



Appeal Decision

Site Visit made on 10 August 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/N4205/W/21/3276103

Open Gate Caravan Site, Belvoir Street, Bolton BL2 6GF

- 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 T Blair against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 08452/20, dated 27 May 2020, was refused by notice dated 19 March 2021.
 - The development proposed is a change of use of land from residential to light industrial and erection of 2no buildings comprising 6no units with parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of land from residential to light industrial and erection of 2no buildings comprising 6no units with parking and associated works in accordance with the terms of application Ref 08452/20, dated 27 May 2020, subject to the conditions listed in a Schedule attached to this decision.

Preliminary Matters

2. The address in the banner heading above is taken from the planning application form. However, the alternative postcode of BL2 6AL appears in the site address used in the documentation submitted by the main parties. Despite this, and given the explicit reference to the caravan site in the main element of the address, I am satisfied that no party will be prejudiced by my use of it. I have proceeded on this basis.
3. Since the date of the planning application the Government has issued a number of amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987. The former B1(c) Use Class referred to on the planning application form has been subsumed into a new and broader class, Class E, relating to commercial, business and service uses.
4. However, Paragraph 4 of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 provides that: "If prior to the commencement of the material period, a relevant planning application was submitted, or was deemed to be submitted, to the local planning authority which referred to uses or use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31st August 2020, that application must be determined by reference to those uses or use classes." The description in the banner heading above therefore remains appropriate to the proposed development and I have considered the proposal on that basis. I have also had regard to the effects of the changes as they are material to the proposed development.

5. Since the application was determined, a revised version of the National Planning Policy Framework (the Framework) has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal and have not therefore been prejudiced. The main parties did not have any comments on this matter. I have had regard to the revised Framework.
6. The grounds of St Chad's Church, a Grade II listed building, abuts part of the appeal site. There is no dispute between the main parties that the development would not have an adverse impact on the setting of the listed building. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the setting of the designated heritage asset and I shall make no further reference to this matter.

Main Issues

7. The main issues are the effect of the development on:
 - the living conditions of nearby residents with particular regard to increased activity and noise
 - highway safety.

Reasons

Living conditions

8. The site is located at the end of the cul-de-sac arm of Belvoir Street, a side street cutting across primarily residential roads of terraced houses. The area consists of residential properties interspersed with community and commercial buildings. The site borders an area of allotments which lie beyond a public footpath to the rear.
9. The short roadway leading up to the site is flanked by a commercial premise with an associated car park on the eastern side. On the other side lies a building converted from offices to apartments with associated parking. To the west is the church and the appellant's residence; the Tonge Fold Health Centre lies to the east.
10. The former B1(c) Use Class (now incorporated into new Class E) is defined as an industrial process being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Accordingly, any commercial uses that would take place within the site would need to meet that definition.
11. Although activity on the site would be inevitable, this must be considered against the circumstances of the site's former use, which could potentially be reinstated. Although there is little to demonstrate any degree of activity associated with that use, it is notable that, as a caravan park, the use could take place around the clock. This would contrast with the appellant's proposed limited operating times. In effect any associated traffic movement and general noise associated with the development would be limited to daytime hours only.
12. I accept that there is some capacity for commercial premises to give rise to occasional isolated noise incidents, however, during the proposed daytime

working hours, there is little to indicate that this would constitute a nuisance or be seriously detrimental to the living conditions of nearby residents.

13. The nearest residential building has a blank gable abutting the site and a parking area bounded by a high wall. The elevations containing openings serving the nearest part of the adjacent accommodation address the street frontage and a communal garden area to the rear such that noise from activity on the site would have a limited effect. Those apartments with windows facing on to the site would be at considerably greater distance and benefit from some screening effect of the high wall. Furthermore, any activity associated with access to the site in close proximity to the apartments would also be within the reduced operating window and during waking hours for the majority of residents.
14. The effects on third party residents elsewhere, estimated by the Council to be at least some 32m away, would be significantly limited on account of that intervening distance and the inward-looking arrangement of the proposed development. The closer dwelling at 39 Tong Fold Road is the appellant's residence. This would be sited about 22m from the rear elevation of the western row of units such that any effect of activity within the open parts of the site would be largely screened by the proposed building.
15. Taking all of the above together, I find that the effects of noise and activity generated by commercial development required to be of a nature compatible with residential areas, both within and about the site, would be limited. The proposal would therefore align with the requirements in Policy CG4 of Bolton's Local Development Framework Core Strategy Development Plan Document [2011] (CS) as it seeks development to be compatible with its surrounding area and protect the amenity of nearby occupiers including that arising from noise.

Highway safety

16. The nearby roads adjoining Belvoir Street, including Longworth Street and Tonge Fold Road, include high density residential development predominantly in the form of terraces. These homes often lack dedicated parking such that vehicle owners rely on on-street parking along the limited width of the roads or constrained rear alleyways between the parallel terraces.
17. According to the representations of some residents, parking competition in the locality can be high. The representations suggest that this leads to the use of Belvoir Street for overspill parking.
18. The proposal includes the provision of 12 formally laid out car parking spaces about a large area of hardstanding. These are located close to the southern and northern boundaries of the site. According to the Council, this provision would fall slightly below the Council's adopted parking standards for development in the B1(c) Use Class.
19. However, the Council's highway advisors recognise that the site's location is such that accessibility by other forms of transport than private motor vehicle would justify a relaxation of the standards in the circumstances of the case. Having visited the site, I have no reason to disagree with that conclusion. Furthermore, the proposed layout of development would enable large vehicles to turn within the site whilst providing some additional parking capacity directly

in front of some of the units. This would provide adequate and convenient parking such that any outspill from the site would be limited.

20. At the time of my site visit, albeit only a snapshot in time, there was little evidence of on-street parking pressure either on Belvoir Street, which has no houses fronting on to it save for some of the apartments in the converted building adjacent to the site, or on Longworth Street. I recognise that this was at a time when the majority of working residents might be away from home during common daytime working hours, however, this would correspond with the proposed operating times of the site. Accordingly, there would be a limited overlap between times of highest parking pressure and activity associated with the proposal.
21. Whilst there is little before me to indicate the levels of comings and goings associated with the former use of the site, the levels of traffic generated by the development would not be significant in the context of local road capacity. Although Belvoir Street is limited in width, it is a short route connecting directly to Bury Road (A579), a major east-west link road in the strategic road network within and about Bolton. Any effects of additional traffic between the site and the major road would therefore be very limited.
22. Despite the series of unmarked junctions between the site and the main road, there is little before me to suggest the locality is particularly hazardous for road users. In the absence of substantive evidence to indicate otherwise, I find there is little basis to conclude that the proposal would cause any significant impact on highway safety in the vicinity.
23. For those reasons, I conclude that the proposal would provide an adequate level of parking and turning capability; it would generate limited traffic in the context of the former use and local highway capacity. It would thereby comply with the requirements of Policies S1 and P5 of the CS and the Accessibility, Transport and Road Safety Supplementary Planning Document as they seek to promote road safety and secure parking at adopted levels.

Other Matters

24. I note the concerns of a third party in relation to a potential loss of privacy arising from the use of the site. The buildings would have openings that address the central area of the site away from shared boundaries with nearby residential properties. The site boundary treatments are generally high such that outward views of people using the outside areas would be limited. Furthermore, these would be no greater than those opportunities arising from the former use of the site. Accordingly, there would be no greater degree of overlooking as a consequence of the proposed development.

Conditions

25. The Council have suggested several conditions which I have considered alongside the advice in the National Planning Policy Framework (the Framework) and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case. However, some have been edited for precision and re-ordered for clarity.
26. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this

provides certainty. To ensure the buildings are finished to a high standard, a condition controlling the external materials is necessary.

27. To safeguard the living conditions of nearby residents from disturbance at unsociable times, conditions limiting the times and days of operations and deliveries, and the use of noise generating plant and equipment on the site, are necessary and reasonable. To prevent the change of use of the site without further consideration of the associated effects, I find a condition removing permitted development rights for changes within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) are justified and reasonable in the circumstances of the case.
28. Conditions to secure sufficient parking and turning areas within the site are appropriate in the interests of limiting the effects of the development on highway safety in the locality. A condition requiring approval of surface water drainage systems to serve the site is necessary to manage surface water and prevent flood risk.
29. A condition requiring the widening of the existing access is not necessary as the existing gated access and road conditions provide a suitable vehicular and pedestrian access for the site and the proposed use. A watching brief for site contamination is unnecessary for a sealed site formerly used as a caravan site.

Conclusion

30. For the reasons given above I conclude that the appeal should be allowed.

R Hitchcock

INSPECTOR

Schedule of Conditions to planning permission Ref 08452/20.

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Opengate Caravan Park Street Map X and drawing number K334-1 Rev D.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. K334-1 Rev D.
- 4) The premises shall be used for light industrial purposes only and for no other purpose (including any other purposes in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
- 5) No operations (including the repair of plant machinery and the movement of such machinery) shall be carried out on the premises or within the site outside the following hours:
0800 - 1800 Mondays – Fridays (inclusive)
0800 - 1300 Saturdays
No operations shall take place on Sundays or Bank Holidays.
- 6) No deliveries shall be taken or dispatched from the premises outside the following hours:
0800 - 1800 Mondays – Fridays (inclusive)
0800 - 1300 Saturdays
No operations shall take place on Sundays or Bank Holidays.
- 7) The rating level (as defined in BS4142:2014+A1:2019) of any fixed plant and equipment noise rating shall not exceed the measured daytime and/or night-time background sound level at the closest sensitive premises at any time.
- 8) Before the development hereby permitted is first brought into use, no less than 12 car parking spaces shall be provided within the curtilage of the site, in accordance with the approved plan (drawing K334-1 Rev D). Such spaces shall be made available for the parking of cars at all times when the premises are in use.
- 9) Before the development hereby permitted is first brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority for a turning circle/head for vehicles within the curtilage of the site to enable vehicles to enter and leave the site in a forward gear. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter for the purpose of turning vehicles.

End.