



Appeal Decision

Site visit made on 12 June 2019

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 2nd September 2019

Appeal Ref: APP/Q4245/W/19/3220262 Wharf Road, Altrincham, WA14 1ND

- 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 Elderloch Ltd against the decision of Trafford Borough Council.
 - The application Ref 93153/FUL/17, dated 4 December 2017, was refused by notice dated 13 July 2018.
 - The development proposed is the demolition of all structures on site, followed by the erection of a part 3, 4, 5, 6 and 7 storey building to form 99 dwellings, with associated access, car parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of all structures on site, followed by the erection of a part 3, 4, 5, 6 and 7 storey building to form 99 dwellings, with associated access, car parking and associated works at Wharf Road, Altrincham, WA14 1ND in accordance with the terms of the application, Ref 93153/FUL/17, dated 4 December 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The appellant has submitted a Unilateral Undertaking (UU) relating to an on-site affordable housing contribution. This is necessary in order to meet local need and to comply with Policy L2 of the Trafford Local Plan: Core Strategy (2012). It would also meet the relevant requirements of the Community Infrastructure Levy Regulations 2010. The UU has been agreed with the Council, and I have taken it into account in reaching my Decision.
3. Pre-commencement conditions are attached to this Decision. As required by Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has agreed to these conditions in writing.
4. Following the submission of this appeal, the Council approved planning permission for a scheme of 49 dwellings at the site (Ref 96573/FUL/19). That proposal is 5 stories in height along the canal frontage and occupies a smaller footprint than the current appeal proposal.

Main Issues

5. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on highway safety with particular regard to the provision of car parking.

Reasons

Character and appearance

6. The appeal site consists of previously developed land and was formerly used as a local authority storage depot. It is positioned next to the Bridgewater Canal and close to the A56 and Altrincham Bridge. The surrounding area has a mixed character, with a number of taller commercial buildings fronting the canal to the west, and mostly 2 storey residential development to the east and south east. The opposite side of the canal is characterised by retail parks, industrial development, and areas of car parking.
7. The appeal proposal would extend to 7 stories in height along the canal frontage. This would create a large structure that would be prominent in views from the surrounding area. The scale and height of the proposal would be significantly in excess of the predominantly residential development to the east and south east. However, the appeal site is on the periphery of that area and in close proximity to other tall buildings fronting the canal on the opposite side of the A56. The proposal would be seen in this context when viewed from the towpath and from along the A56 itself. Moreover, its position next to the canal and opposite a retail park/industrial area provides an opportunity to create a taller building, and the proposed design would be of a high standard. The main 7 storey element of the building would also be next to the canal and away from the lower properties fronting Navigation Rd. In my view, the proposal would not harmfully dominate the properties to the east and south east and its height and scale would be appropriate to its context.
8. My attention has been drawn to a recent dismissed appeal decision¹ at the nearby former Rileys Snooker Club site on Bridgewater Road, which also related to a 7 storey building. That Inspector found that the proposal would contrast sharply with the surrounding 2 storey buildings. However, that site is largely hemmed in by existing 2 storey properties and it is set away from the taller commercial buildings to the west. It therefore differs from the current appeal site in a number of important respects.
9. The Bridgewater Canal, Radium House and Altrincham Bridge are non-designated heritage assets. The National Planning Policy Framework ('the Framework') states at Paragraph 197 that the effect of a proposal on the significance of non-designated heritage assets should be taken into account in determining an application. With regard to the Bridgewater Canal, a pattern of taller canalside development is well established in this area and I do not consider that the proposal would result in any harm to the canal's setting. Altrincham Bridge has architectural and artistic interest; however, I do not consider that its appreciation would be diminished by the proposal given the intervening distance. Turning to Radium House, I note that the recent dismissed appeal at the former Rileys Snooker Club site concluded that harm would arise to its setting. However, that proposal would have created a 7 storey building extending directly to the rear of Radium House. In contrast, the current proposal is positioned significantly further away and does not alter the relationship between it and the canal. In my view, the current appeal proposal would not harm the setting of Radium House.

¹ APP/Q4245/W/18/3211194

10. Separately, whilst I note that the Council has recently granted approval for a smaller development on this site that does not alter my view regarding the acceptability of the current appeal proposal.
11. For the above reasons, I conclude that the proposal would not harm the character or appearance of the area. It would therefore accord with Policy L7 of the Trafford Local Plan: Core Strategy (2012). This policy seeks to ensure, amongst other things, that new development is appropriate in terms of scale, density, height, and massing, and respects its existing context. It would also be consistent with the Framework which seeks to achieve well-designed places.

Highway safety

12. Policy L4 of the Trafford Local Plan: Core Strategy sets out maximum parking standards for new development. In this regard, the maximum number of new spaces that the proposal could provide under this policy would be 164. In addition, the Parking Standards and Design Supplementary Planning Document (SPD) states that car parking below the maximum standard will only be allowed where no adverse impact on on-street parking would occur.
13. The appeal proposal would provide 99 car parking spaces within the site, which would equate to 1 space per new dwelling. In this regard, the Inspector for the recent appeal at the former Riley's Snooker Club site found a very similar level of parking provision to be acceptable. That Decision quoted figures from the 2011 Census indicating relatively low levels of car ownership in the area. Moreover, surveys of a number of nearby apartment developments has found parking occupancy rates to be significantly below 100%. Whilst the current appeal proposal contains a larger number of units, I do not consider that this factor alone would justify coming to a different view from the previous Inspector. In addition, only 6 of the proposed apartments would be larger 3 bedroom units, and the proposed gross internal areas would not be significantly larger than at the former Riley's Snooker Club site. I further note that this level of parking provision was supported by the Highway Authority at application stage. Whilst there is on-street parking stress in the surrounding area, I do not consider that the proposal would significantly add to this. Appropriate management of visitor parking could also be secured via a condition requiring the submission and approval of a Parking Management Strategy.
14. The appeal site is in an accessible location in close proximity to frequent bus services along the A56 and in walking distance of the Navigation Road Metrolink/Railway Station. The development also proposes 1 cycle space per dwelling and is close to an accessible traffic free cycle route alongside the canal. Future occupiers would therefore have a genuine choice of transport modes, which would discourage car use. In this regard, I am mindful that Paragraph 105 of the Framework states that local parking standards should consider the availability of and opportunities for public transport.
15. Separately, interested parties state that roads leading to the development are congested and contain dangerous junctions. In particular, the junction between Wharf Road and Bridgewater Road passes through a sharp bend close to where the appeal site would be accessed. However, vehicles travelling towards this bend from the north would have good visibility in both directions, and the installation of new give way markings would clarify the right of way in this location. This could be secured by condition. A number of interested

parties also refer to insufficient road widths along Bridgewater Road and Wharf Road, and limited visibility at the junction with Navigation Road. However, given the relatively modest volume of vehicle movements that the proposal would generate, I do not consider that it would significantly exacerbate those existing issues. Similarly, the junction between Navigation Road and Manchester Road is signalised, and from the information before me, does not appear to be subject to high numbers of accidents. I further note that the Highway Authority has not objected to the development on these grounds.

16. For the above reasons, I conclude that the proposal would not prejudice highway safety. It would therefore accord with Policies L4 and L7 of the Trafford Local Plan: Core Strategy (2012) and guidance contained in the Parking Standards and Design SPD (2012). These policies and guidance seek, amongst other things, to promote sustainable transport and accessibility and ensure that sufficient off-street parking is provided.

Other Matters

17. The proposal would comprise mostly of apartments, although it would include a number of 3 bedroom family units. In this regard, I note that the Greater Manchester Strategic Housing Market Assessment (2016) considers that around two thirds of additional dwellings in Greater Manchester in the period 2014-2035 should be apartments. The proposal would clearly cater for that need. It would also deliver 20% of the dwellings as affordable housing. This level of provision is below that usually sought by the Council but was agreed following the submission of a viability appraisal, which was scrutinised by the Council's viability consultants. I have no reason to doubt the accuracy of that assessment and consider that 20% provision would be acceptable in this case.
18. The nearest dwellings to the proposal are positioned to the south and would therefore not be subject to any significant overshadowing. In addition, sufficient separation distances are proposed to ensure that no significant overlooking or loss of light would occur. The construction process would cause some disruption, but this would be temporary and could be mitigated by a condition requiring the submission and approval of a Construction Method Statement.
19. It is asserted that local schools and GP surgeries are oversubscribed, and that the nearby Metrolink service is overcrowded at peak times. However, there is no conclusive evidence before me regarding any such lack of capacity, and neither the Council's education department nor any local GP practice have objected to the development on these grounds. I also do not consider that the proposal is large enough to place significant additional strain upon Metrolink services.
20. The application site is within Flood Zone 1 (low probability of flooding), although it falls within a Critical Drainage Area. A number of interested parties also refer to a history of sewer and surface water flooding in the surrounding area. However, the submitted Flood Risk Assessment (Enzygo, Ref SHF.1305.003.HY.R.001.A) concludes that the risk of flooding from all sources is low, and neither the Lead Local Flood Authority nor United Utilities have objected to the proposal. Based, on the information before me, I am satisfied that drainage and flood risk matters can be addressed by planning conditions.

21. A Preliminary Bat Roost Assessment (Enzygo, Ref SHF.1305.003.EC.R.001) has been submitted in support of the proposal. This concludes that the existing buildings have negligible roost suitability, and that no further survey work is required. A Preliminary Ecological Appraisal (Enzygo, Ref SHF.1305.003.EC.R.002) has also been submitted. This concluded that the proposal would not have any significant residual effects on protected species or habitats, provided that a programme of mitigation measures is undertaken. I further note that the Greater Manchester Ecology Unit has not objected to the development on ecological grounds, and I see no reason to take a different view.
22. Fire safety is a matter that is dealt with under the Building Regulations, and it is therefore covered by other legislation outside of the planning regime.

Conditions

23. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty.
24. I have also imposed conditions relating to surface water drainage and the use of porous materials, which are necessary in the interests of flood risk and given that the site is within a critical drainage area. However, I have not referred to the Council's SFRA User Guide as it is unclear from the information before me what formal status this has. A condition requiring the submission and approval of a Construction Method Statement is necessary in order to protect the living conditions of neighbouring residents during the construction phase, and to prevent spillages into the adjoining canal. Further conditions relating to land contamination and retained trees are necessary to ensure that the site is appropriately remediated and to protect trees identified for retention. These conditions are pre-commencement in nature as any site works could harm retained trees or disturb contaminants within the ground. Similarly, all site works will be informed by the Construction Method Statement and the proposed drainage arrangements.
25. Conditions relating to the external materials, mechanical and electrical systems, utility meter boxes, hard and soft landscaping, and a Waste Management Strategy, are necessary in order to protect the character and appearance of the area. A further condition requiring the provision of give way markings is necessary in the interests of highway safety. A condition requiring the submission and approval of a Parking Management Strategy is also necessary in order to manage visitor parking. A further condition requiring that the means of access and parking areas are provided prior to occupation is necessary to ensure that these facilities are available to future occupiers.
26. Conditions relating to noise mitigation, crime resilience, and biodiversity enhancement measures are necessary in order to mitigate the effects of the development, and to implement the recommendations of the submitted Noise Assessment, Crime impact Statement, and Ecological Appraisal. A condition requiring the installation of electronic charging points is also necessary in the interests of air quality and in order to comply with Paragraph 110 of the Framework. Finally, conditions relating to external lighting and tree/shrub clearance are necessary in order to preserve the living conditions of neighbouring occupiers, and to protect nesting birds.

Conclusion

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

Thomas Hatfield

INSPECTOR

Schedule of Conditions

- 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: 7687-L(00)104; 7687-L(00)105A; 7687-L(00)0061F; 7687-L(00)079F; 7687-L(00)080F; 7687-L(00)081F; 7687-L(00)082G; 7687-L(00)083G; 7687-L(00)084G; 7687-L(00)085G; 7687-L(00)086G; 7687-L(00)087G; 7687-L(00)093F; 7687-L(00)094F; 7687-L(00)095G; 7687-L(00)096F; 7687-L(00)098F; 7687-L(00)099D; 7687-L(00)108G; 7687-L(00)109F; 7687-L(00)110D; 7687-L(00)136B; 7687-L(00)137C; 7687-L(00)138D; 7687-L(00)164B; 7687-L(00)166B; 7687-L(00)169A; 7687-L(00)171.

Pre-commencement conditions

- 3) No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include an assessment of (in the following order of priority): the potential for infiltration, and then; the potential for discharge of surface water to the Bridgewater Canal, and then; the potential for discharge to the local highway drains. There shall be no surface water connection to the public sewer. The development shall be completed in accordance with the approved details.
- 4) No development shall take place until details of a scheme identifying a porous material to be used in the hard standing, or a scheme directing runoff water from that hard standing to a permeable or porous area or surface has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) the loading and unloading of plant and materials;
 - (iii) the storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) measures to prevent disturbance to adjacent dwellings from noise and vibration; and
 - (viii) measures to protect the Bridgewater Canal from accidental spillages, dust and debris.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development shall take place until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - (iii) where unacceptable risks are identified, an appraisal of remedial options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The development shall thereafter be carried out in full accordance with the approved remediation strategy and a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied.
- 7) No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Pre-slab level conditions

- 8) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and full specifications of the external materials to be used have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, together with fenestration recesses, and these panels shall be made available on site for inspection. Development shall be implemented in accordance with the approved details.
- 9) No above ground construction works on the townhouses shall take place until a scheme for the provision of utility meter boxes to serve those units has first been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall ensure that the utility meter boxes are sensitively sited on the building and are not visible from

the street. The development shall be implemented in accordance with the approved scheme.

- 10) No above-ground construction works shall take place until a detailed scheme for all mechanical and electrical systems have first been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall ensure that:

(i) There are no individual extraction vents or flues to apartments visible on the exterior façade of the building; and

(ii) All plant and lift overruns are included within the building façade and are not located on or protrude above the roof parapets of the buildings.

Development shall be implemented in accordance with the approved scheme.

Pre-occupation conditions

- 11) (a) Notwithstanding the details shown on the approved plans, the development shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.
- (b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation works.
- (c) Any retained or planted trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 12) The development hereby approved shall not be occupied until 'give way' markings have been provided at the junction of Wharf Road and Bridgewater Road in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
- 13) The development hereby approved shall not be occupied until a Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall include details of how residents' parking spaces shall be allocated and how visitor parking will be managed. The approved strategy shall be implemented at all times thereafter.
- 14) The development hereby approved shall not be occupied until a scheme for the installation of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide for a minimum of 10 per cent of the parking spaces to be served by electronic vehicle charging points and shall include details of the location and appearance of the charging points. The approved scheme shall be implemented prior to the first occupation of the development and shall thereafter be retained.
- 15) The development shall not be occupied until the areas for the movement, loading, unloading and parking of vehicles and bicycles have been

provided, constructed and surfaced in accordance with the plans hereby approved. These areas shall thereafter be retained for these purposes.

- 16) The development hereby approved shall not be occupied until a scheme for biodiversity enhancement measures, in accordance with the recommendations set out in section 5.4 of the Preliminary Ecological Appraisal (Ref. SHF.1305.003.EC.R.002, dated November 2017), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use.
- 17) Notwithstanding the details submitted, the development hereby approved shall not be occupied until a Waste Management Strategy has first been submitted to and approved in writing by the Local Planning Authority. Thereafter waste and recycling bins shall be stored and made available for collection in accordance with the approved strategy.

Other conditions

- 18) Demolition or construction works shall take place only between 07.30-18.00 on Mondays to Fridays, and 08.00-13.00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 19) No external lighting shall be installed until a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall only be lit in accordance with the approved scheme.
- 20) The recommendations and mitigation measures contained in the submitted Noise Assessment (Ref. SHF.1305.003.NO.R.001.B, dated November 2017) shall be implemented in full prior to the first occupation of the development, and shall thereafter be retained.
- 21) The development hereby approved shall be constructed in accordance with the physical security specification in section 4 of the submitted Crime Impact Statement (Ref URN:2017/0863/CIS/01, dated 20 October 2017). These measures shall thereafter be retained. For the avoidance of doubt, the requirements of this condition do not include aspects of security covered by Part Q of the Building Regulations, which should be brought forward at the relevant time under that legislation.
- 22) No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March-July inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.