the approved development.

The approved method statement should be implemented in full throughout the construction period in accordance with the approved implementation timetable.

12. No works to trees, hedgerows or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out at the relevant location immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
13. Prior to any earthworks a method statement including a timetable for implementation of the proposed eradication and/or control and / or avoidance measures for Himalayan Balsam, Japanese Knotweed, Rhododendron and Cotoneaster should be submitted to and agreed in writing by the Local Planning Authority. The agreed method statement shall be implemented in full accordance with the approved timetable.
14. Within 3 months from the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will provide the following details:
 - A layout and species list for newly created hedgerows, tree planting, grassland and ponds;
 - A list of ecological factors that are likely to influence the delivery of target habitat types that require management and monitoring;
 - Details of management prescriptions to enhance retained ecological features such as ponds and hedgerows (including Pond 2 as referenced on plan reference: G4398.01.003b);
 - A works schedule;
 - Details of the body or organisation responsible for implementation of the plan;
 - A monitoring and remediation strategy; and
 - A scheme for the management of the approved details throughout the lifetime of the development.

The LEMP shall also include details of the mechanisms by which the long-term implementation of the plan will be secured, how contingencies and or remedial action will be identified, agreed and implemented.

The approved plan will be implemented in full, subject to any approved phasing scheme.

15. No development shall commence until a strategy to include a Sustainable Urban Drainage System (SUDS) has been submitted to and approved in writing by the Local Planning Authority. The Strategy should provide the following details:

- Pre-development discharge rates for the site;
- Plan demonstrating the impermeable and permeable areas of the site;
- An annotated Network drawing which shows Manhole numbers, invert/cover levels, pipe sizes, pipe number that can be referenced to the model, network and manhole details and results for a 1 in 1, 1 in 30 and 1 in 100 year return periods;
- All durations (plus the appropriate allowance for climate change) both summer and winter storms;
- The method employed to delay and control the surface water discharged from the site;
- Storage requirements and the measures to prevent pollution of the receiving groundwater and /or surface waters;
- Delay and control the surface water discharged from the site;
- Timetable for the implementation of the approved drainage strategy; and
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved Strategy shall be carried out in full in accordance with the approved plans and timetable, and retained thereafter.

16. No development or stripping of soil shall be started until:

- a) The trees and hedgerows within or overhanging the site which are to be retained, as detailed on Drawing No. D4417.002C, have been surrounded by fences in the location shown on Drawing No. D4417.002C of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
- b) The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced areas.
- c) No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

17. Prior to commencement of development (including groundworks), an Archaeological Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall cover the following:

- 1) A phased programme and methodology of site investigation and recording to include:
 - Nomination of a competent person or persons/organisation to undertake the works set out within the WSI;
 - A Background desk based documentary study;
 - A targeted evaluation; and
 - Open Area Excavation (only where evaluation requires).
- 2) A programme of post investigation assessment to include:

- Analysis of the site investigation records and findings; and
 - Production of a final report on the significance of the archaeological, historical and architectural interest represented.
- 3) Deposition of the final report with the Greater Manchester Historic Environment Record and dissemination of the results commensurate with their significance.
- 4) Provision for archive deposition of the report or persons/organisation to undertake the works set out within the approved WSI.

The approved scheme shall be implemented in full in accordance with an agreed timetable.

18. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the reuse within the approved development of the stone slab fence identified as RSK 53 within the submitted Environmental Statement Vol. 2 Sections 8.8.7 to 8.8.11. The approved scheme shall be implemented in full in conjunction with an agreed timetable and any approved phasing scheme.
19. Prior to occupation of the first dwelling a scheme shall be submitted to and approved in writing by the Local Planning Authority which provides phasing details for the completion of the approved formal play provision within the development hereby approved. The formal play provision shall then be provided in accordance with the approved phasing and maintained to the satisfaction of the Local Planning Authority and retained thereafter.
20. No development shall commence until full details of the existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross sections, finished floor levels and ridge heights of all buildings and structures have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
21. Prior to occupation of the first dwelling, an energy assessment of the approved development shall be submitted to the Local Planning Authority. The submission shall include a scheme which details how either (i) renewable energy technology or (ii) an alternative scheme e.g. enhanced insulation shall reduce CO2 emissions of predicted energy use of the development by at least 10%. The approved scheme shall be carried out in full in accordance with the approved detail, subject to any approved phasing scheme and retained in working order thereafter.
22. Prior to occupation of the first dwelling an Action Plan including notification of the appointed Travel Plan Coordinator for the development shall be submitted to and approved in writing by the Local Planning Authority. The Action Plan will detail:
- the key actions and timescales as outlined within section 5 of the approved Residential Travel Plan Framework (April 2015);
 - timescales for implementation of the approved Action Plan; and

- how the approved Action Plan and the approved Management Measures as detailed within Section 4 of the approved Framework will be implemented in full throughout the lifetime of the development.

The approved details shall be implemented in accordance with the approved implementation timetable.

23. Prior to the commencement of development a precautionary wildlife method statement in relation to the protection of amphibians should be submitted to and approved in writing by the Local Planning Authority in relation to Pond 2 as identified within the submitted Environmental Statement.
The approved measures shall be implemented in full prior to any earthworks commencing within 250 metres of Pond 2 (As detailed on Map No. G4398.01.003b) and retained until the development is complete.
24. Prior to the commencement of development a phasing plan should be submitted to and approved in writing by the Local Planning Authority. The approved development should be constructed in accordance with the approved phasing plan. Any amendments to the approved phasing plan should be agreed in writing between the Local Planning Authority and developers.
25. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Drawing No. WLH-LP.001 Rev C – Location Plan;
Drawing No. WLH-PL.001 Planning Layout Rev. K;
Drawing No. WLH-PL.002 Planning Layout Rev. K;
Drawing No. 1244-402: Street Elevation 402 - STREET ELEVATIONS
Drawing No. 0624-F01B - Proposed Ghost Island Right Turn Plan;
Drawing No. 0624-F06D Chequerbent Roundabout Site Access Plan;
Drawing No. 1244-400C PLAY AREAS - 1 OF 2;
Drawing No. 1244-401C PLAY AREAS - 2 OF 2;
Drawing No. 10-01-01 Drainage Appraisal 01 (P6);
Drawing No. 10-01-02 Drainage Appraisal 02 (P6);
Drawing No. WLH/HT/001 - Beadnell Floor Plans and Elevations;
Drawing No. WLH/HT/002 - Beadnell Plot Specific Planning Floor Plans and Elevations;
Drawing No. WLH/HT/003 - Alnwick Planning Floor Plans and Elevations;
Drawing No. WLH/HT/004 - Alnwick Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/005 - Maddison Planning Floor Plans and Elevations;
Drawing No. WLH/HT/005A Rev. A - Maddison (Additional Window) Planning Floor Plans and Elevations;
Drawing No. WLH/HT/006 - Hanbury Planning Floor Plans and Elevations;
Drawing No. WLH/HT/007 - Hanbury Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/008 - Hanbury Render Plot Specific Planning Floor Plans and Elevations;
Drawing No. WLH/HT/009 - Hanbury Corner Planning Floor Plans and Elevations;
Drawing No. WLH/HT/010 - Hanbury Corner Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/011 - Rufford Planning Floor Plans and Elevations;

Drawing No. WLH/HT/012 - Rufford Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/013 - Souter Planning Floor Plans and Elevations;
Drawing No. WLH/HT/014 - Souter Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/015 - Souter Render Plot Specific Planning Floor Plans and Elevations;
Drawing No. WLH/HT/016 - Hatfield Planning Floor Plans and Elevations;
Drawing No. WLH/HT/017 - Hatfield Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/018 - Hatfield Corner Planning Floor Plans and Elevations;
Drawing No. WLH/HT/019 - Hatfield Corner Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/020 - Clayton Corner Planning Floor Plans and Elevations;
Drawing No. WLH/HT/021 - Clayton Corner Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/022 - Roseberry Planning Floor Plans and Elevations;
Drawing No. WLH/HT/023 - Roseberry Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/024 - Leicester Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/025 - Kendal Planning Floor Plans and Elevations;
Drawing No. WLH/HT/026 Rev. A - Kendal Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/027 - Chedworth Planning Floor Plans and Elevations;
Drawing No. WLH/HT/028 - Chedworth Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/029 - Chedworth Corner Planning Floor Plans and Elevations;
Drawing No. WLH/HT/030 - Chedworth Corner Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/031 - Newton Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/032 - Strand Planning Floor Plans and Elevations;
Drawing No. WLH/HT/033 - Strand Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/034 - Harley Planning Floor Plans and Elevations;
Drawing No. WLH/HT/035A - Marlborough Planning Floor Plans and Elevations;
Drawing No. WLH/HT/035B Rev. A – Marlborough House Type;
Drawing No. WLH/HT/036 - Fenchurch Planning Floor Plans and Elevations;
Drawing No. WLH/HT/037 Rev A - Fenchurch Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/038 - Holborn Render Planning Floor Plans and Elevations;
Drawing No. WLH/HT/039 - Oxford Planning Floor Plans and Elevations;
Drawing No. WLH/HT/040 - Compton Render Planning Floor Plans and Elevations;
Drawing No. PH-SDG06-1200 - Bow Top Personnel Gate Detail;
Drawing No. PH-SDG07A - Welded Mesh Fence Gate Detail;
Drawing No. PH-SDF39 – Welded Mesh Fence Detail;
Drawing No. PH-SDG08 - Gates for rear parking;
Drawing No. PH-SGD01- Standard Garages SGD 01 - Rev B, Car parking schedule Revision B;
Drawing No. SDF 05 - Persimmon Timber Fence details Revision A;

Drawing No. SDF 05 - Charles Church Timber Fence details Revision A;
Drawing No. SDF02 – 1200 mm High Bow Top Fence;
SD/DBMP/02 - Footpath (DBM) Specification;
Drawing No. SDW09 Wall and Fence Detail 1;
Reference D4417.001C - Tree Constraints Plan;
Reference D4417.002C – Tree Removal and Protection Plan;
Drawing No. 1244/200F – Planting Plan Sheet 1 of 10;
Drawing No. 1244/201F – Planting Plan Sheet 2 of 10;
Drawing No. 1244/202E – Planting Plan Sheet 3 of 10;
Drawing No. 1244/203E – Planting Plan Sheet 4 of 10;
Drawing No. 1244/204E – Planting Plan Sheet 5 of 10;
Drawing No. 1244/205E – Planting Plan Sheet 6 of 10;
Drawing No. 1244/206E – Planting Plan Sheet 7 of 10;
Drawing No. 1244/207E – Planting Plan Sheet 8 of 10;
Drawing No. 1244/208E – Planting Plan Sheet 9 of 10;
Drawing No. 1244/209E – Planting Plan Sheet 10 of 10;
Drawing No. 1244/300G – Hard Landscape Plan Sheet 1 of 4;
Drawing No. 1244/301E – Hard Landscape Plan Sheet 2 of 4;
Drawing No. 1244/302E – Hard Landscape Plan 3 of 4;
Drawing No. 1244/303E –Hard Landscape Plan Sheet 4 of 4;
Drawing No. 1244/100H - Landscape Masterplan; and
Drawing No. 294191-T-01-B.DWG - Topographical Survey 1 of 3, 2 of 3, 3 of 3.

26. No part of the development shall commence until a Construction Method Statement including details of:

- Construction access
- Management and timing of deliveries
- Routing of construction traffic
- A condition survey of the surrounding highway network
- Vehicle parking for site operatives and visitors
- Loading/off-loading of vehicles and turning areas
- Site compound / Storage of materials / site office
- Precautions to prevent the deposit of mud and debris on the adjacent highway
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- Measures to control the emission of dust and dirt during construction
- A scheme for the recycling / disposing of waste resulting from demolition and construction works
- Hours of construction
- Details of a nominated person or contact

has been submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall thereafter be carried out in accordance with the approved management plan.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ruth Stockley Of Counsel Instructed by Helen Gorman Borough Solicitor to the Council

She called

Graham Langley Principal Transport Planning Officer

Alex Allen Principal Development Officer

FOR THE APPELLANT:

Giles Cannock Of Counsel Instructed by Paul Williams Director Mosaic Town Planning

He called

Stuart Allan Strategic Land Director Persimmon Homes and Church Church

Phil Wooliscroft Director Croft Transport Solutions

Paul Williams Director Mosaic Town Planning

INTERESTED PERSONS:

Cllr David Chadwick	Westhoughton South Ward
Cllr Christine Wild	Westhoughton North & Chew Moor Ward
Cllr M Cox	Westhoughton North & Chew Moor Ward
Cllr Zoe Kirk-Robinson	Westhoughton North & Chew Moor Ward

Inquiry Documents

ID1	Application to Adjourn by the appellant company
ID2	Response of Council to appellant company’s application to adjourn the Inquiry
ID3	Council’s Opening Statement
ID4	Appellant Opening Statement
ID5	S106 Summary Schedule – CIL Regulations 122 and 123 justification
ID6	Statement of Cllr David Chadwick
ID7	Statement of Cllr Christine Wild
ID8	Statement of Cllr Martyn Cox
ID9	Statement of Cllr Zoe Kirk-Robinson
ID10	Extract from Local Plan adopted December 2014 – Policy CG6AP
ID11	Extract from Environmental Statement, Vol 2 – Assessment of Impacts and Significance of Effects - Archaeology

ID12	Agreed Schedule of Conditions
ID13	Signed bilateral Section 106 agreement
ID14	Closing Submissions on behalf of Bolton Borough Council
ID15	Closing Submissions on behalf of the appellant company
ID16	Costs application of the appellant company
ID17	Council response to Costs Application