



Appeal Decision

Site visit made on 11 February 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2020

Appeal Ref: APP/R0660/W/19/3241733

Co-op Food store, Wellington Road, Bollington, SK10 5JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Co-operative Group against Cheshire East Council.
 - The application Ref 19/4021M, is dated 23 August 2019.
 - The development is a proposal to turn the existing turning head into an additional seven car parking spaces.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. At the time of my visit, the appeal site had been hard surfaced, and the 7 additional parking spaces indicated on the submitted plans had been marked out. The appeal is therefore partly retrospective in nature. In addition, 2 further parking spaces not indicated on the submitted plans had also been marked out. However, in these circumstances, I am required to determine the appeal based on the submitted drawings.

Main Issues

3. The main issues are, firstly, the effect of the development on the living conditions of neighbouring occupiers with regard to noise, light, and exhaust pollution, and overlooking, and secondly, whether the development would prejudice highway safety.

Reasons

Living conditions

4. The appeal site consists of a row of 7 parking spaces and an area of hardstanding next to a convenience store. The parking spaces are in close proximity to existing residential properties including the rear boundaries to Nos 2-4 Waterwheel Way.
5. The properties along Waterwheel Way are of recent construction and have relatively small rear gardens. The proposed parking spaces back onto the rear boundary fences of Nos 2-4, and I observed a regular flow of vehicles manoeuvring in and out of these spaces during my site visit. In this regard, a high turnover of vehicles is to be expected given the relatively small size of the

store. This pattern of vehicle movements close to the boundary fence results in a significant amount of exhaust fumes entering the adjoining garden areas to Nos 2-4 throughout the day. This has an unpleasant and intrusive effect that significantly harms the enjoyment of those spaces, as I observed on my site visit. Moreover, noise from manoeuvring vehicles, conversing, and the slamming of car doors creates an ongoing level of activity and disturbance that does not provide the degree of tranquillity that could reasonably be expected in a back garden area. These effects are also compounded by the relatively small size of the garden areas.

6. In addition, the parking spaces can be occupied by taller vehicles, including vans, that have higher seating positions than ordinary cars. Drivers and passengers sat in these vehicles are able to see over the top of the boundary fence, which allows for overlooking of the rear garden and ground floor windows, which serve a kitchen/diner and a lounge. Whilst this overlooking is transitory, it is nonetheless highly intrusive.
7. The proposed parking spaces would be used between 09:00 and 19:00 only. However, that would still include times, such as weekends and early evenings, when neighbouring occupiers are likely to be using their gardens. Accordingly, these time restrictions would not significantly mitigate the effect of the development in my view.
8. The submitted plans indicate that boundary hedging is to be provided around the site edge. Whilst it is asserted that this hedging has already been planted, I saw no indication of this during my site visit. It is also unclear whether there is sufficient space in the narrow gap between the edge of the car park and the boundary fences to Nos 2-4 for a hedge to become established. In any case, such a hedge would take a number of years to provide an effective screen, and the current situation would therefore remain unaltered in the short-to-medium term.
9. It is asserted that the lawful use of the site as a turning head for delivery vehicles would have a greater impact on residential amenity than the appeal proposal. However, delivery vehicles would only use the turning head for relatively brief periods in the morning, compared to the proposed use of the parking area throughout the day. In this regard, I note that the car parking survey in the submitted Transport Note¹ identifies a high demand for these spaces during most of the day. In any case, the appeal proposal seeks to retain a turning head for delivery vehicles alongside the additional parking spaces.
10. Whilst I note that the Council's Environmental Health Officer did not object to the development, I have come to my own view on these matters.
11. Separately, the site would only be used for customer parking between 09:00 and 19:00 and so any additional light pollution would be limited to part of the late afternoon and early evening during winter months. In my view, this would not result in harmful levels of light pollution to neighbouring occupiers. However, that does not alter my other concerns, as set out above.
12. I conclude that the development significantly harms the living conditions of neighbouring occupiers with regard to noise and exhaust pollution and

¹ Croft Transport Planning & Design (July 2019)

overlooking. It is therefore contrary to Policies SE 1 and SE 12 of the Cheshire East Local Plan Strategy (2017), and Policy DC3 of the Macclesfield Borough Local Plan (2004). These policies seek to ensure, amongst other things, that new development provides an appropriate level of privacy for existing occupiers and does not result in harmful impacts with regard to air quality, noise, and other pollution.

Highway safety

13. The appeal site was originally identified as a turning head for delivery vehicles and an area of landscaping under permission Refs 11/4501M and 13/2520M. In this regard, the appellant has submitted a swept path diagram which indicates that a delivery vehicle could continue to use the site to turn even if the parking spaces were in use. However, this diagram contains little margin for error, and turning may not be possible if vehicles are poorly parked or are parked along the site's eastern edge. To remedy this, it is suggested that adherence to a management plan could be secured by condition that would require the appeal site to be coned off to customer parking between 19:00-09:00. In my view, such a condition would be capable of being enforced, and any non-compliance could be recorded through photographs or videos. The use of yellow hatchings or other markings could also be used to deter parking in the turning head itself. Moreover, deliveries would take place relatively early in the morning when demand for parking spaces is likely to be lower.
14. For the above reasons, I conclude that the development would not prejudice highway safety. It would therefore accord with Policy SD 1 of the Cheshire East Local Plan Strategy (2017), Policy DC6 of the Macclesfield Borough Local Plan (2004), and Policy MA.P1 of the Bollington Neighbourhood Plan (2018). These policies seek to ensure, amongst other things, that development is served by a safe and suitable access.

Other Matter

15. A number of local residents have written in support of the appeal proposal and have referred to local parking improvements that have resulted from it. However, such improvements should not be at the expense of the living conditions of those residents living closest to the development.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR