



Appeal Decision

Site visit made on 26 September 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/Q4245/W/23/3320581

Land East of Deansgate Lane, Timperley, Altrincham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Peter Bishop against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 108814/OUT/22, dated 2 August 2022, was refused by notice dated 6 March 2023.
 - The development is described as “proposed residential development”.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission for the proposed residential development at land east of Deansgate Lane, Timperley, Altrincham in accordance with the terms of the application, Ref 108814/OUT/22, dated 2 August 2022, subject to the conditions in the schedule to this decision below.

Application for costs

2. An application for costs was made by Peter Bishop against Trafford Metropolitan Borough Council. This application will be the subject of a separate decision.

Procedural Matters

3. Outline planning permission is sought, with all matters reserved except access. A drawing has been submitted that includes details of layout and landscaping, matters that are reserved for future consideration. I have therefore treated the drawing as illustrative in this regard and determined the appeal on this basis.
4. The description of development in the banner heading above is taken from the planning application form. It differs from that contained within the Council’s decision notice and the appellant’s appeal form which states, “outline application for the clearance of site and residential development of up to 3 dwellings (consent sought for details of access with all other matters reserved)”. However, I have nothing before me to suggest that the amended description of development was agreed by the appellant.
5. Furthermore, the appellant put forward the application on the basis that they were seeking outline permission for 3 dwellings, as detailed within the planning application form and the illustrative drawing, and it is clear that the Council considered the application on this basis. The appellant has not indicated that they wish for me to consider a lower number of dwellings therefore, I have proceeded on the basis that permission is sought for 3 dwellings,

notwithstanding the altered description of development contained within the Council's decision notice and the appellant's appeal form.

6. The Council has indicated that the draft Trafford Design Code ('the DTDC') was to be subject to public consultation until 25 September 2023, with the final document anticipated to be adopted in November 2023. I have not been updated with progress on the conclusion of the public consultation and therefore, I afford limited weight to the DTDC at this time.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

8. The appeal site comprises a predominantly hard surfaced parcel of land that is occupied by a number of shipping containers and vehicles. It is positioned at the junction of Deansgate Lane and Skelton Road and is bounded by the Metrolink line to the east. The surrounding area is mixed, with dwellings to the south and west and commercial/industrial premises to the north. Parking in front of the building line is common within the surrounding area. The dwellings at 38 to 44 and 50 to 56 Deansgate Lane all have driveways beyond their front elevations, while the properties on Tannery Way have parking both alongside the dwellings and in front of the building line. Driveways tend to be separated by small areas of lawn however, others have an absence of landscaping. Consequently, areas of hardstanding and the appearance of parked vehicles within front gardens is a characteristic of the surrounding area.
9. It has been put to me that the central location of the access would limit the layout options for the three proposed dwellings and necessitate a large area of hardstanding to the front of the site to incorporate sufficient parking and a turning space. The illustrative drawing indicates four parking spaces and a turning area could be located in front of the proposed dwellings with space available for landscaping. In my opinion, this potential configuration would not result in a proliferation of parking in front of the proposed dwellings and sufficient space would be available to accommodate a quantity of landscaping that is comparable to the surrounding area.
10. The illustrative drawing indicates that landscaping could be positioned to the front and side boundaries of the appeal site, thereby reducing the visual prominence of the hardstanding when viewed from the road. Furthermore, the proposal would significantly reduce the amount of hardstanding and parked vehicles associated with the current use of the appeal site, thereby enhancing the character and appearance of the surrounding area. Therefore, the information before me suggests that three dwellings could be accommodated within the appeal site without causing harm to the character and appearance of the surrounding area.
11. Concern is raised that the area to the front of the dwellings would also house a refuse and recycling storage area within 10m of the access that could have a visual impact on the street scene. However, the Highways Authority require a bin collection area to be provided within 10m of the access, which is different to bin storage. Furthermore, this would be a matter that would be considered at the reserved matters stage whereby a suitable location could be agreed.

12. My attention has been drawn to a previous appeal decision¹ at the appeal site. However, this sought full planning permission for 4 dwellings. While a central access was also proposed and included an area of hardstanding to the front of the site, it included 8 parking spaces with significantly less landscaping than shown on the proposal's illustrative drawing. Furthermore, the previous Inspector also raised concern regarding the spacing, scale and design of the 4 dwellings, as well as the area of hardstanding. Consequently, it is not directly comparable to the appeal proposal and in any event, I must determine each case on its own merits.
13. In reference to the main issue, the proposed development would not harm the character or appearance of the surrounding area. It would comply with Policy L7 of the Trafford Local Plan: Core Strategy, adopted 2012 which, amongst other things, seeks to ensure that developments make the best use of opportunities to improve the character and quality of an area, and enhance the street scene or character of an area by appropriately addressing matters such as layout, density and hard and soft landscaping works.
14. The proposal would also comply with the National Planning Policy Framework ('the Framework') and the National Design Code that seek to achieve well-designed places; the Council's Planning Guidelines: New Residential Development Supplementary Planning Guidance, adopted 2004 that states that residents' parking in front of the building line may be accepted if the need for this can be justified, and if the result in terms of appearance is shown to be satisfactory and in character with the area; and the draft Trafford Design Guide that requires sites to not be dominated by car parking and sufficient space should be allowed for quality landscaping.

Other Matters

15. The Council asked the appellant to submit a revised illustrative drawing to demonstrate that the development could be achieved with a different layout. However, "layout" was reserved for subsequent approval. If the Council were of the opinion that, in the circumstances of the case, the application ought not be considered separately from the reserved matter of layout, they should have notified the applicant within one month beginning with the date of receipt that they were unable to determine the planning application unless further details were submitted².

Conditions

16. The Council has provided a list of conditions which I have had regard to with respect to the tests for conditions set out within the Framework. Where necessary, I have made amendments to these in the interests of clarity and precision. I have imposed standard conditions relating to the submission and timing of the reserved matters application and the commencement of development. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions in respect of materials and the location of bin storage and collection areas are necessary to ensure the appearance of the development would be satisfactory.
17. Conditions, including a pre-commencement condition, in respect of contamination are necessary due to the former commercial and industrial

¹ Appeal Ref APP/Q4245/W/22/3294661

² Article 5(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015

usage of the appeal site. Conditions in respect of parking spaces and cycle storage at the reserved matters stage and the provision of electric vehicle charging points are necessary to ensure the development complies with the Council's parking standards and to promote sustainable modes of transport. A pre-commencement condition regarding a construction and environmental method statement is reasonable and necessary given the parking restrictions in place along Deansgate Lane and the proximity of residential properties. The appellant has agreed to the inclusion of these pre-commencement conditions.

18. A condition in respect of an ecological design strategy is reasonable and necessary given the appeal site is within an identified wildlife corridor and to ensure the development achieves a net gain in biodiversity. However, this information should be required as part of the "landscaping" reserved matter and therefore I have amended the wording of the condition accordingly. A condition requiring works to trees and shrubs to be undertaken outside the bird nesting season or only following inspection by an ecologist is reasonable as the appeal site supports some habitats that may be suitable for nesting birds.
19. It is reasonable and necessary for the development to be constructed to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. However, a drainage strategy should be submitted at the same time as the reserved matter of "layout" rather than prior to the commencement of development. While the appellant questions the need to re-submit this information, the drainage strategy as shown on drawing K916-100 Rev B relates to an illustrative design and therefore it would need to be updated when permission is sought for the reserved matter of "layout". Accordingly, I have therefore amended this condition.
20. Although not included in the Council's list of recommended conditions, the Environmental Health Officer requested a condition for the submission of an updated Noise Impact Assessment and a suitable scheme of ventilation with any reserved matters application. The site is adjacent to a railway/tram line and commercial uses and details of appearance, including the positioning of fenestration, are not known at this stage. Consequently, I agree that this condition is necessary to make the proposed development acceptable to the living conditions of future occupiers.

Conclusion

21. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be allowed.

A Berry

INSPECTOR

Schedule of Conditions

- 1) Details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the matters sought permission at the outline stage: 21-078 (EXT)49 Rev A and 21-078 (FSD)44 Rev A.
- 5) The reserved matter of 'layout' shall be accompanied by details of the bin collection area and the proposed refuse and recycling storage facilities, which shall include accommodation for separate recycling receptacles for paper, glass and cans in addition to other household waste. The approved bin stores shall be completed and made available for use prior to the first occupation of development hereby permitted and retained thereafter.
- 6) The reserved matter of 'layout' shall include a scheme for car parking and secure cycle storage. The proposed parking spaces shall be clearly dimensioned on a plan and include swept path analysis. The cycle scheme shall include details of secure, covered cycle storage arrangements for a minimum of two allocated cycle spaces per dwelling. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and retained thereafter.
- 7) Prior to the first occupation of the development hereby permitted, a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and retained thereafter.
- 8) The reserved matter of 'layout' shall be accompanied by a drainage strategy to improve surface water disposal. Prior to the first occupation of the development hereby permitted, the agreed scheme shall be fully implemented, and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme.
- 9) No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March to July inclusive) unless an ecological design strategy has first 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.

- 10) Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place unless and until an investigation and risk assessment in relation to contamination on site (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the local planning authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the local planning authority before any development takes place other than the excluded works listed above.

The submitted report 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, crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site;
- iv) a remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- v) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby permitted.

- 11) The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 12) Prior to the commencement of development, a Construction and Pre-Construction Environmental Management Plan ('the CEMP') shall be submitted to and approved in writing by the local planning authority, including details of the proposed measures to manage and mitigate the main environmental effects. The CEMP shall address, but not be limited to the following matters:

- i) hours of construction and pre-construction (including demolition) activity;
- ii) the parking of vehicles of site operatives and visitors (all within the site);
- iii) loading and unloading of plant and materials (all within the site), including times of access/egress;
- iv) storage of plant and materials used in constructing the development;
- v) the erection and maintenance of security hoardings;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during demolition and construction and procedures to be adopted in response to complaints of fugitive dust emissions;
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);
- ix) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity (refer to BS5228);
- x) information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
- xi) information to be made available for members of the public; and
- xii) a nuisance complaints procedure.

The development shall be implemented in accordance with the approved CEMP.

- 13) The reserved matters of 'layout' and 'appearance' shall be accompanied by a Noise Impact Assessment and a suitable scheme for ventilation which will not compromise the acoustic integrity of the mitigation provided by the glazing specification and complies with current Building Regulations. The design of this scheme should accord with the recommendations made within the Acoustics Ventilation and Overheating Residential Design Guide (January 2020 Version 1.1) and consideration must be given to achieving adequate summer cooling and rapid ventilation, whereby a mechanical ventilation scheme may be required.
- 14) The reserved matter of "landscaping" shall be accompanied by an Ecological Design Strategy ('the EDS') addressing mitigation, compensation and enhancement measures for the wildlife corridor. The EDS shall include the following:
 - i) purpose and conservation objectives for the proposed works;
 - ii) review of site potential and constraints;
 - iii) detailed design(s) and/or working method(s) to achieve stated objectives;
 - iv) extent and location/area of proposed works on appropriate scale maps and plans;
 - v) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - vi) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- vii) persons responsible for implementing the works;
- viii) details of initial aftercare and long-term maintenance;
- ix) details for monitoring and remedial measures; and
- x) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and timescales and all features shall be retained thereafter.

*****End of Conditions*****