



**MANCHESTER  
CITY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 78**

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

**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**

**PROOF OF EVIDENCE BY ANTHONY MITCHELL  
MANCHESTER CITY COUNCIL**

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## **1.0 QUALIFICATIONS**

- 1.1** My name is Anthony Mitchell. I am a Town Planner and I hold the degree of Bsc (Hons) Geography and Geology awarded by the Victoria University of Manchester, as well as a post graduate diploma in Urban and Regional Planning awarded by Sheffield Hallam University.
- 1.2** I have been employed by Manchester City Council as a Planning Officer since 1995. Since May 2008 I have been employed by Manchester City Council as a Principal Planning Officer in the City Centre Development Management Team.
- 1.3** I am giving evidence for and on behalf of Manchester City Council in respect of Manchester City Council's refusal of planning application 129406/FO/2021.
- 1.4** The evidence which I have prepared for and on behalf of Manchester City Council, in respect of the refusal of planning 129406/FO/2022 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

## **2.0 INTRODUCTION**

- 2.1 This proof of evidence has been prepared on behalf of Manchester City Council (the Council). It relates to a planning appeal made pursuant to section 78 of the Town and Country Planning Act 1990, made by Fusion Manchester DevCo Ltd (the Appellant) in respect of land at Deansgate South, Manchester.
- 2.2 This appeal relates to the Council's decision to refuse full planning permission for a 28-storey purpose built student accommodation building (*sui generis*).
- 2.3 Following determination by the Planning and Highways Committee at their meeting on 3 June 2021, planning application 129406/FO/2021 was refused on 4 June 2021 on the following grounds:
1. The proposal is not in close proximity to the University campuses or to a high frequency public transport route which passes this area and the applicant has failed to demonstrate robustly that there is unmet need for the proposed student accommodation; that they have entered into an agreement with an education provider for the provision of student accommodation; or that their proposal is deliverable. Furthermore, the proposal does not demonstrate a positive regeneration impact in its own right and would be contrary to the Great Jackson Street Development Framework and the efforts made to create a high quality residential area. It would, therefore, adversely impact upon the safety and welfare of future students, would not create a balanced high quality neighbourhood of choice and would be detrimental to the character of the area, undermining the on-going regeneration of the wider locality, including Castlefield and the Great Jackson Street area. It would thereby be contrary to policies SP1, H1, H12, CC3, CC8, CC10, T2 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

2. The proposed building 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. It would thereby have a detrimental impact on visual amenity and is therefore considered to be contrary to policies SP1, EN1, EN2 and DM1 of the Manchester Core Strategy, guidance contained in the Guide to Development in Manchester Supplementary Planning Document and Guidance and the National Planning Policy Framework.
3. The proposed building by reason of its scale, height, position on the site and lack of public realm would form over-development of the site, having an overbearing relationship to the adjacent building and creating a feeling of overcrowdedness. It would thereby have a detrimental impact on urban design and visual amenity. It is therefore considered to be contrary to policies SP1, EN1, EN2, and DM1 of the Manchester Core Strategy, guidance contained in the Guide to Development in Manchester Supplementary Planning Document and Guidance and the National Planning Policy Framework.
4. The proposed building by reason of its scale, design and appearance would form an over-dominant and intrusive feature within the street scene and would thereby have a detrimental impact on the settings of the nearby listed buildings. The proposed building would cause less than substantial harm to the significance of these heritage assets, which would not be outweighed by the public benefits of the scheme. It is therefore considered to be contrary to guidance within the National Planning Policy Framework, policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

5. The proposed building by reason of its scale, design and appearance would form an over-dominant and intrusive feature within the street scene and would thereby have a detrimental impact on the character and appearance of Castlefield Conservation Area. The proposed building would fail to preserve or enhance the character and appearance of Castlefield Conservation Area and would cause less than substantial harm to the significance of this heritage asset, which would not be outweighed by the public benefits of the scheme. It is therefore considered to be contrary to guidance within the National Planning Policy Framework, policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy and saved policy DC18.1 of the Unitary Development Plan for the City of Manchester.
  
6. The proposed building by reason of its scale, massing and height would have a detrimental impact upon the wind environment around the building, requiring mitigation. The applicant has failed to demonstrate that the mitigation measures put forward are capable of implementation and no alternatives have been put forward. Therefore, it is considered that the proposed building, by reason of its scale, massing and height, could have a detrimental impact on the safety and comfort of pedestrians and cyclists, thereby being contrary to policies EN2 and DM1 of the Manchester Core Strategy.

### Scope of Evidence

- 2.4 This proof of evidence deals with the planning policy matters raised in the reasons for refusal. My evidence should be read alongside the other proofs of evidence that have been prepared for and on behalf of the City Council by: Mr Mason on 'Design and Heritage Impact'; Mr Carty on 'Regeneration'; Mr Cole on 'Need'; and Mr Turpitt on 'Wind'.

- 2.5 My evidence should also be read in conjunction with the Statement of Common Ground (SoCG) which identifies the issues where the City Council and the Appellant are in agreement.
- 2.6 My evidence will firstly describe the appeal site and its context. It will then identify the relevant planning policy framework against which this appeal development is to be assessed, proceeding to an assessment of the City Council's case. This will demonstrate that the development is contrary to relevant policies set out in the Core Strategy together with the saved policies of the UDP and is inconsistent with national planning policy and that there are no material considerations that outweigh those policy breaches and associated harm.

### **3.0 APPEAL SITE AND SURROUNDS**

- 3.1 The appeal site measures 0.06 ha, is irregular in shape and occupies a prominent location on a key gateway route into the City Centre. It has been vacant for some time and comprises hardstanding and scrub vegetation. It was last used as a garage and is now secured by a hoarding, with temporary use as a works area for the adjacent Deansgate Square development. There are two vehicular access points: one off Deansgate and one off Chester Road. The site slopes down from Chester Road along the southern edge to Deansgate. Due to the level difference, the boundary wall along Deansgate is in part a retaining wall.
- 3.2 The site is situated at the junction of Chester Road/Bridgewater Viaduct and Deansgate. To the north east is Deansgate Quay, a seven storey residential building with associated car parking. The site immediately to the west and north on the opposite side of Bridgewater Viaduct is occupied by two residential buildings, referred to as Castle Wharf. To the north east of the site are a variety of low-rise buildings that form the area of Knott Mill. This area contains a number of traditional buildings and heritage assets including listed historic railway structures and buildings. To the south of the site is a cleared site and the Grade II listed former Bridgewater Canal Offices on the opposite side of Chester Road are generally at the towpath level of the Bridgewater Canal at the rear and are set back from Chester Road.
- 3.3 The site lies within the Great Jackson Street Development Framework area (the Framework), the majority of which lies to the east and south of the site. The Framework identifies that this area will be subject to significant regeneration and investment in low, medium and high rise residential development. A number of high density developments have been developed here or are under construction, all set amongst extensive public realm provided as part of those developments. These include West Tower, which is part of Deansgate Square, a scheme of four multi-storey apartment buildings, ranging

in height from 37 storeys to 64 storeys (see Appendix 1). To the south west (beyond the former Bridgewater Canal Offices) are the newly constructed Victoria Residence (21 storeys) and Elizabeth Tower (51 storeys) at Crown Street. These buildings form part of a larger scheme that includes The Blade and The Drum (residential buildings under construction) and which includes a new park, a medical facility and a primary school (see Appendix 2).

- 3.4 The site is adjacent to Castlefield Conservation Area, which lies to the west on the opposite side of Bridgewater Viaduct and is characterised by a variety of historic buildings and new developments. There are a number of listed buildings (all Grade II) within the immediate vicinity of the site, including: the Bridgewater Canal offices; the Former Congregational Chapel (Artingstall's Auctioneers); Middle Warehouse, Merchants Warehouse; the Flood Gate on East Side of Knott Mill Bridge; Deansgate Station; the Manchester South Junction and Altrincham Railway Viaduct; the Boundary Stone on Knott Mill Bridge; and G-Mex. There are also non-designated heritage assets near the site, including Atlas Bar at 376 Deansgate and the former Packhorse Public House at 357/361 Deansgate.

## **4.0 APPEAL SITE HISTORY**

4.1 The appeal site has been the subject of the following relevant applications:

060909/FO/CITY3/00 - Mixed use development comprising (Class A3) at ground floor level with 30 residential units on upper floors, (10 storeys), approved 20.09.2001.

065560/FO/CITY3/02 - Mixed use development comprising food and drink use (class A3) at ground floor level with 45 residential units (class C3) on the upper floors and basement car parking, (11 storeys), approved 22.08.2002.

075170/FO/2005/C3 - Mixed use development comprising ground floor food and drink use (Class A3/A4), 54 residential units and internal parking, (14 storeys), approved 27.03.2007.

110730/FO/2015/C1 - Erection of a 13-storey building (plus basement level) comprising 53no. one and two bedroom apartments (Use Class C3), a commercial unit (Use Classes A1/ A2/ A3/ A4/ B1/D1), associated car parking, landscaping and vehicular and pedestrian access, approved 04.03.2016.

115591/FO/2017 - Erection of a 13-storey building comprising 53 residential apartments (Use Class C3a) together with ground floor commercial unit (135 sqm) (Use Classes A1 / A2 / A3 / A4 / B1a or D1), landscaping, loading bay and pedestrian access, approved 02.06.2017.

## **5.0 THE APPEAL PROPOSALS**

5.1 The proposed development is a 28 storey purpose built student accommodation (PBSA) building, providing a total of 534 student bed spaces arranged across a mix of studios and cluster apartments. The proposal includes the following:

- 133 x studio apartments
- 30 x 1-bed apartments
- 40 x 2-bed apartments ('twodios') (80 beds)
- 27 x 3-bed apartments (81 beds)
- 21 4-bed apartments (84 beds)
- 21 x 6-bed apartments (126 beds)
- 639 sqm private amenity space, accessible to all residents
- 193 sqm external private amenity space across 3 terraces, accessible to all residents
- Reception area on the ground floor
- 92 secure cycle parking spaces on the lower ground floor;
- Bin store on the lower ground floor, to accommodate 20 no. 1100 litre Eurobins and 7 no. 240L bins, collected twice a week
- Rooftop solar photovoltaic panels
- Green roof.

5.2 All units would comply with Part M requirements, with 5% (27 bedrooms) designated as fully accessible. Servicing and refuse collections would take place from a lay-by on Deansgate.

5.3 The building would fill the site, except for a small corner on Deansgate that would accommodate a ramp for access to the bin and cycle stores. The building would have a 'flat iron' form and would step back at the 22<sup>nd</sup>, 24<sup>th</sup> and 26<sup>th</sup> floors from the most easterly corner of the site on the Deansgate elevation to form three roof terraces. The planning application that the reasons for refusal are

based on proposed that the building would be clad in polyester powder coated (PPC) aluminium panels described as having a “Corten Steel look’, with vertical columns of dark grey PPC aluminium curtain wall glazing on the upper floors. As part of the appellant’s appeal submission, they have submitted a Design and Access Statement Addendum (see Core Document CD-C31) in which they now propose to replace the ‘Corten Steel look’ PPC aluminium panels with weathering steel cladding panels. The ground and mezzanine floors would have double height window bays along the two main elevations, with the main entrance to the building at the junction of Chester Road and Deansgate leading to a double height reception and amenity spaces. A vertical column of glazing would link the two main elevations at the main entrance point. Similarly, on the east elevation there would be a vertical column of glazing looking towards the City Centre.

## 6.0 THE DEVELOPMENT PLAN

6.1 The Core Strategy Development Plan Document 2012-2027 ('the Core Strategy') was adopted by the City Council on 11th July 2012 (see CD-G1). It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.

6.2 A number of UDP policies (CD-G2) have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with relevant policies of the Core Strategy, and relevant saved UDP and other Local Development Document policies unless material considerations indicate otherwise. Relevant policies in the Core Strategy are detailed below:

6.3 **Policy SP1** sets out the key spatial principles which will guide the strategic development of Manchester and states that the Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living. The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the Manchester City Centre Strategic Plan. New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. SP1 also sets out the core development principles, including requiring development to make a positive contribution to neighbourhoods of choice by:

- creating well designed places;
- making a positive contribution to the health, safety and well-being of residents;
- considering the needs of all members of the community; and
- protecting and enhancing the built and natural environment.

- 6.4 **Policy CC3 (Housing)** states that the City Centre will see the most intensive development of housing in the City, with a minimum of 16,500 new units expected to be provided from 2010-2027. Key locations for the residential development include Castlefield and the Southern Gateway. Residential development in the City Centre will comprise apartment schemes with a high standard of accommodation encouraged, which offers accommodation large enough to suit a range of occupants, in terms of both the number of rooms and their size.
- 6.5 **Policy CC8 (Change and Renewal)** supports developments that improve the accessibility and legibility of the Centre, subject to the proposal's impact on key aspects of the City's heritage and character. The City Council supports schemes that are likely to contribute to the promotion or improvement of the social, economic or environmental well-being of Manchester. Within areas identified for large-scale redevelopment, proposals will be expected to be prepared within an approved development framework. New development should fully exploit opportunities to contribute to the improvement of the City Centre in terms of character and function, taking account of other policies in the Core Strategy.
- 6.6 **Policy CC9 (Design and Heritage)** states that the design of new buildings will need to be of the highest standard in terms of appearance and function. The standards and guidance explained in other LDF policies should be the basis for the approach to design, with particular attention to be given to the City Centre context and character. Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments. The Council will support high density and mixed use development in the City Centre, but developers must recognise the specific design challenges that must be overcome to ensure complementarity of function and form. New development

must support the range of uses the Council expects in the City Centre and contribute to a coherent and integrated physical environment.

6.7 **CC10 (A Place for Everyone)** seeks to develop the City Centre as a location that appeals to a wide range of residents and visitors, with an emphasis on increasing family-orientated activity and creating a family friendly environment.

6.8 **Policy H1 (Housing)** states that within the City Centre there will be a presumption towards high density housing development, which contributes to regeneration initiatives or niche housing markets by providing sustainable, well designed accommodation which meets the needs of workers moving to Manchester. It also recognises that the City Centre is an appropriate location for purpose built student accommodation (PBSA). Proposals for new residential development should contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should prioritise sites which are in close proximity to centres or high frequency public transport routes.

6.9 **H12 (Purpose Built Student Accommodation)** sets out a series of tests to be met by developments involving purpose built student accommodation. Priority will be given to schemes which are part of the Universities' redevelopment plans or which are being progressed in partnership with the Universities, and which clearly meet Manchester City Council's regeneration priorities.

1. Sites should be in close proximity to the University campuses or to a high frequency public transport route which passes this area.
2. The Regional Centre, including the Oxford Road Corridor, is a strategic area for low and zero carbon decentralised energy infrastructure. Proposed schemes that fall within this area will be expected to take place in the context of the energy proposals plans as required by Policy EN 5.

3. High density developments should be sited in locations where this is compatible with existing developments and initiatives, and where retail facilities are within walking distance. Proposals should not lead to an increase in on-street parking in the surrounding area.
4. Proposals that can demonstrate a positive regeneration impact in their own right will be given preference over other schemes. This can be demonstrated for example through impact assessments on district centres and the wider area. Proposals should contribute to providing a mix of uses and support district and local centres, in line with relevant Strategic Regeneration Frameworks, local plans and other masterplans as student accommodation should closely integrate with existing neighbourhoods to contribute in a positive way to their vibrancy without increasing pressure on existing neighbourhood services to the detriment of existing residents.
5. Proposals should be designed to be safe and secure for their users, and avoid causing an increase in crime in the surrounding area. Consideration needs to be given to how proposed developments could assist in improving the safety of the surrounding area in terms of increased informal surveillance or other measures to contribute to crime prevention.
6. Consideration should be given to the design and layout of the student accommodation and siting of individual uses within the overall development in relation to adjacent neighbouring uses. The aim is to ensure that there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street scene either from the proposed development itself or when combined with existing accommodation.

7. Where appropriate, proposals should contribute to the re-use of Listed Buildings and other buildings with a particular heritage value.
  8. Consideration should be given to provision and management of waste disposal facilities that will ensure that waste is disposed of in accordance with the waste hierarchy set out in Policy EN 19, within the development at an early stage.
  9. Developers will be required to demonstrate that there is a need for additional student accommodation or that they have entered into a formal agreement with a University, or another provider of higher education, for the supply of all or some of the bed spaces.
  10. Applicants/developers must demonstrate to the Council that their proposals for purpose built student accommodation are deliverable.
- 6.10 Policies H1 and H12 aim to achieve Spatial Objective SO3 Housing, which is to provide for a significant increase in high quality housing provision at sustainable locations throughout the city to address demographic needs and to support economic growth. The emphasis is on providing a good range of high quality housing in terms of size, type, tenure, accessibility, and price to create sustainable life-time neighbourhoods with high quality environments, good local facilities and with easy access to employment opportunities.
- 6.11 **Policy T2 (Accessible areas of opportunity and need)** - States that the Council will actively manage the pattern of development to ensure that new development:
- Is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections;

- Is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities.

6.12 **Policy EN1 (Design Principles and Strategic Character Areas)** states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance, and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes. Developers will be expected to consider the City's heritage and while there will be opportunities to create landmark buildings, developments should also contribute positively to the experience of all at street level.

6.13 **Policy EN2 (Tall Buildings)** states that proposals for tall buildings will be supported where it can be demonstrated that they:

- Are of excellent design quality,
- Are appropriately located,
- Contribute positively to sustainability,
- Contribute positively to place making, for example as a landmark, by terminating a view, or by signposting a facility of significance, and
- Will bring significant regeneration benefits.

6.14 A fundamental design objective will be to ensure that tall buildings complement the City's key existing building assets and make a positive contribution to the evolution of a unique, attractive and distinctive Manchester, including to its skyline and approach views. Suitable locations will include sites within and immediately adjacent to the City Centre with particular encouragement given to non-conservation areas and sites which can easily be served by public transport nodes. It will be necessary for the applicant/developer to demonstrate that proposals for tall buildings are viable and deliverable.

**6.15 Policy EN3 (Heritage)** Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

**6.16 Policy DM1 (Development Management)** sets out the requirements for developments and outlines a range of general issues that all development should have regard to. Of these the following issues are or relevance to this proposal:

- appropriate siting, layout, scale, form, massing, materials and detail;
- design for health;
- adequacy of internal accommodation and amenity space.
- impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- that development should have regard to the character of the surrounding area;
- effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- accessibility to buildings, neighbourhoods and sustainable transport modes;
- impact on safety, crime prevention and health; adequacy of internal accommodation external amenity space, refuse storage and collection, vehicular access and car parking; and
- impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

- 6.17 **Saved UDP Policy DC18.1 (Conservation Areas)** seeks to preserve and enhance the character of the City's designated conservation areas. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.
- 6.18 **Saved UDP Policy DC19.1 (Listed Buildings)** The City Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity.

## 7.0 OTHER RELEVANT LOCAL POLICIES AND DOCUMENTS

### **The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007) (CD-G3)**

- 7.1 This document provides guidance to help develop and enhance Manchester. The following chapters are relevant to this appeal.
- 7.2 Chapter 2 'Design' – outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment. New developments will only be acceptable if they preserve or enhance the special nature of the City's conservation areas. Density levels must be informed by the character of an area and the specific circumstances of a proposal. In areas of significant change or regeneration, there should be a smooth transition between different development forms, and styles and integration will be a key factor in the determination of planning submissions. The scale position and external appearance of new buildings should respect their setting and relationship to adjacent buildings and consider their impact on the skyline. Building height should have regard to character of the area and specific site circumstances and local effects, such as microclimatic ones. Extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations.
- 7.3 Chapter 12 'The City Centre' – the aim of this chapter is to ensure that new developments fit comfortably into and enhance the unique character areas of the City Centre. Emphasis is placed on the right mix of uses and maintaining the quality of development. Developments should be designed for place not simply for purpose. Good design should be regarded as an essential requirement of the development process and should not be a casualty of high costs or narrowly defined user requirements. Tall buildings will be considered on an individual basis, by reference to their appearance, their impact on the immediate area and the effect on the City's skyline. Key questions include the

quality and interest of the roofline, the microclimate, including air turbulence effects and the quality and usability of the spaces surrounding the building.

### **Great Jackson Street Development Framework ('the Framework') (CD-G7)**

- 7.4 In October 2007, the Executive endorsed a regeneration framework for high quality and high density redevelopment, following public consultation with landowners, local residents, businesses and other key stakeholders, and requested the Planning and Highways Committee take the Development Framework into consideration when considering applications for planning permission, listed building consent and advertisement consent in the Great Jackson Street area. The Framework was updated in 2015 and again in January 2018, following public consultation. It forms a material consideration in the determination of planning applications within its boundary and is consistent with national planning policy and the Local Development Plan.
- 7.5 The overall aim of the Framework is to create a high quality residential neighbourhood of choice with high value homes that would support the growth of the economy, building on the success to date of delivering a vibrant, safe, secure and sustainable community incorporating a range of dwelling types, providing an attractive place to live. The Manchester City Council Executive Report of 18 March 2015 (see CD-G15) stated that "the area would be suitable for a range of tenures including the Private Rented Sector and market sales but would not be suitable for student accommodation". It goes on to state that "the size of individual units would be expected to meet the guidelines identified by the Executive and should be large enough to provide for permanent homes".
- 7.6 The MCC Executive Report of 13 September 2017 (see CD-G16) stated that "The Development Framework vision remains consistent with the 2015 endorsed Framework for Great Jackson Street. In addition to this, the key development and urban design principles also remain".

- 7.7 New residential development within the Framework area must demonstrate that they would be of a high quality as demanded by the Manchester Residential Quality Guidance (RQG). In order to create a sustainable mixed community for the area, a range of accommodation types should be brought forward with 1, 2 and 3 bed apartments.
- 7.8 Key components of the updated Framework include: maximising separation distances between buildings; increasing the quantum and variety of public space and pedestrian connections through linked spaces; and enhancing daylight and sunlight penetration into the site. Developments should incorporate a high quality palette of materials, consistent with the quality of buildings and public realm established through the Owen Street development.
- 7.9 The application site is identified as plot 'H' within the document and has been designated as providing a medium to low density development with no requirement to provide public realm. A 13 storey residential-led development (115591/FO/2017) was granted planning permission on this site in June 2017. This consent provided for 53 apartments and a ground floor commercial unit.

### **Report to the City Council's Executive on PBSA (CD-G12)**

- 7.10 The Council's Executive endorsed a report on 9 December 2020 (see CD-G12), following the outcome of a public consultation exercise with key stakeholders, on PBSA in Manchester. The report was endorsed by the Executive to help guide the decision-making process in advance of a review of the Local Plan. It was requested by the Council's Executive that the report on PBSA in Manchester be considered as a material planning consideration until the Local Plan has been reviewed.
- 7.11 The report is clear that Core Strategy Policy H12 retains relevance in how PBSA is developed in Manchester. It sets out that the location of new PBSA should be close to University facilities, subject to limited exceptions that do not

apply to this specific site. The report also highlights how location is a key factor in ensuring the quality, security, sustainability and wellbeing benefits in the provision of accommodation. The report confirms that accommodation should be located in the areas immediately adjacent to the core university areas, principally the Oxford Road Corridor area.

- 7.12 The PBSA report sets out numerous reasons why location is a significant consideration in determining the acceptability of new PBSA developments.

### **Castlefield Conservation Area Declaration (CD-I22)**

- 7.13 Designated in October 1979, the Conservation Area's boundary follows the River Irwell, New Quay Street, Quay Street, Lower Byrom Street, Culvercliff Walk, Camp Street, Deansgate, Bridgewater Viaduct, Chester Road, Arundel Street, Ellesmere Street, Egerton Street, Dawson Street and Regent Road. The area was extended in June 1985 by the addition of land bounded by Ellesmere Street, Hulme Hall Road and the River Irwell.
- 7.14 The Castlefield area has evolved over many years and the elevated railway viaducts, canals and rivers create a multi-level environment. It has a mixture of buildings from small scale houses to large warehouses and modern buildings. There are a variety of building materials, which tend to be urban and industrial in character.
- 7.15 Further development can take place that respects the character of the area, and there is room for more commercial property. Ideally, new development should incorporate a mix of uses. The height and scale, the colour, form, massing and materials of new buildings should relate to the existing high-quality structures and complement them. This approach leaves scope for innovation, provided that new proposals enhance the area. The diversity of form and style found in existing structures in Castlefield offers flexibility to designers.

### **Strategic Plan for Manchester City Centre 2015-2018 (CD-G4)**

- 7.16 The Strategic Plan 2015-2018 updates the 2009-2012 plan and seeks to shape the activity that will ensure the City Centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the North of England. It sets out the strategic action required to work towards achieving this over the period of the plan, updates the vision for the City Centre within the current economic and strategic context, outlines the direction of travel and key priorities over the next few years in each of the City Centre neighbourhoods and describes the partnerships in place to deliver those priorities.
- 7.17 The application site falls within the area designated as Castlefield. The Castlefield residential community remains one of the City's most desirable neighbourhoods, offering residents a balance of city centre living with a tranquil, waterside backdrop. Developments in the area will provide modern waterside living, along with family-focused city centre accommodation. A key priority for the area is to ensure residential developments are balanced with the needs of the area.

### **Stronger Together: Greater Manchester Strategy 2013 (GM Strategy) (CD-G5)**

- 7.18 The sustainable community strategy for the Greater Manchester City Region was prepared in 2009 as a response to the Manchester Independent Economic Review (MIER). MIER identified Manchester as the best placed city outside London to increase its long term growth rate based on its size and productive potential. It sets out a vision for Greater Manchester where by 2020, the City Region will have pioneered a new model for sustainable economic growth based around a more connected, talented and greener City Region, where all of its residents are able to contribute to and benefit from sustained prosperity and a high quality of life.

### **Residential Growth Strategy (2016) (CD-G6)**

- 7.19 This recognises the critical relationship between housing and economic growth. There is an urgent need to build more new homes for sale and rent to meet future demands from the growing population. Housing is one of the key Spatial Objectives of the Core Strategy and the Council aims to provide for a significant increase in high quality housing at sustainable locations and the creation of high quality neighbourhoods with a strong sense of place.

### **Manchester Residential Quality Guidance (March 2017) (MRQG) (CD-G8)**

- 7.20 This document provides specific guidance 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 recognises that, “new types of housing for students have come forward with bespoke accommodation provided close to the Universities” and, “the expanded City Centre will offer opportunities to diversify and provide accommodation for families, within distinctive high quality neighbourhoods supported by the right social infrastructure and amenities” (p11). The Council will require applicants to demonstrate how proposals facilitate and encourage walking and cycling, and create clear, safe and obvious connections to the public transport network (p71). The document recognises that, “Quality in construction has no specific definition but the lack of overall quality will be apparent in the inappropriate selection of materials; poor detailing and shoddy construction” (p121).

## 8.0 NATIONAL POLICIES

### **The National Planning Policy Framework (NPPF) (CD-F1)**

- 8.1 The National Planning Policy Framework sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and environmental role (paragraphs 7 & 8). Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan (para 11). Paragraphs 11 and 12 state that:
- 8.2 "For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay" and “where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.
- 8.3 The following specific policies are considered to be particularly relevant to this appeal:
- 8.4 Section 8 (Promoting healthy and safe communities) – Para 93 states that “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community”.

8.5 Section 9 (Promoting Sustainable Transport) – Paragraph 105 states that the planning system should actively manage patterns of growth in support of a number of objectives (set out in para 104) including:

- Realising opportunities from existing or proposed transport infrastructure;
- Identifying and pursuing opportunities to promote walking, cycling and public transport use.

Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

8.6 Section 11 (Making Effective Use of Land) – Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 124 states that planning policies and decisions should support development that makes efficient use of land, taking into account: the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. Masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places (para 125).

8.7 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. Under paragraph 130, developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and should establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types

and materials to create attractive, welcoming and distinctive places to live, work and visit.

- 8.8 Under paragraph 132, design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 8.9 Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used) (para 135).
- 8.10 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). Paragraph 190 stipulates that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.
- 8.11 Paragraph 194, requires developers to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of

detail should be proportionate to asset's significance and should allow the planning authority to understand potential impacts to that significance.

- 8.12 Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.13 Paragraph 197 states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.14 Paragraph 199 further advises that 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).
- 8.15 Under paragraph 200, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings should be exceptional.
- 8.16 Under paragraph 202, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

**Historic England Advice Note 4 (Tall Buildings) (HEAN4) (CD-F6)**

8.17 HEAN4 reflects policy contained within the NPPF. It advises in paragraph 4.5 that a high quality scheme will have a positive relationship with:

- “b. Character of place
- c. Heritage assets and their settings
- d. Height and scale of development (immediate, intermediate and town- or city-wide
- f. Open spaces
- h. Important views including prospects and panoramas
- i. The impact on the skyline.”

8.18 In paragraph 4.6 it states that “The existence of a built or permitted tall building does not of itself justify a cluster or additions to a cluster. Where a proposal is promoted as part of a cluster, a successful design will have a positive relationship within the cluster; the altered impact of a cluster itself needs to be considered.”

8.19 It advises that planning applications should address environmental performance, eg the street level wind environment (para 4.9e), as well as architectural quality (para 4.8).

8.20 Paragraph 5.5 advises that the balancing of harm to heritage assets with the public benefits of a scheme “may involve the examination of alternative designs or schemes that might be more sustainable because they can deliver public benefits alongside positive improvement in the local environment.”

8.21 Other relevant Historic England advice is referred to in the Proof of Evidence of Mr Mason.

## **Legislative Requirements**

- 8.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall 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.
- 8.23 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. The appeal site is not within a conservation area but is directly adjacent to Castlefield Conservation Area.

## **9.0 THE CASE FOR THE COUNCIL**

- 9.1 It is the City Council's case, and my view, that the development proposed is contrary to the development plan and there are no material factors that justify a departure from the development plan.

### **Principle of the Use and Policy H12 (Purpose Building Student Accommodation) (Reason 1)**

- 9.2 The principle of whether PBSA is an appropriate form of development on the Appeal Site is addressed by reference to Policy H12 of the Core Strategy, which sets out a number of criteria that developments for PBSA should satisfy. I consider that the appeal proposal would fail to satisfy the following criteria of Policy H12.

#### Criterion 1 - Close Proximity to the University Campuses or to a High Frequency Public Transport Route Which Passes the Area

- 9.3 Location of accommodation close to University facilities is a critical issue in ensuring the safety and wellbeing of students. Paragraph 9.62 of the Core Strategy clarifies that, "In this context "close proximity" means within 500m which is defined in Planning Policy Statement 4 as being easy walking distance in terms of access to office development." Although PPS4 has been superseded, the Core Strategy requirement remains up to date and consistent with current national advice.
- 9.4 The Transport Statement by Calibro (see CD-A22), submitted with the planning application, shows in Table 3.1 (p12) that the site is 1,200m from the Manchester Metropolitan University and assesses the walking time as 15 minutes based on a pace of 4.8 kph. The site is 1,800m from the University of Manchester with a walking time of 23 minutes.

- 9.5 The Walking and Cycling Audit by Hydrock (see CD-C29) for the Appellant assesses a number of walking and cycling routes to the Universities. Four of the five routes identified have a walking time ranging from 20 to 24 minutes, which would equate to approximately 1,500m from the Universities. Route 4 is assessed as being a 15 minute walk from the Birley Field campus near Stretford Road, which would equate to approximately 1,200m from the Appeal Site. It should also be noted that the Birley Field campus houses the Faculty of Health, Psychology and Social Care and Institute of Education, and is not part of the main University campuses on Oxford Road.
- 9.6 The high frequency public transport route that serves the University campuses is the bus route along the Oxford Road corridor. Figure 3-1 of the Transport Statement (p13) (CD-A22) shows that the Appeal Site is located nearly 1200m from the bus stops on Oxford Street and Oxford Road.
- 9.7 Whilst the Appeal Site is close to Castlefield tram station, the tram network does not cover the Oxford Road corridor and University campuses. Deansgate railway station is close to the appeal site but does not provide direct train routes to the University campuses. There are no direct bus services close to the Appeal Site that travel along the Oxford Road corridor.
- 9.8 The report to the City Council's Executive of 9 December 2020 (see CD-G12) reinforces the importance of locating new PBSA close to University facilities and highlights how location is a key factor in ensuring the quality, security, sustainability and wellbeing benefits in the provision of accommodation. The report confirms that accommodation should be located in the areas immediately adjacent to the core university areas, principally the Oxford Road Corridor area. As demonstrated above, the proposal site is a considerable distance from the Oxford Road Corridor Area and is not in close proximity to the core university areas.

- 9.9 Given the above, it is clear that the proposed PBSA would be located too far away from the University campuses and would thereby adversely affect the safety and welfare of future students. It would, therefore, not comply with the first criterion of Policy H12. It would also be contrary to Policy SP1, in that it would not promote walking or the use of public transport and would not make a positive contribution to neighbourhoods of choice by making a positive contribution to the health, safety and well-being of residents. Furthermore, it would be contrary to Policy T2, which requires new development to be located to ensure good access to the Oxford Road Universities and is easily accessible by walking, cycling and public transport, connecting residents to educational opportunities. Likewise, it would not comply with one of the objectives of Policy H1, which requires developments to prioritise sites which are in close proximity to high frequency public transport routes.

Criterion 3 - High Density Developments Should be Compatible with Existing Developments and Initiatives

- 9.10 The site lies within the Great Jackson Street area and on the edges of Castlefield and Knott Mill, all of which form high quality residential areas within the City Centre, where there is an emphasis on the high quality design of buildings, as well as creating a neighbourhood of choice where people want to live long term and which would be attractive to families. PBSA does not fit in with this vision and the proposal does not therefore meet criterion 3 of Policy H12. The appearance, design, scale, and proposed use would not be compatible with existing developments which create a high quality neighbourhood.

Criterion 4 - Regeneration Impact

- 9.11 Regeneration is an important planning consideration. Manchester City Centre is the primary economic driver in the City Region and is crucial to its longer term economic success. There is an important link between economic growth,

regeneration and the provision of new homes and more homes are required to support economic growth and development.

- 9.12 Mr Carty's evidence (with which I concur) shows that the site falls within the Great Jackson Street Development Framework ("the Framework") (CD-G7) where significant regeneration has taken place and is ongoing to create a high quality residential neighbourhood of choice, with high value homes that would support the growth of the economy. New residential development within the Framework area must demonstrate that the scheme will deliver a high quality development as demanded by the Manchester Residential Quality Guidance (RQG). In order to create a sustainable mixed community for the area, a range of accommodation types should be brought forward with 1, 2 and 3 bed apartments.
- 9.13 The appeal site is designated as Plot H within the Framework which expects a development of high quality apartments in a low to medium-rise building. The proposal for PBSA in a high-rise building would not meet the above regeneration requirements and Mr Carty's evidence shows that it would not provide any positive contribution towards efforts to create a high quality neighbourhood of choice.
- 9.14 The proposal cannot demonstrate a positive regeneration impact in its own right. Whilst the site may have been vacant for some time, it is considered that it is capable of development with a scheme that is in keeping with the surrounding area and the requirements of the Framework, and the proposal, due to its appearance, design, scale and proposed use would not be compatible with other high quality developments, would not be in keeping with the area and would, therefore, undermine the ongoing regeneration efforts. As such the proposed development should not be accepted. The proposal does not therefore meet criterion 4 of Policy H12 and would not meet the requirement of Policy CC8 (Change and Renewal) for large-scale redevelopment proposals to be prepared within an approved development framework. It also fails to meet

Policy H1 (Overall Housing Provision) in that it would not provide the house types that would meet the needs of the diverse and growing population of the Great Jackson Street, Castlefield and Knott Mill areas. It would use land that is in a key location for residential development (as opposed to PBSA) and would therefore not be in accordance with Policy CC3 (Housing).

Criterion 9 - Student Need or Formal Agreement with Universities

- 9.15 The City Council has an adopted strategy with regards to the supply of PBSA and the Universities have an overall accommodation strategy. Both the City Council and the Universities have a responsibility to create and contribute to sustainable neighbourhoods and not to undermine regeneration principles. The City Council are kept apprised of the accommodation strategies of all further education establishments and will continue to direct all prospective developers to have a dialogue with the Universities to fulfil student accommodation need. As far as the City Council is aware, the Appellant does not have the support of and has not entered into a formal agreement with a University or another provider of higher education for the proposed development.
- 9.16 Furthermore, in his Proof of Evidence Mr Cole has shown that the evidence provided in support of Appellant's student housing need assessment is not robust.
- 9.17 Mr Cole has demonstrated that a reduced demand pool (relative to the Appellant's case) alongside a significantly increased quantum of expected new PBSA supply (in more suitable locations) will be sufficient to meet forecast demand for student accommodation over the next ten years. On this basis the Appellant has failed to demonstrate robustly that there is unmet need for the proposed student accommodation and the proposal does not meet criterion 9 of Policy H12.

9.18 The Council's policy has been tested at the following appeals:

Appeal Ref: APP/B4215/A/12/2180719 (095082/FO/2010/S1) (see CD-H10) -  
Erection of part 4, part 5, part 6 storey building to form student accommodation  
comprising of 470 bedrooms together with essential user parking, landscaping  
and ancillary ground floor facilities.

Location: 87 - 89 Coupland Street, Hulme, Manchester, M15 6HP.

Appeal Ref: APP/B4215/A/12/2186476 (099782/FO/2012/S1) (see CD-H11) -  
Erection of 15 storey new building to form student accommodation comprising  
of 104 no. bedrooms in 30 flats attached to the existing property known as  
Boundary Lodge including 2 car parking spaces.

Location: Boundary Lodge, Boundary Lane, Manchester M15 6FD

9.19 In each case the Inspector considered whether there was a need for additional student accommodation and concluded that the respective appellants had not shown that there was a current need for further purpose-built student accommodation. Furthermore, the appellants had not demonstrated an arrangement with a higher education provider for the supply of bed spaces. The inspector in the Coupland Street appeal reference APP/B4215/A/12/2180719 stated that the language of Policy H12 was clear, in that all 10 criteria are required to be satisfied. The respective proposals were therefore considered to be contrary to Core Strategy policy H12.

9.20 As with the above cases it is considered that the Appellant has not demonstrated a need for the proposed scheme.

9.21 In its Statement of Case, the Appellant considers that three Planning committee reports relating to student need at Cambridge Street (Planning reference 125654/FO/2019) (see CD-H8), Great Marlborough Street (121252/FO/2018) (see CD-H7) and River Street (118683/FO/2017) (see CD-H6) are relevant

(including to the issue of consistency in decision-making). The Cambridge Street and Great Marlborough Street proposals are wholly compliant with Policy H12.

- 9.22 River Street is a prominent site adjacent to the Mancunian Way. It was granted planning permission for 65 apartments under planning permission 057203/FO/CITY3/99 and a concrete frame was erected on the site circa 2004/2005. However, the scheme was effectively abandoned shortly after the frame was erected and never completed. The site continued to be occupied by an unsightly concrete frame for over 10 years causing one of the worst cases of blight within the City Centre. It was the subject of graffiti and a significant amount of anti-social behaviour for many years and the City Council regularly had complaints from local residents and members of the public about its appearance and its impact on the community. The City Council worked closely with the landowner and approved two further applications on the site: one for an hotel in 2008 (084948/FO/2007/C3) and one for residential/serviced apartments in 2013 (100000/FO/2012/C1). However, the constraints posed by the condition of the site and, in particular, the costs associated with dealing with the partly built structure meant that a scheme for those uses could not be delivered. It was this unique set of circumstances that provided an overriding argument to allow a PBSA scheme on the site. The Appeal Site does not present the same circumstances and there is no compelling reason to allow PBSA on the Site.

#### Criterion 10 - Deliverability

- 9.23 The City Council requires applicants/developers to demonstrate that their proposals are deliverable to ensure that the grant of planning permission on a particular site does not lead to the artificial inflation of land values. Unimplemented planning permissions for PBSA and for tall buildings can have a significant impact on land value and can distort the market in an unacceptable manner. This can hinder the development of the site for other uses and can

have an adverse impact on the developability of other sites. This can have a significant negative impact on the regeneration of an area. The Appellant has not provided any evidence to demonstrate to the Council that their proposal is deliverable.

- 9.24 Given the above, it is clear that the appeal proposal does not meet criteria 1, 3, 4, 9, or 10 of Policy H12. It does not comply with the Great Jackson Street Development Framework or the Report to the Chief Executive on PBSA. The proposal would also not meet Policies SP1, H1, CC3, CC8 and T2. The appeal should therefore be dismissed on this basis.

### **Visual Amenity and Urban Design (Reasons 2 & 3)**

- 9.25 Mr Mason's evidence shows how the proposal for a 28-storey tower clad in weathering steel and filling the site would have a detrimental impact on visual amenity by forming an over-dominant feature within the street scene that fails to meet the quality that such a prominent building should achieve and which would result in a feeling of overcrowdedness. In light of the harm identified in Mr Mason's Proof, I conclude that the appeal proposal causes a significant breach of Policies SP1, EN1, EN2 and DM1, as well as the NPPF and does not meet the advice contained within HEAN4.

### **Policies SP1 (Spatial Principles) & EN1 (Design Principles and Strategic Character Areas)**

- 9.26 Policy SP1 requires developments to make a positive contribution to neighbourhoods of choice, including creating well-designed places that enhance or create character. Policy EN1 recognises that opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial routes. Mr Mason's evidence shows that the appeal proposal fails to create a positive contribution to the high quality neighbourhoods of Great Jackson Street, Castlefield and Knott Mill, does not

create a well-designed place that enhances or creates character, and is not a good design that would enhance the overall image of the City.

#### Policy EN2 (Tall Buildings)

9.27 Policy EN2 recognises the substantial impact that tall buildings can have on an area and how, by their very nature, they can dominate the street scene and be highly visible over long distances. Tall buildings should be of excellent design quality, appropriately located, contribute positively to place-making and bring significant regeneration benefits. Mr Mason's Proof shows how the proposal fails to achieve these requirements.

#### Policy DM1 (Development Management)

9.28 Policy DM 1 requires development to have regard to appropriate siting, layout, scale, form, massing, materials and detail, and its impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. It should have regard to the character of the surrounding area. The policy is supplemented by The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance and the MRQG. Mr Mason's evidence shows how the proposal fails to meet these requirements.

#### NPPF Section 12 (Achieving Well-Designed Places)

9.29 I believe that Mr Mason's evidence demonstrates that the proposal does not accord with the Section 12 of the NPPF in that it would not create a high quality, beautiful building, which the NPPF sees as fundamental to what the planning and development process should achieve. The proposal would not add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, nor would it create an attractive, welcoming and distinctive place to live, work and visit.

- 9.30 The Council's decision is in line with Paragraph 134, which states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Historic England Advice Note 4 (Tall Buildings) (HEAN4)

- 9.31 Mr Mason's evidence shows and I consider that the proposal does not meet the advice given in HEAN4 in that it would not have a positive relationship with character of place, the height and scale of development in the surrounding area, open spaces, important views including prospects and panoramas and would have a detrimental impact on the skyline. It also would not have a positive relationship with the cluster of tall buildings within the Great Jackson Street area and would alter the impact of that existing cluster to the detriment of the street scene and the cityscape.

**Heritage and Balancing Harm (Reasons 4 and 5)**

- 9.32 Mr Mason's proof of evidence shows that the proposal would amount to a medium degree of 'less than substantial harm' as outlined in section 16 of the NPPF. Considerable weight must be given to harm to designated heritage assets (in this case, listed buildings and the Conservation Area). I am also mindful of the requirements of paragraphs 199 and 200 of the NPPF which states:

*"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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance" (paragraph 199).*

- 9.33 Paragraph 200 goes on to state that: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*.
- 9.34 In instances of ‘less than substantial harm’, paragraph 202 of the NPPF directs that this harm should be weighed against the public benefits of the development, including securing the optimum viable use. In conducting that balance, any harm to designated heritage assets should be given considerable weight.
- 9.35 In weighing applications that directly or indirectly affect non-designated heritage assets, paragraph 203 requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.36 In line with the requirements of paragraph 202 of the NPPF, I have carried out a detailed assessment of the benefits of the scheme in order to determine if any benefits that exist outweigh the harm caused to the heritage assets. In doing so, I have considered paragraph 8 of the NPPF, which outlines the three dimensions to achieving sustainable development: economic, social and environmental.
- 9.37 Economic – The scheme would contribute to the local economy during construction together with occupants contributing to the local economy.
- 9.38 Social – I do not consider there to be any social benefits to the scheme.
- 9.39 Environmental – The proposal would re-use a brownfield site but would not be a suitable use for this site, as discussed above. The redevelopment of the site would allow for the investigation and remediation of any ground contamination which could be potentially harmful to the environment. However, similar environmental benefits could also be achieved with a development that is more

compatible with its surroundings for the reasons set out above and as described by Mr Mason.

- 9.40 Whilst there would be some public benefits associated with the appeal scheme, I consider that these are limited in scope and do not outweigh the level of harm to the heritage assets as identified by Mr Mason.
- 9.41 Historic England Advice Note 4 'Tall Buildings' (which reflects the policies contained within the NPPF) advises that alternative designs or schemes that might be more sustainable because they can deliver public benefits alongside positive improvement in the local environment should be examined.
- 9.42 The main local heritage policies relevant to the determination of the planning and listed building applications, and this appeal, are policy EN3 (Heritage) of the Manchester Core Strategy (2012) and saved policies DC18 (Conservation Areas) and DC19 (Listed Buildings) of the Unitary Development Plan for the City of Manchester (1995). These policies are consistent with section 16 of the NPPF, with the emphasis of both being the '*desirability of sustaining and enhancing*' the heritage asset. It is my opinion that Mr Mason's evidence has shown that the appeal proposal would not comply with these policies.
- 9.43 In its Statement of Case, the Appellant considers that five Planning committee reports relating to approved schemes are relevant by reference to the issue of consistency in decision-making in terms of design and heritage. In four cases any adverse impact on heritage assets was considered to be outweighed by the public benefits of those particular schemes. The factors that informed the balance conducted in each of those cases is not the same as the balance to be conducted in respect of the Appeal Scheme (each case is to be considered on its own merits). The other scheme was not considered to generate 'harm' to the significance of heritage assets and therefore no additional justification of the proposal was considered necessary on heritage grounds.

## **The Wind Environment and Street Trees (Reason 6)**

- 9.44 When assessing tall buildings, the impact of wind is an important planning consideration. As matters stand (and at the time of preparing this Proof, additional evidence from the Appellant on this issue is to be provided), the Appellant's own wind study has shown that the proposed development would result in a wind environment on Bridgewater Viaduct that would be unsafe for cyclists and pedestrians. The Appellant currently proposes the planting of street trees on Bridgewater Viaduct and Deansgate to mitigate against the unsafe wind environment that would be caused by the development.
- 9.45 The Council has found and it is my experience that it is notoriously difficult to plant street trees within many parts of the City Centre due to obstructions beneath the pavement, such as the presence of underground services. This can be due to services not being in the locations shown on the utility companies' surveys, utility companies refusing to agree to move the services or charging prohibitive costs to do so, or the utility companies requiring tree pits not to be located within a certain distance of the services. For example, developments within the St George's area of the City Centre have been unable to fulfil their commitment to street tree planting due to the presence of underground services. Street trees proposed as part of the Great Ancoats Street Highway Improvement Scheme could not be delivered in the locations proposed due to issues with services in both the footway and the central reservation. United Utilities would not accept trees and the associated tree pits within 1 metre of their pipes.
- 9.46 The proposed wind mitigation measures are proposed within the public highway on land outside of the Appellant's control and outside the site edged red. Alternative mitigation measures have not been proposed by the Appellant. Trees in planters are sometimes proposed by developers as an alternative when trees cannot be planted in the ground. However, trees in planters within the highway would not be acceptable to the Council due to problems with

maintenance, the poor growth of trees, them becoming litter traps and causing an obstruction.

9.47 The Appellant believes that delivery of the wind mitigation measures are capable of being dealt with by condition. However, the Council contends that the information provided by the Appellant on the potential wind environment is so sparse that there is no basis on which to conclude that there is a prospect of the unsafe wind environment around the site being acceptably mitigated.

9.48 Core Strategy Policy EN2 (Tall Buildings) recognises the significant impact that tall buildings can have on the local environment and its micro-climate. "It is therefore expected that this impact be modelled and that submissions for tall buildings also include appropriate measures to create an attractive, pedestrian friendly local environment." Furthermore, "It will be necessary for the applicant/developer to demonstrate that proposals for tall buildings are viable and deliverable."

9.49 This reflects advice given in HEAN4 (CD-F6), which advises applications for tall buildings to address environmental issues, particularly environmental performance, eg the street level wind environment (para 4.7e.). Given the above, I do not consider the appeal proposal for a tall building to be compliant with Policy EN2 or the advice given in HEAN4.

### **Conclusion in respect of Planning Balance**

9.50 In terms of the overall planning balance, the starting point is section 38(6) of the Planning and Compulsory Purchase Act. The development plan is up-to-date and its policies are consistent with up-to-date national policy. The appeal scheme is in conflict with relevant policies of the Development Plan as set out above. It is also in breach of national policy (again, as set out above). The appeal scheme generates significant harm associated with those policy

breaches. I have considered the benefits generated by the scheme and have concluded that there are no material considerations that outweigh this conflict.

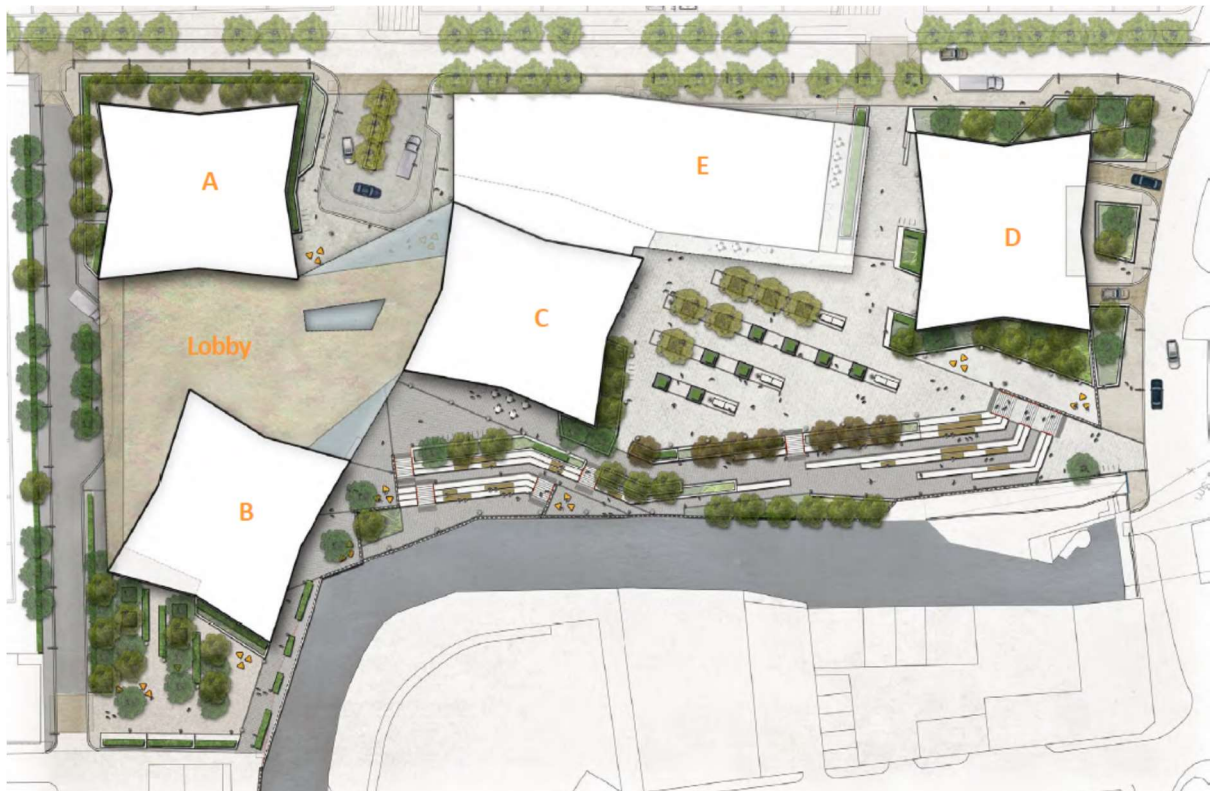
## **10.0 CONCLUSION**

- 10.1 I believe that the proposal site is not an appropriate location for PBSA. The height, scale, massing, position on the site, lack of public realm and use of inappropriate materials would result in a detrimental impact on visual amenity and would result in harm to the settings of the nearby Grade II listed buildings (as well as a non-designated heritage asset) and Castlefield Conservation Area. The required public benefits necessary to outweigh the harm to the listed buildings and conservation area, as required by the NPPF, have not been demonstrated. Furthermore, as matters currently stand, I believe that the development could result in unsafe conditions for pedestrians and cyclists (as a result of the wind environment) that the Appellant has not demonstrated can be successfully mitigated.
- 10.2 The proposal is contrary to relevant policies set out in the Core Strategy together with the saved policies of the UDP and is inconsistent with national planning policy. Accordingly, in the absence of material considerations that indicate otherwise, the appeal should be dismissed.

## APPENDIX 1

### Deansgate Square Development

(Planning reference 111719/FO/2016/C1)



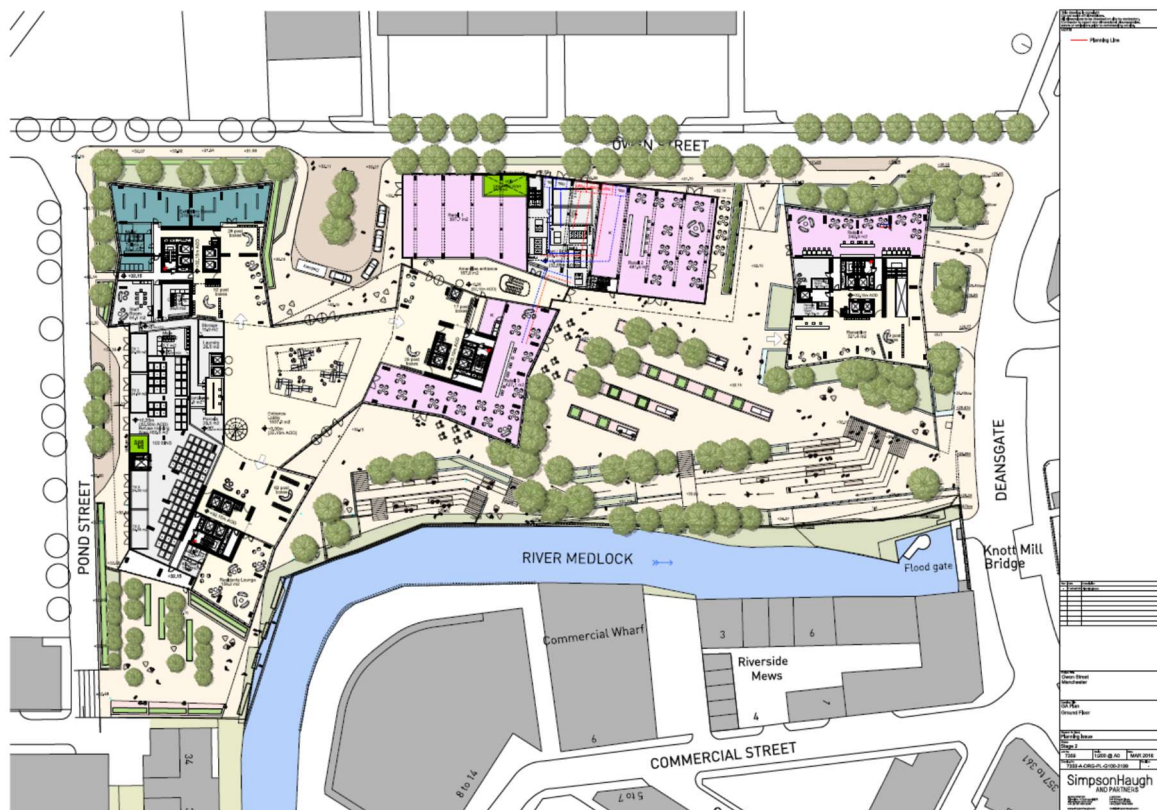
#### Key

- A – South Tower
- B – East Tower
- C – North Tower
- D – West Tower
- E – Amenity Building



View from Deansgate

View From Deansgate



## APPENDIX 2

### Crown Street Development

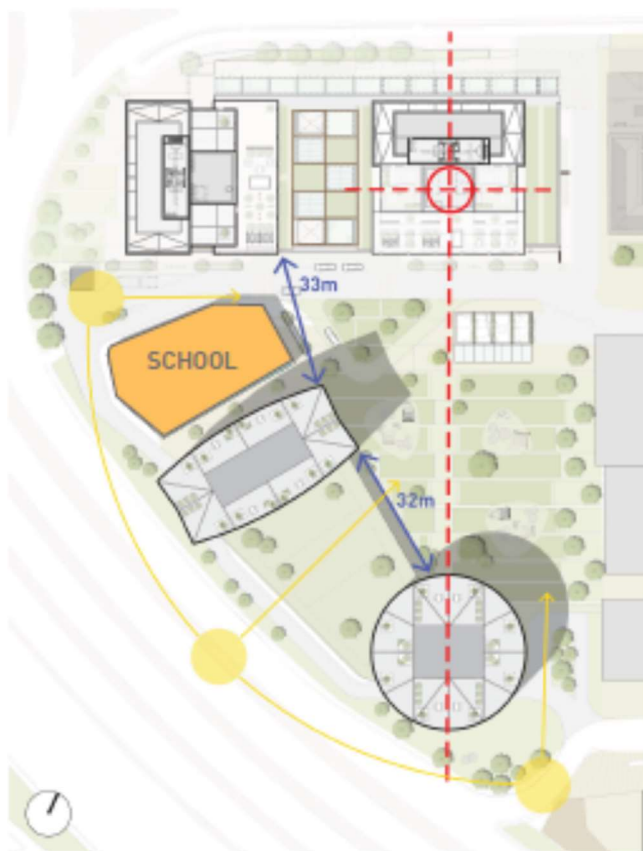
(Planning References 119806/FO/2018 and 126668/FO/2020)



#### Key

1. Victoria Residence
2. Elizabeth Tower
3. School
4. The Blade

5. The Drum
6. Public Park
7. Entrance to public car park
8. Future development plot
9. Deansgate Square Marketing Suite
10. Gaddum House
11. Former Bridgewater Canal Offices



Extract Showing the spacing between the towers (Elizabeth Tower, The Blade and The Drum) at Crown Street.



View from the Park