

**TOWN & COUNTRY PLANNING ACT 1990
(As Amended)**

APPEAL UNDER SECTION 78

**TOWN AND COUNTRY PLANNING APPEALS
(INQUIRIES PROCEDURE) RULES 2000**

The Town and Country Planning (Hearings and Inquiries
Procedure) (England) (Amendment and Revocation) Rules
2015

Summary Proof of Evidence by Paul Mason

Appeal by: Fusion Manchester DevCo Ltd

Against refusal of planning permission for:

Full Planning permission for a 28-storey purpose built student
accommodation building (Sui Generis).

Land at Deansgate South Manchester.

Planning Inspectorate Ref: APP/B4215/W/21/3287525
Planning Application Ref: 129406/FO/2021

INTRODUCTION

My name is Paul Mason, I hold the post of Group Manager - Urban Design and Conservation with Manchester City Council and have done so since May 2010. My role is to provide specialist advice to the Council on matters relating to design and conservation in a planning context.

My proof of evidence includes:

- i) an assessment of the site and its surrounding context, including heritage assets.
- ii) an analysis of the impact of the development on the significance of relevant heritage assets, urban design, and visual amenity.

The policy basis for my evidence is:

The **Manchester Core Strategy** Development Plan Document (Adopted July 2012); and the extant Unitary Development Plan for the City of Manchester (Adopted 1995)
The relevant policies to this appeal are as follows: - SP1, H1, H12, CC3, CC8, CC9, CC10, T2, DM1, EN, EN2 and EN3

The extant Unitary Development Plan (UDP) for the City of Manchester (Adopted 1995) - The relevant policies are as follows: DC18.1 and DC19.1

National Planning Policy Framework (NPPF) 2021. I will address those parts of the national policy that are relevant to issues of heritage, urban design and visual amenity. The national policies/guidance, which are relevant, are as follows. Section 12 – Achieving good design and Section 16 Conserving and Enhancing the Historic Environment.

Section 12 (Achieving Well-Designed Places) – Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Section 16 Conserving and Enhancing the Historic Environment – This section of the Framework recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (para 189).

In determining planning applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

The National Planning Practice Guidance (PPG) (2019)

I have had reference to the section of Planning Practice Guidance which relates to 'Conserving and enhancing the historic environment' and 'Design: process and tools'

and The National Design Guide which sets out the characteristics of well-designed places and demonstrates what good design means in practice.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is acknowledged that the appeal site is not within a conservation area, but falls within the setting of the conservation area.

English Heritage Conservation Principles Policies and Guidance (2008)

This document advises that the significance of places is vital to their successful management and the preservation of their special interest and character. Significance is a collective term for the sum of all the heritage values attached to a place.

It states that consideration needs to be given to the assets setting and its context and the range of contextual relationships of a place.

Tall Buildings – Advice Note 4 Tall Buildings (2015) Historic England

Historic England advise that if the building is not in the right place and well designed, then a tall building, by virtue of its size and widespread visibility, can seriously harm

the qualities that people value about a place. Historic England go on to state that one of the principal failings in the design of certain tall buildings is a lack of understanding of the nature of the area around them, and the impact they would have on both specific features of the historic environment and its general character.

The guidance states that tall buildings need to set exemplary standards in design because of their scale, mass, wide impact and likely longevity. Good design will take the opportunities available for improving the character and quality of an area and respond to local character and history.

The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning (2017), Historic England This document gives general advice on understanding setting, and how it may contribute to the significance of heritage assets and allow that significance to be appreciated, as well as advice on how views contribute to setting.

The document states that the numbers and proximity of heritage assets in urban areas mean that the protection and enhancement of setting is intimately linked to townscape and urban design considerations.

The Manchester Residential Quality Guidance 2015 The Manchester Residential Quality Guidance provides a clear direction on what is required to deliver sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester. It outlines the considerations, qualities, and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester.

This guidance provides the baseline minimum requirements and mandatory standards that all new residential proposals will be required to satisfy or exceed and new development is expected to comply with this guidance. The document sets out components that, will help to create high quality residential development.

The guide sets out that achieving an appropriate scale should be based on an understanding of the site and its context, the city's desire to see sound place making. Taller buildings require particular care and sensitivity, having a disproportionately large impact on the image of the city by virtue of their visibility and concentration of uses.

National Design Guide 2019 The focus of this design guide is to achieve good design in the planning system. It states that in a well-designed place, an integrated design process brings the ten characteristics together in a mutually supporting way. They interact to create an overall character of place. Good design considers how a development proposal can make a contribution towards all of them.

The guide advises on scale being the height, width and length of a building and affects how a space can be used and experienced. Enclosure is the relationship between the height of the buildings across a space and the taller the building the increase in the enclosure.

The guide also explains how the choice of materials influence how it relates to what is around it and how it is experienced, advising that the right materials can help new development fit harmoniously with its surroundings.

My evidence has assessed the existing site and surrounding context and demonstrated that the townscape surrounding the site is of high value and high visual and amenity value. This is due to the historical pattern of development; the landscape character; the high quality architectural design; historic buildings and heritage assets and richness seen in the quality of detailing and materials. The context of the site is a mix of traditional buildings forming distinct character areas and more modern lightweight high quality modern buildings that contribute positively to the emerging city skyline.

My evidence has identified key views towards the site and assessed the magnitude and impact of change in these views, whether beneficial or adverse. Due to the height, scale and materials the proposed 28 storey building results in a dominant, overbearing building this has been assessed in many of the views as being adverse, thus impacting significantly and detrimentally to the quality of the townscape and amenity of the area.

My evidence has demonstrated that the proposed development will be harmful to the existing area and skyline and will result in a feeling of overcrowdedness by way of its inappropriate scale, height, position on the site and lack of public realm forming an over-development of the site. It would thereby have a detrimental impact on urban design and visual amenity.

My evidence has demonstrated that the proposed materials including weathering steel are of poor quality in the context of both the existing townscape and more modern development, and contrast greatly with the high quality materials of the lightweight

glazed towers of Deansgate Square. The materials by way of their visual solidity emphasise the scale and height of the building in key views and increase its visual dominance in the townscape and relate poorly to the historic context and high quality modern development of Deansgate Square and the Great Jackson Street Regeneration area. As such, by reason of its scale, height, position on the site and its use of poor quality cladding materials, would form an over-dominant feature within the street scene and would fail to meet the quality that such a prominent building should achieve.

My evidence has assessed the significance of heritage assets relevant to this appeal which are:

1. Bridgewater Canal Offices – c 1800 Grade II Listed Building
2. Former Congregational Chapel – 1858 Grade II Listed Building
3. Deansgate Station – 1896 Grade II Listed Building
4. Castlefield Railway Viaduct – c 1880 Grade II Listed Building
5. Manchester South Junction and Altringham Railway Viaduct – 1846-1849
Grade II Listed
6. Atlas Bar, 376 Deansgate – c 1886 to 1896 non-designated heritage asset
7. Castlefield Conservation Area

My evidence has considered the impact of the proposed development on the significance of the designated heritage assets and non-designated heritage asset and their settings.

My evidence has considered that the above heritage assets have individual heritage values and combined group values which contribute to their significance. They

contribute positively to the high quality historic townscape which forms part of the context of the site.

My evidence will demonstrate that the proposed development will be within close proximity to these heritage assets on a site which forms part of their setting and surrounding historic townscape and as such will have a significant impact.

My evidence has identified key views towards the site to include these heritage assets and will demonstrate the harmful impact that the proposed built form will have on heritage assets in these key views. The large 28 storey building will dominate the skyline in these views and affect the aesthetic and historic heritage values of these assets, it will negatively impact on the historic context and pattern of development.

My evidence will demonstrate that the proposed development by way of its scale, height, design and materials will impact on the setting of these heritage assets and cause harm to their significance.

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. My evidence will demonstrate that the proposed development will be harmful to the setting of several listed building, therefore not preserving their setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in the exercise of the power to determine planning applications for land

or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is acknowledged that the appeal site is not within a conservation area, but falls within the setting of the conservation area. My evidence will demonstrate that the proposed development will be harmful to the setting of the Castlefield Conservation Area.

My evidence assesses the proposals in light of the appropriate national and local policy context as well as local and national guidance on conservation and design related issues.

My evidence demonstrates the cumulative impact of the inappropriate design; scale and height; use of inappropriate materials; and lack of public and private open space have created a level of harm that has not been justified or outweighed by the heritage or other public benefits.

My evidence demonstrates that the proposed development, shows little regard to the surrounding townscape, listed buildings, heritage assets and their settings, Castlefield Conservation Area or its setting. It is the City Council's contention that the appeal proposals will harm the special interest of the heritage assets, will make not create a well-designed development that reinforces the area's characteristics and that the design of the development does not respond positively to its context or create a beautiful place.

My evidence has demonstrated that the appeal proposals constitute harm to visual amenity and the significance of heritage assets and such harm carries substantial weight.

The Council concludes that the development proposals generate unacceptable harm, and it is the contention of the local planning authority, and myself that the appeal ought to be dismissed.