



Appeal Decision

Site visit made on 20 April 2022

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2022

Appeal Ref: APP/N4205/W/21/3277545

Regent Park Golf Club, Links Road, Lostock, Bolton, BL6 4AF

- 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 Regent's Park Golf Club against the decision of Bolton Metropolitan Borough Council.
- The application Ref 10058/20, dated 16 December 2020, was refused by notice dated 22 February 2021.
- The development proposed is extension and other alterations to golf driving range.

Decision

1. The appeal is allowed, and planning permission is granted for extension and other alterations to golf driving range at Regent Park Golf Club, Bolton, BL6 4AF in accordance with the terms of the application, Ref 10058/20, dated 16 December 2020 and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council have confirmed in its submission that the comments from the Pollution Control Officer (the PCO) were brought forward from the previous planning application¹ as the appeal scheme is a resubmission of this development. I have dealt with the appeal on this basis.

Main Issues

3. There is agreement between the main parties that the development does not amount to inappropriate development inside the Green Belt. Therefore, it is not necessary to consider the effect of the proposed development on Green Belt openness. Additionally, the demonstration of very special circumstances is not required to make the proposed development acceptable. On the evidence before me, I have little reason to disagree with the main parties on this matter.
4. Therefore, the main issues of this appeal are the effect of the proposed development on:
 - the living conditions of neighbouring residents, with particular regard to noise and disturbance;
 - highway safety, with particular regard to Chorley New Road; and,
 - the character and appearance of the appeal site and surrounding area, with particular regard to the bunds and the loss of mature trees.

¹ 07865/20 (the previous application)

Reasons

Living conditions

5. The proposed development requires a notable amount of material imported to the site by heavy goods vehicle (HGV). Due to the amount of material to be imported, a significant number of HGV movements would be required, both to and from the site. Access to the site will be taken from Chorley New Road and then HGVs will travel along Links Road to the golf club entrance, where an internal route will lead to an existing service area, adjacent to the Club House.
6. During my site visit, I noted the residential properties in the locality, particularly those present on St Andrews Road, Links Road, Links Drive and Chorley New Road, especially those close to the Links Road junction. In all instances, I found that these dwellings were sited an appreciable distance away from their respective roads. I accept that residents in the vicinity of the site would be subjected to some affects from the proposed development, with particular regard to noise and especially in the case of the worst-case scenario, where up to 122no. HGV movements per day could occur.
7. Nonetheless, it is proposed that construction activities would be limited between the hours of 09:00 and 17:00 on Monday to Friday, with no works being undertaken on Saturdays, Sundays or Bank Holidays. Although, the work would last for approximately 12 months, it would still amount to a temporary period, and would be carried out at an appropriate time on a weekday. Limiting the construction time as proposed could be secured through the imposition of a suitably worded condition and would ensure that no work is undertaken during more sensitive times of the day or outside of a weekday.
8. There would be noise from earthworks and vehicles arriving and leaving the site that would reach approximately 37.8 dB(A) at the nearest residential properties, which is in excess of the recommended level of 35 dB(A) set out in BS8223:2014. I also accept that the importation of material to the site could generate dust and debris. Statutory consultees play an important role in the planning system and I note that the Council's PCO does not object to the proposed development, subject to the imposition of suitable worded conditions, which includes the submission of a further dust assessment following the methodology set out by the Institute of Air Quality Management². The comments from the PCO form a material consideration of significant weight on this main issue.
9. Although the Council have expressed some concerns regarding securing the required mitigation by condition, particularly surrounding dust and mud, I have little doubt that such matters could be adequately controlled through the imposition of suitably worded conditions. In this instance, otherwise unacceptable development could be made acceptable through the use of conditions. Whilst not determinative, the living conditions of neighbouring occupiers would also be safeguarded through other Environmental Health Legislation. Furthermore, I acknowledge that the Council as the leaseholder of the site, would ensure some additional control, in the event that its intervention was required.
10. For the reasons given above, I conclude that the proposed development would

² Guidance on the Assessment of Noise, Demolition and Construction, February 2014 Version 1.1

not create significant harm to the living conditions of neighbouring residential occupiers in the surrounding area, with particular regard to noise and disturbance. Consequently, it would accord with the amenity aims of Policy CG4 of Bolton's Core Strategy, Development Plan Document 2011 (CS) and the requirements of the National Planning Policy Framework (the Framework).

Highway safety

11. The appellant has submitted a Transport Statement³ (TS) in support of its submission. Whilst the Council do not dispute all of the findings in the TS, it has raised some issues, with particular regard to the number of HGVs entering and egressing Links Road, and the potential for mud and debris to be deposited on the surrounding carriageways. Given that the TS appears to have been produced by a suitably qualified authority and in the absence of an equivalent report on the part of the Council, I have given it significant weight.
12. Whilst there is no centre line on Links Road, I accept that it may be necessary for HGVs to use the opposite lane in their direction of travel, to both enter and leave Links Road, due to the current dimensions. I undertook my site visit on a weekday morning between 07:15 and 08:00. I then returned to Links Road at 09:00 to observe the number of vehicles travelling along Links Road, but the number was not excessive and similar to that experienced earlier that morning. Whilst I accept that this is a snapshot in time, there is little before me to suggest that the level of vehicular activity would significantly alter.
13. I consider that drivers would be easily able to assimilate the road conditions, when approaching the road junction from either Links Road or Chorley New Road, thus reducing the potential likelihood of vehicular conflict. Given the good level of visibility in this location, I also consider that any pedestrian conflict would be highly unlikely. Highway Engineering and Development Services (HEDS) have raised no objections to the proposed development, subject to the imposition of a number of conditions. On this main issue, the comments from HEDS form a material consideration of significant weight.
14. Although concern has been raised with the potential for mud and debris being deposited on the carriageway from HGVs, particularly on Chorley New Road, I have little doubt that such matters could be adequately controlled through the imposition of a suitably worded condition. Furthermore, whilst not determinative, other Highways Legislation could be relied upon to safeguard highway safety if necessary. In the absence of substantiated evidence to the contrary, I have found no good reason to conclude that either the TS or the comments from HEDS are unreliable in this or any other significant respect.
15. For the reasons given above, I conclude that the proposed development would not unacceptably harm highway safety. Consequently, it would accord with the highway safety aims of CS Policy S1.2 and the requirements of the Framework.

Character and appearance

16. Particular concern has been raised with regards to the landscaped bunds and the loss of 31no. individual trees⁴, and 9 groups of trees⁵. There is little doubt that the number of trees to be removed as part of the development is notable.

³ Transport Statement (Report No. J1146/TS, dated Jan 2020, by DTPC)

⁴ 10no. category B trees; 16no. category C trees; 5no. category U trees.

⁵ 4no. groups of category B trees; 4no. as category C trees and 1no. category U.

However, the appellant aims to plant a very significant number of trees and shrubs (the planting scheme) to mitigate against those lost. The proposed planting scheme would far exceed the number of those lost, comprising a significant net gain and could be secured through the imposition of a suitably worded pre-commencement condition. Whilst I accept that it would take a period of time for any replacement trees and shrubs to mature, the significant number of existing trees that would be retained would be able to absorb such a loss in the short and medium term, until the planting scheme matured in the long term.

17. It is agreed by the main parties that the bunds would have a visual impact on the driving range and the surrounding area. However, I do not consider that this impact would be harmful to the character and appearance of the site or the surrounding area. Whilst the proposed development would be readily visible from the adjacent public footpaths/bridleway to the east and south of the site, bunds are common features on golf courses. There would be obvious visual disruption for members of the public during the construction phase, but this would be for a temporary period.
18. Nonetheless, I am satisfied that the proposed development would not significantly affect the enjoyment of members of the public, when utilising the site or the wider area. However, I am confident that an approved planting scheme, including that on the bunds would enhance the overall visual amenities in both the immediate and surrounding area. Some concerns have been raised in respect on whether the replacement trees would fully establish within the imported material and its overall quality. I do not share these concerns as the suggested conditions indicate that a condition could be imposed to ensure that the imported material is suitable for its intended purpose and that if any trees do die or become diseased within 5 years of planting they would be replaced.
19. For the reasons given above, I conclude that the proposed development would not create significant harm the character and appearance of the appeal site and surrounding area. Consequently, it would accord with the design, character and appearance aims of CS Policy CG3.7 and the requirements of the Framework.

Other Matters

20. Whilst there was some support for the proposed development, a number of interested parties, including, local residents and an elected Member have also expressed a wide range of concerns including, but not limited to the following: users of the car park and lack of/ loss of parking, which is also used by hospital staff; waste management; the 5 Year Environment Plan for Greater Manchester; the rationale of the proposal; the maintenance of existing nets; terms of the lease with the Council and the previous application, amongst other things.
21. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Planning Balance

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise.
23. Sustainable development has three dimensions. The proposed development would involve a loss of a notable number of trees, but in considering the environmental role, this is balanced against the significant tree and shrub planting programmed that would occur at the site and throughout the wider golf course. There would be some disruption in the locality, but in considering the social role, this would be safeguarded through the imposition of suitably worded conditions. There would be very significant benefits to the economic and social roles through the construction of the proposed development, the support of the existing local business and a likely improvement for balls being retained within the driving range.
24. Given my findings above, the proposed development accords with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. It also complies with the requirements of the Framework. I therefore conclude that the proposed development is suitable for the site.

Conditions

25. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and the Planning Practice Guidance. In addition to conditions relating to the time limit for implementation, for reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans is necessary.
26. Pre-commencement conditions relating to a Construction Management Plan; Dust Assessment; Highway Works; Trees; Japanese knotweed; Protected Species and Landscaping Scheme are all reasonable and necessary in the interest of living conditions of neighbouring occupiers; highway safety; ecology/biodiversity and character appearance, respectively.
27. Additionally, other conditions relating to notification and duration of the importation of materials, and the hours of construction works are reasonable and necessary in the interest of the living conditions of neighbouring occupiers and for certainty. Other conditions relating to soil, tree fencing and Reasonable Avoidance Measures are all reasonable and necessary in the interest of ecology/biodiversity.

Conclusion

28. For the reasons given, I conclude that the appeal should succeed.

W Johnson

INSPECTOR

SCHEDULE OF CONDITIONS

Time limit

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Approved drawings

2) The development hereby permitted shall be carried out in complete accordance with the following approved plans: 240319/TOP; "Topographical Survey"; dated March 2019; "Driving Range Earthworks Proposal"; received 17 December 2020; and, 6214.05; "Tree Protection Plan"; dated July 20.

Pre-commencement

3) Prior to the commencement of development, including any ground works or vegetation clearance, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in complete accordance with the approved CMP. The CMP shall include the following details:

- i. Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway;
- ii. Noise emission suppression measures;
- iii. Construction routes in and around the site;
- iv. A Traffic Management Plan to help prevent potential vehicle conflict with other road users/pedestrians;
- v. Compound locations together with details of the storage facilities for any plant and materials including off-site consolidation if appropriate, the siting of any site huts and other temporary structures, including site hoardings and details of the proposed security arrangements for the site;
- vi. Parking of vehicles associated with construction, deliveries, site personnel, operatives and visitors;
- vii. Sheeting over of construction vehicles.

4) Prior to the commencement of development, a Dust Assessment (DA) shall be submitted to and approved in writing by the Local Planning Authority. The requirements of the assessment shall be in line with IAMQ "Guidance on the assessment of dust from demolition and construction" 2014 (v1.1), Institute of Air Quality Management. The air quality assessment shall include an appraisal of remedial options and proposals for any mitigation, including details of how fugitive dust and noise emissions are to be mitigated against during the construction phase. The development shall then be carried out in complete accordance with the approved DA.

5) Prior to the commencement of development, full details of the highway works at Links Road comprising the repair of the carriageway surfaces during the approved construction works and the repair/reinstatement of the carriageway surfaces following completion of the construction works 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 thereafter.

6) Prior to the commencement of development, the developer shall submit a method statement detailing how the following elements of the site will be constructed without causing harm or damage to the trees found on the site to the Local Planning Authority. The specified areas are:

- i. Access for construction vehicles - specification for pruning of trees where required to accommodate access of vehicles and road plating where required within the root protection zones of retained trees.
- ii. No development or site clearance shall take place until the Local Planning Authority as agreed the measures in writing, and these measures shall then be implemented fully in accordance with the approved details.

7) Prior to the commencement of development, including the movement of earth shall not commence unless and until a Japanese knotweed construction method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include how construction will be undertaken to avoid and manage soil handling during earth movement works, along with machinery biosecurity. The construction works shall be carried out fully in accordance with the approved measures.

8) Prior to the commencement of any groundworks, full details of the proposed surface water drainage works shall be submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out to investigate the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system 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.

The approved works shall be implemented in full prior to the first use and occupation of the proposed development hereby approved and those works as approved shall be retained thereafter.

9) Prior to the commencement of development, a landscape scheme shall be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and carried out within 6 months of the completion of the development, whichever is the sooner, or in accordance with any phasing details included as part of the scheme approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of

planting shall be replaced in the next available planting season with species similar in size and to those lost.

10) Prior to the commencement of development, including the removal of any trees or vegetation details shall be submitted to and approved in writing by the Local Planning Authority for alternative on-site bat and nesting bird accommodation. The scheme shall also include temporary or permanent accommodation for bats and nesting birds during the entire construction period. The approved scheme shall be implemented in full and any permanent accommodation shall be maintained and retained in perpetuity.

Other

11) 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 brought into use, a verification report including soil descriptions, laboratory certificates and photographs shall submitted to and approved in writing by the Local Planning Authority.

12) No development or stripping of soil shall be started until:

i. The trees within or overhanging the site which are to be retained have been surrounded by fences in accordance with the locations shown on approved drawing 6214.05; "Tree Protection Plan", dated July 20.

ii. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until the development is completed. There shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).

13) The trees to be planted within the site, in accordance with the landscaping scheme to be approved by condition, shall be surrounded by protective fences of a types to be agreed in writing by the Local Planning Authority prior to the driving range being first brought into use. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012).

14) The applicant shall give the Local Planning Authority seven days prior written notification of their intention to commence the importation of material (inert/waste material) on to the application site. The importation of material hereby permitted shall cease no later than 12 months after the intended commencement date, as stated within the written notification.

15) No operations in relation to the construction of the approved extension and alteration of the driving range (including the repair of plant machinery and the movement of such machinery) shall be undertaken outside the following hours:-

i. 09:00 to 17:00 - Mondays to Fridays

ii. No operations shall take place on any Saturday, Sunday or Bank Holiday.

16) The following Reasonable Avoidance Measures (RAMs) are to be adopted during the construction phase of the proposed development:

- i. All site personnel must be made aware of this RAMs, and the RAMs should be made part of the site induction for all personnel involved in soil strip, ground clearance, or other relevant activities;
- ii. Prior to any soil strip, vegetation will be strimmed to a height of no less than 0.15 metre and all arisings removed. The strimming of vegetation within the marsh and associated scrub at the southern end of the site shall be supervised by an Ecological Clerk of Works;
- iii. During construction, any holes, trenches or other pits which amphibians (or other wildlife) could fall into will be covered overnight, or have sloped banks or ramps top allow escape;
- iv. The use of chemicals (such as fertilisers and herbicides) harmful to amphibians should be avoided wherever possible;
- v. In the unlikely event of the discovery of a great crested newt whilst any site clearance or construction operations are in progress then all works in the area must cease and ERAP (Consultant Ecologists) Ltd or another suitable professional, must be contacted immediately for further assistance;
- vi. No site contractors must handle a great crested newt; and
- vii. If any other amphibian species (such as common toad, common frog, palmate newt or smooth newt) is detected, it must be carefully picked up, placed in a clean bucket and moved to an area of suitable habitat beyond the development area.

****End of Schedule****