Appeal Decision

Inquiry held on 12 and 13 May 2010
Site visit made on 13 May 2010

by J Chance **BSc DipTP MRTPI**

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

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Decision date:
13 July 2010

Appeal Ref: APP/B4215/A/09/2111355
72 Manchester Road, Chorlton cum Hardy, Manchester M21 9PQ

- 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 Arrows International Limited against the decision of Manchester City Council.
- The application Ref 087900/FO/2008/S1, dated 7 October 2008, was refused by notice dated 23 July 2009.
- The development proposed is described as "retrospective planning application to regularise the development of 7 apartments on the first and second floor and the reconfiguration of the ground floor for A1 and A3 use".

Decision

1. I allow the appeal, and grant planning permission for the construction of a three storey building to provide A1 retail and A3 restaurant uses on the ground floor and 7 apartments on the first and second floors at 72/74 Manchester Road, Chorlton cum Hardy, Manchester M21 9PQ in accordance with the terms of the application, Ref 087900/FO/2008/S1, dated 7 October 2008, subject to the conditions in the attached schedule.

Procedural Matters

2. As the development has already been carried out, I have dealt with this appeal as relating to an application under Section 73A of the 1990 Act as amended for planning permission for development already carried out.

3. It was agreed with the main parties at the Inquiry that a more accurate description of the development is "the construction of a three storey building to provide A1 retail and A3 restaurant uses on the ground floor and 7 apartments on the first and second floors". I have determined this appeal on the basis of that amended description.

4. Although the site address on the application form refers to "72 Manchester Road", I understand that the address is more correctly "72/74 Manchester Road" and I have considered the appeal on that basis.

5. It was confirmed at the Inquiry by both main parties that amended plans were submitted prior to the Council's refusal. In addition, as part of the appeal, drawing number 201.28.3-P10 rev C was submitted to show a slightly wider opening to the refuse store for the commercial units compared to that shown on drawing number 201.28.3-P10 rev B. As I consider that the amendment is so minor that no party would be prejudiced by my accepting the rev C version

of that drawing, I have taken that later amendment into account and have considered that it supersedes the rev B drawing. For the avoidance of doubt, the drawings on which my decision is based are: 201.28.3-P10 rev C; -P11; -P12; -P101; -P21 rev E; -P22 rev E; -P23 rev F; and -P24 rev B.

6. At the Inquiry, the Council confirmed that it no longer had objections in respect of reasons for refusal Nos 2) and 4). In relation to reason for refusal No 2), regarding the appellant's failure to provide a contamination survey prior to determination of the application, since the application was refused, remediation works have been carried out. The Remediation Verification Report by Environment Resources Management confirms that all the pre-identified works necessary have been completed to a satisfactory standard and the Council accepts that report. As such, I am satisfied that the potential for migrating vapours and gases, including from landfill gas, from past and current land uses in the vicinity to adversely affect the health and safety of existing and future users of the building has been addressed and no longer needs to be pursued as a reason for objection in this case.

7. As concerns reason for refusal No 4), since the application was refused, the appellant has shown on an amended drawing (201.28.3-P10 rev C) that a wider opening could be provided to the commercial bin store. The Council accepts that this matter could satisfactorily be addressed by means of a planning condition. As such, I consider that satisfactory provision could be made for the storage and disposal of refuse from the commercial uses and that this matter no longer needs to be considered as a reason for objecting to the scheme.

Main Issues

8. The main issues are:
   (a) the effect of the development on the character and appearance of the streetscene and surrounding area; and
   (b) whether the development makes satisfactory provision for the storage and disposal of refuse from the residential units.

Reasons

Effect on the Character and Appearance of the Streetscene and Surrounding Area

9. The Council confirmed at the Inquiry that its main concerns are with the scale and massing of the building, in particular by reference to its relationship with the neighbouring properties at Nos 76 and 78 Manchester Road, and the perception of that relationship in the streetscene.

10. It was pointed out by the appellant at the Inquiry that the as-built height of the building differs slightly from that shown on the relevant drawings referred to in paragraph 4 above. However, while the as-constructed building is some 190mm higher than shown on the drawings, the Council accepted at the Inquiry that the difference between the submitted drawings and what has been built is not materially significant, and I share that view.

11. I understand from the main parties that planning permission was granted for the appeal site in December 2004 for the erection of a single storey side extension to No 72 Manchester Road to form additional dining area (Class A3),

and a single storey rear extension to No 74 Manchester Road to form additional sales area and erection of a first floor side extension to form 3 additional self-contained flats and formation of front balcony and 1st floor roof terrace at rear.

12. Planning permission was granted in November 2007 for elevational alterations to facilitate the creation of an additional 2 self-contained flats, making 6 in total. However, the copy of the permission in the appellant's Statement of Case shows a handwritten "7" in place of the "6", and the plans and supporting information, with which I have been supplied, make reference to 7 residential units. The parties indicated at the Inquiry that implementation of the November 2007 planning permission would have essentially involved conversion work at ground floor level to enable provision of a restaurant and a retail unit, with 2 new floors above to enable the provision of 7 flats. However, it was explained at the Inquiry that what has been provided has been the result of near complete demolition of the built form at Nos 72/74, other than part of the rear wall and retention and adaptation of, with addition to, the existing low level steelwork. Essentially the scheme, which is not yet fully complete, has resulted in the construction of 3 new levels of accommodation within a flat roofed building of broadly similar style and design to that permitted under the 2007 permission.

13. However, there are significant differences between what has been constructed and what was approved in 2007. In particular, the main roof is higher by some 1.2m than that in the 2007 permitted scheme. Furthermore, instead of part of the ground floor along the Brantingham Road frontage being set back with the upper floors overhanging above free-standing columns as in the 2007 approved scheme, the ground floor elevation along its full length extends to the back of the pavement, generally in line with the upper floors. In addition, the main entrance doorways and access ramps on the Manchester Road frontage are/will be in different positions from those in the 2007 permitted scheme.

14. The increase in the height of the roof of the as-constructed building compared with the 2007 approved building means that the main roof is now significantly higher than the ridgeline of Nos 76 and 78, being the remaining part of the two-storey pitched roof terrace of which the appeal site was once part. The appeal building directly abuts the side elevation of No 76 and its main flat roof is some 4m higher than the eaves level of that adjacent pitched roof property, as opposed to the approximate 2.8m difference between the flat roof of the 2007 approved building and the eaves level of Nos 76 and 78.

15. The appeal site is located not far from the northern edge of the Chorlton District Shopping Centre at the junction of Brantingham Road with Manchester Road, which I saw to be a major routeway carrying high volumes of traffic at the times of both my visits. In addition, I saw that there was a substantial amount of pedestrian traffic on both sides of Manchester Road in this part of the District Shopping Centre, as well as further south towards the main hub of the Centre. Close to the rear of the appeal building is the junction between Keppel Road and Brantingham Road.

16. The siting of the appeal building adjacent to these road junctions means that clear views of large sections of its main elevations are seen from close-up viewpoints when on the road network and pavements immediately around the building. In addition, parts of the building are also seen in longer distance

views when travelling along various highways towards the Manchester Road/Brantingham Road junction. However, because of the bend in Manchester Road to the south of the site, longer distance views from that direction are somewhat restricted, with views further away than from about Chorlton Library being impeded. Similarly, views of the rear of the building from further east than the bridge over the railway on Brantingham Road are restricted by the humped section of that road. From the west the appeal building is seen along Oswald Lane on the west side of Manchester Road. When approaching from the north, the furthest extent of the sighting of the appeal building on Manchester Road is a little to the north of the Chorlton Leisure Centre.

17. I saw the appeal building to be a large, three-storey, fairly modern style building which effectively fills its site adjacent to 2 road junctions in close proximity. In its scale, size, height and flat-roofed nature, it visually connects in a general sense with a number of other nearby large individual buildings of three storeys and more. The raised front corner feature and the rear projecting "fin" are not particularly out of place, given the different plant room and similar other high level additions on those other higher buildings in commercial use. While I observed that in certain views the appeal building appears more prominent than Chorlton House on the opposite side of the Manchester Road/Brantingham Road junction, in part due to the greater set-back of Chorlton House from the junction and greater opportunity for soft landscaping, the difference is not so great as to cause visual imbalance across the junction.

18. The Officer report to the Planning and Highways Committee at the time of determination of the planning application described the relationship between the application site and its immediate neighbour (being Nos 76 and 78) as "not an easy one". I agree that the relationship between those adjoining buildings is somewhat uneasy because of a combination of the greater height and greater depth of the appeal building compared with the remaining remnants of the terrace. From one or two locations, particularly round about the Ransfield Road/Manchester Road junction where the greater height and depth combination is seen above the Esso petrol station signage and canopy, and within the area of the petrol station forecourt where the extent of the high level depth of the appeal building is clearly apparent, the uneasiness of the relationship is more obvious.

19. From those points the appeal building appears rather overpowering and overwhelming when viewed in the direct context of Nos 76 and 78 and the junction between the two buildings appears quite awkward. Nevertheless, in other views I found that the brickwork finish on the flank wall of the appeal building adjacent to the pitched roof of No 76 helps to mitigate some of the adverse visual impact. Furthermore, I saw that from many other viewpoints, the relationship between the appeal building and the adjacent remnants of the terrace is partially screened by the quite numerous and generally fairly mature street trees along Manchester Road. From other locations I found that the distraction of the prominent combined Esso and Tesco Express sign takes the eye away from the higher level junction between the two adjoining buildings. There is also some mitigation from street trees providing some degree of screening in views of the building from Keppel Road.

20. In addition, I found that when travelling southwards along Manchester Road towards the appeal building, there is a sense of stepping up in height from the rather unexpected ground level space of the petrol station forecourt, albeit with a canopy, through to the single-storey height of the petrol station/shop building, up to the two-storeys of Nos 76 and 78 and again up to the three-storeys of the appeal building itself. On the north side of the petrol station/Tesco Express development is the three-storey block identified as No 102 Manchester Road. The abrupt changes in level in that area occur over quite a short distance and this helps to make the marked stepping up in height from the pitched roofline of No 76 to the flat roof of the appeal property appear slightly more acceptable in its context.

21. Within the part of the District Shopping Centre further to the south I noticed that there was considerable juxtaposition of buildings of very different heights, styles, roof types and materials. Although the Council points out that the relationship between the appeal building and Nos 76 and 78 is the only one where a higher flat-roofed building directly abuts a much lower pitched roofed building without any separation, the existence not far away of those height variations and what might be termed unconformities, in terms of height, style and materials, has some bearing.

22. The Council has put forward evidence in the form of computer generated images to show visual comparisons between what has been constructed and how the approved building in the 2007 permission would have appeared. While the building as constructed clearly has greater prominence because of its increased height and increased higher level mass and bulk, I consider that even if the building had been constructed in accordance with the 2007 permission it would still have appeared far more prominent than Nos 76/78. The additional height increase of about 1.2m has clearly increased the visual impact of the appeal building on the neighbouring adjoining property but, in my opinion, has not hugely increased its visual dominance over and above the impact that implementing the 2007 planning permission would have had.

23. Furthermore, as regards the increased ground floor footprint and bringing forward of part of the ground floor elevation on the Brantingham Road frontage, as opposed to some visual breaking up of the building at lower level in the 2007 approved scheme, I consider that this only slightly increases the bulk, mass and overall prominence of the Brantingham Road elevation compared with the permitted scheme. Moreover, although when seen from near the bridge over the railway on Brantingham Road looking towards the junction with Manchester Road the rear of the building appears quite bulky, massive and high, with limited interest because of the lack of openings and design detailing, the impact is not unduly greater than it would have been with the 2007 permitted scheme.

24. In comparison to the 2007 permitted scheme, the building as constructed is larger, more prominent in its particular location and has a worse visual relationship with Nos 76 and 78. However, while as a consequence of these factors it is more dominant in the streetscene and I consider that it has a slightly greater adverse visual impact on its surroundings than the permitted scheme would have done, that impact is not significantly worse. Furthermore, while I find that the current building causes some visual harm to its

surroundings, in assessing the full extent of that harm I need to take account of a number of relevant factors.

25. The main parties accepted at the Inquiry that even if this current building was demolished it would not be possible to implement the 2007 permission because that essentially involved conversion of the ground floor, of which only part of the rear wall now remains. However, it would be reasonable to assume that a theoretical re-build scheme to a similar height, size, shape and design of building as that which was permitted in 2007 would be acceptable to the Council.

26. There was debate at the Inquiry over the likely potential for the properties at Nos 76 and 78 to be redeveloped in the future, given that they appear from the advertising board to be on the market as a development site. While the present visual relationship between the appeal building and the remaining remnants of the terrace is far from ideal, if the built form at Nos 76 and 78 was to be replaced by a more contemporary style of building with another level of accommodation, that relationship could well be improved in the future. Although I agree with the Council that the appellant's indicative re-design for that adjacent site should carry little weight, it is nevertheless possible that the adjacent building might be subject to significant change in the future.

27. Also of some relevance is the previously refused application and dismissed appeal for three-storey housing on the adjacent car wash/car related uses site to the rear. Although the appeal was dismissed primarily because of lack of information about possible contamination of the site, the Inspector who dealt with that appeal considered that three-storey housing development would be unlikely to damage the character or appearance of this part of Manchester.

28. I agree with the Council that the appeal building has to respect its context which must include the immediately adjoining and nearby buildings and land uses and the wider surroundings. As such that context must include the present built form at Nos 76 and 78 and the nature of the car wash/car related uses site. However, notwithstanding the present economic downturn, it appears to be a serious proposition that the form of development on both those adjacent sites might be subject to significant change in the future. Were the properties at Nos 76 and 78 to be replaced by a larger scale building, and the same for the former petrol station site, it would be likely that the appeal building would be perceived as having a substantially less dominating impact generally and would have an improved relationship with any adjoining building at Nos 76 and 78.

29. In addition, in looking at the overall planning balance, I have had regard to various benefits of the scheme. Not only does the present building make full use of the site but through a Section 106 Obligation it provides for some hard and soft landscaping, which would assist in better assimilating the building into the streetscene and softening its impact through partial screening. Furthermore, the building as constructed provides a larger commercial area than under the 2007 approved scheme, which would help to improve its viability. Moreover, the as built scheme provides what appeared on my visit to be modern flats of a good size of accommodation, with a high quality of finish and fittings which, from an unexpected interruption during my site inspection, seem to be in demand.

30. I also understand that compared to the 2007 approved building, there have been improvements to the fenestration, which I saw to be acceptable. Additionally, I find that the contrasts between the different materials and colours used help to some extent to break up the mass and bulk of the building. This would be further assisted by the removal of the protective shutters at ground floor level to reveal the large glazed areas when the building has been completed and the ground floor uses are operational.

31. In taking into account all relevant considerations, I need also to give some thought to the consequences which would follow if I were to decide that the visual harm caused by the present building to the character and appearance of the streetscene and surrounding area was so great as to outweigh all the benefits and other considerations taken together, leading to me dismissing this appeal. The Council was reluctant at the Inquiry to indicate whether or not it would be prepared to take some form of enforcement action, were I to dismiss the appeal.

32. I note that the Council has previously approached the appellant about possible reductions to the height of the building through removal of all or part of the top storey. I understand that the appellant has indicated, amongst other things, that this would be likely to compromise the structural stability of the building through the requirement for major additional works with consequent risks, including to the structural integrity of No 76. Such changes would clearly reduce the number of flats provided and, in my opinion, neither of those potential options would produce an acceptable visual impact. I have also mentioned earlier that even if the present building were to be demolished, the parties' views are that the 2007 planning permission could not be implemented. Even if the building were to be re-built to the spirit of the 2007 permission, use of the land would not be maximised as fully as with the appeal building and the visual impact of the building would only be slightly less.

33. Furthermore, if the building were to be demolished fully, or even in part, there would be severe disruption to the existing tenants, all or some of whom would lose their homes and have to find alternative accommodation. I note that none of the present tenants attended the Inquiry. However, this does not mean that they would not be put to considerable distress and disruption, if demolition were considered necessary to address the planning harm caused. In addition, demolition and any subsequent re-build would cause further inconvenience and disruption to other nearby residential and business occupiers, who from representations in the file, were previously adversely affected by the construction activities.

34. I accept the Council's point that breach of a planning permission because of construction difficulties should not lead to an appellant being in a position of advantage in an appeal situation. Nevertheless, in this particular case, I consider that within the overall decision the facts that tenants would suffer severe loss of amenity, and possibly their homes in the long term, and nearby occupiers would experience significant disruption from demolition and any subsequent re-build, have to be material considerations.

35. I also accept that, if I thought the visual harm caused to the streetscene and surrounding area by the present building was so significant that it clearly outweighed all other material considerations within the overall planning

balance, I should dismiss the appeal and leave the Council to decide whether or not to take any enforcement action. However, taking everything into account in this case, including that the Council previously granted planning permission for a building that was not dissimilar, albeit that it was lower in height by some 1.2m, I find that the harm caused to the character and appearance of the streetscene and surrounding area is not so serious as to justify dismissal of this appeal. The present building is neither so intrusive or over-dominant as to cause significant visual harm. In reaching these conclusions, I acknowledge that this is a finely balanced case but it does not constitute a situation where the design is so inappropriate in its context that it should be rejected.

36. Moreover, I do not accept that the building as it stands has failed to improve the character and quality of the area or the way it functions and I consider that the streetworks identified in the Section 106 Obligation will further improve the appearance and functioning of the locality in the immediate vicinity of the building. As such, I find that there is no serious conflict with Planning Policy Statement 1: Delivering Sustainable Development, or with Sections 1 or 2 of Part One of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance Adopted April 2007 (SPD) dealing respectively with "Creating a Sense of Place" and "Design". In addition, the development does not seriously conflict with Policy H2.7 of the Unitary Development Plan for the City of Manchester (UDP) which requires new housing schemes to be of a high standard of design and make a positive contribution towards improving the City's environment, or with Policy S2.5 which seeks to ensure that shopping facilities are of a high standard of design. The development is also not contrary to UDP Policy H2.2 which seeks to prevent development which will have an unacceptable impact on residential areas.

Whether Satisfactory Provision is made for the Storage and Disposal of Refuse from the Residential Units

37. At the Inquiry, the Council indicated that objection on the grounds of inadequate arrangements for the storage and disposal of waste from the residential units, while adding to any other harm identified, would not, on its own, be sufficient justification for refusing planning permission for this scheme.

38. The route for taking refuse from the flats to the bin store involves walking down the internal stairs and then along almost 3 sides of the building. It clearly exceeds the 30m maximum distance recommended in the guidance in Part H6 of the Building Regulations and the maximum horizontal distance of 30m identified in Appendix D of the Council's Waste Storage and Collection Guidance for New Developments.

39. In terms of the distance involved and having to negotiate stairs without the option of a lift, the arrangements for disposing of domestic refuse are far from ideal. However, the appellant indicated at the Inquiry that the route is only some 5m longer than the route that tenants would have had to take with the 2007 permitted building. In addition, from the information provided, any shortening of the route would seem impractical because of the position of the staircase and the structural and other implications of any repositioning of it.

40. I saw that the bin store itself is of adequate size to accommodate the necessary bins and that the rear path benefits from lighting. I understand that

a Management Company has been appointed to take the bins out of the bin store when collections are due and return them after they have been emptied. I have taken account of reported anecdotal evidence that, in the past, use was made of the bins at Nos 76/78. However, no further evidence was put forward to suggest that this has happened recently or on more than one occasion.

41. Overall, while the arrangements for domestic refuse disposal are not fully in line with local and national guidance on waste storage and collection and they demonstrate shortcomings in terms of design considerations in respect of this matter, they are only slightly more inconvenient to occupiers of the flats than with the 2007 permitted scheme. As such, I conclude that the harm to the living conditions of the occupiers is not sufficient, on its own, to justify dismissal of this appeal.

Other Matters

42. A finalised Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 as amended was submitted at the Inquiry, which the Council confirmed met its requirements in respect of pavement works, kerbstone works and tree planting. These works to the public realm are necessary to better assimilate the building visually into its surroundings and soften its impact in the streetscene, and to provide footway areas of suitable levels and surfaces for safe passage of pedestrians.

43. I have had regard to matters raised by nearby occupiers concerning lack of dedicated parking for the building; works which have been carried out to or have affected the adjoining property; blocking off of the rear access to the adjoining property; loss of privacy and loss of light; and obstruction of signs for nearby businesses. However, the present scheme has little additional impact on nearby occupiers than the 2007 permitted scheme would have had in terms of parking, privacy and light and in any event, in my view, the impacts are acceptable. The other points raised either applied only during the construction works or are matters which are outside planning legislation. As regards disabled access, the Council confirmed at the Inquiry that the access arrangements to the flats comply with the necessary requirements.

Conditions

44. I have considered the conditions suggested by the Council in the light of Circular 11/95. A condition requiring the development to be carried out in accordance with the specified approved plans would be necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring post-construction achievement of BREEAM rating of at least three star sustainability rating under the code for sustainable homes for the residential elements would be necessary in the interests of achieving sustainable development and a reduced environmental impact.

45. In order to protect the amenity of nearby residential occupiers, it would be necessary to require details of any fume extraction/ventilation system for the proposed ground floor commercial uses to be submitted for approval prior to implementation. For the same reason, restrictions on the hours of operation of the ground floor commercial uses would also be necessary. In order to limit the break out of noise from the premises and limit the noise from any externally mounted equipment in the interests of the amenity of all

neighbouring occupiers, schemes for acoustic treatment and insulation would be required after a noise study of the premises.

46. In the interests of the amenity of passers-by and the occupiers of other residential properties, a condition to prevent the storage of refuse outside the designated refuse storage areas would be necessary. It would also be important in the interests of the amenity of the occupiers of the building and the general public to require the submission of a scheme for the removal and storage of waste for the approval of the local planning authority, with subsequent implementation of the approved scheme. In order to reduce the risks of crime it would be necessary for details of the measures to achieve Secure by Design accreditation to be submitted for approval prior to incorporation into the development. Conditions would also be required requiring construction of the front access ramps and the ground floor rear door within an agreed timescale, in order to facilitate disabled access to and from the proposed commercial units and enable rear access to and from the ground floor units.

47. As the flue has already been enclosed, a condition requiring shrouding of it is no longer required. Since there has previously been a restaurant use at the site, the Council accepted at the Inquiry that a vehicular servicing strategy would not be necessary and I share that view.

Conclusion

48. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed, subject to the Section 106 Planning Obligation and the imposition of the above conditions.

J Chance

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 201.28.3-P10 rev C; -P11; -P12; -P101; -P21 rev E; -P22 rev E; -P23 rev F; and -P24 rev B.

2) No ground floor commercial unit shall be occupied until the building has achieved a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least three star sustainability rating under the code for sustainable homes for the residential elements of the development. A post-construction review certificate shall be submitted to and approved in writing by the local planning authority prior to occupation of any ground floor commercial unit.

3) Prior to the occupation of any ground floor commercial unit, a scheme giving details of any fume extraction/ventilation system for the ground floor units shall be submitted for the written approval of the local planning authority. The fume extraction/ventilation system shall be provided in accordance with the approved details and maintained in accordance with the manufacturer's specifications.

4) No ground floor commercial unit shall open outside the following hours: Sunday to Thursday 08:00 to 23:30; Friday and Saturday 08:00 to midnight.

5) No ground floor commercial unit shall be occupied until the premises have been acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the local planning authority.

6) No ground floor commercial unit shall be occupied until the building together with any externally mounted ancillary equipment has been acoustically insulated in accordance with a scheme submitted to and approved in writing by the local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

7) Refuse storage areas for the residential units and ground floor commercial units shall be provided in accordance with drawing number 201.28.3-P10 rev C. There shall be no storage of refuse outside the designated storage areas shown on that drawing.

8) A scheme for the removal and storage of waste shall be submitted for the written approval of the local planning authority and thereafter implemented in accordance with the agreed details.

9) No ground floor commercial unit shall be occupied until details of the measures to be incorporated into the development to achieve Secure By Design accreditation have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and occupation of the ground floor units shall only commence when Secure By Design accreditation has been acknowledged in writing.

10) The access ramps shown on the approved drawings shall be constructed in accordance with a timescale to be agreed in writing by the local planning authority.

11) No ground floor commercial unit shall be occupied until the rear door shown on the approved drawings has been provided.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr I Ponter	Of Counsel
He called	
Mrs K Ludlam BA(Hons), DipTP, MRTPI, MIHBC	Ludlam Associates, Chartered Town Planners and Development Consultants
Miss J Connor BA(Hons), DipTP, MRTPI	Principal Officer (Development Control South) Manchester City Council

FOR THE APPELLANT:

Mr P Tucker	QC, instructed by Cobbetts LLP, Manchester
He called	
Prof R Tregay BSc(Hons), DipLD, FLI, FRGS	Senior Partner, LDA Design
Mr M Wolstenholme MA, DipTP, MRTPI	Consultant to Lambert Smith Hampton

DOCUMENTS

Document 1	Council's letter of notification of the Inquiry and list of those notified
Document 2	Statement of Common Ground on Urban Design Matters
Document 3	2008 Planning Application and As Built Elevation Comparison Plan
Document 4	Opening Submissions on behalf of the Appellant
Document 5	LPA's Opening Submissions
Document 6	Set of photographs of part-constructed building
Document 7	Finalised Section 106 Planning Obligation
Document 8	Assessment of contribution within Section 106 Obligation
Document 9	E-mails relating to ERM Verification Report
Document 10	Memo dated 15 December 2009 from Head of Regulatory and Enforcement Services regarding ERM Reports
Document 11	Plans for the 2004 planning permission
Document 12	2007 planning permission

Document 13	Britannia Developments Ltd v Secretary of State for Communities and Local Government and Calderdale Metropolitan Borough Council [2007] EWHC 812 (Admin) Judgement
Document 14	Design Statement for 2007 planning application
Document 15	Alterations to Mark Wolstenholme's Proof of Evidence as a consequence of the replacement of PPS6 by PPS4 + relevant sections of PPS4
Document 16	CABE: Page 67, Section 3 Urban Design and the Planning Toolkit
Document 17	Appellant's Refuse Collection & Recycling Strategy
Document 18	UDP Policies
Document 19	Photos showing steelwork and portion of rear wall remaining following demolition of previous building
Document 20	LPA's Closing Submissions
Document 21	Closing Submissions on behalf of the Appellant

PLANS

Plan A	201.28.3-P11
Plan B	201.28.3-P12
Plan C	201.28.3-P101
Plan D	201.28.3-P21 Rev E
Plan E	201.28.3-P22 Rev E
Plan F	201.28.3-P23 Rev F
Plan G	201.28.3-P24 Rev B
Plan H	201.28.3-P10 Rev C