

Date of Meeting:

Application Reference: 92564/14

Type of Application: Full Planning Application
Registration Date: 12/08/2014
Decision Due By: 10/11/2014
Responsible Officer: Helen Williams

Location: FORMER SWALLOWFIELD HOTEL SITE, CHORLEY NEW ROAD, HORWICH, BOLTON, BL6 6HA

Proposal: ERECTION OF TWO BUILDINGS CONTAINING A TOTAL OF 42 APARTMENTS TOGETHER WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS

Ward: Horwich North East

Applicant: Redrow Homes Ltd - Lancashire Division
Agent : LMP Ltd.

Officers Report

Recommendation: Approve subject to conditions

Background

This application is a resubmission of application 91227/13, which was refused by Planning Committee in June 2014 for the following reason:

The proposed development fails to make reasonable provision or a reasonable contribution towards affordable housing and therefore is contrary to Policies IPC1 and SC1.3 of Bolton's Core Strategy and Supplementary Planning Document "Affordable Housing".

The applicant had offered £50,000 towards off-site affordable housing provision, but this was considered unacceptable by Members. The refusal of 91227/13 has been appealed by the applicant and an informal hearing has been arranged for 21st October, which is two days before the next Planning Committee meeting of 23rd October.

The reason for refusing application 91227/13 reflected Committee's refusal in January 2014 of a Section 106BA application to modify the original Section 106 Agreement for the development (attached to approval 73431/06), by removing the requirement to provide any affordable housing within the development. This refusal was appealed by the applicant and was subject of an informal hearing on 3rd September 2014. On the 2nd October 2014 the Planning Inspectorate allowed the appeal (with full costs). The Inspector agreed with the findings of the appellant's viability assessment, that is, if the development was to include the proposed affordable housing units the return to the developer would be -2.93% (a developer's return is usually expected to be around +20%). The scheme would also be unviable if *any* affordable housing provision was to be required, and therefore the Inspector allowed the appeal without any affordable housing provision. The original Section 106 Agreement was amended by the Inspector so any

reference to affordable housing was deleted.

Proposal

Permission is sought (as it was within application 91227/13) to amend the elevations of the buildings approved under application 73431/06 and the internal floor plans. The approved number of units, the footprints of the buildings, the access arrangements and the car parking numbers and layout are not proposed to be altered.

In line with previous requests from Horwich Town Council and Councillors Silvester and McKeon (ward councillors), the applicant seeks to amend their original Section 106 Agreement to combine the previously requested off-site highways works and public art contributions into one contribution for off-site highways works only. The Section 106 is proposed to be amended by way of a Unilateral Undertaking, which would now require the following contributions:

- * £12,615 towards primary school provision in Horwich (as previously agreed)
- * £10,000 towards the cost of off-site road works (previously this was £5,000 towards off-site road works and £5,000 towards off-site public art)

Site Characteristics

The application site is the site of the former Swallowfield Hotel, which was a two storey building set back from Chorley New Road. The building was demolished in 2007 and the internal roads, foundations and underground services in connection with planning approval 73431/06 were constructed shortly afterwards. Construction works however ceased in early 2008 and the development has been stalled ever since (the site has been "mothballed").

The trees to the front of the site and along the Ainsworth Avenue boundary are protected under Tree Preservation Order Bolton (Swallowfield Hotel, Chorley New Road, Horwich No.2). The site has been fenced off with security fencing.

Chorley New Road is a main road between Horwich and Bolton. Opposite the application site (on the other side of Chorley New Road) is St Joseph's RC High School. To the rear is Brazley Community Hall and to the east is Horwich Day Centre. There are residential properties to the west and north on Chorley New Road and Ainsworth Avenue.

Policy

National Planning Policy Framework (NPPF)

Core Strategy Policies: A1.4 Education Contributions; P5 Transport and Accessibility; S1 Safe Bolton; CG1.2 Urban Biodiversity; CG1.5 Flood Risk; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA1 Horwich and Blackrod; IPC1 Infrastructure and Planning Contributions.

Saved UDP Policies: N8 Protected Trees.

PCPN2 Space Around Dwellings; PCPN7 Trees; PCPN10 Planning Out Crime; PCPN30 Education.

SPD Accessibility, Transport and Accessibility

Analysis

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to

be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise.

Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission.

Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission.

It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.

The main impacts of the proposal are:-

- * impact on urban regeneration
- * impact on the character and appearance of the area
- * impact on the highway
- * impact on trees
- * impact on the amenity of neighbouring residents
- * impact on local infrastructure

Impact on Urban Regeneration

The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land) and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy SC1.2 of the Core Strategy states that at least 80% of housing development will be on previously developed land in accordance with the Regional Spatial Strategy. Policy OA1.4 states that the Council will concentrate sites of new housing in Horwich town centre, at Horwich Loco Works and on other sites within the existing urban area.

The proposed development of 42 apartments already has extant planning permission (under approval 73431/06). This application only seeks to amend the elevations of the two apartment buildings and the internal floor plans.

It is therefore considered that the proposal complies with Policies SC1 and OA1.4 of the Core Strategy.

Impact on the Character and Appearance of the Area

Policy CG3 of the Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, and will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure and landscape treatment. Policy OA1 states that the Council will conserve and enhance the character of the existing landscape and physical environment, and will ensure that development in Horwich and Blackrod respects street patterns, the grain and the form of predominant architectural styles and where possible makes sympathetic use of locally distinctive materials such as stone.

The only differences between the current application and the development approved under application 73431/06 are the proposed alterations to the external design of the two apartment buildings and their internal floor plans. There are no alterations proposed to the number of units, the footprint of the two buildings, the proposed access and car

parking spaces and the layout of the development.

The amended buildings will be slightly taller than those approved, as the roof will now have a steeper pitch. It is considered that this change in height is only relatively minor and would not make the buildings any more prominent on the street scene than the previously approved buildings.

The buildings will also have less of a contemporary appearance, removing the flat roof elements and replacing them with pitched roofs. The amount of glazing to the elevations will also be reduced. It is considered that the proposed elevations will give the buildings a more suburban appearance than before, which is considered to be compatible with the suburban character of the area.

It is considered that the proposed development would be compatible with the character and appearance of the area, compliant with Policies CG3 and OA1 of the Core Strategy.

Impact on the Highway

Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility by different types of transport, servicing arrangements and parking, in accordance with the parking standards set out in appendix 3. Policy S1.2 states that the Council will promote road safety in the design of new developments.

The vehicular access into the development has already been approved under application 73431/06. No alterations are proposed to this access.

The Council's Highways Engineers raise no objection to the proposal given that the layout has already been approved. Engineers did not consider that the proposed access would jeopardise highway safety.

Engineers however state that it did not appear, during the determination of the last application, that the proposed access was Autotracked for a large refuse vehicular to enter the site. As the bin store is proposed at the eastern corner of the development a refuse vehicle would need to enter and leave the site to collect them from this location. A condition is therefore recommended to have the access Autotracked for a refuse vehicle. If the refuse vehicle cannot enter the site sufficiently the location of the bin store would have to be amended so that it is sited closer to the entrance. This also forms part of the suggested condition.

The proposed car parking layout has also not been amended following the last approved (52 car parking spaces are proposed).

It is considered that the proposal would continue not to jeopardise highway safety, compliant with Policies P5 and S1.2 of the Core Strategy.

Impact on Trees

Policy CG1.2 of the Core Strategy states that the Council will safeguard and enhance biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development. Saved UDP Policy N8 refers specifically to protected trees.

The trees to the front and sides of the application site are protected under Tree Preservation Order Bolton (Swallowfield Hotel, Chorley New Road, Horwich No.2). As

previously stated, the footprint of the buildings and the layout of the development is not proposed to be amended. The Council's Tree Officers therefore raise no objection to the proposal.

It is therefore considered that the proposal would safeguard the protected trees on the site, compliant with Policy CG1.2 of the Core Strategy and saved UDP Policy N8.

Impact on the Amenity of Neighbouring Residents

Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. PCPN2 Space Around Dwellings sets out the Council's minimum interface distance between dwellings.

The siting of the buildings has not been altered and the height of the buildings is only proposed to be slightly increased. The interface distances between the proposed buildings and the neighbouring residential properties continue to exceed the minimum requirements.

It is therefore considered that the proposal complies with Policy CG4 of the Core Strategy.

Impact on Local Infrastructure

Policy IPC1 of the Core Strategy states that the Council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. In doing so, the Council will ensure that a scheme is made acceptable in planning terms and achieved the objectives of sustainable development. The policy concludes that Policy IPC1 is applicable unless it can be demonstrated by the applicant that the scheme would not be viable if contributions were sought or offered.

A Section 106 Agreement accompanied planning approval 73431/06 and required the following:

- * 4 affordable units on site, to be transferred to a housing association;
- * A commuted sum of £12,615 to provide new primary school places in Horwich (prior to commencement of development);
- * A commuted sum of £5,000 for public art works in the vicinity of the site (on completion of development);
- * A commuted sum of £5,000 towards the cost of off-site road works in Ainsworth Avenue (prior to commencement of development).

Following the allowance of the Section 106BC appeal (on 2nd October 2014) the requirement for any affordable housing within the scheme has been deleted from the original Section 106 Agreement.

The applicant now proposes a Unilateral Undertaking to accompany this latest application, which would require the following contributions:

- * £12,615 towards primary school provision in Horwich
- * £10,000 towards the cost of off-site road works

Cllr. Richard Silvester, Cllr. Kevin McKeon and Horwich Town Council had previously requested that the £5,000 originally scheduled for public art provision within the Section 106 be combined with the £5,000 originally scheduled for off-site highways works, so that £10,000 is instead made available for off-site highways works. The applicant has agreed

to this approach. The Horwich councillors also request that the highways monies are used towards the cost of a Speed Activated Traffic Sign (to be located on Chorley New Road in the vicinity of St Joseph's School), a pedestrian refuge (in the vicinity of the junction of Chorley New Road with Claypool Road), and 20mph zone stencil roundels to be applied to the road surface of Ainsworth Avenue.

Engineers have confirmed that the £10,000 could be utilised for their proposed scheme for a school zone for St. Joseph's R.C. School.

It is therefore considered that the proposed development complies with Policy IPS1 of the Core Strategy as it has previously been found (at appeal) that the proposed scheme would not be viable if the affordable housing provision was sought.

Conclusion

It is considered that the proposed amendments to the appearance of the two buildings will be compatible with the character and appearance of the area. It is also considered that the proposal will continue to contribute towards urban regeneration, will not jeopardise highway safety, will not impact on the protected trees and will not unduly harm residential amenity.

Representation and Consultation Annex

Representations

Letters:- One letter of objection has been received from a local resident, which raises the following concerns:

- * There does not appear to be provision for affordable housing, which I think there should be (*officer's comments: the Planning Inspectorate has concluded through the determination of the recent Section 106BC appeal that any provision of affordable housing would make the scheme unviable and therefore has formally removed this requirement from the original Section 106 Agreement*);
- * The access/egress to the development should be somewhere at the rear of the development rather than onto Chorley New Road. Chorley New Road is at capacity according to Railtrack;
- * The proposed access is too close to Ainsworth Avenue and will create an unacceptable road hazard.

Horwich Town Council:- raised no objection to the application at their meeting of 18th September but requested that Bolton Council defer any decision until the decision of the Section 106 appeal is known.

Consultations

Advice was sought from the following consultees: Highways Engineers, Drainage Officers, Tree Officers, Landscape Officers, Pollution Control Officers, Economic Strategy Officers, Strategic Development Unit, Bolton Primary Care Trust, and Greater Manchester Police's Architectural Liaison Officers.

Planning History

Planning application 91227/13 proposing the same development as this current application was refused by Planning Committee in June 2014 for the following reason:

"The proposed development fails to make reasonable provision or a reasonable contribution towards affordable housing and therefore is contrary to Policies IPC1 and SC1.3 of Bolton's Core Strategy and Supplementary Planning Document "Affordable Housing"."

This refusal is currently subject to an appeal.

A proposed modification to the Section 106 Agreement (dated 9th August 2007) accompanying planning permission 73431/06 was refused by Committee in January 2014. The applicant sought to modify the Section 106 Agreement through this Section 106BA application by removing the requirement to transfer four of the apartments to a housing association. Members refused the proposed modification as they believed an off-site contribution towards affordable housing should be offered instead. This refusal was appealed by the appellant and an informal hearing took place on 3rd September 2014. On the 2nd October 2014 the Planning Inspectorate allowed the appeal with full costs. The Inspector accordingly amended the original Section 106 Agreement to delete any requirement for affordable housing.

Planning application 73431/06 was approved in August 2007 for the demolition of the Swallowfield Hotel and the erection of two buildings containing a total of 42 apartments, a car parking area of 52 spaces and landscaping. This permission was accompanied by a Section 106 Agreement.

An application for the demolition of the hotel and the erection of 48 apartments was

withdrawn in December 2005 (71602/05).

Various extensions to the former hotel were approved under applications 54467/99, 53478/98, 53477/98, 48362/96, 35058/89 and 10228/79.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of development samples of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness.
3. Prior to the commencement of development an Autotrack plan illustrating how a large refuse vehicle would manoeuvre in and out of the site when accessing the bin store shall be submitted to and approved in writing by the local planning authority. Should the submitted plan show that a large refuse vehicle would be unable to adequately manoeuvre within the site a further plan shall be submitted to and approved by the local planning authority to show the design, location and size of an alternative bin store. The approved bin store shall be implemented in full prior to occupation of the development hereby approved and retained thereafter.

Reason

To ensure satisfactory provision is made for the storage and collection of waste materials.
4. Development shall not commence until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The contents of the scheme shall be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with Model Procedures for the Management of Land Contamination (CLR 11) and a written report of the findings must be produced. The written report shall be subject to the approval in writing of the Local Planning Authority and shall include:
(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to human health, property or the environment;
(iii) an appraisal of remedial options and proposal for a preferred option.

Reason

To ensure the development is safe for use.
5. No demolition, development or stripping of soil shall be started until:
 1. The trees within or overhanging the site which are to be retained and are subject of a Tree Preservation Order (TPO) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
 2. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012) until

the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).

3. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

Reason

To protect the health and appearance of the trees.

6. Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape.

7. Prior to the development being first occupied or brought into use, details of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within 21 days of the Local Authorities approval, unless otherwise agreed in writing with the Local Planning Authority and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area.

8. Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Chorley New Road shall be constructed in accordance with the drawing ref: 13/105/P01.

Reason

In the interests of highway safety

9. Before the approved/permitted development is first brought into use no less than 52 car parking spaces shall be marked out and provided within the curtilage of the site, in accordance with drawing ref: 13/105/P01. Such spaces shall be made available for the parking of cars at all times the premises are in use.

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway

10. Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced, drained and lit shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

Reason

To encourage drivers to make use of the parking and circulation area(s) provided.

11. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

13/105/P01; "Proposed Site Layout & Street Scenes"; dated 19.12.2013
13/105/P02; "Proposed Floor Plans - Block A. Plots 1-12 & 14-22"; dated 19.12.2013
13/105/P03; "Proposed Elevations and Roof Plan - Block A. Plots 1-12 & 14-22"; dated 19.12.2013
13/105/P04; "Proposed Floor Plans - Block B. Plots 23-43"; dated 19.12.2013
13/105/P05; "Proposed Elevations and Roof Plan"; dated 19.12.2013
13/105/Sk02; "Proposed Elevations"; dated 12/12/13

Reason

For the avoidance of doubt and in the interests of proper planning.