

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

PLANNING REBUTTAL

**Land at Chester Road, Bridgewater
Viaduct (A56) and Deansgate**

Fusion Manchester Devco Ltd

March 2022

1. Planning Rebuttal

1. This Rebuttal document has been prepared by Katrina Hulse in response to the Proof of Evidence of Mr Anthony Mitchell and Mr Dave Carty in relation to planning and regeneration. The evidence that I have prepared and provided for this appeal 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.

Response to Mitchell §9.10 & Carty §2.26

2. The reasons for refusal cite specific criteria of Policy H12, namely:
 1. Sites should be in close proximity to the University Campuses or to a high frequency public transport route which passes this area.
 4. Proposals that can demonstrate a positive regeneration impact in their own right will be given preference over other schemes
 5. Proposals should be designed to be safe and secure for their users, and avoid causing an increase in crime in the surrounding area
 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 bedspaces
3. At paragraph 9.10 of Mr Mitchell's evidence, he introduces criterion 3 of Policy H12 – that high density development should be sited in locations where this is compatible with existing developments and initiatives. This criterion is not cited in reason for refusal 1 of the decision notice, or in any of the other reasons for refusal, and neither is this criterion covered in any way within the LPA's Statement of Case in section 7.
4. Policy H1 confirms that high density developments (over 75ha) are appropriate in both the City Centre and parts of the Regional Centre and as set out in my evidence at paragraphs 6.31 the overall housing target in Policy H1 includes PBSA. Policy CC3 – Housing, states that the City Centre will see the most intensive development of housing in the City, with the Southern Gateway identified as one of the key locations for such development. The appeal site is within the Southern Gateway, the City Centre and the Regional Centre and in policy terms is an appropriate location for high density development.
5. It is also noted that at paragraph 2.26 of Mr Carty's evidence he acknowledges that the 2017 version of the Great Jackson Street Framework proposes a significant increase in the density of development in the Framework area, with the overall density of development increasing from 3,600 residential units to 6,334 units.
6. It is also evident from planning permissions granted in the vicinity of the appeal site that high density development is appropriate for this location. Further details of specific high density schemes are considered in Mr Pullan's Proof of Evidence.

Response to Mitchell §9.10-14 & Carty §4.6& 5.2

7. In paragraphs 9.11 – 9.14 of Mr Mitchell's evidence he addresses criterion 4 of Policy H12 – Regeneration Impact. He concludes at paragraph 9.14 of his evidence that the appeal proposal would not be in accordance with Policy H1 as *'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'*. The appeal proposal is considered to be a specialist form of housing that provides for a range of accommodation sizes, with provision for affordable units and units that comply with Part M and complies with both Policy H1 and CC3.
8. In paragraph 9.12 Mr Mitchell uses mandatory language in respect to the guidance in the Manchester Residential Quality Guidance (MRQG) and the Framework area (Great Jackson Street), for example *'New residential development within the Framework area must demonstrate that the scheme will deliver a high-quality development as demanded by the MRQG'* [my emphasis]. The same mandatory language is also adopted by Mr Dave Carty in his Proof of Evidence at paragraph 4.6.
9. In Appendix 1 of my Proof of Evidence, I consider policy and guidance that does not form part of the Development Plan. In respect to the MRQG, the language of the document is in terms of development 'should' rather than 'must'. The MRQG nor the Framework (Great Jackson Street) does not demand anything, contrary to the opinion of Mr Mitchell and Mr Carty. I discuss at Appendix A paragraph 1.23 – 1.24 the weight to be attributed to SPDs, and in paragraph 1.64 I consider the weight to be attributed to the Framework (Great Jackson Street). The apparent significant weight attributed to the Framework (Great Jackson Street) in Mr Mitchell and Mr Carty's evidence is misplaced and elevates the document to a status that it clearly does not command.
10. Whilst Mr Mitchell concludes that there would be some benefits arising from the appeal scheme, although limited, at paragraph 4.6 of Mr Carty's evidence he states that the development offers no regeneration benefits and also concludes that the appeal proposal *'does not provide high quality residential accommodation for the private rented sector, or market sale and makes no contribution to public open space provision and does not assist with the provision of new public access routes'*. He further concludes at paragraph 5.2 of his evidence that the appellant has failed to demonstrate how the appeal proposal will make a positive contribution to the regeneration of the Great Jackson Street Area. On both counts Mr Carty is clearly incorrect.
11. In paragraphs 7.3 to 7.22 of my evidence I set out the significant economic, social and environmental benefits that the scheme would deliver if planning permission were granted – not only are there positive regeneration benefits arising from the scheme, but my evidence sets these out in some detail.
12. In respect to Mr Carty's commentary on the provision of public open space provision or new public access routes, given the size of the plot, 0.06ha, the provision of public open space on such a small footprint would not be viable. There are no development plan policies that mandate the delivery of onsite open space or the provision of a commuted sum. Policy EN1 of the Core Strategy (Design Principles and Strategic Character Areas) states that within the City Centre Character Area, wherever possible the opportunity should be realised to enhance existing open space and provide new areas of meaningful open space. Policy EN9 (Green Infrastructure) advises that new development will be expected to maintain existing green infrastructure, and where the opportunity arises the policy encourages developers to enhance the quantity and quality of green infrastructure. Policy EN12 (Area Priorities for Open Space, Sport and Recreation) prioritises the enhancement of existing areas within the City Centre and the integration of new facilities within the character of the area. The appeal proposal does

provide private external amenity space by way of three terraces at level 22, 24 and 26 that equates to 0.02ha representing circa one third of the area of the site. Each of the terrace area provides areas for planting, seating and hard landscaping creating high quality private amenity space for future residents.

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