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cc. Members of the Planning Committee of Bolton Council

**Planning Application 02434/17**  
**300 Dwellings, Land off Victoria Road, Horwich, BL6 5PH**

**A. Introduction**

1. This submission contains further grounds of objection from the Stocks Residents Association (the 'SRA') to Planning Application 02434/17 – 300 Dwellings, Land off Victoria Road, Horwich, BL6 5PH (the 'Site') (the 'Application') as submitted by Emery Planning on behalf of Peel Investments (North) Ltd ('Peel'). This submission is supplementary to, and should read in conjunction with, the letter of objection submitted by the SRA on 22 January 2018 including the facts set out therein (the 'SRA Letter').
2. The Application represents an opportunistic attempt by Peel to develop Protected Open Land ('POL') in clear contravention of Bolton Council's Core Strategy and Allocations Plan (together the 'Local Plan') following recent planning appeal decisions which permitted developments on POL in Westhoughton and Blackrod. It is evident that these recent appeal decisions have been passed due to an issue with the five year supply of housing in Bolton which has provided developers such as Peel, with a window of opportunity to obtain permission to develop sites which would ordinarily not be approved for development.
3. A deficiency in the five year supply of housing in Bolton, should not however signal the 'green light' for developers to be entitled to build wherever they want. Such an approach would render the Core Strategy and Allocations Plan entirely redundant and produce an ad hoc and piecemeal approach to development resulting in a 'patchwork quilt' of developments around Bolton which lack a consistency of approach in terms of an overarching strategy.
4. The consequences of such an approach is to undermine medium and long term strategic planning which is intended to ensure 'sustainable development' across Bolton in terms of the allocation of resources and investments in infrastructure which should go hand in hand with large scale residential developments of the type foreseen in the Application. This is the purpose of the Greater Manchester Spatial Plan whereby key sites have been identified which can deliver hundreds of thousands of new houses but with corresponding improvements in the surrounding infrastructure and resources to ensure that development is sustainable as is required by national planning policy.

5. The Application highlights the problems created by such an approach to planning as the proposed development lies in the shadow of two other major developments which have already been granted planning permission by Bolton Council at the sites of Horwich College and the Loco Works which together shall lead to the delivery of nearly 2,000 additional houses – these sites are within less than a mile of the Site.
6. Peel is no doubt making the Application now as it is conscious of the fact that if does not make the Application in the short term, it will have no prospect of securing permission in the future once the five year shortfall has been remedied by the other developments which have been approved across Bolton and future developments which will follow when the Greater Manchester Spatial Plan is implemented.
7. It is therefore the role of the Planning Committee of Bolton Council to consider carefully applications of this nature which conflict with the Local Plan and determine whether, despite a deficiency in the five year supply of housing in Bolton, it is appropriate in all the circumstances to permit developments on POL.
8. It is respectfully submitted that in the case of the Application, development of the Site is entirely inappropriate due to a number of factors which as set out below, demonstrate that it is not only in conflict with local planning policy, but also national planning policy as set out in the National Planning Policy Framework (the ‘Framework’).
9. In the circumstances, and for the reasons set out in the SRA Letter and herein below, the Planning Committee is requested to reject the Application.

**B. The Local Plan**

10. Before considering the Application, it is important to have in mind the key aspects of the Local Plan which are relevant in this case:

*Policy CG1 – Cleaner and Greener*

*“Sub-paragraph 1:*

*Safeguard and enhance the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value; or its contribution to green infrastructure, reducing flood risk and combating climate change.*

*Sub-paragraph 2:*

*Safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development, and improving the quality and interconnectivity of wildlife corridors and habitats.*

*Sub-paragraph 5:*

*Reduce the risk of flooding in Bolton and other areas downstream by minimising water run-off from new development and ensuring a sequential approach is followed, concentrating new development in areas of lowest flood risk.”*

11. For the reasons set out below and in the SRA Letter, it is clear that the Application would be in conflict with the above mentioned provisions of Policy CG1.

Policy CG6AP – Other Protected Open Land

12. As the Site is currently designated as ‘other protected open land’, Policy CG6AP is also relevant to the Application:

*“The Council will permit development proposals within the defined areas of Protected Open Land shown on the Proposals Map, provided that they fall within one or more of the following categories:*

- 1. The development represents limited infilling within an established housing or industrial area, is in scale with it and would not adversely affect its character or surroundings; or*
- 2. It forms part of, and is required for, the maintenance of an existing source of employment; or*
- 3. The development requires a location outside the urban area, but is inappropriate within the Green Belt, and providing it maintains the character and appearance of the countryside; or*
- 4. The development would be appropriate within the Green Belt.*

*Where new buildings are permitted they should be sited to form a group with existing buildings wherever possible. In cases where this is not possible, buildings, car parking areas and any other new structures should be sited where they will be well screened and unobtrusive in the landscape. All buildings and extensions should be of a high standard of design, using materials that are compatible with the landscape.”*

13. For the reasons set out below and in the SRA Letter, the Application does not meet any of the above criteria nor does the Site appear in Appendix 4 ‘allocated housing land’.

Policy OA1 – Protecting Open Space

14. Policy OA1 is also relevant given the Application relates to the development of POL in Horwich:

*“Sub-paragraph 6*

*Ensure Protected Open Land around Horwich and Blackrod remains undeveloped, except to the west of Horwich Loco Works where development will be allowed to support the regeneration of the Loco Works site.*

*Sub-paragraph 11*

*Ensure that new development does not harm the landscape setting and protects views from public areas to the surrounding landscape.”*

15. Again, it is self-evident that, given the location of the Site on POL, the Application is directly contrary to Policy OA1.

*The Application conflicts with the Local Plan*

16. It is thus clear that the Application conflicts with and undermines various aspects of the Local Plan and thus the long term strategic aims of Bolton Council with regard to ensuring

sustainable development of housing across the borough. For these reasons alone, the Application should be refused.

17. The Application is thus clearly contrary to the principles which underpin the planning policy of Bolton Council and it is thus entirely disingenuous for it to be claimed at Paragraph 3.8 of the Planning & Suitability Statement that Bolton Council's Principal Development Officer, Helen Williams, was "*supportive*" of the Application in the pre-application advice email dated 19 December 2016 (attached at EP1 of the of the Planning & Sustainability Statement).
18. It is noted that Ms Williams' email begins with the following sentence: "*Please find attached my **informal comments** to the proposed residential scheme at Victoria Road, Horwich.*" (emphasis added). Ms Williams then summarises the principles which apply where there is a shortfall in the five year housing supply and then states that "*(T)he **principle** of developing the site for housing is therefore considered to be acceptable*" (emphasis added). The email then goes on to set out a number of issues that any application would need to address.
19. On any view, the email from Ms Williams simply provided her informal comments and merely commented on the general principles of development where there is a shortfall in the five year housing supply, and it cannot credibly be characterised as being "*supportive*" of the Application. This is an attempt to cloak the Application with a sense of legitimacy when it in fact runs entirely contrary to principles of local and national planning policies.
20. In this context, it is also important to recall that Peel is seeking to develop a site which has already been considered and specifically excluded from the Local Plan. Peel promoted the inclusion of the Site in the Allocations Plan but the Planning Inspector who considered it, did not consider the Site as being one which warranted inclusion (see Paragraph 4.14 of the Planning & Sustainability Statement). The Site has thus already effectively been 'turned down' by a Planning Inspector as a site in Bolton which was appropriate for development.
21. Furthermore, Peel also promoted the Site in the 'call for sites' for inclusion as a development site in Bolton's contribution to the Greater Manchester Spatial Framework. It is noted that Bolton Council chose not to include the Site as part of Bolton's contribution to the Greater Manchester Spatial Framework which was published in draft as recently as 2016. Bolton Council has thus very recently rejected the Site as one which was appropriate for development.

### **C. The National Planning Policy Framework**

22. The Application seeks to bypass the Local Plan and rely on principles within national planning policy. However, once scrutinised against national planning policy, it is clear that the Application also conflicts with numerous core principles of national planning policy.

#### *(i) The 'tilted balance' & the 'presumption'*

23. It is acknowledged that Paragraph 14 of the Framework provides that there is "*...a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...*" and that where a local

development plan is deemed to be 'out of date', then there is a presumption that 'decision-takers' should grant permission unless:

- *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted."*

24. In the Application, Peel submits that as Bolton Council cannot at this specific moment in time, demonstrate the achievement of a five year supply of housing, the Local Plan is effectively 'out of date' and must be given "...*significantly reduced weight in the tilted planning balance as its operation would serve to restrict the supply of new housing and thus frustrate the achievement of a 5 year supply...*" (Paragraph 1.4 of the Planning & Sustainability Statement).
25. It is thus noted that Peel is seeking to contend that the Application should be approved as due to the shortage in the five year housing supply, the so called 'tilted balance' applies which creates a presumption in favour of development in accordance with Paragraph 14 of the Framework.
26. It is submitted that this constitutes an entirely self-serving over-simplification of the situation and is a transparent attempt to secure permission on an area of POL when in all other circumstances, permission would simply not be granted. Indeed, the timing of the Application is in itself most revealing as Peel has seen a small window of opportunity to make the Application following recent planning appeal decisions in favour of the development of sites which conflict with the Local Plan in Westhoughton and Blackrod (which are examined further below). It is plainly seeking to 'jump on the bandwagon' to extract outline permission for a site which it knows full well would not otherwise be granted but for the five year housing supply issue.
27. Whilst it seems to have been generally accepted that there is a shortfall in the five year housing supply across the borough, it is important to note that the application of the 'tilted balance' and the 'presumption' in the recent appeal decisions do not act as a precedent which mean that all applications which are contrary to the Local Plan are to be 'waved through' simply due to a shortfall in housing.  
  
(ii) *The presumption should not apply as there is no shortfall in the five year housing supply in Horwich*
28. It is also clear from the facts on the ground that there is no shortage in the housing supply in the immediate vicinity of the Site; in fact the opposite is true, the situation in Horwich at present is one of substantial over development given the lack of simultaneous improvements in infrastructure. In those circumstances, it is not appropriate to apply the 'tilted balance' and the 'presumption' in this context.
29. It is understood that in recent years, there have been approximately 2,000 new permissions granted in Horwich which, based on the average household size in the 2011 census, accords to a population increase of approximately 4,600 (i.e. 23%) as well as between 3,000 to 4,000 additional vehicles. There have been very limited corresponding additions to

infrastructure or resources such as the transport network, schools, health care services or leisure facilities.

30. Furthermore, as mentioned above, the sites currently approved for development in less than a mile of the Site, will deliver a further 2,000 houses over the next five years. It is understood that on the basis of the latest figures available, Bolton Council must build around 840 houses per annum of the next five years (i.e. a total of 16,800) which, based on the population of Horwich, would mean that Horwich would contribute approximately 7% of those houses so around 59 houses per annum or 295 over the next five years.
31. These figures speak for themselves in demonstrating that Horwich and in fact, in the immediate vicinity of the Site have contributed disproportionately to the entirety of Bolton's housing supply. Indeed, the Application alone is for 300 houses which would satisfy Horwich's total five year contribution towards Bolton's overall total never mind the near 2,000 housing which are already approved for development.
32. It is perhaps therefore not a surprise that the local community is entirely opposed to this development on objectively justifiable grounds which cannot be dismissed simply as '*nimbyism*'. In this regard, the development should be contrasted with the support the local community has given to the developments in the immediate vicinity at the Loco Works where there is acceptance that as a brownfield site, it is an appropriate site for residential development.
33. The situation on the ground in Horwich is developing rapidly with new planning applications for the Loco Works site being submitted and approved such as the approval for Bellway Homes to build 112 houses and the Hong Kong Racing application [92214/14] for the construction of 130 houses and 28 apartments – both developments being within a mile of the Site. There has also been confirmation of the £12m grant from central government for the new spine road through the Loco Works site which will prompt other developers to submit further applications.
34. The Greater Manchester Spatial Plan will also be published in the short term with the key areas for the focus of development in Bolton having been identified. There is a therefore real risk that the approval of ad hoc developments outside of the Local Plan due to a perceived immediate deficiency in the five year housing supply in Bolton generally, will do long term damage to the local area. Decisions on applications of this nature which conflict with the Local Plan must be taken with a sense of foresight and not in the abstract as Peel requests.
35. In the circumstances, it is contended that this is not a case in which the 'tilted balance' should apply as the situation on the ground in the immediate vicinity of the Site is developing rapidly and there is clearly no issue with the five year housing supply in Horwich.
36. Consequently, no further development should be permitted which is in conflict with the Local Plan at the present time whilst those developments which already have approval and/or are within the Local Plan are 'delivered' so the pressures on local resources and infrastructure can be re-assessed again with up to date information.

(iii) *The presumption should not apply as the Application does not alleviate any deficiency in the five supply of housing in Bolton*

37. It is also submitted that the entire premise of the Application is flawed as it is based on an argument that due a perceived deficiency in the five year supply of housing in Bolton, the Local Plan should be considered out of date in accordance with Paragraphs 47 and 49 of the Framework. As a consequence, Peel claims that Paragraph 14 of the Framework is triggered so as to 'tilt the balance' in favour of granting permission unless there are adverse impacts which significantly and demonstrably outweigh the benefits. As noted, Peel is seemingly claiming that the 'benefits' will be the provision of houses to assist the five year supply.
38. The reason why such argument is flawed in this instance is that for the reasons set out below, the Application does not in itself comply with the requirements of Paragraph 47 of the Framework in that it does not present a site which is 'deliverable' within the next five years and thus would not contribute to alleviating the shortfall in housing over the next five years. In undertaking the 'tilted balance' exercise therefore, there is no discernible 'benefit' arising from the Application to be weighed in favour of development.
39. In this regard, it is noted that the Application encompasses both Horwich Golf Course and an adjacent field which would effectively be used to connect the Site directly over a public right of way, to a proposed access in the current cul-de-sac at Mayfair (the 'Field'). It is most telling that according to the Application, Peel has: a) secured ownership of the Golf Course under certain conditions, which it has not specified exactly; and b) it does not own the Field (which is owned by the six individuals named in the Application). Peel is thus not in control of either the Golf Course or the Field and thus not in a position to develop the Site.
40. Whilst it is understood that Horwich Golf Course is 'owned' by Peel, the land comprising the Golf Course is subject to a lease back to the trustees of Horwich Golf Club dated 27 September 2012 for a term until 31 January 2023 (see attached copy of the lease) (the 'Lease'). Furthermore, it is noted from the title documents that Peel is effectively buying the Golf Course in annual tranches and technically does not have 'full ownership' until the expiry of the Lease. Thus at the date of the Application, the Golf Course was not available to be developed within the next five years.
41. Whilst Peel may subsequently contend that it may be able to agree early surrender of the Lease from the trustees of Horwich Golf Club, this is not straightforward given the way in which the land is being purchased in tranches over a ten year period. Peel may also contend that it can possibly acquire ownership of the Field. However, these outcomes are hypotheticals with no certainty as they require the agreement of third parties. Consequently, Peel is not in a position to satisfy the requirements of the Framework in order for the Site to be considered a 'deliverable site'. Reference is made in this regard to Footnote 11 at Paragraph 47 of the Framework which provides as follows:

*"11 To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will*

*not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”*

42. For the reasons set out above, the Site is not ‘*deliverable*’ as an indisputable fact as Peel does not have legal control over the Site and thus it is not “*available now*” and does not “*...offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.*”
43. Furthermore, Paragraph 47 of the Framework stipulates that to be considered as counting towards the five year housing supply, sites have to be ‘*developable*’ which Footnote 12 of the Paragraph 47 defines as follows:

*“12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”*
44. For the reasons set out above, the Site is not ‘*developable*’ as an indisputable fact as Peel does not have legal control over the Site and thus there is not “*...a reasonable prospect that the site is available and could be viably developed at the point envisaged.*”
45. In the circumstances, it is not tenable for Peel to argue that the ‘tilted balance’ applies in favour development due a deficiency in the five year supply of housing in Bolton if the site it has proposed for development, would do nothing to alleviate that deficiency. It is submitted that this encapsulates exactly why local residents consider the Application to be ‘opportunistic’ in nature as it is seeking to exploit the housing supply deficiency to secure outline planning permission but it knows full well that the Site will not contribute the five year housing supply. Indeed, if Peel had really had an intention to develop the Site in the short term, it should not have agreed to grant the Lease until 31 January, 2023 without any ‘break clause’.
46. There is therefore no evidence contained within the Application upon which it can be concluded that any development can take place on the Site within the next five years. Indeed, the available facts and evidence including the Lease and the lack of Peel’s ownership of the Field, confirm that there is simply not “*...a realistic prospect that housing will be delivered on the site within five years.*”
47. The Application thus stands in contrast to, and is distinguishable from, other recent developments which have been rejected by Bolton Council and then subsequently approved on appeal by Planning Inspectors on the basis of the application of the ‘tilted balance’.
48. In particular, reference is made to the appeal in respect of the land at Lee Hall, Westhoughton, (Appeal Ref: APP/N4205/W/15/3139219) dated 17 December 2017 (the ‘Lee Hall Case’), wherein the Planning Inspector noted the following at Paragraph 57 of the decision: “*(T)he appeal site would make a timely contribution to seeking to close the gap in supply.*” Importantly, in this context, it was noted at Footnote 54, that “*(T)his 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.*”



49. It could not be any clearer that Peel is not in the same position as the developer in the Lee Hall Case as it has made an outline planning application only and it does not have control of the land and is not in a position to proceed with development. This was clearly a material consideration in the view of the Planning Inspector in deciding to approve the application given that it would assist in alleviating the five year housing shortfall noting that in the 'Schedule of Conditions', Paragraph 1 provided that "*(T)he development hereby permitted shall be begun before the expiration of three years from the date of this permission.*"
50. The same approach was taken by the Planning Inspector in the appeal in respect of the development at Bowlands Hey, Land off Collingwood Way and Old Lane, Westhoughton (Appeal Ref: APP/N4205/W/17/3167848) dated 21 August 2017 (the 'Bowlands Hey Case'). It is noted that Peel seeks to place reliance on the Bowlands Hey Case to support the Application. This reliance is misplaced.
51. It is acknowledged that the developer in that case successfully appealed the decision of Bolton Council to refuse the application due to the deficiency in the five year housing supply, and the 'tilted balance' was engaged in favour of development as there were no perceived adverse impacts of the development sufficient to weigh against it, however it is to be noted that the application was for full planning permission and in granting permission, the Planning Inspector imposed the following condition as the first condition in the Schedule of Conditions:
- "Condition 1 - The development hereby permitted shall begin not later than **3 years** from the date of this decision."* (Page 14) (emphasis added)
52. As with the Lee Hall Case, the development in question was one which was required to be delivered within three years in order that it would assist in alleviating the shortfall in the five year housing supply in Bolton.
53. Reference is also made to development at Hill Lane, Blackrod (Appeal Ref: APP/N4205/W/15/3136446 dated 26 April 2016, (the 'Hill Lane Case'). Whilst this case did involve an application for outline permission only, the conditions imposed the grant of permission was that the application for the reserved matters had to be made no later than three years and the development commenced no later than two years from the date of the approval of the reserved matters or five years from the date of the application, whatever the later.
54. The theme which runs through all of these decisions is that in order for the 'tilted balance' to be engaged leading to the 'presumption' being applied, it is necessary for the development in question to provide a benefit namely, that it is capable of assisting in alleviating the shortfall in the five year housing supply. Given that Peel does not own the entirety of the Site and the Golf Course is itself subject to the Lease until 31 January 2023, there is no realistic prospect that that development will commence on the Site within the next five years.
55. It is thus submitted that in this case, when the 'tilted balance' exercise is undertaken there is no 'benefit' to weigh in favour of the Application as it will not assist in curing any deficiency in the five year housing supply in Bolton as there is no 'realistic prospect' of the Site being developed within such period. Consequently, the 'tilted balance' does not lean in favour of the development when considered against the adverse impacts that it would bring and thus, the presumption in favour of development is rebutted in this case. Consequently,

the Council does not need to depart from the Local Plan and the Application must be refused as it conflicts with the Local Plan.

56. In such circumstances, Peel is using the five year housing supply argument and the principles in Paragraphs 47 and 49 of the Framework in an attempt to bypass the Local Plan when it knows full well that it cannot develop the Site in the next five years and it will not make any impact on the five year housing supply.
57. Indeed, it is the view of local residents that Peel has no intention whatsoever of developing the Site itself given its size and residential nature when compared to developments usually associated with it and it will most likely sell the land to another developer for a considerable profit once it has secured outline planning permission.
58. In such circumstances, and as the Application is for outline permission only, it would likely be another developer that would apply for the reserved matters and local residents are highly sceptical as to how the Site would actually be developed in practice and doubt that the end product would look anything like that which is currently envisaged in the Application. In particular, it is suspected that the number of affordable houses delivered would be considerably lower than currently promised given the proposed nature and location of the Site.
59. For these reasons, it is thus submitted that if it applies, the 'tilted balance' does not weigh in favour of the Application as there is no benefit arising from the development and the 'presumption' does not apply. The Council is thus entitled, and in fact must, reject the Application by reference to the fact that it conflicts with the Local Plan.

(iv) The weight to be attached to the Local Plan

60. Even if the 'tilted balance' is engaged and the 'presumption' is deemed to apply (which is denied for the reasons set out above), Peel accepts that this does not mean that the Local Plan is to be completely disregarded as it concedes that it must still be considered albeit, it claims with "*significantly reduced weight*". This is not correct as it is for the relevant decision takers to exercise their discretion reasonably, consider all evidence and information available to them, and then attach such weight as they see fit to all factors before them when considering the Application.
61. In this regard, it is submitted that the Local Plan should still carry considerable weight in the determination process as in accordance with Paragraph 15 of the Framework, it is still necessary to ensure that the presumption in favour of sustainable development is applied on a local level in accordance with clear policies:  
  
*"Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, **with clear policies that will guide how the presumption should be applied locally.**" (emphasis added).*
62. In addition, Paragraph 16 of the Framework makes it clear that the presumption must take into account the views of local communities who are encouraged to "*engage in neighbourhood planning*". Consequently, if the presumption is deemed to apply, it does not mean that the views of the local community become redundant as the Framework still

requires the presumption to take into consideration the situation on the ground and it is not an automatic process for the Application to be approved as Peel seeks to suggest.

63. In this regard, it is to be noted that Horwich Town Council rejected the Application at a meeting of its Planning Committee on 25 January 2018. This was after a considered debate as to the merits of the Application and the adverse impacts that it would cause. The decision confirms the view of the people of Horwich.
  64. As noted, Paragraph 16 of the Framework encourages neighbourhood planning. The current status of the Horwich Neighbourhood Plan is thus drawn to the attention of the relevant decision makers in this case.
  65. Bolton Council has now endorsed the principle of a Horwich Neighbourhood Plan and whilst it is anticipated the Plan itself will not be finalised until sometime in 2019, the SRA understands that the Steering Group of the Horwich Neighbourhood Plan has already made it clear that the proposal to develop 300 houses on the Site is a cause of great alarm and concern. Furthermore, the SRA understands that the Steering Group consider it very unlikely that the Application would have any prospect of being supported in the Plan were that it to be available at the date hereof. The members of the Steering Group of the Horwich Neighbourhood Plan have confirmed that they are available to confirm this position, should that be considered necessary.
  66. It is thus clear that the Application would run entirely contrary to the principles set out in Paragraphs 15 and 16 of the Framework as it would conflict with the local planning policies and the views of local people.
  67. Reference is also made to Paragraph 150 of the Framework states that:  
*“Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.”*
  68. It thus remains vitally important to acknowledge that the Local Plan and its underlying strategic aims in terms of corresponding investments in infrastructure, remains the key to delivering ‘sustainable development’ notwithstanding a shortfall in the five year housing supply. Furthermore, the Local Plan *“reflects the vision and aspirations of local communities”* which, despite what Peel may think, is an important consideration in the decision making process.
- (v) Presumption in favour of ‘sustainable development’ not ‘any development’
69. Furthermore and in any event, it is vitally important to note that when it applies, ‘the presumption’ is in favour of ‘sustainable development’ and not any development in any location at any cost to the local community.
  70. Planning applications of the nature of the Application which conflict with the Local Plan and may at face value appear to present a ‘quick fix’ solution to a short term shortfall in housing, do not however constitute a medium to long term contribution to ‘sustainable development’ which is the core planning principle which is foreseen in the Framework (Paragraph 151 of the Framework).

71. Furthermore, Paragraph 152 of the Framework also makes it clear that Local Planning Authorities “...should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three.”
72. It is therefore necessary for decision takers to consider whether the Application, which is in conflict the Local Plan, truly achieves ‘sustainable development’ whereby it results in ‘net gains’ from an economic, social and environmental perspective. It is submitted that the adverse impacts (as set out below) that would be created by the development and the wider cumulative harmful effect it would have, means that the development would actually lead to ‘net losses’ in each of those areas.

(vi) Adverse Impact

73. As set out above, Paragraph 14 of the Framework expressly provides that the permission should not be granted where “...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted...”.
74. It is clear that the proposed development would not constitute ‘sustainable development’, would have adverse impacts that would significantly and demonstrably outweigh the benefits (if they were in fact any discernible benefits arising from the Application which are denied). These have been set out in detail in the SRA Letter and some of which are set out below.

*Consider the wider cumulative harmful effect*

75. It is also clear that when considering the adverse impacts that would be caused if the Application was to be permitted, it is necessary to consider the wider cumulative impact of the various applications which have been approved for development in the immediate vicinity of the Site. This approach was set out by the Planning Inspector in the Hill Lane Case wherein it was stated at Paragraph 48 as follows:

*“I note the concerns expressed by interested parties that the grant of planning permission on the appeal site would set an undesirable precedent for other proposals of a similar nature, which the Council may find difficult to resist and which could, cumulatively have a harmful effect. However, my attention has not been drawn to other cases of a similar nature elsewhere but, should these come forward, it would be necessary to consider them on their merits having regard to the policy context and evidence available at that time. Consequently, I am not persuaded that a favourable decision in this case would provide support for unacceptable development elsewhere.”*

76. In this case, the adverse impact of the Application should thus not be considered in isolation, but in the context of the cumulative impact of all developments in the local area including those in the immediate vicinity of the Site. It is submitted that once this assessment has been undertaken, then it is self-evident that the cumulative impact of building over 2,000 houses in such a small area without any corresponding improvements in infrastructure shall lead to a cumulatively harmful situation in the immediate proximity

of the Site. In this context, the Application would represent the 'final straw' for local residents.

77. The views expressed in the above extract from the Hill Lane Case have proven to be correct as the appeal in that case has acted as an "*undesirable precedent*" which has led to a number of subsequent applications for permissions which conflict with the Local Plan including the Lee Hall Case and the Bowlands Hey Case and now culminating in the Application. It seems therefore that a dangerous precedent has been set and developers such as Peel are looking to exploit an opportunity due to the shortfall in the five year housing supply to get developments approved that conflict with the Local Plan and the views of local people.

*Adverse Impact on Transport System*

78. In this assessment, it must also be noted that due to the location of the Site, there is simply no ability to mitigate some of the most severe impacts of the development in terms of the increase in traffic flows which will be created. It is simply not possible to construct new roads and the development will simply feed into an existing road network which already is over capacity at peak times.
79. It is again emphasised that two of the proposed accesses into the Site (Bond Close and Mayfair) are currently residential cul-de-sacs which do not themselves connect with the main roads but feed into minor roads of an existing residential development. The proposed 'main access' on to Victoria Road would lead to many hundreds of additional daily car journeys onto a road which already suffers from significant over capacity issues even before the Horwich College development of approximately 130 homes is completed – the main entrance to the Site is literally 200 metres from the entrance to the Horwich College site. To approve the Application in such circumstances, would represent the antitheses of strategic planning.

*Adverse Impact on Schooling*

80. The Application would also have an adverse impact on the provision of local schooling. Furthermore, it would conflict with and undermine the principles set out in Paragraph 72 of the Framework which provides:

*"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted."*

81. It is common ground that all local primary and secondary schools are currently oversubscribed. This was confirmed in the pre-application email correspondence dated 19 December 2016 from Helen Williams, Principal Development Officer, at Bolton Council, and the developers in which Ms Williams commented as follows in respect of schooling in the context of the 'Section 106 Agreement/planning contributions':

*“Education – Core Strategy Policy IPC1 – It is believed there are currently no surplus places for either primary or secondary schools in the area. We can give you a current estimate for the contribution if you could let us know the number of units and how many of these are 2 bed plus. This would need to be maintained through the developer’s own management arrangements.*

82. The oversubscription of primary and secondary schools remains the case as at the date hereof before those sites which already have been given permission have been fully developed. The local school system is thus already suffering from overcapacity.
83. The provision of secondary places in particular is a major cause for concern for local residents as there are only two secondary schools serving not just the 20,000 plus population of Horwich but also attracting pupils from further afield in Bolton. One of those schools is a Catholic faith school, St. Joseph’s RC High School & Sports College, and the other, Rivington & Blackrod High School, is open to all. Both of these schools are underperforming according to the latest government rankings in January 2018 with St. Joseph’s being ranked ‘below average’ (source: Department of Education - <https://www.compare-school-performance.service.gov.uk/school/105262>) and Rivington performing ‘well below average’ (source: Department of Education - <https://www.compare-school-performance.service.gov.uk/school/105261>).
84. The addition of a further 300 houses in the catchment area will only serve to add to the problems facing these schools. Despite the numerous other developments which are already in place in the close vicinity of Site, the only contribution which has been made to an increase in schooling provision is the development of Chorley New Road Primary School which is in the process of becoming a two form entry school as opposed to a one and a half form entry school. This was in response to the Loco Works development of 1,700 and will add approximately an additional 15 places per year for primary school children. It is clear that this will not be sufficient to cater for the number of children that will be living at the Loco Works site never mind those who will live in the 130 houses at the site of Horwich College.
85. This puts in context the acute difficulties that already exist in terms of schooling before the Application is even added into the equation. The issue of schooling does not even warrant a mention in the Application and Peel has plainly failed to address this issue and clearly has no interest in local schooling provision despite this being raised by Ms Williams in her email of 19 December 2016. Whilst Peel may propose to make a financial contribution by way of a ‘Section 106 Agreement’ towards schooling – which is not currently known to those who are objecting to the Application – but in any event, such contribution is not going to lead to the establishment of new primary and/or secondary schools which is what is required in Horwich. The simple question to be asked when considering the Application, is which schools are the children who would live in the 300 new houses actually going to attend?
86. It is thus clear from the facts that the cumulative effect of the development of the Site will be harmful to and have an adverse impact on the provision of school places. This puts the Application in direct contravention with the principles set out in Paragraph 72 of the Framework as it will exacerbate the current and pre-existing deficiency in the lack of school places for the existing and new communities.

87. The Application should be rejected on the basis of the adverse impact that it would have on local schooling alone.

*Adverse Impact on Health Care System*

88. It is also evident that the addition of a further 300 houses into the local area will have an adverse impact on the provision of health care in Horwich. There is already a considerable strain on local GP surgeries and it is difficult to obtain appointments without waiting a number of weeks and also other local health care services. This is before the current developments which are underway are fully delivered.
89. Whilst there are proposals to potentially create a new combined health centre in Horwich, this is simply to replace three existing GP surgeries on one site and thus there is no overall increase in capacity. There is therefore considerable concern amongst an ageing population what impact the developments on Horwich College and the Loco Works will have as the health care system given that the local population is going to increase by approximately 20%.
90. It is all well and good to focus upon an improvement in the five year supply of housing but there must be the simultaneous development of the infrastructure and resources to support the new communities which come with that housing supply and that is patently not the case in Horwich with the existing developments.
91. This is all before the impact of what would be a further 300 houses in the immediate vicinity are taken into consideration and as noted above, it is important that decision takers consider the cumulative harmful impact of developments such as that proposed by the Application, which were not foreseen by Bolton Council when determining medium and long term strategic planning in order to ensure that development is sustainable.
92. It is thus submitted that the Application must be rejected due to the adverse impacts that would be created by the proposed development both in isolation and the wider cumulative harmful impact that the Application will have when considered in the context of other developments in the immediate vicinity of the Site.

*(vii) Conflicts with National Core Planning Principles*

93. Whilst in the Application Peel has focused on certain sections of the Framework which it considers supportive of the Application, it has conveniently ignored numerous aspects of the Framework which entirely undermine it.
94. The Application conflicts with most of the twelve 'core planning principles' which are set out in Paragraph 17 of the Framework which "...should underpin both plan-making and decision-taking...".

*The First Core Planning Principle*

95. The first core planning principle provides that planning must "...be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They

*should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;”*.

96. As noted above, the Application conflicts directly with the Local Plan and with the views of the local people who have supported developments on nearby brownfield sites but who vehemently oppose development on the Site which is POL.
97. Furthermore, as noted above the Application has been rejected by Horwich Town Council as not being acceptable and the Steering Group of the Horwich Neighbourhood Plan consider it very unlikely that the Application would have any prospect of being supported in the Plan once it is published in 2019.
98. Approval of the Application would thus override the views of local people and clearly conflict with the first core planning principle and result in the ‘*dis-empowerment*’ of local people. It would certainly not lead to a “*positive vision for the future of the area*”. In short, the development will lead to a depressingly negative view of the future for the people of Horwich.

#### *The Second Core Planning Principle*

99. The second core planning principle provides that planning must “*...not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...*”.
100. It is self-evident that the development of 300 houses on the only golf course in Horwich will not enhance and improve the local area as a place to live.
101. The Application is not a “creative” development but simply an exercise in squeezing a development on POL which should not be permitted.

#### *The Third Core Planning Principle*

102. The third core planning principle provides that planning must “*...proactively drive and support sustainable economic development to deliver the homes business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities...;*”.
103. It is clear that the proposed development does not support “*sustainable economic development*”. In fact, it is difficult to see any economic benefit that the development will bring never mind development which is “*sustainable*”. The claimed economic benefits the development would bring in Paragraph 5.21 of the Planning & Sustainability Statement, have no factual or evidential basis and thus do not stand up to scrutiny.
104. Indeed, the effect of the development would be to lead to economic stagnation and a drop in productivity as a development of this size without any corresponding improvement in the local infrastructure will inevitably lead to a material increase in traffic congestion on the existing road network which already suffers considerably from over capacity at peak



times (where it can take 45 minutes to travel two to three miles out of Horwich on to the M61 motorway). It is self-evident logic that a further increase in traffic volumes created by the development will mean that it takes commuters even longer to travel to their places of work in Bolton, Preston and Manchester (which is where the vast majority of residents will work as there are no new jobs for them in Horwich).

105. In simple terms, this means that traffic congestion will inevitably worsen with at least an additional 600 journeys per day assuming that each of the 300 houses has at least two cars. The congestion on the southbound M61 into Manchester during the morning rush hour will worsen as will the overcrowding of the local train service into Manchester which is already exceeding capacity with passengers being unable to park at the train station after 7:30 am and more often than not, having to stand on the trains during the rush hour
106. It is for reasons of this nature that Bolton Council has already identified sites as part of the Allocations Plan for development where there can be corresponding improvements in infrastructure so as to ensure that there is "*sustainable economic development*" arising from development. An example of this is the Loco Works site which has just been awarded a grant of £12 million by central government in order to assist in the construction of a new spine road which will link the site to Horwich Parkway Railway Station and junction six of the M61 motorway. The effect of the grant will also facilitate quicker delivery of the proposed 1,700 homes which will make up the development
107. The fact that Peel has also put forward at Paragraph 5.21 of the Planning & Sustainability Statement as a purported economic justification(s) for the development such generic vacuous references to the additional spend of new residents in local shops and that the development would assist in the growth of the local workforce, reveals a complete failure to undertake any proper research into the true economic impact of the development. These are empty claims which have no basis and take no account whatsoever of the fact that the vast majority of the residents who will inhabit the proposed dwellings will commute (very slowly) to work outside of Horwich.
108. The Application thus fails on the question of demonstrating sustainable economic development alone as when it is deemed to apply, the presumption for development outside of the Local plan is in favour of "*sustainable development*" and not just "*development*" more generally which is exactly what the Application concerns.

*The Fifth Core Planning Principle*

109. The fifth core planning principle provides that planning must "*...take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*".
110. The proposed development would be on POL which also borders a Conservation Area and would represent a fundamental change in the character of the area and its historic natural landscape. The Conservation Area will inevitably be impacted upon by such a significant development at its border both in terms of the aspect and also the wildlife including deer and foxes which currently use the Field as a corridor between the existing residential developments to access the Conversation Area.

111. It is noted that despite this, Peel claims that the construction of 300 new houses “...*would be seen as a well contained natural extension of the existing town, surrounded on three sides by existing development. It would be appropriate in terms of landscape character of the adjacent settlement.*” (Paragraph 5.36 of the Planning & Sustainability Statement). This is, perhaps unsurprisingly, an entirely self-serving description and has no credibility – the simple fact of the matter is that building 300 new houses on POL will fundamentally and irreversibly change the landscape forever and damage “...*the intrinsic character and beauty of the countryside...*”.
112. As noted above, Bolton Council has already identified sites for development in the Allocations Plan which would adhere to the fifth core planning principle. These sites were approved by the Planning Inspector who considered and approved the Allocations Plan as being sound (and who also rejected the inclusion of the Site in the Allocations Plan as promoted by Peel – see Paragraph 4.14 of the Planning & Sustainability Statement). Similarly, the Site was rejected by Bolton Council as a site appropriate for development as part of Bolton’s contribution to the Greater Manchester Spatial Framework. The Application thus conflicts with the fifth core planning principle and should be rejected accordingly.

*The Seventh Core Planning Principle*

113. The seventh core planning principle provides that planning must “...*contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*”.
114. As set out above in respect of the fifth principle, the development would not conserve or enhance the natural environment as it would lead to the loss of POL.
115. Furthermore, the inevitable increase in traffic volumes would lead to an increase in pollution both in the immediate vicinity of the Site but also on the local road network with additional congestion on Victoria Road, Chorley New Road and Church Street.
116. The Application thus conflicts with the seventh core planning principle and should be rejected.

*The Eighth Core Planning Principle*

117. The eighth core planning principle provides that planning must “...*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*”
118. The Application conflicts with the eighth principle as the development would be on POL as opposed to brownfield land. Indeed, the Application must be contrasted with the other developments in the immediate vicinity of the Site which will deliver nearly 2,000 homes over the next five years all of which are utilising brownfield sites namely at sites of the former Swallowfield Hotel, Horwich College and Loco Works. All sites have been approved for development and have the support of the local community as sites where residential development is considered acceptable.

119. Indeed, the focus of development on key brownfield sites has also enabled the Council to plan strategically in terms of ensuring that there is a simultaneous investment in the infrastructure to support the development as is evidenced by the abovementioned £12m grant from central government for the spine road through the Loco Works site. There is therefore a joined up approach between local residents, Bolton Council and central government that the focus must be on the development of brownfield sites where it is also possible to make improvements to infrastructure to ensure that developments are truly 'sustainable developments'.
120. This point has been noted by both Linda Thomas, Acting Leader of Bolton Council, and the local MP for Bolton West, Chris Green, who commented as follows regarding the confirmation of £12m grant for the Loco Works:

Linda Thomas:

*"This is great news and we always promised we would address local residents' concerns about access to the site and how any extra vehicles in the area would be catered for. We understood that the local community had concerns about highways infrastructure, and we said this would have to be in place before any houses are built."* (Source: <http://www.theboltonnews.co.uk/news/horwich/15914043.12millionfundingforHorwichLocoWorkslinkroadgranted/>)

Chris Green MP:

*"Brownfield sites like the Loco Works are exactly where we should be building and last year I was pleased to be able to take Sajid Javid, the Secretary of State for Housing, Communities and Local Government, to the site so he could see some of the issues first-hand."* (Source: <http://www.theboltonnews.co.uk/news/horwich/15914043.12millionfundingforHorwichLocoWorkslinkroadgranted/>)

*The Ninth Core Planning Principle*

121. The ninth core planning principle provides that planning must "...promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);".
122. The Application also conflicts with the ninth principle as the development would lead directly to a loss of POL and prevent it from being used for each of the functions listed in the principle namely, wildlife, recreation, flood risk mitigation, carbon storage and food production. The first two functions are addressed elsewhere in this submission as they are pervasive factors which apply in a number of areas.
123. Whilst the Site is not itself in a flood risk area, it currently has capacity to absorb significant amounts of rainfall. If the Site is developed, this will change the drainage and infiltration characteristics of the Site, more hard surfaces and steep slopes will increase the speed that rainwater travels off-site which will inevitably lead to floods downstream in lower parts of Horwich as streams/ditches/drains are filled beyond capacity. Lower parts of Horwich are already susceptible to flooding on a regular basis such as the Beehive, Pearl Brook and Crown Lane and this will only get worse if more sites in the upper areas of Horwich are developed. The risk of surface water flooding to properties on Mayfair, Kensington Drive,

Belgrave Crescent, Lever Park School, Bond Close, Fairways, St. John's Methodist Church and Victoria Road may also be increased.

124. In respect of food production, the field adjoining the Golf Course is farm land used for grazing and it will be lost permanently for future agricultural use which would be entirely short sighted given the proliferation of brownfield sites that are available for development and the numerous other sites which have already been given planning approval but which have not yet delivered – these sites should be the focus of future development.
125. It is thus clear that the Application conflicts with the ninth core principle and should thus be rejected.

*The Tenth Core Planning Principle*

126. The tenth core planning principle provides that planning must “...conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;”.
127. The Application conflicts with the tenth principle as the site has heritage value in terms of both its use as a recreational leisure facility and the natural landscape both of which enrich the lives of local inhabitants in terms of their quality of life.
128. It is important to note that the land has been used as a golf course since it was constructed in 1895 and is the oldest member club of the Bolton Golf Association. The golf course was located close to the site of the Loco Works to be used by workers as a leisure and recreational facility. The golf course is thus considered as a heritage asset for the local community and should be preserved and used for what it was intended namely, recreational and leisure pursuits. It would truly be a shame if an area of land that has been used for leisure activities for 123 years was to be destroyed (and not replaced) in order to build 300 new houses when there are already plans to build another 2,000 on brownfield sites which are less than a mile from the Site.
129. It is thus clear that the Application conflicts with the tenth core principle and should thus be rejected.

*The Eleventh Core Planning Principle*

130. The eleventh core planning principle provides that planning must “... actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;”.
131. The proposed development will not lead to or promote a sustainable transport system. The development shall only lead to more car journeys in the local area as the socio-economic profile of the residents who would likely occupy the three, four and five bedroom 'high quality' houses will be commuters as there are no jobs in the local area which will sustain such families.
132. The Application also paints a 'rose tinted' and entirely inaccurate view of the local transport infrastructure. The best view of how poor the local road network and public transport system actually is, can be gleaned from the local community who use it on a daily basis and

not Peel or its planning consultants who do not use it and whose sole aim is to secure outline planning permission for the Site.

133. The facts are clear. There is no integrated transport system in Horwich and the local 'park and ride' service at Horwich Parkway train station is already full by 7:30 am. It can currently take up to 1 hour 30 minutes to drive the twenty miles into Manchester from Horwich on the M61 during the morning rush hour. Furthermore, it has been announced that First Bus intends to withdraw its '575' service that runs between Horwich and Bolton along Chorley New Road from April 2018 thus removing the key bus service which runs close to the Site. The addition of at least another and estimated 600 cars on top of the thousands of additional cars which will follow from the Horwich College and Loco Works developments will inevitably mean a complete breakdown the local transport network which is already at a critical level of capacity.
134. The suggestion at Paragraph 6.8 of the Planning & Sustainability Statement that the residents of the proposed dwellings will use foot, bicycles and public transport to access local shops and services "*to reduce reliance on the private car*" is pure fantasy and not supported by any facts, evidence or the realities of every other development in the local area. It is simply not credible to suggest that residents living on the Site would cycle to work in Preston, Bolton and Manchester. The facts are that without a better transport system, the private car shall be the way in which residents' access and leave the Site for shops, services and to commute to work.
135. The development will thus have a singularly and materially adverse impact on the local transport system which will extend beyond mere inconvenience and cannot be mitigated as there is no scope to construct new roads outside the proposed development. It is clear that Peel has made no realistic provisions to "*... actively manage patterns of growth*" as that is simply not possible for a development of the nature proposed at the Site as it is tied to the existing road and public transport systems.
136. The Application conflicts with the eleventh core principle and should thus be rejected.

*The Twelfth Core Planning Principle*

137. The twelfth core planning principle provides that planning must "*...take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*"
138. The proposed development conflicts with the twelfth core principle as it simply does not take account of, or support any, local strategies which are designed to improve health, social and cultural wellbeing and will have a singularly and materially adverse impact on all such elements.
139. In this regard, the proposed development also conflicts with Paragraphs 73 and 74 of the Framework which provide as follows:

*Paragraph 73*

*"Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and*

*recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required."*

*Paragraph 74*

*"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."*

140. First and foremost, it is noted that the development will result in the direct loss of a leisure and recreational facility and the loss of natural landscape which is a place of enjoyment for the local community. Peel is offering nothing to replace this facility and thus the net effect will be the loss of a leisure facility for the local community – namely, the only golf course which is actually in Horwich. This will, by definition, inevitably damage the health, social and cultural wellbeing of the local community. This also follows the loss of two well used football pitches on the site of Horwich College which were directly adjacent to the Site (neither of which have been replaced).
141. It is also considered somewhat ironic that Peel claims that there is no need for a golf course in Horwich and it is in effect 'surplus to requirements' and should be replaced by 300 houses whilst at the same time it is seeking planning permission for a golf course in another part of Bolton which is 7.8 miles away from Horwich Golf Course. Reference is made to Planning Application No. 00997/17 whereby Peel is seeking permission to build an 'international standard' eighteen hole golf course at Hulton Park. It is entirely disingenuous for Peel to argue that the loss of a golf course in Horwich is largely irrelevant whilst there is a significant need for a new eighteen hole golf course less than 8 miles away. Presumably, Peel shall also claim that those golfers that would have used Horwich Golf Course will walk, cycle or use public transport to travel to its new golf course.
142. It is also noted that Peel has not considered alternative recreational or leisure uses of the golf course if it considers it to be no longer viable; it is not a binary choice between a golf course or 300 houses. For example, the green space could be used for alternative sports and leisure facilities activities.
143. There is thus an inherent conflict in Peel's approach and its submissions on the lack of need of a golf course in Horwich are tainted and cannot be considered objective. It is respectfully submitted that decision takers should think long and hard about Peel's motives and intentions in making this opportunistic application. This fact should be considered to weigh heavily against it if the 'tilted balance' argument is engaged.
144. For these reasons, it is clear that the Application conflicts with the twelfth core planning principle as well as Paragraphs 73 and 74 of the Framework and should be rejected.

#### **D. SUMMARY & CONCLUDING REMARKS**

145. The Application represents an entirely transparent and opportunistic attempt by Peel to obtain outline permission for a site which it knows full well would not, but for the deficiency in the five year housing supply in Bolton, have any prospect of being granted.
146. It is clear from the timing of the Application that Peel has seen a small window of opportunity to apply for permission because it knows full well that once the Horwich College and Loco Works developments are delivered, and another 2,000 houses have / are being delivered it will have no prospect of securing permission for the Site as the Application is in conflict with the Local Plan.
147. Indeed, if Peel is genuinely interested in assisting in alleviating the short term supply of housing in Bolton, then why does it not apply to build houses on sites which are in the Local Plan such as on the Loco Works site? Why does Peel feel it necessary to push through a site which it knows conflicts with the Local Plan and constitutes an aggressive development which is contrary to the views of local people? The answers to these questions are obvious – profit for its shareholders.
148. In the circumstances, the Application must be rejected for the following reasons:
- (i) The proposed development conflicts with the Local Plan and the views of local people*
- The Application conflicts with and undermines various aspects of the Local Plan and thus the long term strategic aims of Bolton Council with regard to ensuring sustainable development of housing across the borough.
  - It is accepted that where there is a deficiency in the five year housing supply, the principles of Paragraphs 14, 47 and 49 of the Framework are engaged which means that local policies should not be considered up to date.
  - However, this does not mean that the Local Plan is effectively disregarded so as to permit developments of the type envisaged in the Application which directly conflict with policies and principles set out in the Local Plan and the views of local people.
- (ii) There would be no 'benefit' arising from the development as it does not assist in alleviating the five year housing supply*
- Moreover, the entire premise of the Application is flawed as the reason why Peel claims the 'tilted balance' applies, namely the shortfall in the five year housing supply, is not cured by the Application. As noted, if the 'tilted balance' applies, there is a presumption in favour of sustainable development unless there are adverse impacts which significantly and demonstrably outweigh the benefits. Peel is claiming that the 'benefit' to be weighed in the tilted balance in favour of granting permission is the provision of houses to assist the five year supply.
  - The reason why such an argument is flawed in this instance is that for the reasons set out above, the Application does not in itself comply with the requirements of Paragraph 47 of the Framework in that it does not present a site which is 'deliverable' within the

next five years and thus would not contribute to alleviating the shortfall in housing over the next five years.

- In particular, the Application seeks approval for a site which is neither wholly owned nor controlled by Peel noting that in accordance with the Lease, the trustees of Horwich Golf Course have possession until 31 January 2023. There is therefore no realistic prospect of housing being developed on the Site in the next five years.
- The Application does not therefore assist with alleviating the shortfall in the five year housing supply and there is no 'benefit' arising from it which can be weighed in the 'tilted balancing' exercise against the numerous adverse impacts that would arise from the development. In such circumstances, 'the presumption' under Paragraph 14 of the Framework should not apply and the Local Plan should prevail.
- It would be entirely illogical if the presumption were to apply regardless of whether the proposed development would actually create the benefit of alleviating a deficiency in the five year housing supply as this would undermine the entire purpose of Paragraph 14.
- The Application is thus distinguishable from the three recent appeal decisions of the Planning Inspectorate cited above which overturned the decisions of Bolton Council to refuse permission for development on sites which conflicted with the Local Plan. In those cases, the sites were deemed to be deliverable in order to benefit the five year supply of houses.

*(iii) The adverse impact and wider cumulative harmful effect of the proposed development*

- Furthermore, when considering applications which fall outside of the Local Plan, it is necessary to consider the cumulative harmful effect of the application in the context of other developments in the local area and not just the application in abstract. This principle is clearly set out in the Hill Lane Case as referenced above.
- In the case of the Application, it is clear that the Application would have a cumulative harmful effect in light of other applications which are already taking place in the immediate vicinity of the Site in terms of the impact on local resources and infrastructure. In particular, on the local transport network, the provision of school places and health services, the direct loss of green space, the loss of a leisure facility and an increase in pollution.
- Even if considered in isolation, the Application would have adverse impacts on the local area. Peel is not offering to mitigate any of these adverse impacts and given the location of the Site, it is simply not possible to improve the local infrastructure. These adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.
- The situation on the ground in Horwich is also undergoing rapid change with the development of the Loco Works in particular, with new planning applications on the site being submitted and approved and the confirmation of the £12m grant from central government for the construction of the spine road.



- The effects of this development on the local area and the delivery of nearly 2,000 houses which is less than one mile from the Site, need to be seen before consideration should be given to approving other 'ad hoc' developments as envisaged by the Application which have not been factored into the medium to long term strategic planning in terms of investments in infrastructure and the allocation of resources.

*(iv) The Presumption is for 'sustainable development' not 'any development'*

- It must be emphasised that where the presumption is deemed to apply, it applies in respect of 'sustainable development' only and not 'any development'.
- In order to achieve 'sustainable development', it is necessary for development to result in 'net gains' from economic, social and environmental perspectives. The Application would deliver 'net losses' from all of these perspectives and thus would not constitute 'sustainable development'.
- It is submitted that the development foreseen in the Application is simply the wrong development in the wrong place at the wrong time.

*(v) The Application conflicts with national planning policy*

- The Application does not just conflict with local planning policy, but it also conflicts with national policy.
- In particular, the Application conflicts with most of the twelve 'core planning principles' which are set out in Paragraph 17 of the Framework which "...should underpin both plan-making and decision-taking...".

*(vi) The Application would be a dangerous precedent for the local area*

- Local residents also have grave concerns that if the Application is approved, particularly with the three separate access points, this would represent a 'Trojan horse' which would pave the way for further subsequent development of the Site.
- The implications of granting permission for the Site are thus of grave significance for the future preservation of the POL and Conversation Area which are in the immediate vicinity of the Site.

149. For the numerous and significant reasons set out above, it is respectfully submitted that the only reasonable and proper course of action is to reject the Application.

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13 February 2018