

THE EMERSON GROUP

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PLANNING DEPARTMENT

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Our ref: GB/Planning

24th November 2023

Dear Helen

RE: NON-MATERIAL AMENDMENT APPLICATION TO AMEND THE DESCRIPTION OF DEVELOPMENT OF PLANNING PERMISSION 86115/11 AT 63 THE LINKWAY, HORWICH, BOLTON BL6 6JA – SUBMITTED ON BEHALF OF ORBIT INVESTMENTS (NORTHERN) LIMITED

This application seeks a non-material amendment to amend the description of development of planning permission 86115/11.

Currently the description of development is as follows;

Variation of condition 2 on permission 63071/02 to allow up to 20% of the net retail sales area to be used for ancillary sale of clothing and fashion goods

However, the control over the goods to be sold is provided in full by planning condition 1 on the permission which states that ‘... up to 20% of the net retail sales floorspace within the unit may be used for the sale of clothing and fashion accessories (unless otherwise agreed in writing by the Local Planning Authority) and, for the avoidance of doubt, any net retail sales floorspace within the unit not used for the sale of such goods may be used for the sale of ‘bulky goods’ permitted under Class A1 of the Use Classes (Amendment) Order 2005.’

It is for a planning condition to control the sale of goods. A description of development cannot have control over goods that might be sold. It is superfluous for any restriction by condition to be replicated in the description of development.

This NMA therefore seeks to remove the wording shown below (strikethrough text);

~~*Variation of condition 2 on permission 63071/02 to allow up to 20% of the net retail sales area to be used for ancillary sale of clothing and fashion goods*~~

This would help regularise the situation, and of course condition 1 would still restrict use of the floorspace, so there would be no change in the Councils control of retail sales floorspace

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in the unit (up to 20% clothing and fashion accessories). As there is no change to the development, the proposed amendment is justifiably non-material.

This non-material amendment will avoid the risk of any potential inconsistency with a current S73 variation of condition sought at the same unit, which has been submitted alongside this NMA application.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Graham Bee', with a long horizontal flourish extending to the right.

Graham Bee
Group Planning Manager

Encs. (Electronic submission - Planning Portal)

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