

**TOWN & COUNTRY PLANNING ACT 1990  
(As Amended)**

**APPEAL UNDER SECTION 78**

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

**Statement of Case by Manchester City Council**

## **1. LOCATION AND SITE**

- 1.1 The appeal site measures 0.06 ha, is irregular in shape and occupies a prominent location on a key gateway route into the city centre. It has been vacant for some time and comprises hardstanding and scrub vegetation. It was last used as a garage and is now secured by a hoarding, with temporary use as a works area for the adjacent Deansgate Square development. There are two vehicular access points - one off Deansgate and one off Chester Road. The site slopes down from Chester Road along the southern edge to Deansgate. Due to the level difference, the boundary wall along Deansgate is in part a retaining wall.
- 1.2 The site is situated at the junction of Chester Road/Bridgewater Viaduct and Deansgate. To the north east is Deansgate Quay, a seven storey residential building with associated car parking. The site immediately to the west and north on the opposite side of Bridgewater Viaduct is under construction with two residential buildings, referred to as Castle Wharf. To the north east of the site are a variety of low-rise buildings that form the area of Knott Mill. To the south east is West Tower, which forms part of the Deansgate Square development, and to the south is a cleared site.
- 1.3 The site lies within the Great Jackson Street Development Framework area (SRF), the majority of which lies to the east and south of the site. The framework identifies that this area will be subject to significant regeneration and investment in low, medium and high rise residential development.
- 1.4 The site is adjacent to Castlefield Conservation Area, which lies to the west on the opposite side of Bridgewater Viaduct 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: Bridgewater Canal offices; the Former Congregational Chapel (Artingstalls Auctioneers); Middle

Warehouse, Merchants Warehouse; the Flood Gate on East Side of Knott Mill Bridge; Deansgate Station; the Manchester South Junction and Altrincham Railway Viaduct; the Boundary Stone on Knott Mill Bridge; and G-Mex. There are also non-designated heritage assets near the site, including Atlas Bar at 376 Deansgate and the former Packhorse Public House at 357/361 Deansgate.

## **2.0 PLANNING HISTORY**

- 2.1 The appeal site and nearby land has been the subject of the following relevant historic applications:
- 2.2 060909/FO/CITY3/00 - Mixed use development comprising (Class A3) at ground floor level with 30 residential units on upper floors (10 storeys), approved 20.09.2001.
- 2.3 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 (11 storeys), approved 22.08.2002.
- 2.4 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), approved 27.03.2007.
- 2.5 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.
- 2.6 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.

### **3.0 DETERMINATION AND DECISION**

3.1 This appeal relates to the refusal of planning application 129406/FO/2021 by Manchester City Council to grant full planning permission for a 28-storey purpose built student accommodation building (Sui Generis) at Land At Deansgate South, Manchester.

3.2 Planning application 129406/FO/2021 was registered by the council on 15 February 2021. The application included:

- Application forms and Certificate B
- Drawings –
  - 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 Floor (20269-0310 P-01)
  - Proposed - Plan - Ground Floor (20269-0311 P-01)
  - Proposed - Plan - Mezzanine Level (20269-0312 P-01)
  - Proposed - Plan - Typical First to Twenty First (20269-0313 P-01)
  - Proposed - Plan - Tenth Floor (20269-0315 P-01)
  - Proposed - Plan - Twenty Second Floor (20269-0316 P-01)
  - Proposed - Plan - Twenty Third Floor (20269-0317 P-01)
  - Proposed - Plan - Twenty Fourth Floor (20269-0318 P-01)

- Proposed - Plan - Twenty Fifth Floor (20269-0319 P-01)
- Proposed - Plan - Twenty Sixth Floor (20269-0320 P-01)
- Proposed - Plan - Twenty Seventh 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 - Elevation - North and South (20269-0350 P-01)
- Proposed - Elevation - East and West (20269-0351 P-01)
- Proposed - Elevation - North Street Scene (20269-0355 P-01)
- Proposed - Elevation - South Street Scene (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)
- 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)
- Environmental Statement, January 2021
  - Noise and Vibration, prepared by Apex
  - Air Quality, prepared by Ensaf
  - 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
- Environmental Statement Non-Technical Summary, January 2021, prepared by Wardell Armstrong;
- Planning Statement, February 2021, prepared by Cushman & Wakefield
- Archaeological Desk-Based Assessment, October 2015, prepared by Oxford Archaeology1
- Design and Access Statement reference 20269-8003-01, December 2020, prepared by Corstophine + Wright;
- Blue and Green Infrastructure Statement, February 2021, prepared by Cushman & Wakefield
- Broadband Connectivity Assessment, prepared by GTech Surveys Limited
- Television and Radio Reception Impact Assessment, Issue 0.3, 07/01/2021, prepared by GTech Surveys
- Crime Impact Statement, Version B: 27/01/21, prepared by Design for Security
- Energy Strategy Report, 16 December 2020, prepared by Ridge
- BREEAM Pre-Assessment Report, 14.10.2020, prepared by Impact Sustainability
- Evidence of Student Need, December 2020, prepared by Cushman & Wakefield
- Flood Risk Assessment and Drainage Strategy, December 2020, prepared by Shear Design
- Phase 1 Preliminary Risk Assessment Report, January 2021, prepared by WSP
- Factual Report on Ground Investigation, prepared by Structural Soils Ltd1
- Local Labour Agreement, February 2021, prepared by Fusion Manchester DevCo Ltd

- Residence Management Plan, prepared by Fusion Students
- Social Spaces, Amenities & Student Wellbeing Strategy, January 2021, prepared by Corstorphine + Wright
- Preliminary Ecological Appraisal Report, January 2021, prepared by Wardell Armstrong
- Bat Survey Report, October 2020, prepared by Wardell Armstrong
- Student Accommodation Schedule 8001-07, by Corstorphine + Wright Architects
- Statement of Community Involvement, January 2021, prepared by BECG
- Heritage Statement, prepared by Bidwells
- Transport Statement and Framework Travel Plan, Revision No: 01, 06/01/2021, prepared by Calibro

3.3 Planning application 129406/FO/2021 was advertised by means of:

Neighbour notification on the 10 March 2021, with the last date for representations on 31 March 2021;

Press notice advertised as a Major application, application affecting a Conservation Area, application affecting the setting of a Listed Building(s), application accompanied by an Environmental Statement and in the Public Interest. The advert was published on 16 March 2021 with the last date for representations on 15 April 2021.

Two site notices, for a Major application, application affecting a Conservation Area, application affecting the setting of a Listed Building(s), application accompanied by an Environmental Statement and in the Public Interest were

posted on site (one on Deansgate and one on Bridgewater Viaduct) on 17 March 2021, with the last date for representations on 16 April 2021.

- 3.4 As a result of the notification the Local Planning Authority received expressions of support from 12 members of the public and objections to the proposal from twenty-eight neighbours. Objections were received from two local councillors.
- 3.5 Objections were received from the following consultees: Environmental Health (did not support the proposals as they do not comply with the City Council's bin storage requirements for once-a-week collection); and the City Centre Growth and Infrastructure Team (the proposal is at odds with the site's designation within the SRF and is contrary to Policy H12 of the Core Strategy, being too far from University facilities).
- 3.6 No objections were received from the following statutory consultees subject to imposition of appropriate conditions: Flood Risk Management, Highways Services, Greater Manchester Ecology Unit, Manchester Water Safety Partnership, Greater Manchester Archaeological Advisory Service, Greater Manchester Police, Historic England (North West), Manchester Airport Safeguarding Officer, Natural England, United Utilities and Environment Agency.
- 3.7 Following determination by the Planning and Highways Committee at their meeting on 3 June 2021, planning application 129406/FO/2021 was refused on 4 June 2021 on the following grounds:
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.

#### 4. THE DEVELOPMENT PLAN

- 4.1 The Core Strategy Development Plan Document 2012-2027 ('the Core Strategy') was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.
- 4.2 A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents unless material considerations indicate otherwise. Relevant policies in the Core Strategy are detailed below:
- 4.3 **Policy SP1** sets out the key spatial principles which will guide the strategic development of Manchester and states that the Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living. 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 Manchester City Centre Strategic Plan. New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. SP1 also sets out the core development principles, including requiring development to make a positive contribution to neighbourhoods of choice by:
- creating well designed places;
  - making a positive contribution to the health, safety and well-being of residents;

- considering the needs of all members of the community; and
- protecting and enhancing the built and natural environment.

4.4 **Policy CC3 (Housing)** states that the City Centre will see the most intensive development of housing in the City, with a minimum of 16,500 new units expected to be provided from 2010-2027. Key locations for the residential development include Castlefield and the Southern Gateway. Residential development in the City Centre will comprise apartment schemes with a high standard of accommodation encouraged, which offers accommodation large enough to suit a range of occupants, in terms of both the number of rooms and their size.

4.5 **Policy CC8 (Change and Renewal)** supports developments that improve the accessibility and legibility of the Centre, subject to the proposal's impact on key aspects of the City's heritage and character. The City Council supports schemes that are likely to contribute to the promotion or improvement of the social, economic or environmental well-being of Manchester. 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.

4.6 **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. The standards and guidance explained in other LDF policies should be the basis for the approach to design, with particular attention to be given to the City Centre context and character. Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments. The Council will support high density and mixed use development in the City Centre, but

developers must recognise the specific design challenges that must be overcome to ensure complementarity of function and form. New development must support the range of uses the Council expects in the City Centre and contribute to a coherent and integrated physical environment.

4.7 **CC10 (A Place for Everyone)** seeks to develop the City Centre as a location that appeals to a wide range of residents and visitors, with an emphasis on increasing family-orientated activity and creating a family friendly environment.

4.8 **Policy H1 (Housing)** states that within the City Centre there will be a presumption towards high density housing development, which contributes to regeneration initiatives or niche housing markets by providing sustainable, well designed accommodation which meets the needs of workers moving to Manchester. It also recognises that the City Centre is an appropriate location for purpose built student accommodation (PBSA). Proposals for new residential development should contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should prioritise sites which are in close proximity to centres or high frequency public transport routes.

4.9 **H12 (Purpose Built Student Accommodation)** sets out a series of tests to be met by developments involving purpose built student accommodation. Priority will be given to schemes which are part of the Universities' redevelopment plans or which are being progressed in partnership with the Universities, and which clearly meet Manchester City Council's regeneration priorities.

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

Policies H1 and H12 aim to achieve Spatial Objective SO3 Housing, which is to provide for a significant increase in high quality housing provision at sustainable locations throughout the city to address demographic needs and to support economic growth. The emphasis is on providing a good range of high quality housing in terms of size, type, tenure, accessibility, and price to create sustainable life-time neighbourhoods with high quality environments, good local facilities and with easy access to employment opportunities.

4.10 **Policy T2 (Accessible areas of opportunity and need)** - States that the Council will actively manage the pattern of development to ensure that new development:

- Is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections;
- Is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities.

4.11 **Policy EN1 (Design Principles and Strategic Character Areas)** states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance, and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes. Developers will be expected to consider the City's heritage and while there will be opportunities to create landmark buildings, developments should also contribute positively to the experience of all at street level.

4.12 **Policy EN2 (Tall Buildings)** states that proposals for tall buildings will be supported where it can be demonstrated that they

- Are of excellent design quality,
- Are appropriately located,
- Contribute positively to sustainability,
- Contribute positively to place making, for example as a landmark, by terminating a view, or by signposting a facility of significance, and
- Will bring significant regeneration benefits.

A fundamental design objective will be to ensure that tall buildings complement the City's key existing building assets and make a positive contribution to the

evolution of a unique, attractive and distinctive Manchester, including to its skyline and approach views.

Suitable locations will include sites within and immediately adjacent to the City Centre with particular encouragement given to non-conservation areas and sites which can easily be served by public transport nodes.

It will be necessary for the applicant/developer to demonstrate that proposals for tall buildings are viable and deliverable.

**4.13 Policy EN3 (Heritage)** Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

**4.14 Policy DM1 (Development Management)** sets out the requirements for developments and outlines a range of general issues that all development should have regard to. Of these the following issues are or relevance to this proposal:

- appropriate siting, layout, scale, form, massing, materials and detail;
- design for health;
- adequacy of internal accommodation and amenity space.
- impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- that development should have regard to the character of the surrounding area;
- effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- accessibility to buildings, neighbourhoods and sustainable transport modes;

- impact on safety, crime prevention and health; adequacy of internal accommodation external amenity space, refuse storage and collection, vehicular access and car parking; and
- impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

4.15 **Saved UDP Policy DC18.1 (Conservation Areas)** seeks to preserve and enhance the character of the City's designated conservation areas. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

4.16 **Saved UDP Policy DC19.1 (Listed Buildings)** The City Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity.

## **5.0 OTHER RELEVANT LOCAL POLICIES AND DOCUMENTS**

### **5.1 The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)**

This document provides guidance to help develop and enhance Manchester. The following chapters are relevant to this appeal.

Chapter 2 'Design' – outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment. New developments will only be acceptable if they preserve or enhance the special nature of the City's conservation areas. Density levels must be informed by the character of an area and the specific circumstances of a proposal. In areas of significant change or regeneration, there should be a smooth transition between different development forms, and styles and integration will be a key factor in the determination of planning submissions. The scale position and external appearance of new buildings should respect their setting and relationship to adjacent buildings and consider their impact on the skyline. Building height should have regard to character of the area and specific site circumstances and local effects, such as microclimatic ones. Extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations.

Chapter 12 'The City Centre' – the aim of this chapter is to ensure that new developments fit comfortably into and enhance the unique character areas of the City Centre. Emphasis is placed on the right mix of uses and maintaining the quality of development. Developments should be designed for place not simply for purpose. Good design should be regarded as an essential requirement of the development process and should not be a casualty of high costs or narrowly defined user requirements. Tall buildings will be considered on an individual

basis, by reference to their appearance, their impact on the immediate area and the effect on the City's skyline. Key questions include the quality and interest of the roofline, the microclimate, including air turbulence effects and the quality and usability of the spaces surrounding the building.

## 5.2 **Great Jackson Street Development Framework**

In October 2007, the Executive endorsed a regeneration framework for high quality and high density redevelopment, following public consultation with landowners, local residents, businesses and other key stakeholders, and requested the Planning and Highways Committee take the Development Framework into consideration when considering applications for planning permission, listed building consent and advertisement consent in the Great Jackson Street area. The Framework was updated in 2015 and again in January 2018, following public consultation. It forms a material consideration in the determination of planning applications within its boundary and is consistent with national planning policy and the Local Development Plan.

The overall aim of the Framework is to create a high quality residential neighbourhood of choice with high value homes that would support the growth of the economy, building on the success to date of delivering a vibrant, safe, secure and sustainable community incorporating a range of dwelling types, providing an attractive place to live. The Manchester City Council Executive Report of 18 March 2015 stated that "the area would be suitable for a range of tenures including the Private Rented Sector and market sales but would not be suitable for student accommodation". It goes on to state that "the size of individual units would be expected to meet the guidelines identified by the Executive and should be large enough to provide for permanent homes".

The MCC Executive Report of 13 September 2017 stated that “The Development Framework vision remains consistent with the 2015 endorsed Framework for Great Jackson Street. In addition to this, the key development and urban design principles also remain”.

New residential development within the Framework area must demonstrate that the scheme will deliver a high quality as demanded by the Manchester Residential Quality Guidance (RQG). In order to create a sustainable mixed community for the area, a range of accommodation types should be brought forward with 1, 2 and 3 bed apartments.

Key components of the updated framework include: maximising separation distances between buildings; increasing the quantum and variety of public space and pedestrian connections through linked spaces; and enhancing daylight and sunlight penetration into the site. Developments should incorporate a high quality palette of materials, consistent with the quality of buildings and public realm established through the Owen Street development.

The application site is identified as plot ‘H’ within the document and has been designated as providing a medium to low density development with no requirement to provide public realm. A 13 storey residential-led development (115591/FO/2017) was granted planning permission on this site in June 2017. This consent provided for 53 apartments and a ground floor commercial unit.

### **5.3 Report to the City Council's Executive on PBSA**

The Council's Executive endorsed a report on 9 December 2020 following the outcome of a public consultation exercise with key stakeholders, on PBSA in Manchester. The report was endorsed by the Executive to help guide the decision-making process in advance of a review of the Local Plan. It was

requested by the Council's Executive that the report on PBSA in Manchester be considered as a material planning consideration until the Local Plan has been reviewed.

The report is clear that Core Strategy Policy H12 retains relevance in how PBSA is developed in Manchester. It sets out that the location of new PBSA should be close to University facilities, notwithstanding limited exceptions that do not apply to this specific site. The report also highlights how location is a key factor in ensuring the quality, security, sustainability and wellbeing benefits in the provision of accommodation. The report confirms that accommodation should be located in the areas immediately adjacent to the core university areas, principally the Oxford Road Corridor area.

The PBSA report sets out numerous reasons why location is a significant consideration in determining the acceptability of new PBSA developments.

#### **5.4 Castlefield Conservation Area Declaration**

Designated in October 1979, the conservation area's boundary follows the River Irwell, New Quay Street, Quay Street, Lower Byrom Street, Culvercliff Walk, Camp Street, Deansgate, Bridgewater Viaduct, Chester Road, Arundel Street, Ellesmere Street, Egerton Street, Dawson Street and Regent Road. The area was extended in June 1985 by the addition of land bounded by Ellesmere Street, Hulme Hall Road and the River Irwell.

The Castlefield area has evolved over many years and the elevated railway viaducts, canals and rivers create a multi-level environment. It has a mixture of buildings from small scale houses to large warehouses and modern buildings. There are a variety of building materials, which tend to be urban and industrial in character.

Further development can take place that respects the character of the area, and there is room for more commercial property. Ideally, new development should incorporate a mix of uses. The height and scale, the colour, form, massing and materials of new buildings should relate to the existing high-quality structures and complement them. This approach leaves scope for innovation, provided that new proposals enhance the area. The diversity of form and style found in existing structures in Castlefield offers flexibility to designers.

## **5.5 Strategic Plan for Manchester City Centre 2015-2018**

The Strategic Plan 2015-2018 updates the 2009-2012 plan and seeks to shape the activity that will ensure the City Centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the North of England. It sets out the strategic action required to work towards achieving this over the period of the plan, updates the vision for the City Centre within the current economic and strategic context, outlines the direction of travel and key priorities over the next few years in each of the city centre neighbourhoods and describes the partnerships in place to deliver those priorities.

The application site falls within the area designated as Castlefield. The Castlefield residential community remains one of the city's most desirable neighbourhoods, offering residents a balance of city centre living with a tranquil, waterside backdrop. Developments in the area will provide modern waterside living, along with family-focused city centre accommodation. A key priority for the area is to ensure residential developments are balanced with the needs of the area.

## **5.6 Stronger Together: Greater Manchester Strategy 2013 (GM Strategy)**

The sustainable community strategy for the Greater Manchester City Region was prepared in 2009 as a response to the Manchester Independent Economic Review (MIER). MIER identified Manchester as the best placed city outside London to increase its long term growth rate based on its size and productive potential. It sets out a vision for Greater Manchester where by 2020, the City Region will have pioneered a new model for sustainable economic growth based around a more connected, talented and greener City Region, where all its residents are able to contribute to and benefit from sustained prosperity and a high quality of life.

## **5.7 Residential Growth Strategy (2016)**

This recognises the critical relationship between housing and economic growth. There is an urgent need to build more new homes for sale and rent to meet future demands from the growing population. Housing is one of the key Spatial Objectives of the Core Strategy and the Council aims to provide for a significant increase in high quality housing at sustainable locations and the creation of high quality neighbourhoods with a strong sense of place.

## **5.8 Manchester Residential Quality Guidance (March 2017) (MRQG)**

This document provides specific guidance on what is required to deliver sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester. It recognises that “new types of housing for students have come forward with bespoke accommodation provided close to the Universities” and “the expanded City Centre will offer opportunities to diversify and provide accommodation for families, within distinctive high quality neighbourhoods supported by the right social infrastructure and amenities” (p11).

The Council will require applicants to demonstrate how proposals facilitate and encourage walking and cycling, and create clear, safe and obvious connections to the public transport network (p71). The document recognises that “Quality in construction has no specific definition but the lack of overall quality will be apparent in the inappropriate selection of materials; poor detailing and shoddy construction” (p121).

## 6.0 NATIONAL POLICIES

6.1 **The National Planning Policy Framework (NPPF)** – The National Planning Policy Framework sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and environmental role (paragraphs 7 & 8). Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan (para 11). Paragraphs 11 and 12 state that:

“For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay” and “where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

The following specific policies are considered to be particularly relevant to this appeal:

Section 5 (Delivering a sufficient supply of homes) – “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay” (para 60).

Section 8 (Promoting healthy and safe communities) – Para 93 states that “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community”.

Section 9 (Promoting Sustainable Transport) – Paragraph 105 states that the planning system should actively manage patterns of growth in support of a number of objectives (set out in para 104) including:

- Realising opportunities from existing or proposed transport infrastructure;
- Identifying and pursuing opportunities to promote walking, cycling and public transport use.

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.

Section 11 (Making Effective Use of Land) – Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 124 states that planning policies and decisions should support development that makes efficient use of land, taking into account: the desirability of maintaining an area’s prevailing character and setting, or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. Masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places (para 125).

Section 12 (Achieving Well-Designed Places) – Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Under paragraph 130, developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and should establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Under paragraph 132, design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used) (para 135).

Section 16 Conserving and Enhancing the Historic Environment – This section of the Framework recognises that heritage assets are an irreplaceable resource and

should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (para 189). Paragraph 190 stipulates that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.

Paragraph 194, requires developers to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to asset's significance and should allow the planning authority to understand potential impacts to that significance.

Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Under paragraph 200, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings should be exceptional.

Under paragraph 202, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

## **6.2 Legislative Requirements**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **7. THE CASE FOR THE CITY COUNCIL**

- 7.1 The Council will demonstrate that the proposals do not meet all of the criteria for PBSA set out in Core Strategy Policy H12 and that the appeal site is not a suitable location for PBSA, with the appeal proposals resulting in adverse impacts on future students' safety and welfare and undermining ongoing regeneration efforts in the area.
- 7.2 In particular, the Council will show that the site is not in close proximity to or within easy walking distance of the main University campuses or a high frequency public transport route that passes that area.
- 7.3 The Council will show that the appeal proposals would not have a positive regeneration impact in their own right and are not in accordance with the Great Jackson Street Development Framework. They would not meet the Council's regeneration priorities for the area, in that they would undermine ongoing regeneration efforts in the area to create a high quality residential neighbourhood of choice, with a focus on families.
- 7.4 The Council will contend that the evidence provided in support of the applicant's student housing need assessment is inaccurate on four counts. On this basis the Council will demonstrate that the applicant has failed to provide robust evidence that there is unmet need for the proposed accommodation:
- 7.4.1 Firstly, the Council will demonstrate that the increase in student numbers from 2013/14 reported by the appellant should be considered predominately as a recovery in the student population (following a drop off in enrolments as a result of the undergraduate fees hike in 2012) - and should not be interpreted as growth. More recently (from 2016/17 to 2019/20) total enrolments at both Universities have remained broadly stable.

- 7.4.2 Further to the above, the Council will demonstrate that student population projections from both Manchester Universities do not support the scale of future growth in the demand pool for student accommodation asserted by the appellant (+1.5% a year).
- 7.4.3 Thirdly, the Council will contend that the demand pool is smaller than anticipated in the appellant's application. The Council will provide supporting evidence relating to existing residential preferences in the student housing market in the city; the softening impact of the Covid-19 pandemic on the student population and the effect of new forms of "hybrid learning" (including elements of remote learning) on student demand for accommodation.
- 7.4.4 Finally, the Council will show that the evidence provided by the appellant relating to Manchester's Purpose Built Student Accommodation (PBSA) pipeline significantly underplays the true scale of development expected to be built in the period up to 2029/30. Further to this, the Council will demonstrate that this pipeline will be accommodated in locations which more accurately reflect demand and are more appropriate, policy compliant, locations for the development of student accommodation in accordance with Policy H12.
- 7.4.5 In summary the Council will evidence how a reduced demand pool (relative to the appellant's case), alongside a significantly increased quantum of expected new PBSA supply (in more appropriate locations) will be sufficient to meet forecast demand for student accommodation over the next ten years. On this basis the Council will contend that the proposed accommodation is both in an inappropriate location and not required to meet future need.
- 7.5 The Council will contend that the appellant has not demonstrated that their proposal is deliverable.

- 7.6 The Council will demonstrate that the development is of a poor quality design that does not contribute to place making or make a positive contribution to the unique and distinctive qualities of Manchester. That the building is not beautiful or of the highest quality and is of an inappropriate scale and appearance that is out of place and detracts from and is harmful to the surrounding heritage assets and as such does not make a positive contribution to the existing townscape.
- 7.7 The Council will show that due to its scale, height, position on the site and use of poor quality cladding materials, the proposed building would have a detrimental impact on the visual amenity of the area. This will be demonstrated through an assessment of proposals, the impact on key views and the relationship of the building to the context of the surrounding built form.
- 7.8 The Council will show that due to its scale, height, position on the site and relationship to the adjacent building, the proposed building would create a feeling of overcrowdedness that would be detrimental to visual amenity and contrary to good urban design. This will be demonstrated through an urban design and townscape analysis of the site and its context and the impact upon the site and surrounding area.
- 7.9 The Council will demonstrate that the appeal proposals, due to their scale, design and appearance, would cause less than substantial harm to the settings of the nearby heritage assets, in particular the former Bridgewater Canal Offices on Chester Road, the former Congregational Chapel at 378-380 Deansgate, Deansgate Station and the Manchester South Junction and Altrincham Railway Viaduct, as well as the non-designated heritage asset Atlas Bar at 376 Deansgate, and that any public benefits of the scheme would not outweigh that harm. This will be demonstrated by analysis of the heritage assets and their

settings and assessment of the impact upon them, including any group value that they and their context have.

- 7.10 The Council will demonstrate that the appeal proposals, due to their scale, design and appearance, would cause less than substantial harm to the setting of the adjacent Castlefield Conservation Area, and that any public benefits of the scheme would not outweigh that harm. This will be demonstrated by an assessment of the significance of the conservation area and its setting and the impacts of the proposal upon it, including views and how it is experienced.
- 7.11 The Council will show that insufficient information has been given by the appellant to show that the proposed wind mitigation measures of planting street trees within the pavement on Bridgewater Viaduct would be effective or can be adequately or feasibly implemented, given the likelihood of obstructions to this, such as the presence of underground services. No alternatives have been put forward for consideration and the Council will contend that any alternative measures may have material implications on the appearance of the building and surrounds and/or on the usability of the public highway. The level of harm caused to the wind environment would be significant and would result in public safety issues and is therefore a fundamental issue in terms of whether this scheme is acceptable. If the proposed mitigation measures would not be effective and cannot be implemented, then the appeal should be dismissed. The mitigation measures should therefore be fully understood at this stage.
- 7.12 The Council will say that the proposed development's adverse effects would conflict with the policies contained within the Core Strategy, mainly Policies SP1, CC3, CC8, CC9, CC10, EN1, EN2, EN3, DM1, H1, H12 and T2; and saved UDP Policies DC18 and DC19, and would be contrary to national government guidance contained within the NPPF.

## **8. CONCLUSION**

- 8.1 The Council will demonstrate that the proposed accommodation is both in an inappropriate location and not required to meet future need.
- 8.2 The Council will contend that the proposals would 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.
- 8.3 The Council will contend that the scale, height, position on the site and cladding materials of the proposed building would have a detrimental impact on visual amenity, would create a feeling of overcrowdedness and would cause less than substantial harm to the settings of nearby listed buildings and the Castlefield Conservation Area that would not be outweighed by the public benefits of the scheme.
- 8.4 The Council will contend that the appellant has failed to demonstrate that the wind mitigation measures proposed for the scheme are capable of being implemented.
- 8.5 The Council will further contend that the proposal conflicts with the regeneration framework for the area, the local policies set out within the Core Strategy and saved UDP policies, as well as the NPPF.

**9. LIST OF DOCUMENTS TO WHICH THE COUNCIL MAY REFER**

1. The Core Strategy and saved Unitary Development Plan Policies;
2. The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007);
3. Great Jackson Street Development Framework;
4. Report to the City Council's Executive on Great Jackson Street Development Framework 18 March 2015;
5. Report to the City Council's Executive on Great Jackson Street Development Framework Consultation 1 July 2015;
6. Report to the City Council's Executive on Great Jackson Street Strategic Regeneration Framework Update 13 September 2017;
7. Report to the City Council's Executive on Great Jackson Street SRF Update 10 January 2018;
8. Report to the City Council's Executive on Consideration of Policy H12: Purpose Built Student Accommodation Within the Changing Market Context, 13 November 2019;
9. Report to the City Council's Executive on Purpose Built Student Accommodation in Manchester, 9 December 2020;
10. Strategic Plan for Manchester City Centre 2015-2018;

11. Stronger Together: Greater Manchester Strategy 2013 (GM Strategy) ;
12. Residential Growth Strategy (2016);
13. Manchester Residential Quality Guidance (March 2017) (MRQG);
14. Ministry of Housing, Communities and Local Government, National Design Guide, Planning practice guide for beautiful, enduring and successful places. (2021);
15. Historic England, The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning:3 (2<sup>nd</sup> Edition) (2017);
16. English Heritage, Conservation Principles, Policies and Guidance (2008);
17. Historic England, Conservation Area Appraisal, Designation and Management - Historic England Advice Note 1 (Second Edition) (2019);
18. Historic England, Managing Significance in Decision-Taking in the Historic Environment - Historic Environment Good Practice Advice in Planning: 2 (2015);
19. Historic England, Tall Buildings - Historic England Advice Note 4 (2015);
20. Relevant planning applications, appeals and Court Cases;
21. Relevant Government Circulars and Advice notes;
22. NPPF and NPPG.

The City Council reserves the right to amend or add to this statement and refer to such statutes, statutory instruments, policy guidance and circulars, decisions of the Secretary of State and Courts as it deems appropriate in this public inquiry.