The Planning Inspectorate

Appeal Decision

Site visit made on 14 July 2020

by Helen B Hockenhull BA (Hons) B. Pl MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 July 2020

Appeal Ref: APP/B4215/W/20/3250307
79 -85 Hathersage Road, Manchester M13 0EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Peter Sam against the decision of Manchester City Council.
- The application Ref 124262/00/2019, dated 18 July 2019, was refused by notice dated 29 November 2019.
- The development proposed is the erection of a 7-storey building to form a 133-room aparthotel (Class C1) following demolition of existing buildings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. On the original planning application form the address of the site is stated as 79 Hathersage Road. However, the site encompasses 79-85 Hathersage Road. I have used this address above in the interests of clarity. The description of development I have used above is taken from the Decision Notice. This differs from that on the original planning application form. I have used this alternative description as it better reflects the development proposed.

3. The appeal proposal is in outline with approval sought for the matters of access, layout and scale. The matters of appearance and landscaping are reserved for later approval. The submitted elevations are for indicative purposes only and I have considered them accordingly.

4. The submitted plans indicate a development of a 135-room aparthotel rather than the 133 rooms stated on the application form. As the appellant's Statement of Case clearly refers to 133 rooms, I have considered the appeal on that basis.

Main Issues

5. The main issues in this case are:

    - whether there are sequentially preferable sites available, suitable and viable for the proposed town centre use;

    - the effect of the proposal on the character and appearance of the area and views into an out of the nearby Victoria Park Conservation Area;

- the effect of the proposal on highway safety with particular regard to car parking and servicing;
- the effect of the proposal on the living conditions of the occupiers of 295 Upper Brook Street with regard to outlook and sunlight/daylight.

Reasons

Site suitability

6. The appeal site lies outside the town centre defined in Policy CC1 of the Manchester Core Strategy (CS). The National Planning Policy Framework (the Framework) in paragraph 89 requires that in assessing applications for leisure development outside town centres, an impact assessment should be prepared if the proposal is over a proportionate locally set floorspace threshold (if there is no locally site threshold, the default is 2500 sq. metres). Such an assessment should consider the impact of the proposal on existing committed and planned public and private investment in a centre and amongst other things the impact on vitality and viability.

7. Policy C1 of the CS states that town centre uses will be prioritised in the City Centre. Policy C9 specifically relates to out of centre development and states that town centre uses will be inappropriate in out of centre locations unless there are no sequentially preferable sites or allocated sites that are available, suitable and viable.

8. The appellant has prepared a Sequential Test Assessment. This identifies that the site is located adjacent to the City Centre boundary. Whilst I accept the Appellant's argument that the site may be visually and functionally part of the City Centre, it is nonetheless outside the defined boundary and must be assessed accordingly in planning policy terms. The submitted assessment lists a number of sites for proposed hotel and apartment developments on Upper Brook Street, the City Centre and other nearby locations. These sites are either unavailable or are too small. The analysis does not however include vacant sites or sites in other uses which could potentially be suitable to accommodate the appeal scheme.

9. Furthermore, the assessment fails to consider the impact of the proposal on existing committed and proposed public and private investment or the impact on the vitality and viability of the City Centre. It therefore fails to meet the requirements of the Framework and CS Policy C9.

10. Policy CC4 of the CS specifically relates to new hotels and provides for such proposal in out of centre locations provided that they support visitor-oriented development and where the Council will be confident that they will be deliverable.

11. The above policy is very much aimed at improving facilities for tourists, visitors and the business economy. The appeal proposal, an aparthotel, provides a different type of accommodation which may be used by visitors and tourists but also by others requiring short and longer term accommodation for a range of reasons.

12. In support of the proposal the appellant has referred to the demand for this type of accommodation close to the Manchester Royal Infirmary and the University. The appellant operates a similar type of establishment

approximately 100 metres from the appeal site at Tatton House. I understand this is fully let with a waiting list. I am also informed that approximately 60% of residents in Tatton House are students whilst 25% are in the medical profession who wish to be close to the Infirmary. The appellant advises that there is also interest for some of the proposed units to be adapted for use by hospital patients as a 'halfway house' for those still in need of daily outpatient care. Whilst there is existing hotel accommodation in the locality, this is fairly limited and with the exception of Tatton House, do not provide accommodation of the type proposed.

13. The purpose of Policy CC4 is to ensure that hotel schemes are implemented and that permissions are not sought in order to increase land values. I am satisfied based on the evidence before me, that there is reasonable likelihood of the scheme proceeding should the appeal be successful.

14. Whilst I have found that there has been a satisfactory demonstration that the scheme would be deliverable, meeting the requirements of CS Policy CC4, it has not been demonstrated through an appropriate impact assessment, that there are no sequentially preferable sites in the City Centre for the town centre use proposed. Accordingly, the proposal fails to comply with paragraph 89 of the Framework and Policies C1, C9 and SP1 of the Core Strategy which seek to ensure the vitality and viability of the City Centre.

Character and appearance

15. The area in which the appeal site is located is mixed in character, with both residential, small scale retail/food and drink, office, education and medical institutions. To the north on the opposite side of Hathersage Road, is Darbishire House, a 3-storey brick building providing student accommodation. East of that is a two-storey small parade of shops. On the eastern site boundary lies Coniston Hall, a 3-storey student hall of residence which lies next to Tatton House, a 7-storey building owned by the appellant in use as studio apartments.

16. Immediately west of the site lies a vacant plot which I am advised has planning permission for a part 2, 3 and 4 storey private hospital. To the north of that, and north west of the appeal site is a modern multi storey car park.

17. Looking south of the appeal site, 295 Upper Brook Street forms a 3-storey building converted into flats. Beyond that the area has a residential character with 3–4 storey Victorian terraces on the northern edge of Victoria Park Conservation Area.

18. With the exception of the multi storey car park located diagonally across the junction of Hathersage Road and Upper Brook Street, the immediate context around the appeal site is one of 2, 3 and 4 storey Victorian dwellings and more recent buildings of a similar height and complementary design and materials. A building of the scale and mass proposed, would be out of character with the scale and height of most of the surrounding buildings. The appeal scheme would therefore form an intrusive feature causing harm to the street scene and character of the area.

19. I noted on my site visit that there were a number of larger buildings on Hathersage Road east of the appeal site, including the 7 storey Tatton House and the 6 storey Octagon House. Whilst these are close to the appeal site, they

are located further down Hathersage Road in a cluster of higher buildings which in my view have a weaker relationship to the appeal site.

20. South east of the site lies Victoria Park Conservation Area. The appeal proposal would be visible from this heritage asset. When looking in a northerly direction out of the Conservation Area, a building of 7 storeys as proposed would appear as a dominant feature. However, it would be seen in the wider context of the modern multi storey car park and other taller buildings beyond. As such I do not consider it would cause significant harm to the character and appearance of the Conservation Area.

21. In conclusion I have found that the appeal scheme would cause harm to the character and appearance of the area, however it would not cause harm to the character and appearance of the Conservation Area to the south. The scheme would be contrary to CS Policies DM1, EN1, EN3 and SP1 which aim to ensure that new development has regard to the character of the surrounding area in terms of scale, form, massing and details.

Highway safety, parking and servicing

22. The submitted scheme indicates 16 parking spaces would be provided within the site, accessed from Hathersage Road. The appeal site is in a very accessible location with good access to public transport and in walking and cycling distance to many facilities and amenities. Whilst not shown on the submitted plans, cycle parking could be provided and secured through the imposition of appropriate conditions on any approval.

23. In the vicinity of the site, parking restrictions mean that on street car parking is in high demand. If insufficient parking is provided on site, that there would be increased pressure for on street parking and the potential for highway safety issues. I acknowledge the accessibility of the appeal site, and the likelihood that many visitors would not be travelling by car. Furthermore, visitors could be advised about the restricted parking when making a booking.

24. I recognise that many City Centre hotels have no or very little parking provision, however this site is outside the City Centre, albeit adjacent to the boundary. Nonetheless, I consider that having regard the sites context, the level of on-site car parking proposed would be inadequate. No car park management plan has been provided to explain how spaces would be allocated and no disabled car parking spaces are indicated on the submitted plans.

25. I note that alternative car parking could be available at the Hathersage Road multi storey car park approximately 100 metres away. Whilst this is noted, I have no information about the availability of parking at this facility. The appellant has suggested that additional car parking for around 40 vehicles could be provided at Tatton House, which is also in his ownership. However, I have no legal mechanism before me to ensure the provision and continued availability of off-site car parking at this location. I must therefore give these alternatives limited weight in my decision.

26. It is proposed that servicing of the site, refuse collection and deliveries should take place from Hathersage Road. This would require a vehicle to stop on the highway with the potential to cause an obstruction, impeding traffic flows and causing congestion particularly at peak times. This would be detrimental to highway safety.

27. In summary, whilst the site is in an accessible location where alternative modes of travel to the car would be available, I consider that the appeal scheme would provide insufficient car parking provision and servicing arrangements causing harm to highway safety. The proposal would therefore be contrary to Policies DM1, SP1 and T2 of the CS which require suitable car parking and refuse storage and collection facilities.

Living conditions

28. Immediately to the south of the appeal site, lies 295 Upper Brook Street, a building in use as flats. The gable end of the building lies close to the southern site boundary and contains 3 large and 3 smaller windows at ground, first and second floor. The smaller window would appear to be obscure glazed and serve a bathroom. The appellant suggests the larger window gives light to a kitchen.

29. The proposed 7 storey building would extend very near to the site boundary. At this proximity it would form an oppressive and overbearing feature causing harm to the outlook from the affected windows for the occupiers of the neighbouring flats.

30. The appellant has provided a Daylight and Sunlight assessment to consider the impact of the scheme on nearby properties. It concludes that the view of the sky (Vertical Sky Component VSC) from the north west facing windows to the side gable of No 295 Upper Brook Street would be reduced by over 90%, below the recommended threshold. Whilst this would be less significant for a bathroom, being a non-habitable room, the loss of daylight and sunlight would have an adverse effect on the kitchen areas for the occupiers of the flats on this side of the adjacent building.

31. Accordingly, the appeal scheme would cause harm to the living conditions of the occupiers of 295 Upper Brook Street due to loss of outlook and sunlight/daylight. The proposal would therefore fail to comply with Policies DM1 and SP1 of the CS which seek to ensure that development provides a good standard of amenity and makes a positive contribution to the health and wellbeing of residents.

Conclusion

32. It has not been adequately demonstrated that there are no sequentially preferable alternative sites available and suitable within the City Centre. Furthermore, I have found that the proposed 7 storey aparthotel would cause harm to the character and appearance of the area and the living conditions of the occupiers of the neighbouring property. It would also provide inadequate car parking and servicing, adversely affecting highway safety. The proposal therefore fails to accord with the relevant policies of the development plan.

33. For the above reasons and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR