

TOWN AND COUNTRY PLANNING ACT 1990

CONJOINED APPEALS BY PEEL INVESTMENTS (NORTH) LTD

(APP/N4205/W/20/3256381)

AND

NORTHSTONE DEVELOPMENT LTD.

(APP/N4205/W/20/3266030)

LAND OFF VICTORIA ROAD, HORWICH, BOLTON

**STATEMENT OF CASE PURSUANT TO RULE 6 ON BEHALF OF THE STOCKS
RESIDENTS ASSOCIATION**

INTRODUCTION

1. This is the Stocks Residents Association's ("SRA") Statement of Case following the granting of Rule 6 status to the SRA.
2. This Statement relates to 2no appeals in relation to land off Victoria Road, Horwich, Bolton ("the Appeal Site"):
 - a. An appeal by Peel Investments (North) Ltd for up to 276 dwellings under PINs Ref: 3256381 ("Appeal A");
 - b. An appeal by Northstone Development Ltd (Peel's housebuilding arm) for up to 150 dwellings under Ref: 3266030 ("Appeal B").
3. Although this Statement of Case must be based on the current factual and policy context, the SRA reserve their position to amend and/or update this Statement of Case to take account of any factual or policy changes prior to the opening of the Inquiry.
4. The SRA have read and considered the Council's Statement of Case which was uploaded to the Council's website on 17th February 2021. Whilst the SRA's case is wider in scope, the SRA agree with the Council's reasons for refusing the Appeal Schemes.

5. It is also relevant to note that the restrictions associated with the Covid-19 pandemic have made the process of consultation with members of the SRA particularly difficult. It is quite possible to some members have not fully been able to engage in the planning process and/or have not been able to articulate their views in the same way that they would have been able to 'pre-COVID-19'.

THE SRA

6. The SRA was formally constituted on 18th October 2016 (prior to such date having convened on an informal basis from time to time). The SRA has a written constitution, an elected Chairperson, Vice-Chairperson, Secretary, Treasurer, Committee as well as a designated bank account and records of its accounts. The SRA membership consists of "all residents who live in our neighbourhood", that being defined in the SRA constitution as the streets of Mayfair, The Strand, Park Lane, and Broadway, in which there 66 houses. There 55 active members of the SRA living within the neighbourhood area with whom we keep in regular contact. A further 270 people have requested to be kept informed of our activities. The SRA shares information with other community groups, especially those in the area surrounding Stocks Park Drive, and also has informal links with the other four residents' associations in Horwich - New Chapel, Grundy Hill, Ox Hey Lane, and Brazley.
7. The stated aims and objectives of the SRA include, inter alia, working for improvements to our local built environment, working to enhance our local natural environment and endeavouring to promote a culture of good stewardship of the local built and natural environment relating to the local neighbourhood.
8. The SRA has been recognised by Horwich Town Council as an active and fully constituted residents' association pursuing legitimate aims in the local community and has applied for, and been granted, funding by Horwich Town Council and the 'Two Towns Forum' on that basis.
9. The SRA was actively involved as a Rule 6 Party in an appeal brought by Peel relating to a proposal for up to 300 dwellings on the Appeal Site. Following a public inquiry, Inspector John Felgate dismissed that appeal and refused planning permission: see Appeal Ref: 3210299, dated 21st August 2019 ("the 2019 Appeal"). Subsequently, the SRA have drafted

written representations and attended Committee Meetings which considered the Appellants' proposals under Appeal A and Appeal B.

10. This Statement of Case should be read in conjunction with the detailed written representations presented by the SRA to the Council. For ease of reference the letters of representation are appended to this Statement of Case and are incorporated into it.

THE SRA'S CASE

11. The SRA's case is founded upon a number of propositions that are set out below and which will be addressed in evidence.
 - (1) *The Appeal Scheme fails to protect Other Protected Open Land ("OPOL"), contrary to the Development Plan.*
12. The majority of the Appeal Sites are designated as Other Protected Open Land ("OPOL") in the Allocations Plan (policy CG6AP). Residential development of type proposed by the Appellants does not fall into any of the categories of development that would comply with policy CG6AP or policies OA1.4 and OA1.6 of the Core Strategy. There is a clear conflict with the most relevant and important development plan policy. As such, there is a statutory presumption against the grant of planning permission.
 - (2) *The Most Important Policies for Determining the Appeals Remain Up to Date.*
13. The SRA will explain how the most important policies in the Core Strategy and Allocations Plan remain sufficiently consistent with the NPPF that they are not out-of-date.
14. The SRA will rely upon the principle that substantial weight should be placed on plan-led decision taking even in circumstances where the tilted planning balance applies.
 - (3) *The Appeal Schemes do not satisfy a local need for housing.*
15. The SRA will refer to the Housing Needs Assessment report commissioned by Horwich Town Council and prepared by AECOM (the 'HNA').
16. The HNA was prepared to provide Horwich Town Council with information relating to both the quantity and the mix of housing it should plan for in the future. The Town Council wanted "...clarity as to the quantity of homes needed to address demand in the neighbourhood area (NA) over the Plan period. Moreover, it will provide robust evidence that may be used to assess the acceptability of a proposed development scheme until the new Local Plan/Framework for Bolton has been adopted." (Para. 31 of the HNA).

17. The HNA was prepared by an independent consultant as part of the evidence base for the emerging Horwich Neighbourhood Plan (“HNDP”) – in respect of which see further below. The SRA considers that significant weight can be given to the HNA given that (i) it was prepared by an independent consultant; and (ii) is based largely on the Government’s standard method for calculating housing requirements. Indeed, in the absence of any housing need figure being provided by the local planning authority, the HNA provides the best assessment of the housing needs of Horwich.
18. The SRA is aware that AECOM has provided a revised assessment, due to changes in calculation methodology with an estimate of between 19 to 27 dwellings per year over the plan period (i.e., 2018 to 2036) produced by the standard method calculation with an acknowledgement that this may increase to 47 dwellings per year based upon the draft Greater Manchester Spatial Framework (“GMSF”). These figures still exclude the Loco Works strategic development although there is an acknowledgement that whilst it is a strategic district allocation, ultimately, it will fulfil a proportion of Horwich’s housing need.
19. It will be argued that a scheme for either 276 or 150 dwellings is entirely disproportionate in terms of Horwich’s housing needs. A development on such scale is simply not required in order to fulfil the required housing supply in Horwich given the numerous developments which are currently taking place and/or in the pipeline. Furthermore, it would lead to the rapid over population of Horwich given its size and scale.
20. It is therefore the SRA’s conclusion that there is more than sufficient land to meet the needs (for the relevant five-year period and over the plan period for the HNP i.e. until 2036) of Horwich specifically addressed through the HNA without any requirement for further planning permissions. This is a material consideration that weighs heavily against the Application.

(4) *The Appeal Schemes do not reflect the type of housing that is needed in Horwich.*

21. The SRA appreciate that the Appeal Schemes are in outline. However, it is apparent from the development framework plans that the Appellants will be seeking to build predominantly 3 or 4 bedroom houses.

22. This illustrative housing mix does not reflect the recommendations of the HNA, which is the most up to date assessment of local housing need. The HNA concludes as follows:

“...To satisfy the requirements of increasingly smaller and older households, but also to enable younger households to remain in the area, it is recommended that 15% of houses in new developments be one-bedroom homes, 42% two-bedroom and 43% three-bedroom.” (Para. 8).

23. It is accepted that this particular objection can be overcome by the imposition of a housing mix condition that secures the housing mix recommended by the HNA. If the Appellants resist such a condition, this failure to deliver housing that reflects local need will be a further material consideration weighing against the proposals.

(5) *The Appeal Scheme will have an unacceptable effect on the landscape character and visual amenity of the area.*

24. The SRA will describe the qualities associated with the Appeal Site and the way in which it is enjoyed by local people as a landscape, visual and recreational resource will emphasize the importance of such a site for health and well-being. The SRA's view is consistent with and supported by a large body of peer-reviewed, high quality, scientific research on the benefits of open spaces on human health, that arise in various ways, and supports and indeed amplifies the importance of the Council's policies in its Core Strategy [CG1, CG3].

25. The Appeal Schemes would inevitably and irreversibly compromise the current vista which acts as buffer between the historic agriculture land and buildings adjoining the Wallsuches conservation area and Nellie's Clough. It would remove the open rural fringe on the edge of Horwich.

26. Moreover, as OPOL the Appeal Site is recognised as worthy of protection due to its open character. As such, the development plan identifies a specific quality of the land which is

worthy of protection. Under current national policy, that part of the Appeal Site which falls within the OPOL designation is therefore a valued landscape for the purpose of NPPF §170(a).

27. Whilst it is recognised that it may be appropriate in some cases to allow development on greenfield sites, the level of harm to the character and appearance of the area in the case of either Appeal Schemes will be substantial. It would result in conflict with Core Strategy policies CG1, CG3 and OA1 and NPPF §170(a) and (b).
28. The SRA recognises that the Appellants have made attempts to reduce the impact on the character and appearance of the area since the dismissal of the 2019 Appeal by promoting first a scheme for up to 276 dwellings and second a scheme for up to 150 dwellings. The SRA will make a comparison between the 2019 Appeal and the proposals put forward by the Appellants' in the present Appeals.
29. However, neither of the Appeal Schemes:
 - a. Have successfully mitigated the landscape and visual effects associated with substantial built development to a level where those impacts are acceptable; and
 - b. Recognise that the OPOL designation provides a significant factor against the grant of planning permission on such open land.
30. The SRA will also contend that the value placed on local green space, whether for recreation or for its aesthetic value, should be increased in light of the considerable importance that such areas now enjoy during the Covid-19 pandemic and beyond.
- (6) *The Appeal Scheme will have an unacceptable effect on highway safety and will have a severe residual cumulative impact on the local road network.*
31. The SRA will examine the effects of the proposals on the safety and flow of traffic on the local road network, a topic on which the SRA's members can produce considerable evidence based on unparalleled local knowledge. In particular, the proposed development will be tested against the requirements of national policy (Section 9 NPPF) and local policies P5 and S1.2.

32. It is acknowledged that the Council has accepted that the cumulative impact of traffic is acceptable and that the 2019 Appeal did not find an unacceptable impact. Nonetheless:
- a. The VISSIM modelling on which the Council has assessed the Appeal Schemes has not been made available to the SRA despite repeated requests including under the Freedom of Information Act;
 - b. The traffic data which the Appellants have used to assess highways impacts dates from 2016. It is out of date, especially in light of the local experience of SRA Members;
 - c. There remain considerable concerns about the impact of the Schemes on the Stocks Park Drive/Victoria Road and Stocks Park Drive/Chorley Old Road junctions. These junctions suffer from existing safety problems and will experience a significant increase in traffic if either Appeal Scheme is allowed;
 - d. For the avoidance of doubt, the SRA do not recognise the Appellants' statement that Chorley New Road is generally "free flowing throughout its length"; local experience is the exact opposite. The SRA is particularly concerned that congestion at the Victoria Road/Chorley Old Road junction will be increased to an unacceptable degree.
33. The SRA will show that the effects of the Appeal Scheme on traffic safety and on the local road network will be unacceptable when considered against relevant national and local policies.
- (7) *Granting planning permission will prejudice the emerging Horwich Neighbourhood Development Plan and the Council's intention to re-designate the Appeal Site as Green Belt through the Greater Manchester Spatial Framework.*
34. The Horwich Neighbourhood Development Plan ("HNDP") is currently in preparation and is likely to be close to being made at or around the time of the Public Inquiry. That being the case, the HNDP is likely to command substantial weight in the decision taking process. The HNDP seeks to engage the local community in shaping the future of Horwich in a plan-led and sustainable way. If planning permission is granted for either Appeal Scheme is granted, such a decision is likely to undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging HNDP.

35. It is recognised that the 2019 Appeal Inspector did not accept the SRA’s prematurity case. However, following completion of an extensive consultation exercise, the HNDDP is progressing and it is understood it will be ready in draft form in early 2021, and would be put to local referendum by August 2021 at the latest and adopted before the end of 2021. Matters have therefore moved on to the extent that additional weight can be attached to the emerging HNDDP. It should be noted that delays caused by COVID-19 to the HNDDP have delayed the process of plan development, and it is furthermore to be noted that the effect of COVID-19 has disproportionately affected the capacity of the SRA to respond to the appeals as local community action is more difficult due to the lockdowns – Bolton has been in a perpetual lockdown for months. The timing of the appeals during lockdown militates against the capacity of individuals and public interest groups to respond.
36. The Greater Manchester Spatial Framework (“GMSF”) is another emerging part of the development plan for the area. Despite Stockport MBC’s withdrawal from the GMSF, the remaining 6 Greater Manchester authorities have agreed to progress with a joint development plan. The Council has already made submissions to the GMSF process that the Appeal Site should be re-designated as Green Belt and has given no indication that this position has altered. If planning permission is granted for either Appeal Scheme, such a decision is likely to undermine the plan-making process by predetermining decisions about the location new development that is central to the emerging GMSF.
37. In any event, the SRA will refer to the GMSF’s evidence base including the conclusion of the Green Belt Topic Paper:
- “It is necessary to keep this land open to conserve the character of Horwich as a town with a setting of rising open land especially in light of the proposed development of urban land of within the built-up area of the town”.* (page 36 of the Topic Paper)
38. In either or both of the scenarios outlined above, it would be premature to grant planning permission for the Appeal Scheme, contrary to NPPF §49 and 50.
- (8) *The Appeal proposals will cause harm to biodiversity.*
39. The Appeal Site – especially that part beyond the golf course – provides a vital habitat and corridor for a variety of wildlife including birds of prey, bats, foxes and deer. In any

meaningful sense this habitat will be lost if planning permission is granted. As such, it will fail to minimise impacts on biodiversity, contrary to NPPF §170(d) and policy CG1 Core Strategy.

40. Similarly, there is no evidence as to how the Appeal Schemes will deliver a biodiversity net gain as required by §170(d) of the NPPF.

(9) The Appeal Scheme will result in an unacceptable loss of recreational resources.

41. The SRA will demonstrate the extent to which the Appeal Site is currently used as a valuable recreational resource, whether by the playing of golf or using the public rights of way network within and adjacent to the Appeal Site. At the previous Appeal, the loss of the course was indeed considered to have some negative weight. During lockdown, the area has seen vastly increased use, as have many other areas of outdoor amenity in the vicinity, even to the point of very clear over-capacity. Whilst it may be possible to retain existing rights of way and create new footpaths, the loss of the golf club and the considerable diminution in the quality of the recreational experience will be unacceptable and contrary to policy CG1 of the Core Strategy.

(10) The Appellants have failed properly to consider the flood risks associated with the Appeal Schemes.

42. The SRA is aware of the flooding which occurs on a regular basis on Victoria Road, and down to Chorley New Road in and around the vicinity of the Appeal Site when there has been even moderate rainfall. The SRA will provide evidence showing the extent and effects of recent flood events.

43. The SRA therefore considers that further development on the Site can only have the effect of increasing surface water 'run off' and thus further flooding. This will increase the risk of flooding in the areas which already suffer.

44. Insufficient attention has been given by the Appellants to this issue and the SRA will identify deficiencies in the Appellants' assessment, including:

a. An over reliance on existing watercourse to accommodate surface water run-off;

- b. There is no modelled data for water courses in the vicinity of the Appeal Site such that the Appellants are not able to conclude with confidence that there is sufficient capacity in those watercourses to accommodate surface water from the Appeal Site, especially in time of heavy and persistent rainfall.

(11) *There will be an unacceptable impact on local social infrastructure.*

45. With over 1700 new houses planned for Horwich in the near future the existing primary and secondary health care, which is already stretched to breaking point in the winter months especially as current events demonstrate, will need significant investment. Access to hospitals will also be further compromised by the increased congestion caused by this and the approved developments. It will also add to the congestion problems on the M61/M60 junctions with the use of more distant hospitals in Salford and Manchester offering specialist services, because the car will be the only means relatives and friends will be able to get there. By approving this development, the Council will create more problems here in Bolton for health and social care than can be managed. These adverse effects of increasing burden upon the public services are a material consideration that weighs against the proposals.

46. The SRA is concerned that the considerable planned expansion of Horwich has not been accompanied by a commensurate increase in schools' capacity. In particular, it is likely that the number of school aged children living in either of the Appeal Schemes will not be able to secure places in local schools, alternatively it will displace children already living in the area. This development is creating an urban area as large as Blackrod which has 2 schools, namely, Blackrod Church School Capacity 256 pupils (current numbers 260); and Blackrod Primary Capacity 315 pupils (current numbers 281). As can be seen currently there is demand in Blackrod for 541 places but Chorley New Road will provide less than 90. Furthermore, there is more development underway in Blackrod which will fill these places. This further material consideration weighs heavily against the Appeal Schemes.

(12) *The benefits of the Appeal Schemes will not outweigh its conflict with the Development Plan and harm to other interests of acknowledged importance.*

47. The SRA will examine the Appeal Scheme against the development plan as a whole. It will be shown that the proposals conflict with the Core Strategy and the Allocations Plan such

that there is a statutory presumption against the grant of planning permission. The SRA will consider whether there are any material considerations that indicate that a decision should be made otherwise than in accordance with the development plan.

48. The SRA will maintain that the harm will be caused by the grant of planning permission for either Appeal A or Appeal B will be substantial, albeit that the harm caused by Appeal B will be less.
49. Whilst it is acknowledged that positive weight of varying degrees should be attached to the benefits of the Appeal Schemes (including the delivery of market and affordable housing and the provision of economic benefits associated with the construction and occupation of the dwellings) they will not outweigh the conflict with the development plan and the harm identified above. In particular, the SRA will conclude that it is highly unlikely that either Appeal Schemes will deliver any housing completions within the relevant 5 year period, further reducing the positive weight that can attach to the delivery of market and affordable housing.
50. Moreover, although it could be said that the level of harm associated with Appeal B is less than that caused by Appeal A, the weight to be attached to the delivery of market and affordable housing – as well the associated economic benefits – must be reduced proportionately to take account of the different sizes of each Appeal Scheme.
51. Overall, it will be concluded – be it on the tilted or the evenly weighted planning balance – that the adverse effects of the Appeal Schemes will outweigh their benefits. In those circumstances, the SRA anticipates in due course being able to invite the Inspector to dismiss both Appeals.

CONDITIONS AND SECTION 106 OBLIGATIONS

52. Without prejudice to the SRA's objections to the Appeal Scheme, it will seek to engage with the Council and the Appellant in formulating acceptable and policy-compliant planning conditions should planning permission be granted. Additionally, the SRA will make representations (where relevant) on any planning obligations that will be necessary to make the proposed development acceptable in planning terms, and whether any legal agreement or undertaking passes the tests in Reg. 122 Community Infrastructure Levy Regulations 2010.

DOCUMENTS

53. The SRA intend to make reference to the following documents (in addition to the documents submitted with the original planning application and its detailed written representations to the Council):
 - a. The Bolton Core Strategy;
 - b. The Bolton Allocations Plan;
 - c. Bolton's Landscape Character Appraisal;
 - d. Documents relating to the formation and constitution of the SRA.

54. Please note that this is not an exhaustive list of documents and the SRA reserve the right to add and/or to amend it.