

THE STOCKS RESIDENTS ASSOCIATION

The Residents' Association has written to Bolton Council's Planning Control with a further letter of objection. Below is a short version of the letter which we have written.

We wrote the letter after the Hulton decision – at which we were surprised – not because of the Hulton decision but because a number of new grounds for objection to the golf course scheme had come to light. We also noticed that some of our earlier objections had led the planning department to make further enquiries but we did not think that the responses provided on the council web site were satisfactory as it left important issues unanswered. Here is a short version of our most recent letter.

The SRA Objections are summarized below and also provide my own individual grounds for objecting to the application **02434/17**.

1 Opportunistic Application

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.

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 Bolton Council's Core Strategy and Allocations Plan (the 'Local Plan').

2 Conflict with Local Plan

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 National Planning Policy Framework (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.

3 There is no Guarantee of Supply of Housing

There would be no 'benefit' arising from the development as it does not assist in alleviating the five-year housing supply:

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 outweighed at all 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 'benefits' to be weighed in the tilted balance are 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 the Golf Course is subject to lease to Horwich Golf Course who 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 short fall in the five-year housing supply and there is no ‘benefit’ arising from it which can be weighed in the ‘tilted balancing’ exercise. In such circumstances, ‘the presumption’ under Paragraph 14 of the Framework should not apply and the Local Plan should prevail.

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 of the five-year supply of houses.

4 Heavy Material Considerations Weigh Against this Application and Do So Cumulatively

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.**

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. As we have detailed, there are heavy material considerations that weigh against this development: on the local transport network, the provision of school places and health services, environmental impact – including the impact on Nellie’s Clough, the direct loss of green space, (the loss of a leisure facility and an increase in pollution as further detailed in the SRA’s first objection dated 22 January 2018).

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. There 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 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.

5 The Presumption is for ‘sustainable development’ not ‘any development’
It must be emphasized 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 and the application should therefore be rejected.

6 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...*”.

7 Setting a dangerous Precedent
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.

For the numerous and significant reasons set out above and in the SRA Objections, the only reasonable and proper course of action is to reject the Application.

Yours faithfully

Malcolm Harrison
Chairperson
For and on Behalf of Stocks Residents’ Association

For a link to the full letter please click on XXX