

**Planning Applications Report**

**Planning Committee  
23<sup>rd</sup> June 2022**

**Bolton  
Council**

Bolton Council has approved a Guide to Good Practice for Members and Officers Involved in the Planning Process. Appendix 1 of the Guide sets down guidance on what should be included in Officer Reports to Committee on planning applications. This Report is written in accordance with that guidance. Copies of the Guide to Good Practice are available at [www.bolton.gov.uk](http://www.bolton.gov.uk)

Bolton Council also has a Statement of Community Involvement. As part of this statement, neighbour notification letters will have been sent to all owners and occupiers whose premises adjoin the site of these applications. In residential areas, or in areas where there are dwellings in the vicinity of these sites, letters will also have been sent to all owners and occupiers of residential land or premises, which directly overlook a proposed development. Copies of the Statement of Community Involvement are available at [www.bolton.gov.uk](http://www.bolton.gov.uk)

The plans in the report are for location only and are not to scale. The application site will generally be in the centre of the plan edged with a bold line.

The following abbreviations are used within this report: -

CS	The adopted Core Strategy 2011
AP	The adopted Allocations Plan 2014
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PCPN	A Bolton Council Planning Control Policy Note
PPG	Department of Communities and Local Government Planning Policy Guidance Note
MPG	Department of Communities and Local Government Minerals Planning Guidance Note
SPG	Bolton Council Supplementary Planning Guidance
SPD	Bolton Council Supplementary Planning Document
PPS	Department of Communities and Local Government Planning Policy Statement
TPO	Tree Preservation Order
EA	Environment Agency
SBI	Site of Biological Importance
SSSI	Site of Special Scientific Interest
GMEU	The Greater Manchester Ecology Unit

The background documents for this Report are the respective planning application documents which can be found at:-

[www.bolton.gov.uk/planapps](http://www.bolton.gov.uk/planapps)

Date of Meeting: 23 June 2022

Application Reference: 89159/12

**Type Of Application**  
**Registration Date**  
**Decision Due Date**  
**Responsible Officer**  
**Authorizing Officer**

**Outline Planning Permission**  
**11 December 2012**  
**11 March 2013**  
**Helen Williams**

**Location**

**UNIVERSITY OF BOLTON STADIUM BURNDEN WAY**  
**HORWICH BOLTON BL6 6JW**

**Proposal**

DEVELOPMENT OF IMPROVED SPORTS AND EDUCATION FACILITIES; MIXED USE DEVELOPMENT OF RESIDENTIAL AND HOTEL BUILDINGS WITH ANCILLARY RETAIL, RESTAURANT/CAFE, OFFICE, AND ASSEMBLY/LEISURE USES; CAR PARKING; AND ASSOCIATED WORKS.

**Ward**

Horwich And Blackrod

**Applicant:** Mr

**Agent:** Mr N Goldsmith

## **OFFICERS REPORT**

**Recommendation:** Delegate the decision to the Director

### Executive Summary

- \* This outline application is back before Planning Committee as the Section 106 Agreement is now ready to be finally signed and as it has been a number of years since the application was last heard before Committee (2014).
- \* The proposed development has not been amended since it was last presented to Members.
- \* **There has been no material change to the Council's development plan** policies since the application was last presented to Committee, other than the policies that seek to restrict residential development (other than in the Green Belt) should now be considered to be out-of-date.
- \* This report is an updated version of the report presented to Members in 2014.
- \* Once the Section 106 Agreement has been signed for this application, the development can be **considered to be a "committed scheme" within the Council's Levelling Up bid for the proposed** highways improvements along the De Havilland Way corridor.
- \* Members are again recommended to delegate this decision to the Director, to allow for the Section 106 Agreement to be signed.

### Background

1. Members were minded to delegate the decision on this outline application to the Director back in June 2014, to complete the required Section 106 Agreement. The Section 106 Agreement was never signed. The applicant is now seeking to sign the previously agreed Section 106 Agreement.
2. Given it has been many years since Members were previously minded to approve this outline **development, officers are seeking Members' consent to allow for the signing of the legal** agreement.
3. The signing of the Section 106 would also mean that the outline development could be

considered as a “committed scheme” (a development with planning permission) within the Council’s Levelling Up bid for the proposed highways improvements between Horwich and Westhoughton. As Members will be aware, the Council has launched a bid for up to J50m as part of round two of the Levelling Up Fund to improve roads and ease congestion around Horwich and Westhoughton. The project would improve traffic capacity along De Havilland Way at the Beehive Roundabout, the Spirit of Sport Roundabout, the A6 De Havilland Way Roundabout and at Junction 6 of the M61.

4. The development proposed within this outline application has not been amended since it was presented to Members back in 2014, however it is now considered very unlikely that the education (free school) facilities originally proposed within the scheme (the sports college/academy use of the arena and the proposed new education building associated with the arena sports academy) would come forward as part of the subsequent reserved matters application/s.
5. **There has been no material change to the Council’s development plan policies since the application was last presented to Committee, other than the policies that seek to restrict residential development (other than in the Green Belt) should now be considered to be out-of-date (following a number of recent appeal decisions).**
6. **This report is an updated version of the Officer’s report that was presented to Planning Committee in June 2014.**

#### Proposal

7. This outline planning application seeks outline permission for the mixed-use development as described within the development proposal description of this report. Only the matter of access is currently being sought, with all other matters (that is, appearance, scale, layout and landscape) being reserved for later approval through a subsequent reserved matters application.
8. The access proposals are as follows:
  - \* **Vehicular access to the “Grand Arc” of buildings would be provided from the private road off Burnden Way (referred to within the original officer’s report as “Stadium Way”).**
  - \* Junction improvements at the Spirit of Sport Roundabout, the junction of Burnden Way with “Stadium Way”, the Burnden Way exit to De Havilland Way Junction 6 of the M61 and the A6 Chorley Road/De Havilland Way Roundabout, which are to be secured by suggested condition 3 and through the Section 106 Agreement.
  - \* **The S106 Agreement would also secure J50,000 towards improvements at the Beehive Roundabout and J50,000 towards public transport infrastructure initiatives within the vicinity of the site, which would help towards improvements at Horwich Parkway Railway Station, with the trigger for contributions being when 10,000 sq. feet of development is completed in the Grand Arc/Stadium.**
9. The buildings/uses proposed within the application comprise the following elements:
  - \* The erection of a Grand Arch of buildings of up to 7 storeys and up to 27,740 sq. metres of floor space, on land adjacent to the North Stand of the University of Bolton Stadium. The proposed floor space would comprise a mix of uses, potentially including:
    - \* Up to 2,500 sq. metres of Class E(a) retail and Class E(b) food and drink floorspace;
    - \* Up to 2,500 sq. metres of Class E(g) office floorspace;
    - \* Up to 2,500 sq. metres of Class F2 additional sports/leisure floorspace consistent with, and complementary to, the wider development scheme;
  - \* A hotel (likely to be an aparthotel) of up to 60 rooms;
  - \* Up to 200 residential apartments.
  - \* The restructuring and expansion of the West Stand to the University of Bolton Stadium, to

provide up to 3,000 sq. metres of accommodation incorporating hospitality areas and administration facilities.

- \* An upgraded and reconfigured Arena building for full time college/academy use, providing accommodation for up to 500 students.
- \* The erection of a new education building to the south of Burnden Way/rear of the Arena, providing approximately 5,000 sq. metres of accommodation over 5 storeys, associated with the proposed free school/sports academy.
- \* The construction of a new sports building (approximately 105 metres long, 45 metres wide and 20 metres high) linked to the Arena, to accommodate flexible sports halls, tennis courts and changing, welfare and administrative facilities at ground floor level and an indoor football pitch with viewing lounge at first floor level.
- \* Upgraded sporting facilities within the existing Arena complex, including:
  - \* Improvements to the running track area;
  - \* The provision of a 3G artificial match football pitch and improved spectator facilities;
  - \* The retention and upgrading of the multi-use games area (MUGA) and;
  - \* The relocation and improvement of 5-a-side football facilities, replacing 4 existing floodlit pitches with 7 new floodlit pitches.

10. Some additional car parking for the proposed apartments (as well as potentially for the retail development) would be provided by rationalising the existing car parks and undeveloped land, and/or providing decked/undercroft parking.

11. There would be limited works to the West Stand of the University of Bolton Stadium (including demolition) and to the northern elevation of the Arena.

### Site Characteristics

12. The application site measures approximately 25 hectares and comprises the University of Bolton Stadium and car park, the Bolton Arena complex and part of Burnden Way. The Arena complex comprises the Arena building, a running track, football pitches, tennis courts and car parking. Middlebrook Police Station is also included within the red-edge of the application site.

13. The land forms part of the wider Middlebrook area, an out-of-town urban area comprising a mix of retail, leisure, employment and residential uses. Horwich Parkway Railway Station is located immediately to the south of the application site and the site is also close to Junction 6 of the M61.

14. The approved Rivington Chase development (former Horwich Loco Works) is approximately 570 metres to the north west of the application site. This has permission for a comprehensive mixed-use residential and employment development.

15. Red Moss SSSI and SBI are over 570 metres to the north west of the site.

### Policy

16. Development plan policies

Core Strategy Policies: A1 Achieving Bolton; P1 Employment Land; P2 Retail and Leisure; P5 Accessibility and Transport; S1 Safe Bolton; CG1 Cleaner and Greener; CG2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; SC2 Cultural and Community Facilities; M4 Middlebrook Office Development; M7 The M61 Corridor Built Environment; OA1 Horwich and Blackrod; OA1 Retail and Leisure Uses at Middlebrook; IPC1 Infrastructure and Planning Contribution.

Allocations Plan Policies: P7AP Strategic Route Network.

17. Other material planning considerations

National Planning Policy Framework (NPPF): 2. Achieving sustainable development; 5. Delivering a sufficient supply of homes; 6. Building a strong, competitive economy; 7. Ensuring the vitality of

town centres; 8. Promoting healthy and safe communities; 9. Promoting sustainable transport; 11. Making effective use of land; 12. Achieving well-designed places; 14. Meeting the challenge of climate change, flooding and coastal change; 15. Conserving and enhancing the natural environment.

Supplementary Planning Documents (SPDs): General Design Principles; Accessibility, Transport and Road Safety; Sustainable Design and Construction; Affordable Housing; Infrastructure and Planning Contributions

**Bolton Council's Authority Monitoring Report 2019/20**  
**Bolton Council's Housing Delivery Action Plan (July 2021)**  
Housing Delivery Test: 2021 measurement

Analysis

18. 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.

19. The main impacts of the proposal are:-

- \* principle of the proposed mixed-use development
- \* impact on flood risk
- \* impact on noise nuisance/disturbance
- \* impact on air quality
- \* impact on the surrounding highway network
- \* impact on ecology
- \* impact on land contamination
- \* impact on landscape and visual amenity

Principle of the Proposed Mixed-Use Development

20. The application site is located within Middlebrook, an existing mixed-use development comprising retailing, employment, leisure uses and houses, centred around the University of Bolton Stadium. Core Strategy Policy M4 states that the Council will develop the remaining Middlebrook sites for office development and Policy OA2 states that the Council will plan for changes in retailing and leisure at Middlebrook provided that there is no adverse effect on Bolton town centre or any other centres, and that there is no substantial increase in floor space.

21. This outline application for a mixed-use development was amended prior to it being heard before Planning Committee in 2014, to limit the amount of floorspace of the proposed retail and food uses (now Class E(a) and (b)), office use (now Class E(g)) and additional sports/leisure use (now Class F2) to up to a maximum floorspace of 2,500 sq. metres each. The amended scheme resulted in additional residential development (up to 200 units) being proposed within the development (the Grand Arc). Officers reported to Members back in 2014 that they considered that the broad mix of uses proposed would not unacceptably compromise the principles of **Bolton's development plan (which was the current Core Strategy)**.

22. Unlike back in 2014, the Council is no longer able to demonstrate a 5-year housing land supply and it is currently considered that the Council has a 4.8 year supply (December 2021 Position Statement to Members). The result of the 2020 Housing Delivery Test (HDT) published in January 2021 shows that Bolton has only delivered 66% of the annual housing requirement,

meaning that the Council must prepare a Housing Delivery Test Action Plan, add a 20% requirement to its 5-year supply and determine planning applications in line with the presumption in favour of sustainable development. It is therefore considered that the (up to) 200 residential units proposed within this development, on a brownfield site within an existing urban area, should be given substantial planning weight in planning balance, and more so than back in 2014.

23. Objections originally received to the application raised concerns about the proposed provision of main town centre uses (retail, leisure, office and hotel uses) in this out-of-town location and the need for sequential and impact assessments relative to Bolton town centre and its satellite towns. The applicant however contended within their submission that there is specific development plan policy support for some additional retail and leisure uses at Middlebrook as **long as the increase in floorspace is not "substantial" and the development will not have an adverse effect on Bolton Town Centre or other centres (Policy OA2) and specific policy support for additional office accommodation at Middlebrook (Policy P1 and M4);** therefore the proposed **small scale main town centre uses are considered to be in accordance with the Council's development plan.** Officers at that time agreed with this position. There have been no amendments to Policies OA2, P1 and M4 following the original determination by Members and therefore this reasoning is still applicable.
24. Officers previously reported to Members that the Section 106 Agreement would ensure that the sports and education parts of the development would be prioritised in the first phase of implementation and that there would be tight control of the floorspace limits set out in the application (limit of up to 2,500 sq. metres for the proposed Class E and F2 uses and up to 3,880 sq. metres (and up to 60 rooms) for the aparthotel). The retail, office and leisure components would not be able to be provided without the accompanying sports facilities (secured within the Section 106) and officers reported that they would remain proportionate and ancillary to the broader development to which they will make a financial contribution from returns in the longer term.
25. The new office floorspace proposed within the West Stand would be solely used by Bolton Wanderers in direct association with the existing administration and hospitality facilities. This is to be controlled within the Section 106 Agreement.
26. Officers previously advised Members that it was envisaged that the proposed retail and food and **drink element would mainly consist of restaurant and caf   uses,** though a small convenience store is a possibility. It was considered that, providing this is directly linked and only created in association with the wider development, and the overall floorspace is controlled through the legal agreement, that it would not be necessary to impose a condition that sales should be restricted to bulky goods only to protect the nearby local town centres.
27. When this application was presented to Members in 2014 officers gave substantial weight to the opportunities presented by the proposed development for significant investment, with associated benefits of economic growth, jobs/employment, education/sporting facilities and housing in a sustainable location, to the benefit of the local community and wider borough. It is still considered applicable to give these benefits, along with the benefits of the highways improvements proposed along De Hallivand Way, substantial weight in the planning balance.

#### Impact on Flood Risk

28. Policy CG1.5 of the Core Strategy states that the Council will 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.
29. Middlebrook flows through the application site, which lies within Flood Zones 1, 2 and 3a, and thus the development site is potentially at risk of fluvial flooding. The Grand Arc and extension to

the stadium would be within Flood Zone 1 and the sports building would be in Flood Zone 2 ("less vulnerable" developments). The education building and outdoor sports facilities would be in Flood Zone 3a.

30. The Technical Guidance to the NPPF classified the proposed open air sports facilities as "water compatible" however, the education building is identified as a "more vulnerable" development and therefore not suitable for a Flood Zone 3 area. In order to mitigate this, the developer proposes to elevate its finished ground floor level to 600mm above the relevant 1 in 100 year plus climate change risk level. This would then place the education building in Flood Zone 2. Other measures proposed include a reconfiguration of the existing unsurfaced area to the west of Burnden Way in order that the flood plain volume would still equate to that provided by the current topography. It is also proposed to limit new surface water runoff flow rates which will provide a net benefit to third parties downstream where flood risk will decrease.
31. All the submissions and assessment were developed and agreed in consultation with the Environment Agency who confirmed, subject to conditions regarding the floor levels of the education building as submitted, that the development is not inappropriate.

#### Impact on Noise Nuisance/Disturbance

32. 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, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.
33. The nearest dwelling to the development site is approximately 350 metres to the south of the Arena with dwellings to the north at The Meadows approximately 400 metres away and dwellings to the east on Academy Way/Harrier Close and Alexandra Road approximately 500 metres away. The wider area is already subject to the noise resulting from the nearby M61 and surrounding main roads and on limited occasions by crowd noise and related traffic for events at the University of Bolton Stadium. There are also two hotels nearby which could be noise sensitive at night however the design of these buildings will have incorporated measures to mitigate against such noise sources. None of the proposed uses are likely to be significant noise sources in themselves and therefore, based on their siting which is well away from existing residential properties, such nuisance is not anticipated to constitute an obstacle to the development as proposed. Any external mechanical plant could be controlled if necessary and acoustic measures incorporated at reserved matters stage.
34. The proposed new residential properties closest to the University of Bolton Stadium will inevitably be affected by short periods of noise. However, prospective occupiers would expect this and are therefore not anticipated to perceive this as a nuisance. Notwithstanding this, standard acoustic mitigation methods could be incorporated in the detailed design of the buildings and controlled at the reserved matters stage. Noise nuisance is not therefore considered to preclude the proposed development. It is also not predicted that additional traffic would unduly increase disturbance.

#### Impact on Air Quality

35. Core Strategy policy CG4.2 states that development should not cause detrimental impacts [amongst other things] on air quality.
36. The Air Quality Assessment submitted with the planning application concluded that the proposed development would have a negligible impact on local air quality, even if further committed development in the area goes ahead.

#### Impact on the Surrounding Highway Network

37. 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, parking the transport needs of people with disabilities and the requirement for a Transport Assessment and Travel Plan with major trip generating developments. Policy S1.2 seeks to promote road safety in the design of new development. Allocations Plan Policy P7AP states that the Council will safeguard the Strategic Route Network along which major traffic flows will be directed and will support the development of public transport and improvements for cyclists in appropriate locations on this network.

38. A Transport Assessment (TA) was submitted with the application and a supplementary note to the TA was submitted when the plans were amended. These were fully considered by the **Council's Highways Officers, their advisors at Transport for Greater Manchester** and the Highways Agency (now Highways England).
39. The TA demonstrated that the only likely material impacts of increased traffic movements (that being where the increase in traffic flow exceeds 5%) are at the junctions of the A6027 with the M61 and Burnden Way. The assessment went on to indicate that highways improvements are appropriate at the junction of the A6027 with Burnden Way, the junction of the A6027 with the A6, and at the M61 roundabout (and a contribution to the Beehive roundabout is proposed) to accommodate the proposed development, the extant previously permitted (but not yet built) office developments at the Linkway and Parklands and the future development of Rivington Chase. The findings of the assessment concluded that the transportation impacts arising from the proposal would not be significant and could be properly mitigated via the planning conditions recommended to Members at the 2014 meeting, and still suggested at the end of this report (numbered 3 and 4). It was concluded that there was no reason to believe a grant of consent for this proposal would prejudice the delivery of the committed developments in the area.
40. It was previously reported to Members that the car parking demands of the development would be accommodated by surplus capacity within the existing car parks to the north of the stadium (subject to a car parking management plan) and by providing some additional dedicated car parking for the proposed apartments, and potentially for the proposed retail/restaurant development. It was considered that the operation of the stadium on event days would be unaffected.
41. The Council's Highways and Engineering Division were satisfied that additional capacity could be achieved at the affected junctions. Transport for Greater Manchester assessed the further **submissions by the applicant's transport consultants and carried out additional sensitivity testing**, taking account of the provisional internal road layout for Rivington Chase to determine an appropriate traffic distribution. They concluded that the submissions are robust and there is no suggestion at this outline stage that the local road network could not accommodate the Burnden Leisure proposal in addition to that at Rivington Chase, the Linkway and Parklands. Accordingly, subject to conditions relating to highway and junction improvements as proposed, no objections were raised via Transport for Greater Manchester or Bolton Council's Highways and Engineering Division.
42. As reported above in the Background section to this report, the Council has launched a bid up for **up to J50 million as part of round two of the Levelling Up Fund to improve roads and ease** congestion around Horwich and Westhoughton. The project would improve traffic capacity along De Havilland Way at the Beehive Roundabout, the Spirit of Sport Roundabout, the A6 De Havilland Way Roundabout and at Junction 6 of the M61. The proposed re-design of the roundabouts/junctions along this road corridor has considered all committed development in the area, along with this outline proposal.
43. In addition, the Section 106 Agreement for this application still proposes a contribution of J50,000 towards potential improvements at the Beehive Roundabout and a contribution of **J50,000 towards public transport infrastructure initiatives within the vicinity of the site**, which would help towards improvements at Horwich Parkway train station. The trigger point for the

release of the funding would be when 100,000 square feet of the development is completed in the Grand Arc/University of Bolton Stadium.

#### Impact on Ecology

44. 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, and improving the quality and interconnectivity of wildlife corridors and habitats.
45. An Ecological Assessment report was submitted with the planning application, which included a desk top survey and extended Phase 1 Habitat Survey of the site (including a survey of Middle Brook for water voles).
46. Red Moss SSSI is located over 500 metres away from the development site. Given this distance and as the site is already predominantly previously developed it is considered unlikely that there would be any adverse impact on the SSSI.
47. There are non-statutory SBIs within a 2 kilometre radius of the site, the nearest being at Red Moss. The proposed development would not encroach into this area and thus there would be no direct impacts on any SBI. The developer stated in their submissions that appropriate working methods would be undertaken to avoid any indirect impacts during the construction period.
48. Water voles are reported to be present in the locality of the site and suitable measures would need to be implemented to protect their habitats. It is considered that this can be secured by conditions.
49. The ponds within and adjacent to the development are unlikely to support great crested newts. The last survey carried out by the Greater Manchester Ecology Unit found no evidence of their presence.
50. Scrub habitat on site provides suitable habitat for breeding birds, but adverse impacts can be avoided by removing any necessary scrub or other habitat features outside the bird breeding season. There are not thought to be any structures and/or trees which would provide suitable habitats for roosting bats. No badger activity has been observed on the site. Himalayan Balsam and Japanese Knotweed have been identified on site. Mitigation and or control of these invasive species would be controlled by condition.

#### Impact on Land Contamination

51. Core Strategy Policy CG4.3 states that development proposals on land that is (or is suspected to be) affected by contamination must include an assessment of the extent of the issues and any possible risk. Development will only be permitted where the land is, or is made, suitable for the proposed use.
52. The desk study submitted with the application indicated that the site is underlain by various deposited layers of clays, silts, sands, peat/organic deposits below which are loose grit and mudstone deposits. Such circumstances do not preclude development on the site, however it will be necessary prior to construction taking place for suitable boreholes and trial pits to be dug to determine ground conditions and establish suitable preparation works for foundations, drainage and services, etc. The application site is not within the likely zone of influence from coal workings and therefore there is considered to be no significant risk to the development.
53. The developer's appraisal around land contamination indicated that there is no potential for such to fetter any development as evidenced by the fact that the site is now reasonably defined as previously developed, it having been greenfield prior to the development in the mid-1990s.

54. The existence of the underlying peat/organic deposits do offer a moderate to high risk to the development and therefore ground gas and groundwater monitoring is recommended. The applicant does however believe that standard gas protection measures can be incorporated to suitably mitigate any problem.

#### Impact on Landscape and Visual Amenities

55. Core Strategy Policy CG3 states that the Council will [amongst other things] conserve and enhance local distinctiveness, ensuring development has regard to 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, local materials and landscape treatment. Policy OA1 specifically concerns development in Horwich and Blackrod and states that the Council will [amongst other things] conserve and enhance the character of the existing landscape and physical environment.
56. There are no landscape designations in or around the application site but the University of Bolton Stadium is highly visible from the surrounding area, roads and railway line. The proposed development would, in parts, be similarly visible. Views of the buildings in isolation would be very limited as they are set against the backdrop of the stadium and the wider Middlebrook environment. The Council's Landscape Architects were concerned that the iconic appearance of the University of Bolton Stadium would be compromised but Development Officers, applying a subjective view, did not believe that such a disadvantage carries significant weight to justify a refusal of planning permission to prevent the benefits of the proposal in its entirety. In scale terms, it was considered that the scheme would not have an unacceptable impact on the existing development or on the wider landscape/townscape which is represented by urban construction of considerable massing with design ranging from the stadium to the more typical modern retail/leisure units. It should be noted that the application is still in outline form and that all elements related to design will be subject to further approval whereby the Local Planning Authority would ensure that appearance reflects and respects the existing character and context of the key attractions and promotes where appropriate unique contemporary design.

#### Impact on Local Infrastructure

57. Policy IPC1 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 mitigate the impact of that development. In doing so, the Council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development.
58. **As reported above, the Section 106 Agreement will secure J50,000 towards improvements at the Beehive Roundabout and J50,000 towards public transport infrastructure initiatives within the vicinity of the site, which would help towards improvements at Horwich Parkway Railway Station, with the trigger for contributions being when 10,000 sq. feet of development is completed in the Grand Arc/Stadium.**
59. Furthermore, the Section 106 requires the applicant, prior to commencement of development, to submit details and specifications for the off-site highways works at the Spirit of Sport roundabout, the junction of Burnden Way/Stadium Way, the Burnden Way exit to De Havilland Way, Junction 6 of the M61, and the A6 Chorley Road/De Havilland Way roundabout, and unless agreed in writing by the Council, these works are to be undertaken or procured by the applicant prior to first occupation of the uses associated with the Grand Arc and the West Stand of the University of Bolton Stadium.
60. On-site open space works (landscaping around the development) is also to be secured within Section 106 Agreement and is to be carried out at 40 per cent occupation of the Grand Arc.
61. Although not formally requested when this outline application was originally considered, the

proposal for up to 200 residential apartments would require the following planning contributions:

- \* 15% of the apartments to be affordable, with 75% of these being for social rent and 25% as intermediate/shared ownership.
- \* Off-site public open space/play space - **J1,268 per unit.**
- \* Education contribution – this figure will be calculated by Education Officers and reported directly to Members at the meeting.
- \* Public art – the requirement for this is to be secured via a planning condition rather than within the Section 106.

62. The applicant has agreed to the above additional contributions.

63. It is therefore considered that the proposed development complies with Policy IPC1 and the guidance within SPDs Infrastructure and Planning Contributions and Affordable Housing.

#### Conclusion

64. The development proposed within this outline application has not been amended since it was last presented to Members in 2014, nor has there been any material changes to planning policy that **should alter officer's recommendation to Members.**

65. Members are therefore recommended to delegate this decision (again) to the Director to secure the signing of the Section 106 Agreement.

## Representation and Consultation Annex

### Representations

Letters: - There were objections from key developers/developer partners including Emerson, Orbit, Jones Homes, Blue Mantle, Horwich Vision. The objections made were around:

- traffic generation and impact on the highway network,
- prejudice to Rivington Chase, Bolton Town Centre and Logistics North;
- excessive supply of offices in this location;
- the site is not allocated for the proposed purposes;
- lack of sequential and impact assessments;
- lack of cross-funding and viability justification;
- flood risk;
- design;
- land covenants (not a material planning consideration); and
- need for a Section 106 Agreement to secure delivery of the sports and education development in a timely manner relative to the wider scheme.

Representations were also submitted on behalf of the developers of the Logistics North (Optima and DTZ). Following amendments during the application stage to the proportion of proposed business uses in this application, those original objections were subsequently withdrawn.

Town Council: - Horwich, Blackrod and Westhoughton all raised objection to the proposals primarily around the impact on traffic on the local highway network, flood risk and waste management.

Westhoughton Town Council raised a further objection because the Middlebrook area is heavily developed, there are already two hotels and a heavy volume of traffic. There would be more traffic, the roundabout at the A6 is already congested and there are severe highway problems on Lostock Lane, Wingates and Church Lane, which have poor street lights, no pavements and are prone to flooding. Lostock Lane, Wingates Lane and Church Lane need to be improved to make them safer for pedestrians, cyclists and motorists.

Elected Members: - a Town Councillor raised an objection stating that the development would prejudice other key developments at Horwich Loco works and in Bolton Town Centre

### Consultations:-

Advice was sought from the following consultees: Bolton Council Drainage, Rights of Way, Highways, Corporate Property, Landscape, Green Spaces, Trees, Education, Ramblers Association, Peak and Northern Footpaths Society, Greater Manchester Ecology Unit, Greater Manchester Police Architectural Liaison Unit, Natural England, Sport England, Environment Agency, Highway Agency and Network Rail.

Responses received were as follows:

Bolton Council Rights of Way Officer:- - raise no objection in principle to the development. request that an advisory note be added to any consent that makes it clear that existing public rights of way should remain open at all times and that should any closure or diversion be necessary, the appropriate approvals be obtained prior to any works taking place affected said rights of way.

Bolton Council - Drainage:- - raise no comments.

Bolton Council- Environmental Health:- - no objection subject to conditions around potential matters of ground contamination/stability and Japanese Knotweed.

Bolton Council - Tree and Woodland Officers:- no objections subject to landscaping details to be submitted (this is reserved for later approval).

Bolton Council - Open Spaces:- suggest that management Plan for landscaping and green spaces should be consistent with current local policy.

Bolton Council - Landscape:- landscape proposals for later approval should be robust and ensure they promote development of wildlife habitats and contribute to wider structure of landscape locally. Concern about the visual impact on the appearance on the Reebok Stadium.

Bolton Council - Highways:- commissioned Transport for Greater Manchester to undertake an assessment of the plans and implications and they have confirmed that, at this point in time based on the evidence presented to the Council and taking into account the views of TfGM, Highways and Engineering Division support the proposal subject to conditions relating to highway and junction improvements.

Greater Manchester Police:- request that the Reserved Matters application should include a Crime Impact Assessment.

Highways Agency:- raise no objection subject to conditions regarding highway and junction improvements as proposed.

Environment Agency:- raise no objections subject to conditions.

Sport England:- comment that the proposals are supportive of National Planning Policy.

#### Planning History

45960/94 – Outline application for Bolton Sports Village comprising football stadium and pitches, leisure facilities, housing, commercial, industrial and retail with ancillary parking and roads – allowed at appeal/inquiry in June 1996.

46852/95 – Outline application for football stadium and ancillary car parking and highway improvements together with use of land as football pitches – approved July 1995.

47936/95 – Details of the siting, design and external appearance of a football pitch – approved December 1995.

48590/96 – Approved of reserved matters for football stadium – approved May 1996.

49099/96 – Reserved matters application for Bolton Sports Village – approved August 1996.

50001/97 – Reserved matters application for community sports and leisure complex including indoor tennis centre, multi-use sports courts, athletic track, football pitch, parking and footbridge – approved March 1997.

50290/97 – Details of landscaping for Sports Village – approved July 1997.

53544/98 – Change of use of part of football stadium to betting offices – approved November 1998.

55102/99 – Erection of 9 betting offices within existing football stadium – approved August 1999.

57342/00 – Change of use to stadium commercial premises offices and erection of an external staircase extension – approved August 2000.

85144/10 – Amendments to West Stand elevation comprising replacement of ticket office windows with larger fixed glazed windows and replacement of single door with single fixed window, LED message board to be relocated to club retail store – approved December 2010.

## **Recommendation: Delegate the decision to the Director**

### **Recommended Conditions and/or Reasons**

Subject to the following conditions, which have been imposed for the reasons stated:-

#### **1 OUTLINE COMMENCEMENT**

Application for the approval of Reserved Matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from the date of this permission, or
- ii) The expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

#### **2 RESERVED MATTERS**

Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason

To application is for outline planning permission and these matters were reserved by the applicant for subsequent approval.

#### **3 HIGHWAY WORKS**

No development shall be commenced unless and until full design and construction details for the highway improvements at the following locations, as indicated on the application plans, have been submitted to and approved by the Local Authority under a Highways Section 278 Agreement:

The Spirit of Sport Roundabout; the signalised junction of Burnden Way/Stadium Way; the Burnden Way exit to De-Havilland Way; Junction 6 M61 (comprising the part signalisation and the widening of the approach from the A6); and the A6 Chorley Road/De-Havilland Way roundabout (comprising the widening of the approach from De-Havilland Way and improvements to the circulating carriageway).

All works must be completed entirely in accordance with the approved details prior to any occupation of the uses associated with the Grand Arc and the West Stand of the University of Bolton Stadium and be so retained thereafter.

Reason

In the interests of highway safety and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

- 4 Pursuant Reserved Matters applications shall include a car parking management plan and details of the phased development of 314 additional car parking spaces to be approved by the Local Planning Authority prior to the commencement of development. The scheme shall be implemented entirely in accordance with the approved details and be so retained thereafter.

Reason

In the interests of highway safety and adequate car parking provision, and to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

5 SURFACE WATER DRAINAGE

Prior to the development being first brought into use surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

- 1) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
- 2) Include a timetable for its implementation, and
- 3) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason

To ensure the site provides satisfactory means of surface water drainage and in order to comply with Bolton's Core Strategy policy CG2.2.

6 PROTECTION/MITIGATION OF PROTECTED SPECIES

No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of Water Voles, a protected species under The Wildlife and Countryside Act 1981 as amended/ Habitats Directive Annex II, and their associated habitat during construction works and once the development is complete. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The Water Vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason

To ensure protection of Water Vole and its habitat within and adjacent to the development site, and to comply with Policy CG1.2 of Bolton's Core Strategy.

7 LANDSCAPE PLAN

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 and to comply with Policies CG3 and OA1 of Bolton's Core Strategy.

### 8 FLOOD RISK ASSESSMENT

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [November 2012/reference 2679/prepared by Integra] and the following mitigation measures detailed within the FRA:

a scheme of surface water regulation to be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

details of floor levels, to be fully implemented and subsequently maintained

a scheme to provide compensatory storage volumes within the flood plain, be fully implemented and subsequently maintained

a scheme for the provision and management of an 6m metre wide buffer zone from bank top alongside the Middle Brook watercourse and tributaries, to shall be carried out in accordance with the approved scheme and retained thereafter. The scheme shall detail:

- the extent and layout of the buffer zone
- details of any proposed new planting, in particular trees in the buffer zone;
- details of any proposed new fencing, lighting adjoining or within these key riparian wildlife corridors.

The mitigation measures shall be fully implemented prior to the development being first occupied or brought into use and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Reason

To prevent and or reduce the risk of flooding and ensure appropriate means of storage/disposal of surface water from the site and in order to comply with Bolton's Core Strategy policies CG1 and CG2.2.

### 9 PARKING/TURNING/LOADING

Prior to the development hereby approved/permitted being first occupied or brought into use a scheme shall be submitted to and approved in writing by the Local Planning Authority for the parking/turning/loading/unloading of vehicles within the curtilage of the site to enable vehicles to enter and leave the site in forward gear. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter and not to be used for any purpose except the parking/turning/loading/unloading of vehicles.

#### Reason

In the interests of highway safety ad to comply with Policies P5 and S1.2 of Bolton's Core Strategy.

### 10 REMEDIATION STRATEGY

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

#### Reason

To prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution, and to comply with Policy CG4 of Bolton's Core Strategy.

- 11 Development shall not commence until a scheme for the eradication of Japanese knotweed and Himalayan balsam has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for implementation. Should there be a delay of more than one year between the approval of the scheme and its implementation or the commencement of development then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the Local Planning Authority. The scheme shall be carried out as approved and retained thereafter.

#### Reason

To ensure the safe development of the site and eradication of an invasive species and to comply with policy CG1 of Bolton's Core Strategy.

Reason for pre-commencement condition: A scheme for the eradication of Himalayan balsam and Japanese knotweed must be understood prior to works commencing on site as it could affect how works are planned and carried out.

#### 12 TRAVEL PLAN

No development hereby approved/permitted shall be brought into use unless and until a detailed travel plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be thereafter be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

In the interest of ensuring that the development is sustainable in terms of transport and travel and to comply with Policies P5 of Bolton's Core Strategy.

#### 13 PUBLIC ART

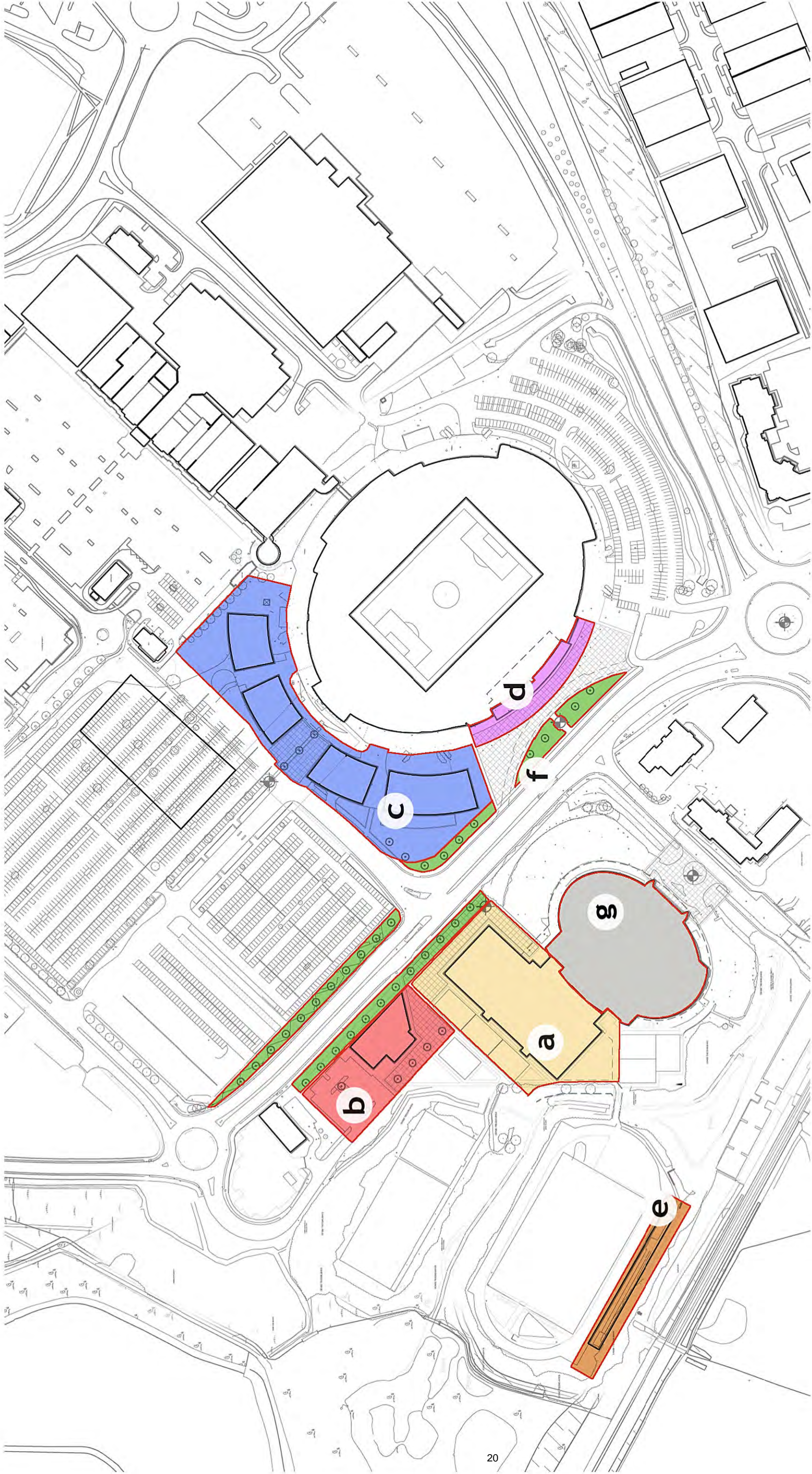
No development shall be occupied until details of the public art to be provided have been submitted to and approved in writing by the Local Planning Authority. The public art shall be installed in full accordance with the approved details and in accordance with a timeframe to be submitted to and approved in writing by the Local Planning Authority. The public art shall be retained thereafter.

#### Reason

The Council expects public art from all development above one hectare in area or from the construction of buildings containing the threshold of 2500m<sup>2</sup> of floor space, and to comply with Policy IPC1 of Bolton's Core Strategy.







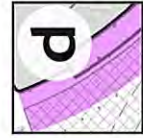
sports and  
leisure



education



grand arc  
mixed use



west stand  
commercial



sports and  
leisure



structured  
landscape  
hard/soft



education

Note: The building footprints shown are for illustrative purposes.



