



Appeal Decision

Site visit made on 24 November 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2020

Appeal Ref: APP/N4205/W/20/3257944

Albion Hotel, 34-36 Moor Lane, Bolton BL1 4TH

- 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 PH Holdings against the decision of Bolton Metropolitan Borough Council.
 - The application Ref: 08311/20, dated 4 May 2020, was refused by notice dated 3 August 2020.
 - The development proposed was originally described as 'the conversion and partial demolition of an existing A4 public house, and the formation of 2no. ground floor A1 retail units and 1no. ground floor A4 drinking establishment with 16no. residential units at the first and second floors, with appropriate access, all within the curtilage of the site.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. During the course of the application, the appellant informed the Council that the ground floor uses were to be considered on the basis of 2 Use Class A5 hot food takeaway units and one Use Class A4 drinking establishment unit. The Council determined the application as such and this is reflected in the description that is set out on the decision notice.
3. The Council's description also refers to the Use Classes as they were prior to changes that took place on 1 September 2020¹. Under the Regulations, an application that was made prior to this date is also to be determined with reference to the uses or Use Classes that were in place prior to that date. Accordingly, I have considered the appeal on this basis.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area; (ii) whether it would provide suitable living conditions for its future occupiers by way of the internal space, outdoor amenity space, outlook, light, noise and disturbance, and odour; (iii) whether it would make adequate provision for any additional need for public realm arising from the proposal; and (iv) energy efficiency matters.

¹ Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Reasons

Character and Appearance

5. The appeal site comprises a vacant public house building that is found on a corner plot. It is of a simple yet pleasing appearance. Its exterior largely has a render finish and it contains a slate roof. The main elevation facing Moor Lane has a balanced form and includes a raised slate canopy entrance. As the building is of a 2 storey height and is set slightly back from its frontage onto Moor Lane, it appears fairly inobtrusive in these surroundings. To the rear, it is more varied in its appearance.
6. The site lies towards the edge of the town centre and is located on one of the main thoroughfares around it. The use of brick, stone and render predominate in the area as the external materials. Roofs are varied in their form. I have been referred to the Building Bolton Supplementary Planning Document (2006) that notes the generally poor townscape quality in the area. The adjacent vacant former car showroom to the site is of particular poor quality.
7. The pitched roofed form of the current building would be lost to a proposed flat roof construction. With the addition of a further storey, the resultant massing and form would result in the proposal having a block-like appearance. This would not be an attractive characteristic and whilst there are some buildings of this type in its vicinity, they do not contribute favourably to the townscape. Where modern or more recent developments in the broader area have incorporated flat roofs, they have done so in a manner which sits more comfortably in the streetscene, not least as they are larger buildings and so their flat roofs are not such arresting features.
8. Such harm would be heightened by the use of the proposed materials. Cladding panels on the upper storeys would not be typical of the materials found in the area and would contribute to what would be an unappealing presence. It would dominate the exterior of the building and such an effect would not be satisfactorily offset by where render would also be used. The detailing would be sparse, in particular on the upper storeys. It would contribute towards an overall incompatible appearance.
9. When the Bolton Town Centre Masterplan (2017) that has been cited is considered with the site's street frontage location along a main route, a development of sufficient design quality is required. This would not be achieved by the proposal as it would not contribute towards good urban design.
10. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. As such, it would not comply with Policy CG3 of the Council's Local Development Framework Bolton's Core Strategy Development Plan Document (2011) (Core Strategy) which concern good urban design, local distinctiveness, and developments that are compatible with the surrounding area, amongst other considerations.
11. It would also not comply with Policy TC11 of the Core Strategy where it seeks to protect, strengthen and enhance the distinctive townscape qualities of Bolton town centre and ensure that development along the gateways to the town centre enhances the townscape through the use of high quality design and improves street frontages.

Living Conditions

12. The living accommodation for each residential unit, apart from a modest sized shower room, would comprise of a single open plan room that would provide for the kitchen, the living room and the bedroom. With the limited space that would be available, it would be a confined arrangement. There would be little room for circulation or for a reasonable separation of normal domestic activities.
13. Whilst the Council does not have adopted internal space standards, there is still a need to consider whether the internal space would be adequate. With the limited space that would be available to the future occupiers, it would lead to a poor living environment. Such an adverse effect would be compounded by the lack of outdoor amenity space provision or any other proposed means to address this matter.
14. The constrained nature of the living accommodation would also result in one window for each residential unit. At the rear, these would face the gable end wall of the neighbouring property on Hanover Street at a fairly close proximity. The outlook would be restricted, and the same applies as regards light, regardless of whether the windows would be to size. Light is a planning matter for my consideration in relation to assessing living conditions.
15. The Council does not dispute the findings of the appellant's Noise Impact Assessment (NIA) as far as it deals with noise from the road and other uses, including the proposed mitigation measures. However, as regards the commercial units, the NIA acknowledges that the details of any proposed mechanical plant which may be installed is unknown.
16. The nature of the use of the proposed commercial units by way of the custom and music, as well as the comings and goings, has the potential to cause noise and disturbance impacts during what would be usually the quieter times of the day. Although the NIA sets noise emission limits as regards the closest residential receptors, there is not sufficient assurance that such limits can be adhered to whilst still enabling the commercial units to operate. Hence, I am not persuaded that a significant adverse impact would not occur.
17. In relation to the effects from odour, there is very limited information before me. Again, the proximity of the residential units to the proposed commercial units needs to be properly considered in order to establish the likely effect from odour on the living conditions of the future occupiers. There is insufficient information provided.
18. It is not uncommon for residential to be above commercial units, in particular in town centre locations and similar. However, there is still a need for it to be adequately demonstrated that the effect would not be unacceptable in this regard.
19. I conclude that the proposal would not provide suitable living conditions for its future occupiers by way of the internal space, outdoor amenity space, outlook, light, noise and disturbance, and odour. As a result, it would not comply with Policy CG4 of the Core Strategy which seeks to ensure that new development is compatible with surrounding land uses and occupiers, protects amenity and that it should not generate unacceptable nuisance, odours and noise, amidst other matters.

Public Realm

20. Policy IPC1 of the Core Strategy provides for development contributions to infrastructure provision that are necessary to remedy site-specific deficiencies that arise from development or any other mitigation or compensatory measures required. This includes contributions to the public realm improvements within Bolton town centre. The supporting text to Policy IPC1 states that with the focus on town centre development as a vital driver for Bolton's future, contributions have been prioritised towards the public realm as this is seen as critical for the success of inward investment. The proposal exceeds the threshold where contributions would be sought.
21. The Council's Infrastructure and Planning Contributions Adopted Supplementary Planning Document (2016) (IPC SPD) refers to the Council's Public Realm Implementation Framework, which is used to guide public realm improvements. It goes on to state that contributions will be sought from developments in the town centre where the public realm improvements are necessary to obtain planning permission and where they are taking place adjacent or near to the development site. In this respect, submissions refer to the nearby Cheadle Square scheme.
22. The proposal would provide very limited public realm within the site. A modest amount of shrub planting is shown on the submitted plans. In light of this and the emphasis on public realm improvements in the town centre, a contribution by way of a planning obligation would meet the tests that are set out in the National Planning Policy Framework and the Community Infrastructure Levy Regulations of being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. No such planning obligation is before me.
23. The IPC SPD also provides for the consideration of viability where there may be circumstances when the particular costs associated with the development of a site may need to be taken into account in order to agree planning contributions. There is not substantive viability evidence before me. The appellant has stated that such information would have been submitted, if requested. I have to, though, base my decision on what information is before me.
24. I conclude that the proposal would not make adequate provision for any additional need for public realm arising from the proposal. As a consequence, it would not comply with Policy IPC1 concerning the provision of appropriate infrastructure required by the proposed development and/or to mitigate the impact of that development, and with related guidance in the IPC SPD.

Energy Efficiency

25. Policy CG2.2 (b) of the Core Strategy establishes that such a proposal is to incorporate appropriate decentralised, renewable or low carbon energy sources to reduce the Carbon Dioxide (CO₂) emissions of predicted regulated and unregulated energy use by at least 10%. It goes on to state that the most appropriate technology for the site and the surrounding area should be used. For the purposes of calculating the CO₂ emissions, an energy assessment which includes a carbon budget should be provided for the proposal.

26. The Council's Sustainable Design & Construction Supplementary Planning Document (2016) (SDC SPD) provides advice and guidance on how sustainable construction techniques and renewable energy can be incorporated into new development. It confirms the application of the 10% target.
27. The submitted Sustainability Statement sets out a range of measures that are intended to provide an energy efficient building fabric and plant. Some of the content of the Sustainability Statement does not obviously relate to the proposal. Nevertheless, what is more of a concern is that it does not translate the measures that it sets out into how they would actually reduce the CO2 emissions arising from the proposal. There is not an energy assessment which includes a carbon budget and, thus, it does not demonstrate whether the indicated measures would reduce the CO2 emissions of the predicted energy use by at least 10%. The same applies in relation to where the measures are also referred to in the Design and Access Statement
28. Again, I have to, base my decision on the information before me rather than on what the appellant would have provided on request. Nor is there evidence which ably explains why the CO2 emissions reduction target would not be achievable.
29. I conclude that the proposal would be unacceptable with regard to energy efficiency matters. Therefore, it would not comply with Policy CG2.2(b) and the SDC SPD in relation to the related sustainable design and construction matters which they concern.

Other Matters

30. The proposal would make use of a vacant building and it would contribute towards the need for new housing, as well as providing commercial space and residential units in a town centre location. It would also be highly accessible as regards local services. The associated regeneration and investment benefits, though, need to be considered against the harm that would arise by way of the effect on the character and appearance of the area and the living conditions of the future occupiers, as well as the public realm and energy efficiency matters. Overall, the benefits that would arise would not justify permitting the proposal.

Conclusion

31. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR