

Planning Constraints

**Bolton
Council**

INTRODUCTION

Bolton Council, in coming to a judgment on any planning application submitted, has to consider a number of planning constraints that may impact upon any planning decision made. This document sets out general information on a series of listed constraints that are applicable to the Borough of Bolton.

The Council's starting point for a decision on any application is the Unitary Development Plan April 2005 and Proposals Map which are available on the Council's website at www.bolton.gov.uk. (Use the Buildings and Planning Speedlink). Planning Control Policy Notes which support the Unitary Development Plan may be obtained from the same website address.

The Council also takes into account copies of Government Planning Policy Guidance (PPG) notes and Planning Policy Statements (PPS) which are available to view at the Department of Communities and Local Government website on

<http://www.communities.gov.uk/index.asp?id=1143802>

HOW TO CONTACT THE PLANNING CONTROL SECTION

For further advice, the Planning Control Section can be contacted by telephone on 01204-336000, via the Council's website at www.bolton.gov.uk (Use the Buildings and Planning Speedlink) or email Planning.Control@bolton.gov.uk

FLOOD RISK

The Environment Agency advises Bolton Council on those parts of the town that are susceptible to flooding. This means that as part of the planning application determination process the Council will examine the question of whether any land on which building is proposed is likely to flood in future years.

The Government has also given Council's advice on how to deal with planning applications on sites where there is a flood risk. This is contained in PPS 25 which can be seen on the DCLG website at:-

<http://www.communities.gov.uk/index.asp?id=1504639>

You can check whether properties and areas are at risk from flooding by looking at the Environment Agency's website flood page via the link below:-

http://www.environment-agency.gov.uk/subjects/flood/?lang=_e

CONTAMINATED LAND

Paragraph 24 of PPS23 Planning and Pollution Control states that:- "LPAs should pay particular attention to development proposals for sites where there is a reason to suspect contamination, such as the existence of former industrial uses, or other indications of potential contamination, and to those for particularly sensitive use such as a day nursery or housing likely to be used by families with children. In such cases, it should normally require at least a desk study of the readily-available records assessing the previous uses of the site and their potential for contamination in relation to the proposed development."

This means that as part of the planning application determination process the Council will examine the question of land contamination.

Guidance on the above can be found in the following publications, which can be downloaded from www.environment-agency.gov.uk:

1. Defra/Environment Agency ,2004, CLR Report No 11, Model Procedures for the Management of Land Contamination
2. Environment Agency, 2005, Environment Agency Guidance on Requirements for Land Contamination Reports.

Further advice on this matter can be obtained from the Council's Environmental Health Officers. (Contact Dave Bateson 01204-336522) and from the PPS 23 DCLG website as below.

<http://www.communities.gov.uk/index.asp?id=1143916>

TREE PRESERVATION ORDERS

Bolton has more than 770 Tree Preservation Orders that prevent the felling or pruning of trees within the boundary of the Tree Preservation Order without the consent of the Council.

This means that as part of the planning application determination process the Council will examine the question of protected trees within an application site. You can check whether your property is affected by a Tree Preservation Order by contacting the Planning Control Section at the addresses given above.

Further advice on this matter can be obtained from the Council's Tree and Woodland Officers on 01204 334027 and from the Tree Section of the DCLG website as below.

<http://www.communities.gov.uk/index.asp?id=1127782>

CONSERVATION AREAS

There are 26 Conservation Areas in Bolton. The List is set out below with the year of designation. Conservation Areas are given special protection in planning legislation because they are of special architectural or historic interest. This means that as part of the planning application or Listed Building consent application determination process the Council will examine impacts of any proposal upon any Conservation Area.

Bank Top	1970
Barrow Bridge	1970
Birley Street	1970
Bradshaw Chapel	1976
Chorley New Road	1974
Churchgate	1970
Deane Village	1970
Deansgate	1987
Dunscar Fold	1983
Eagley Bank	1970
Egerton	1981
Firwood Fold	1969
Greenside, Farnworth	1974
Hill Top	1970
Horwich Locomotive Works	2007
Horwich Town Centre	1987
Mawdsley Street/Nelson Square	1970
Queens Park	1997
Riding Gate	1974
Ringley Fold	1989
St Georges	1987
St Pauls, Halliwell	1970
Silverwell St/Wood St	1970
Town Hall	1987
Wallsuches	1975
Westhoughton Town Centre	1980

More information about Conservation Areas can be found via the English Heritage Listed Building page as below:-

<http://www.english-heritage.org.uk/server/show/nav.1062>

ARTICLE 4 DIRECTIONS

Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 lets Council's remove permitted development rights in relation to certain sites in the town. Permitted development rights are conferred by national planning legislation and allow for some buildings or uses to be constructed or occur without the need for a formal planning permission. The Government's Planning Portal provides detailed advice in this regard via the following page:

<http://www.planningportal.gov.uk/england/genpub/en/1011888239467.html>

In Bolton there are Article 4 Directions in place on the following sites:-

Barrow Bridge Conservation Area
Cox Green Quarry
22 – 48 even and 49 Castle Croft Harwood
29 Shoreswood Belmont Way
Ratcliffes Farm Wingates Lane
61 Riding Gate Harwood
14 – 40 Hindley Road Westhoughton
Land to west of 421 Watergate Drive off Watergate Lane
Car showroom junction Manchester Road/Raikes Lane

So if you are seeking information about developments on these sites you should bear in mind that you may need planning permission for a wider range of extensions and uses than in non Article 4 Direction parts of the town. You can check whether your property is affected by an Article 4 Direction by contacting the Planning Control Section at the addresses given above.

ARTICLE 3 RESTRICTIONS ON PERMITTED DEVELOPMENT RIGHTS

Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 lets Council's remove permitted development rights in relation to certain planning permissions. Permitted development rights are conferred by national planning legislation and allow for some buildings or uses to be constructed or occur without the need for a formal planning permission. The Government's Planning Portal provides detailed advice in this regard via the following page

<http://www.planningportal.gov.uk/england/genpub/en/1011888239467.html>

In Bolton there are Article 3 restrictions in place on a number of sites.

So if you are seeking information about developments on these sites you should bear in mind that you may need planning permission for a wider range of extensions and uses than in non Article 3 restriction parts of the town. You can check whether your property is affected by an Article 3 restriction by contacting the Planning Control Section at the addresses given above. There is a charge of £20 for this checking service.

LISTED BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

There are upwards of 650 Listed Buildings in Bolton. Listed Buildings are given special protection in planning legislation because they are of special architectural or historic interest. This means that as part of the planning application or Listed Building consent application determination process the Council will examine impacts of any proposal upon any Listed Building. More information about Listed Building can be found via the English Heritage Listed Building page as below:-

<http://www.english-heritage.org.uk/server/show/conWebDoc.2422>

A list of Listed Buildings in Bolton can be found at the web page below:-

http://www.bolton.gov.uk/pls/portal92/docs/PAGE/ENVIRONMENT_DEPARTMENT/PLANNING_DIVISION/PLANNING%20CONTROL/TAB80709/GENERAL%20PAGES/LISTED_BUILDING_CONSENT_APPLICATIONS.HTM