

Statement of Common Ground

LPA Reference: 129020/FO/2020

Appellants: The Union of Shop, Distributive and Allied Workers (USDAW), Watkin Jones Group Ltd and Wilmslow Road Manchester Ltd

LPA: Manchester City Council (MCC)

Site Address: Oakley, 188 Wilmslow Road, Fallowfield, Manchester, M14 6LJ

Description of Development: Erection of 1 no. 13 storey building and 1 no. part 4 and part 5 storey building to form purpose built student accommodation together with a single storey side and rear extension to the retained and refurbished Oakley Villa and conversion to form amenity and communal space together with associated landscaping, cycle parking, car parking and associated works following the demolition of existing office accommodation on the site.

Date: 26 May 2022

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1. Introduction and Background

- 1.1 This Statement of Common Ground (“Statement”/“SoCG”) has been prepared jointly by Manchester City Council (“MCC”) as Local Planning Authority, and The Union of Shop, Distributive and Allied Workers (“USDAW”), Watkin Jones Group Ltd and Wilmslow Road Manchester Ltd (“the Appellant”) (together “the Parties”). It relates to the appeal (“the Appeal”) submitted by the Appellant against the refusal of planning permission by MCC (Application Ref: 129020/FO/2020) (“the Application”), under Section 78 of the Town and Country Planning Act 1990. The description of the Proposed Development specified within the Application is as follows:

“Erection of 1 no. 13 storey building and 1 no. part 4 and part 5 storey building to form purpose built student accommodation together with a single storey side and rear extension to the retained and refurbished Oakley Villa and conversion to form amenity and communal space together with associated landscaping, cycle parking, car parking and associated works following the demolition of existing office accommodation on the site”

- 1.2 The Appeal relates to the development of land at 188 Wilmslow Road, Fallowfield (“the Site”).
- 1.3 This SoCG sets out the agreed planning matters between the Parties and identifies matters of disagreement (Section 6). In addition, to ensure that Proofs of Evidence are focused on the dispute that exists between the Parties, this SoCG also contains relevant context and background material for the Appeal, including a description of the site. It has been prepared in accordance with the relevant guidance published by The Planning Inspectorate (PINS).

2. Application Chronology

- 2.1 This section sets out the chronology and scope of the Application, as agreed by the Parties.
- 2.2 The first engagement on the Proposed Development with Planning Officers at MCC was in March 2020.
- 2.3 A series of pre-application discussions between the Appellant its representatives and Planning Officers at MCC was undertaken between March 2020 and December 2020.
- 2.4 The Application was submitted to MCC in December 2020 and was validated on 23rd December 2020. The Application was subject to the required consultation with statutory consultees, local residents and businesses; the required site notice was displayed.
- 2.5 The Application was supported by a suite of documentation. Following submission of the Application, statutory consultee and third party comments were received by MCC and summaries of the statutory consultee responses and a broad summary of issues raised by third parties were provided to the Appellant. Further meetings were held between the Appellant and MCC Planning Officers prior to the determination of the Application. The Appellant submitted supplementary information in June 2021.
- 2.6 The Application was reported to MCC's Planning and Highways Committee on 2 September 2021. The Committee was provided with an Officer Report and Late Information Report, which recommended refusal of the Application for 6 stated reasons. The Committee accepted the Officer recommendation and voted to refuse the Application on the grounds stated within the Officer Report. The Decision Notice was issued on 3 September 2021 and consists of 6 reasons for refusal as follows:
 - 1) The proposal would not give rise to a positive regeneration impact or address the requirement for housing in the area. The proposals do not contain a mix of uses that would support Fallowfield District Centre, would not closely integrate with existing neighbourhoods and are considered to give rise to unacceptable impacts by reason of the density of development and level of proposed occupation. As such the proposals are not considered to accord with policies H6 and H12 of the Core Strategy.
 - 2) The applicant has not demonstrated a formal agreement is in place with a University, or another provider of higher education for the supply of all or some of the proposed bed spaces, or that there is a need for additional student accommodation within this location, as such it is not considered that the proposals satisfy policy H12 of the Core Strategy.

- 3) The scale and massing of the proposed development in close proximity to lower scale residential buildings and the non-designated heritage asset of Oakley House, would give rise to an overbearing visual impact and provide a significant urbanising effect on the edge of Platt Fields Park. It would form an over-dominant feature within the street scene and area, which would have a detrimental effect on visual amenity and character of the area. It is therefore considered to be contrary to policies SP1, EN1, EN2, EN3 and DM1 of the Manchester Core Strategy, guidance contained in the Guide to Development in Manchester Supplementary Planning Document and Guidance and the NPPF.
 - 4) Due to the height of the proposal there is the potential for the development to overshadow adjacent trees that form an important habitat and have a high visual amenity within Platt Fields Park. In the absence of evidence that the development would not adversely impact on adjacent trees, it is considered that the proposed building, by reason of its scale and height, could have a detrimental impact on existing adjacent trees contrary to policy EN9, EN15 and DM1 of the Manchester Core Strategy.
 - 5) The proposed development would introduce up to 425 students into an area already experiencing high levels of student accommodation and occupation. It is considered that this provision would give rise to unacceptable impacts on the residential amenity of nearby residential occupiers by reason of noise, disturbance and general activity associated with the comings and goings and occupation of the proposed development contrary to policy H12 and DM1 of the Core Strategy.
 - 6) The windows within the south facing elevation of the proposed development would result in overlooking over a short distance to the living room windows of existing residential properties on Langley Road to the detriment of the reasonable amenity and privacy of the occupiers. As such the proposal is contrary to policies SP1, DM1 and H12 of the Core Strategy.
- 2.7 As set out elsewhere in this document further documents have been provided to the Council by appellant in respect of reason for refusal 4. This information has been reviewed by the Council who confirm that this matter in relation to the impact on trees has now been addressed by the appellant.

3. Site and Surroundings

Appeal site

- 3.1 The Site comprises the former USDAW Central office and associated landscape and parking areas. The broadly rectangular site extends to circa 0.8 hectares and is located to the north of Langley Road and west of Wilmslow Road in Fallowfield.
- 3.2 The buildings on site comprise Oakley Villa (hereafter referred to as Oakley House), a large 2 storey building constructed in c1837 and three extension buildings. The original part of Oakley House (i.e. not including its later extensions) is a non-designated heritage asset. The three storey extension to the west of Oakley House was constructed in 1937 and extended in the 1950s; and the raised 2 storey most western block which includes an open car parking area at ground floor was constructed in the late 1970's/early 1980's. A grassed courtyard over two levels (approx. 1metre level change) lies behind the southernmost building.
- 3.3 The Heritage Statement submitted with the Application summarises the ownership history up to and including the purchase of the site in 1921 by the Amalgamated Union of Co-Operative Employees (a precursor organisation to USDAW the current owners of the site). USDAW extended the accommodation on site over several stages (see figure 5 of the Heritage Statement submitted alongside the planning application).
- 3.4 Oakley House retains original external features such as the gables, decorative bargeboards, Gothic stone entrance porch, pitched roof, bay windows and stone dressings while the extension buildings are flat roofed and of a functional office design. The 1930's and 1950's extensions to the south of the Site are outward facing and presents a frontage to Langley Road, with traditional terraced residential properties lying opposite. The northern and eastern sections of the Site include a number of mature trees.
- 3.5 A number of internal building features with heritage value survive within Oakley House. A number of the rooms, used as offices and meeting rooms, have wood panelling and fire surrounds dating back to the 1830's. The hallway and staircase is framed by grand carved timber balustrades dating back to the 1880's and a stained glass window. All original joinery and fire places retained throughout the ground floor of Oakley House contribute to its local heritage value.
- 3.6 Vehicular access to the site is taken from three locations on Langley Road and two pedestrian accesses. An historic vehicular access point in the form of a dropped kerb arrangement is available to the site's Wilmslow Road frontage. It is understood that this access is no longer in use to vehicles and is gated and locked shut at all times.

- 3.7 There are two main car parking areas (total of 53 parking spaces) at the eastern and western parts of the site.
- 3.8 A number of trees towards the sites eastern boundary and one in its north-eastern corner were subject of a Tree Preservation Order in 2021 (reference Manchester City Council (Oakley, 188 Wilmslow Road, Manchester) TPO 2021)

Site specific planning history

- 3.9 There are a number of historic applications at the Site relating to its current use. The previous applications are not considered to be of relevance to the determination of the Appeal.

Surrounding Area

- 3.10 The Site lies on the northern edge of Fallowfield district centre and approximately 4km south of Manchester city centre. The Site lies approximately 2km south of the University of Manchester ("UoM") Main Campus, and 3 km south of Manchester Metropolitan University's ("MMU") Oxford Road campus.
- 3.11 The eastern boundary of the Site is formed by Wilmslow Road, a main arterial route within Manchester that provides north-south links to Oxford Road and the City Centre as well as Rusholme, Withington, Didsbury and Parrs Wood. Fallowfield lies north of Withington, east of Whalley Range, south of Rusholme and west of Levenshulme.
- 3.12 Fallowfield is a residential area in south Manchester and is a popular area for university students to reside.
- 3.13 The site lies adjacent to west of UoM's Fallowfield Campus.
- 3.14 UoM have begun the redevelopment of the Fallowfield Campus approved under planning permission reference 110184/FO/2015/S1 in December 2015, the first phase of this development having been the completion of Unsworth Park halls of residence. The redevelopment of the campus would see the development of 3,209 bedrooms (net increase of 1,033) and redevelopment including the provision of a Central Hub, Amenity Hub, Maintenance Hub, Doctors Surgery and public facing retail space.
- 3.15 Figure 3.1 below shows the Site within its immediate context. To the north and west of the Site lies the open green landscaped Platt Fields Park; the sunken Shakespearean Garden lies just north of the north west corner of the application site. There are a number of large trees to the north of the site boundary. Beyond the Shakespearean Garden lies Manchester High School for Girls on Grangethorpe Road and its associated open green playing fields to the southern edge closest to the site. Platt Fields Park wraps around the school and extends north of Grangethorpe Road.
- 3.16 Wilmslow Road creates the eastern site boundary with the Fallowfield Campus including the Owens Park Tower located on the opposite side

beyond Wilmslow Road almost parallel with the site and is widely visible in the surrounding area. The eastern boundary of the Site is formed by a 3 bay bus stop which is managed by traffic lights and allows buses to overtake each other separate to the cycle and vehicular lanes. This bus stop is one of two such facilities serving Fallowfield for bus services heading northbound, the other being situated to the immediate south of the junction between Wilmslow Road and Wynnstay Grove. Buses use these stops 24 hours a day (service numbers: 143, 43, 142, 42, 41, 147) providing high frequency services connecting to key destinations including the main University campuses, and Manchester City Centre. A number of buses also provide frequent connections throughout the night and early morning.

- 3.17 To the north-east of the site are further UoM buildings including Ashburne Hall and the former MMU 8 storey Grade II Listed Hollings Building (also known as the 'Toast Rack'). An 11 storey building received planning consent in 2016 as part of a wider development which included the refurbishment and change of use of the 'Toast Rack' building to form residential apartments. Other institutional buildings in the area include Manchester High School for Girls to the north west and Manchester Grammar School to the north-east.
- 3.18 The southern boundary of the Site is formed by Langley Road, and forms the immediate context directly opposite the site to the South. At the south west corner of the Site the road makes a slight change of direction to the south. The directly adjacent residential buildings are two storey terraces set back slightly from the back of the pavement. These form part of a group of two storey terraces in a grid street layout to the south. At least a third of the properties adjacent the proposed student accommodation on Langley Road are HMOs. At the corner of Wilmslow Road and Langley Road adjacent to the Site is a 3 storey apartment building with pitched roof.
- 3.19 To the immediate west of the Site lies the open green landscaped Platt Fields Park with the BMX track, lake, community garden, tennis courts, netball/basketball courts and bike hub all within c. 350m.

Figure 4.1: Aerial image of the application site and surrounding area (application site outlined in red)

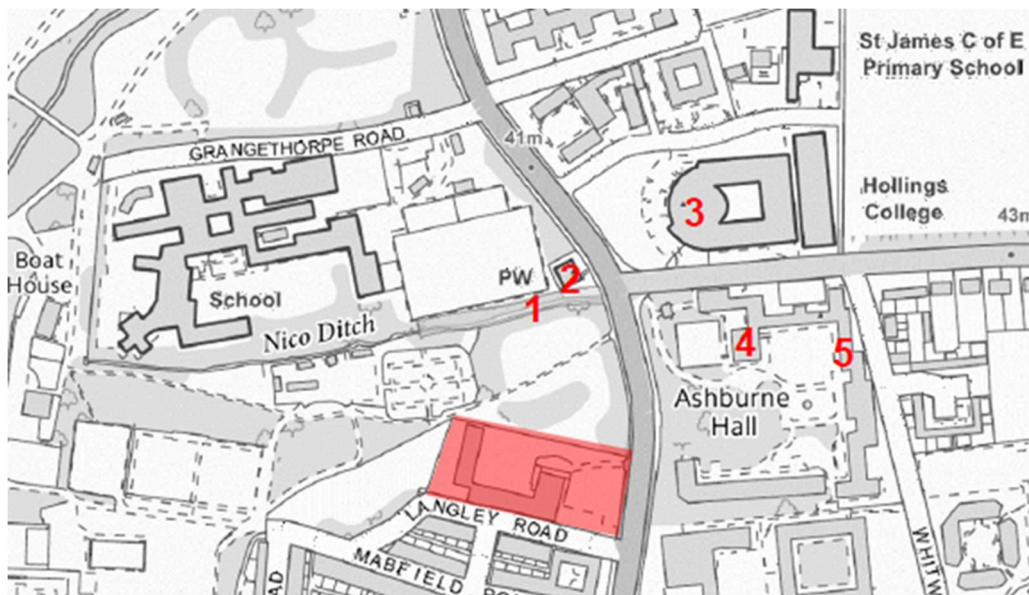


Source: Google Earth

Historic and environmental considerations

- 3.20 The Site is not affected by any statutory ecological designations, nor are there any historic designations within or immediately adjacent the site boundary.
- 3.21 There are a number of designated heritage assets within a 250m radius of the site as shown at Figure 3.2 and these include:
1. Nico Ditch (Scheduled Ancient Monument)
 2. Grade II Listed Platt Chapel
 3. Grade II Listed Hollings Building at MMU
 4. Grade II Listed Behrens Hall
 5. Grade II Listed Ashburne Hall – including Alice Barlow memorial gates to Wilmslow Road and Ashburne Hall Lodge

Figure 4.2: Location of nearby heritage assets



Source: Heritage Statement prepared by Stephen Levrant Heritage

Townscape Character

- 3.22 The Site itself is not covered by any townscape related statutory designations. The closest Conservation Area is Victoria Park which is located circa 700m to the north of the Site.

4. The Proposed Development

4.1 The description of development is as follows:

Erection of 1 no. 13 storey building and 1 no. part 4 and part 5 storey building to form purpose built student accommodation together with a single storey side and rear extension to the retained and refurbished Oakley Villa and conversion to form amenity and communal space together with associated landscaping, cycle parking, car parking and associated works following the demolition of existing office accommodation on the site.

5. Summary of Agreed Matters

5.1 There is agreement between the Parties on a range of matters relevant to the determination of this Appeal and the material considerations to be addressed by the Inspector.

5.2 This section summarises the main agreed matters.

Development Plan and Material Considerations

5.3 The adopted Development Plan comprises:

- The Manchester Core Strategy (2012) ('CS')
- Manchester Proposals Map
- Saved policies of the Manchester Unitary Development Plan (1995) ('saved UDP')
- Greater Manchester Waste Development Plan (April 2012)
- Greater Manchester Minerals Plan (April 2013).

5.4 It is agreed that the following comprise other material considerations:

- The National Planning Policy Framework (the Framework) (July 2021)
- National Design Guide (October 2019)
- Resolution of Manchester City Council Executive on PBSA (December 2020)
- Greater Manchester Housing Strategy 2019 – 2024 (2019)
- A Greater Manchester Vision for Housing (2019)
- Corridor Manchester Strategic Spatial Framework (March 2018)
- Greater Manchester Strategy (2017)
- Guide to Development in Manchester Supplementary Planning Document (2007)
- A Strategic Vision for Corridor Manchester (2015)
- Tall Buildings Historic England Advice Note 4
- The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

5.5 The emerging Places for Everyone Plan (Publication Version, August 2021) is being prepared jointly by 9 of 10 Greater Manchester Local Authorities, including Manchester City Council; it was submitted for examination in February 2022. The CS and saved UDP policies will in time be replaced by the Manchester Local Plan; the Issues Consultation closed on 1 May 2020. It is agreed that limited weight should be afforded to both emerging documents in accordance with paragraph 48 of the Framework.

5.6 Other Development Plan policies of relevance to the appeal comprise:

- CS Policy SP 1 Spatial Principles
- CS Policy H1 Housing Provision

- CS Policy H6 South Manchester
- CS Policy H11 House in Multiple Occupation
- CS Policy T1 Sustainable Transport
- CS Policy T2 Accessible Areas of Opportunity and Need
- CS Policy EN1 Design Principles and Strategic Character Areas
- CS Policy EN2 Tall Buildings
- CS Policy EN3 Heritage
- CS Policy EN4 Reducing CO2 Emissions by Enabling Low and Zero Carbon Development
- CS Policy EN6 Target Framework for CO2 reductions from low or zero carbon energy supplies
- CS Policy EN 8 Adaptation to Climate Change
- CS Policy EN9 Green Infrastructure
- CS Policy EN14 Flood Risk
- CS Policy EN15 Biodiversity and Geological Conservation
- CS Policy EN 16 Air Quality
- CS Policy EN 17 Water Quality
- CS Policy EN 18 Contaminated Land and Ground Stability
- CS Policy EN19 Waste
- CS Policy DM 1 Development Management
- Saved UDP Policy DC26.1 and DC26.5 Development and Noise

PBSA Need

- 5.7 There is a need within the city for new high quality Purpose Built Student Accommodation (“PBSA”). It is agreed that the provision of new PBSA of the right product in the right location can support the ‘freeing up’ of mainstream housing currently occupied by students. It is also agreed that the site is not in the Regional Centre or the Oxford Road corridor, and therefore Criterion 2 of CS Policy H12 is not relevant to determination of the Appeal.

Principle of redevelopment

- 5.8 The Appeal proposals relate to a vacant brownfield site within the Fallowfield area of Manchester. The existing premises are dated, constrained (including DDA compliance and energy efficiency) and not well suited to modern office requirements. The principle of redeveloping the Site for non-employment purposes would be in accordance with Development Plan policy.

Accessible Location

- 5.9 The Site is in a highly accessible location, in close proximity to frequent bus services linking the site to the City Centre. The Site’s proximity to Fallowfield district centre ensures there are facilities easily accessible to the site.

Sustainable Development

- 5.11 The proposed development would redevelop a previously developed site.

- 5.12 The proposals are to incorporate a range of measures, including targeting BREEAM 'Excellent' rating as set out in the BREEAM Pre-Assessment Report April 2021 submitted to the Council on the 8th June 2021.

Heritage

- 5.13 The criteria for defining heritage significance (as outlined within the Heritage Statement) is determined by aspects of 'archaeological interest, architectural and aesthetic interest and historic interest'. This accords with the definition of significance outlined within the Framework (Annex 2) and as outlined within recent guidance on producing statements of significance (Historic England Guidance Note 12, October 2019) and is thus a widely accepted approach for determining heritage interest.
- 5.14 The Site is not within a Conservation Area and there are no designated heritage assets within the Site. No listed building or other heritage asset in the surrounding area will be adversely affected or harmed by the proposed development.
- 5.15 Oakley House is a non-designated heritage asset.
- 5.16 The site has limited potential for archaeological deposits / features within the site.

Architecture and Design

- 5.17 The key views were agreed between the Appellant and MCC as part of the Townscape and Visual Impact Assessment ("TVIA").

Arboriculture and Landscape

- 5.18 Subject to suitable conditions to protect trees to be retained on the site, it is agreed that there would be no adverse impact arising from the proposed development on trees either on or off the site and RfR 4 has been addressed by the appellant via separate reports to the satisfaction of the Council and its consultees on such matters. The Council does not therefore maintain its reason for refusal number 4 in the context of this appeal.

Highways and Transportation

- 5.19 Matters relating to cycle parking, Student Management Strategy including Move in/out procedure, Servicing Management Plan, Construction Management Plan, Travel Plan, Car Club Bay, Electric Vehicle Charging points can be secured through planning condition.

Flood Risk and Drainage

- 5.20 Flood Risk or drainage did not form a reason for refusal. The Lead Local Flood Authority (LLFA) and Environment Agency have raised no objection to the proposed development, subject to planning conditions for the submission and approval of a surface water drainage scheme prior to development commencing.

Air Quality

- 5.21 Impacts on Air Quality did not form a reason for refusal of the proposals. The Council's environmental health department raised no objection in this regard save for the provision for onsite electric vehicle charging points. It is agreed that this can be secured by an appropriately worded condition.

Land contamination

- 5.22 There are no known sources of contamination that would constrain the development of the Site.

Ecology

- 5.23 Impacts on ecology did not form a reason for refusal. Further survey work was identified as being required if there was a delay in work taking place at the site in relation to bat emergence surveys together with further surveys for bat roosts in relation to a number of trees identified for removal. These were considered as being able to be dealt with via appropriately worded conditions together with additional biodiversity mitigation measures within the landscaping scheme.
- 5.24 Subject to the imposition of conditions the appeal proposals are acceptable in respect of ecology.

Geo-Environmental

- 5.25 Ground conditions did not form a reason for refusing the application proposals. The site is considered suitable for development.

Statutory Consultee Responses

- 5.26 It is agreed that there is no objection from any statutory consultees.

Developer Contributions

- 5.27 It is agreed that there are no matters which require any financial contributions to be dealt with by way of Section 106.

6. Matters in Dispute

- 6.1 The Appellant contends the proposed development accords with all relevant policies of the Development Plan. MCC disagrees and contends there is conflict with the following policies:

CS Policy SP 1 Spatial Principles

CS Policy H6 South Manchester

CS Policy H12 Purpose Built Student Accommodation -

It is agreed that to accord with CS Policy H12 all criteria must be satisfied (insofar as relevant and applicable). It is agreed that criteria 2 of H12 is not applicable to the appeal proposals.

CS Policy EN1 Design Principles and Strategic Character Areas

CS Policy EN2 Tall Buildings

CS Policy EN3 Heritage

CS Policy DM 1 Development Management