



Appeal Decision

Site visit made on 23 June 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2020

Appeal Ref: APP/B4215/W/20/3249266

Land bounded by Julia Street, Charter Street, Newcombe Street, Francis Street, Manchester

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ghulam Haider of Millennium Car Parks Limited against the decision of Manchester City Council.
 - The application Ref 125108/FO/2019, dated 9 October 2019, was approved on 6 December 2019 and planning permission was granted subject to conditions.
 - The development permitted is *"change of use to create temporary car park to a period of 12 months including installation of pay machine and associated boundary treatment"*.
 - The condition in dispute is No 1 which states that:
 - (1) *The permission hereby granted is for a limited period only, expiring on 6th December 2020. The use comprising the development for which permission is hereby granted is required to be respectively removed and discontinued at the expiration of the period specified.*
 - The reason given for the condition is:
 - (1) *The development is of a temporary nature only, pursuant to policies SP 1 and DM 1 of the Core Strategy for Manchester.*
-

Decision

1. The appeal is allowed and planning permission Ref 125108/FO/2019 for a change of use to create temporary car park to a period of 12 months including installation of pay machine and associated boundary treatment at Land bounded by Julia Street, Charter Street, Newcombe Street, Francis Street, Manchester granted on 6 December 2019 by Manchester City Council, is varied by deleting from the description of development the words "to a period of 12 months", deleting condition 1, and substituting for it the following condition:
 - 1) The use hereby permitted shall be for a limited period only and shall be discontinued on or before 6 December 2024.

Application for Costs

2. An application for costs was made by Mr Ghulam Haider of Millennium Car Parks Limited against Manchester City Council. This application is the subject of a separate Decision.

Background and Main Issue

3. The appellant originally applied for a development consisting of *"use of vacant plot for a public car park for a temporary period of 5 years"*. However, the Council considered 5 years to be excessive given its regeneration objectives for

the area, and it instead granted a temporary permission for a lesser period of 12 months. In doing so, it modified the description of development to reflect this approach. This appeal seeks to vary both condition 1 of that permission, and its description of development, in order to allow for a temporary permission lasting 5 years.

4. Accordingly, the main issue is whether varying the disputed condition would significantly undermine the Council's regeneration objectives for the area.

Reasons

5. The appeal site consists of a disused and overgrown piece of land on the southern side of Julia Street. The surrounding area is mostly characterised by light industrial and commercial uses although there are a number of surface car parks in the vicinity.
6. The appeal site is located within an area covered by the Great Ducie Street Strategic Regeneration Framework ('SRF'), which was published in 2018. This document covers a large swath of land close to Manchester city centre and sets out the future regeneration aspirations for this area. Given its size, and the scale of the transformation envisaged, the SRF states that the full development of the area could take around twenty years.
7. The appeal site is located within the Southall Street Character Area, which is identified as being suitable for commercial-led development. The SRF states that this area is likely to be a longer term phase of development given its distance from the city centre, more complex land ownership patterns, and proximity to HMP Manchester. Conversely, I note that the SRF states that the Riverside and Cheetham Hill Corridor Character Areas will generate the most developer interest in the short term, given their proximity to the city centre. Moreover, the identified 'phase 1' development area is away from the appeal site, in a prominent position next to the River Irwell and Trinity Way.
8. The Council state that it is anticipated that changing dynamics within the area are imminent. However, this is not supported by any reference to specific development proposals or sites, and it is unclear what factors would bring about the redevelopment of the Southall Street Character Area in the short term. Similarly, it is unclear why the appeal site is of particular importance to the transformation of this area, and it is not identified as such in the SRF. In any case, the SRF envisages that the Southall Street area will be a longer-term phase of development, and a temporary consent for 5 years would not prejudice that objective, or the medium-term supply of employment land.
9. In addition, the SRF identifies the appeal site as being suitable for a scheme of between 6-10 stories in height. Given the site's relatively small size, and lack of a prominent road frontage, this is unlikely to take place in advance of the development of neighbouring sites in more favourable locations.
10. A number of the sites envisaged for development in the SRF are currently used for surface car parking. However, those are presumably interim uses given the longer term objectives for the area, and I do not consider that an additional modestly-sized car park would be harmful in this case. Whilst the Council state that a longer term permission would be contrary to its aim of achieving a reduction in CO2 emissions, it has not drawn my attention to any policy that seeks to restrict car parking in this location on that basis. I further note that

such concerns do not appear to have prevented the use of other nearby sites for car parking.

11. The site has already been subject to 2 previous temporary permissions for car parking (each for 2 years) that were not implemented. However, given the likely lead in time to the redevelopment of this area for commercial purposes, a further temporary consent would be appropriate in my view.
12. For the above reasons, I conclude that varying the disputed condition would not significantly undermine the Council's regeneration objectives for the area. It would therefore accord with Policies SP 1 and DM 1 of the Manchester Core Strategy (2012), which state that all developments should have regard to the character, issues, and strategy for each regeneration area.

Conclusion

13. For the reasons given above I conclude that the appeal should succeed.

Thomas Hatfield

INSPECTOR