

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

PROOF OF EVIDENCE

PLANNING

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

Fusion Manchester Devco Ltd

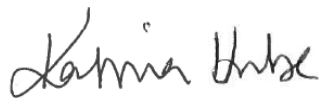
March 2022

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1. Experience

- 1.1 My name is Katrina Hulse and I have a BA (Hons), an MA in Town and Regional Planning and a Post Graduate Diploma in Law. I am a Chartered Member of the Town Planning Institute, and I am also an unregistered Member of the Bar of England and Wales.
- 1.2 I am a partner at Cushman & Wakefield and head of the Yorkshire and North East planning team based in the Leeds office. Cushman & Wakefield are a real estate company, which operates both in the UK and globally.
- 1.3 I have been instructed by Fusion Manchester DevCo Ltd ('the Appellant') to provide expert witness evidence on the planning case for a student development at land at Chester Road, Bridgewater Viaduct (A56) and Deansgate ('the Site') that has been refused planning permission by Manchester City Council ('the Council') (**CD/A88**)
- 1.4 I have over twenty years' experience working in planning consultancy and advise both private and public sector clients on a range of town planning related matters. I have worked on projects in a range of sectors with experience in residential development, including student accommodation.
- 1.5 I have advised clients on developments across the United Kingdom particularly large scale contentious schemes.
- 1.6 I also advise clients on the promotion of strategic sites through the development plan process.
- 1.7 I have visited the Site which is the subject of this appeal and I am acquainted with it and the local area and understand the range of issues that the development proposal gives rise to.
- 1.8 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.

Signed:	
Name:	Katrina Hulse
Position:	Partner
Date:	1 st March 2022

2. Introduction

2.1 The appeal proposal is against the refusal of the Council to grant planning permission for a 28 storey purpose built student accommodation ('PBSA') building (Sui Generis). The appeal proposal was refused by the Planning and Highways Committee of the Council on the 4th June 2021 for the following six reasons **(CD/A88)**:

- 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 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 of 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 the 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 scheme 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 the 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.*

2.2 Fusion Manchester DevCo ('the Appellant') is a special purpose vehicle (SPV) established by Fusion Students to deliver the scheme. Fusion Students would manage the scheme once built. Fusion Students are a well-established student accommodation provider with a strong reputation and track record of delivering all of their schemes once planning permission has been granted. Fusion have bought and developed 8 sites, totalling 3,365 student beds since the company's inception. Due to the capital raised from the sale of four of their sites in 2018, Fusion is in a financial position to retain all of their properties in their real estate portfolio and aspire to grow to 12500 – 15,000 beds by 2028. Fusion operate and manage their buildings directly, which enables them to ensure that the developments are well managed and retain their high quality. The Appellant's address the deliverability of the scheme in the Proof of Evidence of Mr Alan Pearce **(CD/D2)**.

2.3 The Appellant have an option to purchase the Site following the grant of planning permission. There is an extensive planning history associated with the Site with five planning permissions granted for residential led mixed use development on the Site as detailed below **(CD/I19, CD/I18, CD/I16, CD/I14)**:

- Application Ref: 060909/FO/CITY3/00 – mixed use development comprising (Class A3) at ground floor level with 30 residential units on upper floors (10 storeys). Planning Permission granted 20th September 2001.
- Application Ref: 065560/FO/CITY3/02 – mixed use development comprising food and drink use (Class A3) with 45 residential uses (Class C3) on the upper floors and basement car parking (11 storeys). Planning Permission granted 22nd August 2002.
- Application Ref: 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). Planning Permission granted 27th March 2007.
- Application Ref: 110730/FO/2015/C1 – erection of a 13 storey building (plus basement level) comprising of 53 No. one and two bedroom apartments (Class C3), a commercial unit (Use Classes A1, A2, A3, A4, B1, D1), associated car parking, landscaping and vehicular and pedestrian access. Planning Permission granted 4th March 2016.
- Application Ref: 11591/FO/2017 – erection of a 13 storey building comprising of 53 residential apartments (Use Class C3a) together with ground floor commercial unit (135 sq.m) (Use Classes A1, A2, A3, A4, B1a) or D1), landscaping, loading bay and pedestrian access. Planning Permission granted 2nd June 2017.

- 2.4 The Appellant contacted the Council as Local Planning Authority in September 2020 to discuss the proposed development. The Council provided high level comments but were of the view that the land use and building height were inappropriate **(CD/I20)**.
- 2.5 Requests were made by the Appellant for further feedback; however a response was received in November 2020 from the Council advising that they would not discuss the proposal any further at the pre-application stage **(CD/I21)**.
- 2.6 The Appellant also made a request to Places Matter for an independent Design Review of the scheme and this took place virtually in September 2020. Places Matter is an independent organisation, hosted by RIBA, which is devoted to generating a strong sense of place, in living, working and leisure environments throughout the North West. They work with public, private and third sectors to give impartial design advice during the development process. The Appellant's went through this design review process to ensure that the overall scheme design was robust and would stand up to scrutiny by the LPA. Places Matter offered clear support for the proposed height of the building, commenting that the design team has made *'a convincing case, through [the] urban design analysis, to increase the height of the proposition from the extant planning consent'*. The Panel was of the view that they would support a tall building, if that was required. The Panel also supported the 'flat iron' design' of the building and its

materiality and proposed roof terraces. Further, constructive comments were made by the Panel and these were responded to in the final iteration of the scheme design **(CD/I13)**.

- 2.7 A meeting held with local ward councillors, Cllr Marcus Johns and Cllr William Jeavons, both Deansgate Ward Members was held on the 28th October 2020 via video-call. The history of the Site was discussed, and the Appellant's team explained the proposals for the Site. The feedback from Councillors focussed on the proposed use and management of the Site and its appropriateness for student accommodation.
- 2.8 A newsletter was circulated to circa 500 local residents on the 2nd November 2020. The newsletter introduced Fusion and the proposed development, including an invitation to a virtual consultation. The virtual consultation included a series of on-line consultation boards that were available to view and an online feedback form was available for comments to be submitted. An email address and phone number were also provided. This information is contained within the Statement of Community Involvement (SCI) **(CD/A21)**.
- 2.9 A separate presentation was held with Deansgate Quay residents' group on the 24th November 2020, which included a question and answer session **(CD/A21)**.
- 2.10 A meeting was held with the Wellbeing Officer at MMU on the 5th November 2020 via a video-call. The Officer's feedback was very positive and specific reference was made to the quality of the design, the considered approach to student wellbeing and the sustainability and environmental merits of the scheme. Following the meeting, the Officer completed and submitted a feedback form and circulated the presentation to the students union and any interested students **(CD/A21)**.
- 2.11 The consultation feedback and responses were collated and discussed in the Statement of Community Involvement (SCI) which formed part of the planning submission **(CD/A21)**.
- 2.12 The key issues raised by the appeal are:
- i. Accessibility to University campuses or high frequency public transport routes
 - ii. Need for student accommodation
 - iii. Deliverability of the scheme
 - iv. The provision or extent of regeneration benefits
 - v. Impact on safety and welfare of students
 - vi. The quality of the design
 - vii. Effect on heritage assets

- viii. The effect of the proposals on the wind environment around the building
- ix. Weight to public benefits

2.13 Having carefully considered the relevant policies I consider that the appeal proposal is in accordance with the Development Plan, taken as a whole. If the Inspector agrees with this, then I am of the view that there are no material considerations that would weigh against a positive determination of the appeal proposal in accordance with the Development Plan.

2.14 If the Inspector is of the view that the appeal proposal is not in accordance with the Development Plan, taken as a whole, I consider that the material considerations outweigh the conflict with the Development Plan and invite the Inspector to find in favour of the appeal proposal.

2.15 In my assessment of the appeal proposal I will rely on expert evidence on the following areas that are in issue with the Council:

- Student Need will be covered by the evidence of Mr David Feaney of Cushman & Wakefield **(CD/D3)**
- Accessibility will be covered by the evidence of Mr Sam Denby of Hydrock – this includes an audit of walking and cycling routes between the Site and the MMU campus **(CD/D6)**
- Deliverability is addressed in the Proof of Evidence of Mr Alan Pearce of Pearce Planning **(CD/D2)**
- Safety and welfare of students will be covered by the evidence of Mr Sam Denby of Hydrock particularly in relation to walking and cycling routes between the Site and main MMU campus **(CD/D6)**
- Design evidence will be provided by Mr Colin Pullan of LSH, however I will consider the public benefits that the scheme delivers, should the Inspector find that there is some townscape/visual harm **(CD/D4)**
- Heritage evidence will be provided by Dr Chris Miele of Montague Evans, however I will consider the public benefits that the scheme delivers, should the Inspector find that there is less than substantial harm **(CD/D5)**
- Evidence on the wind environment will be provided by Paul Evans of Wardell Armstrong **(CD/D7)**

2.16 My evidence will focus on the regeneration benefits of the scheme, deliverability of the scheme, and consideration of compliance with planning policy where it is in issue with the Council. I will

assess the material considerations and benefits arising from the appeal proposal that indicate support should be given to the scheme, even in circumstances where the Inspector is of the view that the appeal proposal is not in accordance with the Development Plan, taken as a whole.

3. Site Description

3.1 In this section I provide a description of the surrounding Site context, the nature of the land uses and of the application Site itself including the infrastructure that it is served by and its existing physical condition. Further details of the Site and the surrounding area are contained within the Design and Access Statement that accompanied the planning application. The following maps should assist the Inspector's understanding of the area:

- Principal Map **(CD/D16)**
- Map of amenities within a 5 and 10 minute walk **(CD/17)**

Surrounding Area

3.2 The Site is located within a predominantly residential area which is undergoing significant change with a number of high density residential-led schemes of significant height having either recently completed construction, under construction or benefitting from an extant planning consent.

3.3 The Castlefield Conservation Area is located in an area to the west of the Site; the boundary of the Conservation Area runs along the middle of Chester Road on a north/south axis. The Site is outside the Conservation Area.

3.4 There are a number of Grade II Listed Buildings within the local area; these are:

- Artingsall's Auctioneers
- Merchants Warehouse
- Bridgewater Canal Offices, Chester Road
- Flood gate on east side of Knott Mill Bridge
- Middle Warehouse
- Boundary stone on Knott Mill Bridge
- G-Mex
- Deansgate Station and Manchester South Junction and Altrincham Railway Viaduct
- Former Congregational Chapel, 378 – 380 Deansgate

3.5 There is also one undesignated heritage asset within the locality of the site, this is:

- Atlas Bar, 376 Deansgate

- 3.6 There are no Listed Buildings within the appeal site.
- 3.7 To the east of the Site is Deansgate Square comprising of three towers, the nearest to the appeal Site being Deansgate Tower West (44 storeys) and the tallest being 64 storeys. Further east is a 32 storey PBSA building on River Street.
- 3.8 To the south of the Site is Elizabeth Tower, a 51 storey residential tower block on Crown Street.
- 3.9 Immediately to the north of the Site is Deansgate Quay, a linear residential apartment scheme comprising of blocks varying between 5 and 7 storeys. The block immediately to the north of the appeal Site is 7 storeys in height.
- 3.10 To the west of the Site (and separated by the A56) is 2 – 4 Chester Road, an apartment scheme comprising of two blocks of 13 and 21 storeys. These buildings are located within the Castlefield Conservation Area and create a visual screen between the traditional red brick buildings in the Castlefield Basin (forming part of the Conservation Area) and the appeal Site.
- 3.11 Reflecting its city centre location, the site is well-located for access to existing public transport including bus routes, train services and Metrolink services and to a range of amenities. Further details of these are contained within the Proof of Evidence of Mr Sam Denby **(CD/6)**.
- 3.12 The wider area comprises of a mix of residential, retail, commercial and educational uses. First Street is located 500 metres to the east of the Site and provides a mix of commercial, residential, retail and leisure uses. Manchester Metropolitan University (MMU) Campus and the University of Manchester (UoM) are located to the east of the Site. A walking and cycling audit has been carried out by Hydrock and a comprehensive assessment is contained in the Proof of Evidence, Appendix A of Mr Sam Denby **(CD/6)**.

The Site

- 3.13 The Site is a triangular parcel of land which extends to 0.06ha, located at the junction of Chester Road, Bridgewater Viaduct (A56) and Deansgate. The Site is shown in Figure 1 below.



Figure 1: Site Location

- 3.14 The Site is a parcel of vacant brownfield land and currently comprises of hardstanding and scrub vegetation. There are two existing access points, one from Chester Road and one from Deansgate.
- 3.15 The Site is within the Manchester City Centre boundary as well as the Great Jackson Street Development Framework Area.
- 3.16 The Site is within Flood Zone 1 but does lie within a Critical Drainage Area. Flood Risk or Drainage do not form one of the reasons for refusal.

4. Planning History

- 4.1 In this case the planning history of the Site is a material consideration and whilst I rely on the evidence of others to explain the scheme design and response to the context, the planning history warrants consideration. The most recent planning permission was granted on the Site on the 2nd June 2017 (**CDI14, CDI15**), however this permission is now time expired. Notwithstanding the fact that it has now lapsed it does remain of some relevance as a benchmark to development which the LPA have found acceptable.

Permissions granted upon the appeal site:

Application Ref: 060909/FO/CITY3/00 (CD/I19)

- 4.2 This application was for a mixed use, residential led development comprising (Class A3) at ground floor level with 30 residential units on upper floors (10 storeys). Planning Permission was granted on the 20th September 2001.

Application Ref: 065560/FO/CITY3/02 (CD/I18)

- 4.3 This application was for a mixed use, residential led development comprising food and drink use (Class A3) with 45 residential uses (Class C3) on the upper floors and basement car parking (11 storeys). Planning Permission was granted on the 22nd August 2002.

Application Ref: 075170/FO/2005/C3

- 4.4 This application was for a mixed use, residential led development comprising ground floor food and drink use (Class A3/A4) 54 residential units and internal parking (14 storeys). Planning Permission was granted on the 27th March 2007.
- 4.5 Each of the above developments were granted planning permission prior to the adoption of the Manchester Core Strategy (**CD/G1**) and the introduction of the National Planning Policy Framework ('the Framework') (**CD/F1**) and were therefore determined within a very different policy context. Very little information is available on the Council's Planning Portal, save for the decision notices for the 2001 and 2002 permissions (**CD/I18, CDI19**). At the time of writing the 2007 planning permission was not available.

Application Ref: 110730/FO/2015/C1 (CD/I16, CDI17)

- 4.6 This application was for the erection of a 13 storey building (plus basement level) comprising of 53 No. one and two bedroom apartments (Class C3), a commercial unit (Use Classes A1, A2, A3, A4, B1, D1), associated car parking, landscaping and vehicular and pedestrian access. Planning Permission was granted on the 4th March 2016.

Application Ref: 11591/FO/2017 (CD/I14, CD/I15)

- 4.7 This application was for the erection of a 13 storey building comprising of 53 residential apartments (Use Class C3a) together with ground floor commercial unit (135 sq.m) (Use Classes A1, A2, A3, A4, B1a) or D1), landscaping, loading bay and pedestrian access. Planning Permission was granted on the 2nd June 2017.
- 4.8 The previous planning permissions on the Site were all for C3 or C3a) residential apartments
- 4.9 Each successive planning application sought approval for additional floors and an increase in the number of units. A letter from Beech Holdings, the previous owners of the Site, to the Appellants dated 9th February 2021 **(CD/I22)** confirmed that *despite minimal developer contributions the scheme [075170/FO/2005/C3] was unviable and ultimately the only method by which a viable scheme could be brought to fruition is by achieving further height and a corresponding increase in unit number.*
- 4.10 I do not consider any of these earlier schemes amount to a true fall-back as such, not least because they have all lapsed and were unable to be delivered. However, even a lapsed permission is capable of being a material consideration and in the determination of this appeal I consider that the most recently permitted scheme reveals a scheme found acceptable by the LPA and warrants consideration in terms of comparison to the appeal proposal in respect of the issues now said to warrant refusal of the appeal proposal, for example the acceptability of a tall building on the site that represented a deviation to the SRF. It should also be noted that in the Officer Report to committee **(CD/I15)** no assessment was undertaken of the impact of the proposal on local designated heritage assets save for confirming that *the extent of building variety in the Conservation Area means that new development can respond to the variety within this context.*
- 4.11 I acknowledge that the appeal proposal is for a very different scale of development delivering 534 bedspaces across 28 storeys, albeit both schemes propose a tall building on the Site. The appeal proposal is also for a 'sui generis' student residential use. I rely on the evidence of Mr C Pullan which explains the positive contribution that the appeal scheme would have in townscape terms. **(CD/D4).**

5. Appeal Proposal

5.1 The description of development is as follows:

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

Use and Amount

5.2 The proposed development is for a 28 storey PBSA building, providing a total of 534 student bed spaces arranged across a mix of studios and cluster apartments. The development includes the following:

- 133 x studio apartments
- 30 x 1 bed apartments
- 40 x 2 bed apartments or ‘twodios’ (80 beds)
- 27 x 3 bed apartments (81 beds)
- 21 4 bed apartments (84) beds
- 21 x 6 bed apartments (126 beds)
- 639 sq.m private amenity space accessible to all residents
- 141 Secure cycle parking spaces
- Rooftop solar photovoltaics
- Reception Area

5.3 The internal private amenity space includes lounge areas, a social game zone, social dining area, gym, well-being suite, library and study space.

5.4 All units have been designed to comply with Part M requirements, with 5% (27 bedrooms) designated as fully accessible.

5.5 Due to the very highly sustainable and accessible location of the site, the proposed development is car free and thus includes no car parking.

5.6 Further details of the appeal scheme are contained within the Proof of Evidence of Mr Colin Pullan including a detailed explanation of how the scheme works including the internal arrangement, location of amenity areas and materiality **(CD/D4)**.

6. Planning Policy

The Development Plan

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the development plan unless material considerations indicate otherwise. Conversely, applications that are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify a grant of planning permission.
- 6.2 The development plan for Manchester comprises:
- The Core Strategy (2012) **(CD/G1)**
 - Saved Policies of the Unitary Development Plan (1995) **(CD/G2)**
- 6.3 The Site is not allocated on the adopted Proposals Map but is within both the Regional Centre and the City Centre boundary as identified in the Manchester City Centre Strategic Plan 2015 – 18 **(CD/G4)**.
- 6.4 The saved policies of the Unitary Development Plan and the Core Strategy **(CD/G1, CD/G2)** were prepared and examined prior to the publication of the National Planning Policy Framework **(CD/F1)**, and within the national policy context of the topic based Planning Policy Guidance (PPG) and Planning Policy Statements (PPS).

Core Strategy and UDP Policies not in Issue

- 6.5 There are several Core Strategy **(CD/G1)** policies that are relevant to the appeal proposal but that are not cited in the reasons for refusal. These are as follows:
- Policy CC5 Transport
 - Policy CC6 City Centre High Density Development
 - Policy CC10 A Place for Everyone
 - Policy EN4 Reducing CO2 Emissions by Enabling Low and Zero Carbon Development
 - Policy EN5 Strategic Areas for Low and Zero Carbon Decentralised Energy Infrastructure
 - Policy EN6 Target Framework for CO2 Reductions from Low or Zero Carbon Energy Supplies
 - Policy EN8 Adaption to Climate Change

- Policy EN14 Flood Risk
- Policy EN15 Biodiversity and Geological Conservation
- Policy EN16 Air Quality
- Policy EN18 Contaminated Land and Ground Stability
- Policy 19 Waste

6.6 Relevant saved policies in the Manchester Unitary Development Plan (1995) **(CD/G2)** that are not cited in the reasons for refusal are:

- Policy DC 26.1
- Policy DC 26.2
- Policy DC26.4

6.7 Details of both the relevant Core Strategy and UDP policies listed above and how the appeal scheme complies with said policies are set out in Appendix 6 of the Planning Statement **(CD/A3)** submitted with the planning application. It is concluded that the appeal scheme complies with all the policies listed above.

Core Strategy – Policies in Issue

6.8 In this section I review the policies in the Core Strategy **(CD/G1)** that are cited in the Council's reasons for refusal and assess the compliance of the appeal proposal against those policies.

6.9 Policy SP1 – Spatial Principles - provides the key spatial principles to guide the strategic development of the City. The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high-quality city living.

6.10 All development within regeneration areas should have regard to the character, issues and strategy for that area, as described within the Strategic Regeneration Frameworks. New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of public transport.

6.11 Development in all parts of the City should make a positive contribution to neighbourhoods of choice – defined in paragraph 6.8 of the policy text as areas where people choose to live and where a good mix of housing and local services and facilities provides for people of all ages and with differing needs. Development should also reuse previously developed land, minimise emissions, provide good access to sustainable transport and improve access to jobs, services, education and open space.

- 6.12 The appeal proposal would reuse vacant previously developed land in the city centre. The Site is in a location that has good access to a range of amenities, education and leisure facilities, and employment opportunities. As well as being within the designated city centre the Site is also located within the defined Regional Centre, which will be the focus, inter alia, for high quality city living. Locationally the appeal proposal is considered to comply with the broad spatial principles set out in Policy SP1.
- 6.13 Policy SP1 sets out a number of Core Development Principles that development in all part of the City should comply with. In relation to principles that pertain to design and enhancement of the built and natural environment, Mr Pullan deals with these particular issues in his Proof of Evidence **(CD/D4)**.
- 6.14 In respect to health, safety and wellbeing of residents, this is in part dealt with in the evidence of Mr Sam Denby insofar as it relates to safe walking and cycling environments for future students **(CD/D6)**. Further information is provided in the Proof of Evidence provided by Mr Alan Pearce **(CD/D2)** with regard to the ethos of Fusion and the approach they take to ensuring that the health, safety and wellbeing of students is enhanced. As part of the planning application documents the following were submitted that provides further information on the operation and management of the appeal proposal:
- Residents Management Plan **(CD/A17)**
 - Social Spaces, Amenities and Student Wellbeing Strategy **(CD/A18)**
- 6.15 The scheme would provide accommodation for all members of the student community, with a commitment to providing 18.4% of affordable units (100 beds) and 5% of units (27beds) being Part M compliant.
- 6.16 Further details in relation to accessibility, particularly to local amenities, public transport and university campuses are considered in the evidence of Mr Sam Denby **(CD/D6)**. I consider that the location of the Site and the nature of the appeal proposal is compliant with Policy SP1 of the Core Strategy.
- 6.17 Policy CC3 – Housing – this policy sets out the quantum and broad locations for housing in the City Centre. A minimum of 16,500 new units are expected to be delivered in the plan period 2010 – 2027. Key locations for residential development will be Castlefield, Piccadilly, the Southern Gateway and Northern Quarter. Residential development in the City Centre will comprise of apartment schemes, of a high quality and to suit a range of occupants both in terms of number of rooms and their size.
- 6.18 The supporting policy text confirms at paragraph 8.35 that City Centre development must contribute to the primary aim of supporting economic growth. Paragraph 8.36 states that proposals should promote sustainable and mixed communities. A range of household types,

including flexibility to accommodate different household circumstances, including families should be contemplated. The policy and the policy text are silent on the provision of student housing. I consider that in respect to Policy CC3 housing should be considered in its widest context, that is *'buildings that people live in...'*¹

- 6.19 It should be noted that Policy H1 (see paragraphs 6.29 – 6.33 below) considers student accommodation and confirms that the City Centre is an appropriate location for purpose built student accommodation. It would seem logical therefore to conclude that the delivery of housing in the City Centre includes PBSA.
- 6.20 The Site is located within the City Centre and in the sub area referred to as the Southern Gateway. I give a broad definition to housing in the context of Policy CC3, particularly given that the aim is to deliver sustainable mixed communities. Spatially the appeal proposal complies with Policy CC3. More specifically the scheme would deliver high quality accommodation in accordance with Policy CC3 and further evidence on this matter is provided by Mr Colin Pullan **(CD/D4)**.
- 6.21 Policy CC8 – Change and Renewal- states that the approach to development, and redevelopment, in the City Centre will welcome large-scale schemes. 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.
- 6.22 The proof of evidence provided by Mr Alan Pearce **(CD/D2)** demonstrates how the appeal proposal would be delivered by the Appellant, Fusion and highlights their previous success in delivering similar proposals in other towns and cities across the UK, particularly the construction of buildings on small, constrained sites. Fusion has a track record of delivering student schemes once planning permission is granted. It is not their business model to either obtain planning permission for speculative schemes and/or to sell planning permissions onto third parties. This track record should allay any concerns that the Council have in granting planning permission for schemes that will not deliver the identified regeneration benefits in the short term.
- 6.23 The evidence on design set out in Mr Pullan's proof **(CD/D4)** demonstrates how the design of the scheme would contribute to delivering high quality PBSA, that would enhance the character of this vacant, derelict site and would assist in delivering key regeneration objectives set out in the Core Strategy. This policy provides a context within which city centre regeneration projects

¹ Cambridge English Dictionary

can be delivered in a cohesive manner and should be read with other relevant policies in the Core Strategy. I consider that the appeal proposal is in compliance with this policy

- 6.24 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. Particular attention should be given to the City Centre context and character. Development in the City Centre should preserve or enhance identified heritage assets, including listed buildings and conservation areas.
- 6.25 Policy CC9 goes on to state that the Council will support high density development in the City Centre, but development should recognise the specific design challenges that must be overcome to ensure a complementary function and form.
- 6.26 Following the refusal of planning permission, Mr Pullan and Dr Miele were subsequently commissioned to enable a first class audit and independent assessment of the design approach and response to the heritage context.
- 6.27 Evidence by Mr Colin Pullan and Dr Chris Miele considers matters of design and heritage and the Inspector is directed to the respective proofs of evidence (**CD/D4, CD/D5**) – both give evidence in support of the appeal proposal. In respect of the design of the appeal proposal Mr Pullan concludes that although the proposal would give rise to change, this is not harmful and *‘the appeal scheme would enhance the local character’* and is a well-designed building appropriate to its context.
- 6.28 Equally, the evidence of Dr Miele concludes that although some heritage impacts are identified these are not considered harmful. Subsequently in my proof (Section 7) I consider whether any identified harm and would be outweighed by the public benefits.
- 6.29 Having considered the evidence of Mr Pullan and Dr Miele (**CD/D4, CD/D5**) I consider that the appeal proposal would deliver a building designed to a high quality in terms of appearance and function and contributes to a coherent and integrated physical environment. The building would have a beneficial impact on heritage assets by removing a degraded vacant site that would preserve and enhance those assets. Although development on constrained city centre sites brings with it certain challenges, Mr Pearce provides evidence that demonstrates the experience of the Appellants in such matters (**CD/D2**). The appeal proposal accords with Policy CC9 in all respects.
- 6.30 Policy H1 – Overall Housing Provision – sets the overarching context for the delivery of new housing during the plan period March 2009 – March 2027. In total approximately 60,000 new dwellings will be required across Manchester, which equates to 3,333 units per annum. Each Strategic Regeneration Framework area has a target number of dwellings; the City Centre is expected to deliver 16,500 as set out in Policy CC3. The City Centre and parts of the Regional Centre are identified for high density developments (over 75 units per hectare), with a

presumption that the City Centre will deliver high density housing development, within mixed used schemes that contribute to regeneration initiatives.

6.31 There is an expectation that 90% of residential development will be on previously developed land. The policy includes both Gypsies and Travellers and Travelling Showpeople and PBSA as falling within the definition of ‘new residential development’. All residential development should take account of the need to:

- *Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population, including elderly people, disabled people, people with specific support requirements, BME communities, Gypsies and Travellers and Travelling Showpeople;*
- *Reflect the spatial distribution [in Table 9.1]...which supports growth on previously developed sites in sustainable locations and which takes into account the availability of developable sites in these areas;*
- *Contribute to the design principles of Manchester’s Local Development Framework including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals make provision for appropriate usable amenity space, including in high density development (in which this could be in the form of balconies, as well as shared open spaces such as green roofs). Schemes should make provision for parking cars and bicycles (in line with Policy T2); and the need for appropriate levels of sound insulation.*
- *Address any existing deficiencies in physical, social or green infrastructure, or future deficiencies that would arise as a result of the development, through developer contributions or on site provision.*
- *Prioritise sites which are in close proximity to centres or high frequency public transport routes.*
- *Take account of any environmental constraints on a site’s development (e.g flood risk through the Manchester-Salford-Trafford Strategic Flood Risk Assessment, or other statutory designations).*
- *Be designed to give privacy to both its residents and neighbours.*

6.32 The appeal proposal would deliver a PBSA building that within the context of Policy H1 falls within residential development and as such I consider PBSA forms part of the overall housing requirement of 60,000 dwellings set out in the policy. The proposal is a high density scheme on vacant previously developed land that has struggled to deliver any viable form of development in the previous 20 years, notwithstanding a number of consents for C3 and C3a)

housing. The current proposal would assist in the regeneration of this site and contribute to the overall regeneration of the local area. In this respect I consider that the appeal proposal complies with Policy H1.

6.33 In respect of the need for PBSA, the evidence of Mr David Feaney addresses this point and demonstrates that there is an ongoing requirement for PBSA **(CD/D3)**. Further evidence is provided by Mr Colin Pullan **(CD/D4)** on the design criteria set out in Policy H1 and demonstrates that in this respect the proposal would comply with this policy. Mr Sam Denby in his proof of evidence demonstrates that in accessibility terms the appeal site is consistent with bullet point five above **(CD/D6)**.

6.34 Having regard to the evidence of others, I consider that the appeal proposal complies with the relevant part of Policy H1.

6.35 Policy H12 – Purpose Built Student Accommodation states that provision of new purpose built student accommodation will be supported where the development satisfies the criteria below:

- 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 bedspaces.*
- 10. Applicants/developers must demonstrate to the Council that their proposals for purpose built student accommodation are deliverable.*

- 6.36 Policy H12 sets out a number of criteria. Criteria 2 and 7 are not considered to be in issue with the Council. Criteria 3, 6 and 8 which are design related matters are dealt with in the evidence of Mr Colin Pullan **(CD/D4)**. The case in respect to ‘need’ (criterion 9) will be addressed in Mr David Feaney’s evidence **(CD/D3)** and deliverability (criterion 10) is considered in Mr Alan Pearce’s Proof of Evidence **(CD/D2)**. I have further considered this point previously in my evidence when assessing Policy CC8. Criterion 5 is in part considered in Mr Denby’s evidence **(CD/D4)** but is also addressed in some of the application documents, such as the Crime Impact Statement. My evidence will consider criteria 1 and 4.
- 6.37 In spatial terms, PBSA should be located in ‘close proximity’ to the University campuses or high frequency transport routes. Paragraph 9.62 of the explanatory text advises that ‘close proximity’ means within 500 metres, defined by PPS4 as being easy walking distance in terms of access to office development **(CD/F6)**.
- 6.38 There are a number of points to be made with regard to ‘close proximity’ and its use in Policy H12. Firstly, the word proximity means nearness to, which has the same meaning as ‘close’ – in effect these two words have the same meaning and therefore it could be argued that ‘close’ is redundant.

- 6.39 Secondly, the definition is set out in the explanatory text (paragraph 9.62) and therefore cannot be elevated to the status of policy. The definition of ‘close proximity’ is taken from the now cancelled Planning Policy Statement 4 – Planning for Sustainable Economic Growth and related to the definition in Annexe B: of that document as to types of location for main town centre uses **(CD/F6)**. Thus, an edge-of-centre location for retail purposes, is a location that is well connected to and within easy walking distance (up to 300 metres) of the primary shopping area, for all other main town centre uses it confirms that this is likely to be within 300 metres of a town centre boundary, except for office development where development outside of the town centre should be within 500 metres of a public transport interchange. The policies in PPS4 did not relate to residential development as is specifically stated in paragraph 5 of the PPS but served to define edge of centre locations. No reference is made within the PPS to ‘close proximity’ or that a distance of 500 metres would be defined as being within ‘close proximity’, or indeed ‘within easy walking distance’ Indeed, ‘within easy walking distance’ of a town centre for office development would be, in my view, to ensure that office workers were able to access town centre shops and services either whilst travelling to and from work, or during their lunch hour. I consider that this benchmark is not relevant to the location of student accommodation viz a viz the university campuses.
- 6.40 I consider that the main intention of this criterion in Policy H12 is to convey the fact that students should be within easy walking and cycling distances to the university campuses.
- 6.41 Evidence on accessibility in respect of walking and cycling distances from the Site to the main university campuses is dealt with by the evidence of Mr Sam Denby **(CD/D6)**. From this evidence it is clear that the university campuses are within easy walking and cycling distance of the Site, and in this respect the location of the site complies with the intention of the policy. The evidence of Mr Sam Denby demonstrates that the Site is very accessible to local amenities and to the MMU campus and as such I consider that the scheme would provide a locationally sustainable proposal for students choosing to live in this location. I draw the Inspector’s attention to Policy T2 Accessible Area of Opportunity and Need where ‘*easily accessible...*’ is not defined, which allows flexibility within the policy to consider schemes on a site by site basis rather than the overly prescriptive approach taken in the explanatory text in relation to Policy H12.
- 6.42 The Council in their application of Policy H12 are elevating paragraph 9.62 of the explanatory text to policy – this approach is incorrect.
- 6.43 I consider that the appeal scheme complies with this criterion, having regard to the intention behind this element of the policy, and the other relevant part of Policy H12 and is located within easy walking and cycling distances to the university campuses.
- 6.44 Policy T2 – Accessible Areas of Opportunity and Need states that new development should be located to ensure good access to the City’s main economic drivers including the Regional

Centre, and be easily accessible by walking, cycling and public transport. Within the City Centre, development should provide a level of car parking which reflects the highly accessible nature of the location, as well as the realistic requirements of the users of the development. Proposals should have regard to the need for disabled and cycle parking. All major applications should be accompanied by Traffic Impact Assessments and Travel Plans.

- 6.45 Evidence on accessibility by walking and cycling is dealt with in Mr Denby's proof **(CD/D6)**. Overall, I conclude that the location of the appeal proposal would allow future residents to readily access the City's main economic drivers, including employment and education by walking, cycling or public transport. The policy does not define what is meant by *easily accessible by walking, cycling and public transport*. The appeal proposal is considered to comply with this policy.
- 6.46 Policy EN1 – Design Principles and Strategic Character Areas – this policy identifies eight different character areas including the City Centre Character Area, where the appeal proposal is located. For developments within this character area developers will be expected to consider the City's heritage and continue the rich pattern of activity in the core area. Although there maybe opportunities to create landmark buildings, developments should also contribute positively to the experience at street level, and wherever possible, the opportunity should be realised to enhance existing and provide new areas of meaningful open space.
- 6.47 Mr Pullan in his evidence considers how the appeal proposal through its design principles enhance the City Centre character area, and in particular makes a positive contribution towards the townscape and streetscape in this location, thereby enhancing the City Centre character area **(CD/D4)**.
- 6.48 Policy EN2 – Tall Buildings states that proposals for tall buildings will be supported where it can be demonstrated that they are of exceptional design quality, are appropriately located, contribute positively to sustainability and place-making, and will bring significant regeneration benefits. As tall buildings can have a significant impact on the local environment and its micro-climate, the impact should be modelled and appropriate mitigation measures proposed to create an attractive, pedestrian friendly local environment.
- 6.49 Mr Pullan considers the appropriateness of a tall building at the appeal Site in his evidence. He concludes that although a tall building would change the existing character, this must be considered in the context of consented schemes in the area where no harm has been identified. Taller buildings are considered to be appropriate in this location. The evidence of Mr Pullan confirms that the appeal proposal complies with this aspect of Policy EN2 **(CD/D4)**.
- 6.50 Additional evidence is provided by Mr Paul Evans of Wardell Armstrong **(CD/D7)** that demonstrates that the appropriate mitigation measures proposed create an attractive

pedestrian friendly local environment, such that the appeal scheme is not contrary to this element of Policy EN2.

- 6.51 Policy EN3 – Heritage states that development will be encouraged that complements and takes advantage of the distinct historic and heritage features of the City's districts and neighbourhoods. New developments must be designed to preserve and where possible enhance the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance.
- 6.52 Dr Miele considers the impacts of the appeal proposal on heritage assets in his evidence **(CD/D5)**. He concludes that although there are some heritage impacts identified these are not considered harmful.
- 6.53 Policy DM1 – Development Management states that all development should have regard to the specific issues including effects on amenity; accessibility; community safety and crime prevention; refuse storage and collection; vehicular access and car parking; impact on the surrounding area in terms of design, scale and appearance; and flood risk.
- 6.54 The impacts in relation to the specific issues identified in Policy DM1 are considered in the evidence of others, namely Mr Colin Pullan and Mr Sam Denby **(CD/D4, CD/D6)**, or in relevant application documents. No issue has been raised by the Council in respect to flood risk. Having considered the evidence of Mr Pullan and Mr Denby. I conclude that the appeal scheme complies with Policy DM1.

Saved Policies of the Unitary Development Plan

- 6.55 The two relevant saved policies in the UDP relate to designated heritage assets – Conservation Areas and Listed Buildings. These policies were adopted prior to the publication of the Framework and the emerging body of case law on the application of the Framework policies and do not reflect up to date policy tests and in this respect, I do not give them full weight.
- 6.56 Policy DC18.1 states that the Council will seek to preserve and enhance the character of conservation areas by carefully considering the following:
- The relationship of new structures to neighbouring buildings and spaces; and
 - Any further guidance on specific areas which has been approved by the Council.
- 6.57 The Council will not normally grant outline planning permission for development within conservation areas. Consent to demolish a building within a conservation area will only be granted where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance or character of the area.

- 6.58 The evidence of Dr Miele finds that there is a beneficial impact on the character and appearance of the conservation area **(CD/D5)**. The appeal site is not located within the Castlefield Conservation Area and therefore the part of the policy relating to demolition is not applicable.
- 6.59 I conclude that the appeal scheme would enhance and preserve the character of the Castlefield Conservation area and in this respect the proposal complies with Policy DC18.1
- 6.60 Policy DC19.1 states that the Council will have regard to the general setting of Listed Buildings in determining applications which have an impact on Listed Buildings. The Council will seek to preserve and enhance the settings of listed buildings through ensuring appropriate design for new development in their vicinity.
- 6.61 The evidence of Dr Miele does not identify harmful impacts on the settings of the Listed Buildings located in proximity to the appeal site **(CD/D5)**. In this respect I consider that the appeal proposal is not in conflict with this policy.
- 6.62 Policies DC18.1 and DC19.1 deal with matters of heritage in respect to Conservation Areas and Listed Buildings. The evidence of Dr Miele considers these issues and the assessment of harm on identified heritage assets **(CD/D5)**. The appeal proposal accords with these policies, notwithstanding their non conformity with relevant policies in the Framework.

Conclusions

- 6.63 There are a number of relevant policies in the Development Plan that have not been identified in Council's reasons for refusal and I conclude that the appeal proposal is in compliance with these policies.
- 6.64 Having considered the remaining policies that are relevant to the appeal proposal that the Council have identified in their reasons for refusal, and in light of the evidence of others and my own assessment, I consider that the appeal proposal complies with the Development Plan read as a whole. The only identified conflict is in respect to the supporting text of Policy H12 (paragraph 9.62), however this is not policy. I am of the view that the appeal proposal accords with the Development Plan, read as a whole. A conflict with one element of the supporting text of the Plan does not lead to a conclusion that the scheme does not comply with the Development Plan, read as a whole. Where development proposals accord with the adopted Development Plan planning permission should be granted.
- 6.65 If the Inspector is of the view that the appeal proposal is not in accordance with the Development Plan taken as a whole, then there are a number of material considerations that would indicate that planning permission should be granted. These are considered below.

7. Material Considerations

- 7.1 There are a number of policy documents, strategies and other reports that are or could be material considerations in the determination of the appeal and these are considered in Appendix 1 with relevant commentary, as appropriate, in respect to the weight that should be attributed to them.

Benefits of the Appeal Scheme

- 7.2 There are a number of benefits that the appeal scheme would deliver. If the Inspector is of the view that the appeal scheme complies with the Development Plan read as a whole, these benefits further support the grant of planning permission. If the Inspector takes the view that the appeal scheme does not comply with the Development Plan, the benefits are considered to significantly outweigh any such conflict with the Development Plan.

Economic Benefits

- 7.3 The appeal proposal would bring with it a number of positive economic benefits both in the construction phase and operational phase of the development and over the lifetime of the development.
- 7.4 The regeneration benefits of the scheme are substantial. The Site is a small parcel of land (0.06ha) located in the Southern Gateway area of the City Centre as identified by Figure 2.1 of the Core Strategy and the appeal proposal provides an opportunity to contribute to the significant regeneration that the area is undergoing. The site has a history of undeliverable C3 and C3a) use class schemes and as a prominent gateway into the City Centre its current poor quality state visually detracts from the street scene.
- 7.5 The following are considered to be the key economic benefits that the City and wider City region would enjoy as a result of the development coming forward – further information is set out in the Social and Economic chapter of the Environmental Statement submitted with the planning application (**CD/A59**):
1. 78 FTE gross jobs per annum during the construction period (2.5 years), based on a private sector investment to the value of £35million.
 2. An estimated additional £2million GVA per annum during the construction period.
 3. 20 FTE gross jobs during each year of the scheme's operation.
 4. Additional temporary employment would be created during student arrival and departure periods, whilst the student residents would create an update of jobs equating to approximately 13.6 FTE jobs.

5. An estimated additional £0.53million GVA at the City scale and £0.7million at the Greater Manchester level during operation.
 6. A local expenditure from residents equating to an additional £4.2million GVA per annum.
 7. A more diverse pipeline of new PBSA would help stabilise PBSA rental growth in Manchester and meet the needs of students at an affordable price.
 8. Additional Council Tax receipts currently being lost from general housing as a result of student occupancy
- 7.6 In addition to the above financial benefits, during the construction phase there would be employment opportunities created for local people including apprenticeships with support given to the local supply chain.
- 7.7 The Appellant's and their future contractor are committed to working with the Council's Works and Skills Team to ensure that employment opportunities resulting from the appeal proposal are made available to Manchester residents. The appeal submission includes a commitment to achieving the Key Performance Indicators (KPIs) set out in the Council's Local Labour Construction Reporting Template (**CD/A16**). This template was completed as far as the Appellant was able at such an early stage in the project and submitted with the planning application. As part of the dialogue the Appellant had with the Council's Works and Skills team it was agreed that further details would be submitted to the Council via a condition at the pre-commencement stage. The Appellant however is committed to delivering the following:
- **New Employment Opportunities:** - Provide new job opportunities for local people, advertised locally
 - **Apprentices:** Offer and support apprentice placements through the construction contractor and supply chain
 - **Supply Chain:** - Seek to use and generate spend with local contractors, subcontractors and materials supplied by local firms and companies throughout the construction phase of the development
 - **Work Experience:** Offer work experience placements to secondary school and further education students
 - **Work Support (up to 24):** Offer support to young people (up to the age of 24 years) through initiatives including career mentoring, mock interviews, CV writing support and careers advice

- **Work Support (over 24):** Offer support to unemployed adults (over 24 years) through initiatives including career mentoring, mock interviews, CV writing support and careers advice
- **Work Trials:** Offer work trials to Manchester job seekers; and
- **Community Initiatives:** Support community projects with skills and employability outcomes.

7.8 The proof of evidence provided by Mr Alan Pearce provides evidence that the Appellant has significant experience in PBSA and the scheme is deliverable **(CD/D2)**.

7.9 I attach substantial weight to the economic benefits of the appeal proposal.

Social Benefits

7.10 The appeal proposal would contribute to the social objective of sustainability in a number of ways.

7.11 The scheme would:

1. Make a worthwhile contribution to meeting a significant need for PBSA in the City
2. Contribute towards meeting the aspirations of a range of the Council's regeneration and growth strategies in supporting the development of the City's Universities and encouraging graduates to remain in the City to live and work.
3. Deliver a range of unit sizes and types to create a diverse and mixed student resident population.
4. Manchester is one of the most expensive cities in the UK for PBSA, and a more diverse pipeline of new PBSA would help stabilise rental growth and meet the needs of students at an affordable price. In addition, 100 beds (18.4%) would be provided at a genuinely affordable rent.
5. The development of a PBSA scheme, providing a primary residence for its residents, supports the aspirations of the Great Jackson Street SRF to create a sustainable and mixed, residential-led neighbourhood in the area.
6. The site is currently under-utilised, with potential for anti-social behaviour problems. As such, the proposed development would not only remove the opportunity for any problems at the site, but also enhance the local area through improved natural surveillance, animating the street scene and increasing activity during the day and night.

7. The proposed student amenity areas would foster community relations with the residents, creating a building community less likely to tolerate inappropriate behaviour and more willing to challenge unfamiliar faces.
 8. Security measures can be incorporated at the design and construction stage, avoiding the need for visually obtrusive measures that can increase the fear of crime.
 9. The scheme includes off-site public realm enhancements comprising street tree planting offering benefits to the local neighbourhood and resident community.
 10. Local apprenticeship, training and supply chain opportunities would be created throughout the construction and operational stages of the development.
- 7.12 In respect to the overall need for PBSA I would direct the Inspector to the evidence of Mr David Feaney who sets out in detail the case for additional PBSA **(CD/D3)**.
- 7.13 I give substantial weight to the social benefits delivered by the appeal proposal.

Environmental Benefits

- 7.14 The Site is not located in an area with an environmental designation that would give clear reasons for refusing the appeal proposal. I give significant weight to that in favour of grant of planning permission. Development on the least environmentally sensitive sites is considered to represent an environmentally sustainable solution, resulting in reduced pressure for development to occur on sites that are more constrained by environmental factors. The following factors contribute towards the Site delivering a scheme that significantly contributes toward the environmental objective of sustainable development:
1. The site comprises a brownfield development in a sustainable location. The scheme is proposed as a car-free scheme and this would be strictly enforced through residents' leases. The site is extremely well-located for access to a range of public transport opportunities within easy walking distance of the site, thus mitigating the lack of on-site parking.
 2. The design of the proposed development has had sensitive consideration to the site's location close to the Castlefield Conservation Area and nearby Listed Buildings. The material palette has been carefully selected to reflect the historic characteristics of the local area.
 3. The site is not at risk of flooding and would not lead to an increase in the risk of flooding elsewhere. The proposed drainage strategy is in accordance with the drainage hierarchy and would deliver a 92% reduction on the historical brownfield discharge rate.

4. The scheme includes rooftop solar PV and air source heat pumps to reduce the energy demands and minimise the environmental impact of the operational scheme.
 5. A green roof and blue roof detention cells are proposed to provide on-site attenuation of rainwater.
 6. The site is not subject to, nor closely located to, any sensitive ecological designations. The roof-top amenity space and green roof provide significant opportunities for on-site planting and ecological enhancements, whilst 7 no. trees are proposed to be planted on the adjacent streets along the Bridgewater Viaduct and Deansgate providing off-site ecological benefits.
 7. Bat boxes would be integrated to the new building to provide roosting opportunities for bats.
- 7.15 Evidence in respect to design and heritage impacts are provided by Mr Collin Pullan and Dr Chris Miele (**CD/D4, CD/D5**) and how these have been addressed to deliver a proposal that would not result in adverse impacts on the surrounding environment.
- 7.16 I give substantial weight to the environmental improvements delivered by the scheme.
- 7.17 The appeal proposal represents a sustainable form of development and as evidenced above brings forward substantial benefits. I consider that the appeal proposal is in accordance with the Development Plan taken as a whole, but should the Inspector take a different view any conflict with the Development Plan is significantly outweighed by the benefits of the proposal.

Heritage Impact v Public Benefits

- 7.18 Paragraph 202 requires a weighing exercise to be carried out by the decision maker where less than substantial harm is identified to the significance of a designated heritage asset. In such circumstances the identified harm should be weighed against the public benefits of the proposal,
- 7.19 The evidence of Dr Chris Miele finds no harm to the significance of any designated heritage assets (**CD/D5**).
- 7.20 If the Inspector is of the view that there is some harm to designated heritage assets within the orbit of the appeal site, it is considered there are a number of public benefits that would readily outweigh any identified harm. These are as follows:
- Regeneration of derelict, vacant site that detracts from the street scene that is located in proximity to a number of heritage assets both designated and non designated

- Improvement to safety of the immediate area around the site by way of active street frontages and passive surveillance
- Delivery of high quality student accommodation where there is a proven need
- Contribution to economic growth of the City
- Improvements to public realm around the site
- Creation of employment and training opportunities for local people during the construction phase
- High quality development that responds positively to the local historic context
- The proposal will enhance the setting of the adjacent Castlefield Conservation Area by a landmark feature that references the main route into the city centre from the south as detailed in Dr Miele's evidence **(CD/D5)**
- The materials proposed provide a visual bridge between the exceptionally tall glass towers and the Victorian context which Dr Miele considers will *'rebalance the townscape drawing attention to the distinctive qualities of the Victorian townscape....'*
- The identity of the building design complements and enhances the Victorian Industrial heritage
- Improves the setting of the Conservation Area by providing a regular step transition from tall towers in Great Jackson Street to mid-rise tall buildings at 2 – 4 Chester Street
- Improves legibility to the Conservation Area
- Introduces a form and materials that reinforce one of the characteristics of the historic environment

7.21 Whilst Dr Miele's evidence finds no harm to the significance of heritage assets **(CD/D5)**, the above demonstrate that there are significant public benefits that would weigh in favour of the grant of planning permission, should the Inspector take an alternative view.

Townscape Impact v Public Benefits

7.22 The evidence of Mr Pullan does not identify any harm to townscape **(CD/D4)**, however should the Inspector conclude that there are some limited impacts, then the following public benefits read with those set out above are considered to outweigh that harm.

- Enhancement to the townscape through high quality architecture and active frontages and removal of a longstanding vacant and degraded site
- Creation of a varied urban landscape
- In the context of the emerging urban landscape a tall building is appropriate to define a point of arrival into the City
- The provision of a landmark town contributes positively towards placemaking
- The materiality of the scheme is in keeping with the other red brick/terracotta buildings in the townscape
- The building would not create a dominant feature in localised views of the Site.

8. Reasons for Refusal

Reason for Refusal 1

8.1 This reason for refusal includes a number of separate issues and can be summarised as follows:

1. The location of the Site is not in close proximity to University Campuses or to a high frequency public transport route which passes this area
2. The Applicant has failed to demonstrate robustly that there is unmet need
3. The Applicant has not entered into an agreement with an education provider for the provision of student accommodation
4. The proposal is not deliverable
5. The proposal does not demonstrate a positive regeneration impact in its own right and would be contrary to the Great Jackson Street Development Framework (**CD/G7**) and the efforts made to create a high quality residential area.
6. The proposal would adversely impact upon the safety and welfare of future students
7. The proposal 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.

8.2 I have considered in my evidence at section 6 what is meant by ‘close proximity’ as referenced in Core Strategy H12 and whether the Council’s definition of this is appropriate given that it has been taken from a completely different policy context. I have concluded that the site is within easy walking and cycling distance of the university campuses and that there is no conflict with Policy H12 and its intention. The conflict is in respect to the explanatory text at paragraph 9.62, and this should not be interpreted as policy. Even if the Inspector is of the view that the appeal proposal does not comply with Policy H12, the scheme is compliant with the Development Plan, taken as a whole.

8.3 Mr Sam Denby in his evidence addresses the question of how accessible the site is to the University campuses and other amenities either on foot or cycling (**CD/D6**). Although it is unclear from the reason for refusal it is assumed that 6) relates to safe routes to and from the universities. His evidence also deals with this issue.

- 8.4 Issue 2, need for PBSA is dealt with in the evidence of Mr David Feaney and his proof provides robust justification for the proposal **(CD/D3)**.
- 8.5 Although the Appellant has not entered into a formal agreement with any of the Universities, an agreement did reach an advanced stage with Manchester Metropolitan University (MMU) prior to the application being submitted, at which time MMU put further discussions on hold.
- 8.6 Issue 4, deliverability is dealt with earlier in my evidence and further details are provided in the Proof of Evidence of Mr Alan Pearce **(CD/D2)**.
- 8.7 I have set out my evidence on the regeneration impacts at paragraphs under the scheme benefits above and conclude that the appeal proposal delivers significant regeneration benefits.
- 8.8 Issue 7 is dealt with in the evidence of Mr Chris Pullan insofar as it relates to design **(CD/D4)**. The regeneration point is addressed in my evidence as detailed above.
- 8.9 Based on my own evidence and the evidence of others I consider that the appeal proposal accords with **Policies SP1, H1, H12, CC3, CC8, CC10, T2 and DM1** of the Core Strategy **(CD/G1)** and relevant policies in the **National Planning Policy Framework (CD/F1)**.

Reason for Refusal 2

- 8.10 The evidence of Mr Colin Pullan **(CD/D4)** addresses the second reason for refusal in respect to the building resulting in an overdominant feature in the street scene by reason of scale, height, position on the site and use of poor quality cladding materials.
- 8.11 The evidence of Mr Pullan **(CD/D4)** does not find any detrimental impact in any of these respects and as such the appeal proposal is in accordance with **Policies SP1, EN1, EN2 and DM1** of the Core Strategy **(CD/G1)** and relevant policies in the National Planning Policy Framework **(CD/F1)**.

Reason for Refusal 3

- 8.12 The evidence of Mr Colin Pullan **(CD/D4)** addresses the third reason for refusal, which relates to overdevelopment of the site and lack of public realm resulting in an overbearing relationship to the adjacent building and creating a feeling of overcrowdedness.
- 8.13 The evidence of Mr Pullan does not find any detrimental impact in any of these respects and as such the appeal proposal is in accordance with **Policies SP1, EN1, EN2 and DM1** of the Core Strategy **(CD/G1)** and relevant policies in the National Planning Policy Framework **(CD/F1)**.

Reason for Refusal 4

- 8.14 Evidence on the impact of the proposal on the setting of nearby listed assets is provided by Dr Chris Miele **(CD/D5)** who draws on the design evidence of Mr Collin Pullan **(CD/D4)**.
- 8.15 Although the evidence of Dr Miele identifies some heritage impacts these are not considered harmful.
- 8.16 In respect to designated heritage assets, I have considered the public benefits of the scheme in paragraphs 7.100- 7.103 above and conclude that these outweigh any harm to the heritage significance of the nearby listed buildings.
- 8.17 On this basis it is considered that the appeal proposal conforms to **Policies SP1, CC9, EN3** of the Core Strategy **(CD/G1)**, **saved Policy DC19.1** of the UDP **(CD/G2)** and policies in **Chapter 16** of the National Planning Policy Framework **(CD/F1)**.

Reason for Refusal 5

- 8.18 Evidence of the impact of the proposal on the character and appearance of the Castlefield Conservation Area is provided by Mr Chris Miele **(CD/D5)**. He finds no evidence of harm on the character and appearance of the Conservation Area but if there is any harm, the public benefits outweigh any harm. The proposal is therefore in conformity with **Policies SP1, CC9, EN3 and DM1** of the Core Strategy **(CD/G1)**, **saved Policy DC18.1** of the UDP **(CD/G2)** and policies in **Chapter 16** of the National Planning Policy Framework **(CD/F1)**.

Reason for Refusal 6

- 8.19 This reason for refusal relates to the detrimental impact that the building would have by reason of its scale, massing and height on the wind environment around the building. The Council allege that the Appellant has failed to demonstrate that mitigation measures put forward are capable of implementation, and no alternatives have been provided. The harm alleged by the Council is in relation to the safety and comfort of pedestrians and cyclists.
- 8.20 Mr Paul Evans and Mr James Dalrymple provides evidence on this matter and demonstrates that the mitigation proposed is deliverable **(CD/D7)** and **(CD/D8)**. There is no harm, policy breach no issue of safety that arises. The appeal proposal is therefore considered to comply with **Policies EN2 and DM1** of the Core Strategy **(CD/G1)**.

Conclusions

- 8.21 The Council in their reasons for refusal cite a number of concerns that can be broadly summarised as relating to need, regeneration, deliverability, design and heritage and wind impacts. My evidence, and the evidence of others demonstrates that these concerns are unfounded and that the appeal proposal is in accordance with the Development Plan taken as a whole.

- 8.22 If the Inspector finds that there is conflict with the Development Plan, substantial benefits have been demonstrated that would readily indicate that the appeal should be allowed despite any conflict.

9. Third Party Representations

- 9.1 A number of representations from third parties have been received by the Planning Inspectorate in relation to the appeal proposal. I have reviewed the representations and they reflect the concerns of the council as set out in the reasons for refusal.
- 9.2 Evidence has been provided by others in respect to need, accessibility to the universities and other amenities, design and heritage and wind impacts.
- 9.3 In terms of the regeneration benefits of the scheme I have considered this in my evidence in Section 7.
- 9.4 A common theme is the non compliance of the appeal proposal with the SRF. I have addressed this in my evidence on the SRF **(CD/G7)**, contained within Appendix 1.

10. Summary and Conclusions

10.1 The appeal proposal is against the refusal of the Council to grant planning permission for a 28 storey purpose built student accommodation ('PBSA') building (Sui Generis). The appeal proposal was refused by the Planning and Highways Committee of the Council on the 4th June 2021. Six reasons for refusal are cited in the Council's decision notice, which can be summarised as follows **(CD/A88)**:

- Accessibility to University campuses or high frequency public transport routes
- Need for student accommodation
- Deliverability of the scheme
- Provision of extent of regeneration benefits
- Impact on safety and welfare of students
- Quality of the design
- Effect on heritage assets and weight given to public benefits
- Effect of the proposals on the wind environment around the building.

10.2 The Site is located within a predominantly residential area which is undergoing significant change with a number of high density residential-led schemes of significant height having either recently completed construction, under construction or benefitting from an extant planning consent.

10.3 The Castlefield Conservation Area is located in an area to the west of the Site; There are a number of Grade II Listed Buildings within the local area and also a non designated heritage asset.

10.4 The Site is a triangular parcel of land which extends to 0.06ha, located at the junction of Chester Road, Bridgewater Viaduct (A56) and Deansgate. The Site is a parcel of vacant brownfield land and currently comprises of hardstanding and scrub vegetation. There are two existing access points, one from Chester Road and one from Deansgate. The Site is within the Manchester City Centre boundary as well as the Great Jackson Street Development Framework Area.

10.5 A number of planning applications for increasing amounts of residential development have been granted on the site, but none have been viable and currently the Site does not benefit

from any extant planning permissions and as such there is no fall-back position, however the lapsed planning permissions, particularly the most recent (Application Ref: 11591/FO/2017) is considered to be a material consideration in the determination of this appeal **(CD/I114, CD/I115)**.

- 10.6 The appeal proposal includes a mix of apartment sizes (1bed studios up to 6 bed apartments), private amenity space, secure cycle parking, rooftop solar photovoltaic and reception areas.
- 10.7 The Development Plan for Manchester comprises:
- The Core Strategy (2012) **(CD/G1)**
 - Saved Policies of the Unitary Development Plan (1995) **(CD/G2)**
- 10.8 The Site is not allocated on the adopted Proposals Map but is within both the Regional Centre and the City Centre boundary as identified in the Manchester City Centre Strategic Plan 2015 – 18 **(CD/G4)**.
- 10.9 A number of policies in the Core Strategy and UDP are relevant to the appeal proposal but are not cited in the reasons for refusal. It is concluded that the appeal scheme complies with these policies.
- 10.10 In light of the evidence of others and my own professional judgment I consider that for the reasons set out in section 6 of my evidence the appeal proposal complies with the Development Plan, taken as a whole.
- 10.11 If the Inspector is of the view that the appeal proposal does not accord with the Development Plan when read as a whole, then it is considered that there are a number of material considerations that indicate planning permission should be granted. These are considered at Section 7 of my proof with reference to the evidence of others. In this section I consider the status of relevant SPDs and conclude that the purpose of SPDs is to provide more advice on existing policies in the adopted development plan – they cannot formulate new policies or create policy to be subsumed into the development plan but are a material consideration.
- 10.12 I consider a raft of other guidance and reports, which have not gone through a rigorous adoption process imposed on DPDs and SPDs. I conclude that these should not enjoy the elevated status to which the Council clearly gives such guidance, particularly where the documents are being deployed by the Council to seek to adopt or refine a spatial policy approach otherwise than through properly formulated policies. The weight given to these documents in the decision making process should therefore be limited.
- 10.13 There are a number of benefits that the appeal scheme would deliver. If the Inspector is of the view that the appeal scheme complies with the Development Plan read as a whole, these

benefits support the grant of planning permission. If the Inspector takes the view that the appeal scheme does not comply with the Development Plan when read as a whole, the benefits are considered to significantly outweigh the conflict with the Development Plan.

- 10.14 In light of the evidence given by Dr Miele **(CD/D5)** there is no identified harm to heritage assets, however there are significant public benefits summarised in section 7 should the Inspector find some harm and these would readily outweigh that harm. Equally, Mr Pullan finds no harm in respect to townscape **(CD/D4)**, however there are significant public benefits that would readily outweigh any harm, should the inspector find some harm.
- 10.15 To conclude, the evidence of others and my own planning assessment addresses all of the reasons for refusal on the Council's decision notice. It is respectfully requested that the appeal should be allowed.

PLANNING PROOF OF EVIDENCE APPENDIX 1

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

Fusion Manchester DevCo Ltd

DEVELOPMENT & PLANNING | LEEDS

March 2022

APPENDIX 1 – POLICY STATEMENTS AND GUIDANCE

1. Relevant Policy and Guidance

National Planning Policy Framework

- 1.1 A revised version of the National Planning Policy Framework ('the Framework') was published in July 2021 (**CD/F1**). The Framework sets out the Government's planning policies for England and how these are expected to be applied. Policies in Chapters 6, 7, 10, 13, 14, 15 and 17 either contain reference to policies not relevant to this appeal or contain policies that are relevant but are not in issue with the Council. Those policies in the Framework that relate to matters in issue with the Council are considered below. The Council's reasons for refusal do not reference specific paragraphs of the Framework.
- 1.2 Paragraph 7 of the Framework states that '*the purpose of the planning system is to contribute to the achievement of sustainable development*'. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the UK – have agreed to pursue the 17 global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.'
- 1.3 Paragraph 8 defines the scope of sustainable development and includes economic, social and environmental dimensions. These dimensions are not mutually exclusive and should be considered together so that opportunities can be taken to secure net gains across each of the different objectives.
- 1.4 A key thread which runs throughout the Framework is the presumption in favour of sustainable development. With planning policies and decisions playing an active role in guiding development towards sustainable solutions, taking into account local circumstances (paragraph 9).
- 1.5 Paragraph 11 of the Framework sets out the principles of the 'presumption in favour of sustainable development'. 'For decision-taking this means:
- Approving development proposals that with an up-to-date development plan without delay; or
 - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (where the appropriate buffer, as set out in paragraph 73), or where requirement over the previous three years. Transitional agreements for the Housing Delivery Test are set out in Annex 1.

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

1.6 I consider that the appeal proposal is in accordance with the development plan taken as a whole and as such planning permission should be granted. However, should the Inspector take a different view then the limited impacts of the scheme are substantially outweighed by the benefits. An assessment of the benefits of the scheme are considered later in Section 7 in the main body of my proof.

1.7 The Framework at paragraph 38 sets out the principles that should guide decision making. Decisions should be taken in a *‘positive and creative way’*. Councils should... *‘work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers at every level should seek to approve applications for sustainable development where possible.’*

Section 9 Promoting Sustainable Transport

1.8 Paragraph 104 advises that transport issues should be considered at the earliest stages of plan making and development proposals including identifying opportunities to promote walking cycling and public transport use.

1.9 Paragraph 105 advises that the planning system should actively manage patterns of growth to support the objectives in paragraph 10. In particular, *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’*.

1.10 Paragraph 110 requires that sites allocated in development plans or applications for development should ensure that opportunities to promote sustainable transport modes have been taken up and that safe and suitable access to the site can be achieved for all users.

1.11 Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111).

² The Policies referred to are those in this Framework (rather than those in development plans) relating to; habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an area of Outstanding Natural Beauty, designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas of risk of flooding or coastal change.

- 1.12 The evidence of Mr Sam Denby **(CD/D6)** considers the location of the site and how accessible it is in respect to local amenities and the universities. A detailed walking and cycling audit is contained within his evidence that assesses the safety and suitability of a number of routes to the main MMU campus.
- 1.13 Requires that development should be located and designed where practical to, inter alia (paragraph 112):
- *‘Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services and appropriate facilities that encourage public transport use;*
 - *Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - *Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards’*
 - *Allow for the efficient delivery of goods and access by service and emergency vehicles; and*
 - *Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*
- 1.14 The appeal proposal is considered to comply with paragraphs 104, 105, 110 and 111 of the Framework providing opportunities for residents to cycle and walk to campus and use public transport for destinations elsewhere in the City or further afield.

Section 11 Making Effective Use of Land

- 1.15 Paragraph 119 advises that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 1.16 Paragraph 125 requires that planning policies and decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site.
- 1.17 The appeal proposal is located on a derelict, vacant previously developed parcel of land within Manchester City Centre. The redevelopment of this Site for a PBSA scheme complies with paragraphs 119 and 125 of the Framework.

Section 12 Achieving Well Designed Places

- 1.18 Paragraph 126 advises that the Government attaches great importance to the design of the built environment. It states that:

'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

- 1.19 Paragraph 130 states that planning policies and decisions should ensure developments:

- Function well and add to the overall quality of the area;
- Are visually attractive;
- Are sympathetic to local character and history;
- Establish a strong sense of place, using streetscapes and building to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development;
- Respond to local character and history, and reflect the identity of local surroundings and materials; and
- Create safe and accessible environments.

- 1.20 In light of the evidence of Mr Colin Pullan **(CD/D4)** I consider that the appeal proposal complies with design policies set out in Chapter 12 of the Framework.

Section 16 Conserving and Enhancing the Historic Environment

- 1.21 Paragraph 189 confirms that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

- 1.22 Paragraph 194 advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any **Supplementary Planning Documents**

- 1.23 Manchester City Council's website identifies four supplementary planning documents (SPD). The purpose of SPDs is to build and provide more advice on existing policies in an adopted local plan. They do not form part of the development plan, cannot formulate new policies or create policy to be subsumed into the development plan. They are however a material consideration in the decision making process (NPPG 61-008-20190315) **(CD/F2)**.

- 1.24 Regulation 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 **(CD/H10)** set out the requirements for producing SPD including the requirement to consult, to produce a consultation statement and adoption statement and as reasonably practicable make both the SPD and adoption statement available publicly.
- 1.25 The only SPD relevant to the appeal proposal is 'Guide to Development in Manchester (SPD and Planning Guidance) (adopted April 2007) (CD/G3)'.
- 1.26 This document is divided into three parts, only Part 1 has the status of an SPD, Part 2 provides guidance only. The purpose of the SPD is to assist developers in the preparation of Design and Access Statement.
- 1.27 Key development principles include:
- Design should respect and be informed by location;
 - Building height should be carefully considered;
 - The impact of car parking areas should be minimised;
 - Neighbourhoods should contain a mix of housing;
 - New developments should maximise access for disabled people, with the Council expecting developers to comply with the standards contained in 'Design for Access 2'; and
 - Adequate provision for refuse and recycling.
- 1.28 Technical Guidance was issued by the Council in December 2015. The guidance aims to provide help and advice in relation to noise in a planning context to encourage good acoustic design.
- 1.29 The guidance sets out that if a particular development is for a noise-sensitive end use then consideration of the locality of the proposal is an important aspect of any application.
- 1.30 The noise limits for residential development adopted by the Council are:
- Bedrooms (night-time - 23.00 - 07.00) 30 dB
 - Living Rooms (daytime - 07.00 - 23.00) 35 dB
 - Gardens and terraces (daytime) 55 dB

- 1.31 Noise conditions included on a planning decision may include recommendations for upgraded sound insulation which can be a vital means of protecting future occupants from transport noise or industrial /commercial noise sources.
- 1.32 The evidence of Mr Colin Pullan **(CD/D4)** and the DAS **(CD/A5)** considers the key design principles set out in this SPD

Emerging Local Plan

- 1.33 Manchester is currently reviewing their existing Development Plan. A consultation was undertaken in spring 2020 on Manchester Local Plan Issues Consultation (February 2020) and completed on the 1st May 2020. The Local Plan has not developed any further than this initial stage and as such no weight is given to that consultation document in the determination of this appeal.

Other Guidance

- 1.34 There is a raft of other local strategies and guidance documents that provide a strategic context for development generally and of the appeal proposal in particular, specifically student development.

Manchester Residential Quality Guidance

- 1.35 The guidance published in March 2017 **(CD/G8)** sets out the qualities, and opportunities that will help to deliver high quality residential development across Manchester.
- 1.36 The guidance states that residential areas should be well connected, with universities identified as one of the key destinations that we travel to and from. It is therefore important that residential areas are easily walkable and cycle friendly.
- 1.37 The guidance also sets out that developing at an appropriate density is imperative to shaping Manchester's future, ensuring more sustainable patterns of development and reducing the need to travel.
- 1.38 With the exception of areas of existing special character an increase in density should be encouraged in those parts of the city that are well connected to public transport and have greater access to public services, community facilities, amenity and recreation provision.
- 1.39 The evidence of Mr Colin Pullan **(CD/D4)** considers the design of the appeal proposal and concludes that the appeal proposal delivers high quality design that is in line with the guidance contained within this document. Evidence provided by Mr Sam Denby **(CD/D6)** on accessibility demonstrates that the appeal site is well located to the Universities and a range of local

amenities, including employment opportunities, in accordance with the general principles set out in this guidance.

Our Manchester Strategy 2016 - 2035

- 1.40 The Manchester Strategy **(CD/G9)** sets a long-term vision for Manchester's future and describes how it will be achieved.
- 1.41 The strategy acknowledges that Manchester is in the top tier of international cities for higher education, drawing upon a diverse global community for its staff and students from over 150 countries. Around 20,000 students graduate every year and an increasing number choose to stay to live and work in the city.
- 1.42 The strategy advises that delivering high-density developments will ensure that more people accessing jobs live within the city, and that the best use of the available space is made, limiting the requirement for green belt development.
- 1.43 The strategy advises that Manchester is developing the highest density housing in the places that are best connected by public transport. This type of urban development allows the city to grow more sustainably and responds to people's desire to be well connected by public transport.
- 1.44 This strategy provides an overarching vision and the context for development in Manchester within the period 2016 – 2035. The key points to draw from this strategy is that the growth and regeneration of Manchester during this period will focus on the efficient use of land through the delivery of high density, sustainable urban living that will enable residents to access jobs and education thereby limiting greenbelt development. The strategy recognises the importance of the Universities and graduate retention.
- 1.45 The appeal scheme would support the achievement of this vision through the re-use of a vacant, previously developed site for high quality, high density student accommodation in a sustainable urban environment. Where students have a positive experience at University including the location and quality of their living environment, this potentially has an influence on their decision to remain in Manchester after graduation so that they continue to contribute to the economic growth of Manchester.

Manchester City Centre Strategic Plan 2015 - 2018

- 1.46 The revised City Centre Strategic Plan **(CD/G4)** published in 2016 seeks to:
- Demonstrate what has been achieved since the last Strategic Plan was published in 2009

- Update the vision for the city centre within the current economic strategic context
 - Outline the direction of travel and key priorities over the next few years in each of city centre neighbourhoods
 - Describe the partnerships in place to deliver those priorities.
- 1.47 The strategy identifies the Great Jackson Street area as primarily a residential neighbourhood building on the opportunities provided by its adjacency to the city centre and surrounding developments.
- 1.48 The vision for the Great Jackson Street area is to transform the area into primarily a residential neighbourhood, building on opportunities provided by its adjacency to the city centre and surrounding developments such as First Street. Regeneration within the area will also include high quality open spaces and attractive public realm. Key priorities are delivering the first phases of new residential accommodation, ensuring effective linkages to neighbouring development areas, in particular First Street, and to Hulme and Hulme Park and ensuring high levels of environmental and energy management form part of the development.
- 1.49 The appeal proposal would assist in the delivery of the Manchester City Centre Strategic Plan through the regeneration of the site, contributing overall to a mix of residential development and removal of a site that has a detrimental impact on the character and appearance of the streetscene. The appeal proposal builds on the successful regeneration that has already taken place in the area.

Powering Recovery: Manchester's Recovery and Investment Plan

- 1.50 The Recovery and Investment Plan (**CD/G10**) was produced by the City Council in partnership with the private sector to set out the Council's economic response to the COVID-19 pandemic.
- 1.51 The Plan acknowledges that graduate retention and the highly skilled talent pool form one of the primary drivers for investment and growth in the City Centre. Manchester Metropolitan University (MMU) and University of Manchester (UoM) are noted as providing an attractive higher education offer for overseas and home students, including in key subject areas linked to the city's growth sectors.
- 1.52 The plan states that sustaining the growth of the city centre now will ensure that Manchester can continue to compete nationally and internationally, increasing the productivity of the UK and increasing its global profile.
- 1.53 The appeal scheme would bring inward investment into the City and contribute towards sustainable growth in the City Centre. The Appellants have secured funding and would deliver the scheme as a joint venture with their investment partner. If consented, the build programme

would start in Summer 2023 with a September 2025 opening envisaged. This would deliver real economic benefits that would assist the City in recovering from the COVID-19 pandemic.

Great Jackson Street Strategic Regeneration Framework Plan

- 1.54 The Great Jackson Street Strategic Regeneration Framework (the SRF) **(CD/G7)** was published in its current form in 2018 and guides the comprehensive regeneration of the Great Jackson Street area. The appeal site forms part of the designated framework area. The Council in determining the appeal proposal has placed significant weight on the SRF and considers that the development ‘*would have a negative impact on the achievement of the SRF*’.³ There is a clear inference that PBSA as a form of residential development is not appropriate in this location. Notwithstanding this the Council has approved a scheme for student development at Land at River Street (Application Ref: 118683/FO/2017) **(CD/H6)** comprising of part 32, part 10 and part 5 storey buildings comprising of 807 student bedspaces (sui generis), which is at the south eastern edge of the SRF (albeit just outside the boundary). In the Officer report to Committee, under consideration of the SRF, the Officer concluded that:

The proposed development would support the principles of the updated Framework and would bring an unsightly piece of land back into use, enhancing the area’s profile’.

- 1.55 The appeal site is similarly in a peripheral location, although in this instance just within the SRF boundary (although in the 2007 iteration located outside of the SRF boundary) but as PBSA would contribute to a mixed community in this area.
- 1.56 The SRF was originally prepared in 2007, updated in 2015 and then updated again in 2018. These periodic updates demonstrate the acceptance that the Great Jackson Street area has evolved over time and continues to evolve in response to changing market circumstances and proposed developments.
- 1.57 The redevelopment of the SRF area is noted to provide an opportunity to introduce a new residential-led neighbourhood with scale and form of development that is appropriate to its gateway location, performing an essential role in supporting Manchester’s growth, productivity and ensuring a high quality of life for its residents.
- 1.58 The SRF advises that the area should come forward with a range of residential accommodation types to create a sustainable mixed community.
- 1.59 The economic and market analysis set out in the SRF highlights an identified need for high quality, well managed apartments across a range of sizes and typologies that cater for an increasingly diverse population in the City Centre.

³ Officer Report to Committee; Application Ref: 129406/FO/2021 **(CD/A85)**

- 1.60 A variety of building heights are also encouraged in the area to ensure a varied and stimulating built landscape. It is noted that buildings should step down in height towards the centre of the
- 1.61 SRF area with the buildings of greatest height found at the perimeter. More specifically the SRF envisaged three buildings of between 19 and 27 storeys.
- 1.62 It should be noted that in respect to the Great Jackson Street area, the different iterations of the SRF have resulted in a change in the suggested separation distances considered appropriate for sites within the SRF. In the 2015 version of the SRF **(CD/G13)** this was set at 9 – 15 metres, however in the 2018 version appropriate separation distances were increased to 20 metres as the distances set in the earlier iteration of the Framework did not reflect '*typical back to back distances*'.
- 1.63 The massing identified in the SRF for the appeal site reflects the planning permissions granted on the Site, rather than what may be appropriate. In evidence Mr Colin Pullan **(CD/D4)** considers that the proposed height of the appeal scheme is appropriate in its context. It should be noted that the Council has adopted a flexible approach to massing within the SRF area, with approvals granted for increased massing for example at Crown Street the SRF envisages 31 and 39 storeys respectively in Phase 2 (buildings 4 and 5), whereas a recent planning approval grants permission for 2 x 52 storey towers (Application Ref: 126668/FO/2020) **(CD/H4)**.
- 1.64 The status of the SRF is set out in paragraph 1.10 and advises that the document will act as '*planning guidance and form a material consideration*' in the determination of future planning application. In addition, the council asserts that the principles in the document have further weight as they have been drafted to be consistent with national planning policy and the Local Development Plan. I consider that this conclusion is incorrect since the procedure set out in Regulation 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 **(CD/H10)** have not been complied with. As set out within the Appellant's evidence regard has been had to the SRF in the broad and flexible way in which it has informed other schemes.

Manchester City Council Executive Report November 2019

- 1.65 A report by the Strategic Director of Growth and Development was considered at the Council's Executive meeting on the 13th November 2019 **(CD/G11)**. The report set out the context for consideration to be given to a review of policies relating to purpose-built student accommodation and in particular Core Strategy Policy H12.
- 1.66 The report sets out how the student accommodation market has changed and how this has changed the context for how Policy H12 should be applied in determining planning applications.
- 1.67 Key points from the report include:
- Manchester has the largest concentration of students outside London.

- A growing proportion of students are now international, who choose to live in the city centre, driven by rising lifestyle expectations, property type and management.
- As a result, the student housing market in the south of the city has contracted.
- MMU and UoM have indicated that stock located further from the city centre is becoming increasingly unpopular.
- Due to a lack of PBSA units in the city centre, most students choosing to live in the city are likely to rent through the mainstream lettings market. This is evident through student exemptions for Council Tax at recently developed city centre schemes. This is inflating rents and squeezing out working households.
- Manchester is one of the most expensive markets in the UK for PBSA, and has a relatively high number of beds located more than 20 minutes from the primary University campuses.

1.68 The report sets out that a considered and diverse pipeline of new PBSA could stabilise rental growth and reduce competition between students and non-students.

1.69 The report sought approval for a consultation with key stakeholders on the changing market context summarised above being taken into account in determining planning applications. It was noted that the current policy on student accommodation needed to change to respond to the changing circumstances, including opportunities for further growth in PBSA stock.

1.70 The consultation was to include the considerations set out below:

- Supporting Regeneration Objectives – Schemes should contribute to delivering regeneration objectives for the city: supporting employment growth, graduate and talent retention, place making and the city's international reputation. Student accommodation should be in the right locations, in appropriate numbers and where it supports wider growth.
- Affordability – Manchester is one of the most expensive cities in the UK for PBSA. A more diverse pipeline of PBSA is required to help stabilise rental growth and which meets the needs of students at an affordable price. The appeal proposal would deliver 100 affordable beds which would assist in addressing this issue.
- Quality – New stock must be of a high quality, providing a high standard of living, within close proximity to the city's higher education institutions. Sustainable accommodation is where it is no more than a 20 minute walk to campus, and the quality of rooms and common space is above average.

- Wellbeing, Safety and Security – The principles of the three key codes of practice should be adopted for all new PBSA developments. PBSA owners should contribute to any additional management issues that can arise from a concentration of students.
- Density – Density of student accommodation would be essential to deliver the level of new high quality accommodation required within the context of scarce land availability within both the Corridor and the wider city centre.
- Location – PBSA should be located in the areas immediately adjacent to the core university areas, including parts of the neighbourhoods surrounding the Oxford Road Corridor.
- Sustainability – In the context of the climate emergency, new PBSA should be driven by proximity to university campuses, reducing the need to travel and for ease of using sustainable modes of transport.
- Mix of Uses – The corridor and city centre should maintain the right balance of uses to maximise its contribution to the economic growth of the city. A level of high quality PBSA is essential to achieving the right student offer and address the issues already noted. A limited amount will therefore be supported where it can be demonstrated that it supports commercial and educational use, and the overall growth and regeneration objectives for the Corridor and city.

1.71 The report was approved by the Executive in 2019. It does provide a useful source of evidence and I consider that the above criteria can help to inform the future delivery of further PBSA proposals.

Manchester City Council Executive Report December 2020

1.72 Further to the November 2019 report, a report by the Strategic Director of Growth and Development was considered by the Executive on 9th December 2020 (**CD/G12**). The report set out the outcome of the consultation exercise approved at the November 2019 meeting, and sought the Executive's approval to use the outcomes to inform a policy approach to PBSA.

1.73 The consultation was based on the considerations included at paragraph 6.109 above and took place in Q1/Q2 2020.

1.74 Phase 1 included consultation with students, property developers and higher education establishments. Developers raised the need to consider PBSA provision in the wider city centre for those who want city living, whilst also highlighting that PBSA should not undermine the delivery of mixed and inclusive neighbourhoods. Responses from students showed that over 50% wanted to move closer to the city centre, whilst the higher education institutions raised the complexities of the demands from different types of students, the issues around the cost and

availability of land, and concern over the London Plan affordable protocol (albeit welcoming such a requirement).

1.75 Phase 2 comprised the Local Plan Issues consultation which included a broad statement on PBSA and its potential to free-up existing student homes, thereby preventing over inflation of rental costs. Responses highlighted significant opposition to further PBSA development in the Oxford Road corridor and it becoming a predominantly student only area.

1.76 The report set out the Council's response to the issues raised in the consultation. The views of the Council include the following:

- There is a need to provide balanced neighbourhoods, supported by the proposal to concentrate new PBSA in close proximity to the University campuses. The provision of further PBSA can also support the freeing up of mainstream housing in the city centre currently occupied by students. This in turn generates additional Council Tax Revenue from residential properties as student exemptions will decrease.
- Support for the University's accreditation scheme through Manchester Student Homes, ensuring the quality of accommodation.
- New PBSA applications will need to include a management plan, setting out how the building will be managed and maintained over the long term, including issues such as waste management.
- Welcoming of the support for good quality, affordable accommodation and for growth and development in general.
- It is noted that the closure of MMU's Crewe and South Manchester campuses has resulted in an even larger number of student places being located at city centre campuses, and despite Covid-19, it is expected that numbers will remain strong, indicating a need for accommodation close to the university campuses. The increase of people living, and wanting to live, in the city centre and their needs must be balanced with the needs of students and communities in South Manchester.
- The SRFs adjacent to the Oxford Road Corridor, including Great Jackson Street, are noted as providing for a range of accommodation to meet the needs of all residential communities. Furthermore, the Council are reviewing the City Centre Strategic Plan to further define suitable areas for future PBSA, recognising the changing context of the city centre.
- New PBSA schemes will be assessed against the require space standards adopted by the Manchester Residential Quality Guidance.

- The Council recognises that there is scope to provide additional PBSA, provided it is of the right quality, price and in the right locations. Elsewhere in the report an assessment against the Our Manchester Strategy is set out, which discusses location
- when stating that student journeys should be made using public transport and active modes, supporting the climate change and clean air policy responses.

1.77 The Executive report was approved, with the principles set out in the November 2019 report (paragraph 7.72) being considered to remain appropriate in providing the context for the application of Policy H12 and highlight the need to address the changing market resulting in an increase in students renting mainstream private rented accommodation.

1.78 The appeal proposal accords with a number of the principles set out in the November 2019 report including:

- Delivering regeneration benefits including supporting graduate and talent retention
- Providing student accommodation at a mid-price point with 18.4% of affordable units
- Within a 20 minute walk of the MMU campus – reference should be made to the evidence of Mr Sam Denby **(CD/D6)**
- The Appellant, Fusion is committed to the wellbeing, safety and security of residents. Details are set out in the two documents submitted with the planning application and referred to in paragraph 6.14 above, and the evidence of Mr Sam Denby **(CD/D6)**
- High Density Scheme in the City Centre

1.79 However, it should be made clear that neither these executive reports, nor any of the other guidance including the SRF have gone through the rigorous adoption process imposed on DPDs and SPDs and should therefore not enjoy the elevated status to which the Council clearly gives such guidance, particularly where the documents are being deployed by the Council to seek to adopt or refine a spatial policy approach otherwise than through properly formulated policies. The weight given to these documents in the decision making process should therefore be limited.

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