



TOWN & COUNTRY PLANNING ACT 1990

(As Amended)

Statement of Case by Manchester City Council
Appeal by The Union of Shop, Distributive and Allied Workers (USDAW), Watkin Jones
Group Ltd and Wilmslow Road Manchester Ltd

Into the refusal of planning permission for the:

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

At Oakley

188 Wilmslow Road

Manchester

M14 6LJ

Planning Inspectorate Ref: APP/B4215/W/21/3286831

Manchester City Council Planning Application Ref: 129020/FO/2020

1. INTRODUCTION

The Appeal Development

- 1.1 This statement relates to an appeal made by The Union of Shop, Distributive and Allied Workers (USDAW), Watkin Jones Group Ltd and Wilmslow Road Manchester Ltd (“The Appellant”) against the decision of Manchester City Council (“The Council”) to refuse planning permission for the following development (‘The Proposal’): 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 Planning application reference : 129020/FO/2020 was determined on the 3rd September 2021 and refused on the following grounds:
- 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.

- 1.3 Prior to the validation of the appeal subject to this Hearing, the appellant had prepared and submitted to the Council a further Arboricultural Report prepared by Cheshire Woodlands (report reference CW/9914-R-3) dated 13th December 2021). This had been prepared by the appellant to overcome reason for refusal 4 set out above. Following a review and assessment of this further report the Council agrees that the proposed development would not give rise to detrimental impact on existing adjacent trees and reason for refusal 4 has been addressed by the appellant.

The Scope of Evidence

- 1.4 The evidence for the Council will firstly describe the appeal site and its context. It will then identify the planning policy framework against which this appeal development is to be assessed proceeding to an assessment of the Council's case outlining the reasons for refusal set out on the Council's decision notice. An analysis of the appellant's grounds of appeal will also be set out followed by the conclusions of the Council. Appendices are appended but submitted under separate cover together with a list of potential conditions if this appeal were allowed.

2. APPEAL SITE AND SURROUNDING AREA

- 2.1 The application site comprises the original early-19th century villa, known as "Oakley", along with three large office extensions constructed for the current occupiers, USDAW, in the late 1930s, c.1950s and the 1970s. The supporting information submitted with the proposal application indicated that the first known record of the property being in occupation was 1837. The original villa is the last surviving of a number of large 19th century villas that were constructed on the western side of Wilmslow Road. To the centre, north and east of the site are remaining open grounds dating to the original residential use of the site, including stone and brick boundary walls and the remains of an early-20th century garden potting shed. The remainder of the site comprises the original Villa, later extensions and hardstanding for car parking. The site is rectangular in shape and extends to approximately 0.8 hectares in size.
- 2.2 There are a number of substantial trees within the car parking area located to the Wilmslow Road frontage of the site that contribute towards the verdant feel of this section of Wilmslow Road between the northern edge of Fallowfield and the Southern edge of Rusholme District Centre. A number of the trees on the site were made subject of a Tree Preservation Order in 2021 following the submission of the appeal proposals, a copy of this Order was previously forwarded alongside the appeal questionnaire.
- 2.3 At the time of the determination of the appeal proposal the site was in use as the head office for USDAW, a non-profit organisation providing advice and representation to businesses in a number of different industries including road transport, dairy and food shopping as well as major retailers. It is understood that since the time the Council issued

its decision notice USDAW have largely vacated the site and have moved their head office to another location within Greater Manchester.

- 2.4 The site is located within the Fallowfield ward of the City of Manchester in close proximity to the boundary with the Rusholme ward 130 metres to the north and approximately 450 metres to the north of the boundary with the Withington ward. The site lies outside but adjacent the Fallowfield District Centre whose boundary follows the commercial properties fronting onto Wilmslow Road. Further afield the site is approximately 4km south of Manchester city centre, approximately 2km south of the University of Manchester ("UoM") Main Campus, and 3 km south of Manchester Metropolitan University's ("MMU") Oxford Road campus.
- 2.5 The ward of Fallowfield comprises a range of types and periods of residential accommodation with Victorian terraced properties located to the immediate south of the site and further to the south-east located to the south of Moseley Road and to the east of Ladybarn Lane; inter and post - war residential development is also present within the ward including social housing provision together with more recent higher density apartment developments located along the Wilmslow Road corridor to the south of its junction with Moseley Road within the district centre, and also along Wilbraham Road. To the east of the site on the opposite side of Wilmslow Road lies the University of Manchester's Fallowfield Campus providing student accommodation and other associated facilities including indoor and outdoor sporting facilities.
- 2.6 The Fallowfield ward and the neighbouring Withington ward to the south are popular areas for students to reside during their studies at the Universities located further north. Accommodation occupied by students ranges from shared Houses in Multiple Occupation – typically within the terraced housing stock in the area, purpose built student accommodation within the district centre, and, the University of Manchester owned student halls at the Fallowfield Campus located across Wilmslow Road to the east of the appeal site. Whilst both the presence of the Universities and students attending them make an important contribution to the city it has been long recognised by the Council that an important element in its planning policies was to manage this demand and the impacts arising from them to maintain the sustainability of its neighbourhoods. This led to the making of an Article 4 direction in 2011 removing permitted development rights for the change of use from a C3

residential dwellinghouse to a C4 House in Multiple Occupation and subsequently the adoption of policy H11 in the Manchester Core Strategy in 2012 and policies H12 and SP1.

- 2.7 The character of the area to the north and west of the site is more of an open parkland nature associated with Platt Fields Park, a substantial public park extending over 70 hectares. After being purchased by the Manchester Corporation the park was formally opened in 1910, today it contains a number of outdoor event sites with three dedicated show fields, a broad range of outdoor sporting facilities, and a Shakespeare Garden. In the north eastern corner of the park is the Grade II* Listed Platt Hall which since 1947 has been the home to Manchester's Costume Gallery and is situated approximately 500m to the north of the site; the Grade II* Listed Holy Trinity Church on Platt Lane is approximately 580 metres to the north west; and, the Grade II Listed Platt Chapel is approximately 110 metres to the north of the site. Other buildings of note within the park are the Platt Lane Complex Sport facilities of Manchester Metropolitan University on the western side of the park and the educational campus of the Manchester High School for Girls on Grangethorpe Road to the north of the Site.

3 PLANNING POLICY FRAMEWORK

The Development Plan

- 3.1 The Core Strategy Development Plan Document 2012 -2027 ("the CS") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The CS 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. The vision for the CS is that by 2027 Manchester will be a City with neighbourhoods where people choose to live all their lives because they offer wide range of quality housing and an attractive environment where locally distinctive character is conserved and enhanced.
- 3.2 A number of UDP policies have been saved until replaced by further development plan documents to accompany the CS. Planning applications in Manchester must be decided in accordance with the CS, saved UDP policies, and the NPPF unless material considerations

indicate otherwise. Policies the Council believes are relevant to this appeal in the CS are detailed below:

- 3.3 CS policy SP1 states that the key spatial principles which will guide the strategic development of Manchester to 2027 include: 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. 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.
- 3.4 CS policy H1 sets out the overall strategic view of housing provision in the city under Strategic Objective 3 which is to 'Provide for a significant increase in high quality housing provision at sustainable locations throughout the City, to both address demographic needs and to support economic growth' and recognises that 'new housing can help to revitalise communities and ensure areas become "Neighbourhoods of Choice" with the increased population supporting local services and facilities. It is set out that the proportionate distribution of new housing, and the mix within each area, will depend on – amongst other things - The management of areas where Houses in Multiple Occupation predominate. The policy also seeks to prioritise sites in close proximity to centres or high frequency public transport routes.
- 3.5 CS policy H6 relates to housing provision in South Manchester where the appeal site is located. It sets out that the area would accommodate around 5% of new residential development over the lifetime of the CS. It recognises high density development in the area would only be appropriate within the district centres including Fallowfield as part of mixed-use schemes. Elsewhere the priorities would be for housing that meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing. The supporting text to the policy sets out the recognition of the relative lack of land for residential development in this area of the city and that there is a need for higher densities within District Centres to meet the need for

affordable housing. It also confirms that the university-owned Fallowfield campus site would be appropriate for further high density purpose built student accommodation.

- 3.6 CS Policy H11 relates to Houses in Multiple Occupation and seeks to ensure that a suitable balance of properties for residential accommodation is available and to avoid over dominance of C4 and sui generis HMOs in an area.
- 3.7 CS Policy H12 relates to Purpose Built Student Accommodation and is supportive of new purpose built student accommodation where the development satisfies a list of 10 criteria (where appropriate). The policy also confirms that priority is to be given to schemes which are part of the universities' redevelopment plans or which are being progressed in partnership with the universities, and which meet Manchester City Council's regeneration priorities.
- 3.8 CS Policy C6 sets out the framework for supporting the District Centres in South Manchester including Fallowfield. The policy is supportive of development in Fallowfield which creates more diverse centres, in particular involving improvement to the retail offer to meet the full range of residents in surrounding neighbourhoods and promoting community uses. The supporting text acknowledges that Fallowfield performs strongly as centre on key measures anchored by a large food store, with significant trade associated with the student population and an extensive evening economy. It also notes that there is a large resident population living within the centre and immediately adjacent to the centre but currently there is limited civic and community provision and the plans to develop the University of Manchester site are an opportunity to focus student activities and encourage a wider range of uses elsewhere in the District Centre.
- 3.9 CS Policy EN 1 relates to Design Principles and Strategic Character Areas and expects all development in Manchester 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 realised, particularly on major radial and orbital road and rail routes. The appeal site is located within the Southern Character Area where there 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. The area contains pockets of formal open space including some significant historic parks. New development is expected to retain the identity and focus of activity associated with the historic District Centres. Where appropriate development along the radial routes should be commensurate in scale with the prominence of its location.

- 3.10 CS Policy EN2 relates to Tall building proposals. These are defined as buildings which are substantially taller than their neighbourhoods and/or which significantly change the skyline. The policy is supportive of tall buildings where it can be demonstrated that they:
- Are of excellent design quality,
 - Are appropriately located,
 - Contribute positively to sustainability,
 - Contribute positively to place making, for example as a landmark, by terminating a view, or by signposting a facility of significance, and
 - Will bring significant regeneration benefits.

The policy sets out that a fundamental design objective will be to ensure that tall buildings complement the City's key existing building assets and make a positive contribution to the evolution of a unique, attractive and distinctive Manchester, including to its skyline and approach views. The policy confirms that outside of the City Centre tall building development would only be supported where, in addition to the requirements listed above, it can be shown to play a positive role in a coordinated place-making approach to a wider area. Suitable locations are likely to relate to existing district centres. The height of tall buildings in such locations should relate more to the local, rather than the City Centre, urban context.

- 3.11 CS Policy EN 3 relates to proposals that have heritage implications. The policy encourages development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods. New developments are expected to be designed to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of

acknowledged importance including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains. Proposals which enable the re-use of heritage assets are encouraged where they are considered consistent with the significance of the heritage asset.

- 3.12 CS Policies EN4 through to EN6 provide a framework relating to sustainability in the design of buildings and including the contribution towards reducing CO2 emissions and reducing fuel poverty.
- 3.13 CS Policy T2 indicates 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; and, 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.
- 3.14 CS Policy EN14 relates to flood risk. All new development is expected to minimise surface water run-off, including through Sustainable Drainage Systems (SUDS) and the appropriate use of Green Infrastructure.
- 3.15 CS Policy EN15 looks to development proposals maintaining or enhancing sites of biodiversity and geological value. Development proposals are 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.
- 3.16 CS Policy EN16 concerns Air Quality and that proposals are 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.
- 3.17 CS Policy EN17 on Water Quality indicates 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. Surface water run-off

from development and associated roads should be minimised, whilst maximising the use of appropriate sustainable drainage systems, minimising groundwater contamination, and to avoid pollutants reaching watercourses.

- 3.18 Policy EN19 relating to waste requires all development proposals 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.
- 3.19 Policy DM1, Development Management - This policy states that all development 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.

- 3.20 Reference is made to a wider suite of policies than set out within the reasons for refusal in order to set the policy context of the appeal site and the overarching aims of adopted Core Strategy policies in relation to meeting the challenges of ensuring the City is providing the right type of residential accommodation in the right locations. Fallowfield has been an area with a high student population for decades and inevitably this is related to the historic development of the University of Manchester Halls of residence on the eastern side of Wilmslow Road opposite the appeal site. Over time, the growth in students numbers residing in the area has led to challenges to public service provision such as waste collections, fly tipping, crime and anti- social behaviour but also in terms of providing an area where a stable and sustainable community can flourish.
- 3.21 As part of its planning policy response the Council has over a period of time sought to address these issues, initially through the adoption of an Article 4 direction removing the permitted change from Class C3 use (residential dwellinghouse) to Class C4 use (House in Multiple Occupation) on the 8th October 2011 and subsequently in 2012 through the adoption of the Core Strategy and a framework of policies including CS SP1, H1, H6, H11, H12 and DM1 that seek to: create neighbourhoods of choice; provide high quality and diverse housing around district centres which meet local needs; prioritising family housing; avoiding areas of mono-tenure; and resisting further HMOs in areas where there is a high concentration of such uses. was adopted and contained policies. It is within this context and framework of policies together with the overall strategy and vision of the CS that the appeal scheme was considered.

Saved Unitary Development Plan policy

- 3.22 Policies DC26.1 sets out the consideration of the effect of new development proposals which are likely to be generators of noise; and the implications of new development being exposed to existing noise sources which are effectively outside planning control.

National Planning Policy Framework (2021)

- 3.23 The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced and the way in which planning decisions should be made.

- 3.24 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.
- 3.25 The NPPF sets out that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 3.26 Section 5 'Delivering a sufficient supply of homes' paragraph 60 indicates that 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.
- 3.27 Paragraph 105 sets out that the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made

sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

- 3.28 Section 11 deals with Making effective use of land and in paragraph 119 it is confirmed that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. At paragraph 120 the NPPF goes on to indicate that decisions should 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.
- 3.29 In achieving well-designed places the NPPF advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. At paragraph 130 it is confirmed that decisions should 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; establish or maintain 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.
- 3.30 Section 16 of the NPPF deals with conserving and enhancing the historic environment. It confirms at paragraph 189 that heritage assets range from sites and buildings of local

historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 3.31 Local planning authorities are tasked with identifying and assessing the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 195).
- 3.32 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application (paragraph 203). In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Other Material Considerations

Report to the City Council's Executive on PBSA (Appendix 1)

- 3.33 The Council's Executive endorsed a report regarding PBSA on 9 December 2020 following the outcome of a public consultation exercise with key stakeholders, on PBSA in Manchester. The report was endorsed by the Executive to help guide the decision-making process in advance of a review of the Local Plan. It was requested by the Council's Executive that the report on PBSA in Manchester be considered as a material planning consideration until the Local Plan has been reviewed.
- 3.34 The report sets out that Core Strategy Policy H12 retains relevance in how PBSA is developed in Manchester. It sets out that the location of new PBSA should be close to University facilities. The report also highlights how location is a key factor in ensuring the quality, security, sustainability and wellbeing benefits in the provision of accommodation.

The report confirms that accommodation should be located in the areas immediately adjacent to the core university areas, principally the Oxford Road Corridor area.

- 3.35 The PBSA report sets out numerous reasons why location is a significant consideration in determining the acceptability of new PBSA developments, such as how:
- New stock in appropriate locations represents an opportunity to deliver an improved student experience;
 - The location of accommodation close to University facilities is a critical issue in ensuring the safety and wellbeing of students; and
 - Given the current climate emergency and Manchester's commitment to be carbon neutral by 2038, it is increasingly important that the location of student accommodation in Manchester should continue to be driven by proximity to university campuses.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance April 2007 – (Appendix 2)

- 3.36 This Supplementary Planning Document supplements guidance within the Adopted Core Strategy with advice on development principles including on design, accessibility, design for health and promotion of a safer environment.
- 3.37 At paragraph 2.3 the SPD indicates that a high quality environment is created by buildings which reflect their purpose and respect the place in which they are located. Different parts of the City, its neighbourhoods and streets have distinct or individual characters which are a product of the design of their buildings, the nature of the streets, the quality of the landscape or the nature of their activities. Such positive characteristics should be recognised and enhanced by new development. Each new development should be designed having full regard to its context and the character of the area.
- 3.38 Paragraph 2.7 sets out how development should help to sustain local neighbourhoods through encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities. The layout of the scheme and the design, scale, massing and orientation of its buildings should achieve a unified urban form which blends in with, and links to, adjacent areas. Increased development density can be appropriate where it is necessary to reinforce community identity, promote a more economic use of land, increase

demand for local facilities and contribute to safer, self-policed streets. However density levels must be informed by the character of an area and the specific circumstances of a proposal.

- 3.39 At paragraph 2.13 it is highlighted that the scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. At paragraph 2.14 the SPD indicates that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones. Whilst at 2.15 it acknowledges that streets can successfully accommodate buildings of differing heights, extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations. In established residential areas, significant variation in height may not be appropriate.
- 3.40 The SPD highlights that neighbourhoods should contain a mix of housing and that successful neighbourhoods offer a choice of housing to enable residents to continue to live in an area as their needs and aspirations change.
- 3.41 The SPD recognises that the majority of new development within the City will continue to be on infill sites within an established neighbourhood and street. It sets out that new developments should respect the existing scale, appearance, grain and mix of uses and make a positive contribution to the quality and character of the area.
- 3.42 With regards to Tall Buildings the SPD confirms that the location and design of tall buildings need careful consideration. They can be viewed from longer distances and have an impact on a much wider area. Whilst Tall buildings provide very positive messages about Manchester, and can significantly improve its image and peoples' perceptions of it, badly located tall buildings could have an adverse effect and as such any proposals will always have to be fully justified and carefully considered.

4 STATEMENT OF CASE

1st Reason for Refusal

“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.”

- 4.1 CS policy H12 sets out a number of criteria that proposals for Purpose Built Student Accommodation are expected to address. In this instance the proposals are for a high density form of development providing 425 bedspaces on a site 0.8ha in size. Criteria 3 of H12 anticipates that High density developments should be sited in locations where this is compatible with existing developments and initiatives, and where retail facilities are within walking distance. As will be set out in subsequent sections of this statement the form of development proposed is not considered to be compatible with the character of the area and existing developments within the area. The site is located adjacent lower-scale residential properties and the open nature of its parkland setting to the north and west. Whilst it is acknowledged the facilities associated with Fallowfield District Centre to the south are within walking distance the proposals are not considered to accord with criteria 3 of policy H12.
- 4.2 Criteria 4 of policy H12 gives preference to schemes demonstrating a positive regeneration impact in their own right, it sets out how schemes may demonstrate such impacts. It also envisages through this criteria that proposals should contribute to providing a mix of uses and support district and local centres, as student accommodation should closely integrate with existing neighbourhoods to contribute in a positive way to their vibrancy without increasing pressure on existing neighbourhood services to the detriment of existing residents. Given the form, scale and density of the proposed scheme it is not considered that the proposals would closely integrate with existing neighbourhoods. Fallowfield has been subject to recent enlargement of PBSA in the form of the redevelopment proposals for the University of Manchester Fallowfield Campus opposite the site on Wilmslow Road. The redevelopment proposals sought the provision of new purpose built accommodation to the far east of the site as an initial phase of development which has now been completed. Further phases which have to date not been brought forward envisaged the demolition of the Owens Park tower and associated halls to the south along the Wilmslow Road frontage.

The scheme granted consent would provide an addition of 3,209 bedrooms (a net increase of 1,033 rooms).



Fig 1.1 Masterplan for the redevelopment of The University of Manchester Fallowfield Halls of Residence Campus – Approved 10/12/2015

- 4.3 Fallowfield district centre is located to the immediate south of the site with its northern boundary close following the extent of commercial properties on the western side of Wilmslow Road (see Appendix 3 for boundary). Existing two storey terraced residential properties are located to the immediate south with three storey post war apartments fronting Wilmslow Road at Hilltop Court to the south-east of the site. The district centre contains a number of uses and this has evolved over a period of time to one that has and is becoming dominated by food and drink based uses. The Council undertakes regular Centre surveys to monitor changes over time, whilst the below table (fig 1.2) is reflective of the use classes prior to the changes and introduction of the class E commercial use made in September 2020, it does assist in reviewing the changes taking place prior to those amendments to Use Class Order. This table provides a breakdown of the A class uses within Fallowfield Centre from 2015 through to 2019 and notes the number of units within the centre against each use and a percentage of the units within that use. This table does

not provide a full breakdown of all uses within the centre but provides a summary of the main commercial uses located within it.

- 4.4 It is noted that there has been a steady increase in the numbers of café/restaurant uses within the centre with a correlating reduction in shop uses. Whilst Hot food takeaways units have remained relatively stable this may be as a result of the Councils Hot Food Takeaway SPD which seeks to retain a balance of uses within district centres and avoid overconcentration of former A5 uses (now sui generis).
- 4.5 Whilst the permitted change between Class E uses may result in the increase in café/restaurant uses from other class E uses including retail shops, this change was being witnessed in Fallowfield prior to September 2020. A recent review of Fallowfield indicates that since the introduction of the Class E use there has been further changes in the composition of the Centre. As of March 2022 a further 6 units are now trading as Class E café/restaurant use (26% of all the units in the centre) and a further 4 units are in operation as Hot Food Takeaways (26% of all units in the centre).

	2015	%	2017	%	2019	%
A1 - Shops	15	21	16	23	12	17
A2 - Financial & Professional	10	14	9	13	10	14
A3 - Café's & Restaurants	8	11	9	13	13	18
A4 - Pubs	7	10	7	10	4	6
A5 - Hot Food Takeaways	21	30	19	27	15	21

Fig 1.2 – Fallowfield District Centre changes in unit numbers within use classes between 2015 and 2019

Year						
District Centres	Vacancy Rate	A1% (shops)	A2 % (Banks/ Building Society)	A3% (Café/ Restaurant)	A4% (pubs)	A5% (Hot Food Takeaway)
2009	12	45	13	8	5	8
2013	7	46	14	10	3	9
2015	8	45	11	9	3	10
2017	10	44	10	10	3	10
2019	10	44	10	10	3	10

Fig 1.3 – Comparison of all 16 of Manchester's District Centres as a percentage per use class Prior to 2020 Use Class Amendments

- 4.4 Fig 1.3 above provides an average of the percentage of use classes across all 16 District Centres in Manchester. There are a range of centres within the City some linear in nature dominated by Victorian 2 and 3 storey commercial properties situated along major roads such as Fallowfield, others of a more modern nature. Many of these centres are anchored by large supermarkets such as at Fallowfield with the Sainsbury's store on its southern edge. Whilst there will of course be variations between centres and this is recognised, there appears to be relative stability in the figures from 2009 until 2019 in terms of provision of certain uses. As can be seen the provision of food and drink based uses A3, A4 and A5 (55% in 2019 and prior to the changes to the Use Classes in September 2020) is significantly greater in Fallowfield than the average across the Centres in Manchester of 23% suggesting that the dominance of these uses is reflecting the concentration of students within the area.
- 4.5 Pedestrian footfall in several Manchester District Centres is measured using the Springboard camera system which samples movement of customers in and out of several key locations. The camera in Fallowfield is located approximately 480m walking distance to the south from the appeal Site. The Graph at fig 1.4 below shows the percentage difference in the seasonal change in footfall in Fallowfield compared to 4 other District Centres with much smaller student populations. The dotted line shows Fallowfield and demonstrates the disproportionate impact of University student terms on the district centre footfall as students move in and out of the area from home. Although footfall has seasonal peaks and dips in all district centres as they are impacted by school holidays, footfall in Fallowfield District centre drops more sharply by 40% for the April break, before rising 40% at the start of spring term. There is also a much more pronounced drop at the end of the Summer term dropping by 36%. At the start of a new University intake, Fallowfield district centre footfall soars by 90% before falling by 20% toward the end of the Winter term and remaining flat during November and December without the seasonal uptick during the Christmas period.

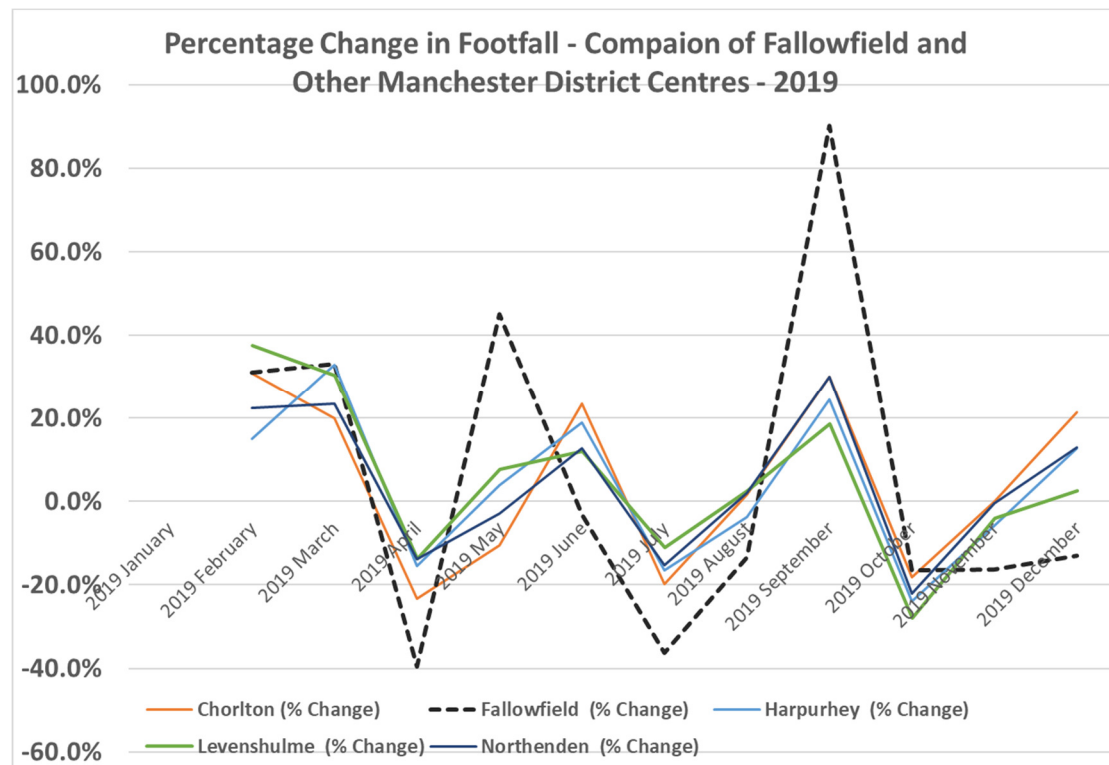


Fig 1.4 - Source: Springboard Footfall Camera

- 4.5 As reflected in the comments from local residents to the notification process for the planning application, Fallowfield District Centre has over a period of time become focused on providing services and uses driven by the concentration of student population in the area. This in turn impacts on the vitality and viability of the centre and services required to serve the wider community. It is considered that the provision of a PBSA scheme that would accommodate a further 425 bedroom spaces for students, does not provide for a mix of uses to support Fallowfield District Centre and would further unbalance the neighbourhood in which it is located and skew services towards provision for students and fail to integrate the proposals into the area as required by policy H12.
- 4.6 Fallowfield does experience pressures arising from the concentration of HMOs occupied by students together with the existing PBSA in the area. This does result in a greater burden on services in the ward. According to the Councils waste contractor Fallowfield has the lowest recycling rate in South Manchester and compares poorly to the city average. During 2019/20, 45% of waste was recycling, compared to 57% in South Manchester and a 49% Citywide average.

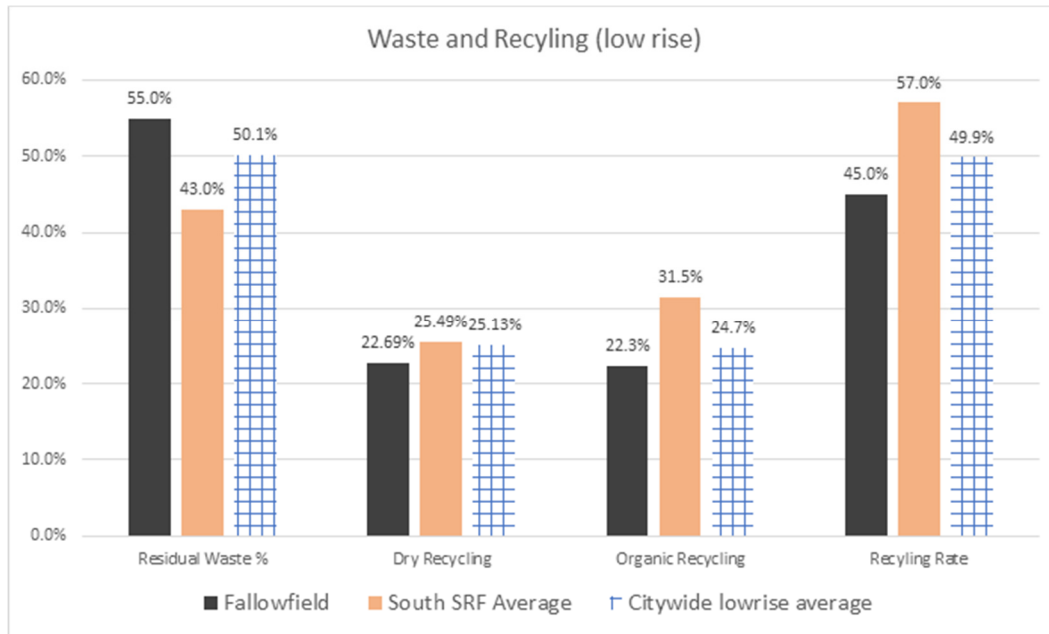
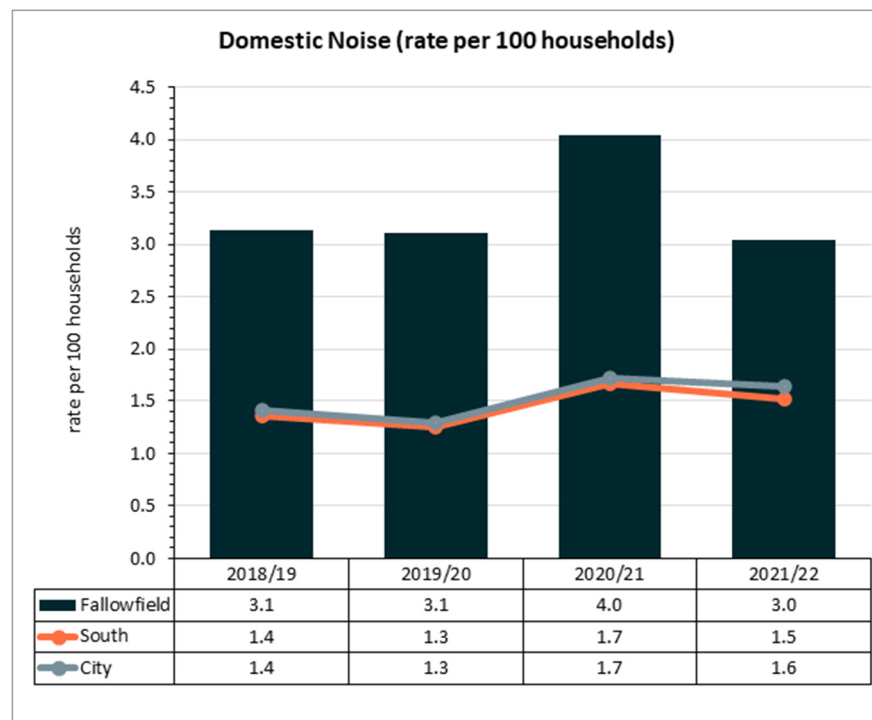


Fig 1.2 – Waste and recycling rates for Fallowfield, South Manchester and City average

- 4.7 In terms of crime the appeal site lies within an area that has high rates of recorded crime as set out within section 2 of the submitted Crime Impact Statement. This highlights unusually high levels of burglary in the area. It is also understood that the area around the site has rates of sexual offences, thefts from person, bike thefts and drugs offences that are also above the city average.
- 4.8 The Council monitors and records instances and reports of noise from domestic property. A review of this indicates that when expressed as a rate per 100 households in each area (Ward, South Manchester combined wards and the city as a whole) Fallowfield records a consistently higher rate of domestic noise reports. 2020/21 was the period with the highest rate (4.0 per 100 households) whilst South Manchester wards and the citywide figure was lower at 1.7 per 100 households.

Fig 1.3 – Domestic Noise reports



4.9 Fallowfield does also suffer from higher rates of fly tipping than South Manchester. When expressed as a rate per 100 households Fallowfield exceeds the figure for South Manchester wards which suggests that in the context of South Manchester Fallowfield is an outlier with a higher number of incidents. The rate per 100 households in 2018/19 was close to the rate for the city as a whole – 8.9 for Fallowfield, 9.5 citywide. Since then, the gap with the city wide figure has widened this is understood to be a result of fly tipping increasing across the board during the pandemic.

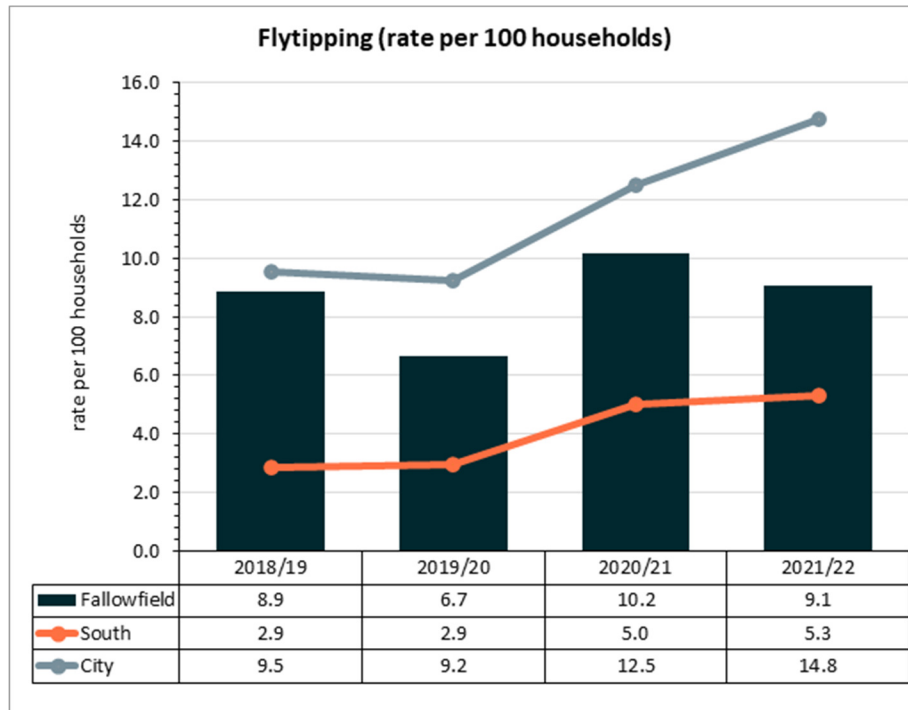


Fig 1.4 – Flytipping rates

4.10 Regeneration is an important planning consideration against policy H12. The site falls within an area that currently contains high levels of PBSA and Houses in Multiple Occupation with student occupiers. As described by residents this has put pressure on the area in a number of ways including the provision of local services and anti-social behaviour as set out in the preceding paragraphs of this statement. It is considered that the proposals would add to these pressures and would not have a positive regeneration impact on Fallowfield. It is acknowledged that the proposals would retain, refurbish and re-purpose Oakley House a non-designated heritage asset and would create jobs through the construction phase, however such benefits are not considered to outweigh the harm set out above. within this report.

2nd Reason for Refusal

“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”.

Formal Agreement

- 4.11 Policy H12 of the Core Strategy expresses support for Purpose Built Student Accommodation (PBSA) schemes that meet its criteria. Included amongst its criteria (at point 9) is the following;
- “Developers will be required to demonstrate that there is a need for additional student accommodation or that they have entered into a formal agreement with a University, or another provider of higher education, for the supply of all or some of the bedspaces.”
- 4.12 The Council acknowledges that the applicant has worked with the University of Manchester in developing the appeal scheme but the Appellant has not entered into a formal agreement with a University (or other institution) for the supply of any bedspaces within the Appeal Scheme.

Student need

- 4.13 By reference to whether or not, in terms of overall full time student numbers (see Appendix 4), there are sufficient PBSA bedspaces - the Council accepts that there is a need for the provision of more PBSA. It is also likely that student numbers at the University of Manchester (UoM) and Manchester Metropolitan University (MMU) will increase at a low to moderate pace over the next decade.
- 4.14 However, it is important to note that, based on historic growth rates (see Appendix 5) and the stated ambitions of both Manchester universities to “internationalise” their student bodies, it is the percentage of international students that will increase at a much greater rate than domestic students. Indeed, numbers of domestic students living in the city may actually continue to decrease even whilst overall numbers go up, with this trend particularly evident in neighbourhoods in the South of the city.

Location and student demand

- 4.15 There is a compelling body of evidence to suggest that international students and some others want to live in the city centre. Specifically, this is overwhelmingly in the Oxford Road Corridor and the city centre (see Appendix 6) where they have been accommodated in a strong pipeline of new build PBSA and within the private rented city centre apartment market.

- 4.16 As a result of the growth of international students (overwhelmingly living in the city centre), alongside the rationalisation of MMU's estate which saw the closure of all of their South Manchester campuses – the number of student exempt households¹ in South Manchester has been reducing significantly as student demand becomes increasingly focussed in & around the Oxford Road Corridor and Hulme (see Appendix 7). For example, the biggest reductions in student exempt households (-634 between 2015-16 and 2019-20²) were in Withington (-400) and Fallowfield (-234 - the ward in which the proposed scheme is located) whilst the number of student households in the city centre increased by 300 over the same period (see Appendix 8).
- 4.17 In terms of absolute numbers³ the picture is identical. The largest reductions in student population (-1,053 between 2010 and 2019) is in M14 6 postcode area (again the location of the proposed scheme) whilst the largest levels of growth (+1,061) have been in the Oxford Road Corridor and Birley Fields⁴ (see Appendix 9). Similarly, whilst the Appellant's evidence identifies 14,375 students living in the Fallowfield area in non PBSA accommodation (the implication being that they are "unmet need" for the student accommodation), they do not highlight the fact that the largest reductions in students living in private rented accommodation (-1,731 between 2016/17 and 2019/20) are in the M14 6 postcode which covers the Fallowfield area and is the location of the proposed scheme (see Appendix 10).
- 4.18 This shift is reflective of a housing market in South Manchester which is in transition - in a way that is fulfilling a number of MCC's stated strategic objectives. Firstly, it is evidence of a thinning out of provision in South Manchester where the concentration of students has created an unbalanced community with various negative implications for community cohesion and elevated demand on services and policing. Secondly, as student demand diminishes in South Manchester former student lets are changing tenure in a way that better addresses housing need in Fallowfield – for example, according to MCC Council Tax records:

¹ MCC Council Tax data

² Before the pandemic impacted the student housing market and distorted the data

³ from data provided by the Higher Education Statistics Authority – HESA

⁴ In the following postcodes: M13 0 (Oxford Road South), M1 5 (Oxford Road North), M15 6 (Hulme Park & Birley Fields), M1 7 (Oxford Road North)

- 182 student households have gone into owner occupation between 2015-16 and 2019-20
- 404 student households have gone into the mainstream private rented sector between 2015-16 and 2019-20

4.19 These properties, in their current tenure, are now meeting demand from working households and families, as well as creating opportunities for owner occupiers as student landlords exit the market. These are all long-term ambitions for the Council and will be amongst the key ambitions of the forthcoming Housing Strategy. With this in mind, the Council is not supportive of any student development in Fallowfield which would shift the balance back towards an over densification of students in the area.

4.20 It is the Council's view therefore, based on the very clear evidence presented above, that the proposed development is going against the grain of demand and is looking to meet a need for student accommodation in a location (Fallowfield) where demand for student accommodation is in long-term decline. Further to this, there is nothing to suggest that this trend is likely to be reversed any time soon, given both the continued expected growth in international students and the evolving lifestyle demands of domestic students (linked to retail and leisure attractions) who are also increasingly looking to live in the city centre, in close proximity (i.e. within a 20 minute walk) of their campus.

Based on the evidence, it is therefore in the Oxford Road corridor where the Council accepts that there is a need for the provision of more PBSA to meet student need owing largely to the growth in international students. This view is reflected in recent policy proposals set out in a report to the Council's report to Executive in December 2020 (Appendix 1) and is in tune with the city's strong track record of PBSA delivery over the previous 10 years which has been matched to areas where there is growing demand (see Appendix 11).

Price and student demand

4.21 A key element of the Appellant's case on student need is that the anticipated rents make the proposed development "an attractive and realistic alternative to a good proportion of the HMO stock in Fallowfield". In respect to price the Appellant's analysis argues that the anticipated price point for the Wilmslow Road proposals sits substantially below city centre

PBSA prices and between the median and upper quartile for HMO prices in Fallowfield (but only when taking into account contract lengths, inclusive bills and inflationary adjustments). However, analysis by the Council demonstrates that when adjusting the rents proposed for the USDAW development to 2021/22 levels using the rate of rental inflation in PBSA in Manchester stated by the Appellant, rent levels within the proposed scheme are priced well above the HMO market in South Manchester and are more closely aligned to premium mainstream city centre apartment blocks (see Appendix 12). Furthermore, both the Councils analysis (and the Appellant's analysis) assumes a 12-month tenancy for the students living in HMOs. However, it is common practice in the city for students to pay half rent during the summer holidays (in July / August). Factoring that into the rental comparisons would cause the disparity to grow further.

- 4.22 It is also relevant to note that the Appellant's own analysis, which inflates rents in the city by CPI, is not robust as rental growth over the past 10 years has not matched trends in CPI (see Appendix 13). Therefore, the conclusions drawn in terms of the relative costs of the HMO market and the proposed USDAW proposal's rents cannot be considered to be robust.
- 4.23 It is indisputable taking this analysis into account that any movement of students from HMOs to the proposed development would be predicated on students moving to more expensive accommodation - in this instance upwards of one third on their accommodation costs (accepting that the USDAW rents are "all inclusive"). Indeed, it is only on this basis that the Appellant can contend that rents are comparable with the HMO market – i.e. the Appellant has had to take into account other costs which includes essentials such as utility bills and broadband internet but also other things like security, amenity space and on-site management. However, it is the Council's view that many (predominately domestic) students live in South Manchester house shares in a large part because HMOs are one of the cheapest and most affordable ways to live as a student in Manchester. With that in mind it is not at all apparent that these students would be willing / interested in paying for many of the additional costs factored into the Appellant's calculations. On this basis the Council does not believe that the proposed development, pitched at its current price point, would be able to draw significant numbers of students out of, more affordable, HMO properties in South Manchester.

- 4.24 Further to this, the Appellant's analysis highlights the standard of the accommodation and the various different amenities offered by the proposed development. Their view is that this would make their accommodation a more attractive alternative compared to a good proportion of the HMO stock in Fallowfield. However, whilst the Council recognises that HMOs often do not provide the same level of quality or amenities that many PBSA developments offer, for many students the freedom of living independently with friends (along with the price) makes this type of accommodation a very appealing choice. This widely recognised "rite of passage" (for 2nd and 3rd year undergraduate students in particular), along with the significant price disparity, means that a significant proportion of the (diminishing number of) students living in the Fallowfield HMO market cannot be considered part of the "addressable market" for the proposed development.

PBSA Supply

- 4.25 The Appellant's evidence identifies a pipeline of 3,584 PBSA beds across the whole of the city. However, this pipeline under-estimates the true pace & scale of planned and expected development when considering future need for student accommodation. In the immediate term the Council expects 915 new beds to be built in the 2024/25 academic year (Church Inn and Great Marlborough Street Car Park) – equivalent to 457.5 rooms p.a. This is consistent with the strong level of PBSA development in the City Centre / Oxford Road Corridor which is equivalent to 496 new rooms p.a. over the last decade (see Appendix 14). There is no evidence to suggest that this level of delivery would not be sustained. Indeed, over the last 5 years the rate of delivery has accelerated with 3,135 new rooms delivered between 2017/18 and 2021/22 – equivalent to 627 new rooms p.a. (see Appendix 14). Further to this, twelve sites have been identified (see Appendix 15) which the Council expects to easily sustain delivery at a level commensurate with the last 10 years over the next c.15 years (equivalent to a total of 7,460 beds or 497 beds p.a.). These sites are all either in the planning system, in a pre-planning phase, key elements of agreed regeneration frameworks, or proposals from the Universities. Importantly, almost all are in locations which are more appropriate / policy compliant for the development of student accommodation and where evidenced demand is clear and in line with Policy H12 (see Appendix 16).

Supply and demand analysis

4.26 There are a number of flaws, inconsistencies and data gaps within the Appellant's supply and demand analysis which makes it difficult to evaluate their results or compare them with an alternative approach. For example, at different points in their evidence the Appellant calculates the student per PBSA bed ratio⁵ (SBR) by using an estimate of the demand pool⁶ (e.g. 54,890 in 2019/20) or alternatively by just considering all full-time students (e.g. 66,157 in 2019/20) as the base for student need in their calculations (arriving at an SBR of 1.9 or 2.3 depending on the approach). The Appellant also quotes different SBRs without reference to what year they apply, and it is unclear what proportion of the PBSA developments in their pipeline which is provided in Table 6 (particularly those listed as "on hold") have been fed into the analysis on the demand side (if at all).

4.27 The Council contends that it is only appropriate to consider students who aren't living at home as an element of student need for PBSA. With this in mind, the Council presents its own supply and demand analysis which calculates the SBR using the following methodology:

- The demand pool of students is estimated to be the total number of full-time students minus the number of full-time students living at home with their parents
- The demand pool of students is estimated to grow by 1.2% p.a. post 2019/20 (in line with the growth projections provided by the Appellant)
- The number of beds is forecast to increase by 62 beds in 2022/23 and 853 beds in 2023/24 in line with expected PBSA completions (Church Inn and Great Marlborough Street Car Park).
- From 2024/25 to 2029/30 the number of PBSA beds is expected to increase by 496 beds p.a. in line with the average number of beds delivered p.a. between 2012/13 and 2021/22 (see Appendix 14) and the twelve sites identified which can sustain this level of delivery.

This supply and demand analysis demonstrates that, as the delivery of PBSA is expected to significantly exceed the pipeline set out by the Appellant, the SBR is expected to decrease from 1.88 in 2019/20 to a level below 1.8 by 2029/30 (see Appendix 17). The Council contends that throughout this period the SBR will therefore be maintained at a level which is healthy for a large urban market – i.e. enough demand will be sustained at this ratio to

⁵ Calculated by dividing the number of students in need of a bed by the total number of PBSA beds in the city

⁶ The demand pool is estimated to be the total number of full time students (66,157) minus the number of full time students living at home with their parents across Manchester (11,267).

ensure that PBSA blocks remain occupied without large numbers of voids. Therefore, from this analysis, and given Manchester's strong record of delivery, it is clear that student demand can be accommodated (on sites already identified by MCC for PBSA development) without the proposed development on the USDAW site.

- 4.28 Further to this, it is relevant to note that any similar analysis specifically for the South Manchester area in which the proposed development is located (and from where the Appellant appears to identify a significant proportion of their potential tenants) would also arrive at a decreasing student to bed ratio regardless of a pipeline of new PBSA - given the decline in students choosing to live in that area. With that in mind the strategic objective for MCC in the Fallowfield / South / Central Manchester area has related to the need to *repurpose redundant student accommodation in the South of the city in the future, not add to the existing stock.*
- 4.29 This situation has recently played out in Victoria Park where the Universities have not renewed nomination agreements / leases with iQ (a PBSA provider) in Victoria Park (at Wilmslow Park, Daisy Bank and Manchester Gardens). iQ have recognised that this has left them with potentially redundant buildings in a location where the market for student housing is increasingly not viable. In response there is a proposal to release the Manchester Gardens and Daisy Bank Road halls as part of a wider masterplan to allow for the creation of c.300 units of affordable / key worker housing (see Appendix 18 for iQ Development Framework Consultation Document and Appendix 19 Report to the Council's Executive Committee endorsing the draft framework).
- 4.30 Collectively this activity all adds up to the Council's evolving response to a market in transition – essentially contracting student demand and consequent shifts in tenure to PRS and owner occupation in response. It's against this backdrop that MCC believes there is not the demand in this market to support the appeal proposal in this location.

3rd Reason for Refusal

"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”.

Heritage Assessment and Impact

- 4.31 The application site comprises the original early -19th century villa, known as ‘Oakley’, along with three large office extensions constructed for the current owners, USDAW, in the late 1930’s, c.1950’s and the 1970’s.
- 4.32 The supporting information and heritage statement identifies the villa dating to c.1830’s, with the first know record of the property being in occupation was in 1837. The original villa is the last surviving of a number of large 19th Century villas that were constructed on the western side of Wilmslow Road.
- 4.33 The building, due to its age, architectural and historical value and retained original features is regarded as a non-designated heritage asset.
- 4.34 The appeal site retains its former garden and retains a clearly defined curtilage in the form of boundary wall and railings. The landscaped gardens to the east contain mature trees and planting and provide a landscaped setting at the front of the existing villa. The open space to the north and west of the villa are also evidence of the original landscaped setting and historic curtilage. The area to the west of the villa facing Langley Road has the 20th century extensions that form an L shape enclosing the area at the rear.



Fig 3.1 Shows the Appeal Site in c.1845 outlined in red. This illustrates the extent of former gardens and landscaped setting with some minor buildings to Langley Road and to the west. (Extracts from SLHA Heritage Appraisal).

- 4.35 The map extract above illustrates the distinctive character of these large villas as being large houses in very generous landscaped settings. Ashfield to the north (now demolished) and Oakley in the 1845 plan both showing an expansive landscape setting forming a key characteristic of the original layout.



Fig 3.2 Shows the 1923 OS Map. This illustrates the growth of small scale terraced housing development to the south, but still clearly retaining the open landscaping around the villa and the landscaped parkland area of Platt Fields Park to the west.



Fig 3.3 Shows a plan of the Appeal Site today, outlined in red. The original villa is highlighted in blue. This illustrates how the site has been developed along the edge of Langley Road and the west end facing the park to form an L shaped plan form. It is noted that the villa retains the landscaped setting to the east at the front of the villa as well as open landscaped space to the rear and northern edge, representing the remaining elements of open landscaping around the villa.



Fig 3.4 Shows the site development: Red – c1837, Blue – 1937, Yellow – c.1950s, Green – 1970s/80s .

- 4.36 This aerial view above shows the chronological site development This clearly shows the retained landscaped spaces around the building within the original historic curtilage. These retained open landscaped spaces form the setting of the villa and represent the villas original character as a large villa in a generous landscaped setting. The later development in the 20th century has eroded the landscaped setting by introducing built form into the former garden areas, thus making the remaining landscaped open spaces even more valuable to retain in providing evidence of the former original building in its context as allowing the original villa to be fully appreciated.
- 4.37 The eminent architectural historian, Nikolaus Pevsner recognises the significance of Oakley as *“a large early c19 Gothic house in its own grounds, one of the only survivors of a number of large, detached villas of this date in the area”*



Fig 3.5 View from Wilmslow Road c1900. This photograph is of ‘Oakley’ one of three large villas built on the western side of Fallowfield Brow.

- 4.38 Fig 3.5 dating from the c1900 shows the villa in its landscaped setting. The curved stone entrance and boundary wall are clearly visible as is the steeply pitched slate roof, decorative bargeboards, finials and chimneys. Many of these features still remain.

- 4.39 Historic England have published a guide for listing certain building types and have produced guide to define which historic buildings are likely to meet the relevant tests for national designation. The guide note titled Domestic 3: Suburban and Country Houses Listing Selection Guide 2017 (Appendix 20) covers suburban and country houses of which Oakley villa is one.
- 4.40 In their introduction, Historic England set out the importance of this building type.
“Be they suburban or rural, country houses, villas, and semi-detached houses share certain characteristics. Principally they are defined by the space around them. They take advantage of more generous ground plots and are laid out with more freedom than their urban equivalent. Being set in substantial gardens or forming part of a larger estate, they have a different relationship with nature and can be part of distinct individual landscapes. Additionally, being located sometimes some distance away from normal places of work, for their owners they can possess a repose and a detachment that makes for special architectural interest, and has led to some of the finest houses in England”.
- 4.41 This overarching statement focuses on the importance of the generous landscaping and that the villas are defined by the space around them. This gives weight and added significance to their setting.
- 4.42 Oakley is typical of Gothic Revival Style housing of this type with details of which could provide a degree of ostentation and variety that many builders and their clients deemed missing from earlier, plainer, Georgian houses. Historic England advise that *“Detached and semi-detached villas in the Gothic style appeared in many builders’ pattern books and were characterised by a broken frontage to emphasise individuality and internal lay-out, gable ends (sometimes with decorative bargeboards); small-paned leaded windows with square hood-moulds; arched door openings; decorative chimneystacks; overhanging eaves.”* Oakley possessed such original design features, many of which are still evident in the exterior today. In addition, the external elevation contains a grand stone entrance porch with castellated piers thus raising its aesthetic value.
- 4.43 The villa today has lost a number of original external features such as the original windows, and the addition of extensions from the 1930’s and 1950’s has had a negative impact which has eroded the landscaped setting and an appreciation of the villa in its grounds. It’s interior

is of a high architectural quality retaining many of its original features and has not suffered as badly as the exterior, however the exterior is still significant and holds positive elements and features of the original design that allow an appreciation of its original form and architectural detailing, thus having a good degree of aesthetic value.

- 4.44 Historic England advise that most houses which pre-date 1850 that are unaltered and of interest will be listable. Oakley unfortunately falls just short of this due to the inappropriate alterations that have eroded certain aspects of the building's features and its setting. If it were more intact and in an unaltered state it would certainly be a candidate for listing. The building nevertheless possesses many of its original qualities and has clear heritage value which should be respected and not further eroded through inappropriate alterations or development within its setting.
- 4.45 The Heritage Statement submitted with the application at paragraph 5.2 agrees that the extensions have not diminished the character of the original villa.



Fig 3.6 - Shows the north facing elevation retaining the original c1837 Gothic entrance porch, decorative bargeboards and stone detailing. Original windows have been removed.



Fig 3.7 - Shows the Original grand Gothic porch with decorative stone tracery and castellated piers.



Fig 3.8 - Shows the east facing elevation with original decorative bargeboards, stone hoodmould windows and stone bays. It retains its original roofline and form despite the extensions. Original windows have been removed.



Fig 3.9 - View from the rear of the main house looking towards Platt Field Park, showing the open landscaped area to the rear. The low level extension allows long views of the parkland setting and tree line beyond, providing an association with the historic landscaped context.



Fig 3.10 - Shows the original carved staircase and internal features including skirting boards, arches and glazing details.



Fig 3.11 - Shows internal feature of the original vaulted ceiling.



Fig 3.12 - Shows the original panelling, inglenook fireplace and decorative frieze. The interior contains many original features of good architectural value that contribute to its significance.

Significance and assessment of setting.

- 4.46 Historic England provide advice on the setting of heritage assets in their Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (2017) – (Appendix 21).
- 4.47 HE state that *“This note therefore starts by giving general advice on understanding setting and how it may contribute to the significance of heritage assets, before adding advice on how views play a part in setting; it ends by suggesting a staged approach to taking decisions on the level of the contribution which setting and related views make to the significance of heritage assets.”*
- 4.48 The HE advice also states that in the *NPPF Glossary: Setting of a heritage asset*, is the *surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*

Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral (NPPF, Annex 2: Glossary).

- 4.49 *PPG: What is the setting of a heritage asset and how should it be taken into account? The “setting of a heritage asset” is defined in the Glossary of the National Planning Policy Framework. A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.*
- 4.50 *Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between*

places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

- 4.51 *The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.*
- 4.52 In terms of the setting of the non-designated heritage asset namely Oakley it is clear from the site and from the historic map regression that the landscaped setting is part of the original design and layout, and the wider historic open parkland is part of the wider setting and historic context of the villa. Therefore, the open parkland of Platt Fields along with the original curtilage of the villa form important retained elements of the original setting.
- 4.53 The setting and curtilage has since been eroded by new development within the site that has sought to add built form to Langley Road and the edge of Platt Fields Park. This has incrementally eroded the landscaped setting of the villa. The villa still retains a good degree of openness and green space to the rear of the villa as seen in figure 3.9 showing the view from the rear of the house with open lawned area. The villa also retains its open landscaped setting to the north and east.
- 4.54 In order to assess the contribution made by its setting. The Historic England checklist is a helpful starting point.

Assessment Step 2 Checklist

The starting point for this stage of the assessment is to consider the significance of the heritage asset itself and then establish the contribution made by its setting. The following is a (non-exhaustive) check-list of potential attributes of a setting that may help to elucidate its contribution to significance. It may be the case that only a limited selection of the attributes listed is likely to be particularly important in terms of any single asset.

The asset's physical surroundings

- Topography
- Aspect
- Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)
- Definition, scale and 'grain' of surrounding streetscape, landscape and spaces
- Formal design eg hierarchy, layout
- Orientation and aspect
- Historic materials and surfaces
- Green space, trees and vegetation
- Openness, enclosure and boundaries
- Functional relationships and communications
- History and degree of change over time

Experience of the asset

- Surrounding landscape or townscape character
- Views from, towards, through, across and including the asset
- Intentional intervisibility with other historic and natural features
- Visual dominance, prominence or role as focal point
- Noise, vibration and other nuisances
- Tranquillity, remoteness, 'wildness'
- Busyness, bustle, movement and activity
- Scents and smells
- Diurnal changes
- Sense of enclosure, seclusion, intimacy or privacy
- Land use
- Accessibility, permeability and patterns of movement
- Degree of interpretation or promotion to the public
- Rarity of comparable survivals of setting
- Cultural associations
- Celebrated artistic representations
- Traditions

Fig 3.13

4.55 In terms of the assets key physical surroundings and the way that the asset is experienced, the following attributes are relevant and contribute to the assets setting.

- Openness of the original landscaped setting including the frontage, area to the rear and north and the wider landscape setting of the parkland and open space to the west and north.
- Enclosure of the low wall to the park with the mature trees and landscape within the grounds and parkland beyond.

- The mature gardens to the front and formal entrance and stone piers and gates to Wilmslow Road.
- The lawned area to the rear.
- Views towards the villa from Wilmslow Road with the mature gardens at the front.
- Views out of the site towards the open green spaces of Platt Fields Park to the west and north.
- The building as a focal point within the original gardens.
- The enclosure of the formal curtilage by the existing original boundary walls.
- The contextual relationship and views towards the original garden area from Platt Field Park including Shakespeare Garden.

4.56 Detractors include the modern extensions to the rear. The large bus shelter to Wilmslow Road. The dominance of the large Owens Park tower on the east side of Wilmslow Road.

Summary of special interest

- 4.57
- The villa element was originally constructed in 1837 as a large, high quality villa in the Gothic style, set within its own landscaped grounds. It is the last remaining villa of three in this area.
 - The 1930s, 1950s and 1970s extensions are not considered to hold any heritage interest.
 - The historic, domestic setting of the villa still survives, including gate piers, garden/ boundary walls, driveway, paths and gardens although the extensive original grounds now form part of the wider adjacent Platt Fields recreational park.
 - Platt Fields provides an extended setting to the Site. The wider park setting contributes to the significance of the villa by providing the original historic open landscape context. The immediate 'domestic' landscaped setting of the villa also contributes to its significance.
 - Internally the original house retains a high number of original Gothic revival features, fixtures and fittings, located primarily to the ground floor level. Later, c1880s decorations in the Aesthetic Movement style can be found within two ground floor reception rooms and the

main staircase, and based on stylistic grounds could be the work of local architect George Faulkner Armitage.

- The villa has undergone substantial alterations throughout the 20th century, which has removed and altered a number of original elements internally and externally. Yet the villa retains many key features and its prominence.
- Due to the level of alteration, it is considered that the building would not meet the criteria for statutory listing but is of significant local architectural and historic interest.
- The Site yields architectural and artistic interest through its surviving high quality internal decorative schemes, primarily to the ground floor level. Whilst the building has lost some external features the exterior of the building still retains elements such as its original form, roofline, decorative detailing such as stonework and timber bargeboards and ornate porch. It is considered to be of some architectural and aesthetic interest.
- The Site yields historic interest through its relatively early date of construction and Gothic revival design. Historic interest is also yielded by the number of prominent previous owners and tenants throughout the 19th century, and the Site's long links with USDAW as its headquarters.

Impact of Development

- 4.58 The proposed development would impact on the non-designated heritage asset in the following ways.
- 4.59 Historic England advise in their Advice Note 3 on Setting (page 4) that *“Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building’s original designed landscape or the removal of structures impairing key views of it”*.
- 4.60 With reference to these points, it has been acknowledged that the heritage asset has been compromised by unsympathetic development affecting its setting in the form of built form at the rear. The proposed development will add further built form within the setting of a substantial nature in terms of quantum, footprint, scale, height and proximity to the heritage asset and will further remove more of the original immediate landscape setting and impose

buildings of considerable scale adjacent to the villa. By imposing large scale buildings within the curtilage at the rear this creates a physical and visual barrier between the villa and the wider landscape of Platt Fields Park, thus severing one of the last links between the asset and its original wider landscape setting.

- 4.61 The proposals fail to restore the building's original landscape by building further upon it and further weaken and erode its heritage value by increasing the volume of development within the former garden area.
- 4.62 Whilst the detachment of the 1930's building from the villa will allow a degree of separation that will allow at least part of the original footprint to be appreciated, this does not mitigate the harm caused the heritage asset through inappropriate development within its curtilage and setting. The heritage benefits in this case do not outweigh the heritage harm and as such the heritage balance is one of residual heritage harm, albeit less than substantial.
- 4.63 The Historic England guidance provides a checklist of the potential attributes of a development affecting setting.

Assessment Step 3 Checklist

The following is a (non-exhaustive) check-list of the potential attributes of a development affecting setting that may help to elucidate its implications for the significance of the heritage asset. It may be that only a limited selection of these is likely to be particularly important in terms of any particular development.

Location and siting of development

- Proximity to asset
- Position in relation to relevant topography and watercourses
- Position in relation to key views to, from and across
- Orientation
- Degree to which location will physically or visually isolate asset

Form and appearance of development

- Prominence, dominance, or conspicuousness
- Competition with or distraction from the asset
- Dimensions, scale and massing
- Proportions
- Visual permeability (extent to which it can be seen through), reflectivity
- Materials (texture, colour, reflectiveness, etc)
- Architectural and landscape style and/or design
- Introduction of movement or activity
- Diurnal or seasonal change

Wider effects of the development

- Change to built surroundings and spaces
- Change to skyline, silhouette
- Noise, odour, vibration, dust, etc
- Lighting effects and 'light spill'
- Change to general character (eg urbanising or industrialising)
- Changes to public access, use or amenity
- Changes to land use, land cover, tree cover
- Changes to communications/accessibility/permeability, including traffic, road junctions and car-parking, etc
- Changes to ownership arrangements (fragmentation/permitted development/etc)
- Economic viability

Permanence of the development

- Anticipated lifetime/temporariness
- Recurrence
- Reversibility

Fig 3.14

- 4.64 By following this checklist it is clear that the development will have an impact on the villa and its setting.

Proximity to Asset

- 4.65 The proposed development to the rear will create new development to the west of the villa in very close proximity to the villa. This building will be 13 storeys tall and have a direct impact in terms of its scale and height. The image in the appellants Design and Access Statement (D&A Fig 1) demonstrates the close proximity and impact. The three dimensional model in the image at D&A Fig 2 and the cross sectional elevations in Figs D&A 3 and 4,

show how the scale and height of the proposed development will overwhelm the existing villa the impact being greater due to its close proximity to the asset.



D&A Fig 1.



D&A Fig 2.



D&A Fig 3 Shows Oakley house to the left with the proposed new 13 storey development to the immediate right illustrating the dramatic shift and contrast in scale.



D&A Fig 4 Shows an internal cross section with Oakley House to the right with the proposed new development to the immediate left, again illustrating the dramatic contrast in height and scale in direct proximity to the heritage asset.

Position in relation to key views, to from and across the site

- 4.66 The tower element would be seen from the park and in views around the site. The views within the site from the front would see the 13 storey tower element of the proposal in close proximity and dominating above the two storey villa. This impacts on the appreciation of the form and aesthetics of the villa and closes down views of it from the north western part of the site.



D&A Illustrative sketches above show the new development in the context of Oakley House.

- 4.67 The first image on the left shows the dramatic shift in scale and height. Oakley house would be seen in the context of substantial built form rather than it's original setting of open landscaping. This loss of landscaped character in views in and around the site would affect an appreciation of the heritage asset within its setting. The view on the right from within the site shows the impact of development on views towards Oakley House. The tall 13 storey building is clearly seen in this view and visually encroaches into the view. The dominant scale and height in contrast to the landscaped setting or lower scale significantly impacts on the ability to appreciate the heritage asset in its landscaped setting. In this view the eye is drawn towards the dominant tower element of the development rather than the heritage asset, thus impacting on its setting and appreciation of its form and aesthetics.
- 4.68 Views from inside and outside the site from the east looking west will see the tall building dominating the heritage asset. The tower element will be seen adjacent to and above the existing Oakley House. The roofline and form of the building is currently framed by trees and open landscaping in views towards Oakley House. The dominant tower element will have a detrimental impact in terms of the built form visually encroaching into the visible sky and space around the existing building. Thus impacting on the ability to read the form of the building in its current landscaped setting.

Degree to which location will physically or visually isolate the asset.

- 4.69 The proposed development will further develop the site and increase the amount of built form within the curtilage of Oakley House. The siting of the large tower element would have a large footprint and occupy a current open landscaped element of the site adjacent to Platt Fields Park to the north and west. The location of the building will further isolate the asset

from its open landscaped setting by further removing a visual connection with the open parkland beyond.

- 4.70 The 1923 OS Map at fig 3.2 shows Oakley within its landscaped setting. Development in the northern section of the rear and pushing development closer to Platt Fields Park will further isolate the house from its original landscaped setting and context.

Prominence, dominance or conspicuousness

- 4.71 As described above, the development will be highly visible in the context of Oakley House. The increase in built form will erode the landscaped setting and the scale and height of the building and in particular the tall tower element will be a dominant element in close proximity to the heritage asset.

Competition with or distraction from the asset

- 4.72 As illustrated in the images and sections in the D&A and figures above. It is clear that the scale and height and footprint of the 13 storey tower element will have an overwhelming effect on the two storey villa. The tower block element will be in direct competition with the villa which will distract from the heritage asset. In terms of the location of the tower the position is forward of the north gable end of the villa resulting in it encroaching further into views and an appreciation of the heritage asset, thus distracting further from the asset. From the front the tower element will be seen adjacent to and at some locations above the roofline of the villa, merging the two built forms and the dominant tower element being a distraction from the asset.

Dimensions, Scale and Massing

- 4.73 The dimensions of the tower resulting from its substantial footprint and 13 storey height at 38 metres create a building of significant scale and massing in close proximity to Oakley House. The development being out of scale with the existing villa.

Visual Permeability

- 4.74 The increase in built form on the northern side of the site and adjacent to the park closes down views into the site. The extension of the building footprint closer to the park to the west and large scale development footprint of the proposed tower element impact on visual permeability of the site towards the heritage asset.

Change of built surroundings and spaces

- 4.75 The dramatic increase in built form will significantly encroach into the existing open landscaping surrounding the villa, negatively impacting on the landscaped setting of Oakley House. This has a wider impact in that it pushes built form further into the open spaces adjacent to the park lands. Thus changing the characteristics of the area.

Change to skyline and silhouette

- 4.76 The skyline will change by introducing buildings of substantial scale into a mature treed landscaped context. This will change and erode the existing green tree lined skyline to one of built form of a significant scale encroaching into the skyline. The images and cross sections in the D&A and views of the new building in the context of the existing show a change in silhouette from one of a villa in open mature landscape and open sky to one with a tall mass of building above the existing villa. The distinctive silhouette of the steeply pitched slated roof of the villa will be impacted by the imposition of the tall tower element in close proximity and above the existing roofline.



Fig 3.15

- 4.77 The distinctive silhouette of the steeply pitched slated gabled roof is currently easily distinguished against the open sky and landscaping. The tower element will rise above the roofline, impacting on the existing form of the heritage asset.

Changes to General Character (eg urbanising or industrialising)

- 4.78 The increase in new build on the site and the scale of the new built will change the general character of the area from one of open mature landscaping and parkland to one of a more

urbanised character. The existing site is currently a large villa with extensions in a landscaped setting with Platt Fields Park and open space to the west, north and east. To the south is low level predominantly two storey terraced housing. The main character of the site and its context is one of green mature open and treed landscape with small scale buildings. Due to the substantial quantum, footprint and scale of development proposed, this will negatively impact on this key characteristic by introducing a more urbanised character. The image below (fig 3.16) shows a section through the site and the adjacent two storey residential properties to Langley Road on the left and the proposed development to the right with mature parkland at the behind and to the right. This illustrates the dramatic and detrimental change of scale and urbanisation of the area.



Fig 3.16

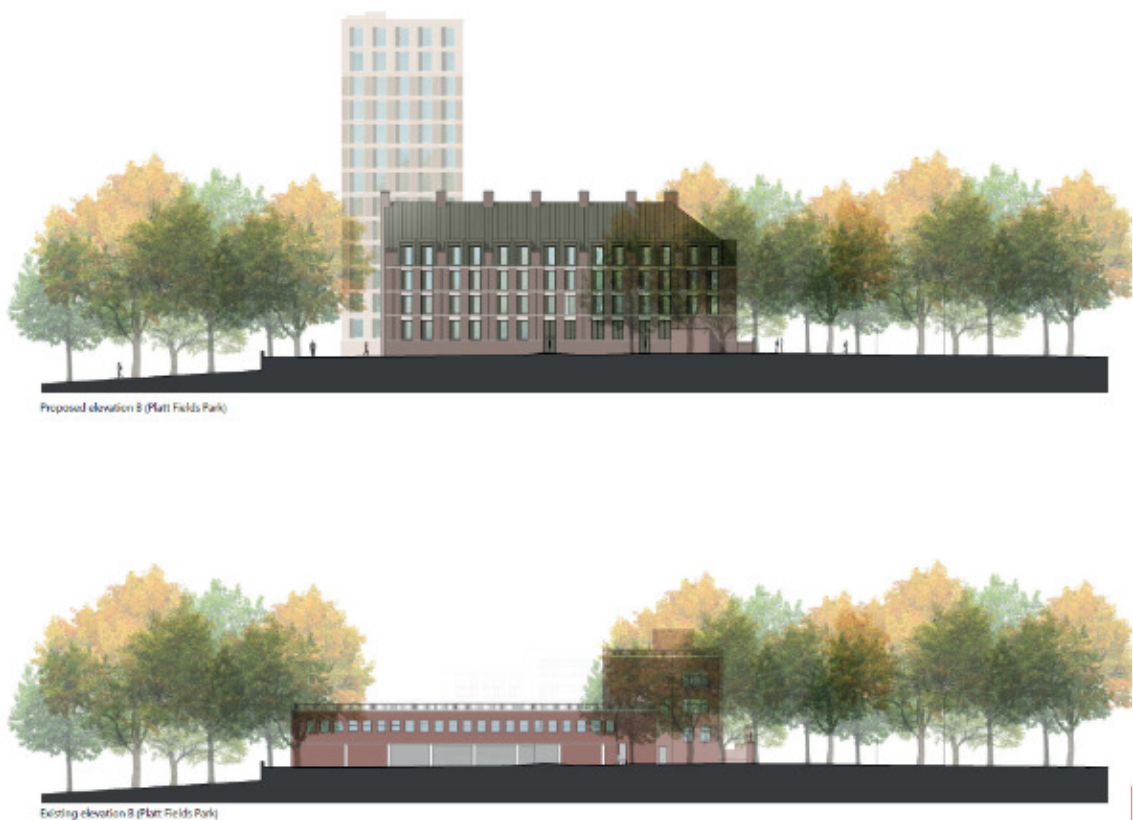


Fig 3.17

- 4.79 These existing and proposed images at fig 3.17 illustrate the existing skyline and low scale development in a mature landscaped setting would change to a substantial buildings and tower creating a shift in character to one of a more urbanised nature.
- 4.80 Historic England's Guidance on Setting at Paragraph 39 states that.
"Options for reducing the harm arising from development may include the repositioning of a development or its elements, changes to its design, the creation of effective long-term visual or acoustic screening, or management measures secured by planning conditions or legal agreements. For some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, prominence or noisiness of a development".
- 4.81 As demonstrated, in this case the impacts of the new development are caused by fundamental issues such as the proximity, location, scale and prominence of the development. The proposals therefore cause harm to the heritage asset.

Urban Design

Tall Buildings

- 4.82 Historic England have produced advice on planning for tall buildings within the historic environment. The document is referred to as Historic England 2022 Tall Buildings: Historic England Advice Note 4 (Appendix 22). The advice note sets out key principles to avoid or minimise impacts upon the significance of heritage assets which are relevant when considering tall buildings in many contexts and not just those which have a heritage asset. Two of key principles is ensuring that tall buildings are informed by understanding of place, character and historic significance and that tall building proposals take account of local context and historical character.
- 4.83 At paragraph 2.4 Historic England advise that tall buildings can have positive impacts for instance when they are part of a wider regeneration scheme, but add that *“Equally, there will be sites where the impacts upon the historic environment cannot be overcome or minimised. Such sites may be inherently unsuitable for tall buildings due to the harm they would cause to the significance of heritage assets.”*
- 4.84 It is considered that this is the case with the appeal site, and proposals are inherently unsuitable for a tall building due to the harm they would cause to both the heritage asset but also harm to the local context and character of the area from an urban design response.
- 4.85 Historic England at paragraph 3.3 sets out factors that need to be considered to determine impacts a tall building could have upon the historic environment. Many of these are relevant whether or not there is a heritage asset present. Key to this appeal are the following factors:
- Quality of places: the distinctive qualities and values of a place including historic character and context;
 - Heritage: understanding the significance of the historic environment and the potential impact on this significance;
 - Visual: the impact on the streetscape, town or cityscape and wider urban and rural landscapes, and views. This includes the setting of heritage assets.
- 4.86 In respect of assessing proposals Historic England’s Good Practice Advice in Planning Note 2 provides advice on ‘Managing Significance in Decision Taking’ which is of relevance

to LPAs when deciding applications. Many of the heritage implications that arise with proposals for tall buildings are the same as for other applications. However, tall buildings proposals frequently raise the following issues:

- Location and height parameters;
- Context and local character;
- High quality design;
- Significance and risk of harm to the significance of the heritage asset; and
- Cumulative impacts.

- 4.87 In consideration of the impact of proposals, the development including the tall building element in terms of location and height is inappropriate for the site and context. The context and local character is seen as being predominantly mature landscaped areas of open space to the north, east and west including the Parkland of Platt Fields Park and the former garden surrounding Oakley House. To the south the local character is of low rise two storey domestic scaled buildings.
- 4.88 The combination of a large L shaped block of 4 storey accommodation and introduction of a 13 storey tall tower element within the site is harmful to local context and character and will cause harm to the setting and significance of Oakley as non-designated heritage asset.
- 4.89 In terms of ICOMOS guidelines referred to in the Historic England Tall buildings guidance, non-designated heritage assets are inevitably in a low category of significance when considered against highly significant assets such as World Heritage Sites and grade I listed buildings, yet this shouldn't diminish the importance placed on considering them as having heritage value in a local context. The NPPF paragraph 189 advises that regardless of status. "These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."
- 4.90 Paragraph 203 of the NPPF advises that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

4.91 Oakley is a non-designated asset of local interest. It makes a valuable contribution to the local character, it represents a historic pattern of development of large scale villas in this part of Manchester and on the western side of Wilmslow Road where it is the last remaining such example, it has historical associations with its original and subsequent owners and occupants and despite alterations and extensions retains many of its original internal and external features and retains significant components of its original landscaped setting. In terms of hierarchy, it doesn't have the same value in terms of national significance in comparison to World Heritage Sites or highly graded listed buildings, but the impact of the development on its significance due to its inappropriate scale, height and proximity and heritage values is considered to be high.

CS Policy EN 2 Tall Buildings

4.92 Tall buildings are defined as buildings which are substantially taller than their neighbourhoods and/or which significantly change the skyline. The proposed Development is considered to be a tall building in this context.

4.93 The policy requires that 'Proposals for tall buildings will be supported where it can be demonstrated that they

- Are of excellent design quality,
- Are appropriately located,
- Contribute positively to sustainability,
- Contribute positively to place making, for example as a landmark, by terminating a view, or by signposting a facility of significance, and
- Will bring significant regeneration benefits.

4.94 In considering tall buildings outside the City centre, the policy goes on to state that "Elsewhere in Manchester tall building development will only be supported where, in addition to the requirements listed above, it can be shown to play a positive role in a coordinated place-making approach to a wider area. Suitable locations are likely to relate to existing district centres. The height of tall buildings in such locations should relate more to the local, rather than the City Centre, urban context". The site is not in the City Centre and not in a suitable location such as a district centre (Appendix 3 shows boundary of the District Centre). It is also contrary to the existing landscape character and pattern of

development and as such it is considered that it would not play a positive role in place-making.

- 4.95 Notwithstanding the above, in assessing the proposals further against the criteria the proposed tall building element is not considered to be of excellent design quality. Design is to be considering in a holistic sense and relates to all components of design not just the elevational treatment or architectural style. Design encompasses, scale, mass, location, response to context including existing features or heritage assets as well as materiality, proportion, detail, sustainability and accessibility amongst others.
- 4.96 In terms of scale, height mass and response to context, the design fails to meet the excellent design quality in that it is of inappropriate scale and height in its context and is poorly sited so that it has a detrimental impact on the existing heritage asset. In terms of the architectural design of the building, it is of a simple rectangular form on a simple rectangular footprint. It has a uniform and regular pattern of fenestration. It has a two long elevations facing north and south and two shorter elevations facing east and west. The form is effectively a simple rectangular building block with no particular unique or signature features to signify it as an example of exemplar architectural design. The south and north elevations are particularly broad and in many respects monolithic rather than being a slim and elegant more contained tower.
- 4.97 The nearest tall building is the Owens Park Tower, part of the Fallowfield Campus. This is a tower very much of its time and of a poor quality design and represents a period of development where these mediocre quality towers reluctantly popped up and the City is left with this legacy. It should be noted that as part of the proposed redevelopment of the University of Manchester Fallowfield Campus consent was granted for the demolition of this tower. As such this poor quality inappropriate tall block is not considered to be a form of development or of a scale that should set any form of precedent and nor should it be repeated.
- 4.98 In contrast but at a much lower scale, and in the wider rather than immediate context, is the 8 storey Grade II listed Toast Rack Building. This Modernist building, formerly known as the Hollings Building was completed in 1960 and designed by Leonard Cecil Howitt. Its concrete frame building with expressed parabolic skeletal structure is an iconic landmark

building of unique and exemplary quality and of its time. There is no comparison with the proposed tall building on the appeal site which lacks the iconic design qualities of the listed building.

- 4.99 In terms of the requirement of the policy for the building to be appropriately located, it has been demonstrated that the location is inappropriate and the position on site will cause harm to visual amenity and the existing heritage asset.

Context and Character

- 4.100 The appeal site and surrounding area has been described within section 2 of this statement.

Design

- 4.101 NPPF paragraph 126 states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 130 states that Planning policies and decisions should ensure that developments:

- (a) 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;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) 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);
- (d) establish or maintain 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;
- (e) 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
- (f) 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 [49](#); and where crime and

disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.102 In respect of an assessment against (a) the proposals would detract from the overall quality of the area by introducing urbanisation and large scale development in an area of predominantly open green and mature landscaping and low rise domestic dwellings. In assessing the proposals under (b) the development would be visually dominant with the overdevelopment of a site, reducing the amount of existing open landscaping with built form in close proximity to the existing park and heritage asset. In response to (c) the proposals are contrary to local character and history by imposing large scale development adjacent to lower rise development and open green space. The development would have a detrimental impact on Oakley House, a non-designated heritage asset so are therefore not sympathetic to its character or history. The proposals represent an over development of the site would comprise a continuous L shaped four storey block and tall building within the landscape setting and context of Oakley House and its gardens and the surrounding context of the adjacent parkland. This also results in the erosion of the strong sense of place that the existing heritage asset and parkland setting has in the locality and is therefore in conflict with (d).
- 4.103 The National Design Guide 2022 advises that components for good design include the context for places and buildings and at paragraph 39, an understanding of the context, history and characteristics of a site means that developments will be well grounded in their locality. It advises that well design places should be based on a sound understanding of the features of the site and the surrounding context; are integrated into their surroundings so that they relate well to them; influenced by and influence their context positively; and respond to local history, culture and heritage.
- 4.104 The character of the area has been identified as being predominantly open mature landscaped areas to the north, east and west with small scale low rise two storey domestic terraces to the south. The site itself has a distinct landscape curtilage with some built form and heritage asset and original garden and landscaped setting. The proposed tall tower building and four storey development is contrary to this local character and history and is therefore a poor response to its context.

4.105 The National Design Guide states under chapter C1 that *“well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary”* it goes on to state that *“Well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it”*. In addition it sets out that *“Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it.”*

4.106 Other components of good design is that they respond to prevailing characteristics and building scale and height and relationship between them. The proposed development is considered to have a poor response to its context resulting in a poorly designed development of inappropriate scale having an adverse impact on its surroundings.

Scale Height and Impact on Views

4.107 The cross section at fig 3.16 above shows the relationship of the proposed new four storey residential block and tower element within the site with the existing terrace of housing on Langley Road. Images and assessments in relation to the impact on heritage elements are also relevant to this section and as such are not repeated here.

4.108 The contrast in scale is considerable and would have an overbearing impact. The existing terraces have a small front to back footprint occupying a tight building plot. The proposed four storey development is almost double the depth of the existing terraces in this cross section, increasing the perception of scale and increasing their impact.

4.109 The ground floor plan below fig 3.18 shows the proposed layout and building footprint. The front elevation of the block facing Langley Road is close to the site boundary. It's elevation runs continuously without break until it returns to form an L shape return. There is currently an existing extension to Oakley House which provides a continuous frontage, however this is of a lower scale than the proposed new block and also the front block extends beyond the existing built form to very close to the boundary with the park. This elongates the mass

of building further along Langley Road and extends the physical presence of built form in views from both directions and when experienced opposite the site.



Fig 3.18 Layout of development.

4.110 The existing two storey terraces on the south side of Langley Road have a front garden and low wall. The garden space in front on the houses is proportionate to the front elevation and provides defensible private space and a visible and physical buffer to the back of pavement and street edge.



Fig 3.19 View west along Langley Road

4.111 The existing extension to Oakley facing these terraces is already a strong element in the street scene of a larger scale than the existing terraces, however the proposed

development would increase the height and scale of the built form in the streetscene thus increasing the impact to the detriment of existing amenity. There is also no corresponding increase in the buffer or landscaped space between the new build and the pavement to mitigate the impact by pulling the building back from the road. The impact is therefore amplified by the proportion of space in front of the block being disproportionate to its height. The three-dimensional model at fig 3.20 below shows the scale of the existing two storey terraces facing Langley Road in the foreground, with the scale of the proposed four storey new block opposite and large scale 13 storey tower behind.



Fig 3.20

4.112 The L shape block of the proposed development continues to run along the boundary of the site opposite the park, again with no break in the built form to increase permeability or attempt to break up the block.



Figure 5.3: Proposed elevation of eastern half of the Site – illustrating opening up of space around Oakley Villa and creation of view through to central garden area

Fig 3.21

- 4.113 The above illustration is taken from the submitted Townscape and Visual Impact Assessment 'TVIA' and suggests that the removal of the extension away from Oakley House will open up views of the central garden area. Unfortunately this image does not show the 13 storey tower which would dominate the view and be clearly visible in the context of Oakley House and the front block. The dominant component of the view would be of substantial built form, rather than of landscaping.
- 4.114 The 13 storey block will be clearly seen from Langley Road. It would be seen through the gap between Oakley House and be seen above Oakley and above the proposed four storey frontage block.



Fig 3.22

- 4.115 The view above looking west along Langley Road showing Oakley House to the right and the existing domestic scaled terraces to the left. This shows the low rise character of the built form with two storey terraces of Langley Road and two storey villa with three storey extensions. The mature landscaped setting of Oakley House is evident in this view. The proposed change brought by the development would see significant built form above the roofline of Oakley House in the form of a 38 metre high 13 storey tall tower building and increased built form to the frontage of Langley Road. The tower element of the development would reduce the amount of visible sky in this view and visibly dominate Oakley House. It would create a building that is completely at odds with the prevailing character of the area and context of the site.

4.116 The view below (fig 3.23) is taken from within the site. The proposed tower element of the development would be clearly visible above the existing Oakley House, impacting on the heritage asset, removing visible sky from the view and creating a dominate mass of built form.



Fig 3.23

4.117 The view below from Wilmslow Road (fig 3.24) is described by the TVIA as having Ordinary Value and Low Sensitivity, yet describes the views along Wilmslow Road as having an attractive leafy character. The LPA disagree and assesses this view as being of higher value due to the mature tree line and Oakley House in the background. Whilst the view is diminished by the dominant highway and linear bus shelter, the view retains qualities of the mature landscaped context found in the area.

4.118 The view in the TVIA is taken in the summer months when the trees are at maturity. The TVIA states that this is an accurate visualisation and that the development would not appear above the tree line. The LPA's view is that for the remaining six months of the year the trees would not be in leaf and the development would be clearly visible in this view. The blue line that indicates the development shows the significant scale of the development. The tower element at 38 metres high would dominate the much lower two storey Oakley House in this view. The silhouette and dominance of the building impacting on the distinctive steeply pitched roofline of the heritage asset. The dramatic increase in built form in this view would create an urbanising effect and change the prevailing character from one of mature landscaping and parkland to one of large scale built form.



Fig 3.24

- 4.119 In the view below (fig 3.25) taken slightly further heading north along Wilmslow Road the tower would be seen rising above the heritage asset visually merging the distinctive built form of Oakley House with the tall tower behind. The tower would contrast dramatically in scale from the surrounding built form and landscape context and remove elements of visible sky from this view. The built form to the site would be increased in height along the frontage creating a more dominant elevational scale.
- 4.120 The canopy of these trees in front of Oakley House is inconsistent and varies in cover and density of leaf cover. This allows clear views through to Oakley House even in summer, with the impact being significantly greater in late autumn, winter and early spring when there is no, or limited leaf growth.



Fig 3.25

4.121 The view below (fig 3.26) taken looking south along Wilmslow Road is identified at RV9 in the TVIA. It states that it is an accurate visualisation of the proposed development. The view is taken in the summer when the tree and vegetation cover is at its most dense. The development is visible and encroaches into this view. Its visibility would change the character of the view to one of mature green landscaping to one with built form, thus increasing the urbanising effect along Wilmslow Road. The view in winter would see the development being significantly more visible in this view. The long north facing elevation of the tower element at 38 metres high is the most prominent element of the development which will remain visible in the series of kinetic views southwards along Wilmslow Road.

View south along Wilmslow Road



Fig 3.26 - View in summer with proposed development in blue



Fig 3.27 - View in winter

View north from Riga Road



Fig 3.28 - Existing View



Fig 3.29 - Proposed View

The existing and proposed views above are not taken from exactly the same viewpoint. The TVIA shows a view taken much further back from the development and this is a more focused view of the proposals that have been extracted from that image.

- 4.122 This view above shows the proposed development at the end of the Riga Road. The increase in scale of the proposed development fronting Langley Road will become a over bearing feature in this view, dominating the skyline and impacting on the low scale domestic buildings.
- 4.123 The footprint of the tower element follows a rectangular block layout. This results in two long elevations facing north and south. In view 3.29 above the southern facing elevation will create a tall elongated wall of built form in the skyline. The length of the building and height at 13 storeys will become the visually dominant component in this view and have an overbearing impact and will be out of place in the context of low rise domestic houses.
- 4.124 The existing built form is of low rise two storey development with clear visible skyline above the existing extension to Oakley House. Whilst the view is not of the highest townscape value it is still a distinctive vista between the existing terraced houses and susceptible to change. The proposed 13 storey building would contrast significantly with the more domestic scaled houses in this view and the magnitude of change in this case is high and the effect of change is considered to be major-adverse due to the overbearing impact of built form.

The impact on views from the Park

- 4.125 Fig 3.18 shows the proposed layout of the site. The four storey building that fronts Langley Road is a continuous wall of four storey building that creates a solid mass of new build against much smaller scale development. The built form continues unbroken along the boundary with the park and against a much softer greener edge. The built form is clearly visible from the park as demonstrated by the before and after views. The built form contrasts completely with the mature trees and landscaping of the parkland setting and is clearly visible from park.

4.126 The below view (fig 3.30) is identified in the TVIA and is taken from a path running through an area of Platt Field Park to the west of the site, this photograph was taken during winter months as opposed to the example within the TVIA as a comparator.

4.127 The key components of the view are the mature trees and open grassland within the Edwardian public open space. The built form is glimpsed between the mature green edge and sits below the tree line.



Fig 3.30 - Existing view



View to the west elevation of the scheme across Platt Fields Park

Fig 3.31 - Proposed View

4.128 The TVIA identifies this view as being of **High Susceptibility to Change** and a **High to Medium Sensitivity**. The proposed new development would therefore impact on this view by introducing inappropriate built form into a predominately landscaped setting. The impact would be a shift in character from a mature green landscaping to clearly visible built form between and above the established treeline, thus creating an urbanising effect. The TVIA states that the tree line is at approximately 16 metres tall and that the proposed tower is 38 metres in height. The magnitude of change in this view would be high and the change in this view would be deemed as being **major-adverse** as a result of the impact of development on the sensitivity of the view.

View from Shakespearean Gardens



Fig 3.32 - Existing View



Fig 3.33 - Proposed View

- 4.129 The above view is identified as viewpoint 3 in the appellants TVIA (page 25 para 2.41) and is taken from the central path of the Shakesperean Garden within Platt Field Park. The viewpoint faces northwest towards the site. The TVIA explains that *“the view is composed of the formal gardens which are enclosed from the wider parkland creating a more tranquil character. The formation of Shakesperean Gardens is present on the historic OS maps in the 19th Century and was associated with the former Ashfield Villa. The view is representative of a more historic part of the Edwardian public open space”*.
- 4.130 The garden is sunken from the surroundings parkland and a low red brick wall with blue brick coping encloses the area with clipped topiary, bulbs and ornamental shrubs seen in the foreground. The TVIA advises that the built form within the site is visible in the view and that the utilitarian appearance contrasts with the more ornamental features in the foreground and states that the ‘building is not overbearing’ in this view. The TVIA states that during the summer months the mature trees within the view would provide increased enclosure and more of the built form would be obscured. In this view the trees appear to be in leaf, so it’s unclear how much further enclosure would be provided. The photograph below taken during winter months with the site to the left and the wall around the formal gardens visible to the right highlights that the site would be relatively open for large parts of the year when trees would not be in full leaf.

4.131 In terms of sensitivity the TVIA recognises the importance of the area and that the area is a locally valued Edwardian parkland, and ascribes a **Medium Value** to the view. In the view of the LPA having assessed this, it is considered that due to the historic significance of area, the well maintained and formally laid out gardens with mature tree lined parkland setting, all of which are evident in this view, that the value is **High** or **Medium-High** rather than the Medium Value attributed by the TVIA. The TVIA states that the experience of views and visual amenity is likely to be of high importance to users of the public open space. The receptor has a **High Susceptibility to Change** and **High-Medium Sensitivity**.

4.132 The effect on the view would be to dramatically change it from one of mature green landscaping with low level existing buildings in the background to one of overbearing built form dominating the view and above the existing treeline. The background green and tranquil setting to the Shakespearean Gardens would become more urban with large areas of masonry and glazing rather than trees and sky. The magnitude of change would be high and the urbanisation of this view and the impact of development would result in a **major-adverse** impact. The building dominance and contrast in winter months would be even harsher with little by way of mature green cover to soften the impact. It must also be recognised that during such months internal lighting would invariably be on for longer periods adding further to this urbanising impact.



Fig 3.34 - Existing View



Fig 3.35 - Proposed View

- 4.133 The TVIA shows the proposed building as a wire framed outline in this view. The outline and mass of the building is clearly visible and would have a noticeable impact on this view. The existing view is taken in the winter and shows that the impact of development will be distinctly more visible without the denser foliage and tree cover. The scale and mass of built form in these views will completely change the character of the area and this part of the park by imposing significant built form within these views.
- 4.134 The TVIA describes this view as being part of a locally valued Edwardian parkland with views and visual amenity likely to be of high importance to users of the public open space. The receptor being of **High Susceptibility to Change** and of **High-Medium Sensitivity**.
- 4.135 In considering the degree of change in this view, it is considered that the magnitude of change would be **high** due to the significant impact of built form on the established parkland. The long north elevation of the 13 storey tower would be a highly visible and noticeable component in the view and would contrast sharply with the mature landscape setting and would not be greatly obscured from either static or kinetic views experience from this approach. The resulting impact of development would be **major-adverse** due to its harmful impact on the view through the urbanisation of green landscaping with inappropriate out of scale and dominant built form.

Summary of impact of views

- 4.136 The views above show the encroachment of built form into these views. The character and context of the site is defined to the north, east and west by its strong mature landscape including Platt Fields Park which is informal in its layout. The predominant character to the south is that of small scale two storey residential terraces.
- 4.137 The impact on the existing low rise development and the existing heritage asset, Oakley House would be one of an overbearing nature and extremes of contrast in scale and height, which would have a dramatic impact on views and the perception of scale and urbanisation in and around the site.
- 4.138 Key views along Wilmslow Road. Langley Road and Riga Road demonstrate the overbearing nature of the proposed development, especially the significant increase in scale and height seen in the 38 metre high 13 storey tower element.
- 4.139 The park does contain more formal well maintained landscaped areas in the form of the Shakesperean Gardens. These views within and from the park are of a high quality due to the informal and formal landscape features including open grassed areas, mature trees, formal planting and layout of Shakesperean Gardens. The park is accessible from Wilmslow Road and from Langley Road and the site can be seen in views from publicly accessible footpaths within the park and from viewpoints within it including the sunken Shakespearean Gardens. Existing views show that elements of the existing building can be seen from the park. These show that the existing built form is of a low scale and sits below the tree canopy line. It is noticeable but forms more of low level background and is perceived in the same way as the lower two storey terraced houses of Langley Road.
- 4.140 The TVIA describes these views as being part of a locally valued Edwardian parkland with views and visual amenity likely to be of high importance to users of the public open space. The proposed development dramatically increases the amount of built form on the site, fundamentally changing its characteristics in an adverse way.
- 4.141 The park has a character of a suburban parkland amongst low rise buildings rather than a city or urban park. The appellants have compared the proposed development as adding to the skyline in the same way that Central Park in New York or urban parks in London is

surrounded by taller denser development. The site and its context has no similarity with these dense urban capital city parks where tall buildings and dense development already exists around these major urban parks. The appeal site has a context of a suburban parkland with informal mature setting. The impact of new development will contrast dramatically and be seen as out of place and out of character with the existing grain and pattern development and landscape character of the area.

5th Reason for Refusal

“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”.

4.142 Immediately to the south of the site within the existing grid of streets of Victorian terraced properties lies a high proportion of Houses in Multiple Occupation many of which are occupied by students. This does generate problems for longer term residents in a variety of ways including anti-social behaviour and increased associated activity, such impacts are set out and described within the comments and representations from residents submitted in objection to the original application notification process and within earlier sections of this statement.

4.143 The application proposals seek consent for the provision of 425 bedroom spaces for occupation by students. The following are understood to being provided by the development:

- Provision for access to the site for maintenance and occupiers of the PBSA is proposed to be taken from Langley Road and Wilmslow Road allowing access to the pedestrian, cycle and bus network on Wilmslow Road.
- A series of access gates are proposed and as recommended within the submitted Crime Impact Statement would be expected to be automated self-closing gates (section 3.3 of the CIS).

- The submitted drawings indicate a pedestrian access into the converted Oakley taken from the Wilmslow Road frontage and a vehicular access to reconfigured car parking area to the front of the site.
- The details submitted Design and Access statement indicates that waste bin collection points for the proposed 28 no. 1100 litre eurobins (page 24 paragraph 4.2 of the submitted Fresh Property Group Management Plan) to serve the development would take place via two points located on Langley Road, one towards the maintenance access to the western end of the site and the other more centrally located adjacent the main pedestrian access (page 73 of the D&A).
- It is understood from the submitted Management Plan that the regular post-person would have fob access to the site to make their regular deliveries to each letterbox, whilst for all other deliveries, the courier would use the intercom call button for the address of the delivery to arrange collection from the access point (paragraph 2.3.9 page 15 of the of the submitted Fresh Property Group Management Plan).
- Rooms within the development including communal rooms serving the cluster flats would be naturally ventilated through provision of openable windows.
- The proposals provide 8 on site car parking spaces: 1 standard bay, 3 disabled parking bays and 4 electric vehicle charging point bays (Focus Transport Statement paragraph 4.4.1)

4.144 The proposals by virtue of the level of proposed occupation would generate a significant level of activity from comings and goings to the property associated with the daily activities of the occupiers. Due to varying study and tutoring times together with other requirements of day to day life these activities and movements to and from the site would take place throughout the day and into the evening. In addition to these movements there would be associated activity - given the level of occupation - such as deliveries, waste collections and visitors to the site.

4.145 It is acknowledged that there are a variety of pedestrian access routes proposed into the site. However, given the location of entrances into the proposed buildings, the location of the pedestrian crossings on Wilmslow Road to the south of its junction with Langley Road, and the indicated areas for refuse collection a high proportion of associated movements into and from the site would be concentrated onto Langley Road. These movements would arise particularly from occupiers of the site traveling back on the bus from the University

Campuses to the north via the exiting Wilmslow Road pedestrian crossing or on foot from Fallowfield District Centre and its associated amenities both of which lie to the south of the site. As such, it is considered that this increased activity on Langley Road, a street serving existing residential properties, would give rise to an increased level of activity and associated comings and goings to the detriment of existing occupiers of nearby residential properties.

- 4.146 The submitted Transport Statement indicates that the site would work as a 'car free' development and outlines the limited provision for on-site car parking for occupiers of the development to 8 spaces. The 'car free' aspect is expected to be strictly enforced through the tenancy agreements that are signed by occupiers of the development. As a result of this position and the reduction in car parking from the existing situation no additional highway impact assessment was undertaken (paragraph 5.1.3). In responding to the planning application proposals the Council's Highway Services noted that the streets surrounding the site were observed to be subject to high levels of on-street parking during term time. These comments were provided to the appellant during the course of the consideration of the application.
- 4.147 Whilst the proposals would provide limited on-site car parking, any demand for car parking arising from the occupation of the site would necessarily seek to utilise the unrestricted car parking on surrounding streets that are conveniently located to the site. Such demands may not just arise from occupiers but also from visitors who would feel less encumbered by any tenancy restrictions.
- 4.148 It is noted that the Transport Statement identifies the locational characteristics of the site and area as being supportive of the schemes 'car free' approach. The Council does not disagree with this strategy, however, as is currently experienced on the surrounding streets these locational characteristics and access to public transport do not reduce demands for on- street car parking. The proposed response to car parking for the appeal scheme reflects the situation for the existing Victorian terraced housing stock to the immediate south. None of these properties have dedicated off-street car parking for occupiers, the result is high levels of observed on-street car parking particularly during term time despite the areas good public transport, walking and cycling connections.

4.149 Based upon occupation levels of a two storey Victorian terraced property, which would have traditionally contained two bedrooms, the proposed development of 425 bedroom spaces at the appeal scheme would translate to approximately the occupancy level of 212 terraced properties. Even assuming occupation at the maximum level for a C4 HMO use of 6 persons this would translate to 71 terraced properties, this number is similar to the total number of properties that are located on Furness Road to the south of the site (73 postal addresses), the difference in this comparison is that there is a length of unrestricted highway approximately 210 metres in length along both sides of this road that is used for on-street car parking. As such given the experience within the immediate surrounding area that contains a high proportion of HMO properties it is considered reasonable to assume that the proposals would generate car parking demands and given the restrictions proposed for the limited on-site spaces any demand arising from the proposals would be pushed on to the surrounding streets which already experiencing high levels of demand.

6th Reason for Refusal

“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.”

4.150 The proposals incorporate four floors of residential accommodation to the Langley Road elevation. This accommodation is arranged in the form of cluster flats with communal rooms amounting to 14 bedroom spaces and 3 communal rooms on the ground floor, together with 17 bedrooms and 3 communal rooms on the first, second and third floors. Each bedroom has a window facing onto Langley Road and two of the three communal rooms on the first, second and third floors have two windows facing Langley Road. This provides a total of 86 windows facing south across Langley Road. The details contained within the application submission include detailed elevation drawings indicate that windows to rooms would be openable and it is implied would be floor to ceiling in size.

4.151 The Council considers that given the number and typical usage of communal rooms serving a number of bedrooms spaces together with bedroom spaces that would also form study/work areas for occupiers the amount and scale of glazing to the Langley Road

frontage would give rise to a real and perceived loss of privacy and overlooking of occupiers of the lower scale Victorian terraced properties to the south. It would be reasonably be expected that communal rooms for cluster flats would be used more extensively given they serve between 6 and 8 bedroom spaces on the Langley Road frontage of the scheme. In addition, students are more likely to spend time within bedroom spaces to study and work. As such, the usage and extent of usage of these rooms differs from a more traditional residential setting. The perception from existing residential properties on the southern side of Langley Road would therefore be of greater levels of activity within these rooms and differs from the impacts between traditional Victorian terraced properties facing each other across a street.

4.152 The extent of built form proposed along Langley Road would be extended further west than the current office building, giving rise to a greater level of impact on those existing properties than is currently the case. Whilst the larger number of windows in the appeal scheme together with the increase in height from the existing office building would give rise to a greater perception of loss of privacy to existing properties further to the east on Langley Road.

5. THE COUNCILS RESPONSE TO THE APPELLANTS GROUNDS OF APPEAL

5.1 At paragraph 5.10 Mr Bell indicates that during pre-application discussions there were no concerns raised with the proposed design approach by the Council in terms of scale massing and layout. Whilst the Council had raised concerns with the principle of the proposals through the pre-application process, it had continued to engage with the appellant given the stated intention to submit a proposal for the site. Within the final design review meeting concerns were raised by the Council regarding the height of the proposal, as had been the case through the stages of the project development including the initial proposals which were set at a lower height than the subsequently submitted appeal proposals (paragraph 5.4).

5.2 At paragraph 5.12 and 5.27 Mr Bell expresses concern that the appellant was not provided with consultee responses and only became aware of a number of issues following the publication of the Officers report. During the course of processing the application a number of emails were sent to the appellants agent outlining comments received from statutory

consultees together with an explanation of the Council's statement of community involvement which sets out how it handles representations received in response to neighbour notification letters (see correspondence at Appendix 23 emails dated 27th January 2021 and 17th March 2021).

- 5.3 At paragraph 6.99 Mr Bell raises concerns that the appellant was not made aware of the comments of the Council's Environmental Health Officers with regards to deficiencies with the submitted waste management strategy and that no opportunity was afforded them to respond. Whilst this deficiency in the scheme was not raised as a reason to refuse the appeal scheme the Council would refer the Inspector to review the email from the Council sent to Mr Bell on 23rd March 2021 (Appendix 23) which sets out the response of Environmental Health officers to the application proposals recommending an appropriately worded condition relating to waste management and setting out what further information would be required to address that condition.

6. CONCLUSION

- 6.1 For the reasons as discussed above, it is considered that the proposals for PBSA in the form proposed by the appellant would not result in an appropriate form of development for the appeal site, or the area in which it is located. The proposals are not considered to accord with the planning policies of the adopted Core Strategy and are inconsistent with national planning policy. The Inspector is respectfully requested to dismiss this appeal.

APPENDICES (sent under separate cover)

1. MCC Executive Committee Report – 9 December 2020 - Re: PBSA in Manchester
 2. Guide to Development in Manchester Supplementary Planning Document and Guidance
 3. Fallowfield District Centre Boundary
 - 4 -17. Evidence of Student Need
 18. iQ Development Framework
 19. MCC Executive Committee Report – Draft iQ Development Framework
 20. Historic England Listing Selection Guide – Domestic 3 Suburban and Country Houses
 21. Historic England Good Practice Advice in Planning Note 3 (Second Edition) – The setting of Heritage Assets
 22. Historic England Tall Buildings Historic England Advice Note 4
 23. Correspondence between MCC and Appellants agent
 24. Proposed planning conditions if the appeal were to be allowed
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