The Planning Inspectorate

Appeal Decision

Site visit made on 30 June 2020

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 3 July 2020

Appeal Ref: APP/N4205/W/19/3243960
Land to the south of Dentdale Close, Lostock, Bolton BL1 5XD

- 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 Mr McCabe against the decision of Bolton Metropolitan Borough Council.
- The application Ref 04802/18, dated 24 October 2018, was refused by notice dated 4 July 2019.
- The development proposed is the construction of 3 detached dwellings with new access and site landscaping, and retention of land to the south as a wildlife corridor.

Decision

1. The appeal is allowed, and outline planning permission is granted for the construction of 3 detached dwellings with new access and site landscaping, and retention of land to the south as a wildlife corridor, at land to the south of Dentdale Close, Lostock, Bolton BL1 5XD in accordance with the terms of the application, Ref 04802/18, dated 24 October 2018, subject to the conditions set out in the attached schedule.

Procedural matter

2. The application was made in outline with details, except for means of access and layout, reserved for subsequent approval. I have considered the appeal on the same basis.

Main Issues

3. The main issues are:
(1) the effect on the character and appearance of the area;
(2) the effect on the designated green corridor;
(3) whether a safe and suitable access can be achieved to the site; and,
(4) whether any adverse impacts would significantly and demonstrably outweigh the benefits.

Reasons

Character and appearance

4. The majority of the site comprises a former quarry, located between an estate of detached houses and the Middle Brook Valley. The site is well-wooded on its eastern and southern sides and also has other trees hugging its western and northern boundaries but is open in the centre below a steep bank. The southern section of the site slopes steeply away to a railway line. The site is

approached from the north via a small cul-de-sac serving five detached houses, with grassed open space and a belt of trees between the housing and Beaumont Road, the A58.

5. The three detached houses, sited on the central part of the site below the cul-de-sac and open space, would be relatively inconspicuous because of the sudden fall in levels away from the existing estate. The intervening vegetation would limit views from the south and east, including from the A58, particularly when trees are in leaf. During the winter months, the houses would be more visible, but vegetation would still filter views of the buildings. When glimpsed from the south and east, the houses would have existing development as a backdrop above them.

6. The layout shows houses of comparable footprint to those nearby. Whilst the spacing between the houses would be less generous than some of the nearest properties, surrounding trees would be retained providing a landscaped setting. The design and materials, to be decided at detailed application stage, could be developed to be compatible with the nearby development.

7. Although the existing estate is on the valley side, there are no sudden changes in levels, so it is seen as one entity. Because of the difference in levels, only the upper parts of the elevations and roofs of the new houses would be apparent from public areas to the north. Therefore, the houses would not appear as a homogenous part of the existing housing estate. I attribute some limited harm to this lack of integration.

8. In conclusion, there would be limited localised harm to the character and appearance of the area and some conflict with Policies CG3 and OA4 of Bolton's Core Strategy (CS), adopted in March 2011, because the form of the development would not be entirely compatible with the surrounding area. However, the development would accord with other criteria within Policies CG3 and OA4 and the General Design Principles Supplementary Planning Document (SPD).

Green corridor

9. A green corridor, shown indicatively on the Policies Map, runs through the site (east to west) and then follows the woodland belt south to north parallel with Beaumont Road. The corridor has been interpreted as equating generally to the wooded slope falling away to the railway, and the well-treed bank and quarry floor towards Beaumont Road. The wooded slope continuing westwards between the existing estate and the railway also forms part of the green corridor.

10. The development itself would not materially encroach onto the slope. Indeed, the layout plan shows the majority of the slope being retained as a wildlife corridor. The width of this wildlife corridor would be comparable to that of the green corridor to the west. The bank and quarry floor to the east lie outside the appeal site.

11. In addition, the appellant, through their ecological assessment, propose some enhancements to the site and surroundings by removal of invasive species, wildflower planting within the wildlife corridor, and provision of bird and bat boxes and landscaping within the site.

12. Accordingly, the proposal would be acceptable in relation to the designated green corridor, and comply with Policy CG1 of the CS in this regard as biodiversity would be safeguarded and the quality of the wildlife corridor would be improved.

Access

13. The cul-de-sac leading to the development is relatively narrow, the turning circle is of limited width and there are no footways. However, taking into account the number of vehicle movements likely to be generated, traffic speeds and the good forward visibility, the access road would be capable of serving a total of eight houses safely.

14. The access into the site would be steep (1 in 5 gradient) and facilitated by a ramp. However, there is nothing before me to suggest that this means of access could not function safely. The layout shows space for turning and parking within the site so residents or their visitors would not need to reverse up the slope or park in the turning circle. It is unlikely that other vehicles would need to wait or park in the turning area for long, so existing residents would not be significantly inconvenienced. Arrangements would need to be made to allow convenient refuse and recycling collection, but these details could be secured at reserved matters stage.

15. The access would be difficult to negotiate without a vehicle for those with mobility issues. Cycling up and down the slope would be difficult. Access for construction vehicles would be challenging. However, none of these matters would justify dismissing the appeal.

16. The site is close to a regular bus service on Chorley New Road and within walking and cycling distance of Lostock Railway Station.

17. The surface of the cul-de-sac requires repair but, as an adopted road, this is a matter for the Council as local highway authority.

18. For the above reasons, a safe and suitable access can be achieved to the site and there would be compliance with Policies CG4 and S1 of the CS as an acceptable standard of road safety would be achieved. In relation to Policy P5, despite some limitations, accessibility overall would be adequate. In arriving at this conclusion, I note that the Council's Highway Engineers have raised no objections. I have not been made aware of any specific conflicts with the Accessibility, Transport and Road Safety SPD.

Other matters

19. The houses to the south of the railway are much lower than the appeal site. However, the distance between existing and proposed dwellings would be significant (over 80m) so there would be no material impact on the privacy and outlook of existing residents.

20. Consent was given for the removal of trees in the middle of the site. Although replacement planting has not yet been undertaken, it is reasonable that this is carried out in conjunction with the development of the site.

21. Concerns about contamination of the former quarry, particularly through infilling of a pond, could be addressed by conditions.

22. There would be a strip of open space used to form an access road between the turning circle and the development site itself. However, significant areas of open space would remain. The Council has not objected as manager or landowner of the open space. Ultimately, it is for the Council to decide on the future use of land in its control.

Planning balance

23. I have found some limited harm in relation to character and appearance but no other material harm. In terms of economic and social benefits, the proposal would provide construction jobs, increase the supply of homes and generate local spend.

24. The Council is unable to demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (the Framework). As a result, because the application involves the provision of housing and there are no protective policies of the Framework at play, paragraph 11 d) ii. of the Framework is engaged. The limited adverse impacts would not significantly and demonstrably outweigh the economic and social benefits of the development when assessed against the policies of the Framework as a whole. Whilst the benefits from three houses are relatively modest, the Framework notes that small sites can make an important contribution to meeting housing requirements.

25. In any event, and notwithstanding the application of the tilted balance, although I have found some limited conflict with Policies CG3 and OA4 of the CS, I consider there would be compliance with the development plan as a whole.

Conditions and conclusion

26. I have considered the conditions referred to by the Council. In addition to the standard conditions to be imposed on an outline permission, a condition referring to the plans of the site layout and access should be imposed for certainty. Final levels should be submitted as part of the reserved matters.

27. Issues of contamination and ecological enhancement, including eradication of invasive species, need to be addressed by conditions (paragraphs 11 and 21 refer). Due to the proximity of preserved trees to the development, tree protection measures and an arboricultural method statement require securing by conditions.

28. A condition relating to details of boundaries is not necessary as these would be submitted as part of the landscaping reserved matter. Access details are shown on the approved drawings.

29. For these reasons the appeal should be allowed subject to conditions.

Mark Dakeyne

INSPECTOR

Attached – Schedule of Conditions

Schedule of Conditions

Reserved matters

1) Details of the appearance, landscaping, 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 3 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 plans:
Location Plan/Existing Site Plan Drawing No: 16/1139/101;
Proposed Site Plan Drawing No: 16/1139/201H;
Site Plan with survey overlay Drawing No: 16/1139/202/G;
Design Sections Drawing No: 16/1139/203C;
Site Layout indicating access road ground beam layout & details Drawing No 1008.01A.

5) The reserved matters submission shall include details of existing and proposed ground levels, including spot heights, cross sections and finished floor levels of all buildings, structures and garden areas.
The development shall be implemented in accordance with the approved levels which shall be retained thereafter.

Contamination

6) Prior to the commencement of development:
(i) A Site Investigation Report shall be submitted to, and approved in writing by, the local planning authority. The report shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing on risks to human health, property and the wider environment; and,
(ii) The details of any proposed remedial works shall be submitted to, and approved in writing by, the local planning authority.
The approved remedial works shall be incorporated into the development during the course of construction and completed prior to the first occupation of the development.

7) Prior to the first occupation of the development hereby approved a Verification Report shall be submitted to, and approved in writing by, the local planning authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the local planning authority.

Ecology

8) Prior to the commencement of development, a scheme of Biodiversity Enhancement Measures, including a detailed habitat and management plan, shall be submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented prior to first

occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

9) Prior to the commencement of all work, details of on-site bat and nesting bird accommodation and habitat shall be submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented in full prior to first occupation of the development and retained thereafter.

10) Development shall not commence until a scheme for the eradication of invasive species within the site, including Japanese Knotweed, Indian Balsam and Variegated Yellow Archangel, has been submitted to, and approved in writing by, the local planning authority. The scheme 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.

Tree protection and management

11) No works in connection with the implementation of the development shall be carried out, including changes in levels and stripping of soil, until:
(i) The trees and hedgerows within or overhanging the site which are to be retained have been surrounded by protective fences of a type and siting to be agreed in writing with the local planning authority;
(ii) 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;
(iii) Development shall not be commenced until a minimum of 14 days written notice has been given to the local planning authority confirming the approved protective fencing has been erected.

12) Prior to the commencement of development of any works on site, an arboricultural method statement shall be submitted to, and approved in writing by, the local planning authority. The method statement shall include details of the following:
(i) The type of piling machine and how this is to access the site;
(ii) Details of ground protection within the root protection zone during piling operations to prevent ground compaction;
(iii) Details of works within the construction exclusion zone (during piling) and temporary movement of protective fencing to accommodate works; and,
(iv) Full detailed specification for the three-dimensional cellular confinement system (Geo-system) within the root protection zone of the trees to the north of plots 2 and 3.
No development or site clearance shall take place until the local planning authority has agreed the method statement in writing, and the method statement shall then be implemented fully in accordance with the approved details.