

PLANNING STATEMENT OF COMMON GROUND

**Between Manchester City Council and
Fusion Manchester DevCo Ltd**

Land at Deansgate South

November 2021

LPA Ref: 129406/FO/2021

Appeal on behalf of Fusion Manchester DevCo Ltd

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Version	Prepared by	Approved by	Date
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1. Introduction

- 1.1 This Statement of Common Ground (SoCG) comprises the agreed matters between Fusion Manchester DevCo Ltd ('the Appellant') and the Local Planning Authority, Manchester City Council ('the Council'). It has been prepared and submitted in respect of a proposal for the following development:

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

- 1.2 This is the Statement of Common Ground in respect of planning matters. It is intended that Statements of Common Ground will be agreed on areas of expertise as considered relevant and necessary which is anticipated to include:

- A design statement of common ground;
- A highways and accessibility statement of common ground;
- A heritage statement of common ground; and
- A wind environment statement of common ground.

- 1.3 The site is located on land at Deansgate South, Manchester.

- 1.4 The SoCG relates to an appeal against the decision of the Council's Planning Committee to refuse planning permission at their meeting on 3rd June 2021. The decision notice was issued on 4th June 2021.

- 1.5 The application was refused for the following reasons:

1. *The proposal is not in close proximity to the University campuses or to a high frequency public transport route which passes this area and the applicant has failed to demonstrate robustly that there is unmet need for the proposed student accommodation; that they have entered into an agreement with an education provider for the provision of student accommodation; or that their proposal is deliverable. Furthermore, the proposal does not demonstrate a positive regeneration impact in its own right and would be contrary to the Great Jackson Street Development Framework and the efforts made to create a high quality residential area. It would, therefore, adversely impact upon the safety and welfare of future students, would not create a balanced high quality neighbourhood of choice and would be detrimental to the character of the area, undermining the on-going regeneration of the wider locality, including Castlefield and the Great Jackson Street area. It would thereby be contrary to policies SP1, H1, H12, CC3, CC8, CC10, T2 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.*
2. *The proposed building by reason of its scale, height, position on the site and its use of poor quality cladding materials, would form an over-dominant feature within the street scene and would fail to meet the quality that such a prominent building should achieve. It would thereby have a detrimental impact on visual amenity and is therefore considered to be contrary to policies SP1, EN1, EN2 and DM1 of the Manchester Core Strategy, guidance contained in the Guide to Development in Manchester Supplementary Planning Document and Guidance and the National Planning Policy Framework.*
3. *The proposed building by reason of its scale, height, position on the site and lack of public realm would form over-development of the site, having an overbearing relationship to the adjacent building and creating a feeling of overcrowdedness. It would thereby have a*

detrimental impact on urban design and visual amenity. It is therefore considered to be contrary to policies SP1, EN1, EN2, and DM1 of the Manchester Core Strategy, guidance contained in the Guide to Development in Manchester Supplementary Planning Document and Guidance and the National Planning Policy Framework.

4. *The proposed building by reason of its scale, design and appearance would form an over-dominant and intrusive feature within the street scene and would thereby have a detrimental impact on the settings of the nearby listed buildings. The proposed building would cause less than substantial harm to the significance of these heritage assets, which would not be outweighed by the public benefits of the scheme. It is therefore considered to be contrary to guidance within the National Planning Policy Framework, policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.*
 5. *The proposed building by reason of its scale, design and appearance would form an over-dominant and intrusive feature within the street scene and would thereby have a detrimental impact on the character and appearance of Castlefield Conservation Area. The proposed building would fail to preserve or enhance the character and appearance of Castlefield Conservation Area and would cause less than substantial harm to the significance of this heritage asset, which would not be outweighed by the public benefits of the scheme. It is therefore considered to be contrary to guidance within the National Planning Policy Framework, policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy and saved policy DC18.1 of the Unitary Development Plan for the City of Manchester.*
 6. *The proposed building by reason of its scale, massing and height would have a detrimental impact upon the wind environment around the building, requiring mitigation. The applicant has failed to demonstrate that the mitigation measures put forward are capable of implementation and no alternatives have been put forward. Therefore, it is considered that the proposed building, by reason of its scale, massing and height, could have a detrimental impact on the safety and comfort of pedestrians and cyclists, thereby being contrary to policies EN2 and DM1 of the Manchester Core Strategy.*
- 1.6 This SoCG sets out the areas of the appeal that are not in issue between the Appellants and the Council.

2. The Site and Appeal Proposal

- 2.1 The appeal site is a triangular parcel of land extending to approximately 0.06a in area. It is located within the Great Jackson Street area of Manchester City Centre.
- 2.2 The site is vacant brownfield land and currently comprises scrub vegetation and hardstanding associated with its historical uses. There are two existing access points, one from Chester Road / Bridgewater Viaduct and one from Deansgate.
- 2.3 The site is located within a mixed use area which contains a significant quantity of residential dwellings, 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.
- 2.4 Immediately to the north and west of the site is the Bridgewater Viaduct, beyond this is a vacant parcel of land under construction for two residential apartment buildings. To the north of the site is a 7 storey residential building.
- 2.5 To the east of the site is Deansgate Square, a scheme of four multi-storey apartment buildings, ranging in height from 37 storeys to 64 storeys. To the south of the site is the Crown Street development, which is under construction to provide two residential buildings, one at 52 storeys and the second at 21 storeys.
- 2.6 The adopted Proposals Map identifies that the site is located within the Regional Centre and City Centre.
- 2.7 The appeal proposal seeks full planning permission for the construction of a 28-storey purpose built student accommodation building (Sui Generis).
- 2.8 The following documents and plans were submitted in support of the application:
 1. Environmental Statement, containing the following topics as a technical chapter:
 - Noise and Vibration, prepared by Apex
 - Air Quality, prepared by Ensafé
 - Townscape and Visual (including Tall Building Assessment), prepared by Bidwells
 - Built Heritage, prepared by Bidwells
 - Daylight and Sunlight, prepared by GIA
 - Wind Microclimate, prepared by Wardell Armstrong
 - Socio-Economics, prepared by Cushman & Wakefield
 - Construction Methodology and Programme, prepared by Wardell Armstrong
 2. Archaeological Desk-Based Assessment, prepared by Oxford Archaeology¹

¹ This document was submitted with and previously approved through application ref. 115591/FO/2017 (and also 110730/FO/2015/C1 in the case of the Archaeological DBA). Letters of reliance were obtained alongside confirmation that there had been no material changes necessitating updates to the original reports and thus the original findings remain correct and relevant.

3. Design and Access Statement, prepared by Corstophine + Wright
 4. Blue and Green Infrastructure Statement, prepared by Cushman & Wakefield
 5. Broadband Connectivity Assessment, prepared by GTech Surveys
 6. Television and Radio Reception Impact Assessment, prepared by GTech Surveys
 7. Crime Impact Statement, prepared by Design for Security
 8. Energy Strategy Report, prepared by Ridge
 9. BREEAM Pre-Assessment Report, prepared by Impact Sustainability
 10. Evidence of Student Need, prepared by Cushman & Wakefield
 11. Flood Risk Assessment and Drainage Strategy, prepared by Shear Design
 12. Phase 1 Preliminary Risk Assessment Report, prepared by WSP.
 13. Factual Report on Ground Investigation, prepared by Structural Soils Ltd¹
 14. Local Labour Agreement, prepared by Fusion Students
 15. Residence Management Strategy, prepared by Fusion Students
 16. Social Spaces, Amenities & Student Wellbeing Strategy, prepared by Corstophine + Wright
 17. Preliminary Ecological Appraisal, prepared by Wardell Armstrong
 18. Bat Survey Report, prepared by Wardell Armstrong
 19. Statement of Community Involvement, prepared by BECG
 20. Transport Statement and Framework Travel Plan, prepared by Calibro
- 2.9 The submitted drawings are listed in Appendix 1.
- 2.10 Additional material was submitted to the Council on the 26th May 2021:
1. Revised lower ground floor plan ref. 20269-0310-P-02
 2. Formal response to the matters raised by neighbours and local ward councillors.
- 2.11 It is agreed that the above documents and drawings, including the Environmental Statement, are sufficient to enable a lawful decision to be made.
- Application Determination**
- 2.1 The planning application (ref. 129406/FO/2021) was submitted on 15th February 2021, and valid from that date.
- 2.2 During the determination period, 40 responses were received from third parties, with 28 objecting to the proposal and 12 supporting it. A summary of these and responses to agreed relevant issues will be added as an appendix to the next version of this document.
- 2.3 The application was determined by the Council's planning committee at their meeting on 3rd June 2021.

3. Planning History

3.1 The planning history associated with the appeal site includes multiple permissions for residential developments with ground floor commercial uses. The following are details of the most relevant applications:

Application Reference	Description of Development	Decision	Date
060909/FO/CITY3/00	Mixed use development comprising (Class A3) at ground floor level with 30 residential units on upper floors	Approved	20/09/2001
065560/FO/CITY3/02	Mixed use development comprising food and drink use (class A3) at ground floor level with 45 residential units (class C3) on the upper floors and basement car parking	Approved	22/08/2002
075170/FO/2005/C3	Mixed use development comprising ground floor food and drink use (Class A3/A4), 54 residential units and internal parking	Approved	27/03/2007
110730/FO/2015/C1	Erection of a 13-storey building (plus basement level) comprising 53no. one and two bedroom apartments (Use Class C3), a commercial unit (Use Classes A1/ A2/ A3/ A4/ B1/D1), associated car parking, landscaping and vehicular and pedestrian access.	Approved	04/03/2016
115591/FO/2017	Erection of a 13-storey building comprising 53 residential apartments (Use Class C3a) together with ground floor commercial unit (135 sqm) (Use Classes A1 / A2 / A3 / A4 / B1a or D1), landscaping, loading bay and pedestrian access.	Approved	02/06/2017
116939/NMC/2017	Non-material amendment to planning permission 115591/FO/2017 to allow elevational alterations and amendments to hard landscaping.	Approved	01/08/2017
CDN/18/0048	Discharge of conditions 4 (a) (surface water drainage) 5 (a) (ground conditions) and 7 (a) (TV reception) of planning permission 115591/FO/2017	Approved and Refused	24/05/2018

3.2 None of the above permissions has been lawfully implemented and as such they have all expired.

4. Relevant Planning Policies

- 4.1 It is agreed that the appeal proposal should be determined in accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that an application for planning permission shall be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 It is agreed that the statutory development plan comprises the Manchester Core Strategy and the saved policies of the Unitary Development Plan (UDP).
- 4.3 It is agreed that in accordance with paragraph 219 of the National Planning Policy Framework ('the Framework') due weight should be given to relevant policies in the Development Plan according to their degree of consistency with the Framework.
- 4.4 It is agreed that a material policy consideration includes the Framework.
- 4.5 The emerging Places for Everyone plan (Publication version, August 2021) is being prepared jointly by 9 of the 10 Greater Manchester Local Authorities, including Manchester City Council. The Core Strategy and saved UDP policies will in time be replaced by the Manchester Local Plan; the Issues Consultation took place in 2020, closing on 1st May. It is agreed that limited weight should be afforded to both emerging documents in accordance with paragraph 48 of the Framework.
- 4.6 The following policies in the adopted Core Strategy are those that have been identified in the Council's decision notice:
- Policy SP1 (Spatial Principles);
 - Policy CC3 (Housing);
 - Policy CC8 (Change and Renewal);
 - Policy CC9 (Design and Heritage);
 - Policy CC10 (A Place for Everyone);
 - Policy H1 (Overall Housing Provision);
 - Policy H12 (Purpose Built Student Accommodation);
 - Policy T2 (Accessible Areas of Opportunity and Need);
 - Policy EN1 (Design Principles and Strategic Character Areas);
 - Policy EN2 (Tall Buildings);
 - Policy EN3 (Heritage); and
 - Policy DM1 (Development Management).
- 4.7 The following remaining saved policies of the Unitary Development Plan are also relevant to the appeal proposal and were referenced in the Council's decision notice:
- Policy DC18.1 – Conservation Areas; and
 - Policy DC19.1 – Listed Buildings.
- 4.8 Save for those policies specified in the reasons for refusal, the appeal proposal otherwise accords with all of the other relevant policies of the adopted development plan.

- 4.9 The draft policies within the emerging Places for Everyone plan (Publication version, August 2021) that are most relevant are considered to comprise:
- Policy JP-Strat 2 – City Centre;
 - Policy JP-P 1 – Sustainable Places;
 - Policy JP-P 2 – Heritage; and
 - Policy JP-P 5 – Education, Skills and Knowledge
- 4.10 Relevant Supplementary Planning Documents include the Guide to Development in Manchester SPD (2007) and Technical Guidance (2015).

5. Material Considerations

Other Documents Prepared by the Council

5.1 It is agreed that relevant Strategic Regeneration Frameworks, plans and documents from the Council's evidence base include:

- Great Jackson Street Strategic Regeneration Framework (2018);
- Manchester Residential Quality Guidance (2017);
- Powering Recovery: Manchester's Recovery and Investment Plan
- Our Manchester Strategy 2016-2035

Executive Reports

5.2 It is agreed that two reports to the Council's Executive in November 2019 (agenda item 7) and December 2020 (agenda item 9) are also relevant material considerations to the context and application of Policy H12 of the Core Strategy.

Relevant Planning Committee Reports

5.3 It is agreed that relevant planning committee reports include the following in relation to the topics identified:

Student need

- Planning committee report for planning application ref. 125654/FO/2019;
- Planning committee report for planning application ref. 121252/FO/2018; and
- Planning committee report for planning application ref. 118683/FO/2017.

Design and Heritage

- Planning committee report for planning application ref. 129273/FO/2021;
- Planning committee report for planning application ref. 126668/FO/2020;
- Planning committee report for planning application ref. 119806/FO/2018;
- Planning committee report for planning application ref. 116850/FO/2017; and
- Planning committee report for planning application ref. 113870/FO/2016.

6. Matters Agreed

Principle of Development

- 6.1 It is agreed that the site is located within the City Centre.
- 6.2 It is agreed that the site is in the Great Jackson Street area.
- 6.3 It is agreed that the adopted Proposals Map identifies the site within the City Centre and Regional Centre.
- 6.4 It is agreed that the site comprises previously developed land.

Student Accommodation Need

- 6.5 It is agreed that there is scope to provide additional purpose built student accommodation in Manchester to support the growth of the City's universities, provided it is of the right quality, price and in the right locations.
- 6.6 It is agreed that evidence shows there are around 20,000 students studying in the City that require a bed space and are unable to access a purpose-built bed space.
- 6.7 It is agreed that growth projections based on recent performance between 2019/20 and 2029/30 show there will be around 8,500 more students studying in Manchester who are likely to require accommodation.
- 6.8 It is agreed that the pipeline of growth in purpose-built bed spaces over this period is set to be less than half of this figure.
- 6.9 It is agreed that Manchester is one of the most expensive cities for purpose-built student accommodation and there is a need to stabilise rental growth.
- 6.10 It is agreed that Manchester's much of existing purpose-built student accommodation is poor in quality compared to other cities.
- 6.11 It is agreed that the provision of new purpose built student accommodation can support the 'freeing up' of mainstream housing in the city centre currently occupied by students.
- 6.12 It is agreed that the above is consistent with the Council's decision making in other applications, including planning consent ref. 121252/FO/2018.

Daylight, Sunlight and Overshadowing

- 6.13 It is agreed that both the daylight and sunlight impacts to Castle Wharf would be minor adverse and not significant.
- 6.14 It is agreed that the daylight impact to West Tower would be minor adverse and not significant, with the sunlight impact being negligible.
- 6.15 It is agreed that both the daylight and sunlight impacts to Deansgate Quay would be moderate adverse and not significant, and would not warrant withholding consent on this basis.
- 6.16 It is agreed that given the City Centre location and the context of the site, the impact on daylight and sunlight is acceptable.

Overlooking

- 6.17 It is agreed that the City Council does not have any prescribed separation distances.

- 6.18 It is agreed that developments in the City Centre are typically denser and closer together than in suburban locations.
- 6.19 It is agreed that the proposed building would be 12.2m from the closest elevation of Deansgate Quay.
- 6.20 It is agreed that the City Council has approved previous developments at the site (ref. 110730/FO/2015/C1 and 115591/FO/2017) which proposed separation distances to Deansgate Quay of 9m at the closest point.
- 6.21 Permission ref. 110730/FO/2015/C1 proposed windows on the north elevation, and both schemes included projecting glazed balconies on the Deansgate elevation.

Highways

- 6.22 Whilst a more detailed SoCG will be provided, it is agreed that the proposed new access into the site from Deansgate does not raise any highway safety concerns and that highway issues can be satisfactorily addressed through the imposition of planning conditions.

Flood Risk

- 6.23 It is agreed that the site lies within Flood Zone 1, where land is at the lowest risk of flooding.
- 6.24 It is agreed that an acceptable drainage scheme can be designed and implemented on the site through the imposition of an appropriately worded condition.

Accessibility and Inclusive Design

- 6.25 It is agreed that the proposal would provide level access into and throughout the building, and that 5% of the bedrooms would be capable of being fully accessible in compliance with Building Regulations Part M.

Land Contamination

- 6.26 A Phase 1 Preliminary Risk Assessment Report has been undertaken of the appeal site and further intrusive ground investigation will be required to confirm ground conditions. It is agreed that all matters that relate to the land condition of the appeal site can be secured by suitably worded conditions.

Air Quality

- 6.27 It is agreed that the site is within an Air Quality Management Area. It is agreed the residential accommodation is proposed at a level where no mitigation measures are required.
- 6.28 It is agreed that the air quality impacts from the construction activities will be temporary and can be controlled through best practice secured via a suitably worded planning condition.

Noise and Vibration

- 6.29 It is agreed that the appeal proposal will achieve noise levels that comply with the Council's standards for accommodation through mechanical ventilation strategies. It is agreed that noise from plant is capable of being controlled to a suitable level.

Waste and Recycling

- 6.30 It is agreed that the appeal proposal will require a twice-weekly collection. It is agreed that as the Council only offers weekly collections, this will need to be undertaken by a private contractor.

- 6.31 It is agreed that this twice-weekly collection can be secured through a legal agreement to ensure it is undertaken through the lifetime of the development.

Energy and Sustainability

- 6.32 It is agreed that the external amenity spaces and green roof would improve biodiversity and enhance wildlife habitats. It is agreed that measures such as bat and bird boxes can be secured via a suitably worded condition.
- 6.33 It is agreed that the proposal includes a variety of passive measures to improve energy efficiency as well as renewable and low carbon technologies in the form of air source heat pumps and rooftop photovoltaic panels. It is agreed that the proposal is capable of achieving a 9.5% improvement on Part L2A.
- 6.34 It is agreed that the CO2 reductions and biodiversity enhancements proposed can be feasibly incorporated in the proposed development.

Crime and Security

- 6.35 It is agreed that the appeal proposal will improve the natural surveillance of the adjoining public realm.
- 6.36 It is agreed that a suitably worded condition can ensure that the necessary measures are incorporated into the scheme to enable it to meet Secure by Design accreditation.

7. Matters in Issue

- 7.1 There is disagreement between the appellant and the Council as to whether the site is sufficiently well-located for access to the University campuses and if there is a demonstrable need for additional purpose built student accommodation in Manchester. There is no agreement as to the extent of positive regeneration benefits.
- 7.2 There are differences between the appellant and the Council as to whether or not a purpose built student accommodation scheme is compatible within a predominantly residential area.
- 7.3 There is no agreed position on whether the proposed scheme is of a suitable architectural quality, specifically its scale, height, positioning on the site and use of materials. There is disagreement about whether or not the proposed building is acceptable in terms of its design and effect upon the character and appearance of the area.
- 7.4 There is disagreement as to the degree of any harm to the settings of the Castlefield Conservation Area and nearby Listed Buildings, and whether any identified harm is outweighed by the public benefits of the proposal.
- 7.5 There is disagreement as to whether the proposed wind mitigation (street trees) is capable of implementation.

8. Suggested Conditions

8.1 It is agreed that the following are the matters that should be addressed by planning conditions should planning permission be granted. The appellant and the Council will seek to agree a list of Suggested Conditions in the lead up to the Inquiry:

- Time limits
- List of Plans that define the permission
- Construction and environmental management plan
- Piling methodology
- Local labour agreement
- Detailed drainage design, and management and maintenance plan for surface water drainage
- Site investigation, remediation and validation
- Material samples and specifications
- Details of public realm works
- Implementation of wind mitigation measures
- Biodiversity mitigation and compensation
- Servicing requirements
- Student management scheme, including detailed moving in/out strategy
- Details of external plant and equipment
- Compliance with Crime Impact Statement recommendations
- Travel plan
- Cycle parking provision
- Post-construction BREEAM review assessment
- Restriction of tree felling or vegetation clearance to outside bird nesting period.

9. Declaration

- 9.1 This is an agreed Statement of Common Ground between Fusion Manchester DevCo Ltd and Manchester City Council.

Signed by:

.....

On behalf of Fusion Manchester DevCo Ltd

And:

.....

On behalf of Manchester City Council

Appendix 1 – List of Submitted Drawings

Drawing Title	Drawing No.
Existing - Site Location Plan	20269-0200 P-00
Existing - Site Plan	20269-0201 P-00
Existing - Plan - Ground Floor	20269-0210 P-00
Existing - Elevations - North, South, East and West	20269-0250 P-00
Proposed - Site Location Plan	20269-0300 P-01
Proposed - Block Plan	20269-0301 P-01
Proposed - Plan - Lower Ground	20269-0310 P-01
Proposed - Plan - Ground	20269-0311 P-01
Proposed - Plan - Mezzanine	20269-0312 P-01
Proposed - Plan - Typical 01-21st Floors	20269-0313 P-01
Proposed - Plan - 10th Floor	20269-0315 P-01
Proposed - Plan - 22nd Floor	20269-0316 P-01
Proposed - Plan - 23rd Floor	20269-0317 P-01
Proposed - Plan - 24th Floor	20269-0318 P-01
Proposed - Plan - 25th Floor	20269-0319 P-01
Proposed - Plan - 26th Floor	20269-0320 P-01
Proposed - Plan - 27th Floor	20269-0321 P-01
Proposed - Plan - Roof	20269-0322 P-01
Proposed - Room Types	20269-0325 P-02
Proposed - Section - A-A	20269-0340 P-00
Proposed - Section - B-B	20269-0341 P-00
Proposed - Section - C-C	20269-0342 P-01
Proposed - Elevations - North and South	20269-0350 P-01
Proposed - Elevations - East and West	20269-0351 P-01
Proposed - Streetscene Elevation - North	20269-0355 P-01
Proposed - Streetscene Elevation - South	20269-0356 P-00
Proposed - Elevation and Sections Study - Typical Ground and Mezzanine	20269-0360 P-00
Proposed - Elevation and Sections Study - Typical Level	20269-0361 P-00
Proposed - Elevation and Sections Study - Level Twenty Sixth External Terraces	20269-0362 P-00
Proposed - Elevation and Sections Study - East Elevation	20269-0363 P-01
Student Accommodation Schedule	20269-8001-07
Tree Strategy	LP2242-FIR-00-ZZ-DR-L-0003_P02
Boundary Treatments	LP2242-FIR-00-ZZ-DR-L-0002_P02
Landscape Masterplan	LP2242-FIR-00-ZZ-DR-L-0001_P02

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About Cushman & Wakefield

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