



Appeal Decision

Site visit made on 12 November 2019

by Helen B Hockenhull BA (Hons) B. PI MRTPI

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

Decision date: 29th November 2019

Appeal Ref: APP/B4215/W/19/3229295

Heald Green House, Irvin Drive, Manchester M22 5LS

- 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 Ensco 1174 Limited against the decision of Manchester City Council.
 - The application Ref 120302/FO/2018, dated 11 June 2018, was refused by notice dated 18 February 2019.
 - The development proposed is an off-airport 'block park' car park comprising 772 spaces (Sui Generis) with associated landscaping and boundary treatments and access from Styal Road following demolition of Heald Green House.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a 743 space off-airport car park with access road off Styal Road, installation of 2.4 metre high weld mesh fencing and gates, 45 lighting columns and office cabin with associated landscaping at Heald Green House, Irvin Drive, Manchester M22 5LS in accordance with the terms of the application, Ref 120302/FO/2018, dated 11 June 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of the development I have used in the Banner Heading above is taken from the original planning application form. The appellant revised the scheme during its consideration by the Council, reducing the number of car parking spaces to 743 and amending the description to better reflect the scheme proposed, including reference to proposed lighting columns and office cabin. I have used this description in my decision.

Main Issues

3. The main issues in this case are:
 - the effect of the development on the character and appearance of the area and the visual amenity of the occupants of nearby residential properties;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties with particular regard to noise.

Reasons

4. The appeal site forms an irregular shaped piece of land located west of Irvin Drive. Part of the site is occupied by a 2 and 3 storey building, Heald Green House, currently in use as residential flats. The remainder of the site forms rough scrub vegetation.
5. The site is allocated for business use in the saved Manchester Unitary Development Plan 1995. There is a history of planning permissions on the site for airport related car parking. A scheme for a 220-space car park granted in 2004 remains extant. I have had regard to the fact that this scheme provides a fall back, which the appellant could implement should this appeal be dismissed.

Character, appearance and visual amenity

6. The appeal site is in a mixed-use area with an existing airport related car park to the north, a public house to the south, office uses and a row of cottages to the east and Styal Road and further office uses to the west. To the south west on the other side of Styal Road is a 9000-space car park operated by Manchester Airport. Further residential properties are located off Longstone Road and Sheen Gardens to the south east of the site.
7. In considering the impact of the appeal scheme on character and appearance, the Council has made comparisons with previously consented car park developments on the site. Previous schemes proposed a bund with planting to provide a buffer to the residential properties on Irvin Drive, addressing issues of visual amenity and noise mitigation. However, each scheme should be considered on its individual merits to determine whether it is acceptable, not whether it is better or worse than a previous proposal.
8. The landscaping scheme proposed, provides new hedgerow planting positioned in front of a 2.4-metre-high security fence along the eastern boundary with Irvin Drive together with semi native shrubs and new tree planting. Occupiers of properties on Irvin Drive look over the appeal site obliquely, and already overlook the existing car park to the north. The most affected property would be Brook Cottage, particularly views from first floor windows. Residents in apartments on the upper floors of properties on Longstone Road and to a lesser extent properties on Sheen Gardens would also have views of the site. However, I consider that the landscaping scheme proposed would adequately screen the development and provide filtered views from those residential properties that overlook the site.
9. I acknowledge that the existing building, Heald Green House, and its landscaped grounds provides a level of screening to the wider site and beyond to Styal Road. The appellant's Landscape and Visual Statement finds a slight significance of effect in terms of landscape impact, entailing a limited change to the existing landscape. It would be inevitable that any development on the site would result in some landscape change.
10. The Council has criticised the Statement for not comparing the appeal scheme with previous consented landscaping schemes which included a bund. However, it does not need to do so. As I have stated above, each proposal should be considered on its merits. I consider that the landscaping proposed in the appeal scheme along the Irvin Road boundary, would be adequate to

restrict views to the wider area and other airport car parks to the west of Styal Road as well as the site itself.

11. Styal Road has wide grassed verges and roadside tree planting alongside boundary vegetation. This gives the area a verdant character. Viewing the site from the west, existing off-site trees and hedgerow would be retained and supplemented with further shrub and tree planting. As a result, the appeal scheme would cause no significant harm to the character and appearance of the area when viewed from this direction.
12. In summary I conclude that the appeal proposal would cause no harm to the character and appearance of the area or the visual amenity of the occupants of nearby properties. Accordingly, the scheme would comply with Policy DM1 of the Manchester Core Strategy which seeks amongst other things to ensure that development proposals have regard to the character of the surrounding area. It would also comply with paragraph 127 of the National Planning Policy Framework (the Framework) which aims to ensure that developments are sympathetic to local character and include appropriate and effective landscaping.

Living conditions

13. The closest residential properties to the appeal site are located on Irvin Drive, approximately 11 metres to the east; Longstone Road, around 19 metres to the south; Cunningham Drive around 15 metres to the south; and Sheen Gardens, approximately 69 metres to the south east.
14. The proposed car park would operate 24 hours a day, seven days a week. The appellant's Transport Statement, based on the original scheme for 772 parking spaces, estimates that the proposal would generate approximately 10 vehicle movements per hour, 5 in and 5 out. The site operation would be closely linked to the airport flight operations. At night, activity would be reduced to correspond to the airports Night Noise Policy and cap on the number of flight movements between 2300hrs and 06.59 hrs.
15. It is notable that the existing residential flats on the site are estimated to generate around 8 two-way trips in the morning and evening peak hour with a lower number throughout the day. Whilst this to some extent offsets the vehicle movements during the day, it would not offset movements in the evening and through the night.
16. The layout of the proposed car park has been designed so that the office cabin is close to the access off Styal Road, furthest away from nearby residential properties. This would assist to reduce noise from vehicles and general activity particularly at night.
17. The appellant has submitted a noise assessment. This highlights the existing ambient noise sources in the area, namely aircraft noise and traffic noise from Styal Road and Finney Lane. The Assessment concludes that internal and external noise level criteria set down in BS8244:2014 would be expected to be achieved during the day and night time periods.
18. The Council has asserted that the proposal would result in unacceptable noise levels for nearby residents. However, this is not supported by technical evidence and the Council's Environmental Health Officer raised no objection to

the scheme. The landscaped bund previously proposed in consented schemes on the site, would have been likely to reduce the potential for noise pollution. However, the key matter in this appeal, is whether the scheme now proposed would be acceptable in terms of the impact of noise from the car park use.

19. Having regard to the evidence before me, I am satisfied that the appeal proposal would not cause harm to the living conditions of the occupants of nearby residential properties due to noise. The scheme would therefore comply with Policy DM1 of the Manchester Core Strategy and Saved Policy DC26 of the Unitary Development Plan, which seek to ensure that development has regard to noise and the effects on amenity. It would also comply with the Framework which in paragraph 127 aims to ensure that developments achieve a high standard of amenity for existing and future users.

Conditions

20. I have had regard to the conditions suggested by the Council in light of the Framework and Planning Practice Guidance. The appellant has agreed in writing to those which I have imposed which require compliance prior to the commencement of the development. In addition to the standard timeframe condition, I consider that it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans for the avoidance of doubt (conditions 1 and 2).
21. In the interests of maintaining the character and appearance of the area, I impose conditions regarding works to trees and landscaping (conditions 3 and 5). I also attach conditions requiring a construction management plan and refuse facilities in order to maintain acceptable living conditions for existing and future residents (conditions 4 and 8). Condition 10 is necessary to safeguard the habitat of protected species during demolition and vegetation removal.
22. I impose condition 6 to ensure that the development is designed to reduce crime and conditions 11 and 12 to ensure that an appropriate surface water drainage scheme is implemented. In addition, I attach condition 9 to ensure that any on site contamination is appropriately mitigated to prevent pollution and maintain public safety.
23. Conditions regarding the provision of the site access and electric car charging points are necessary in the interests of highway safety and to promote sustainable means of travel (conditions 15 and 16).
24. In order to ensure the safe operation of the airport, condition 7 is required to ensure a Bird Hazard Management Plan is put in place, condition 13 is necessary to achieve an appropriate lighting scheme and condition 14 is needed to control the height of trees.

Conclusion

25. I have found that the appeal proposal would cause no harm to the character and appearance of the area, the visual amenity or the living conditions of the occupiers of nearby residential properties.
26. For the reasons given above, and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhull

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: Drawing no. 102 - Site Location Plan, Drawing No. 101- Red Line Boundary Plan, Drawing No. UG_11810_LAN_ESP_DRW_05 Rev P01 - Existing Site Plan, Drawing No. UG_11810_LAN_GA_DRW_01 Rev P03 - General Arrangement, Drawing No. 001 Rev A - Proposed Access, Drawing No. 207 Rev B - Proposed Site Layout and Tracking, Drawing No. UG_11810_LAN_SL_DRW_02 Rev P03 - Soft Landscape Plan, Drawing No. UG_11810_LAN_LSN_DRW_03 Rev P01- Landscape Supporting Notes, Drawing No. UG_11810_ARB_TCP_01 Rev P01 - Tree Constraints Plan, Drawing No. UG_11810_ARB_TRP_01 Rev P01 - Tree Removal Plan, Drawing No. UG_11810_ARB_TPP_01 Rev P01 - Tree Protection Plan, Drawing No 206 - Proposed Car Park Lighting, Steel Tapered Column Lighting Drawing by Thorn.
- 3) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".
- 4) Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt shall include;
 - i. Details of wheel washing;
 - ii. Dust suppression measures;
 - iii. Compound locations where relevant;
 - iv. Location, removal and recycling of waste;
 - v. Routing strategy and swept path analysis;
 - vi. Parking of construction vehicles and staff;
 - vii. Sheeting over of construction vehicles;
 - viii. Details of an emergency telephone number for the site manager on public display.

The development shall be carried out in accordance with the approved construction management plan.

- 5) The details of the hard and soft landscaping treatment scheme as set out within the approved drawing references: Drawing No. UG_11810_LAN_GA_DRW_01 Rev P03 - General Arrangement, Drawing No. UG_11810_LAN_SL_DRW_02 Rev P03 - Soft Landscape Plan, Drawing No. UG_11810_LAN_LSN_DRW_03 Rev P01 - Landscape Supporting Notes, shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the

- same species and size as that originally planted shall be planted at the same place.
- 6) The development hereby approved shall only be carried out in accordance with the recommendations of the Crime Impact Statement prepared by Greater Manchester Police and shall not be occupied or used until the local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.
 - 7) No development shall take place until a detailed Bird Hazard Management Plan for the construction phase has been submitted to and approved in writing by the local planning authority.
 - 8) Prior to the occupation of the development hereby approved a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the development is in operation.
 - 9) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied, the development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy) is submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed Remediation Strategy.
 - 10) No demolition of the building on site or removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
 - 11) No drainage shall be installed until the full details of a surface water drainage scheme has been submitted to and approved in writing by the local planning authority.
 - 12) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i. Verification report providing photographic evidence of construction as per design drawings;
 - ii. As built construction drawings if different from design construction drawings;
 - iii. Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other

arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

- 13) All lighting to be installed at the development shall be designed to be capped below the horizon to prevent upward light spill.
- 14) At all times, all trees shall be carefully managed and pruned or pollarded to prevent growth above 15m AGL in height.
- 15) Prior to the first occupation of the use hereby approved, details of the 3 electric car charging points shall be submitted for approval in writing by the local planning authority. The approved details shall then be implemented and remain available for the duration of the use.
- 16) The approved access / egress shown on the submitted Drawing No. 001 Rev A -Proposed Access, shall remain open and in use for so long as the use hereby permitted is in operation. The access shall only be used in association with land set out within the site edged red accompanying this application and no internal accesses shall be created to adjoining sites without the prior approval of the local planning authority.