
Appeal Decision

Site visit made on 23 March 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2021

Appeal Ref: APP/U4230/W/20/3263539

The Spinney, 482 Walkden Road, Worsley, Salford M28 2WH

- 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 Mr Joseph Lazare (JAL Group) against the decision of Salford City Council.
 - The application Ref 20/75266/FUL, dated 5 May 2020, was refused by notice dated 2 November 2020.
 - The development proposed is demolition of existing dwelling and erection of 4no. detached dwellings with associated access, landscaping and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and erection of 4no. detached dwellings with associated access, landscaping and car parking at The Spinney, 482 Walkden Road, Worsley, Salford M28 2WH. The permission is granted in accordance with the terms of the application, Ref 20/75266/FUL, dated 5 May 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Joseph Lazare (JAL Group) against Salford City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council's decision notice states the date of decision as 29 October 2020 and the date of issue as 2 November 2020. I have used the latter in the banner heading on the basis that it was the date the decision was actually issued.
4. The Council's decision was based on amended drawings submitted during the application. The Council has confirmed that, in respect of additional publicity undertaken on the finalisation of the amended plans, site notices were posted and a press notice was published. I have therefore based my decision on those amended drawings and am satisfied that no party would be prejudiced by my having done so. For the avoidance of doubt the drawings which formed the basis of my decision are those listed in Condition 2 in the attached schedule.
5. The originally-submitted version and the revised version of the Proposed GA Plans and Elevations drawing for Plot 1 both have the same drawing reference

number¹. For the avoidance of doubt, my decision is based on the version of that drawing which includes two revision notes², and which is consistent with other revised drawings with regard to the detail of Plot 1.

6. A revised landscape plan was submitted as part of the appeal³. It has been amended from the application drawings to include details of new tree planting within the site. Whilst my decision is based on the drawings that formed the basis of the Council's decision, I have had regard to the revised landscaping proposal to include replacement tree planting and the details of where such planting might take place, as indicated on the revised drawing.
7. The site is adjacent to a conservation area and there are several listed buildings nearby. I am mindful of my statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have considered the appeal accordingly.
8. During the course of the appeal I have sought and received clarification from the Council and the appellant regarding the status of the trees within the site and previous consents that have been granted for works to protected trees.

Main Issue

9. The main issues are the effect of the proposed development on the character and appearance of the appeal site and its surroundings, including with regard to protected trees.

Reasons

Background

10. The appeal relates to The Spinney, a large detached house on Walkden Road. The site is on the edge of an area of suburban housing on the outskirts of Worsley. A drive alongside the site's southern boundary provides access to St Mark's Church car park and St Mark's Vicarage beyond.
11. The existing dwelling is set back from Walkden Road with trees and planting along its frontage and a large rear garden. The site thus has a spacious, open character at present. It contains a large number of mature trees, mainly around its boundaries. That tree cover makes a positive contribution to the site's spacious, landscaped character and that of its surroundings, providing a soft, attractive edge to the residential frontage along Walkden Road as it approaches the open land and tree-lined frontages within the St Mark's Conservation Area immediately to the south. Many of the trees within the site are protected by Tree Preservation Orders⁴ (TPOs).
12. However, the site is surrounded by other housing on Walkden Road and The Warke to the side and rear, which is visible across and alongside the site in views along Walkden Road and the drive to the south. The existing dwelling on the site is also clearly evident from Walkden Road and the drive to the south through the boundary planting. From surrounding vantage points, the site is viewed in the context of the relatively closely-spaced suburban housing around

¹ DA20021.007

² 'Design Changes' dated 29/06/20 and 'Brick/render swapped' dated 27/07/20.

³ Drawing reference number: 20-243/001 Revision E.

⁴ Tree Preservation Order references: (No.415) 2010 and (No.528) 2016.

it. It thus forms part of those residential surroundings, distinct from the open, undeveloped land further south and on the opposite side of Walkden Road.

Character and appearance – proposed development

13. The proposed development would involve the demolition of the existing dwelling on the site and the construction of four detached dwellings.
14. The houses on the Walkden Road frontage would be set back from the front boundary to a similar degree as the existing house. Trees and the hedge on the site frontage would be retained, with supplementary planting to fill gaps in the hedge where the existing access points would be removed. The open, spacious character of the site frontage would thus be maintained.
15. The houses on plots 2-4 would be quite closely-spaced. However, they would still have discernible gaps between them and their spacing and layout would not be dissimilar to that of other detached houses on surrounding streets, including The Warke to the rear. Their gradually staggered layout and the projecting front gables would also serve to break up the built frontage and give a sense of separation between those buildings along the site's access road.
16. The footprints of the proposed houses, the sizes of their plots and the density of the development would also be comparable to those on the residential streets which surround the site. Furthermore, the dwellings would be set back from the Walkden Road frontage and positioned within the central part of the site, with large garden areas around them to the side and rear. A sense of separation between the buildings and the site boundaries would thus be preserved. Consequently, having regard to the character and pattern of the existing development visible around the site, the proposed development would not appear unduly cramped. Nor would it detract from the spacious, open character of the site or its surroundings.
17. Although the houses would have three floors of accommodation, their upper floors would largely be contained within their roofspaces and the buildings would not appear unduly dominant in the context of other large houses nearby on Walkden Road. The large sections of glazing to their front gables and ground floor living areas would give the houses a distinctive modern appearance, whilst the use of sympathetic materials and detailing, including brick and render and projecting front gables, would ensure that they remained in keeping with the character and appearance of surrounding housing overall.
18. I therefore conclude that the development would not have an adverse effect on the character or appearance of the appeal site or its surroundings with regard to the size, layout or appearance of the houses and their plots.

The effects on protected trees – tree removals and development works

19. As part of the proposal 9 existing trees would be removed from within the site. New tree planting is proposed within the site as part of the development.
20. Consent has previously been granted to carry out works to 4 lime trees and to fell 6 other trees within the site⁵ (the 2017 consent). Whilst the works to the lime trees have subsequently been carried out, only one of the 6 other trees was actually removed. No replacement trees were planted. However, on the

⁵ Application reference: 17/69818/TPO.

basis that the removed tree, an oak, does not appear to have been protected by either of the site's TPOs, I afford little weight to that matter. The other 5 trees were not removed and the main parties have agreed that consent for their removal expired in 2020. I have been referred to a subsequent consent for tree works and removals⁶. However, the consented removals in that case all related to trees within a neighbouring property and the only works affecting the appeal site were pruning works to a tree near the northern boundary. It is in this context that I have considered the proposals.

21. Two of the 9 trees proposed for removal were part of the 2017 consent⁷. Both are part of a large group of trees alongside the southern boundary and are relatively poor specimens within that wider group. Based on the appellant's tree survey⁸ and my own observations I am satisfied that, in the context of the large group of trees alongside that boundary, their removal would not unduly harm or dilute the overall tree cover or visual presence of tree planting along that boundary.
22. Five of the 9 trees proposed for removal are not protected by either TPO, thus limiting the weight I afford to their retention. One, a multi-stemmed cherry, is poor in quality and structural form. The others are spruces and yews which are relatively young or minor trees and/or have deficiencies in their form. From the evidence before me and my own observations, and in the context of the other higher quality trees which would be retained and the new and replacement planting proposed, I am satisfied that their removal would not have adverse implications for the mature landscaped character or appearance of the site.
23. The other 2 trees proposed for removal are beech trees in the south eastern part of the site⁹. Both are protected by one of the TPOs. Both are tall and visible from outside the site. However, they are very close to a group of moderate and high quality trees which are nearer the southern boundary. In the context of those existing trees and having regard to replacement tree planting proposed, the removal of these two beech trees would not have adverse implications for the overall established tree cover within and around the site or its mature landscaped character. I am content that replacement tree planting could be secured by condition and would mitigate for the loss of those trees over time.
24. Existing shrub planting alongside Walkden Road to the front of the site would be removed to facilitate the provision of the new access road. However, the three large trees on that frontage, all protected by a TPO, would be retained. So too would the front boundary hedge, with supplementary planting to fill gaps where the site's existing access points would be removed. Such planting would maintain the strong hedge line and landscaped appearance which are positive features of the site's frontage and could be secured by the imposition of a suitable condition.
25. The submissions also refer to the removal of a western red cedar tree¹⁰. However, that tree is not protected by either TPO and the submitted details indicate that it is in the grounds of an adjacent property, outside the red line

⁶ Application reference: 18/72636/TPO

⁷ Tree numbers T9 and T11 in the appellant's tree survey (see footnote 8).

⁸ Arboricultural Implications Assessment and Method Statement reference number PM/AIA/AMS/16/07/20, prepared by Murray Tree Consultancy and dated July 2020.

⁹ Tree numbers T19 and T20 in the appellant's tree survey.

¹⁰ Tree number T32 in the appellant's tree survey.

site boundary. Consequently, its suggested removal has not formed part of my consideration of this appeal.

26. Works including the installation of hard surfacing are proposed close to some protected trees. However, I have not been presented with compelling evidence that such works would have adverse implications for the long term health or survival of those trees subject to the use of appropriate construction methods and protection during construction. Those matters could be controlled by the imposition of a suitable condition.
27. Reference has been made to the possibility of other tree works being necessary beyond those shown on the submitted drawings, to accommodate scaffolding during construction for example. For the avoidance of doubt, my decision is based solely on those tree works and removals shown and set out in the submitted details. In the event that further works became necessary to any retained protected trees, such works would require consent from the Council and would need to be considered on their merits. There is no substantive evidence before me to indicate that works would be necessary beyond those shown on the submitted drawings.
28. Taking into account the location, appearance and very limited number of protected trees proposed for removal, the substantial tree planting which would remain around the site boundaries and the new tree and hedge planting and landscaping proposed, I am satisfied that the development would not lead to the unacceptable loss of protected trees and that the site's tree-lined and mature landscaped character would be preserved overall.

The effect on protected trees – living conditions of future occupants

29. Policy TD 3 of the Council's Supplementary Planning Document: Trees and Development (the Trees SPD) advises that development will not be permitted where a principal habitable room window (main window to a lounge, dining room or main bedroom) would be overshadowed by a tree, or where any part of a tree would be sited within 3.6m of a principal habitable room window. The supporting text explains that, where principal habitable room windows are proposed close to existing trees, future occupants may seek to have the tree(s) excessively pruned to allow additional light in. The 3.6m minimum separation distance, it explains, is considered necessary to maintain a balance between existing trees and proposed development.
30. The ground floor lounge and dining areas of Plot 1 would be within a large, open plan space with multiple large windows. Parts of trees on the site frontage would be within 3.6m of that room's front window. However, given the high canopies of those trees and the presence of large windows and glazed doors in other elevations of that open plan room which are further from trees, it would in my view receive satisfactory levels of light overall.
31. Parts of the trees in front of Plot 1 would be within 3.6m of its master bedroom window. However, their canopies are relatively high and the window would look directly into the area between them, where their canopies are further away. The trees are deciduous, and thus would not be in leaf for a large part of the year, including the winter when light levels would otherwise be lower. However, even in the summer, given the window's size and position relative to those trees, light levels within that bedroom would be satisfactory.

32. The front window of Bedroom 1 in Plot 1 would be very close to the canopy of the adjacent sycamore tree. However, that window would be very large and the bedroom would have a further large, south-facing window in its side elevation. Consequently, the bedroom would be dual-aspect and receive sufficient light overall.
33. Plot 2's ground floor living and dining areas would be within an open plan space with wide, full height glazed doors to its southern elevation. Parts of the trees on the site's southern boundary would be less than 3.6m from those glazed doors. However, their canopies are high, the area of glazing is very large, and that space would also be served by rooflights above the sitting area. Those habitable spaces would thus receive adequate light overall.
34. Plot 2's master bedroom and Bedroom 1 windows would be sufficiently separated from surrounding trees to ensure satisfactory levels of light. All principal habitable room windows in Plot 3 and those on the ground floor of Plot 4 would be over 3.6m from nearby trees. Consequently, and given the high canopies of those trees and the size of the windows, those areas would receive sufficient light.
35. The front master bedroom window of Plot 4 would be close to the canopy of a tree to the north east. However, that canopy would be located to the side of the window and would not feature in direct views from it. The closest tree immediately to the front of Plot 4 would be around 3.6m from the centre of the window. Given the size of that window and its layout in relation to nearby trees, it would receive a satisfactory level of light overall. Bedroom 1 of Plot 4 would be much further from the canopies of surrounding trees and would thus receive satisfactory levels of light.
36. Consequently, even if both the master bedroom and 'Bedroom 1' of each property were considered main bedrooms for the purposes of the Trees SPD, all habitable room windows would receive adequate light. Some canopy management may be required as the trees grow in the future. However, I have no reason to conclude that such works would necessarily extend to significant pruning or the removal of those trees, given their separation from the windows and the size and layout of those habitable rooms. In any event, the Council would have control over any such works to trees which are protected by TPOs.
37. Areas of the gardens would be below tree canopies. However, those canopies are generally high and all gardens would be large and include patio and lawn areas not below the tree canopies. The trees would provide an attractive, mature landscaped setting to the properties, whilst the large gardens would also include useable, less shaded areas. The gardens would thus provide an attractive variety of spaces for the use and enjoyment of their future occupants. The trees and those garden arrangements would be evident to prospective purchasers, and the Council would have control over any future works to trees within those areas which are protected by the TPOs.
38. Drawing the above threads together, I conclude that the development would achieve an appropriate relationship between the buildings and gardens and the trees within the site. It would thus not represent an overdevelopment of the site or result in a significant risk of pressure for protected trees to be significantly pruned or removed as a result of future shading of those areas.

Conclusion on the main issues

39. For the reasons given, I conclude that the proposed development would not have an adverse effect on the character or appearance of the appeal site or its surroundings, including with regard to protected trees. It would therefore not conflict with Policies DES1, H1 or EN13 of the City of Salford Unitary Development Plan 2004-2016 (the UDP), which require development to provide a high quality residential environment and respond to its context, including any notable landscape features, and state that the unacceptable loss of protected trees will not be permitted. It would not conflict with the advice in the Trees SPD set out above. Nor would it conflict with the Framework, which requires that developments are sympathetic to local character, including the surrounding built environment and landscape setting.

Other Matters

40. The site is adjacent to St Mark's Conservation Area (the SMCA), which includes the grade I listed Church of St Mark, the grade II listed Worsley War Memorial, within the church grounds, and the locally listed St Marks Vicarage. The SMCA contains a handful of large buildings, including the church and the vicarage, in substantial grounds with extensive landscaping and tree planting. Insofar as it relates to this appeal, the significance of the SMCA is drawn from those large open spaces and the trees and planting within them. Those open spaces and the extensive tree planting within and around the church grounds also contribute to the setting of the listed church and war memorial and the locally listed vicarage.
41. The site is adjacent to the northern boundary of the SMCA. The open areas and mature tree planting within the site, around its edges, are visible in views out of the SMCA, providing a soft edge and sense of transition between the built-up residential frontages to the north and the open spaces within the SMCA to the south. As such, those open, landscaped areas around the boundaries within the site contribute to the character and appearance of the SMCA and the settings of the listed church and war memorial and the locally listed vicarage within it.
42. The proposed houses would be located in the centre of the site, away from its boundaries. The mature tree cover and open, landscaped appearance around the site's boundaries, and the contribution those areas make to the SMCA and the settings of those listed and locally listed buildings within it, would thus be preserved. Consequently, the development would not cause harm to the character or appearance of the SMCA or the settings of the listed buildings or locally listed building within it.
43. The houses would be set back from Walkden Road and the mature trees along the site frontage would be retained. The spacious, mature landscaped frontage of the site and the contribution that frontage makes to the setting of the locally listed building, 206 Walkden Lodge, opposite the site, would also be preserved.
44. My attention has been drawn to the grade II listed 'entrance gates to former New Worsley Hall and adjoining quadrant walls', to the locally listed Worsley Park on Leigh Road, and to other conservation areas¹¹ in the wider vicinity. Given the degree of separation between the site and those other designated and non-designated heritage assets and the intended retention of mature trees

¹¹ Worsley Old Hall Conservation Area; Roe Green/Beesley Green Conservation Area; and Worsley Village Conservation Area.

around the site boundaries, the development would not cause harm to the setting of that listed building or the locally listed park or to the character or appearance of those other conservation areas.

45. Concerns have been raised regarding the effects of the development on the living conditions of neighbouring residential occupants, including with reference to particular separation distances. Whilst those distances provide a useful starting point for considering the effects of the development in those regards, I have considered the proposal on its own planning merits and based on the specific circumstances of the appeal site.
46. As Plot 1 would be set further back from Walkden Road than the part of 476B Walkden Road (No 476B) which is closest to the site boundary, the glazed ground floor doors in Plot 1's side elevation facing No 476B would not directly overlook the windows in that closest part of the neighbouring property. The other parts of No 476B are set further away from the boundary with the site. Therefore, and taking into account the distance between the side of Plot 1 and the boundary with No 476B, I am satisfied that it would be sufficiently separated from that neighbouring house and its garden that the development would not result in a harmful degree of overlooking of that neighbouring property overall. As such, the proposal would not have an unacceptable effect on the living conditions of the occupants of No 476B with regard to privacy.
47. The part of Plot 1 closest to No 476B would be single storey in height, with a taller side gable set further away from the boundary with that neighbouring property. Given the separation distance proposed between the tallest parts of Plot 1's side gable and the boundary with No 476B, and the further separation between that shared boundary and the building at No 476B itself, that side gable of Plot 1 would not appear unduly dominant or have an overbearing effect on the outlook from No 476B sufficient to justify withholding permission on that basis.
48. I have been provided with shadow diagrams which indicate that Plot 1 would lead to shading of parts of No 476B's garden, and possibly its south-facing windows, at certain times. However, I have not received comparable shadow diagrams showing the effects of the existing site layout and tree cover. Consequently, I cannot be certain to what extent the shading of those areas as indicated would be additional to that which already exists, and which is likely, given the extent and density of tree cover around those areas. Given the separation between the house proposed on Plot 1 and the house and garden at No 476B, the size of that neighbouring garden overall and the shading of those areas likely to arise from existing trees at present, and in the absence of substantive evidence to indicate otherwise, I am satisfied that the development would not lead to a significant adverse increase in overshadowing of that neighbouring property sufficient to justify withholding permission.
49. Even though some trees and other vegetation would be removed from around the edges of the site, the proposed areas of hard surfacing and vehicle activity would be mainly located in the central part of the site, away from those boundaries. Consequently, the use of those vehicular parking and access areas would not have an adverse effect on the living conditions of the occupants of neighbouring properties with regard to noise or disturbance.
50. Having regard to the layout of the proposed dwellings and the degree of separation between them and other neighbouring residential properties, I am

satisfied that the development would not have an adverse effect on the living conditions of any other neighbouring residents with regard to outlook, light, privacy, noise or disturbance.

51. It has been suggested by a neighbouring resident that their rights under Article 8 of the Human Rights Act would be violated if the appeal were allowed. These rights are, however, qualified and it is for the decision maker to ensure that interference is proportionate. In this case, I find that the development would not lead to a significant adverse effect on the living conditions of the occupiers of neighbouring properties. Consequently, whilst it may lead to some changes in those respects, the degree of interference caused would be insufficient to give rise to a violation of those rights.
52. I have not been presented with compelling evidence to indicate that the site's existing access arrangements have given rise to significant issues of highway safety or that such issues would arise as a result of the new access, which would be further from other nearby drives than the site's existing access points. The number of additional vehicle movements would be limited and insufficient to have significant implications for congestion on the local highway network or air quality. The Council has indicated that visibility at the site access and the level of parking proposed would be adequate. I have no reason to conclude otherwise from the evidence before me. I am thus satisfied that the development would not have an unacceptable impact on highway safety.
53. Bin storage would be provided within each plot. Based on the submitted drawings, I have no reason to believe that level access could not be provided to those areas. No dedicated cycle storage is indicated on the drawings. However, given the size of the plots, there would be space within them for the storage of cycles as necessary.
54. Concerns have been raised that the scheme would not include specific energy efficiency or renewable energy measures or provision for electric vehicles. However, I have not been directed to a requirement for such provision within development plan policy. Whilst such measures would be of benefit, their absence on the small scale scheme proposed is not a matter sufficient to justify withholding permission.
55. The question of whether there is a need for new housing in the area is a matter to which I afford little weight. I have considered the proposal before me on its planning merits and find it acceptable for the reasons given.
56. Reference has been made to the emerging Salford Local Plan. However, given the stage that emerging plan is currently at, the weight I give to policies within it is limited. I have considered the appeal on the basis of the adopted development plan.
57. Concerns have been raised that immediate neighbours were not notified of the proposals. Nonetheless, I am satisfied that the application was publicised by means of site notices and a press notice, including after the receipt of revised drawings and that interested parties have had the opportunity to comment on the proposals.
58. My attention has been drawn to a previous appeal relating to an outline application to replace the existing dwelling on the site with 5 dwellings¹². It was

¹² Appeal reference: APP/U4230/W/16/3159968

dismissed, partly on the basis that the indicative details provided with that application did not demonstrate that 5 dwellings could be accommodated having regard to character or appearance and trees. The current appeal is a full application for fewer dwellings and was accompanied by extensive information regarding the trees within the site and the layout of the dwellings. As such, it is not directly comparable with that earlier scheme. In any event, I have considered the current appeal on its own planning merits and find it acceptable for the reasons given.

Conditions

59. I have had regard to the conditions suggested by the Council and have revised the wording in some respects for clarity and precision.
60. I attach a condition specifying the approved drawings, for certainty. The revised landscape plan which was submitted with the appeal is not included in the list of approved drawings. However, I have included a separate condition to cover landscaping and that revised landscape plan can and should be incorporated into the landscaping scheme.
61. A condition requiring tree protection measures during construction is necessary to protect trees and thus character and appearance. Given the sensitive nature of the end use, I attach conditions requiring the assessment and remediation of any land contamination. As those measures would need to be implemented in advance of other operations, pre-commencement conditions are necessary.
62. I attach a condition requiring a construction method statement to protect highway safety and the living conditions of nearby residents. However, as the scheme is relatively small in scale I have not included a requirement for a community engagement strategy, as the living conditions of neighbours could be satisfactorily protected via other measures. Nor do I find, based on the evidence before me, that the suggested requirement to notify the Council of the commencement of works would be necessary to protect living conditions or highway safety. The required measures would need to be in place in advance of other operations, and a pre-commencement condition is thus necessary.
63. Conditions relating to materials and landscaping details are necessary to preserve character and appearance. I also attach conditions requiring the development to be carried out in accordance with the Arboricultural Method Statement and that details of the cellular confinement system proposed therein are approved and implemented, to protect the trees within the site. A condition requiring the provision of bat boxes within the site is necessary in the interests of biodiversity enhancement.
64. Conditions requiring the provision and retention of the vehicular parking and access areas and the removal and reinstatement of the existing access points are necessary in the interests of highway safety and the character and appearance of the area. I attach a condition requiring noise mitigation measures to be implemented in accordance with the submitted Noise Impact Assessment and maintained thereafter, in the interests of the living conditions of future occupants.
65. Because of the small scale of the scheme, its drainage requirements could be satisfactorily dealt with via the Building Regulations. A condition requiring separate foul and surface water drainage systems is not necessary.

66. The Planning Practice Guidance advises that conditions restricting the future use of permitted development (PD) rights may not pass the tests of reasonableness or necessity and that the blanket removal of freedoms to carry out small scale domestic alterations that would not otherwise require planning permission are unlikely to meet those tests¹³. The site is an existing residential garden and I have no reason to believe that the existing dwelling has had its PD rights removed. Such development could thus take place on the site at present. The proposed houses would have large gardens and would generally be well spaced from surrounding housing. There are also trees around the site boundaries, many of which are protected by TPOs. Consequently, and given the site's existing use, it would not be necessary or reasonable to remove PD rights to protect those trees or the living conditions of neighbours in this case.
67. Given the distance between the rear of Plot 1 and the neighbouring house at 8 The Warke, the relative orientation of those proposed and existing houses and the non-habitable nature of the first floor rooms in the rear of Plot 1 closest to that neighbouring property, a condition requiring those bathroom and landing windows to be fitted with obscure glazing is not necessary or justified.

Conclusion

68. The proposed development would accord with the development plan taken as a whole. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be allowed.

Jillian Rann
INSPECTOR

¹³ Paragraph Reference ID: 21a-017-20190723

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:
 - Site – Location and Block Plan drawing number DA20021.001 Revision 4
 - Street Scene Elevations drawing number DA20021.003 Revision 6
 - Proposed GA Plans and Elevations – Plot 1 drawing number DA20021.007 (version which includes two revision notes: 'Design Changes' dated 29/06/20 and 'Brick/render swapped' dated 27/07/20).
 - Proposed GA Plans and Elevations – Plot 2 drawing number DA20021.008 Revision 4
 - Proposed GA Plans and Elevations – Plot 3 drawing number DA20021.010 dated 29 Sept 2020
 - Proposed GA Plans and Elevations – Plot 4 drawing number DA20021.009 Revision 3
 - Highway and Parking Layout drawing number 2823-01-SK01 Revision G.
- 3) No development or other works including site clearance and demolition shall commence until all retained trees within or overhanging the site, as shown on Tree Protection Plan drawing number MY721/WRW/03 Revision C, have been surrounded by substantial temporary protective fencing and temporary ground protection. Those temporary protective fencing and ground protection measures shall be installed in accordance with the relevant specifications in the Arboricultural Implications Assessment and Method Statement reference number PM/AIA/AMS/16/07/20, prepared by Murray Tree Consultancy and dated July 2020 and in the positions shown on the relevant Tree Protection Plan drawings therein. Those temporary protective fencing and ground protection measures shall remain in place in accordance with the relevant specifications and locations in that Arboricultural Implications Assessment and Method Statement until all development has been completed and all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within the perimeter of any such fencing, including materials, earth or topsoil, and no works shall take place within the perimeter of such fencing, including excavation or drainage works.
- 4) No development (except demolition) shall commence until a Phase 2 Site Investigation Report has been submitted to and approved in writing by the local planning authority. The Report shall assess any contamination on the site, whether or not it originates on the site, and shall include a survey of the extent, scale and nature of contamination and an identification and assessment of the potential risks to human health, property, adjoining land, ground waters and surface waters and ecological systems.

In the event that land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, no development (except demolition) shall commence until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include a description and programme of the remediation works

to be undertaken including a verification plan. The remediation of the site shall be carried out in accordance with the approved remediation scheme and upon completion 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 development is first occupied.

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority, within a maximum of 5 days from the discovery. No further development or works shall take place within the part of the site affected until a contaminated land assessment and a scheme for the remediation and validation of that contamination have been submitted to and approved in writing by the local planning authority. Any remediation works thereby approved shall be carried out and any necessary verification or validation report shall be submitted to and approved in writing by the local planning authority before any part of the development is first occupied.

In the event that no contamination is found as part of the Site Investigation Report or during construction a report confirming that no contamination was found shall be submitted to and approved in writing by the local planning authority before the development is first occupied.

- 5) No development shall commence, including works of excavation or demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of:
- i. the times of delivery, demolition and construction activities on site;
 - ii. the parking of vehicles of site operatives and visitors;
 - iii. the storage, management, loading and unloading of plant and materials;
 - iv. the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - v. measures to prevent the deposition of dirt on the public highway
 - vi. measures to control the emission of dust and dirt during demolition and construction;
 - vii. a scheme for the recycling/disposal of waste resulting from demolition and construction works;
 - viii. measures to minimise disturbance to any neighbouring occupiers from noise and vibration, including from any piling activity;
 - ix. measures to prevent the pollution of watercourses.

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

- 6) No above ground construction works shall commence until samples or full details of all materials to be used externally on the buildings hereby approved have been submitted to and approved in writing by the local planning authority. The details shall include the type, colour and texture of the materials. The relevant works shall be carried out in accordance with the details and/or samples thereby approved.
- 7) The development hereby permitted shall be carried out in accordance with the Arboricultural Implications Assessment and Method Statement reference

number PM/AIA/AMS/16/07/20, prepared by Murray Tree Consultancy, dated July 2020.

- 8) No below ground works shall commence until details of a site-specific design for the proposed cellular confinement system referred to in the application documents have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details thereby approved.
- 9) No above ground works shall commence until details of the provision of two bat boxes as part of the development have been submitted to and approved in writing by the local planning authority. The bat boxes shall be erected in accordance with the details thereby approved, before the development is first occupied, and shall be retained as such thereafter.
- 10) The development hereby permitted shall not be occupied or brought into use until details of all hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The submitted details shall include the formation of any terraces or other earthworks, hard surfaced areas and materials, external lighting, details of replacement tree planting and hedge planting to be carried out within the site and other soft landscape works, with specifications and schedules (including planting size, species and numbers/densities), and a timetable for the carrying out of those works.

The landscaping works shall be carried out in accordance with the details thereby approved and within the approved timetable, or within 18 months of first occupation of the development hereby permitted, whichever is the later.

Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 11) The development shall not be occupied until the vehicle parking, servicing and access areas to serve the development hereby permitted have been laid out in accordance with the details on the approved plans. Those areas shall thereafter be retained and kept available for their intended purposes.
- 12) The development shall not be occupied until the existing vehicular access points from the site onto Walkden Road have been closed and reinstated as continuous footway.
- 13) The development shall be carried out in accordance with the noise mitigation measures, including boundary treatments, specified in the Noise Assessment for Planning Purposes report reference P4110/R1/NRS, carried out by Acoustic & Engineering Consultants Limited, dated 17 April 2020.

The development shall not be occupied until a site completion report confirming that all relevant noise mitigation measures specified in the Noise Assessment have been installed has been submitted to and approved in writing by the local planning authority. The noise mitigation measures shall thereafter be retained.