Broompark Management

JEFFERSON PLACE

Appellant's Statement of Case

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1 INTRODUCTION

1.1.1. WSP has prepared this Statement of Case on behalf of the appellant, Broompark Management.

1.1.2. It relates to the appeal against the decision of Manchester City Council (the Local Planning Authority) to refuse planning permission at Jefferson Place, 1 Fernie Street, Cheetham Hill, Manchester, M4 4AZ for the:

> *"Change of use from a vacant store to a studio apartment together with the insertion of new fenestration"*

1.1.3. The appeal is being submitted by way of written representations.

1.2 BACKGROUND

1.2.1. The full planning application was submitted on 26 February 2021 and was refused under delegated powers on 01 June 2021.

1.2.2. The proposal relates to an unused storeroom on the ground floor of Jefferson Place (a purpose-built apartment block within the 'Green Quarter' neighbourhood). The space would be converted into a one-person apartment, complete with bedroom, living space, kitchen and bathroom.

1.2.3. Windows are proposed to replace existing louvres on the northern elevation for light and ventilation purposes.

1.2.4. The floorspace of the proposed apartment is 40.00 sqm.

1.2.5. The reason for refusal states that:

> *"The creation of a one-bedroom apartment would result in an unacceptable standard of living accommodation for the proposed occupants and would not have a positive impact on the supply of high quality homes in this part of the city centre. Small windows would provide the only source of light and ventilation to the apartment, and the door and a window which is also located adjacent to the car park entrance would be particularly effected by noise, disturbance and fumes which would also contribute to the poor standard of accommodation. The proposal would therefore have an unduly harmful impact on residential amenity by not meeting the required standard of accommodation.*
>
> *The proposal therefore conflicts with policies SP1, CC3, H3 and DM1 of the Manchester Core Strategy (2012), saved policy DC5 and DC26 of the Unitary Development Plan for the City of Manchester (1995), the Residential Quality Guide (2019) and the National Planning Policy Framework."*

1.2.6. Discussions with the Council during the consideration of the application and subsequently the reason for refusal suggests the plans have been misread by the Council.

1.2.7. All relevant correspondence and the planning application documents are submitted with the appeal forms.

1.2.8. The appeal should be allowed because:

- The apartment will result in an acceptable standard of living accommodation for the proposed occupants;
- The proposal is consistent with the character of the Green Quarter and does contribute to the supply of high-quality homes in this part of the city;
- Living space within the apartment exceeds both local and national guidance on minimum space standards;
- Provision has been made for adequate light and ventilation to the apartment;
- Mechanical ventilation will ensure that air quality is maintained; and
- Noise mitigation measures will ensure that day-time and night-time noise levels are policy compliant.

1.2.9. This Statement of Case is accompanied by the following technical documents prepared by Miller Goodall that help justify the proposal (these were not part of the planning application but support the Statement of Case):

- Air Quality Assessment; and
- Noise Assessment.

1.2.10. This Statement of Case is set out as follows:

- Section 2 describes the site context.
- Section 3 considered the policies of the development plan relevant to the appeal.
- Section 4 considers the material considerations relevant to the appeal, including national policy and guidance, and local guidance.
- Section 5 justifies the appeal being allowed.
- Section 6 provides a conclusion.

2 SITE CONTEXT

2.1.1. Jefferson Place is an apartment complex consisting of 311 apartments, located on Fernie Street within the Green Quarter.

2.1.2. The Green Quarter is a mixed-use urban community, immediately north of the City Centre. The area is characterised by several other apartment blocks set within landscaped grounds, similar to Jefferson Place.

2.1.3. When the Green Quarter was first designed and built, a large storeroom was planned, accessed from the outside. The large storeroom has not been used for several years and is now vacant space. It is capable of conversion.

2.1.4. The property fronts onto a small road that accesses Jefferson Place from Fernie Street. An existing pedestrian zone separates the proposed unit entrance and the road itself, with new steel bollards designed for pedestrian safety. A pedestrian path to the immediate east provides access to a landscaped area on site and the large gardens and water features that form the area's communal amenity spaces.

2.1.5. The property is well connected from a public transport standpoint, circa 350m to the north of Manchester Victoria Railway Station and Metrolink stop and the rest of the city centre.

2.1.6. Fernie Street joins Lord Street 40m to the north, which leads to the A665, hosting various commercial and retail services along with food and newsagent stores. The property is within walking distance of key services and amenities such as the Co-op supermarket on Scotland Street (circa two-minute walk), Manchester Fort shopping centre and the city centre itself.

2.1.7. There are bus stops on Cheetham Hill Road served by the 135 and 1 that provide services circa every 10 minutes to Manchester City Centre, to Bury, Middleton and to Sale.

2.1.8. The site is undisputedly highly accessible by a range of sustainable transport options.

2.1.9. Whilst the site is in a residential area, there are many employment sites in the area to the north of the city centre within walking distance, whilst the city centre itself provides a myriad of employment opportunities.

2.2 PLANNING HISTORY

2.2.1. Table 2-1 summarises the key parts of the planning history of the site.

Table 2-1 – Planning History

Reference	Description	Date / Decision
057433/OO/NORTH1/99	Mixed use development comprising retail, restaurant, office and residential uses with pedestrian and vehicular access	Approved 3 February 2000
066297/OO/NORTH1/02	Mixed use development comprising residential, commercial, hotel, retail, nursery, land-scaping, car parking	Approved 28 April 2003

070444/OO/2003/N1	Outline planning application for mixed use development comprising residential (C3), commercial (B1), hotel (C1), retail (A1, A2, A3) nursery (D1) and hard and soft landscaping including the provision of a new public open space, basement and undercroft car parking and associated work	Approved 14 June 2004
073832/FO/2004/N1	Erection of part 20, part 18 and part 16 storey building comprising 311 apartments and 157 car parking spaces with associated landscaping	Approved 7 February 2005
125840/FU/2020	Change of use of unused store room to create a studio apartment (Class C3) (NB: this proposal was in a different part of the Jefferson House building and was dismissed for failing against space standards).	Refused 7 February 2020

2.2.2. This shows that the Green Quarter has been developed over the past 15 years and it is now a well-established popular area to live.

2.2.3. The principle of residential development in the area is already established.

125840/FU/2020

2.2.4. Of note is application 125840/FU/2020 which was a scheme submitted by the same applicant in another part of Jefferson Place.

2.2.5. This application was refused and subsequently dismissed at appeal due to poor living conditions being created for future occupants in terms of light levels and the space within the accommodation.

2.2.6. Considerations have been made for these issues in the submission of this application. The size of the apartment in this case exceeds minimum space standards as set locally and nationally. The scheme also includes increased fenestration to provide appropriate light levels and other amenity benefits.

3 PLANNING POLICY AND GUIDANCE

3.1.1. The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out mandatory requirements associated with the development management system. Article 35(b) states that:

> *Where planning permission is refused, the notice must state clearly and precisely their full reasons for refusal specifying policies and proposals in the development plan which are relevant to the decision.*

3.1.2. Therefore, in accordance with the DPMO, these should not only be development plan policies which the LPA judge the proposal fails to accord with but should also be the only development plan policies that are relevant to the decision.

3.1.3. For completeness, all such policies are set out below.

3.1.4. The statutory development plan comprises the Core Strategy (adopted July 2012) and saved policies of the Unitary Development Plan (adopted July 1995).

3.2 CORE STRATEGY

3.2.1. The reason for refusal relates to Policies: SP1, CC3, H3 and DM1 of the Manchester Core Strategy.

Policy SP1 Spatial Principles

The key spatial principles which will guide the strategic development of Manchester to 2027 are:

The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high-quality city living.

The growth of Manchester Airport will act as a catalyst for the regional economy and will also provide the impetus for a second hub of economic activity in this part of the City.

Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.

The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.

The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved.

New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to

the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core Development Principles

Development in all parts of the City should: -

Make a positive contribution to neighbourhoods of choice including: -

creating well designed places that enhance or create character;

making a positive contribution to the health, safety and wellbeing of residents;

considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.

protect and enhance the built and natural environment.

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

3.2.2. The issued Decision Notice also refers to Policies CC3, H3 and DM1 of the Core Strategy.

Policy CC3 Housing

The City Centre will see the most intensive development of housing in the City. It is expected that a minimum of 16,500 new units will be provided from 2010-2027.

Key locations for the residential development will be Castlefield, Piccadilly, the Southern Gateway and the Northern Quarter.

In other parts of the City Centre residential development will only be appropriate in line with Policy CC7.

Residential development in the City Centre will comprise apartment schemes. The Council will encourage accommodation of a high standard which offers accommodation which is large enough to suit a range of occupants, in terms of both the number of rooms and their size.

Policy H3 North Manchester

North Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Strangeways and Collyhurst area) and within Cheetham Hill and Harpurhey district centres as part of mixed-use schemes as well as along high frequency public transport routes.

Policy DM1 Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- *Appropriate siting, layout, scale, form, massing, materials and detail.*
- *Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.*
- *Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.*
- *Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.*
- *Community safety and crime prevention.*
- *Design for health.*
- *Adequacy of internal accommodation and external amenity space.*
- *Refuse storage and collection.*
- *Vehicular access and car parking*
- *Effects relating to biodiversity, landscape, archaeological or built heritage.*
- *Green Infrastructure including open space, both public and private.*
- *The use of alternatives to peat-based products in landscaping/gardens within development schemes.*
- *Flood risk and drainage.*
- *Existing or proposed hazardous installations.*
- *Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply): -*

a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required:

Year 2010 – Code Level 3;

Year 2013 - Code Level 4;

Year 2016 - Code Level 6; and

(b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

3.3 SAVED POLICIES OF THE UNITARY DEVELOPMENT PLAN

3.3.1. The reason for refusal refers to saved policies DC5 and DC26 of the Unitary Development Plan.

DC5 – Flat Conversions

DC5.1 In determining planning applications to convert property to flats, the Council will have regard to:

a. *the standard of accommodation for the intended occupiers of the premises;*
b. *effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;*
c. *adequacy of car parking, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created;*
d. *general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;*
e. *adequate private outdoor amenity space;*
f. *the desirability of achieving easy access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation);*
g. *the satisfactory provision of refuse storage and collection facilities.*

DC5.2 There will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan. They will be particularly welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock.

DC5.3 Notwithstanding policy DC5.2, the Council will normally refuse permission for any developments in this category which: a. do not provide accommodation to the Council's current approved standards; b. are in tightly-packed residential streets where there is no scope for off-street car parking and where there is already an acknowledged problem of on-street congestion; c. involve conversion schemes without adequate private external amenity space; d. are schemes without satisfactory refuse storage and collection facilities.

DC5.4 In determining applications of this kind, the Council will give particularly careful consideration to situations in which the conversion of small terraced properties are proposed; and where a scheme is the first in a street of otherwise single family dwellings, the Council will give weight to the desirability of maintaining the character of the street in that respect.

DC26 – Development and Noise

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

a. *the effect of new development proposals which are likely to be generators of noise; and*
b. *the implications of new development being exposed to existing noise sources which are effectively outside planning control.*

DC26.2 New noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.3 Developments likely to result in unacceptably high levels of noises will not be permitted: a. in residential areas; b. near schools, hospitals, nursing homes and similar institutions; c. near open land used frequently for recreational purposes.

DC26.4 Where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

a. *engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;*
b. *layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or noncritical rooms within a building; and*
c. *administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.*

DC26.5 The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

DC26.6 Exceptions to the general policy will be considered on their merits. The Council accept, as an example, that the occasional use of outdoor facilities such as sports stadia for concerts can be acceptable in certain circumstances. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

4 MATERIAL CONSIDERATIONS

4.1.1. In addition to the development plan policies above, there are other sources of planning policy and guidance material to this appeal.

4.1.2. The decision notice cites the Manchester Residential Quality Guide (2019) and the National Planning Policy framework as considerations in the decision.

4.2 NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

4.2.1. The Council do not make reference to specific policies in the NPPF that are applicable in the decision of this application.

4.2.2. There are certain policies relevant in this case:

Chapter 5 Delivering a sufficient supply of homes

4.2.3. Paragraph 62 advises that planning policies should reflect the size, type and tenure of housing needed for different groups, including people who rent their homes.

4.2.4. In this instance, it is inconceivable how the provision of a one-bedroom apartment in this part of Manchester would hinder the delivery of a sufficient supply of homes for those that require tenure of this type.

Chapter 11 Making effective use of land

4.2.5. Paragraph 124 supports proposals that make efficient use of land, taking into account various considerations including housing needs, viability, local infrastructure, local character and design. These considerations dictate that the appeal scheme is an effective and efficient use of land.

Chapter 12 Achieving well-designed places

4.2.6. Paragraph 134 notes that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

4.2.7. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

> *a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
>
> *b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

4.2.8. The decision notes that the proposal would not have a positive impact on the supply of high-quality homes in this part of the city centre, something that is refuted here due to the accordance with local design policies in line with the policy above.

4.3 MANCHESTER RESIDENTIAL QUALITY GUIDE (2019)

4.3.1. Adopted in 2019, this is material to the appeal as listed in the Decision Notice.

4.3.2. Appendix A sets out Manchester's Emerging Space Standards as appended in the Manchester Residential Quality Guide. Of note is the 'one-bedroom, one-bed space, one storey dwelling' type, which guides a minimum of 39sqm.

4.4 NATIONALLY DESCRIBED SPACE STANDARDS

4.4.1. Appendix B sets out the Nationally Described Space Standards: 39 sqm is the standard required for a 1-bedroom 1-person apartment with a bath (37sqm if a shower rather than a bath).

5 JUSTIFICATION

5.1.1. This section of the Statement of Case refutes the LPA's reasons for refusal. It divides the reasons for refusal into separate issues.

5.1.2. In the interest of clarity, the reason for decision given on the issued decision notice is given below in full:

"The creation of a one-bedroom apartment would result in an unacceptable standard of living accommodation for the proposed occupants and would not have a positive impact on the supply of high quality homes in this part of the city centre. Small windows would provide the only source of light and ventilation to the apartment, and the door and a window which is also located adjacent to the car park entrance would be particularly effected by noise, disturbance and fumes which would also contribute to the poor standard of accommodation. The proposal would therefore have an unduly harmful impact on residential amenity by not meeting the required standard of accommodation."

"The proposal therefore conflicts with policies SP1, CC3, H3 and DM1 of the Manchester Core Strategy (2012), saved policy DC5 and DC26 of the Unitary Development Plan for the City of Manchester (1995), the Residential Quality Guide (2019) and the National Planning Policy Framework."

5.2 SPACE STANDARDS

5.2.1. The LPA allege that the one-bedroom apartment would result in an *"unacceptable standard of living accommodation for the proposed occupants".*

5.2.2. Throughout post-submission discussions, the Council alleged via telephone that the unit would be below prescribed space standards which was refuted at the time and still is; this suggests the plans were misread by the Council.

5.2.3. From the submitted plans and application form, it is clear that the proposal measures 40sqm internal GIA. This exceeds space standards for a one bedroom, one bed space dwelling as set out by both local and national policy (please refer to Appendices A + B).

5.2.4. Therefore, in light of section a. of UDP Policy DC5.3, the scheme complies with the Council's current approved standard. Moreover, the policy test in CC3 refers to the number of rooms and their size, to suit a range of occupants. By virtue of the space standards being applicable to one-bed apartments, it is evident that such apartments are acceptable, and by virtue of exceeding the size thresholds, it is evident that the policy is complied with in this regard.

5.3 HIGH QUALITY HOMES

5.3.1. The reason(s) for decision notes that the proposal *"would not have a positive impact on the supply of high-quality homes in this part of the city centre"*.

5.3.2. Throughout post-submission discussions with the Council, the LPA consistently pointed out that the scheme would not contribute to the supply of high-quality homes in this area but would not justify the reasoning behind this assumption.

5.3.3. The Green Quarter is a popular place to live and is characterised by similar residential apartment types to Jefferson Place. The area already benefits from extensive external amenity space, including

lawns, seating and fountains, which the new resident would also benefit from. It is estimated that the external amenity space is in excess of 6,500 sqm.

5.3.4. Provisions have been made to increase the residential amenity of the occupier and the inclusion of further steel bollards along the perimeter of the pedestrian zone and an internal entranceway both seek to protect the residential quality of the unit.

5.3.5. Quality is relative, and in providing comparatively affordable accommodation with external amenity space fostering a sense of community, the apartment would represent a quality standard of living for anyone currently stuck in the parental home, or unable to afford the higher-value city centre apartments or living in crowded house-shares.

5.3.6. Therefore, the scheme is compliant with Policy SP1 as it produces high quality (when measured against any quantifiable metric). Additionally, the scheme is supported by the principles outlined in Policy DC5 of the UDP which states that '*There will be a general presumption in favour of flat conversions within residential areas'.*

5.4 FENESTRATION AND LIGHT

5.4.1. The LPA allege that: *"Small windows would provide the only source of light and ventilation to the apartment, and the door and a window which is also located adjacent to the car park entrance would be particularly effected by noise, disturbance and fumes which would also contribute to the poor standard of accommodation".*

5.4.2. The submitted elevations plan clearly depicts windows of a size comparable with the other windows on the elevation directly above the proposed apartment. The photograph in **Appendix C** demonstrates this.

5.4.3. The proposed fenestration takes the form of six windows, as evident on the submitted elevations and GA plans. The fenestration provided is of a comparable scale to other properties in the development, allowing the same levels of light into the unit.

5.4.4. The apartment access includes a lobby and two doors (internal and external) to help reduce the potential impact of emissions on the internal living environment.

5.4.5. By virtue of its comparable design to surrounding units with regard to the effects of light on residential amenity, this scheme is compliant with adopted Policy DM1 and saved UDP Policy DC5. The principle of development with similar fenestration is already established in this location, ensuring the appropriateness of this scheme in relation to amenity of any future occupant.

5.5 VENTILATION AND FUMES

5.5.1. Miller Goodall has been commissioned to undertake an Air Quality Assessment to support this appeal, which is provided within the appeal submission. The AQA considers the appropriate ventilation for the apartment and the likelihood of "fumes" affecting the amenity of the occupier.

5.5.2. The AQA notes that air quality will not be significantly affected at the façade of the proposed dwelling due to the small number of cars accessing and egressing the car park and the short period they are present for. Due to the transient nature of this source, the build-up of adverse air quality concentrations is not expected to occur.

5.5.3. The AQA concludes that mitigation measures in the form of mechanical ventilation will be the most prudent tool to implement at the site. This is in line with current mechanical ventilation provided at all

other apartments at Jefferson Place and will make use of the existing ventilation points on the side of the building, facing onto a pedestrian courtyard.

5.5.4. Miller Goodall conclude that: *"Whilst air quality is a material consideration in the planning decision process, the inclusion of mechanical ventilation into the design of the site, which can be secured by a suitably worded planning condition, will ensure future occupants are not adversely affected by potential poor air quality. There is no reason, in terms of air quality, why the development should not proceed."*

5.5.5. A condition could read:

5.5.6. **No development shall commence until details of the mechanical ventilation for the property have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the property.**

5.5.7. On account of the assessment and mitigation measures proposed by Miller Goodall, this scheme is compliant with Policy DM1 and SP1 through its regard for the effects of air quality on residential amenity and through its positive contribution to the health, safety and wellbeing of residents. Therefore, there is no conflict with the development plan in terms of air quality that cannot be mitigated through the provision of suitable conditions. The scheme can be implemented so that it is compliant with material guidance on air quality.

5.6 NOISE

5.6.1. The LPA set out in their decision that *"the door and a window which is also located adjacent to the car park entrance would be particularly effected by noise … which would also contribute to the poor standard of accommodation".*

5.6.2. The site is located close to a perforated steel roller shutter door used to access the off-street car park associated with Jefferson Place. As such, there exists external noise associated with the shutter itself and vehicles arriving / departing the car park, but in the same manner as other apartments within the development that are located close to shutter doors. Internally, there is potential noise from the communal bin store located adjacent to the proposal.

5.6.3. Miller Goodall have been commissioned to prepare a Noise Assessment that is submitted alongside this appeal, considering potential noise impact affecting the amenity of future residents from the relevant nearby sources.

5.6.4. They note that existing apartments above the car park are exposed to similar noise levels in terms of character and magnitude. As such, the principle of residential development in close proximity to the car park entrance has already been established and should not be a factor warranting refusal of planning permission. Indeed, there have been no complaints about noise in this regard from any resident of the Green Quarter in the circa 15 years since the development was built.

5.6.5. The Noise Assessment sets out various mitigation measures to be implemented for the reduction of noise impact on any future occupier of the unit. The installation of higher density brick work and an independent wall lining to the internal separating wall will ensure that MCC's daytime and night-time noise design criteria are both met, hence securing an adequate degree of amenity.

5.6.6. Miller Goodall conclude that: *"whilst noise is a material consideration in the planning decision process, provided suitable noise mitigation and sound insulation measures are incorporated into the*

design of the site, which can be secured by a suitably worded planning condition, noise should not now be considered a valid reason for refusal of the proposed development."

5.6.7. A condition could read:

5.6.8. **No development shall take place until details for noise mitigation and sound insulation have been submitted to and agreed by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the property.**

5.6.9. It is acknowledged that Policy DM1 lists noise as one of the issues for development to consider, in the context of effects on amenity. In this appeal, it is important to consider whether any future occupier of the unit will be affected by such a level of noise to justify the refusal of planning permission. The relevant saved UDP section (DC26) states that new noise-sensitive development in proximity to existing noise sources will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, **unless the effects of the noise can realistically be reduced**. As per the recommendations in the Noise Assessment, this scheme can realistically reduce the impacts of noise on any future occupant and as such, is policy compliant.

5.6.10. Therefore, there is no conflict with the development plan in terms of noise that cannot be mitigated through the provision of suitable conditions. The scheme can be implemented so that it is compliant with material guidance on noise.

6 CONCLUSION

6.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

> *If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

6.1.2. The reason for refusal sets out the Council's concerns as to why the proposal has been judged to not comply with the development plan, resulting in an "unacceptable standard of living accommodation" and not having a positive effect on the supply of high-quality homes.

6.1.3. Contrary to the Council's assertions, the accommodation surpasses both local and national space standards, providing adequate living space for a one person, one-bedroom apartment.

6.1.4. The associated reports that have been produced by Miller Goodall show that concerns over ventilation, fumes, noise and disturbance are unfounded if conditions are attached to a planning permission to protect the residential amenity of any future occupier.

6.1.5. The proposed fenestration will provide the same light as other windows on other apartments within Jefferson Place.

6.1.6. The standard of accommodation is therefore completely in accordance with policy and guidance.

6.1.7. The proposal is located in an existing block of accommodation set in a green urban environment. It adds a comparatively affordable one-bed apartment to an existing popular development and will solve one person's housing need.

6.1.8. As such, the proposal accords with the development plan and the appeal should be allowed.

Appendix A

MANCHESTER'S SPACE STANDARDS

Public

NUMBER OF BEDROOMS (b)	NUMBER OF BED SPACES (persons)	1 STOREY DWELLINGS	2 STOREY DWELLINGS	3 STOREY DWELLINGS	BUILT-IN STORAGE (m^2)
1b	1p	39 (37)			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	83		
3b	4p	74	87	90	2.5
	5p	86	96	102	
	6p	95	102	108	
4b	5p	90	100	106	3.0
	6p	99	107	113	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Appendix B

NATIONALLY DESCRIBED SPACE STANDARD

Public

Minimum gross internal floor areas and storage (m^2)

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
1b	2p	50	58		1.5
2b	3p	61	70		2.0
2b	4p	70	79		2.0
3b	4p	74	84	90	2.5
3b	5p	86	93	99	2.5
3b	6p	95	102	108	2.5
4b	5p	90	97	103	3.0
4b	6p	99	106	112	3.0
4b	7p	108	115	121	3.0
4b	8p	117	124	130	3.0
5b	6p	103	110	116	3.5
5b	7p	112	119	125	3.5
5b	8p	121	128	134	3.5
6b	7p	116	123	129	4.0
6b	8p	125	132	138	4.0

Appendix C

PHOTOGRAPH



Photograph of the appeal property, showing existing vents to be replaced by windows to match the properties above.



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