
Appeal Decision

Site visit made on 25 July 2017

by V Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th August 2017

Appeal Ref: APP/N4205/W/17/3175456

Bolton Open Golf Club, Longsight Lane, Bolton, BL2 4JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bolton Open Golf and Leisure Ltd against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 00510/17, dated 17 March 2017, was refused by notice dated 28 April 2017.
 - The development proposed is Redevelopment and extension of former club house for 6 dwellings, including new access road, provision of 12 parking spaces, boundary fencing and diversion of public footpath.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment and extension of former club house for 6 dwellings, including new access road, provision of 12 parking spaces, boundary fencing and diversion of public footpath at Bolton Open Golf Club, Longsight Lane, Bolton, BL2 4JX in accordance with the terms of the application, Ref 00510/17, dated 17 March 2017, subject to the conditions set out in the Schedule attached to this Decision.

Main Issues

2. The main issues are the effect of the development proposed on the character and appearance of the area and the living conditions of neighbouring occupants, taking account of the proposed time scale for the re-development of the site.

Reasons

Background

3. The planning history for the appeal site has been referred to by both main parties. Specifically there have been several outline applications that have been refused by the Council and two that were dismissed at appeal¹. There has also been one application that was allowed on appeal². These schemes differed slightly but all proposed the residential development of the appeal site. More recently planning permission was granted by the Council for a scheme at the appeal site in March 2017 for an identical proposal to the one before me.

¹ APP/N4205/W/15/3003728 and APP/N4205/W/15/3138168

² APP/N4205/A/11/2154668

4. Whilst the appeal site is within the Green Belt, both the Council and previous Planning Inspectors have accepted that the part of the site that is proposed for re-development comprises previously developed land (PDL). As such, it therefore falls under the relevant paragraph 89 exception set out in the National Planning Policy Framework. Given the level of development proposed compared with the existing situation it has also been accepted by the Council that there would be no harm to the openness of the Green Belt nor would the scheme conflict with the principles of including land within it. On that basis, the Council concluded that the March 2017 scheme would not be inappropriate development in the Green Belt. As the proposal before me is identical to that scheme, I am in agreement with the conclusions set out in the officer's report that this proposal would not be inappropriate development in the Green Belt as it would comply with the Framework's paragraph 89 exception relating to PDL.

Character and appearance; Living conditions

5. The March 2017 permission which remains extant had several conditions attached including one requiring development to be commenced within 12 months of the date of the decision. The reason for this condition was that the existing derelict club house and driving range on the site are visually unattractive and have been subject to vandalism with reported incidents of anti-social behaviour occurring. The commencement condition sought to bring about a prompt re-development of the site to address these issues.
6. There is therefore agreement between the main parties that the appeal site in its current form is visually unattractive, has attracted incidents of anti-social behaviour to the detriment of the living conditions of people living nearby. There is also agreement between the main parties that the proposed redevelopment of the site would be of benefit as it would address both these concerns. Based on my observations during the site visit and the evidence before me, I see no reason to disagree with this assessment. The main area of disagreement between the main parties is therefore the timescale for the commencement of the development.
7. There are a number of pre-commencement conditions attached to the March 2017 permission. These include a requirement to divert a public footpath which the Council acknowledges will take around 4 months or possibly longer. There are also pre-commencement conditions attached relating to drainage, highway improvements, the submission of samples of materials to be used in the construction of the external surfaces the dwellings, the submission of a scheme for the eradication of Himalayan Balsam and contaminated land. All these different requirements will no doubt take time to be worked up, submitted to and agreed by the Council. Whether or not all these requirements could be successfully completed in 12 months is questionable.
8. Furthermore, the appellant has explained that as a small developer their intention is to sell the site on to a larger developer to implement the permission. Given the number of pre-commencement requirements attached to the 2017 permission, there is the potential that a developer could be left purchasing a site with either a lapsed permission or one with a very short timescale left to implement it. Given this risk, it is understandable that larger developers may prove reluctant to purchase the site as a viable prospect as should the permission lapse then a re-submission would be required and this would inevitably lead to delay and additional costs.

9. The consequence of this would be that the appeal site would remain in its current state with the timescale for its redevelopment uncertain. In the meantime, it would continue to be a visually unattractive feature that would be harmful to the character and appearance of the area. It would also be likely to continue to attract incidents of vandalism and anti-social behaviour that would be harmful to the living conditions of residents living in the local area.
10. On the other hand, if a commencement condition were to be attached setting the standard time limit of three years this would allow more time for the appellant to successfully complete the pre-commencement conditions and to sell the site on as a viable re-development prospect with an extant permission. Whilst I appreciate the Council's desire to ensure the prompt re-development of the site, there is a balance that needs to be achieved between securing this aim whilst ensuring that the timescale imposed for doing so is not unreasonable such that the appeal site remains undeveloped for the foreseeable future. I note that the Council has suggested a commencement period of two years, however I see no reasons why the standard three year limit should not apply in this case as it should hopefully ensure that the resulting permission is able to be successfully implemented.
11. Accordingly, I conclude attaching a condition requiring the development proposed to commence within the standard three year limit would not be harmful to the character or appearance of the area and it would also not be harmful to the living conditions of neighbouring occupants. The proposal would therefore not conflict with policies S1.1 and CG3 of Bolton's Core Strategy which together seek to ensure that new development takes into account the need to reduce crime and the fear of crime and contributes towards good design.

Other Matters

12. I note the representations received relating to issues including the impact on highways, public right of way and bats. However, based on the information before me and the fact that there is an extant permission for an identical proposal on the site, I am satisfied that the proposal would be acceptable in these regards subject to conditions where necessary.

Conclusion and Conditions

13. For the reasons given above, I conclude that the appeal should be allowed.
14. The reasoning in the main part of my Decision explains why I have attached a standard commencement condition (condition 1). I have also attached a condition requiring the scheme to be constructed in accordance with the submitted plans, to define the terms of this permission and for the avoidance of doubt (condition 2).
15. A condition is also necessary requiring the submission of samples to be used in the construction of the external surfaces of the building to ensure there will be no harm to the character or appearance of the area (condition 3). For the same reason, conditions requiring details of external doors, windows and rooflights; the use of natural facing stone; the colour of rainwater goods; boundary treatments and a soft landscaping scheme are also required (conditions 4, 5, 6, 7 and 8).

16. I have also attached conditions to ensure suitable surface water drainage; relevant highway improvements; the layout of vehicular use of the site including relevant turning areas for refuse vehicles, parking and site access improvements are provided to ensure the proposal would not be harmful in terms of flood risk or highway safety (conditions 9, 10, 11, 12, 13 and 14).
17. A condition requiring the diversion of the public footpath is also necessary to facilitate the development (condition 15).
18. Conditions requiring a scheme for the eradication of Himalayan Balsam on the site are also necessary as it is an invasive species, along with the control of soil or soil forming materials onto the site to control the risk of contaminated land (conditions 16, 17 and 18).
19. A condition is necessary to require that space is provided for the storage of refuse and waste materials in the interests of residential amenity and public health (condition 19).
20. As the appeal site is within the Green Belt and given the special level of protection afforded to Green Belt land, I have attached a condition restricting certain types of permitted development to ensure that future development on the site can be controlled to ensure that there will be no harm to the Green Belt (condition 20).
21. Some of the suggested conditions required agreed schemes to be implemented within 21 days of the Council's approval. However no specific justification was provided for this short timescale. Based on the information before me this requirement is not justified and I have altered the wording of the relevant conditions accordingly.

V Lucas-Gosnold

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in complete accordance with the following approved plans: Location Plan and Proposed Site Layout, G1259/PL02; Proposed Layout, G1259/PL03; Proposed Elevations, G1259/PL04; Proposed Footpath Diversion Plan, G1259/FP01; Proposed Improvements to Longsight Lane and Site Access.
- 3) Prior to the commencement of development the details (samples if required) of the type and colour of materials to be used for the external walls and roof shall be submitted to and agreed in writing with the local planning authority. The approved materials shall be implemented in full thereafter.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority detailed specification of all external doors, windows and roof lights. The windows shall be recessed by a minimum of 0.07m behind the external face of the elevation, all mullions, cills and heads to the windows and external doors shall be natural reclaimed stone and all roof lights shall be fitted flush

with the plane of the roof. The development shall be carried out in accordance with the approved details.

- 5) Prior to the development being first occupied or brought into use, details (including a brick or masonry specification and colour scheme) 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 unless otherwise agreed in writing with the local planning authority and retained thereafter.
- 6) Notwithstanding details shown on Plan Ref G1259/PL04, facing materials to be used on the whole of the buildings, including the west elevations shall be natural stone.
- 7) All rainwater goods to the building shall be coloured black before the houses are occupied and shall be kept so coloured.
- 8) 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.
- 9) Prior to the commencement of any groundworks 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:

- i) 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.
 - ii) Include a timetable for its implementation, and
 - iii) 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.
- 10) No development shall take place until full details of highway improvements indicated on the drawing 'Proposed Improvements to Longsight Lane and Site Access' comprising improved footway provision, surfacing and traffic calming features have been submitted to and approved in writing by the local planning authority. This section of

Longsight Lane will remain as unadopted highway to be maintained at the street manager's expense. All highway improvements indicated will need to be agreed/approved by the street managers in question. The works shall be completed before the houses are occupied in accordance with the approved details.

- 11) Prior to the development hereby approved being first occupied, 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 when the development is in use.
- 12) Prior to the development hereby approved being first occupied a scheme shall be submitted to and approved in writing by the local planning authority for the turning area for refuse vehicles as indicated on the drawing ref 'Proposed Improvements to Longsight Lane and Site Access'. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter and is not to be used for any purpose except the turning of vehicles.
- 13) Before the approved development is first brought into use no less than 12 car parking spaces with minimum dimensions of 2.5 metres by 5.0 metres shall be marked out and provided within the curtilage of the site, in accordance with Drawing Ref: G1259/PL02 details to be submitted to and approved in writing by the local planning authority. Such spaces shall be made available for the parking of cars at all times when the development is in use.
- 14) No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with the Drawing Ref: G1259/PL02.
- 15) No development shall take place until Public Footpath Turton Bradshaw South 43 has been diverted and new signage erected in compliance with Drawing Ref: G1259/FP01
- 16) Development shall not commence until a scheme for the eradication of 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.
- 17) No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the local planning authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material.
- 18) Prior to the development being first brought into use or occupied a verification report including soil descriptions, laboratory certificates and

photographs shall submitted to and approved in writing by the local planning authority.

- 19) Before the development is first brought into use a detailed scheme shall be submitted to and approved by the local planning authority showing the design, location and size of a facility to store refuse and waste materials. The approved scheme shall be implemented in full and retained thereafter.
 - 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, raised platforms, greenhouses, oil tanks, hardstandings, fences, gates, walls, dormers or any other alterations to the roof other than those expressly authorised by this permission shall be constructed.
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