

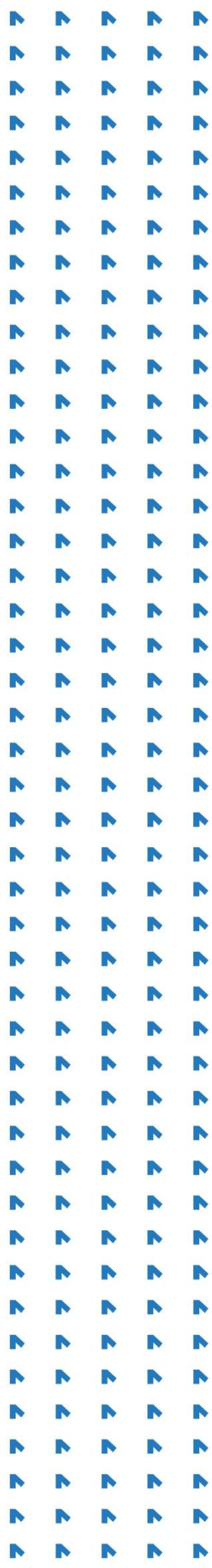
Appeal Statement

No 26A Wilbraham Road, Manchester
M14 6JU

Regulated by RTPI

June
2025

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1 INTRODUCTION

- 1.1 This Appeal Statement has been prepared on behalf of Mr Naveed Ashraf (of Creative Property People Ltd) following Manchester City Council's refusal of planning application Ref 140358/FO/2024 which proposed the construction of a 4 storey building to form 24 self contained residential apartments (C3) following the demolition of the existing vacant building.
- 1.2 The application was validated on 10th July 2024 and subsequently refused on 9th December 2024 under delegated powers (please refer to the Decision Notice and Case Officer Report enclosed at **Appendix 1 and 2**).
- 1.3 This Statement will set out why the Council's decision to refuse the planning application was unjustified in terms of local and national planning policy, and accordingly, why the appeal should be allowed.
- 1.4 The grounds of appeal are as follows:
- The proposed development represents a contemporary form of development which responds positively to the scale, layout and visual character of neighbouring residential developments within the immediate streetscene and sits comfortably in terms of visual appearance and massing. Accordingly, it will make a positive contribution to the visual character and appearance of the streetscene;
 - The proposal consists of a high density residential development that is consistent with the character of the surrounding area and its highly accessible and sustainable location. The development meets an identified housing shortfall for disabled and elderly persons and accords with the Council's adopted policies relating to density as borne out in recent appeal caselaw (Ref APP/B4215/W/23/3314646);
 - The scheme adopts the principles of sustainable development in relation to social, economic and environmental factors. This is because it recycles urban land and delivers a mix of residential dwellings which are accessible by a choice of travel modes including foot, cycle and public transport. The proposals thereby accord with the emphasis of national policy (set out within the NPPF), which confirms a presumption in favour of sustainable development, and
 - The proposed scheme complies with the NPPF, Policies JP-P1 and JP-H4 of PpE, and Policies DM1, ENV1 and H6 of the adopted Core Strategy and should be considered acceptable.
- 1.5 In terms of structure, this Appeal Statement will provide a summary of the case background prior to examining the Council's reasons for refusal and demonstrating why these are unjustified and inappropriate in planning terms. The statement addresses the following:
- 1) Background;
 - 2) Site and surroundings;
 - 3) Planning history;

- 4) Planning policy; and
- 5) Planning considerations.

1.6 The statement concludes that the Council was unjustified in refusing the application, and as such, the appeal should be allowed.

2 BACKGROUND

2.1 Application **Ref 140358/FO/2024** was refused by the Council for the following reasons (as worded on the Decision Notice enclosed at **Appendix 1**):

1. The development by virtue of its siting, massing and design would appear as an incongruous form of development and detract from the character and visual amenity of the area contrary to Paragraph 135 of the NPPF, Places for Everyone Policy JP-P1 and Policies DM1 and EN1 of the Manchester Core Strategy.
2. The application site is not located within a South Manchester District Centre and the proposals are for a form of high density residential development that does not meet the needs of the area. The proposals are therefore not considered to accord with Policy H6 of the Manchester Core Strategy and Policy JP-H4 of the Places for Everyone Joint Development Plan Document.

2.2 In the context of the reasons for refusal, it is considered that the key issues in respect of the proposed development can be summarised as follows:

1. Whether the proposed development (by virtue of its siting, massing and design) would have an unacceptable adverse impact upon the visual character of the surrounding area, and
2. Whether the density of the proposed development represents an appropriate solution for the site that for would meet the needs of the area to an acceptable extent and accord with local and national policy.

3 SITE AND SURROUNDINGS

- 3.1 The site comprises a single storey vacant former nursery building sited to the north side of Wilbraham Road at its junction with Hart Road (as shown in Figure 1 below). To the rear of the building is external space associated with its previous use and to the front is hard surfacing in use as a car parking area and additional enclosed external play space.
- 3.2 The existing building sits within the curtilage of an adjacent three storey buff-brick detached property which displays bay windows and more recent extensions to the rear. The building is in active use as a language school.
- 3.3 There is significant mature tree coverage along the front boundary of the site as it meets Hart Road/Wilbraham Road. As demonstrated on the site photographs, these trees effectively screen large elements of the site from views within the streetscene.
- 3.4 Furthermore, mature trees are also positioned along the western boundary of the site which provide a degree of separation from the adjacent four storey residential apartment buildings off Parkside to the west of the site.
- 3.5 The surrounding area is predominantly residential in nature. The overriding character of the northern side of this section of Hart Road and Wilbraham Road (particularly as it spans eastwards towards the District Centre of Fallowfield) is large purpose built detached blocks of residential apartments. This is reflective of the accessible nature of the area and the status of Wilbraham Road is a major arterial route.
- 3.6 The site and streetscene images which form part of the appeal submission demonstrate that most of these apartment buildings range between 3 and 5 stories in height and display wide variation in terms of external design/appearance.
- 3.7 The southern side of Wilbraham Road also accommodates a range of different residential properties, although of a noticeably smaller scale with two storey detached, semi-detached and terraced dwellings. To the immediate south of the site lies Platt Fields Park which can be accessed via Hart Road to the west.
- 3.8 The site is located approximately 380 metres to the west of the boundary of Fallowfield District Centre (Figure 2), which provides a wide range of local shops and services to serve the local community.
- 3.9 As noted by the Council within the delegated report, the site benefits from a GMAL rating of 6 and is considered to have excellent access to public transport. The closest bus stops are positioned on Hart Road within a 50 metre distance of the site. Furthermore, the site is located 670 m from the Cawdor Road bus stop to the east. This forms part of the Oxford Road Bus Corridor that provides excellent connectivity to the City Centre.
- 3.10 The site is not a listed building (or located in close proximity to any listed properties, nor is it located within a Conservation Area.
- 3.11 Please refer to the site images overleaf.



Figure 1 – Extract of site location plan

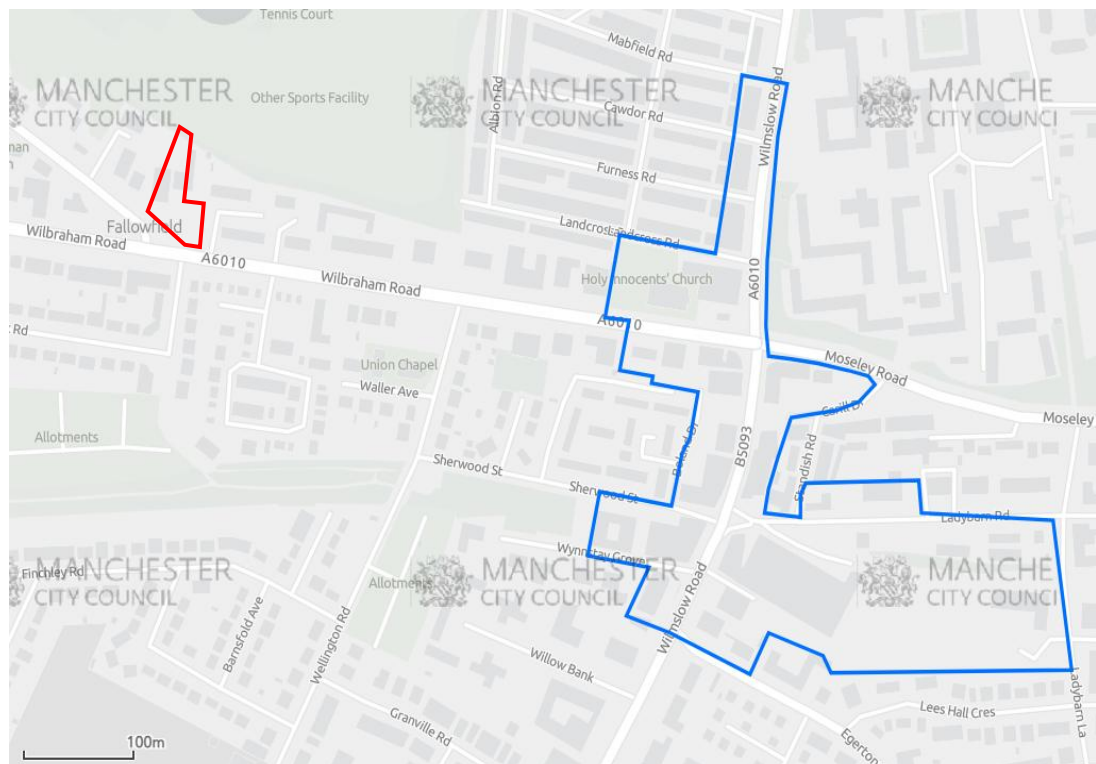


Figure 2 – Proposals Map showing the proximity of the site (red) to the Fallowfield District Centre (blue).



Figure 3 – Photograph of the site from the south at the entrance to Carrington Road in June 2025. This demonstrates the mature trees that essentially screen the site from views within the streetscene.



Figure 4 – Photograph of site as viewed from the front, with the language school shown to the right (June 2025).



Figure 5 – The application site as viewed from the rear (June 2025).



Figure 6 – Overhead view of the site (outlined in red) facing north, showing its position at the junction of Hart Road Wilbraham Road with existing residential appartement buildings positioned to the immediate east and west. Platt Field Park is visible to the north.



Figure 7 – Overhead view of the rear of the site (outlined in red) facing south.

4 PLANNING HISTORY

- 4.1 A review of the Council's online records reveals that the site has been subject to a single previous application of relevance.
- 4.2 Planning application **Ref138760/FO/2023** proposed the construction of a five storey apartment block providing 30 apartments (15 x 1 bed and 15 x 2 bed) with associated landscaping (following demolition of existing building).
- 4.3 The application was withdrawn by the applicant on 9th February 2024 following concerns raised by the Council in relation to (amongst other matters) the scale/height of the proposed building.
- 4.4 Accordingly, the revised application which forms the basis of this appeal applicant sought to reduce the scale of the proposed scheme by removing the previously proposed 5th floor and amending the external design/appearance of the proposed building.

5 THE PROPOSAL

- 5.1 Full planning permission is sought for the demolition of the vacant former nursery and construction of a new four storey building to accommodate 24 self contained residential apartments.
- 5.2 The proposed mix of residential units comprises 12 x 1b/2p and 12 x 2b/4p apartments. A detailed assessment of the design, scale and massing of the scheme is presented at Section 7.
- 5.3 All proposed units will either meet or exceed national minimum floorspace standards as referred to within the Schedule of Accommodation that forms part of the appeal submission.
- 5.4 As demonstrated on the enclosed drawings package, the existing car parking area to the front of the site will be retained for use by occupiers and will incorporate a dedicated refuse/recycling store.
- 5.5 A separate pedestrian access from Hart Road will be provided for residents, together with cycle storage adjacent to the central eastern boundary of the site.
- 5.6 The rear part of the site will comprise a large communal landscaped amenity space extending to 550 sqm. All trees along the site's frontage will be retained, with a single tree adjacent to the western boundary removed and replaced within the site.
- 5.7 Please refer to the extract of the proposed site layout plan below.



Figure 8 – Extract of proposed site layout plan

6 PLANNING POLICY

6.1 This section provides a review of relevant national and local planning policy and guidance.

NATIONAL POLICY

6.2 The National Planning Policy Framework (NPPF) was revised in December 2024 and sets out the Government's objectives for achieving sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development.

6.3 Development proposals that accord with an up-to-date Development Plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.4 Paragraph 8 confirms that there are three dimensions to sustainable development; economic, social and environmental. To achieve sustainable development, economic, social and environmental gains should be pursued in mutually supportive ways through the planning system.

6.5 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. These sustainable objectives should be delivered through the preparation and implementation of plans and the application of the policies in the framework.

6.6 Guidance in paragraph 39 states that local planning authorities should approach decision-taking in a positive and creative way. They should work proactively with planners to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Delivering a Sufficient Supply of Homes

6.7 Paragraph 61 explains that in order to support the Government's commitment to significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward for development where it is needed, that needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

6.8 Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where strategic policies are more than five years old. The five year supply should include an appropriate buffer. Where the local authority chooses to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan the buffer should be 5% to ensure choice and competition in the market for land. In the event that there has been significant under delivery over the previous three years when measures against the Housing Delivery Test, then a 20% buffer should be applied. Furthermore, from 1st July 2026, where a local planning authority has an annual average housing requirement 80% or less of the most recent housing need figure calculated (using the standard method set out in the national planning practice guidance), then a 20% buffer should be applied.

- 6.9 The NPPF is clear at paragraph 11 that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites or the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Building a Strong and Competitive Economy

- 6.10 Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Promoting Sustainable Transport

- 6.11 To protect and exploit opportunities for the use of sustainable transport modes, development should be located and designed to give priority to pedestrian and cycle movements and have access to high quality public transport facilities; address the needs of people with disabilities by all modes of transport; create safe and secure places minimising conflicts between traffic and pedestrians; allow for the efficient delivery of goods and access by service and emergency vehicles; and be designed to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Making Effective Use of Land

- 6.12 The NPPF recognises the need for the planning system to promote an effective use of land in meeting the need for homes and other uses. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 6.13 Paragraph 125 (c) explains that the planning system should specifically give substantial weight to the value of using suitable brownfield land within settlements for new homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. Furthermore, sub-section (d) of this paragraph explains that planning should also promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 6.14 Sub Section (e) of paragraph 125 outlines that Council's should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall streetscene, is well designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.
- 6.15 Paragraph 128 clearly states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
- Use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.

6.16 The chapter goes on to discuss how appropriate densities can be achieved. Paragraph 129 sets out that the planning system should support development that makes efficient use of land, taking into account the following:

- a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) Local market conditions and viability;
- c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) The desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) The importance of securing well-designed, attractive and healthy places.

Achieving Well Designed Places

6.17 This chapter sets out at paragraph 135 that planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are 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);
- Establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Meeting the challenge of climate change, flooding and coastal change

6.18 The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

6.19 Paragraph 164 states that new development should be planned for in ways that:

- avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and;
- help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings in plans should reflect the Government's policy for national technical standards.

Decision Taking

6.20 Guidance in paragraph 39 states that local planning authorities should approach decision-taking in a positive and creative way. They should work proactively with planners to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

DEVELOPMENT PLAN

6.21 The Development Framework currently consists of the Manchester Core Strategy (2012) combined with several saved policies from the Unitary Development Plan (UDP) (2006).

6.22 Accordingly, the Core Strategy and UDP set out the detailed policies for consideration of planning applications within the City. The policies relevant to the assessment of the development proposal are summarised below.

Core Strategy

6.23 **Policy SP1 (Spatial Principles)** advises that the key spatial principles which will guide the strategic development of Manchester to 2027 are:

- The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living.
- The growth of Manchester Airport will act as a catalyst for the regional economy, and will also provide the impetus for a second hub of economic activity in this part of the City.
- Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.
- The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.

- The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved.
- New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core Development Principles

Development in all parts of the City should:

- Make a positive contribution to neighbourhoods of choice including:
 - Creating well designed places that enhance or create character;
 - Making a positive contribution to the health, safety and wellbeing of residents;
 - Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income. protect and enhance the built and natural environment;
 - Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

6.24 **Policy H1 (Overall Housing Provision)** outlines which development will come forward based on availability, suitability and achievability of developing capacity sites. It outlines that 90% of residential development will be on previously developed land, with new developments taking advantage of existing buildings where appropriate.

6.25 Proposals for new residential development (including accommodation for Gypsies and Travellers and Travelling Showpeople and purpose built student accommodation) should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population, including elderly people, disabled people, people with specific support requirements, BME communities, Gypsies and Travellers and Travelling Showpeople;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes into account the availability of developable sites in these areas;
- Contribute to the design principles of Manchester's Local Development Framework, including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable

amenity space, including in high density development (in which this could be in the form of balconies, as well as shared open spaces such as green roofs). Schemes should make provision for parking cars and bicycles (in line with policy T2); and the need for appropriate levels of sound insulation;

- Address any existing deficiencies in physical, social or green infrastructure, or future deficiencies that would arise as a result of the development, through developer contributions or on site provision;
- Prioritise sites which are in close proximity to centres or high frequency public transport routes;
- Take account of any environmental constraints on a site's development (e.g. flood risk through the Manchester-Salford-Trafford Strategic Flood Risk Assessment, or other statutory designations) and;
- Be designed to give privacy to both its residents and neighbours.

6.26 In particular the expansion of this Policy states at Paragraph 9.8 that there is an identified shortage of housing for elderly and disabled people. The number of elderly people is growing and there is likely to be a disproportionate increase in the number of disabled people as the population becomes older. To meet this need, additional housing is necessary, which is or can be adapted. This will include the provision of high quality small units which will encourage older households, which are currently under-occupying socially rented houses which are larger than they require, to move into smaller units in their local area. All new dwellings must be of sufficient design quality and size to allow for adaptations to meet changed housing needs and provide satisfactory levels of privacy for existing households. The Council will work with developers to promote a high standard of internal design and space standards in new developments by encouraging developers to adopt the standards set out in Design for Access 2 (since superseded by Building Regulations M4(2) and M4(3)).

6.27 **Policy H6 (South Manchester)** advises that South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

6.28 **Policy H8 (Affordable Housing)** states that the following requirements for affordable housing or an equivalent financial contribution currently apply to all residential developments on sites of 0.3 hectares and above or where 15 or more units are proposed:

- New development will contribute to the City-wide target for 20% of new housing provision to be affordable. Developers are expected to use the 20% target as a starting point for calculating affordable housing provision. It is envisaged that 5% of new housing provision will be social or affordable rented and 15% will be intermediate housing, delivering affordable home ownership options;

- The proportion of affordable housing units will reflect the type and size of the development as a whole; and where appropriate provision will be made within Section 106 agreements to amend the proportion of affordable housing in light of changed economic conditions, subject to a financial viability assessment;
- Affordable housing units will be inclusively designed to reflect the character of development on the site;
- Either an exemption from providing affordable housing, or a lower proportion of affordable housing, a variation in the proportions of socially rented and intermediate housing, or a lower commuted sum, may be permitted where either a financial viability assessment is conducted and demonstrates that it is viable to deliver only a proportion of the affordable housing target of 20%; or where material considerations indicate that intermediate or social rented housing would be inappropriate. In the latter case, such circumstances could include:
 - There is a very high level of affordable housing in the immediate area;
 - There is either a high proportion of social rented (35%), or low house prices in the immediate area compared to average incomes;
 - Affordable housing would be prejudicial to the diversification of the existing housing mix.
 - The inclusion of affordable housing would prejudice the achievement of other important planning or regeneration objectives which are included within existing Strategic Regeneration Frameworks, planning frameworks or other Council approved programmes;
 - It would financially undermine significant development proposals critical to economic growth within the City;
 - The financial impact of the provision of affordable housing, combined with other planning obligations would affect scheme viability;
 - There is a need for additional housing provision for older people or disabled people either as affordable or market housing dependent on the results of a financial viability assessment of the scheme.

6.29 **Policy EN1 (Design Principles and Strategic Character Areas)** outlines that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above 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. Design and Access Statements submitted with proposals for new development must clearly detail how the proposed development addresses the design principles, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategy Strategic Objectives.

6.30 The Southern Character Area is a notable presence of older development (1750-early 1900) at key junctions and along historic radial routes such as Oxford Road/Wilmslow Road, often but not

exclusively associated with District Centres. The largely flat terrain has enabled the subsequent infilling of land between these routes with a more regular layout of predominantly residential development up to the 1960s. Much of this subsequent development was associated with the purpose built radial parkways, serving the City Centre. Princess Parkway now forms the principal road link between the City Centre and the Airport. The area contains pockets of formal open space including some significant historic parks.

- New development needs to retain the identity and focus of activity associated with the historic District Centres.
- Where appropriate development along the radial routes such as Princess Parkway should be commensurate in scale with the prominence of its location.

6.31 **Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon)** seeks to reduce fuel poverty and decouple growth in the economy, growth in CO2 emissions, and rising fossil fuel prices, through the following actions:

- All development must follow the principle of the Energy Hierarchy, being designed:
 - to reduce the need for energy through design features that provide passive heating, natural lighting and cooling;
 - to reduce the need for energy through energy efficient features such as improved insulation and glazing; and
 - to meet residual energy requirements through the use of low or zero carbon energy generating technologies.
- Wherever possible new development and retrofit projects, including energy generation plant, must be located and designed in a manner that allows advantage to be taken of opportunities for low and zero carbon energy supplies;
- Where possible new development and retrofit projects will be used as a mechanism to help improve energy efficiency and provide low and zero carbon energy supplies to existing buildings;
- Where appropriate new development and retrofit projects will be required to connect to and/or make contributions to low or zero carbon energy schemes and/or to incorporate provision to enable future connection to any existing / potential decentralised energy schemes; and
- The use of building materials with low embodied carbon in new development and refurbishment schemes.

6.32 **Policy EN6 (Target Framework for CO2 reductions from low or zero carbon energy supplies)** states that applications for residential development of 10 or more units and all other development over 1,000 sq. m will be expected as a minimum to meet the target shown in Tables 12.1 or 12.2, unless this can be shown not to be viable. This should be demonstrated through an energy statement, submitted as part of the Design and Access Statement. Such a statement will be expected to set out

the projected regulated energy demand and associated CO2 emissions for all phases of the development.

6.33 **Policy EN8 (Adaptation to Climate Change)** asserts that all new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In achieving developments which are adaptable to climate change, developers should have regard to the following, although this is not an exhaustive list:

- Minimisation of flood risk by appropriate siting, drainage, and treatment of surface areas to ensure rain water permeability;
- Reduction in urban heat island effect through the use of Green Infrastructure such as green roofs, green walls, increased tree cover and waterways;
- The need to control overheating of buildings through passive design; and
- The opportunity to provide linked and diverse green space to enhance natural habitats which will assist species adaptation.

6.34 **Policy EN9 (Green Infrastructure)** affirms that new development will be expected to maintain existing green infrastructure in terms of its quantity, quality and multiple function. Where the opportunity arises and in accordance with current Green Infrastructure Strategies, the Council will encourage developers to enhance the quality and quantity of green infrastructure, improve the performance of its functions and create and improve linkages to and between areas of green infrastructure. Where the benefits of a proposed development are considered to outweigh the loss of an existing element of green infrastructure, the developer will be required to demonstrate how this loss will be mitigated in terms of quantity, quality, function and future management. Key features of Manchester's green infrastructure will include:

- The continued development of a network of green spaces, water bodies, canals, paths and cycleways, with priority given to those parts of the City where there is an identified existing lack of open space. The Council will seek to protect existing street trees and promote new planting, particularly where this can enhance green links in the urban area;
- The provision of new, and improvements to the quality and accessibility of existing green infrastructure assets, to mitigate for any loss of green infrastructure as a result of development such as the Metrolink extension programme; and
- The encouragement of green roofs, green walls, tree planting and other forms of green infrastructure to allow for the adaption to climate change in heavily urbanised areas.

6.35 **Policy EN14 (Flood Risk)** states that development should be directed away from sites at the greatest risk of flooding, and towards sites with little or no risk of flooding; this should take account of all sources of flooding identified in the Manchester-Salford-Trafford Strategic Flood Risk Assessment (SFRA).

6.36 All new development should minimise surface water run-off, including through Sustainable Drainage Systems (SUDS) and the appropriate use of Green Infrastructure. Developers should have regard to

the surface water run-off rates in the SFRA User Guide. In CDAs, evidence to justify the surface water run-off approach / rates will be required.

6.37 **Policy EN15 (Biodiversity and Geological Conservation)** outlines that developers will be expected to identify and implement reasonable opportunities to enhance, restore or create new biodiversity, either on-site or adjacent to the site, contributing to linkages between valuable or potentially valuable habitat areas where appropriate, with reference to:

- The Manchester Biodiversity Strategy, which provides further details of priority habitats within Manchester and opportunities for biodiversity enhancement including corridors such as the Mersey, Medlock and Irk river valleys, the canals and disused railway lines and areas of managed greenspace particularly in parks;
- the Green Infrastructure Framework for Greater Manchester, which encompasses an ecological framework that seeks to guide and inform habitat creation and repair, including identifying large 'biodiversity opportunity areas' including the Moston Brook Corridor and Nutsford Vale;
- the Open Space, Sport & Recreation Study, which identifies areas where there is a deficit of natural and semi-natural greenspace, opportunities for green corridors and other linkages;
- Manchester's Climate Change Action Plan;
- the Strategic Flood Risk Assessment (SFRA) for Manchester;
- the Habitats Regulations Assessment (HRA) for Manchester, which gives detailed consideration to Special Areas of Conservation (SACs), including the Rochdale Canal SAC just outside the district boundary;
- the River Basin Management Plan for the North West;
- the Manchester Tree Strategy.

6.38 Any adverse impacts on biodiversity will need to be justified against the wider benefits of the proposal, assessed against other LDF policies. Where adverse impacts are unavoidable, developers will be required to provide appropriate mitigation and/or compensation.

6.39 **Policy EN16 (Air Quality)** seeks to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes and at Manchester Airport. Developers will be expected to take measures to minimise and mitigate the local impact of emissions from traffic generated by the development, as well as emissions created by the use of the development itself, including from Combined Heat and Power and biomass plant. When assessing the appropriateness of locations for new development, the Council will consider the impacts on air quality, alongside other plan objectives. This includes cumulative impacts, particularly in Air Quality Management Areas.

6.40 **Policy EN17 (Water Quality)** states that development should:

- Avoid any adverse impact on water quality, including during the construction phase, and wherever possible should seek to enhance water quality, both chemical and ecological; and
- Minimise surface water run-off from development and associated roads, and maximise the use of appropriate sustainable drainage systems, to minimise groundwater contamination, and to avoid pollutants reaching watercourses.

6.41 **Policy EN18 (Contaminated Land and Ground Stability)** gives priority for the remediation of contaminated land to strategic locations as identified within the Core Strategy. Any proposal for development of contaminated land must be accompanied by a health risk assessment.

6.42 **Policy EN19 (Waste)** advises that the council will:

- Work with other Districts through the Greater Manchester Joint Waste Development Plan Document (GMJWDPD) to safeguard existing sites for waste management and identify and safeguard new sites in existing areas of employment where appropriate;
- Require all developers, including those of new waste management facilities within the District, to demonstrate the proposal's consistency with the principles of the waste hierarchy (prevention, reduction, re-use, recycling/composting, energy recovery, final disposal);
- Require all developers of new waste management facilities within the District to plan for and, where appropriate, use sustainable modes for waste transport, including use of modes such as rail and the Manchester Ship Canal;
- Require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met;
- Have full regard to the economic and environmental benefits that well designed and run, waste management facilities can bring to the District, subject to any conditions required to protect the amenity of existing adjacent users;
- Promote the development of innovation and technological advancement within the sustainable waste management industry, aiming to achieve a closed-loop waste management system;
- Require waste management practices to have full regard to the environmental, social and economic impacts of such development and encourage long-term benefits in improving the environment, the regeneration of areas in need of investment and co-location with other employment uses where appropriate; and
- Encourage communities to take responsibility for the waste they create through the provision of accessible facilities.

6.43 **Policy T1 (Sustainable Transport)** aims to deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to

support the needs of residents and businesses and to prepare for carbon free modes of transport. The Council will support proposals that:

- Improve choice by developing alternatives to the car;
- Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car;
- Improve access to transport services and facilities in order to enable disabled people and people with mobility impairments to participate fully in public life;
- Improve pedestrian routes and the pedestrian environment;
- Improve and develop further Manchester's cycle network (for example the Manchester Cycleway and the Trans Pennine Trail);
- Contribute to improvements to the extent and reliability of the public transport network through safe and attractive waiting and interchange facilities, better priority, improved services and information provision;
- Improve and develop appropriate road, rail and water freight transport routes and associated intermodal freight transport facilities in order to assist in the sustainable and efficient movement of goods;
- Facilitate modes of transport that reduce carbon emissions e.g by incorporating charging points for electric vehicles, subject to their appropriate design and location;
- Would reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties; and
- Take account of the needs of road users according to a broad hierarchy consisting of, in order of priority:
 1. pedestrians and disabled people
 2. cyclists, public transport,
 3. commercial access,
 4. general off peak traffic,
 5. general peak time traffic.

6.44 **Policy T2 (Accessible Areas of Opportunity and Need)** stipulates 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. Particular priority will be given to providing all residents access to strategic employment sites including:
 - Links within Central Area between residents and employment, the Corridor in particular and east/west connectivity for residents in Central Area to employment areas in Trafford and East Manchester.
 - Maintaining strong links between residential areas in the South and the Regional Centre and improving connectivity with the Airport.
 - Ensuring good links between Wythenshawe residents and the Airport and further employment opportunities in Stockport, Trafford and the Regional Centre.
- Within the City Centre, provides a level of car parking which reflects the highly accessible nature of the location, as well as the realistic requirements of the users of the development. Elsewhere, all new development should provide appropriate car parking facilities. In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B. Standards are set for two different area types:
 - District Centres; and
 - Areas not within the City Centre or District Centres.

The car parking standards are maximums and the cycle and disabled car parking standards are minimums. However the Council will take the circumstances of each proposal into account to establish what level of parking is appropriate.
- Includes proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

6.45 **Policy DM1 (Development Management)** states that development management should have regard to the following specific issues:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area;
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes;
- Community safety and crime prevention;

- Design for health;
- Adequacy of internal accommodation and external amenity space;
- Refuse storage and collection;
- Vehicular access and car parking;
- Effects relating to biodiversity, landscape, archaeological or built heritage;
- Green Infrastructure including open space, both public and private;
- The use of alternatives to peat-based products in landscaping/gardens within development schemes;
- Flood risk and drainage;
- Existing or proposed hazardous installations;
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

Places for Everyone (PfE) Joint Development Plan

6.46 **JP-S1 (Sustainable development)** advises that to help tackle climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives.

6.47 **JP-S2 (Carbon and Energy)** states that the aim of delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions, will be supported through a range of measures including:

- Promoting the use of life cycle cost and carbon assessment tools to ensure the long-term impacts from development can be captured;
- Taking a positive approach to renewable and low carbon energy schemes, particularly schemes that are led by, or meet the needs of local communities;
- Increasing the range of nature-based solutions including carbon sequestration through the restoration of peat-based habitats, woodland management, treeplanting and natural flood management techniques; and
- An expectation that new development will, unless it can be demonstrated that it is not practicable or financially viable;
 - Be net zero carbon which applies:
 - from adoption – to regulated operational carbon emissions;

- from 2028 – to all emissions ‘in construction’.

From 2025 development should also calculate and minimise carbon emissions from unregulated emissions alongside regulated emissions. Development proposals should set out how this has been achieved in an energy statement in accordance with the energy hierarchy, which in order of importance seeks to:

- i. Minimise energy demand;
- ii. Maximise energy efficiency;
- iii. Use renewable energy;
- iv. Use low carbon energy; and
- v. Utilise other energy sources.

From 2025 any residual carbon emissions that cannot be fully mitigated on-site should be offset, in agreement with the relevant local planning authority through a financial contribution to a carbon offset fund. As an interim measure, development should be consistent with the 2022 Part L Building Regulations unless superseded by changes to building regulations and/or national or local planning policies.

- Incorporate adequate electric vehicle charging points, in line with Part S of the Building Regulations, unless superseded by relevant Local Plan policies, to future proof for the likely long-term demand, taking account of the potential maximum energy demand for the site;
- Where practicable, prioritise connection to a renewable energy/heating/cooling network in the first instance or a low carbon energy/heating/cooling network that is adaptable to non-fossil fuels at a later date;
- In residential developments, achieve energy demand reductions in terms of space heat demand; hot water energy demand and the delivery of on-site renewable energy generation, in accordance with Table 5.1; and
- Include a detailed energy statement to demonstrate via site relevant evidence how the development has sought to maximize reductions in carbon emissions in line with relevant policy targets, including the minimisation of overheating risks and appropriate measures for post occupancy evaluation. Whole life cycle emissions should be considered where possible.

6.48 **JP-S4 (Flood Risk and the Water Environment)** states that an integrated catchment-based approach will be taken to protect the quantity and quality of water bodies with reference to the North West River Basin Management Plan and managing flood risk, by:

- Working with natural processes and adopting a natural flood management approach to slow the speed of water drainage and intercept water pollutants;

- Locating and designing development so as to minimise the impacts of current and future flood risk, including retrofitting or relocating existing developments, infrastructure and places to increase resilience to flooding;
- Expecting developments to manage surface water run-off through sustainable drainage systems and as close to source as possible. Development should achieve greenfield run-off rates unless it is demonstrated to be impracticable.
- Ensuring that sustainable drainage systems:
 - Are designed to provide multifunctional benefits wherever possible, including for water quality, nature conservation and recreation;
 - Avoid adverse impacts on water quality and any possibility of discharging hazardous substances to ground;
 - Are delivered in a holistic and integrated manner, including on larger sites split into different phases; and
 - Are managed and maintained appropriately to ensure their proper functioning over the lifetime of the development.
- Securing the remediation of contaminated land and the careful design of developments to minimise the potential for urban diffuse pollution to affect the water environment; and
- As a minimum, residential development should meet the mandatory water efficiency standard of 125 litres/person/day as set out in Building Regulations.

6.49 **JP-S5 (Clean Air)** outlines that a comprehensive range of measures will be taken to support improvements in air quality, focusing particularly on locations where people live, where children learn and play, where there are impacts on the green infrastructure network and where air quality targets are not being met, including:

- Locating and designing development, and focusing transport investment, so as to reduce reliance on forms of transport that generate air pollution;
- Determining planning applications having regard to the most recent development and planning control guidance published jointly by the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK), and the most recent IAQM Guidance on the Assessment of Dust from Demolition and Construction, or relevant successor guidance, including the requirement for developers to submit construction management plans as appropriate;
- Requiring applications for developments that could have an adverse impact on air quality to submit relevant air pollution data so that adverse impacts on air quality can be fully assessed and development only permitted where they are acceptable and/or suitable mitigation can be provided;

- Restricting developments that would generate significant point source pollution such as some types of industrial activity and energy generation;
- Significantly expanding the existing commercial network of electric vehicle charging points, both for public and private use, including as part of new developments;
- Designing streets to avoid trapping air pollution at ground level, including through the appropriate location and scale of buildings and trees;
- Promoting actions that help remove pollutants from the air, such as enhancing the green infrastructure network and using innovative building materials that capture air pollutants; and
- Development should be located in areas that maximise the use of sustainable travel modes and be designed to minimise exposure to high levels of air pollution, particularly for vulnerable users.

6.50 **JP-Strat 14 (A sustainable and integrated transport network)** states that the creation of a much larger, integrated, rapid transit network – incorporating bus, Metrolink, tram/train and rail services – will be supported by policies that focus new development in locations close to existing and proposed public transport connections.

6.51 Higher densities will typically be appropriate in locations with good access to rapid transit connections. New development will have a significant role in delivering our future sustainable and integrated transport network in order to reduce car dependency and increase levels of walking, cycling and public transport.

6.52 **JP-C8 (Transport Requirements of New Development)** requires new development to be located and designed to enable and encourage walking, cycling and public transport use, to reduce the negative effects of car dependency, and help deliver high quality, attractive, liveable and sustainable environments. This will be done by:

Connectivity and Permeability

- Prioritising safe and convenient access to the site and buildings for all users in accordance with the user hierarchy in Policy JP-C1 'An Integrated Network', including;
 - Prioritising new and enhanced walking, cycling and public transport routes and stops, through and around the site. These routes should:
 - be direct, safe and convenient;
 - connect to nearby facilities, employment areas, public transport stops; and
 - improve the coverage, quality and integration of the wider walking and cycling infrastructure and public transport provision;

- Ensuring that the layout, design and landscaping of development prioritises the provision of safe, secure and attractive access to local services and facilities for pedestrians, cyclists and people with a disability; and
- Ensuring that new development is connected visually and physically; within the site and to the surrounding built environment;
- Ensure appropriate connectivity to the existing highway network;

Design

- Reducing the need to travel by ensuring that community facilities, services and amenities are provided within the site or within walking distance of new development;
- Incorporating highway design at a human scale using street-based prescriptions such as those within Manual for Streets and/or any locally adopted design guidance, to ensure that highways do not dominate the development;

Parking Infrastructure

- Making adequate car parking provision, including for disabled drivers and passengers;
- Ensuring that car parking provision is well integrated and unobtrusive, so it supports the streetscene; and where appropriate parking provision is flexible and can be adapted over time to reflect demand;
- Incorporating enough secure and covered cycle parking to meet long-term demand from occupiers and visitors in a convenient location that helps to maximise its use;
- Promoting alternatives to car ownership, such as the use of ULEV car clubs rather than the provision of private car parking spaces;
- Promoting the increased provision of ULEV charging infrastructure including meeting any standards set by local plans;

Construction Management

- Ensuring Construction Management Plans are produced for developments, where appropriate, to mitigate construction logistics and environmental impacts including air quality and noise on the surrounding area and encourage sustainable deliveries.

Transport Assessments

- Planning applications will be accompanied by a Transport Assessment / Transport Statement and Travel Plan where appropriate, in order to assess impacts and determine the most appropriate mitigation on the SRN and local transport network. Where a Transport Assessment is required, this should start with a vision of what the development/allocation is seeking to achieve and then test a set of scenarios to determine the optimum design and transport infrastructure to realise this vision. Consultation should be undertaken, at pre-

application stage, with the relevant local highway authorities to agree which committed developments / allocations and which potential transport interventions should be considered, with reference to Appendix D, as appropriate.

- 6.53 **JP-H1 (Scale, Distribution and Phasing of New Housing)** states that a minimum of 175,185 net additional dwellings will be delivered over the period 2022-2039, or an annual average of around 10,305. The new homes will be of good quality and design, adaptable, supported by the necessary infrastructure and amenities and their distribution (as set out in Table 7.2) will support the Plan's overall strategy which enables people to reduce the need to travel when taking advantage of our key assets.
- 6.54 In Manchester, the minimum annual number of net additional dwellings between 2022-2039 is set at 3,533.
- 6.55 **JP-H3 (Type, Size and Design of New Housing)** outlines how development across the plan area should seek to incorporate a range of dwelling types and sizes including for self-build and community led building projects to meet local needs and deliver more inclusive neighbourhoods. Where appropriate, this should include incorporating specialist housing for older households and vulnerable people. Residential developments should provide an appropriate mix of dwelling types and sizes reflecting local plan policies, and having regard to masterplans, guidance and relevant local evidence.
- 6.56 All new dwellings must:
- Comply with the nationally described space standards; and
 - Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.
- 6.57 Innovation in housing development will be supported where it is consistent with the principles of good design and contributes to local distinctiveness, including the use of modern methods of manufacturing that can help to improve the speed of delivery and increase building standards.
- 6.58 In particular, Paragraph 7.30 states that a key part of the overall strategy is to maximise the amount of development on brownfield sites in the most accessible locations and maximise the loss of greenfield and Green Belt as far as possible. In order to deliver the necessary densities, an increasing proportion of new dwellings will be in the form of apartments and town houses, continuing recent trends.
- 6.59 Paragraph 7.32 meanwhile, sets out Greater Manchester's approach to housing the ageing population stating that a renewed emphasis is necessitated to ensure that a diverse range of housing is available to meet the needs of older people and households. This will require new dwellings to be more adaptable, and designed with potential care needs in mind, so that older people can remain in their homes if they wish as their circumstances change. There also need to be much better options for those who would like to move, perhaps to a dwelling of a more appropriate size in a location that enables them to easily access local services and facilities, and this could help to release some existing houses for families with dependant children.

- 6.60 **JP-H4 (Density of New Housing)** states that new housing development should be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high-quality design.
- 6.61 For proposals within GMAL 6 and above or within 400 metres of a designated centre the minimum net residential density is 50 dwellings per hectare.
- 6.62 For proposals within 400 metres of a Metrolink stop within a designated centre the minimum net residential density is 120 dwellings per hectare.
- 6.63 **JP-P1 (Sustainable Places)** aims for the plan area to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be consistent with:
- Distinctive, with a clear identity that:
 - Conserves and enhances the natural environment, landscape features, historic environment and local history and culture;
 - Enables a clear understanding of how the place has developed; and
 - Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used
 - Visually stimulating, creating interesting and imaginative environments which raise the human spirit through the use of green space, public art and quality design
 - Socially inclusive:
 - Responding to the needs of all parts of society;
 - Enabling everyone to participate equally and independently;
 - Providing opportunities for social contact and support; and
 - Promoting a sense of community;
 - Resilient, capable of dealing with major environmental events;
 - Adaptable, able to respond easily to varied and changing needs and technologies;
 - Durable, being built to last and using robust materials that reflect local character, weather well and are easily maintained;
 - Resource-efficient with:
 - A low carbon footprint;
 - Efficient use of land;

- Minimised use of new materials; and
- High levels of recycling;
- Safe, including by designing out crime and terrorism, reducing opportunities for anti-social behaviour and by ensuring that developments make appropriate provision for response and evacuation in the case of an emergency or disaster;
- Supported by critical infrastructure, such as energy, water and drainage and green spaces ;
- Functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage;
- Incorporating inclusive design within all spaces with support for tackling inequality and poverty to form part of creating sustainable places; and
- Legible, being easy to understand and navigate, with the protection and enhancement of key views and new development well-integrated into the place.

6.64 **JP-G8 (A Net Enhancement of Biodiversity and Geodiversity)** stipulates that through local planning and associated activities a net enhancement of biodiversity resources will be sought. Development will be expected to:

- Follow the mitigation hierarchy of:
 - i. Avoiding significant harm to biodiversity, particularly where it is irreplaceable, through consideration of alternative sites with less harmful impacts, then
 - ii. Adequately mitigating any harm to biodiversity, then
 - iii. Adequately compensating for any remaining harm to biodiversity
- Avoid fragmenting or severing connectivity between habitats;
- Achieve a measurable net gain in biodiversity of no less than 10%;
- Make appropriate provision for long-term management of habitats and geological features connected to the development; and
- Development proposals should be informed by the findings and recommendations of the appropriate biodiversity/ecological assessment(s) in the PfE evidence base and/or any updated or appropriate biodiversity/ecological assessments submitted as part of the planning application process.

Unitary Development Plan

6.65 **Policy DC26 (Development and Noise)** outlines that the council will control the noise impacts regarding development, the council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
 - b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.
- 6.66 New noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.
- 6.67 The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

7 PLANNING CONSIDERATIONS

- 7.1 The planning issues relevant to the determination of the development proposal are assessed in detail below.

Whether the proposed development (by virtue of its siting, massing and design) would have an unacceptable adverse impact upon the visual character of the surrounding area

- 7.2 The considered approach to scheme design is presented in detail within the Design and Access Statement which forms part of this appeal submission.
- 7.3 The site is not located within a Conservation Area, albeit careful consideration has been afforded to ensure that all elements of the proposal respond positively to the scale, density and character of the neighbouring residential developments within the immediate streetscene and sit comfortably in terms of visual appearance and massing, whilst delivering a high quality contemporary design.
- 7.4 The scheme has been arranged in an efficient manner that will ensure the full potential of this previously developed site is realised, whilst the proposed layout has been informed by the site's constraints and surroundings.
- 7.5 The Council's assessment of the proposal is presented on pages 6-7 of the Delegated Report and examined in detail below.
- 7.6 In the first instance, the Council seek to examine the scale and massing of the proposed development, contending that:

"The proposed new apartment building would be larger in scale by over one storey and would be set substantially forward from 26 Wilbraham Road and also from the front building line of properties in Hart Road. The proposed building at 4 storeys would extend across the site with its edges close to the side boundaries and over 18m forward from the front of 26 Wilbraham Road. Consequently, there would be a substantial amount of built form forward of the established building line along Hart Road and Wilbraham Road with a higher parapet and eaves line than the adjacent villas building. It would present a very bulky and boxy form of development that would be visible through the trees along the boundary of the site especially in winter months."

- 7.7 The scale of the proposed development has been informed by the Council's assessment of the previous application at the site (Ref 138760/FO/2023) and subsequent informal pre-application discussions. Accordingly, the four storey nature of the new building ensures that it will remain noticeably below the ridge height of the existing residential developments to the immediate east and west (as demonstrated on the extract of the streetscene elevation plan below at **Figure 9**).
- 7.8 This approach ensures that the proposed development will be subservient in scale and helps to ensure that it will successfully harmonise with the scale of development within the immediate local area and further towards the District Centre to the east along the northern side of Wilbraham Road which comprises residential blocks ranging between 3 and 5 stories.



Figure 9 – Extract of streetscene massing plan showing how the height of the proposed development will remain lower than existing residential buildings to the east and west, ensuring visual subservience. Whilst the eaves height and parapet of the proposed development do not consist with the immediate neighbouring properties, it is clearly of a different (more contemporary) form of development which provides a visual contrast and adopts its design cues from existing residential developments further east on Wilbraham Road towards the District Centre.

- 7.9 Furthermore, we disagree with the Council’s assertion that the proposed development would have an unacceptable impact upon the building line north of Wilbraham Road/Hart Road.
- 7.10 The Hart Road building line (which projects between the junction with Yew Tree Road to the west of the site and Wilbraham Road) is varied given that residential properties located along the northern side of Hart Road are formed of mainly crescent arrangement semi-detached and terraced houses (see Figure 1).
- 7.11 The layout of the proposed development will ensure that a minimum setback of 6 metres (increasing to over 15 metres) will be maintained between the front elevation of the proposed building and the roadside.
- 7.12 This harmonises with the layout of the houses which are closest to the roadside along Hart Road (namely Nos 141-147, 165-171 and 189-191) which maintain six metre separation distances to the roadside.
- 7.13 The residential development off Parkside to the immediate west maintains a generally larger separation distance of between 10 and 13 metres to Hart Road. However, the setback of the proposed development is sufficient to harmonise with this to an acceptable extent. This relationship is consistent with the siting of the existing nursery building which sits forward of these properties as well as the adjacent neighbouring Language Centre to the east.
- 7.14 Beyond the Language Centre lie numerous residential apartment blocks of varying design and scale fronting onto Wilbraham Road which display separation distances ranging from 6 metres to 16 metres. Accordingly, the proposed development will maintain a suitable separation distance to the roadside (which accords with the existing building on site) and ensures that there will be no harmful break of any established building line as the Council suggests.
- 7.15 Furthermore, as referred to within Section 3 (and shown on the site photographs) there is significant tree coverage provided by mature trees along the front boundary of the site as it meets Hart Road/Wilbraham Road. As demonstrated on the site photographs, these trees effectively screen large

elements of the site from views within the streetscene and will help to significantly soften the visual impact of the proposed development.

- 7.16 Turning to the detailed external design/appearance of the proposed development, the Council raise the following comments:

“The proposed building design presents a monotonous window pattern, no variation or skyline interest and would thereby be at odds with the established character of the area where pitched roofs are prevalent. The adjacent villas with their pitched gabled frontages, bays and architectural features contribute to a lively characterful streetscene. The proposed development by contrast has a commercial overtly urban character with monotonous window arrangement and nothing to break up the boxy and extensive footprint. As an infill building it would present an incongruous unattractive design in the streetscape completely at odds with the prevailing character.

The long blank side elevations would also provide very little visual interest and would appear overbearing when viewed from number No 26 Wilbraham Road and Hart Road properties. The proposed flat roof form starkly contrasts with the skyline interest of the villas which have gables and dormers in the roof and would further emphasise the proposed mass of the new building. It is not agreed that the proposals would form a modern interpretation of the vernacular of existing extrusions and oriels observed at No 193 Hart Rd reinvented into angled openings and recesses that would enhance the context. The repetitive approach to the elevation further emphasises the massing and scale and resonates more with commercial designs as opposed to the domestic suburban character of the area. The design of the proposal is thereby considered to be out of character with the area and fails to contribute to sense of place.”

- 7.17 The Design and Access Statement explains the design rationale for the scheme and how it represents a contemporary interpretation of the local vernacular. Existing Blue, Buff and Red facing brickwork that demarcates different floor levels on neighbouring buildings within the wider streetscene has been identified by the project architect and informed the proposed two-toned cream buff brick patterns that will help to demarcate the main interior floor change, in conjunction with soldier course brick details.
- 7.18 Furthermore, existing extrusions and oriels (observed in association with the residential properties to the immediate west) have been re-interpreted to form angled openings and recesses which add architectural interest and enhance its context as shown on the proposed elevation plans. To help add further visual interest, the massing of the proposed block is broken up in a segmented fashion where the majority of new flats are articulated within the proposed elevations.
- 7.19 Each segment displays differing elevation treatments that create architectural interest on a micro scale such as the stepping brick reveals with asymmetric windows on the front and rear elevations. The design of the main entrance subtly features a slightly deeper reveal creating a small canopy forming key parts of the entrance sequence into the building. The treatment of the side elevations feature turned bricks to demarcate the circulation cores and the angled windows featuring elongated soldier coursing to demarcate the habitable areas. The elevational treatment of the proposal is amalgamated through the rhythmised vertical brick elements.
- 7.20 As referred to above, the proposed design is clearly of a different (more contemporary) form of development which provides a visual contrast and adopts its design cues from existing residential

developments further east on Wilbraham Road towards the District Centre as shown in the photographs below.



Figure 10 – Photograph of No 24 Wilbraham Road (circa 50 metres east of the site) – June 2025



Figure 11 – Photograph of No 24 Wilbraham Road and Eastward Court – June 2025



Figure 12 – Photograph of Wilbraham Court 2, approximately 150 metres east of the site – June 2025



Figure 13 – Photograph of existing purpose built apartment block approximately 215 metres to east of site – June 2025



Figure 14 – Photograph of Oaklands House circa 300 metres to east of site - June 2025



Figure 15 – Photograph of Oaklands House circa 300 metres to east of site - June 2025



Figure 16 – Photograph of purpose built apartment block circa 350 metres to east of site - June 2025

- 7.21 The Delegated Report suggests that the Council disagree with the approach to providing a modern, contemporary form of development at this site and that the design should seek to replicate that of the immediate neighbouring properties (particularly No 193 Hart Road off Parkside to the immediate east which the Council seek to portray at ‘Victorian Villas’).
- 7.22 However, these properties were constructed in 2000 and therefore represent a pastiche form of development. The appellant’s approach to pursuing a contemporary form of development which has been informed by other existing apartment schemes within the immediate streetscene as referenced above, is acceptable.
- 7.23 On the basis of this assessment, the proposed scheme displays acceptable siting, layout, scale, form, massing, external materials and detailing. It will make a positive contribution to the visual character and appearance of the streetscene in accordance with Policies JP-P1 of PfE, and Policies DM1 and EN1 of the Core Strategy.

Whether the density of the proposed development represents an appropriate solution for the site that would meet the needs of the area to an acceptable extent and accord with local and national policy.

- 7.24 In seeking to justify the second reason for refusal, the Council contend (on Page 7 of the Delegated Report) that:

“The application site is not located within a district centre and is not identified within the Council’s latest published strategic housing land availability assessment. Core Strategy Policy H6 seeks to direct high density developments to existing district centres in South Manchester, outside of district centres priorities are for [housing that meets identified shortfalls] family housing, housing that meets the needs of elderly people. In addition, PfE Policy JP-H4 identifies minimum densities in various locations, for this location (areas with GMAL 6 and above) it is indicated that the minimum density would be 50 dwellings per hectare. The application proposals are not within a district centre, although are within a sustainable location but would have a density well in excess of those minimum levels anticipated for sites such as the application one. Given the proposals are not provision for the elderly, family housing and would not be affordable housing provision it is not considered that the proposed density of development is compliant with the adopted housing policies for this area.”

- 7.25 As summarised within Section 3 of this Statement and referred to above, the character of the surrounding area, in particular to the immediate west of the site down Hart Road and along Wilbraham Road to the east, prominently features many examples of large, detached purpose-built blocks of residential accommodation.
- 7.26 Accordingly, it is considered that a development of similar density (100.9 dwellings per hectare), (whilst not located within a District Centre), would be entirely consistent with the existing character of the streetscene in this particular location.
- 7.27 Indeed, Paragraph 7.30 of PfE Policy JP-H3 Type, Size and Design of New Housing confirms that a key part of the overall strategy of the plan is to maximise the amount of development on brownfield sites in the most accessible locations and minimise the loss of greenfield and Green Belt as far as possible. To deliver the necessary densities, an increasing proportion of new dwellings will be in the form of apartment and townhouses.
- 7.28 Lying just 380 metres from the District Centre, the site benefits from very close proximity to a wide range of amenities and regional public transport connections. This includes the Wilmslow Road Cycleway which provides segregated cycle routes and dedicated cycle crossings between Manchester City Centre and Didsbury.
- 7.29 It also includes the Oxford Road corridor which provides an extremely high frequency of bus services running up to once every two minutes between Manchester City Centre, Manchester Airport and Didsbury via the 42A, 42B, 43, 142 and 143 bus routes.
- 7.30 The site is therefore considered to be extremely accessible by a choice of transport options, comparative to that of a Metrolink station within a designated centre rather than a suburban bus stop.
- 7.31 It is pertinent therefore to consider the wording of Policy H6 which indicates that high density development will usually only be appropriate within District Centres. Crucially however, the policy does not preclude high density development outside of District Centres, particularly where they are highly accessible.
- 7.32 This was recently borne out at Public Inquiry in Inspector C Searson’s assessment of appeal **Ref APP/B4215/W/23/3314646** which proposed the construction of a 6 storey residential building comprising 75 new apartments together with ground floor flexible residential amenity space, car

parking, cycle parking as well as landscaping, highways and other associated works at Parrs Wood Lane, East Didsbury, Manchester M20 5AA in June 2023 (please refer to Paragraphs 65 to 71 at Page 9 of **Appendix 3**).

7.33 This appeal is directly relevant to the assessment of this case on the basis that it represented a high density apartment scheme on an accessible site situated outside of a District Centre which had been refused (in part) by Manchester City Council for this reason.

7.34 The key aspect of the Inspector's assessment is summarised below:

"I note that the Council's first original reason for refusal cited that the development would be high density outside of an identified District Centre that does not address the housing needs of the area. Conflict was therefore cited with CS policies SP1, H1 and H6.

CS Policy SP1 seeks to provide high quality and diverse housing around District Centres which meets local need. Policy H1 sets housing requirements and while it drives high density development to the city centre and other accessible areas. This policy is underpinned by Policy H6 which is specifically for South Manchester, noting that high density development would only be appropriate within District Centres. Outside these areas priorities will be given for housing that meets identified shortfalls including elderly people.

These policies do not preclude high density development outside of District Centres and I have found that the site is highly accessible.

In terms of need, the local concern is related to the need for housing for older people who wish to remain in the local area, as the typical semi-detached dwellings found in the area are problematic to adapt.

As a BTR scheme, the development would typically attract a younger demographic, however older persons would not be precluded from renting a unit if desired. The development would be required to accord with accessibility standards under the Building Regulations regime. Evidence was also heard at the Inquiry in respect of the adaptability of the units, should this be necessary.

Overall there would be no conflict with CS Policies SP1, H1 and H6 in terms of density and need."

7.35 Moreover, as the Council correctly confirm Policy JP-H4 of the PfE Plan sets out minimum required densities for residential development within a range of different areas across Manchester, as opposed to maximum densities. It is our view that should it have been the intention of the Council to prohibit high density development outside of district centres a maximum density would also have been introduced in association with this recently adopted policy.

7.36 We also draw the Inspectorate's attention to the subdivision of densities within Policy JP-H4 which when viewed in light of the extremely frequent services down the Oxford Road bus corridor means the site's accessibility is much more akin to that of a development within 400 metres of a Metrolink stop in a designated centre where a minimum density of 120 dwellings per hectare is required, rather than that of a development with a GMAL of 6 (with a corresponding minimum density of 50 dwellings per hectare).

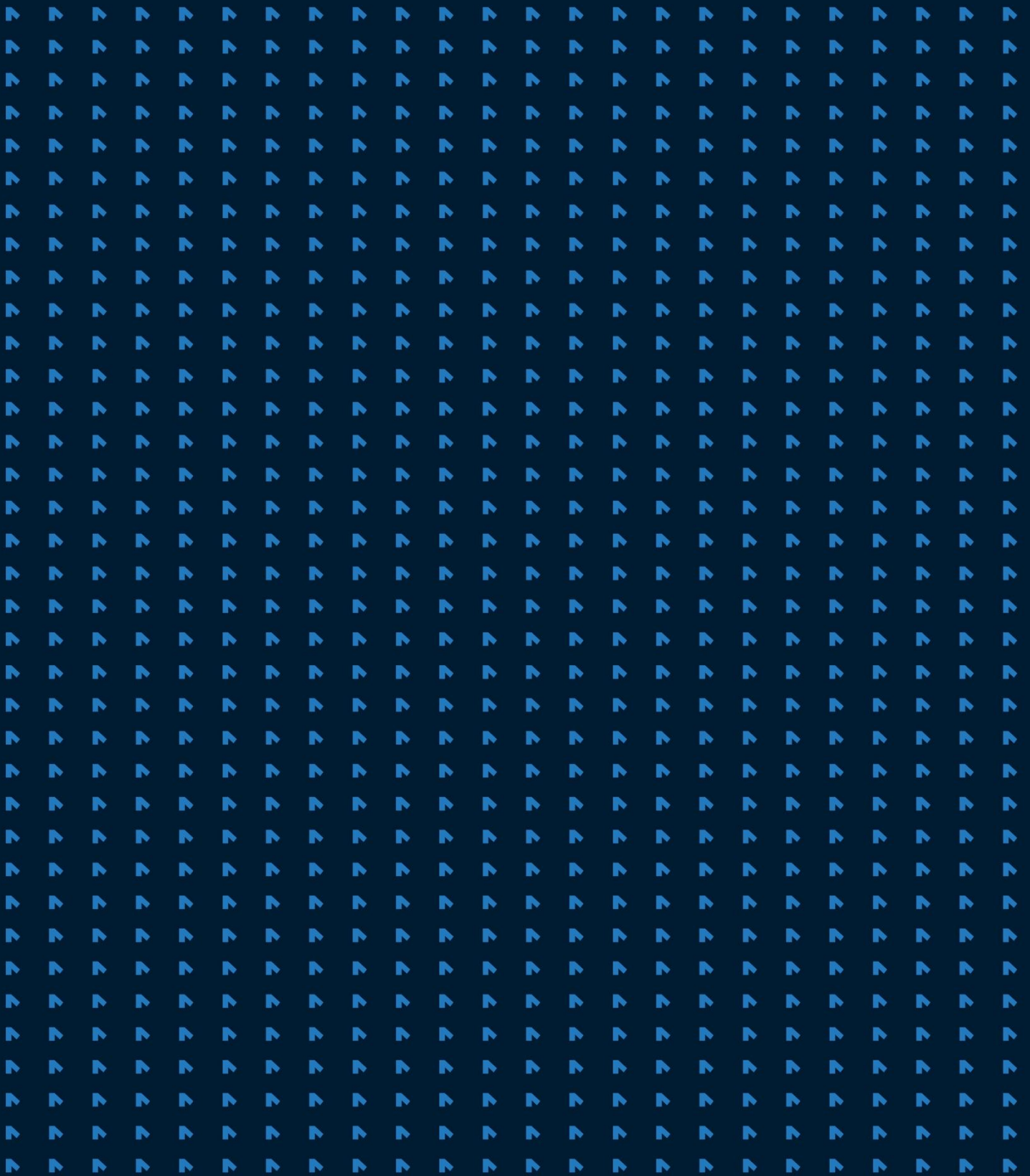
- 7.37 Furthermore, Policy H6 of the Core Strategy states that outside of District Centres priority will be given towards housing which meets identified shortfalls including provision that meets the needs of elderly people. This is further supported by the expansion of Policy H1 at Paragraph 9.8 of the Core Strategy which states:

There is a shortage of housing for elderly and disabled people. The number of elderly people is growing and there is likely to be a disproportionate increase in the number of disabled people as the population becomes older. To meet this need, additional housing is necessary, which is or can be adapted. This will include the provision of high quality small units which will encourage older households, which are currently under-occupying socially rented houses which are larger than they require, to move into smaller units in their local area. All new dwellings must be of sufficient design quality and size to allow for adaptations to meet changed housing needs and provide satisfactory levels of privacy for existing households.

- 7.38 All of the proposed apartments are both M4(2) Accessible and Adaptable Dwellings and M4(3) Wheelchair User Dwellings compliant, which means that they will be suitable for occupation by elderly people (as necessary). The proposed units are therefore more accessible than those allowed by the Inspector in association with Appeal Ref APP/B4215/W/23/3314646.
- 7.39 Accordingly, irrespective of the Council not precluding high density residential development outside of District Centres or imposing maximum density requirements within the recently adopted PfE Plan, the proposed scheme clearly meets a need for which there is an identified shortfall in M4(3) compliant wheelchair user, level access dwellings for elderly and disabled people.
- 7.40 In the context of this assessment, the proposed scheme accords with Policies H1 and H6 of the Manchester Core Strategy, as well as Policy JP-H4 of the PfE Plan.

8 CONCLUSIONS

- 8.1 It is concluded that the development proposal is in accordance with the NPPF and the Council's adopted Development Plan. It therefore constitutes appropriate development and should be supported for the following reasons:
- The proposed development represents a contemporary form of development which responds positively to the scale, layout and visual character of neighbouring residential developments within the immediate streetscene and sits comfortably in terms of visual appearance and massing. Accordingly, it will make a positive contribution to the visual character and appearance of the streetscene.
 - The proposal consists of a high density residential development that is consistent with the character of the surrounding streetscene in a highly accessible and sustainable location. The development meets an identified housing shortfall for disabled and elderly persons and accords with all relevant housing density policies as borne out in recent appeal caselaw (Appeal Ref APP/B4215/W/23/3314646).
- 8.2 Overall, the scheme adopts the principles of sustainable development in relation to social, economic and environmental factors. This is because it recycles urban land and delivers a mix of residential dwellings which are accessible by a choice of travel modes including foot, cycle and public transport. The proposals thereby accord with the emphasis of national policy (set out within the NPPF), which confirms a presumption in favour of sustainable development.
- 8.3 In light of the above, the proposed scheme has been demonstrated to comply with all relevant planning policies of the NPPF, Policies JP-P1 and JP-H4 of PpE, and Policies DM1, ENV1 and H6 of the adopted Core Strategy and should be considered acceptable.



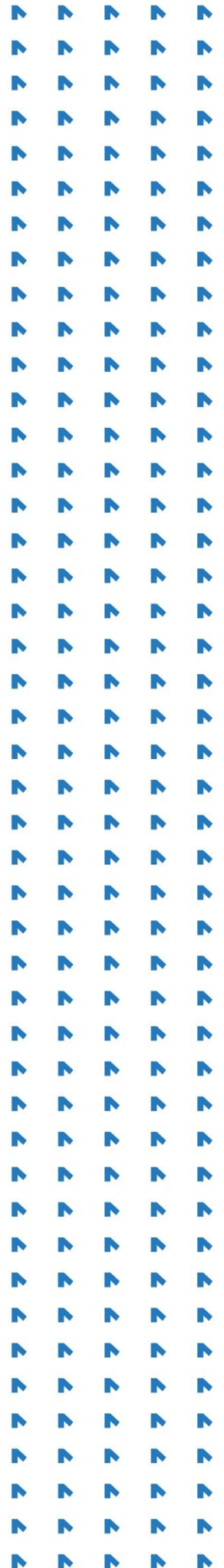
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Mialex Limited
Company No. 10612718



Work.Life Manchester
Core
Brown Street
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M2 1DH

Appendix 1



Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr. Naveed Ashraf
Creative Property People Ltd
3A Wynnstay Grove
Manchester
M14 6XG

Agent (if used)

Mr Barry Tang
Tang and Associates Ltd - Chartered
Architects
10/F 1 City Approach
Albert Street
Eccles
M30 0BG

Part 1 – Particulars of the application/development

Proposal: Erection of a 4 storey building to form 24no. apartments following the demolition of the existing building

Location: Leapfrog Nursery, 26A Wilbraham Road, Manchester, M14 6JU

Date of application: 10 July 2024

Application number: 140358/FO/2024

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

Article 35 Declaration

The application has been determined in accordance with Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Whilst some matters were able to be discussed and resolved during the consideration of the proposals there remain outstanding matters that are not capable of being resolved and these are reflected in this decision notice.

Reason(s) for decision

1) The development by virtue of its siting, massing and design would appear as an incongruous form of development and detract from the character and visual amenity of the area contrary to Paragraph 135 of the NPPF, Places for Everyone Policy JP-P1 and Policies DM1 and EN1 of the Manchester Core Strategy.

2) The application site is not located within a South Manchester District Centre and the proposals are for a form of high-density residential development that does not meet the

needs of the area. The proposals are therefore not considered to accord with policy H6 of the Manchester Core Strategy and policy JP-H4 of the Places for Everyone Joint Development Plan Document.

Date: 9 December 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-decision. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

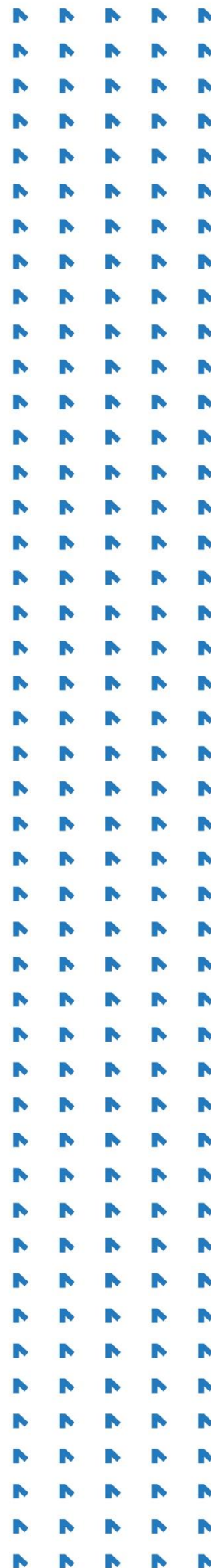
3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix 2



Planning

Growth & Development

Delegated officer report for planning application

Application no. 140358/FO/2024

Date registered valid: 10 July 2024

Proposal: Erection of a 4 storey building to form 24no. apartments following the demolition of the existing building

Address: Leapfrog Nursery, 26A Wilbraham Road, Manchester, M14 6JU

Ward(s): Fallowfield Ward

Applicant: Mr. Naveed Ashraf, Creative Property People Ltd

Agent (if any): Mr Barry Tang, Tang and Associates Ltd - Chartered Architects

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 9th December 2024

Application details

Type of application: Full Application Consent

Development type: Major Dwellings

Date of site visit: 9th August 2024

Standard consultations:

Printed: 30 July 2024 Expired: 20 August 2024

Neighbour notifications

Printed: 30 July 2024 Expired: 20 August 2024

Site notice

Posted: 9 August 2024 Expired: 31 August 2024

Press advert

Published: 6 August 2024 Expired: 20 August 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Application site

The site currently comprises a single storey building previously used as a nursery which the applicant indicates has been vacant for some time. The existing building sits within the curtilage of an adjacent three storey buff-brick detached building which retains some historic features such as bay windows with more recent additions to the rear, the building is currently in use as a language school.

To the rear of the application building is external space associated with its previous use and to the front is hard surfacing in use as a car parking area and fenced off external play space. Significant trees bound the site to its frontage with Wilbraham Road and to its western boundary separating it from the adjacent residential properties redeveloped in the 2000s to form apartment buildings arranged around the retained facades of the adjacent buildings to the west on Hart Road.

The area is predominantly residential in nature with numerous blocks of apartments found on the northern side of Wilbraham Road representing a range of periods of development along this major radial route. More domestic two storey residential properties can be found to the south. Platt Fields park lies directly beyond the rear boundary of the site and can be accessed via Hart Road to the west of the site. Fallowfield district centre lies approximately 500m to the east along Wilbraham Road which provides a range of services including restaurants and convenience food retailers.

Application proposals

The application submitted relates to the sites redevelopment to form a four storey apartment block to provide 24 apartments following the demolition of the existing building. The proposed building would provide 12 two bedroom apartments and 12 one bedroom apartments. The existing car parking area would be retained for use by occupiers and the site would also incorporate a bin store, a separate pedestrian access from Hart Road together with cycle parking spaces for each apartment. Landscaping would be retained to the rear of the property with the majority of trees retained albeit a significant tree on the western boundary would be removed and replanted elsewhere to facilitate the development.

The proposed building would be arranged forward of the adjacent language school building and apartment building on Hart Road to the west and extend north towards the park. A gap of 3m would be retained between the proposed four storey building and the adjacent Language school building and at its closest would be 5.5m away from the gable wall of the adjacent residential property at 1-7 Hart Road.

Consultations & Notification Responses

Nearby residents were notified of the proposals, a site notice was posted and an advertisement was placed in the Manchester Evening News, two responses were received raising the following comments:

- Parking issues arising in the local area and the proposals does not include adequate spaces that will exacerbate this issue
- There are private rights of access (relating to access, signage and utilities) that must not be infringed by the proposal
- There will be a need to mitigate construction impacts on adjacent properties and neighbours to not impact on day to day operations and activities.

MCC Highway Services - Raise no highway safety or capacity objections to the proposals. It is requested that conditions be applied to any approval relating to: the submission and approval of a travel plan, a construction Management Plan (CMP), Car Park Management Plan, EV parking, S278 works, Cycle parking, and Waste Management Plan

MCC Flood Risk Management Team - Recommend conditions relating to the submission and approval of a surface water scheme prior to the commencement of development and a condition for the verification of the installed approved scheme and maintenance and management of it.

MCC Environmental Health - Recommend the following conditions:

- Construction Management Plan
- External Lighting Scheme
- Acoustic Insulation of residential accommodation from noise from Wilbraham Road and Hart Road
- External Plant and Equipment Scheme designed to achieve noise levels below background
- Waste Management (We will need details of the Internal storage areas. The General waste bin provision proposed is not adequate based on the information given in the MCC Waste guidance
http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy
- EV charging points - the proposed is under the recommended 20% of spaces
- Full contaminated land condition - A Phase II assessment is proposed. The Appendices and maps appear to be missing from the Preliminary Risk Assessment, these will need to be submitted to discharge part of the standard condition

Greater Manchester Police (Design For Security) - 1) Access to the sides and rear of the apartment buildings should be secured and access restricted to residents. 2) The building should be built to Secured by Design standards.

Greater Manchester Ecology Unit - The most important ecological assets on the site are the trees at the site boundaries, it is understood that it would be possible to retain the majority of these trees. GMEU accept the results of the bat survey that the development will not have any impacts on bats. The Biodiversity Net Assessment has calculated that the plans will result in a net gain of some 21% in Habitat Units & 1,300 in Hedgerow Units. Given that the proposed habitat creation and enhancement works to the trees, neutral grassland and hedgerows are considered significant because they relate to medium distinctiveness habitats, these habitats will require a Habitat Monitoring and Management Plan (HMMP), detailing management prescriptions for the 30 year period. This HMMP should be secured by Condition.

United Utilities - In the absence of a detailed drainage plan for the development they recommend a pre-commencement condition for the submission and approval of a surface water drainage scheme.

Policy

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012), the Places for Everyone Joint Development Plan (adopted March 2024) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

Local Development Framework - The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 - 2027 together with the recently adopted Places For Everyone (PfE) Joint Development Plan.

'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.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, PfE, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle)

Policy DM1 (Development Management)

Policy H1 (Overall Housing Provision)

Policy H6 (South Manchester Housing)

Policy H8 (Affordable Housing)

Policy EN1 (Design Principles and Strategic Character Areas)

Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon)

Policy EN6 (Target Framework for CO2 reductions from low or zero carbon energy supplies).

Policy EN 8 (Adaptation to Climate Change)

Policy EN9 (Green Infrastructure)
Policy EN14 (Flood Risk)
Policy EN 15 (Biodiversity and Geological Conservation)
Policy EN 16 (Air Quality)
Policy EN 17 (Water Quality)
Policy EN 18 (Contaminated Land and Ground Stability)
Policy EN19 (Waste)
Policy T1 (Sustainable Transport)
Policy T2 (Accessible Areas of Opportunity and Need)

Places for Everyone - The approved Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. The Plan identifies the essential aspect of the efficient and effective use of land with the preference to be given to making as much use as possible of suitable previously developed brownfield land and vacant buildings when meeting development needs. Securing higher densities in the most accessible locations is identified as helping to maximise the ability of people to travel by walking, cycling and public transport and reduce the reliance on the car. Relevant policies of PfE in this instance are:

JP-S1: Sustainable development
JP-S2: Carbon and Energy
JP-S5: Flood Risk and the Water Environment
JP-S6: Clean Air
JP-Strat14: A sustainable and integrated transport network
JP-C8: Transport Requirements of New Development
JP-H1: Scale, Distribution and Phasing of New Housing
JP-H3: Type, Size and Design of New Housing
JP-H4: Density of New Housing
JP-P1: Sustainable Places
JP-G8: A Net Enhancement of Biodiversity and Geodiversity

Saved Unitary Development Plan Policies - Policy DC26.1, DC26.2 and DC26.5 relating to noise

The National Planning Policy Framework (December 2023) - 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. The NPPF outlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan 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 the proposed development:

Section 5 (Delivering a sufficient supply of homes)
Section 6 - (Building a strong and competitive economy)
Section 11 (Making Effective Use of Land)
Section 12 (Achieving Well-Designed Places)
Section 14 (Meeting the challenge of climate change, flooding and coastal change)
Section 15 (Conserving and enhancing the natural environment)

Other Material Considerations

Legislative requirements

Section 149 of the Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

Section 17 of the Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

Issues

Principle -The principle of the redevelopment of the site for residential purposes is considered to be acceptable in general terms. The provision of residential dwellings in a sustainable existing urban area is supported by national and local policy. However, consideration must be given to the impacts of the proposal on residential and visual amenity, highway and pedestrian safety, affordable housing provision, density of development in this location, trees and landscaping. These are considered in more detail below.

Residential Amenity – There are adjacent residential properties to the immediate west of the site in the form of apartment buildings. The closest at 195 Hart Road provides accommodation over four floors. There are windows in the eastern elevation of the apartment building and these (based on the approved plans for that development) serve kitchens and bedrooms. The application proposals have been designed to provide windows that are set in and directed away from this elevation but there would be a series of windows on each floor of the proposed building serving living accommodation and bedroom spaces between 7 and 9 metres from the gable wall of the adjacent property at Hart Road. Given these distances and the design and orientation of the window openings on the proposed building it is not considered that this would give rise to unacceptable impacts on the privacy or overlooking of occupiers of the adjacent properties.

The adjacent property at number 26 Wilbraham Road is currently in use as an educational establishment (language school). There is a fire escape ladder and a series of windows looking towards the application site. The side gable of the proposed building has some side facing windows looking eastwards, again these have been designed to angle away from the adjacent building and whilst there may be some intervisibility between the internal rooms of the buildings this is not considered significant to future occupiers of the proposed building or those using rooms at 26 Wilbraham Road.

Visual Amenity - On the site is an existing single storey nursery building which is set forward of the building line, and given its small scale and mass is not visually obvious as it is largely screened by the frontage vegetation. Two and three storey Victorian villas occupy the adjacent plots to the application site, these have pitched roofs, gables, bays and dormers. Their elevations are broken up with brick ornamentation, and skyline interest which contribute positively to the street scene.

The proposed new apartment building would be larger in scale by over one storey and would be set substantially forward from 26 Wilbraham Road and also from the front building line of

properties in Hart Road. The proposed building at 4 storeys would extend across the site with its edges close to the side boundaries and over 18m forward from the front of 26 Wilbraham Road. Consequently, there would be a substantial amount of built form forward of the established building line along Hart Road and Wilbraham Road with a higher parapet and eaves line than the adjacent villas building. It would present a very bulky and boxy form of development that would be visible through the trees along the boundary of the site especially in winter months.

The massing would be very visually obtrusive when viewed from along Hart Road, and while this would be moderated by the boundary vegetation it would unacceptably eye catching through the gaps and a stark visual contrast with the surrounding built form. This is considered to be harmful and detract from the character of the area. As such the proposals are considered to have an unacceptable impact on the visual amenity and character of the area and would have a harmful impact on the streetscene.

Design - The proposed building design presents a monotonous window pattern, no variation or skyline interest and would thereby be at odds with the established character of the area where pitched roofs are prevalent. The adjacent villas with their pitched gabled frontages, bays and architectural features contribute to a lively characterful street scene. The proposed development by contrast has a commercial overtly urban character with monotonous window arrangement and nothing to break up the boxy and extensive footprint. As an infill building it would present an incongruous unattractive design in the streetscape completely at odds with the prevailing character. As such it would be contrary to paragraph 135 of the NPPF which requires new development to add the overall quality of the area and be sympathetic to local character. Policy EN1 of the Core strategy also requires development to enhance and reinforce local identity and would fail to do so.

The long blank side elevations would also provide very little visual interest and would appear overbearing when viewed from number 26 Wilbraham Road and Hart Road properties. The proposed flat roof form starkly contrasts with the skyline interest of the villas which have gables and dormers in the roof and would further emphasise the proposed mass of the new building. It is not agreed that the proposals would form a modern interpretation of the vernacular of existing extrusions and oriels observed at 193 Hart Rd reinvented into angled openings and recesses that would enhance the context. The repetitive approach to the elevation further emphasises the massing and scale and resonates more with commercial designs as opposed to the domestic suburban character of the area. The design of the proposal is thereby considered to be out of character with the area and fails to contribute to sense of place.

Density of development – The application site is not located within a district centre and is not identified within the Council's latest published strategic housing land availability assessment. Core Strategy policy H6 seeks to direct high density developments to existing district centres in South Manchester, outside of district centres priorities are identified for family housing, housing that meets the need of elderly people. In addition, PpE policy JP-H4 identifies minimum densities in various locations, for this location (Areas within GMAL 6 and above) it is indicated that the minimum density would be 50 dwellings per hectare. The application proposals are not within a district centre, although are within a sustainable location but would have a density well in excess of those minimum levels anticipated for sites such as the application one. Given the proposals are not provision for the elderly, family housing and would not be affordable housing provision it is not considered that the proposed density of development is compliant with the adopted housing policies for this area.

Sustainability – The proposals would be of modern construction to current building standards incorporating a fabric first approach to meet and exceed adopted local policies as set out within the submitted Environmental Standards Statement, the proposals would deliver a sustainable development that would assist in reducing CO2 emissions.

Trees- The site is not within a conservation area and none of the trees on site are subject to tree preservation orders. The Council's arborist has noted that the majority of works on higher profile trees are either in decline or the proposed solutions for construction are no dig methods to avoid adverse impacts on root protection zones. It is noted that one of the most important trees identified as a category A Lime Tree of high visual amenity value is identified for relocation in the site. There are concerns given the size of this tree, of its relocation and whether this can be successfully achieved to ensure its long-term survival. Had the proposals been acceptable in other regards then further information would have been requested relating to the potential for the relocation of this tree.

Landscaping – The proposed landscaping scheme would be required to deliver Biodiversity Net Gain enhancements on the site, the submitted information indicated that BNG would be in the order of 21% on site and as such as well as the national standard BNG condition, further conditions would have been required relating to the submission and approval of a detailed landscaping scheme to ensure the BNG details divulged were achieved on site together with the need for a section 106 legal agreement for a 30 year Habitat Monitoring and Management Plan of the approved details.

Highways and Car Parking – Following further clarifications and responses from the applicant to a number of comments raised in respect of pedestrian and vehicle access to the site, the proposals are not considered to give rise to unacceptable impacts on highway capacity of high or pedestrian safety issues. Had the proposals been acceptable it would have been necessary to attach conditions to any approval for improvements to the pedestrian environment around the site; provision of cycle storage for 24 bicycles, and provision of a full travel plan with a monitoring and management element.

Affordable Housing - The application was accompanied by a Financial Viability Assessment which has been independently verified. This confirms that the proposals would not be viable if a contribution were to be made towards affordable housing. Notwithstanding this assessment and the conclusions of it the applicant has indicated the wish to seek to make a financial contribution towards off site provision of affordable housing. Whilst it is not clear given the conclusions of the FVA on what basis a financial contribution could be reasonably sought by the Council such a contribution is not considered to overcome the harm and impacts identified.

Conclusion – The proposals would deliver benefits there would come in the form of: modern residential units to be constructed to current building standards and energy efficiency standards; construction of the building would deliver a range of economic benefits related to this phase although these have not been set out within the submission; provision of residential units in the city where there is a requirement to deliver residential development in various forms. However, in this instance the provision of a form of high density of development as set out within the application proposals is not considered to meet the requirements of adopted local planning policy and would give rise to a form and siting of development that is considered to give rise to harm to the character and visual amenity of the area/

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The application has been determined in accordance with Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Whilst some matters were able to be discussed and resolved during the consideration of the proposals there remain outstanding matters that are not capable of being resolved and these are reflected in this decision notice.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development by virtue of its siting, massing and design would appear as an incongruous form of development and detract from the character and visual amenity of the area contrary to Paragraph 135 of the NPPF, Places for Everyone Policy JP-P1 and Policies DM1 and EN1 of the Manchester Core Strategy.

2) The application site is not located within a South Manchester District Centre and the proposals are for a form of high-density residential development that does not meet the needs of the area. The proposals are therefore not considered to accord with policy H6 of the Manchester Core Strategy and policy JP-H4 of the Places for Everyone Joint Development Plan Document.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Greater Manchester Police
Greater Manchester Ecology Unit
Rusholme, Fallowfield & Moss Side Civic Society

67 Wilbraham Road, Manchester, M14 7DN
5 Carrington Road, Manchester, M14 6ED
9 Carrington Road, Manchester, M14 6ED
Flat I, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat 18, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 20, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 19, 24E Wilbraham Road, Manchester, M14 6JP
24C Wilbraham Road, Manchester, M14 6JP
24D Wilbraham Road, Manchester, M14 6JP
Hutchison 3G Man12076, Telecommunications Mast Opposite 55, Wilbraham Road, Manchester, M14 6JX
41 Wilbraham Road, Manchester, M14 7DH
Flat 3, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 16, 24E Wilbraham Road, Manchester, M14 6JP
Flat 1, 24B Wilbraham Road, Manchester, M14 6JP
Flat 19, Parkside, 193 Hart Road, Manchester, M14 7BA
Ground Floor And First Floor, 28 - 30 Wilbraham Road, Manchester, M14 7DW
Flat 25, Parkside, 193 Hart Road, Manchester, M14 7BA
63 Wilbraham Road, Manchester, M14 7DN
69 Wilbraham Road, Manchester, M14 7DN
Flat D, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat 14, 24D Wilbraham Road, Manchester, M14 6JP
Flat 12, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
24E Wilbraham Road, Manchester, M14 6JP
Flat 22, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 11, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
53 Wilbraham Road, Manchester, M14 7DN
Flat 1, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 8, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 17, 24E Wilbraham Road, Manchester, M14 6JP
Flat 5, 24B Wilbraham Road, Manchester, M14 6JP
Flat 3, 24B Wilbraham Road, Manchester, M14 6JP
Flat 1, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 24, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 35, Parkside, 193 Hart Road, Manchester, M14 7BA
2 Carrington Road, Manchester, M14 6ED
Flat B, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat 15, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 2, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
191 Hart Road, Manchester, M14 7BA
28 - 30 Wilbraham Road, Manchester, M14 7DW
First Floor And Second Floor, 28 - 30 Wilbraham Road, Manchester, M14 7DW
Flat 27, Parkside, 193 Hart Road, Manchester, M14 7BA

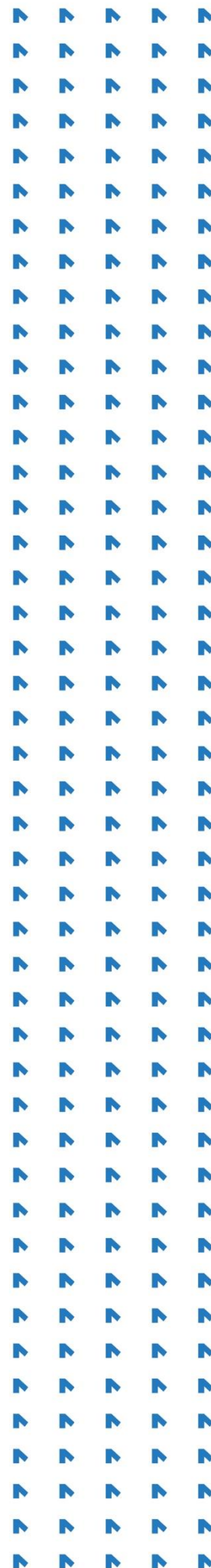
Flat 31, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 37, Parkside, 193 Hart Road, Manchester, M14 7BA
65 Wilbraham Road, Manchester, M14 7DN
1 Carrington Road, Manchester, M14 6ED
Flat J, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat 9, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 19, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 13, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
49 Wilbraham Road, Manchester, M14 7DH
Flat 6, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 12, 24C Wilbraham Road, Manchester, M14 6JP
Flat 7, 24C Wilbraham Road, Manchester, M14 6JP
Flat 4, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 3, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 2, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 5, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 21, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 12, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 30, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 38, Parkside, 193 Hart Road, Manchester, M14 7BA
59 Wilbraham Road, Manchester, M14 7DN
6 Carrington Road, Manchester, M14 6ED
Flat 17, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
7 Carrington Road, Manchester, M14 6ED
Flat C, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat F, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat 13, 24D Wilbraham Road, Manchester, M14 6JP
Ef, 26 Wilbraham Road, Manchester, M14 6JX
Flat 7, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 5, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 21, 24E Wilbraham Road, Manchester, M14 6JP
Flat 21, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 7, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 16, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 8, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 18, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 32, Parkside, 193 Hart Road, Manchester, M14 7BA
4 Carrington Road, Manchester, M14 6ED
3 Carrington Road, Manchester, M14 6ED
Flat E, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat 6, 24B Wilbraham Road, Manchester, M14 6JP
55 Wilbraham Road, Manchester, M14 7DN
47 Wilbraham Road, Manchester, M14 7DH
45 Wilbraham Road, Manchester, M14 7DH
43 Wilbraham Road, Manchester, M14 7DH
Flat 10, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 2, 24B Wilbraham Road, Manchester, M14 6JP
24B Wilbraham Road, Manchester, M14 6JP
Flat 9, 24C Wilbraham Road, Manchester, M14 6JP
Flat 10, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 11, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 15, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 9, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 17, Parkside, 193 Hart Road, Manchester, M14 7BA

Flat 23, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 33, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 26, Parkside, 193 Hart Road, Manchester, M14 7BA
2 Whitebrook Road, Manchester, M14 6FD
Flat A, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat K, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat 18, 24E Wilbraham Road, Manchester, M14 6JP
57 Wilbraham Road, Manchester, M14 7DN
Flat 20, 24E Wilbraham Road, Manchester, M14 6JP
Flat 14, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 16, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 4, 24B Wilbraham Road, Manchester, M14 6JP
Flat 22, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 13, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 14, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 20, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 28, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 29, Parkside, 193 Hart Road, Manchester, M14 7BA
61 Wilbraham Road, Manchester, M14 7DN
11 Carrington Road, Manchester, M14 6ED
Flat H, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat G, Stoneleigh, 22 Wilbraham Road, Manchester, M14 6JU
Flat 4, Rodmill Court, 24A Wilbraham Road, Manchester, M14 6JU
Flat 11, 24C Wilbraham Road, Manchester, M14 6JP
Flat 15, 24D Wilbraham Road, Manchester, M14 6JP
Flat 8, 24C Wilbraham Road, Manchester, M14 6JP
Flat 10, 24C Wilbraham Road, Manchester, M14 6JP
Flat 6, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 36, Parkside, 193 Hart Road, Manchester, M14 7BA
Flat 34, Parkside, 193 Hart Road, Manchester, M14 7BA

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA

Appendix 3





Appeal Decision

Inquiry held on 23-24 May 2023

Site visit made on 25 May 2023

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th June 2023

Appeal Ref: APP/B4215/W/23/3314646

Land at the junction of Parrs Wood Lane, East Didsbury, Manchester M20 5AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dandara Living Developments Limited against the decision of Manchester City Council.
 - The application Ref 133746/FO/2022, dated 5 May 2022, was refused by notice dated 2 August 2022.
 - The development proposed is the erection of a 6 storey residential building (Use Class C3) comprising 75 new homes together with ground floor flexible residential amenity space, car parking, cycle parking as well as landscaping, highways and other associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 6 storey residential building (Use Class C3) comprising 75 new homes together with ground floor flexible residential amenity space, car parking, cycle parking as well as landscaping, highways and other associated works on land at the junction of Parrs Wood Lane, East Didsbury, Manchester M20 5AA in accordance with the terms of the application, Ref 133746/FO/2022, dated 5 May 2022, subject to the attached schedule of conditions.

Procedural Matters

2. The application was refused by the Council's Planning Committee which was held on 28 July 2022, on the recommendation of the Planning Officer which related to highways issues and the high density form of development. Following the refusal, the appellant produced further highways information, including the following:
 - i) A Manual Traffic Survey (3 November 2022)
 - ii) Automatic Traffic Survey (3-9 November 2022)
 - iii) LinSig Modelling work and independent audit by JCT Consulting (February 2023)
 - iv) On-Street Parking Survey (4-5 November 2022).
3. As set out in the signed Statement of Common Ground (SOCG) and the Council's Written Statement (25 April 2023) a review of the additional information was made by the Council and Transport for Greater Manchester (TfGM). Based on this, the Council did not contest the reasons for refusal at the

Inquiry, considering instead that the planning balance fell in favour of the grant of consent and that the proposal would be compliant with the development plan.

4. This revised position was made clear at the Case Management Conference (CMC), held on 29 March 2023. In light of the significant local interest generated by the proposals and the Council's change in position, on my request at the CMC, a further opportunity for local residents to comment on the updated information was given. Accordingly, I am satisfied that there is no prejudice in my taking account of the additional information in my decision.
5. While the Council did not put up any witnesses to the Inquiry, a number of interested parties also made oral representations at the Inquiry, including local residents, Ward Members and representatives of the East Didsbury Community Group and Parrs Wood Avenue Residents Group. They were given an opportunity to speak as well as put questions to the appellant's witnesses during the formal examination of evidence.
6. I have also had full regard to the written representations made by interested parties, to the original planning application, to the appeal, and in respect of the comments received as part of the further consultation.
7. A completed Unilateral Undertaking (UU) made under Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant. This, along with the planning conditions, were discussed at the Inquiry and revised and finalised after it was closed. I will return to the UU and the conditions, later in my decision.

Main Issue

8. The main issue is the effect of the proposed development upon highway safety.

Reasons

Site and Area Description

9. The site is a broadly triangular area, currently used as a car park, which is around 0.24 hectares in size. The site is bounded by Parrs Wood Lane to the south, and a wider car park area serving a Tesco superstore to the north. To the west is the access into Tesco from Parrs Wood Lane and to the west, separated by a retaining wall, is Kingsway, a large dual carriageway.
10. Historically the site was used as a bus depot, built in the 1930's. This was later demolished in the 1980's and the supermarket built, however a clock tower was retained. This is located to the north-east of the site.
11. The wider area includes a hotel and the Parrs Wood Entertainment Centre, to the east, on the other side of Kingsway. There is also the East Didsbury Metrolink Stop and park and ride car park here. Opposite the site to the south is an open park area which is treed with areas of grass and public benches. This area effectively forms an island between a number of traffic junctions. Beyond this are flatted residential development blocks including Parrs Wood Court Apartments and the modern Citipeak Apartments.
12. To the west is a railway line, elevated above the site. East Didsbury Railway Station is located to the south west of the site, across Parrs Wood Road.

Further beyond the railway line are residential dwellings and shops which form Didsbury.

Proposals

13. The 75 units would consist of 25 one-bed apartments, 40 two-bed apartments and 10 three-bed apartments. The scheme would be a build to rent scheme (BTR) and would incorporate 20% affordable private rented units which would equate to 15 apartments.
14. The development would include 36 private parking spaces, 24 of those would be internal, including two accessible spaces and there would be 12 outdoor spaces, including one car club space and one visitor space. All would be equipped with active electric vehicle charging provision, which would be secured by planning condition.
15. A total of 75 cycle spaces would be provided at ground floor within the building, along with bin storage and plant. The ground floor would also include an entrance, concierge space and community space.
16. The development would be 6 storeys in height with a flat roof. The elevational treatments include brick, with bronze cladding, grey window frames and grey metal balconies (both Juliet and projecting). The top floor would have a slightly different architectural treatment with bronze boxes which would be framed by canted metal cornices. The proposed building would have an L-shaped form to echo the triangular shape of the site, set tight with the southern boundary, along Parrs Wood Lane. The corner area would also have a slightly different architectural treatment with a greater area of brickwork, and a broader tower design.

Planning Policy

17. The development plan for the area includes the Manchester Core Strategy (2012) (CS). The reasons for refusal cited policies SP1 (Spatial Principles), H1 (Overall Housing Provision), H6 (South Manchester), T1 (Sustainable Transport), T2 (Accessible Areas of Opportunity and Need) and DM1 (Development Management). The National Planning Policy Framework (the Framework) is also a material consideration.

Highway Safety

18. Under this main issue, there are four key themes which local residents were particularly concerned by: accessibility, parking provision, highway network and pedestrian safety. I deal with each in turn, as well as other highways matters, below.
19. It should be noted that I visited the site during the peak morning rush hour period, so that I could observe the worst-case traffic conditions in the area. A site visit can only ever be a 'snapshot' in time, but I am satisfied that I have sufficient material in terms of the evidence put forward by the appellant, interested parties, and based on my own observations.
20. The existing car park is also underused, as evidenced by the Transport Assessment (TA) occupancy survey results. The loss of this part of the carpark would not therefore likely cause highway issues and the principle of re-developing this area is thus accepted in this regard.

Accessibility

21. The appeal site has a Greater Manchester Accessibility Level (GMAL) of 8, which is the highest rating. This is because the site and area is well served by a wide range of transport options including East Didsbury Railway Station and the Metrolink which are both around 5-7mins walking distance from the site. The railway provides regular links into the City Centre and to other areas, including Manchester Airport, Crewe, Stockport, and other smaller settlements/areas as well as a service to Wales.
22. The Metrolink is the 'pink line' service which runs frequently between the city centre and Rochdale, with a number of stops enroute.
23. There are also bus stops at Parrs Wood Lane and along Kingsway, both which are in very close walking distance to the site. These stops support frequent services to a number of areas, including the City Centre, Stockport and the Trafford Centre.
24. The site is located near to two cycleways, the Oxford Road and Wilmslow Road Cycleway and the Mersey Valley and Stockport Cycleway, the latter being a mostly traffic-free route. These are both accessible via an entry point to the north-west of Tesco and give access to a wide area, indeed, this route forms part of the National Cycle Network (NCN) and part of the Trans-Pennine trail.
25. In terms of pedestrian access, there are a number of local services and facilities in walking distance to the site. Tesco superstore, and the entertainment complex are the closest facilities visible from the site, and further afield are the facilities in Didsbury which are within a 10-15 minute walk of the site.

Parking Provision

26. The proposed car parking spaces at the site would equate to 48% provision. It was explained at the Inquiry that the allocation of such spaces would be via a separate rental agreement. Accordingly, just over half of the units would not have any private parking provision. There would be no restriction placed on occupants who did not benefit from a car parking space within the development as a formal 'car free' scheme, nor for those occupants who had more than one private car.
27. In light of this, there was significant local concern that there would not be adequate provision for parking which would necessitate on-street parking in residential areas around the site.
28. Should there be any future occupants who did not benefit from a space, but who had a private car, the Tesco car park is private and would not be able to be used by occupants. Significant local concern was therefore raised regarding the proposed impact of the development on the wider local road network in terms of on-street parking, particularly for occupiers of the proposed units who did not have an allocated space within the site.
29. In order to address these concerns, the appellants undertook an on-street parking survey as part of their further highways evidence. This identified that the main roads where on-street parking could occur are Parrs Wood Avenue, Parrs Wood Road and the unnamed road leading towards the railway station, adjacent to the CitiPeak Apartments. It was concluded that on-street parking

- would be very unlikely to occur but that there was spare capacity on nearby roads within walking distance to the site on any case.
30. Having reviewed this evidence, and on hearing the submissions made, this study does not appear to be particularly robust, given some of the assumptions made. For example, the unnamed road to East Didsbury Station is not unclassified, it is private land subject to parking restrictions. I also share the local concern that the number of on-street spaces along Parrs Wood Avenue is overestimated given the narrowness of the carriageway, the grass verges with community planters and the driveways.
 31. Parrs Wood Avenue residents are clearly tolerant of other road users parking along the street, for example those that use the local businesses at the junction of Wilmslow Road. However, those are short term users and there would be a difference if this highway was to be used by occupants of the development as residential parking for longer periods of time.
 32. Due to the parking restrictions along the road to the station, I consider that Parrs Wood Avenue is the area which would be most likely to be used for on street parking, should future occupants choose to do so. This would not be a particularly attractive option, due to the separation from the appeal site. The Wilmslow Road end of Parrs Wood Avenue would also, in my view, be a disincentive because of the extant road conditions with the verges/planters, number of driveways, and the narrow width of the carriageway. This would make this area unappealing as potential parking for future occupants. Spaces further up this road, along with those at Parrs Wood Road, would also be much further away and more inconvenient, and again would be a deterrent.
 33. I note the local comments that parking restrictions are regularly monitored in the general area. In the event that any dangerous/illegal parking practices would be experienced, these are thus likely to be enforced.
 34. In any case, it is the clear position of the appellant that due to the accessibility of the site, the parking provision at the site would be more than adequate and would not lead to on-street parking.
 35. In designing the scheme at 48% provision, it is clear to me that the appellants have sought to carefully balance the need to make onsite parking provision against a number of other factors. Firstly, as explained above, the site is highly accessible, and thus there would not necessarily be a reliance on the private car, but there would be genuine choice of alternative sustainable transport options. The 100% cycle storage provision would assist in this regard. For those who wished, the car club provision would also help to encourage reduced car ownership.
 36. Secondly, detailed evidence has been presented in respect of the typical demographic of BTR schemes which demonstrates that these would be younger and less likely to have a car. Clearly that is no guarantee but I note that the 48% parking provision is also a more generous allocation than other comparable BTR schemes, given that the site is not in a city centre location, but in a suburb, and given the traffic circumstances of the locality.
 37. Thirdly, through the Car Park Management Plan, the allocation of spaces would be prioritised to those with a greatest need. Applications for the housing units would also prioritise those who do not need a parking space. The development

would also be supported by a Green Travel Plan (GTP) which would include measures to reduce dependency on the private car of residents, including the provision of travel passes for a specific period, monitoring and surveying of the travel patterns of residents. A revised GTP would also be submitted after 6 months to incorporate new measures necessary as evidenced by the survey work and monitoring. This would be secured by planning condition.

38. Finally, in order to provide comfort to the residents of Parrs Wood Avenue, and indeed the wider area, the UU commits a sum of £10,000 for the Council to progress a Traffic Regulation Order (TRO), should this be necessary. The scope of any TRO is not set and would be done in consultation with anyone who it would affect.
39. I note that other developments in proximity to the site have 100% parking provision. However, overall I am satisfied that it would not be justified in this location, given the accessibility of the site and the drive towards reducing dependence on unsustainable transportation modes for environmental reasons, and the less than ideal attractiveness of available offsite parking.

Highway Network

40. There is no doubt that the road network around the site, which includes Kingsway as a main arterial route into Manchester City Centre, is heavily trafficked.
41. The appellant's evidence on this matter within the TA and the additional highways evidence, concludes that the proposed development is forecast to generate a low level of traffic and that the levels would be as such that it would be imperceptible to other road users, with no likely material impact on road safety.
42. The assessments undertaken, which include survey work and modelling, are clearly very thorough. The trips generated would equate to 17 and 19 two-way movements during AM and PM peaks respectively. Vehicles would then disperse from the Parrs Wood Lane/site access junction to the different junctions which would reduce the two-way traffic flows across the network.
43. The evidence demonstrates that some junctions were operating at or above capacity. However, the site access junction operates well within capacity and is predicted to operate well in future year scenarios. Those junctions which are at capacity would have only a minimal increase in terms of saturation and queues, due to the low trip generation and the change in delay on the network would be less than 1%.
44. While this evidence is compelling, I am mindful of the 'local voice' in respect of highways impacts and there is clear frustration from residents which, as a general principle, is not always captured in datasets, survey and modelling work. Empirical evidence cannot be discounted and in highly trafficked areas such as this, even small-scale changes can have a big effect in relative terms.
45. I do not doubt the local concern here, but much of this relates to existing circumstances, and I note that the trip generation would be less than the existing use of the site as a Tesco superstore if the car park was operating at maximum occupancy. Even if additional delays at junctions were to be noticed, they would be minimal. Moreover, in light of any such worsening of effects, it would not be reasonable for the proposed development to address broader

concerns, such as rat-running of residential streets from Kingsway (for example along Gawsthorpe Avenue/Parrs Wood Road and Parrs Wood Road/Kingston Road/Millgate Lane/Wilmslow Road).

Pedestrian Safety

46. Concern was also raised regarding the pedestrian experience and safety, including by school children due to the proximity of nearby schools. I note that specific reference was made to a number of accidents in the area.
47. As previously noted, Kingsway and Parrs Wood Lane are very busy highways and accordingly this is an area where the road network dominates, to the detriment to the pedestrian user experience. The routes are served by a number of pedestrian crossing points which are crucial to help ensure safety, however they do mean that pedestrians can be held up at several points along a route, waiting for lights to change to allow safe passage. I thus accept it is not a particularly relaxing or pleasant experience. Nevertheless, I saw that the area is well used by pedestrians in order to access local services and facilities and thus the general environment is not a particular impediment to those users.
48. I note that proposed access arrangements within the site include improvements to the zebra crossing including the addition of Belisha beacons, extended dropped kerbs and improved tactile paving. In addition, offsite highways works including resurfacing of footways, and decluttering the pavement of excess signage and other street furniture is also proposed, and would be secured by condition.
49. These improvements would be commensurate with the scale and nature of the development proposed. In light of the extant conditions in the area, there would undoubtedly be other wider improvements which would be a benefit. However, again such improvements would not be necessitated as a direct result of the proposed development and thus would not meet the tests of reasonableness or necessity to require any such wider works.
50. Access to the Metrolink and cycleway is currently via the service road to Tesco, which allows access to HGV deliveries and staff parking. Concern was raised at this element being relied on by future occupiers of the proposed development, however this is clearly a longstanding arrangement and there is no evidence of safety implications arising from this established route.

Other highways issues

51. I note that a previous application at the site for a fast food restaurant and takeaway were withdrawn. I understand that this was on the basis of concern in respect of highways matters. However, the current proposal would be very different as the previous application would have been likely to generate specific trips to the drive-thru service. The TA also notes that the trip generation for the development would be significantly less than the trips generated for that use.

Highways Conclusions

52. Drawing the above together, the site has exceptional accessibility and future occupants would benefit from a genuine choice of sustainable transport options. The 48% parking provision at the site would thus strike an appropriate

balance, particularly given the package of measures to be secured by condition or in the UU. Any effects on the highways network, including terms of safety, would be minimal and the measures proposed would be commensurate to the development. Overall, I am satisfied that there would be no severe residual cumulative impact as a result of the proposed development.

53. The development would therefore accord with CS Policies DM1, T1 and T2, together which seek to have regard to vehicular access and appropriate car parking provision based on the site circumstances and provide sustainable transport and access for all. There would also be no conflict with the Framework, specifically paragraphs 111 and 112 which also promote sustainable transport and avoiding severe impacts on the road network.

Other Matters

54. A number of other matters were also raised and I deal with these below.

Character and Appearance

55. The appeal site, as an open area of car park located between roads and a railway line does not particularly have any strong character traits. The wider area comprises medium/large scale developments, such as the Entertainment Centre and the flatted units. The area does benefit from mature trees to the boundary of the site, and in other areas including the park opposite. This helps to soften the appearance of this built-up area, and reduce the dominance of the road infrastructure.
56. There is a distinct change in character from the site into the lower scale residential buildings in East Didsbury separated by the railway line. That said, I agree with the local residents that the site acts as a gateway into this area as accessed from Kingsway.
57. The L-shaped layout of the development and positioning within the site would exploit the shape of the site and would give a strong edge in the streetscene. Given the width of the carriageway along Parrs Wood Lane, in combination with the existing trees and proposed landscaping/planting, I do not consider that there would be a tunnel effect or make the pedestrian path an oppressive space. The daylight/sunlight report also demonstrates negligible changes to daylight.
58. The scale and massing would be entirely in keeping with the height of other developments in this part of the area, which is distinct from the semi-detached properties to the west of the railway. The change in levels would also effectively reduce the appearance of the height by a storey.
59. As a general point, the building would have a strong base, middle and top in design terms. The roofscape would consist of a single flat roof, however, the bronze metal box detailing to the top floor units would help break this up and give the development an articulated roofscape. Verticality would be achieved through the fenestration and brickwork, as well as the balconies, which would help to break up the massing of the building.
60. There is no one strong palette of materials in the area which dominates. The materials proposed are relatively restrained and would not appear incongruous in this context.

61. Concern was raised in respect of overdevelopment of the site and density, however based on the above, I consider that the development would fit comfortably in its surroundings. I deal with density later on in my decision in terms of policy. I am therefore satisfied that the development would act as a positive focal point in this gateway site. Overall, there would be no harm to the character and appearance of the area.

Clock Tower

62. The clock tower has no formal heritage designation, however this is clearly an important townscape feature to the local community. It was also considered important to be retained when the rest of the former bus garage was demolished, indeed because this was an integral part of the former buildings, significant work was undertaken to rebuild the lower parts of the tower to secure its retention.
63. This structure has some historic interest as a remnant artifact of early 20th Century suburban transport infrastructure developments. However, its appreciation is significantly compromised by the rebuilding works and loss of context. Accordingly, while it is a townscape feature, I do not consider that it could reasonably be classed as a non-designated heritage asset for planning purposes.
64. The development would retain this structure, however some views of it would be blocked by the proposed development due to the proximity of the development and its height. However, while its setting and context would yet again change, I do not consider that the impact could be classified as a harmful one. The tower and the new building would sit side by side in the area and the clock tower would still be appreciated. The effect would therefore be a neutral one.

Density and Need

65. I note that the Council's first original reason for refusal cited that the development would be high density outside of an identified district centre that does not address the housing needs of the area. Conflict was therefore cited with CS policies SP1, H1 and H6.
66. However, as set out in the Council's written statement, the concern of density related to proposed car parking levels. I have found above no harm to highway matters in this regard. The Council also confirmed that they had no identified any other demonstrable harm caused by the type of accommodation to be provided at the site.
67. CS Policy SP1 seeks to provide high quality and diverse housing around district centres which meets local need. Policy H1 sets housing requirements and while it drives high density development to the city centre and other accessible areas. This policy is underpinned by Policy H6 which is specifically for South Manchester, noting that high density development would only be appropriate within district centres. Outside these areas priorities will be given for housing that meets identified shortfalls including elderly people.
68. These policies do not preclude high density development outside of district centres and I have found that the site is highly accessible.

69. In term of need, the local concern is related to the need for housing for older people who wish to remain in the local area, as the typical semi-detached dwellings found in the area are problematic to adapt.
70. As a BTR scheme, the development would typically attract a younger demographic, however older persons would not be precluded from renting a unit if desired. The development would be required to accord with accessibility standards under the Building Regulations regime. Evidence was also heard at the Inquiry in respect of the adaptability of the units, should this be necessary.
71. Overall there would be no conflict with CS Policies SP1, H1 and H6 in terms of density and need.

Flood Risk

72. A Flood Risk Assessment and drainage strategy was submitted as part of the application, concluding that the site is suitable and there would be no effect in terms of flood risk. Conditions would also ensure that the drainage strategy would be adequately designed and implemented.

Living conditions

73. The appeal site is at sufficient distance from other residential properties that there would be no harmful effect in terms of privacy. There is no evidence to suggest that air quality would be worsened by the proposed development and any effects from construction can be controlled by condition, the same applies in respect of noise effects.
74. Moreover I note that the Council's Environmental Health team were satisfied in respect of such matters, recommending conditions relating to construction management, sound insulation and overheating and contaminated land.
75. Concerns in respect of layout related to crime could also be dealt with through the imposition of a condition.

Ecology

76. Suitable conditions could be imposed in respect of landscaping and ecology to ensure that the biodiversity of the site is protected and enhanced.

Fire Safety

77. Local concern was made in respect of the appellant not having signed up to the Government's Developer Remediation Contract. This is not strictly a planning matter, but in any case, any planning permission would run with the land and rather than this specific appellant. Moreover, Dandara Living provided a letter to explain this matter in more detail, citing delays in signing up to this scheme in order to provide comfort.

Planning Obligation

78. The UU commits to providing:
- 15 affordable rented housing units comprising 5 1-bed units, 8 2-bed units and 2 3-bed units.
 - Car club space.

- On site highways works, including footways along the access road, pedestrian crossing, dropped kerbs and tactile paving, Belisha beacons added to existing zebra crossing, and extended dropped kerbs and tactile paving to the Zebra crossing.
 - TRO contribution of £10,000 payable to the Council. This would provide funding for an appropriate Order within 400m of the site, should it be necessary, within 5 years from the commencement of development.
79. Based on the submitted evidence, I consider all the obligations would be necessary to make the development acceptable, directly related and fairly and reasonably related in scale and in kind. In particular, as previously stated, the TRO contribution would provide comfort if any further mitigation was required as a result of the development.
80. I note other local concern regarding infrastructure, however, there would be no justification for further requirements, those included in the UU deal with those effects arising from the development.

Planning Conditions

81. Conditions were reviewed at the Inquiry and were redrafted and submitted after the close of the Inquiry to reflect those discussions. My consideration has taken account of paragraph 56 of the Framework and advice in the Planning Practice Guidance. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. I have changed the suggested wording in some cases to ensure consistency and that the conditions are precise, focused, comprehensible and enforceable.
82. Conditions covering time limits and the approved plans are necessary in the interests of proper planning (conditions 1-2).
83. As discussed conditions relating to off-site highways work, a Green Travel Plan, cycling and parking provision and EV chargers are all necessary as highways mitigation measures (conditions 3-7). I have changed the suggested wording to condition 3 to make it a true Grampian condition as it relates to offsite works.
84. Due to the nature of the site and its previous uses, conditions relating to contaminated land and environmental standards are necessary (conditions 8-9). Conditions relating to the submission of a Construction Management Plan, and acoustic issues are all necessary in order to protect the living conditions of future occupants as well as neighbouring residents (conditions 10-12).
85. In order to protect from the risk of flooding, I have imposed conditions relating to surface water and sustainable drainage (conditions 13-14). Conditions 15-17 relate to tree protection, biodiversity and landscaping and are necessary in order to protect and enhance ecology and as part of character and appearance considerations at the site. A materials condition is also necessary in relation to the latter issue (condition 18).
86. Conditions relating to local labour, crime, and details of the community space are necessary to ensure satisfactory living conditions and community benefits (conditions 19-21). Finally, in order to maintain sustainability at the site in terms of highways, character and appearance and living conditions it is

necessary to remove permitted development rights in terms of use and alterations (conditions 22-23).

Conclusion

87. Overall, I have found no harm in terms of highways effects and a number of other matters. I appreciate that this would be a disappointment to those people who spoke passionately in opposition to the proposals. In coming to my decision, the evidence of local residents and others was fully heard and carefully considered. However, the development would accord with the development plan and in decision taking, this means approval of such proposals.
88. Accordingly, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul G Tucker KC and Constanze Bell of Counsel instructed by Chris Sinton CBRE.

They called:

Carl Peers	Director, Curtins
BA (Hons) MSc CMILT FCIHT	
Stephen Hodder	Partner, Hodder + Partners
BA (Hons) BArch(Dist) Darts	
PPRIBA Hon AIA FRSA	
Kirsten McKnight	Associate Director, Stephen Levrant Heritage
MA MSc IHBC	Architecture
Harry Bolton	Senior Director, CBRE
MSc RTPI EMA	

FOR THE LOCAL PLANNING AUTHORITY:

Participant at the Conditions and Obligations Round Table Session

Robert Griffin	Principal Planning Officer
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INTERESTED PERSONS:

Cllr James Wilson	Didsbury East Ward
Cllr Linda Foley	Didsbury East Ward
Cllr Andrew Simcock	Didsbury East Ward
Cllr John Leech	Didsbury West Ward
Mr Stephen Rennie	Local Resident
Ms Tracey Lyn	Parrs Wood Avenue Residents Group
Mr Simon Miles	East Didsbury Community Group
Ms Valarie Shah	Local Resident
Dr Farhan Shafique	Local Resident

INQUIRY DOCUMENTS

- INQ1: Opening Submissions on Behalf of Appellant
INQ2: Cllr James Wilson – Transcript
INQ3: Mr Stephen Rennie – Transcript
INQ4: Mr Simon Miles – Transcript
INQ5: Kirsten McKnight Qualifications and Experience addendum to CD11.6, Appendix D
INQ6: Suggested Conditions – joint representation from Cllr Andrew Simcock, Cllr Linda Foley and Cllr James Wilson (Copy of previously submitted representation)
INQ7: Closing Submissions on behalf of Appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- INQ8: Revised list of agreed planning conditions received 26 May 2023
INQ9: Unilateral Undertaking dated 1 June 2023

SUPPLEMENTARY CORE DOCUMENTS:

Updated during the Inquiry

- CD8.17 Manchester Five Year Housing Land Supply Statement (April 2022)
- CD8.18 DCMS Principles of Selection for Listed Buildings
- CD8.19 Historic England Infrastructure Transport Listed Selection Guidance, 2017
- CD8.20 Historic England Guide to Local Heritage Listing, 2021
- CD8.21 Historic England Statements of Heritage Significance, 2019
- CD8.22 Historic England The Setting of Heritage Assets, 2017
- CD8.23 ICOMOS Guide for Heritage Impact Assessments, 2011
- CD11.8 Unilateral Undertaking (supersedes previous version)
- CD11.9 Enterprise Car Club Information
- CD11.10 Application ref. 118206/FO/2017 - Withdrawn application relating to McDonalds
- CD11.11 CIL Compliance Statement
- CD11.12 Site Notice
- CD11.13 Dandara Letter relating to the Government's Developer Remediation Contract

SCHEDULE OF CONDITIONS

General

- 1) The proposed development must be begun not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan CL/CL/LP/01 18 March 2021
 - Site Plan Proposed P1 L(--)901
 - Ground Level Plan P1 L(--)000
 - Level 01 Plan P1 L(--)001
 - Typical Floor Plan P1 L(--)002
 - Level 05 Plan P1 L(--)005
 - Roof Level Plan P1 L(--)00R
 - Long Site Elevation AA P1 L(--)200
 - Long Site Elevation BB P1 L(--)201
 - South Elevation P1 L(--)212
 - North Elevation P1 L(--)210
 - East Elevation P1 L(--)211
 - West Elevation P1 L(--)213
 - North Section P1 L(--)300
 - East Section P1 L(--)301
 - Facade Fragment Typical Projecting Balcony P1 L(--)250
 - Facade Fragment Typical Recessed Balcony P1 L(--)251
 - Facade Fragment Typical 5th Floor P1 L(--)252
 - 262-LYR-XX-ZZ-DWG-L-1001 Landscape General Arrangement
 - 262-LYR-XX-ZZ-DWG-L-4001 Levels
 - 76118-CUR-XX-00-D-TP-75001-P08 Proposed Access Arrangement
 - Waste Management Strategy (including MCC's waste proforma) prepared by Hodder & Partners;

Highways

- 3) Prior to the commencement of the development on site, a scheme for off-site highways works in accordance with drawing ref. 76118-CUR-XX-00-D-TP-75001-P08 shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details prior to first occupation of the development.
- 4) Prior to the first occupation of the development hereby approved a Green Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Green Travel Plan means a document which includes:
 - i) the measures proposed to be taken to reduce dependency on the private car by those residing, visiting and working in the development.
 - ii) a commitment to surveying the travel patterns of residents during the first three months of use of the development and thereafter from time to time.

- iii) mechanisms for the implementation of the measures to reduce dependency on the private car.
- iv) measures for the delivery of specified travel plan services.
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car.

Within six months of the first use of the development, a revised Green Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Green Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

- 5) The approved details for cycle parking provision as set out on the approved drawings and documents shall be installed prior to the first occupation of the development and be retained thereafter for use by people residing at the development.
- 6) Prior to the above ground construction works, a scheme for electric vehicle charging points together with details of infrastructure to allow further future EVC conversion based upon the recommendations contained within page 29 of the approved Air Quality Assessment shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall then be implemented and be in place prior to the first occupation of the residential element of the development.
- 7) The car parking as indicated on the approved plans shall be surfaced, laid out and demarcated prior to the first occupation of the development hereby approved. The car park shall then be available at all times for people residing at the development whilst the site is occupied.

Environmental Health/Contamination

- 8) Prior to the commencement of development on site, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

The development shall be carried out in accordance with the previously agreed Remediation Strategy and prior to occupation a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

- 9) The development hereby approved shall be implemented in accordance with the measures as set out within section 6 of the approved Environmental Standards Statement prepared by Element Sustainability dated April 2022 reference 2021.202.

Within 3 months of the completion of the construction of the authorised development a verification statement prepared by a suitably qualified expert shall be submitted to and approved in writing, by the City Council as local planning authority, to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved Statement. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the recommendations and requirements within the approved report.

Living Conditions

- 10) Prior to the commencement of development on site, a Construction Management Plan shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed plan which shall include:
- The routing of construction traffic;
 - Detail the vehicular activity associated with the construction including appropriate swept-path assessment;
 - Details of the location and arrangements for contractor parking;
 - The identification of the vehicular access points into the site;
 - Identify measures to control dust and mud including on the surrounding public highway including details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
 - The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location;
 - A highway dilapidation survey including photographs and commentary on the condition of carriageway/footways on construction vehicle routes surrounding the site.
 - The hours of working of the site.

A method statement for the use of together with details of any vibro-compaction machinery / piling machinery or piling and other ground treatment works to be undertaken at the site.

- 11) Prior to the commencement of development on site, a scheme for acoustically insulating the proposed residential accommodation against noise from Kingsway and Parrs Wood Road, and the nearby train line shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including local commercial premises.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. It shall be necessary for vibration criteria within BS 6472: 2008 "Guide to evaluation of human exposure to vibration in buildings" to be included within the assessment and that groundborne noise/re-radiated noise also be factored into the assessment and design.

Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

- 12) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to first occupation of the development hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Drainage

- 13) Prior to the commencement of development on site, a surface water drainage scheme shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall be designed to be in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards. The development shall be carried out in accordance with the agreed details.
- 14) Prior to the first occupation of the development details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. Those details shall include:
 - Verification report providing photographic evidence of construction as per design drawings;
 - As built construction drawings if different from design construction drawings;
 - Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its Lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Ecology/Trees/Landscaping

- 15) No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority. Any subsequent tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".
- 16) Within three months of the commencement of above ground works a scheme for the Biodiversity Enhancement Measures of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.
- 17) In addition to the approved plans, within three months of the commencement of above ground works a detailed hard and soft landscaping treatment scheme based upon the principles contained within the approved drawings and Design and Access Statement including details and positions of all boundary treatments to be installed at the site shall be submitted to and approved in writing by the City Council as local planning authority.

The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Character and appearance

- 18) Above-ground construction works shall not commence until samples and specifications of all materials to be used in the external elevations and hard landscaping around the buildings as detailed on the approved drawings have been submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details.

Other

- 19) Prior to the commencement of the development on site, details of a Local Labour Proposal, in order to demonstrate commitment to recruit local labour for the duration of the construction of the development, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved document shall be implemented as part of the construction of the development.
- 20) The development hereby approved shall be carried out in accordance with the recommendations contained within section 3.3 of the approved Crime Impact Statement prepared by Greater Manchester Police reference 2013/0807/CIS/01 Version A dated 24th February 2022.
- 21) Prior to the first use of the ground floor 'community space' details of operating hours and arrangements in place to manage and facilitate access to this accommodation shall be submitted to and agreed in writing by the City Council as local planning authority. The community space shall be subsequently managed and operated in accordance with the agreed details.
- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 23) Notwithstanding the General Permitted Development Order 2015 as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 or any legislation amending or replacing the same, no further development in the form of upward extensions to the building shall be undertaken other than that expressly authorised by the granting of planning permission.