

**THE STOCKS RESIDENTS ASSOCIATION**  
c/o 1 Mayfair, Horwich, Bolton, BL6 6DH

Planning Control  
Bolton Council  
Department of Place  
Development Management  
Town Hall  
Bolton  
BL1 1RU

By Email to: [planning.control@bolton.gov.uk](mailto:planning.control@bolton.gov.uk)

cc. Members of the Planning Committee of Bolton Council

9 April 2018

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

Dear Sir/Madam,

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 letters of objection submitted by the SRA on 22 January 2018 and 13 February 2018 (the 'SRA Objections').

We provide new grounds for rejecting the Application based on fresh information that has come forward and new legal advice we have received. We also identify a number of grounds for objection to the Application which in our view still remain valid despite the introduction of material submitted by the developer's agent (Emery) into the planning process. Our letter makes clear in every case which of our objections is a new objection and which objection is – in effect – an objection to arguments brought forward by the developer's agent in clarification of earlier opinions that we, or other parties, have submitted.

**A. Traffic Issues**

**A.1 The Proposed Development will cause increased congestion and create additional risk to neighbouring residents**

The TfGM report (29/1/2018) states that the Victoria Road / Chorley New Road will be operating at nearly 90% DoS (Degree of Saturation) and any small increases in traffic will cause a **disproportionate impact on capacity**. It further states **delays begin to increase exponentially above 85% DoS and junctions operating at approximately 90% capacity can suffer significant increases in delay**.

The AECOM report (05/02/2018) takes these points further. At 7.1.4.6 it states the DoS levels for Chorley New Road and Victoria Rd during the am peak are 89.7% and 88.6% respectively and for

Chorley New Road is 89.2% for the pm peak. Their assessment is that the junction is operating at almost capacity and could not handle any daily variations in traffic flows.

The consequence of this is that there will be a more localised distribution through 'rat runs' between Victoria Road and Chorley New Road through the narrow residential streets at peak times **(School Times) which are not designed to take such increased volumes of traffic. This must pose a danger and disruption to these residents and constitutes a significant and material adverse impact that should require the Council to reject the Application.**

**A.2 All the site accesses have not been reviewed and considered in detail in the Application**

No traffic impact assessments have been made to Bond Close, Mayfair / The Strand and Stocks Park Drive. Also there has been no assessment of Stocks Park Drive at its junctions with Victoria Road and Chorley Old Road both of which clearly do not have the capacity to serve the development. Currently there are serious congestion problems at peak times and are the sites of recent accidents (see further below) and many near misses with the Chorley Old Road junction being located adjoining a nursery.

It is important that these are urgently assessed because of the localised traffic redistribution through rat runs at peak times, illustrated at point 1 above.

**Therefore there is no understanding what impact the development will have on these access routes beyond the fact that it will, by definition, increase delay exponentially given the current volume of traffic.**

**A.3 Swept Access Projections**

The projections for large vehicles accessing the site clearly do not show any parked cars which restrict the operational width of Victoria Road. If this development goes ahead, then traffic parking restrictions would have to be introduced to allow access. That would constitute a significant adverse impact on the residents who have not previously had to abide by such restrictions.

Also, no assessments have been made of the other site access points as mentioned above and whether parking and traffic restrictions will have to be imposed before this development could ever go ahead. As the assessment has not been made at all, the Planning Committee should either ensure that it does or it must reject the Application. It is our view that the various objections we have provided here – in relation to traffic - and elsewhere in themselves mean that the Application should be rejected.

**A.4 Public Transport**

Public transport in Horwich is not integrated in any way. Therefore all the means of transport operate independently of one another. This is illustrated by the fact that there is no regular bus service to the rail station from Horwich or any other of the surrounding towns so access to the rail station is by car, bike or walking.

The SRA notes that the response to the Transport Audit Assessment commissioned by Bolton Council, the report commissioned by Peel from the Traffic, Transport & Highway Consultancy that the number of people using Horwich Parkway train station has decreased since 2013.

Whilst these figures are allegedly based upon a survey from TfGM, anecdotal evidence from members of the SRA who commute on a daily basis from Horwich Parkway to Manchester that the peak time trains are over capacity. This over capacity will only get worse with the increase in the local population and if any of the peak time services are cut which has been suggested by the train operators.

If you are travelling from Horwich Parkway on the peak time services from 7am onwards, you are fortunate to get a seat and any commuters boarding at stations beyond Horwich will almost certainly have to stand in the aisle. Furthermore, the station car park at Horwich Parkway is completely full by 7:30 am and thus, there is no 'park and ride' facility for anyone wishing to travel after that this time. This is the case even though the car park was extended in recent years. These facts self-evidently undermine the claim that the number of people using Horwich Parkway has declined.

The situation for the return journey is worse and commuters are simply relieved to board the train never mind sit down and can often be crammed into packed carriages. If Peel disagrees, then we suggest that some of its directors undertake the journey at peak times and they will see for themselves the actual position.

**This over capacity exists even before the development of the Loco Works site in where 1700 houses will be built that the Horwich Parkway railway station will be expected to serve. In the circumstances, the proposed development will further exacerbate existing problems and thus will have an adverse impact on the travel infrastructure in the local area.**

#### A.5 Road Safety

**We note that there have been increasing levels of accidents in the area to be affected by the development:** recent accidents have occurred a) at Church Street Horwich Friday 9<sup>th</sup> March 2018 – several parked cars damaged as a result of a collision with a vehicle which drove off; b) a Clive Hurt low-loader vehicle at 11:39 am on 5<sup>th</sup> December 2017, was involved in a collision with a van which was written off, this took place on Victoria Road. There may have been other accidents but we draw these to your attention because they have occurred in the area likely to be most affected by the proposed development. **We believe the proposed development will lead to increasing levels of car accidents and pedestrian injury and fatalities and should therefore not go ahead.**

Rat Runs - Increasing levels of traffic from houses on the golf course site, the former college site and from the loco-works development are likely to lead to greater use of so-called 'rat runs' by which drivers seek to reduce their journey times by using minor roads that are perceived to avoid major road junctions. **The effect of the development can be foreseen to some degree by watching the traffic on a Bolton Wanderers match day. These rat runs will include Ainsworth Avenue, Claypool Road, New Chapel Lane, Old Vicarage Road, Brazley Avenue, Latham Row, the Higher Barn, Stocks Park Drive, Mayfair, and Bond Close. Match traffic is also known to use Matchmoor Lane. Rat runs cause significant danger for pedestrians and motorists. The development will inevitably create these and lead to the problems we have described above as it is not possible to construct relief roads. For this further reason the development should not be approved.**

Accessibility Action - Parking on the Pavement – while the Highway Code already requires drivers to avoid parking on pavements, there is little notice taken of this breach of the code currently. However,

we note that Government plans to prevent parking on pavements are under consideration and may be introduced through its Accessibility Action Plan. This is a welcome change in policy in that parking on pavements prevents the safe passage of pedestrians along pavements and of vehicles along roads. **We further note that a number of roads that would be affected by the development are subject to parking on pavements and house owners would effectively lose the right to own motor vehicles, if the development went ahead, and subject to government policy. A number of roads stand out here as likely to be affected: Bond Close and Ainsworth Avenue. For this reason, the Council should reject the Application.**

#### A.6 Spine Road Development

There has been quite a lot of speculation in the media to the effect that a new so-called 'spine road' which may be built and which is intended to provide the main access to vehicles for Rivington Chase and which will link the planned 1,700 home site with Middlebrook retail park, Horwich Parkway railway station, and junction 6 of the M61 road *will significantly alleviate congestion* on Chorley New Road, Stocks Park Drive, Winter Hey Lane and Church Street and thereafter to Chorley Old Road.

Our reasons for believing that this claim is severely mistaken is that the main services such as schools, doctors and leisure facilities which those living on the 1700 home site will use – some on a daily basis such as schools - are located within Horwich itself and are accessed by using Chorley New Road, Stocks Park Drive, Winter Hey Lane and Church Street and thereafter to Chorley Old Road. The spine road will not therefore alleviate congestion in Horwich itself. The argument that the spine road will reduce congestion caused by the golf course development is in our view, quite unsound. The golf course development was not foreseen in its construction and purpose.

**It is the submission of our members of the residents' association and the SRA that this road will significantly *increase the level of congestion in Horwich's* main road network, making the congestion caused by the planned development of the golf course even more serious. For that reason, the construction of the spine road should not be seen as providing grounds for allowing the golf-course development to go ahead.**

#### B. Environmental Impact on Nellie's Clough

##### **Nellie's Clough Outline**

Nellie's Clough comprises a surface water fed stream with some run-off from local wells and springs, located within a narrow tree and shrub-lined ravine. The northerly part of the ravine is located at Ordnance Survey Reference SD 65217 11083 Lat 53 35 42 N, Long 2 31 37 W. The general area is within the following OS map References: SD 65221 11077 to SD 64840 10724. The site comprises a small stream flowing through a valley which varies in depth (up to 9 m) and gradient along the length. Key Features of the area are a semi-mature plantation woodland, scrub and tall ruderal species, ecotones with semi improved acid grassland and heathland characteristics, presence of invertebrates such as gatekeeper butterfly. Currently the area is a green space with public right of way (PRoW) that joins

the adjacent housing estate to Chorley Old Road to the north, as part of a footpath route into Horwich. It is also used as a recreational area and functions as an ecological corridor for wildlife.

Local maps, some dated as early as 1620, indicate that the woodlands at Nellie's Clough may well be from the mediaeval period and our research with the Woodland Trust is on-going. Nellie's Clough must therefore be protected and safeguarded for future generations to enjoy. The threat of development adjacent to the site from working while construction takes place and then from increased use of the area by the residents of 300 more homes (another 1000 people potentially walking through the area) are the grounds for this further objection. We shall describe the nature of these threats to Nellie's Clough in more detail and why the existence of Nellie's Clough should prevent the development of the golf course site and adjacent land.

#### B.1 Threats to Nellie's Clough from the period of construction

Should the development be approved there are major concerns regarding its proximity to Nellie's Clough and of potential damage caused during construction and post-construction. Construction related issues, such as noise and vibration which could drive wildlife away, the use of construction chemicals, for example concrete mixes, with the residue finding its way in to the stream. Similarly the Nellie's Clough stream may well be used by contractors to dump unwanted and waste construction materials.

**No contingency plans have been provided by the developer to mitigate damage to Nellie's Clough from construction impacts.**

#### B.2 Destruction of the habit of Nellie's Clough from the Development – Post Construction

Once the site is developed, substantial further damage will inevitably be done to the wildlife and ecology of the Clough with the significant increase in the number of residents in its immediate vicinity. **No ecological impact assessment of the effect of construction on this important area of ecological value has been provided by the applicant. For this reason the development should be rejected.**

### C. Education Issues

#### C.1 Inadequate Capacity of the Existing Educational Provision

We have been fortunate to receive information from one of the local councillors concerning the number of school places available for children in the borough. This information has been provided to him by Pupil Services and we are grateful for having had this information passed on to us. It is however a partial picture. Furthermore, we have now obtained further information which is highly relevant to the Application. We have obtained this information from a number of written and telephone enquiries to local schools.

We note that so far as the heads of two schools are concerned, new housing development will make larger an already significant excess of demand for school places. **The view from educational professionals who are running two primary schools in the borough is that there is already an excess of demand for school places well above the current supply. For this reason, and with no plans for the further expansion of school places beyond that at Chorley New Road, we consider that in regard**

to this further material consideration, the proposed development has adverse consequences and should not be permitted.

The two schools who have provided this information are St Catherine's which tell us that there is clear evidence that families in Horwich value a Christian education and that this school is severely over-subscribed every year (more than any other school) but there are not enough places. The second school is St Mary's. This school is already over-subscribed – over 70 children apply for 30 places each year.

#### D. Development Target

##### D.1 Existing Opportunities to Build Should be Taken

Registered Housing providers are keen and able to build for the affordable Homes programme, Shared Ownership Programme and for outright sale using the help to buy incentives.

The council should make sites available for these providers on Council owned land, in particular brownfield sites benefiting from the recent £50m remediation fund. **There are no figures showing the sites the council has put forward and are ready to be developed.**

##### D.2 Infrastructure Requirement

Recent speeches from Sajid Javid and the Prime Minister have put forward changes they expect from the revised National Policy Framework. The changes they expect run counter to this proposal for development. **Government wishes new-built to have the right infrastructure to support them: this infrastructure is clearly not going to be delivered in this case with transport, health and education provision already overstretched and will be under provisioned with over 2000 houses to be built in Horwich. For this reason alone, the Application should be rejected.**

The contributions promised by the developer to infrastructure are meaningless in the context of this Application as the developer is most likely to sell the site to others and who will likely look to remove or reduce the level of contribution in order to justify an economic return on the excessive value they have paid. **Since developers are rarely being held to the contributions promised and can easily evade their commitments on the grounds of viability, there are no guarantees for anyone about for the introduction of suitable infrastructure for this development and for that reason the Council should reject the Application.**

##### D.3 Local Demand

Development should be what local people want through local plans and not from speculative applications like the one submitted by Peel. The Council has had many hundreds of objections to

**this Application. There is clearly no significant desire locally to see this development granted permission; indeed there is very strong opposition to it.**

## E. Consultation Proposals on the National Planning Policy Framework (the 'Framework')

### E.1 The Framework and Sustainable Development

The SRA has taken note of the recent Consultation Paper on proposed changes to the Framework. In particular, it is noted in the Introduction to the Consultation Proposal, reference is made to the Government's White Paper on housing which was entitled "Fixing our broken housing market". The Consultation Paper states that the White Paper sets out a comprehensive strategy to tackle the failures in the housing market with "...the aim of delivering for the right homes in the right places, building homes faster, diversifying the market and helping people now."

The central core of the proposed new Framework will remain the principle of achieving 'sustainable development'. Thus the points raised in the SRA Objections which demonstrate that the Application does not achieve sustainable development, would continue to be highly relevant in the future planning environment. **This demonstrates that the points raised by the SRA are not 'backward looking' but are ones which Central Government has acknowledged as being at the centre of the future planning process.**

### E.2 The Framework and Supply

**Furthermore, it is apparent that one of the key aims of the proposed changes to the Framework will be to promote sites which can lead to a quick delivery of houses and to avoid 'land banking' by developers. In this regard, reference is made to the Consultation Paper comments on Paragraph 78 of the draft Framework which provides that authorities should consider imposing a planning condition to bring forward development within two years.**

**The stated aim of ensuring that sites which are granted permission must be developed quickly underlines why the Application should be rejected. As has been highlighted by the SRA, the fundamental defect with the Application – a fact that Peel conveniently did not mention - was the fact that the Site cannot be developed for five-years due to the lease between Peel and Horwich Golf Course which runs until 31 January 2023.**

The Application thus does not meet the requirements envisaged by the draft Framework of the Governments aims as stated in the White Paper as it will not assist in 'building homes faster' and 'helping people now'.

In the circumstances, not only does the Application conflict with the current Framework (for the reasons set out in the SRA's Objections), but the Application would also conflict with the new Framework on the basis of the content of the draft Framework.

**The SRA thus again re-iterates the key point that it has previously made that the Application does not provide a benefit as it does not contribute to alleviating the shortfall in the five-year housing supply. Consequently, there is no 'benefit' arising from the Application which can be weighed in**

the ‘tilted balancing’ exercise. In contrast, at the moment any development would actually take place sometime after January 2023, there would be an adverse impact on the local area for the reasons previously set out. This would be exacerbated by the fact that at such time, the other developments which are located in less than a mile of the Site, will be well on the way to delivering nearly 2,000 houses so the wider cumulative harmful effect of the proposed development will be felt by local residents at a moment when there is no need for the houses in question.

In such circumstances, the SRA maintains its argument that ‘the presumption’ under Paragraph 14 of the current Framework should not apply and the Local Plan should prevail. This provides a clear legal basis and in fact, a requirement, for the Planning Committee to reject the Application.

## **F. Conclusion**

We now summarise below the SRA’s various objections to the Application.

### **F.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’).

### **F.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, certain principles 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.

### **F.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.

As noted above, 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 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. Indeed, it is noted that the Application is for outline permission only.

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.**

#### **F.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 above, 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, 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.

#### **F.5 The Presumption is for ‘sustainable development’ not ‘any development’**

It must be emphasised that where the presumption in favour of development 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.

#### **F.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, as set out in the SRA’s second objection, 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...”*.

#### **F.7 Setting a dangerous Precedent**

The Application would be a dangerous precedent for the local area.

Local residents 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 and expansion 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 and which include Nellie’s Clough.

**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