



**MANCHESTER
CITY COUNCIL**

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

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

Appeal by: Fusion Manchester DevCo Ltd

Against refusal of planning permission for:

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

**Land at Deansgate South
Manchester**

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

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

1.0 INTRODUCTION

- 1.1 My name is Anthony Mitchell BSc (Hons), PGDURP. I am a Town Planner and hold the post of Principal Planning Officer within the City Centre Development Management Team at Manchester City Council.
- 1.2 My proof of evidence sets out:
- i) the appeal site and its context;
 - ii) the relevant planning policy framework and an assessment of the City Council's case.
- 1.3 The appeal relates to a vacant site at the junction of Chester Road/Bridgewater Viaduct and Deansgate. To the north east is Deansgate Quay, a seven storey residential building, and the area of Knott Mill, which has low-rise residential and mixed use buildings, including traditional buildings and heritage assets.
- 1.4 The site is within the Great Jackson Street Development Framework area (SRF) where a number of high density developments have been or are being developed to the east and south of the appeal site, all of which are set amongst extensive public realm provided as part of those developments.
- 1.5 Castlefield Conservation Area lies to the west of the site and is characterised by a variety of historic buildings and new developments. There are a number of listed buildings (all Grade II) within the immediate vicinity of the site, including: the Bridgewater Canal Offices; the Former Congregational Chapel (Artingstall's Auctioneers); Middle Warehouse, Deansgate Station; and the Manchester South Junction and Altrincham Railway Viaduct. There are also non-designated heritage assets near the site, including Atlas Bar at 376 Deansgate.

2.0 RELEVANT PLANNING POLICY

- 2.1 The Core Strategy Development Plan Document 2012-2027 ('the Core Strategy') is the key document in Manchester's Local Development Framework along with a number of saved UDP policies.
- 2.2 Other relevant local policies and documents include:
Guide to Development in Manchester;
Great Jackson Street Development Framework ("the Framework");
Report to the City Council's Executive on PBSA;
Castlefield Conservation Area Declaration;
Strategic Plan for Manchester City Centre 2015-2018;
Stronger Together: Greater Manchester Strategy 2013;
Residential Growth Strategy (2016); and
Manchester Residential Quality Guidance (March 2017).
- 2.3 Sections 8, 9, 11, 12 and 16 of the NPPF are relevant to the consideration of this appeal, as is Historic England Advice Note 4 (Tall Buildings).

3.0 THE CASE FOR THE COUNCIL

- 3.1 My evidence shows that this is an inappropriate location for PBSA as the appeal proposal does not meet criteria 1, 3, 4, 9, or 10 of Policy H12.

Criterion 1 of Policy H12 requires PBSA to be in close proximity (which is defined as being within 500m) to the University Campuses or to a high frequency public transport route which passes the area. This is reinforced by the City Council's Executive report of 9 December 2020, which highlights how location is a key factor in ensuring the quality, security, sustainability and wellbeing benefits in the provision of accommodation. The site is more than 1km from the University campuses and from the high frequency public transport route that serves the University campuses along the Oxford Road corridor. Public transport options close to the site do not provide direct routes to the Universities.

- 3.2 It would also be contrary to Policy SP1, in that it would not promote walking or the use of public transport and would not make a positive contribution to neighbourhoods of choice by making a positive contribution to the health, safety and well-being of residents. It would be contrary to Policy T2, which requires new development to be located to ensure good access to the Oxford Road Universities and is easily accessible by walking, cycling and public transport, connecting residents to educational opportunities. It would not comply with Policy H1, which requires developments to prioritise sites which are in close proximity to high frequency public transport routes.

- 3.3 The site lies within the Great Jackson Street area and on the edges of Castlefield and Knott Mill, all of which are high quality residential areas where there is an emphasis on the high quality design of buildings and creating a neighbourhood of choice where people want to live long term and which would be attractive to families. The appearance, design, scale, and proposed use

would not fit in with this vision and the proposal does not therefore meet criterion 3 of Policy H12.

- 3.4 The proposal would not meet Criterion 4 of Policy H12 as it cannot demonstrate a positive regeneration impact in its own right and it is not compatible with the the Framework, where significant regeneration has taken place and is ongoing to create a high quality residential neighbourhood of choice, with high value homes that would support the growth of the economy as shown in Mr Carty's evidence. The Framework expects a low to medium-rise high quality apartment building on this site.
- 3.5 The proposal does not meet the requirement of Policy CC8 for large-scale redevelopment proposals to be prepared within an approved development framework. It also fails to meet Policy H1 in that it would not provide the house types that would meet the needs of the diverse and growing population of the Great Jackson Street, Castlefield and Knott Mill areas. It would use land that is in a key location for residential development and would therefore not be in accordance with Policy CC3.
- 3.6 As far as I am aware, the Appellant does not have the support of and has not entered into a formal agreement with a University or another provider of higher education for the proposed development. Furthermore, the Appellant has failed to demonstrate robustly that there is unmet need for the proposed student accommodation as demonstrated by Mr Cole, and the proposal therefore does not meet criterion 9 of Policy H12.

The Council's policy has been tested at two appeals where the Inspectors concluded that the respective proposal did not meet the requirements of Policy H12 and one Inspector stated that all 10 criteria of Policy H12 are required to be satisfied.

- 3.7 The Appellant has not shown that their proposal is deliverable and therefore not satisfied Criterion 10 of Policy H12.
- 3.8 Mr Mason's evidence shows how the proposal for a 28-storey tower clad in weathering steel and filling the site would have a detrimental impact on visual amenity by forming an over-dominant feature within the street scene that fails to meet the quality that such a prominent building should achieve and which would result in a feeling of overcrowdedness. In light of the harm identified in Mr Mason's Proof, I conclude that the appeal proposal is contrary to Policies SP1, EN1, EN2 and DM1, as well as the NPPF.
- 3.9 Mr Mason's proof of evidence shows that the proposal would amount to a medium degree of 'less than substantial harm' (as outlined in section 16 of the NPPF) to nearby heritage assets (in this case, listed buildings and the Conservation Area).
- 3.10 In line with paragraph 202 of the NPPF, I have carried out a detailed assessment of the benefits of the scheme in order to determine if any benefits that exist outweigh the harm caused to the heritage assets. I have found that, whilst there would be some public benefits associated with the appeal scheme, these are limited in scope and do not outweigh the level of harm to the heritage assets identified by Mr Mason.
- 3.11 It is my opinion that Mr Mason's evidence has shown that the appeal proposal would not comply with Section 16 of the NPPF or the following local heritage policies: EN3 (Heritage) of the Manchester Core Strategy (2012) and saved policies DC18 (Conservation Areas) and DC19 (Listed Buildings) of the Unitary Development Plan for the City of Manchester (1995).
- 3.12 The wind study submitted with the planning application shows that the proposed development would result in a wind environment on Bridgewater Viaduct that

would be unsafe for cyclists and pedestrians and recommends the planting of street trees in mitigation.

- 3.13 My evidence shows the difficulties associated with planting street trees and the Council contends that the information provided by the Appellant on the potential wind environment is so sparse that there is no basis on which to conclude that there is a prospect of the unsafe wind environment around the site being acceptably mitigated.
- 3.14 The proposal does not, therefore, comply with advice given in HEAN4 or Core Strategy Policy EN2, which requires the impact of tall buildings on their local environment and micro-climate to be modelled and that submissions for tall buildings also include appropriate measures to create an attractive, pedestrian friendly local environment, and requires the developer to demonstrate that proposals for tall buildings are viable and deliverable.
- 3.15 I conclude that the development plan is up-to-date and its policies are consistent with up-to-date national policy. The appeal scheme is in conflict with relevant policies of the Development Plan as set out above. It is also in breach of national policy (again, as set out above). The appeal scheme generates significant harm associated with those policy breaches. I have considered the benefits generated by the scheme and have concluded that there are no material considerations that outweigh this conflict.