The Planning Inspectorate

Appeal Decision

Site visit made on 9 March 2015

by Geoffrey Hill BSc DipTP MRTPI

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

Decision date: 23 March 2015

Appeal Ref: APP/B4215/A/14/2228304
British Broadcasting Corporation, New Broadcasting House, Manchester M60 7HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Total Car Parks Ltd., against the decision of Manchester City Council.
- The application Ref 105641/FO/2014/C1, dated 7 May 2014, was approved on 29 July 2014 and planning permission was granted subject to conditions.
- The development permitted is the temporary use of land (18 months) as a public surface car park (563 spaces) with associated pay and display machines, CCTV, floodlighting and 26 x trees in planters to site perimeter.
- The condition in dispute is No1 which states that*: "The permission hereby granted is for a limited period only, expiring on 1 January 2015; and the use comprising the development for which permission is hereby granted is required to be discontinued on that date".*
- The reason given for the condition is*: "The use hereby approved is of a temporary nature, in order to allow the preparation of the a* [sic] *more balanced interim use strategy that would support the proper planning and regeneration of the area and to allow the City Council the opportunity to reconsider the appropriateness of this use and its impact of the use* [sic] *on policies aimed at reducing reliance on travel by private car the consequences of which have not been considered beyond the 1 January 2014 pursuant to Core Strategy Policies SP1, CC1, CC4, T1, T2, EN1 and DM1".*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address refers to the previous development on the land. The site has frontages on Oxford Road and Charles Street, with access points shown on the application plans off Brancaster Road and Charles Street.

3. The appeal was lodged prior to the expiry date for the temporary permission given in the Council's Decision Notice but the car park was in operation at the time of my site visit (ie after the expiry of the temporary permission). The appeal therefore now effectively seeks retrospective permission to extend the temporary use.

Main Issue

4. The main issue in this appeal is whether continued use of the car park is either appropriate or desirable having regard to the development plan policies which seek sustainable development and which promote positive regeneration of sites in the Corridor.

Reasons

5. The appeal site was originally occupied by buildings of the BBC, but which have since been demolished and the site cleared. The site is within the Corridor, a swathe of land across the city centre where the Core Strategy looks for economic regeneration and the creation of new employment opportunities. This is supported more specifically for the appeal site by the BBC Site Strategic Regeneration Framework (SRF) document, which anticipates redevelopment of the site for office uses, cultural facilities and public spaces. Clearly, continued use of the site for car parking as the main activity is not compatible with this strategy.

6. These objectives also have to be seen alongside the objectives of the Greater Manchester Transport Plan (MTP) and the Transport Strategy for Manchester City Centre (TSMCC) which both seek to promote the use of alternatives to the private car for journeys into the city centre. Whilst there is clearly a need to retain a level of car parking in the city centre, the underlying intention is - for reasons of reducing congestion, sustainability and enhancing pedestrian safety - to discourage unnecessary use of cars in the city centre.

7. It is agreed that leaving the site vacant and unused could result in harm to the attractiveness of the city centre, and some temporary use would be beneficial until such time as a permanent redevelopment scheme has been formulated. From the appeal submissions it is clear that options for the permanent redevelopment of the site are still being evolved and I accept that it may be many months, if not years, until a scheme has been worked up, approved, a developer found, contracts let and conditions precedent discharged. That being so, there is the opportunity for the site to be used for other temporary uses which would be more in keeping with the objectives of the Core Strategy's vision for the Corridor and the SRF. Paragraphs 5.53-5.57 of the SRF[1] clearly set out what is preferred as interim uses on this site until the permanent redevelopment is completed. A different alternative use would also accord with the MTP and TSMCC by reducing the number of parking spaces available. These are reasonable and rational planning reasons for not wishing to see an extension of the present temporary car park use on its own.

8. Having said that, it is also clear that proposals for such alternative temporary uses have not been drawn up. The draft SRF was published in July 2013 and the final version in November 2013. The appellants therefore had at least six months - and probably up to 10 months - to draw up a scheme of alternative interim uses before submitting the application which is the subject of this appeal. I am not persuaded that the appellants have been unaware of the Council's preferences for alternative temporary uses for this site, and no evidence has been produced to demonstrate that the appellants have, or are currently working towards, the formulation of viable alternatives which would be compliant with the policies for the redevelopment of the city centre. From the appeal submissions, it

[1] Draft version dated 16 July 2013 provided with appeal submissions

seems that – irrespective of the reason given for the imposition of the disputed condition - no work has taken place on developing a scheme of alternative uses since the July 2014 permission (or at least none has been discussed with the City Council), including the period following the lodging of this appeal.

9. As stated in the reason for the disputed condition, the purpose of granting temporary permission in July 2014 was to give both encouragement and the time to bring forward interim proposals which would meet the objectives of SRF. There is no indication in the appeal submissions to show that extending the period of temporary use to January 2016 would bring forward the desired outcome. Planning Practice Guidance paragraph 21a-014-20140306 gives support for temporary permissions on vacant land to allow regeneration plans to come forward. But it goes on to say that it will rarely be justifiable to grant a second temporary permission.

10. If there was a plan for alternatives in place, or on the verge of being approved, then this might justify granting an extension of the temporary period to cover a specific period of time for modifying the site or putting in place new initiatives. From the information submitted with this appeal, and without a plan showing how the site is to be used for activities which are more compliant with SRF which would make a positive contribution to the economy and cultural life of the city centre, it is not clear that January 2016 would represent a date where anyone could be confident alternative interim uses could commence or, indeed, that a plan for alternative uses would be in place by then. It is my view that the appellants have been given ample opportunity to bring forward – or at least initiate - a scheme which would be more in accordance with policy than using the site just for car parking, and extending the temporary use of the land solely for car parking is not justified. That is, allowing the appeal would result in an unjustified endorsement and continuation of a use which is not compliant with either the Core Strategy, the SRF or the transport policies for the city centre.

11. The appellants argue that they need more time to draw up an application for the permanent redevelopment of the site. As noted above, I fully accept that this is likely to be a lengthy process for this site. However, the appellant does not argue that more time is now needed to draw up a plan for compliant interim alternative uses. Indeed, there is no hard evidence to demonstrate that in the period since the latest temporary permission was granted such a plan is in preparation. Without a plan for alternative interim uses either in place - or seemingly even in preparation - which would include enhancements to the public realm, green space and the provision of a multi-functional space, together with a timetable for the commencement of those alternative uses, I do not consider it is appropriate or desirable to permit a further extension of the planning permission for the car park use.

12. For the above reasons, and having regard to the six tests for planning conditions given in the National Planning Policy Framework, I consider that the Council's decision to grant permission only for 6 months was necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all respects. Accordingly, the appeal should be dismissed.

Geoffrey Hill

INSPECTOR