

Town & Country Planning Act 1990

APP/B4215/W/21/3286831

**Appeal against refusal by Manchester City Council of application 129020/FO/2020 for
proposed development of Purpose Built Student Accommodation**

**At the site of the Union of Shop, Distributive and Allied Workers (“USDAW”) head
office,
Wilmslow Road, Manchester**

Appellant

Watkin Jones Group

REBUTTAL

Planning, Transport, Need, Heritage, Design and Townscape and Visual Amenity

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Joanna Ede**

June 2022

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Client

Watkin Jones Group

Our reference

WATM3006

09 June 2022

1. Introduction

- 1.1 This rebuttal has been prepared in response to matters raised in the Statement of Case (SoC) produced by Manchester City Council ('the Council'/'MCC') in relation to the proposed development of student accommodation at Oakley House, Wilmslow Road, Fallowfield Manchester (Appeal ref. APP/B4215/W/21/3286831).
- 1.2 The rebuttal seeks to assist the Inspector by providing a written response to points raised in the Council's SoC, where it introduces matters and evidence not previously seen by the Appellant, and relies on material that is not otherwise in the public domain. In a number of instances the SoC goes considerably beyond the Officer Report to Committee on which the Council's refusal decision was based, and indeed beyond the internal and statutory consultee responses the Appellant has been provided with.
- 1.3 This rebuttal not intended to cover all points raised by the Council and the absence of commentary on some issues does not mean that these points are accepted. Other points may be addressed further at the Hearing.

General matters

Absence of technical evidence to support Council's case

- 1.4 It is noted that the Council's SoC contains more evidence on a range of matters than has previously been presented. However, no information is provided on whether this has been prepared by qualified professionals in the relevant fields (particularly design, heritage, townscape and transport) or informed by evidence prepared by qualified professionals. Further, no information is provided with regards to the methodology employed and how conclusions have been reached. Thus, this additional evidence is not empirical, the methodology is not transparent and is unclear as to what weight it can be given by the Inspector.

Omission of reference to Appellant's SoC

- 1.5 Section 5 of the Council's SoC provides a very brief response to the Appellant's grounds of appeal but makes no reference to the Appellant's detailed cases on transport, heritage, design and townscape which were set out in the appendices to the Appellant's SoC.

2. Effects on local neighbourhood (prepared by Mr Stephen Bell)

- 2.1 In dealing with Reason for Refusal 1 ('RfR1') the Council's SoC introduces extensive new information which was not contained in the Officer Report.

Mix of uses

- 2.2 At paragraph 4.3 to paragraph 4.4 on page 21, and by reference to Figures 1.2 and 1.3 on page 20, the Council seeks to characterise Fallowfield District Centre as one that 'has and is becoming dominated by food and drink-based uses', presumably with a view to attributing this to the number of students living in the area. We would note in response:

- There are only 3 fewer shops in 2019 compared to 2015. In 2017 the number actually increased. This is an incidental change over such an extended period.
- An incomplete data set is supplied. Information is summarised for March 2022, but not contained in Figure 1.2 (page 20) and no information supplied in respect of shops, financial and professional services and pubs.
- It is not possible to judge whether the minor reduction in shops experienced between 2017 and 2019 remains, has continued, or indeed, has reversed (and increased in the way it did between 2015 and 2017).
- Only the number and percentage of units is presented in Figure 1.2 (page 20); there is no data supplied on floorspace. One cannot draw conclusions from such an incomplete data set.
- This has been an established location for students to live in for decades and yet the Council is characterising the District Centre as experiencing a notable shift over a 7 period (2015 – 2022). It is unclear why the Council is asserting this shift is taking place as a consequence of the student population now, particularly as elsewhere in its SoC it makes a contradictory claim that there is a trend away from students wishing to live in this area.
- The Council has had no regard to wider influences on the composition of town and district centres. It is well known that the retail sector in particular is experiencing ongoing challenges faced with both the shift to online retailing and latterly, the impact of the Covid pandemic.
- The number and percentage of hot food takeaways in Fallowfield District Centre has decreased (from 30% in 2015 to, we are told, 26% in 2022). The Council suggests this has remained 'relatively stable' (despite this reduction being equal to the percentage reduction in shops) and may be attributable to the Council's Hot Food Takeaway SPD. Yet Figure 1.3 shows that the percentage of hot food takeaways across all 16 District Centres has increased, despite presumably the same SPD being applicable across the City as a whole.

- The number and percentage of pubs within the District Centre is also shown to have reduced – this is hardly indicative of a situation where food and drink based uses are claimed to be increasingly dominating.
- Only the overall position for the City's 16 District Centres is presented in Figure 1.3 (page 20); there is no detail provided for each individual District Centre to enable comparison or to highlight the range that no doubt exists. This is highly selective. There is again no information on floorspace, and no consideration given, for instance, to what extent the shop units comprise large supermarkets (which clearly can contribute significant sales floor area, but would be counted on the basis of the methodology being deployed by the City Council as only a single unit).
- There is no data supplied on the vacancy level for the Fallowfield District Centre; an important indication of vitality and viability.
- Even if it is accepted there is a higher proportion of food and drink based uses in the District Centre compared to others in the City, the Council does not explain why this is detrimental, other than contending it impacts on vitality and viability. The Council provides no indication of the proportions that it would expect to be on offer, or at what threshold the proportions become unacceptable.
- Further, the Council gives no indication as to how the appeal proposals are expected to impact on this mix of uses; how the introduction of 425 purpose built student accommodation bedrooms will exacerbate what the Council contends is a detrimental situation, or to what degree.

Footfall

2.3 At paragraph 4.5 on page 21 and by reference to Figure 1.4 (page 22) the Council provides data on pedestrian footfall. We respond as follows:

- The data is purely a presentation of percentage change over a single year. No actual numbers are provided, therefore one cannot establish what the level of footfall is. Nor is there a measure presented, as to what level of footfall is considered to be good, bad or indifferent.
- Data is only provided for 5 of the City's 16 District Centres. This is once again selective. It is unclear why only this partial sample has been presented, and why it was selected.
- There is fluctuation in the level of footfall across all of the example District Centres, broadly comparable in pattern to each other. Fluctuation in footfall is therefore a common trading position, which businesses will be used to and adjust to.
- We would accept that on the data selected by the City Council for presentation the fluctuations are more extreme for Fallowfield District Centre than the other selected District Centres. However, it does not follow that this is necessarily detrimental to the vitality and viability of the District Centre. For instance, we are not aware of any evidence before the appeal to suggest that this is causing high

levels of vacancy, or widespread temporary vacancies during University holidays, or unsustainable overtrading, for example.

- Again, despite contending that the appeal proposals would be detrimental to the District Centre in this respect, the Council has failed to identify how that would arise, or to what degree.

Recycling rates

2.4 Paragraph 4.6 / Figure 1.2 (page 23) contends pressure caused by HMOs by reference to recycling rates. We respond as follows:

- The data selected to be provided by the City Council shows that Fallowfield's recycling rate lies only 4.9% below the City average. As this is an average, presumably (and the partial data the Council has provided doesn't enable this comparison) other parts of the City also lie below the City average, and perhaps to an even greater degree.
- In any event, it is entirely unclear why the Council seeks to highlight this as indicative of the pressure being put on local services. Whether or not waste is recycled does not impact on the amount of waste to be collected.
- Again, the Council fails to explain how the appeal proposals would affect this, or to what degree, and to what detriment.

Crime

2.5 Paragraph 4.7 refers to crime rates in the area. We respond as follows:

- It is accepted, as documented in the Crime Impact Statement, that burglary is an issue locally, with rates notably exceeding the City average. Presumably this is in part attributable to student residences being a target of crime. The Crime Impact Statement concludes:

'The scheme has been well considered from a crime prevention perspective and will add activity, natural surveillance and interest to this part of Fallowfield. Design for Security are happy to support the proposals but, because this neighbourhood has one of the highest burglary rates in Greater Manchester, we recommend that a very high standard of security is set out for the development, so that the risk of the property and future residents being targeted by offenders is minimised.'

- The Appellant has committed to implementing all those measures advised by the Crime Impact Statement, and accepts (as set out in its letter to the Council of 6 July 2021) a condition requiring the appeal proposals to:
 - Achieve the Secure by Design Gold Award certification after construction through implementation of the measures identified in the Crime Impact Statement;

- Extend site CCTV monitoring beyond just the entrance and exit points by monitoring the Riga Road junction, the south west corner of the site where Langley Road turns south and the junction of Langley Road and Wilmslow Road, where possible;
 - Introduce additional dense planting and shrubbery on the northern and western site boundaries to prevent intruders.
- No objection has been raised by Greater Manchester Police.

Noise

2.6 At paragraph 4.8 and figure 1.3 (page 24) the Council refers to noise from domestic property. We respond as follows:

- It is unclear from the data what domestic noise reports constitute. For instance, whether these are complaints of noise emerging from domestic properties (e.g. from neighbours), or experienced by domestic properties but arising from other sources (e.g. commercial enterprises, passers-by etc), or a combination thereof.
- It is unclear from the data where the noise derives from, and therefore what the cause(s) are.
- With this simplified set of data provided without context or explanation, it is not possible to draw any conclusions as to the prevailing issues and means of addressing them.
- Again, the Council fails to identify what impact the appeal proposals would have in this regard.
- We note that the Council's Environmental Health department has raised no objection to the proposal, having had due regard to the Noise Impact Assessment submitted with the application.

Flytipping

2.7 At paragraph 4.9 and Figure 1.4 (page 25) the Council contends the areas suffers from fly-tipping (presumably, but not explicitly, attributing this to the student population within Fallowfield). However, the Council's own data shows the fly-tipping rate is significantly less (less than half) the City average. The evidence simply does not support the Council's contention.

3. Impact on residential amenity by reason of noise, disturbance and general activity (prepared by Mr Stephen Bell and Ms Kayley Goulbourne)

‘Comings and goings’

3.1 At paragraphs 4.142 – 4.145 the Council provides an explanation of their contention that the appeal proposals will lead to increased activity of detriment to residents of properties on surrounding streets. We respond as follows:

- The Council itself acknowledges within the SoC and Statement of Common Ground that the surrounding streets contain a high proportion of HMOs many of which are occupied by students, and that at least a third of those properties on Langley Road fall in to this category. It is therefore misleading to characterise the surroundings as a traditional residential environment; a high proportion of the residents that the Council contends will be affected will in fact also be students undertaking similar activities at similar times of the day, and with similar levels of amenity expectation.
- The Council provides no comparison to the existing, established use of the site. No reference is made to the number of employees and visitors which until recently visited the site on each weekday, the significantly greater number of cars visiting the site, the servicing that would have been required (including refuse) etc. The Council has not considered and addressed the degree to which the level of activity associated with the appeal proposal will actually increase or differ when compared to the pre-existing situation.

Car parking

3.2 At paragraphs 4.146 – 4.149 the Council provides explanation for an assertion that the appeal proposals would cause parking impact on surroundings streets. We respond as follows:

- The Local Highways Authority (‘MCC Highways’) raised no objection in this regard. There is no reason for refusal relating to the impact on the highway, including in relation to the impact of additional car parking demand.
- Concerns regarding the wider parking impacts of the appeal scheme are misplaced. As noted in the Council’s SoC, existing parking issues experienced in the area are related to the high number of dwellings in multiple occupancy, located within terraced streets which provide limited off-street parking opportunities. There are no enforcement/management opportunities associated with these individual dwellings of multiple occupancy to discourage student car ownership (particularly in those properties where un-restricted on-street parking is effectively immediately available at the front door of the dwelling).

- In contrast, as stated in the Transport Statement and Highways Technical Note (Appendix 5 of the Appellant's SoC), the Appeal scheme would manage student parking via tenancy agreements. Students would not be permitted to bring their own cars to the site as a condition of their tenancy unless allocated an on-site disabled parking space, with the ultimate recourse for contravention being suspension or termination of the accommodation agreement. MCC highways acknowledged this in their consultation response to the planning application and recommended that a Student Parking Management Strategy should be conditioned. It is not apparent whether the contrary position stated within the Council's SoC is informed by any professional, qualified advice.

4. Impact on reasonable amenity and privacy by overlooking (prepared by Mr Stephen Bell)

4.1 At paragraphs 4.150 – 4.152 the Council provides an explanation of their contention that the appeal proposals will lead to impact associated with overlooking. We respond as follows:

- We note that the Council introduces (at paragraphs 4.151 and 4.152) the ‘perception’ of loss of privacy. This goes beyond the reason for refusal (RfR6) which makes no reference to ‘perception’. The Council is seeking therefore to expand its reason for refusal through the appeal process.
- There is in any event no evidence provided in the Council’s SoC, to support its contention that a ‘perceived’ loss of privacy will arise, as opposed to any actual impact on privacy.
- The Council again fails to compare the appeal proposals to the existing situation in respect of the number of windows that already face across Langley Road and the different character of use that this represents compared to the properties on the south side of the road.
- The Council fails to acknowledge that whilst rooms will be occupied later in to the evening than with an office use, there will also be a number of weeks each year when they are not occupied.
- The Council also fails to acknowledge the extensive examples contained at Appendix 2 of the Appellant’s Statement of Case, that clearly identified comparable or even shorter separation distances between residential (and student occupied) properties across the City, including where properties on one side of the street are elevated compared to the other. The City Council has conspicuously failed to address the examples approved by it and referenced in Appendix 2 so it is not clear how the City Council’s case is being put in this regard.

5. Need (prepared by Mr Matthew Bowen)

- 5.1 At paragraphs 4.13 the Council provides an explanation of their acceptance that there is a need for additional provision of PBSA within the city and that student numbers at both the University of Manchester and Manchester Metropolitan University will increase. The evidence presented within the Student Demand Study presents the same conclusion.
- 5.2 At paragraph 4.14 the council articulates the view that the growth in international students will increase at a much greater rate than domestic students and that this contention is based on historic growth rates and the stated ambitions of Manchester institutions to 'internationalise' their student bodies. Whilst the data from HESA on the domicile of students indicates a higher proportional increase in full time students from overseas (18.6% growth between 2015/16 and 2019/20) compared to full time students from the UK (2.7% growth between 2015/16 and 2019/20) this needs to be placed into the context of wider UK demographics. For example, over the period between 2015 and 2019 the number of 18 year olds within the UK population dropped by 4.4%. The latest 2018 population projections released by ONS indicate growth of 15% over the next five years. Therefore, whilst we agree with the premise that full time international student numbers within Manchester are likely to continue to increase – it is also likely that the number of full time UK domiciled students may also increase more than has been the case historically and therefore we would consider any trend-based projection to be an underestimate of future student numbers.
- 5.3 MCC have focussed on the M14 6 postcode sector as being representative of the market for student accommodation in the Fallowfield area because the proposed development at Wilmslow Road lies within its boundary. Despite the requirement to build a picture of the market using discrete geographical areas, postcode sector boundaries by and large have very little relationship to the functional market for any type of housing, including that for students. In the Student Demand Study our approach has been to use a wider postcode area level geography to better represent the functional geography of the market for student accommodation in Fallowfield and surrounding neighbourhoods. Collectively, the M14 postcode area accounts for 46.2% of full time students living within Manchester Local Authority area according to latest 2020/21 academic cycle data from HESA. M14 6 comprises 44% of the students living in the M14 area. To focus specifically on the M14 6 postcode sector ignores the other 56% of students living in other postcode sectors within the M14 area and targets an area that sits within a wider housing market for student accommodation.
- 5.4 At paragraph 4.15 the Council suggests that there is a compelling body of evidence to suggest international students and 'some others' want to live in the city centre. No reference is made to any empirical evidence on student preferences, instead Appendix 6 of MCC's Statement of Case presents the distribution of non-EU students split by postcode sector. Long-run time series data from HESA demonstrates that overall the distribution of full time students living across the city (in different postcode sectors) has changed very little over the period 2006/07 to 2020/21 (see Appendix 1, Figure 1 of this Rebuttal). Full time students (regardless of domicile) living in the M14 6 postcode sector dropped by 5.6% over the period 2010 – 2019 (as outlined in Appendix 6 of MCC's Statement of Case). However, in 2020/21 (the latest data output from HESA) their

number increased by 7.7% whilst numbers of students living in the Oxford Road Corridor (as defined by MCC) decreased by 5.2%. Across the period 2010 – 2019 full time students living in the Oxford Road Corridor increased by 16.1% whilst in the M14 area as a whole, including the M14 6 postcode sector, the number of full time students increased by 20.5% (see Appendix 1, Figure 1 of this Rebuttal). If full time international students are examined separately (see Appendix 1, Figure 2 of this Rebuttal) the HESA data evidences a 50.6% increase in students living in M14 6 over the period 2010 – 2019 against overall growth of 46.2% additional full time international students living in Manchester Local Authority area. It is accepted that a higher number of international students are living in the Oxford Road Corridor (an increase of over 70%) but there is no evidence to suggest international student numbers are decreasing in M14 6 or the wider M14 area (+36.6%). The HESA data shows increasing numbers.

- 5.5 At paragraph 4.17, the council suggests that the Appellant's evidence excludes an analysis of the change in students living in the private rented sector. Analysis of this is presented in Appendix 1, Figure 3 and Figure 4 of this Rebuttal and demonstrates for both M14 6 and the wider M14 area that the number of full time students living in private rented sector accommodation between 2010 and 2019 has decreased, whilst full time students living in PBSA has increased. Overall, as highlighted in paragraph 5.3 above, the number of full time students in M14, including the postcode sector M14 6 area, has increased across the period 2010 – 2019.
- 5.6 At paragraph 4.18 MCC's evidence of transition and changing tenure from Council Tax records in Fallowfield needs to be placed into context. Assuming a student household size of four people, the 182 student properties (referred to as 'households' in paragraph 4.18) moving into owner occupation between 2015/16 and 2019/20 as identified by changing Council Tax records, represents housing for 1.3% of full time students that have been identified by HESA as living in the M14 6 postcode sector. The 404 properties identified as transitioning into the private rented sector represent 3.0% of full time students using the same calculation. The evidence suggests that housing representing the requirements from 4.3% of full time students, have transitioned into different housing options over the period 2015/16 to 2019/20. This does not represent a substantial shift in the living arrangements of students. The HESA data presented in Appendix 1, Figure 3 and Figure 4 demonstrates that there is year on year change across this time series much of which will be determined by the financial decision making of landlords to either sell and leave the sector or to switch to other demand groups and the accommodation choices available to students in each year and not a change in demand as claimed.
- 5.7 At paragraph 4.19 MCC suggest that the 586 properties identified in paragraph 4.18, that have transitioned to meet the demand from other types of household align with the long-term ambitions of the Council. The evidence presented in Appendix 1, Figure 3 and Figure 4 shows more full time students are living within PBSA and less students are living within the wider private rented sector. The proposed development of 425 bed spaces at Wilmslow Road will further support the shift of students out of mainstream rental market property and into accommodation that is purpose built, thereby freeing up mainstream housing for other demand groups.

5.8 At paragraph 4.20 MCC suggest that the proposed development of 425 bed spaces at Wilmslow Road is 'going against the grain of demand' in Fallowfield. Our response to this is as follows:

- MCC's data from its Council Tax records shows that 586 properties have changed out of student occupation and into housing options for different demand groups (e.g. families or young professional sharers in either rented or owner occupier tenures) over the period 2015/16 to 2019/20. Analysis of EPC register data along with the Postcode Address File estimates that there are 8,789 properties within the M14 6 postcode sector and therefore this change represents a shift of just 7% of property out of student use over a four year period.
- HESA data for the 2019/20 cycle identifies 10,367 full time students living within the M14 6 postcode sector. Delivery of 420 additional PBSA beds within this postcode sector represents 4.1% of this population. Neither this nor the change outlined by MCC council through its Council Tax records demonstrate evidence of any significant change in the make-up of the housing market within the M14 6 postcode sector. HESA data for M14 6 actually demonstrates an increasing number of full time students living in PBSA and therefore the proposed development should be seen as responding to growing demand for PBSA rather than a decline in demand for accommodation overall. Latest data from HESA for the 2020/21 academic cycle shows an uptick in full time students living within the M14 6 of 7.7% (as discussed in paragraph 5.3 above).

5.9 At paragraph 4.21, MCC indicates 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 of MCC's Statement of Case). Our response is as follows:

- Appendix 12 of MCC's Statement of Case compares the USDAW scheme with average rents in Fallowfield. However, the USDAW scheme is inclusive of all bills (electricity, gas, water, contents insurance and broadband) whilst the HMO rents are exclusive of bills and is therefore not a like-for-like comparison.
- According to the latest data from Rightmove, average asking rents across Manchester Local Authority increased 7.3% in 2022 compared to 2021 (and 16.1% in 2021 compared to 2020). This is considerably higher than the rental increases across PBSA in Manchester and reduces the gap between the proposed rents at the USDAW site and HMO rents in the Fallowfield area.
- Based on an updated quote from Glide.co.uk (original quote from 2021 detailed below Figure 15, page 18, of the Manchester Student Demand Study), estimates for additional bills (electricity, gas, water and broadband) in the Fallowfield area are estimated to currently total £32.39 per person per week (previously £23.42 per person per week) - an increase of 38%. This again may further reduce the gap between the proposed rents at the USDAW site and HMO rents in the Fallowfield area.

5.10 At paragraph 4.25, MCC indicate that the development pipeline across Manchester is 7,460 bed spaces over the next c. 15 years. Our response to this is as follows:

- The development pipeline presented in the Manchester Demand Study is based on schemes that are in the planning system only, not in pre-planning. We cannot be certain of the eventual use of a potential site in pre-planning until the developer has submitted a formal application for planning.
- Since the preparation of the Manchester Demand Study (dated December 2021), the Fusion scheme (532 bed spaces) has had planning approved. If we add the Fusion scheme back into our development pipeline the pipeline increases to 4,116. This additional scheme does not significantly change our SBR.
- Gamecock pub scheme (260 bed spaces), as detailed in Appendix 15 of MCC's Statement of Case, received a 'minded to refuse' decision at MCC's Planning Committee on 31 May, therefore, there is uncertainty as to whether this scheme will go ahead.
- Fallowfield campus (phase 2) - Outline Planning Permission for construction of 896 bed spaces (expired on 11 Dec 2018 as no reserved matters submitted - therefore there is no existing permission for these 896 units).

5.11 At paragraph 4.26, the Council identifies inconsistencies and data gaps within the supply and demand analysis. Our response is as follows:

- In the Manchester Demand Study, we have included a SBR based on a gross demand pool (total full-time students) as well as a SBR based on the net demand pool (total full-time students minus living at parental/guardian home). We have included a gross demand pool SBR as one cannot assume that none of the students currently living at parental/guardian home would not want to live in PBSA.
- To clarify, when calculating the current SBR within the Manchester Demand Study, demand is based on full-time students only, as of 2019/20 (HESA).
- To clarify, when calculating the potential future SBR in the Manchester Demand Study, we include all schemes detailed in our development pipeline (3,584 bed spaces, as per Table 6 on page 15).

5.12 At paragraph 4.27, bullet point 4, MCC indicate that the expected SBR by 2029/30 will be at a level below 1.8. Our response is as follows:

- Using the same methodology detailed in the Manchester Demand Study, the number of full-time students is projected to increase to 76,592 by 2029/30, or 66,635 if one excludes the c. 17% of students that live at home with parents. If we include the potential pipeline outlined by the Council (7,460 bed spaces) to the current PBSA supply (29,125 bed spaces), then there will be an estimated 36,585 bed spaces in operation by 2029/30. Therefore, the SBR is expected to remain relatively unchanged at 1.82 (net of full-time students living at home).

6. Heritage Matters (prepared by Mr Stephen Levrant)

Inaccurate appraisal of original site context and setting

- 6.1 The Council's SoC presents a confusing and contradictory use of terms to describe and assess the historic context and significance of the current setting of the Oakley House, as a non-designated heritage asset.
- 6.2 Paragraph 4.34 states that the appeal site retains its former garden. Whilst it will be clear that the appeal site retains its original boundary, the former garden area to the north and west sides of the appeal site have been cleared and therefore eroded by existing later development.
- 6.3 The Council's SoC then proceeds to use the terms 'garden' and 'landscaped spaces' interchangeably. Paragraph 4.36 refers to the "retained landscaped spaces around the building... [and] former garden areas." This results in a confused and inaccurate baseline assessment that exaggerates the importance of the setting to the non-designated heritage asset.
- 6.4 Unlike the other villas that once existed to the north, along Wilmslow Road, the appeal site was unusual in that it was enclosed within a distinct boundary - it was not set within extensive grounds like the others. The Council's SoC cites, in paragraph 4.35, that historic mapping 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." This is factually incorrect, as indeed the mapping referred to illustrates and further demonstrates that the subsequent assessment of setting is inherently flawed.

Failure to properly appraise the contribution setting makes to the significance of the heritage asset

- 6.5 The Council's SoC does not set out what methodology has been used to undertake the appraisal with regards to both assessment of setting and impact. Whilst there is some reference made to relevant Guidance notes from Historic England (including GPA 3, 2017), the Council's SoC does not appropriately explain the grading of significance within the report, (i.e. high, medium, low) and does not allude to any methodology for appraising heritage impact. This results in an ambiguous and open-ended report the conclusions of which are unsubstantiated by any transparent, robust and credible evidence base.
- 6.6 In paragraph 4.41 there is a clear misunderstanding of how the contribution of setting to significance of a heritage asset should be assessed. It suggests the setting is significant in its own right rather than how it contributes to the significance of the heritage asset as a whole: *"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.” Consequently, it is clear the Council’s assessment of significance is distorted and gives unjustified additional weight to its overall significance, which should not be applied.

- 6.7 The contradictory nature of the Council’s SoC is demonstrated further in paragraph 4.43 where it acknowledges the contribution of setting to the significance of Oakley has been adversely impacted by the development of the site: *“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”*.
- 6.8 In paragraph 4.57 the Council’s SoC then describes the setting of the appeal site as ‘domestic’, (which accords with the assessment carried out by my practice (“SLHA”)), but also contradicting their previous descriptions of the setting being an ‘extensive landscape’. Para 4.57 also states that the original grounds of the appeal site now form part of the wider adjacent Platt Fields. This is factually incorrect. The grounds to the appeal site have always been enclosed by the boundary wall. This again undermines the Council’s assessment of setting and significance.
- 6.9 Paragraph 4.55 lists a number of attributes the Council consider relevant to the contribution of the asset’s setting. However, they fail to consider that the house is no longer appreciated within its original grounds/gardens as these have been extensively altered and or eroded. Views out of the site from within the boundary are limited, due to the presence of the boundary walls and views into the site are dominated by the later development in the site and its surroundings (i.e. the bus shelter on Wilmslow Road).

Inaccurate assessment of significance

- 6.10 An analysis of heritage significance comprises an assessment of the current integrity and authenticity of the Appeal Site. Due to the fact the Council’s SoC does not detail the methodology employed in assessing the significance of the appeal site, their analysis is subjective, providing only a factually incorrect baseline from which any subsequent assessment of impact will be flawed.
- 6.11 The description under Figure 3.8 of the Council’s SoC states that Oakley retains “its original roofline.” This is factually incorrect; the original roofline does not exist. The house has lost all its original chimney stacks which has adversely affected the roofline and the architectural interest of the building (see Fig. 3.5). Consequently, the assessment of significance within the Council’s SoC is also incorrect in this regard.

Assessment of impact and failure to undertake balanced judgment

- 6.12 The aim of a heritage impact assessment is to demonstrate the cumulative impact of proposed alterations to a heritage asset and its setting as a whole. Thus, the key purpose of the impact assessment is to consider changes and the cumulative impact that the proposals will have on the heritage asset’s significance.
- 6.13 In presenting a flawed baseline assessment of the significance of the heritage asset, the Council’s subsequent assessment on heritage impact will be inherently skewed. Further to this, it is clear that a balanced judgement has not been made in regard to the residual impact of the proposals as consideration of the full heritage benefits has not been made

- 6.14 In para 4.61 the Council's SoC states that: *"the proposals fail to restore the building's original landscape ... and further weaken and erode its heritage value."* However, as has been demonstrated, the Council's assessment of the appeal site's 'original landscape' is inaccurate therefore the consequent assessment of significance is flawed as it starts from an inappropriate and inaccurate baseline and therefore lacks credibility.
- 6.15 Paragraph 4.62 of the SoC states that *"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"* but that this *"does not mitigate the harm caused [and that] 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."* This paragraph demonstrates that the enhancement of the interior of Oakley (which is where the heritage interest of the appeal site is focused), and the restoration of the gardens to the east of the site, both of which are beneficial impacts of the proposals, have not been taken into consideration in terms of applying NPPF paragraph 203.
- 6.16 In describing the visual impact of the proposals, it is clear that considerable weight has been placed on the importance of aesthetic value of the exterior of the building. Paragraph 4.66 within the Council's SoC states that the tower element would impact *"on the appreciation of the form and aesthetics of the villa."* It should be very clear that the form of the villa has already been extensively and adversely impacted by the removal of all of the original chimneys and its extension to the south and the aesthetics have been eroded through the loss of original features. Further to this, the statement that the proposed tower "closes down views of it from the north western part of the site" is not sufficient in explaining the perceived impact.
- 6.17 The Council's SoC concludes there will be some "harm" on the non-designated heritage asset but does not identify the scale of harm or loss of significance, as required by the NPPF, paragraph 203.
- 6.18 There is consequently insufficient detail regarding assessment of views and the potential impact of the proposals.

7. Design matters (prepared by Mr Tim Groom)

Quality of design proposals

- 7.1 As part of its SoC, the Council seeks to evaluate the design quality of the proposals for the Appeal Site. This evaluation does not appear to have been undertaken by a design professional. In contrast, and as set out in the Architecture and Design Hearing Statement (Appendix 2 of the Appellants SoC), the proposals for the Appeal Site were formulated through a rigorous design review process, managed by experts in the field of architecture and design. The proposals were developed by my practice, which is a highly experienced, award-winning firm of architects. In addition to the expertise of my practice, the proposals were subjected to a robust, independent peer review process in the form of two Places Matter panels comprised of experienced and respected industry specialists (as set out in Section 8 of the Appellants Architecture and Design Hearing Statement).
- 7.2 At paragraph 4.95 of the SoC for example, the Council states, *'the proposed tall building element is not considered to be of excellent design quality.'* At paragraph 4.97, the Council describes the nature of a neighbouring tall building, Owens Park Tower, and states that such a tall block of such *'poor quality'* should not be repeated. In contrast however, the independent and expert panel at Places Matters for the Appeal Site scheme considered that, *'In respect of the tower...This building has a dynamic form and is good enough to merit being seen.'*
- 7.3 The Council assert that the proposed development would be *'visually dominant'*, and criticise the *'simple rectangular form'* and *'regular pattern of fenestration.'* However, I would opine that the simple form, regular fenestration and subtle, muted palette of materials provide an contextually appropriate backdrop to the more highly detailed, red-brick Oakley Villa, which is further enhanced by the modern intervention to its rear and the re-built gable elevation.
- 7.4 The images chosen by the Council which attempt to demonstrate the above point at paragraph 4.65 (D&A Fig 2, 3 & 4) and at paragraph 4.78 (Fig 3.16 & 3.17) misunderstand and mis-represent how the building will be viewed by the human eye and mis-use the nature for which the images were originally produced. The images the Council has chosen are orthographic and purely for the purpose of demonstrating scale, in isolation, of the overall dimensions of each element at planning stage. The verified views as set out in the Townscape and Visual Amenity Statement of Ms Joanna Ede (Appendix 1 of the Appellants SoC) provide a much more appropriate context against which to judge the impact of the Appeal Site proposals.

Site Context

- 7.5 The Council makes a number of comments which assert that the site context for the Appeal Site proposals are inappropriate. Analysis of site context was a critical factor in the development of my design proposals. As set out in the Appellants Architecture and Design Hearing Statement at section 6.1, careful and detailed attention was paid to the context and surroundings of the site. My ability to carefully analyse context and create

architecture with a true sense of place has been recognised by my appointment as tutor in the Continuity in Architecture atelier at the School of Architecture at Manchester University, whose ethos is grounded in a deep and theoretical research of context.

- 7.6 The Council seek to suggest that the Appeal Site proposals, *'detract from the overall quality of the area by introducing urbanisation and large scale development...'* As set out in Section 8.1 of this document by Ms Joanna Ede, there already exists a, *'strong urban character'* for the area and this was the context in which the design was developed.

Scale of Terrace on Langley Road

- 7.7 The Council state at paragraph 4.108 of the SoC that the proposed difference in scale of the four storey element of the Appeal Site proposals in comparison to the existing buildings is *'considerable'* and would have an overbearing impact. I disagree for the reasons set out as follows:

- The eaves height of the proposed development facing Langley Road is almost identical to the existing buildings.
- In contrast to the Council's assertion that the depth of the Appeal Site proposals increases their impact, the depth of the proposed development is almost identical to the existing 1930's and 1950's extensions that are currently in situ.

- 7.8 At paragraph 4.109, the Council criticises the proposals for an elevation which, *'runs continuously without break until it returns to form an L shape.'* However, the Appeal Site proposal is actually 1.48m shorter than the existing building on Langley Road, so creates a net benefit.

- 7.9 The proposed building on Langley Road is separated from Oakley Villa by 11m, so allowing for greater appreciation of the locally listed building.

- 7.10 The Council chooses to ignore that fact that where the proposals remove extensions to the villa, that the distance increases between the Langley Road terraces and built form within the Appeal Site boundary from 16.4m to 21m.

- 7.11 In paragraph 4.101 of the Council's SoC, they quote from paragraph 130 of the NPPF in an attempt to evidence that the Appeal Site proposals fail to adhere to the required standard. Quite the opposite, I consider that there is evidence against every bullet point to demonstrate that the Appeal Site proposals meet the standards set out in the Framework:

- 7.12 *'(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.'*

The Appeal Site proposals are well designed with high quality buildings and materials compared to what is currently on site. The proposals also re-focus a locally listed building and place it at the heart of the proposals. Furthermore, the proposals provide for the inclusion of community space within the heritage asset.

- 7.13 *'(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.'*

Proposals were subject to a robust design process and developed by experienced and well regarded design professionals. They were further appraised by an independent Places Matter panel as previously referenced. The landscaping is improved and is effective following the removal of the car parking areas and enhancement to the planting.

- 7.14 *'(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).'*

The design inherently draws on local context in its form, materiality and architectural detailing such as bay windows, decorative brickwork and boundary treatments. The villa is re-set in space and is thus in a better position than its current arrangement with the adjacent incongruous extensions.

- 7.15 *'(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.'*

The residential setting of Langley Road was fundamental to the concept of the proposals and was a key consideration in the building form, layout and massing. References are consistently made to the tone and palette of materials of the villa and surrounding terraces.

- 7.16 *'(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.'*

The accommodation on the site was optimised to provide new accommodation in largely the same form and location as the existing buildings, albeit the proposals are to a much higher quality. Additional new built form sought to maximise brownfield land and place additional accommodation consistent with an already established urban form in the local area.

- 7.17 *'(f) create places that are safe, inclusive and accessible and which promote health and wellbeing, 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.'*

The Appeal Site proposal is for purpose built student accommodation with on-site welfare and management facilities operated by a nationally recognised student provider. The on-site landscape areas fronting Oxford Road are not only retained but enhanced by the removal of parking areas.

Net Benefits of Appeal Site Proposals

- 7.18 The Council has failed to appreciate the net gain of the Appeal Site proposal or the holistic design approach that was undertaken.
- 7.19 As set out in section 6 of this rebuttal statement under Heritage Matters, added extensions to Oakley Villa have had a negative impact on the significance of the heritage asset. Further the original setting has already been eroded and altered. The Appeal Site proposals provide a high quality, well designed improvement to the existing structures which provide improved visual amenity.
- 7.20 The Council also fail to recognise the benefits of the proposals for the interior of the heritage asset. The Appeal Site proposals retain and renovate valuable interior heritage features, which have been identified by the heritage architect as the key areas of heritage interest. Instead, the Council chooses to concentrate its efforts in criticising the alleged detrimental impact of the new build Appeal Site proposals on the heritage asset. This is despite the evidence from expert heritage architects which limit the value of the exterior of the Oakley Villa and advise and emphasise that the interior features are more worthy of interest.

8. Townscape and Visual Amenity matters (prepared by Ms Joanna Ede)

Inaccurate Description of Local Context

- 8.1 The Council's description of the Appeal Site's context and local character at paragraphs 4.87 and 4.104 is incomplete and inaccurate. It describes the context and local character as being '*predominantly mature landscaped areas of open space to the north, east and west*' and '*low rise two storey domestic scaled buildings*' to the south. This strongly misrepresents the local area since it omits some key features of the local context, particularly to the east of the Site, which have a strong influence on the existing and emerging local character. Critically, it fails to recognise the position of the Appeal Site on the Wilmslow Road, forming part of the busy Wilmslow Road corridor and being opposite the University of Manchester Fallowfield Campus. This area adjoining the site to the east is a densely developed area with existing and planned tall buildings¹, an important and busy route to the university and city centre and a focus of university facilities. Together these give the area a strong urban character and provide an appropriate context for the type and scale of development proposed.
- 8.2 It is interesting to note that the description of local context which the Council provided in their own committee report for the planned 'Gateway House' on the nearby Hollings Building site (only 135m north of the Appeal Site) is very different to that now being provided in the SoC for the Appeal Site. In reviewing the application for a tall building on the Hollings site the committee report stated '*The height of the Gateway Building responds to the context of a number of buildings of significant height already along Wilmslow Road (Platt Court, Worsley Court and Owen's Park Tower)*'. There is no mention of the Wilmslow Road or these tall buildings in the Council's description of the local context for the Appeal Site.
- 8.3 The consequence of this misunderstanding/misrepresentation of the local context is demonstrated at paragraph 4.115 of the Council's SoC, which states that the proposals '*would create a building that is completely at odds with the prevailing character of the area and context of the site*'. When the Site's context and local character is correctly understood², it is clear that this statement is wholly inaccurate and untrue. On the contrary, the proposals would be appropriate to the local context and would integrate with the existing and emerging character and scale of built form in this part of the Wilmslow Road corridor.

Omission of Findings of 'Places Matter' Design Review Panels

- 8.4 The design quality of the scheme is evaluated in paragraphs 4.95 – 4.106 of the Council's SoC. This is new evidence. However, it does not appear to have been undertaken by a qualified design professional. Importantly, there is no reference whatsoever to the two

¹ Further information and photographs of the existing and planned tall buildings in the local area is provided in Section 2 and photos 2.7 – 2.10 and Figure 2.1 in the Appellant's Townscape Statement.

² Reference should be made to the Appellant's TVIA for a detailed analysis of local townscape character

design reviews undertaken by an independent panel of experienced design professionals prior to the submission of the planning application³.

- 8.5 It is particularly concerning that the findings of the Design Review Panel were not acknowledged in either the committee report or the Council's SoC despite the clear requirement of paragraph 133 of the NPPF which relates to tools and processes for assessing and improving the design of development including review panels. The Framework states: '*planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels*'.
- 8.6 The Council's SoC concludes at paragraph 4.106 that '*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*'. This is in direct contrast to the findings of the expert Design Review Panel which concluded: '*The Panel supports this scheme in terms of building heights, scale and mass*'

Equating visibility with harm

- 8.7 Throughout the Council's SoC there is a general argument put forward that the proposals will be visible and that this in itself will be harmful to visual amenity. The principal justification for this is that the proposals are alleged to have an 'urbanising effect' which would be harmful to the local context. However, as has already been noted, this judgement is based on an incomplete analysis of the local context and character. When the urban character and context of the site is fully appreciated, particularly in relation to the existing and planned developments on Wilmslow Road and the University of Manchester campus on the opposite site of the road to the Appeal Site, it is clear that the proposals would not appear incongruous or out of place. The proposals would certainly be visible from viewpoints in the surrounding area but the mere visibility of the proposals would not in itself be harmful. Indeed, in our opinion, the proposals would have a positive impact on local character and visual amenity. The Design Review Panel made a similar judgement stating: '*This building has a dynamic form and is good enough to merit being seen*'⁴
- 8.8 Furthermore, the Council's judgements on the harm to local character and views that would arise from the proposals is not supported by analysis on the detailed elements of the proposals including the materials palette, detailed elevational design or landscape proposals nor a comparison with the existing appearance of the site. There is a brief acknowledgement in paragraph 4.43 of the SoC that the office extensions have had a negative impact on the villa and that the landscape setting has been eroded. However, no attempt has been made to provide a balanced evaluation of the benefits to the appearance of the site that would arise from the removal of the office buildings and car park areas and the introduction of new higher quality built form and landscape proposals and any potential adverse effects arising from the introduction of denser development on the site.

³ Further information on the Design Review Reports is provided in paras 4.56 – 4.57 of the Townscape Statement and [insert ref of relevant section] in the Design Statement

⁴ Places Matter Design Review Report, 27th April 2021, page 3, 5th para.

Length of frontage to Langley Road

- 8.9 At paragraph 4.109 MCC raises a new point that the mass of building along Langley Road would be '*elongated*' compared with the existing situation. This is incorrect. Whilst the proposed building on Langley Road would extend closer to the park at the western end, it would be shortened at the eastern end, with the gap between the new building and the original building line of Oakley House being 11.9m (6.1m to the Villa extension). The total length of the existing building on Langley Road is 65.25m, whilst the proposed new building is 63.78m – therefore a reduction of 1.47m. The built form on Langley Road would not be elongated but instead would be repositioned further west. This would bring several benefits including increasing the space around Oakley Villa which would allow its original form to be better appreciated and creating a view from Langley Road through to the central garden.

Impact of 13 storey block on Langley Road

- 8.10 Paragraphs 4.113 – 4.115 of the Council's case alleges harm to Langley Road arising from the 13 storey tower. This is a new issue. Previously, the city council had only alleged harm arising from the four storey element which directly faces Langley Road. The Council now assert that the tower would '*dominate the view*' from Langley Road. This is incorrect. This matter is covered in detail in section 5 of the Townscape Statement (particularly paragraphs 5.16 – 5.26) which demonstrates that the visibility of the tower from Langley Road would be very limited due to a separation distance of over 50m between it and the properties on Langley Road and the proposed four storey terrace which would obscure most views of the tower. There would be glimpses of the top of the tower buildings in the background of some views but it would certainly not '*dominate*' the view, as suggested by MCC. As a result, potential impacts on residential properties arising from it would therefore also be very limited.

Impact on views from Wilmslow Road

- 8.11 Paragraphs 4.117 – 4.121 in the Council's SoC includes an alleged '*urbanising effect along Wilmslow Road*' for example on RV9 in the TVIA, which it considers to be a negative aspect of the proposals. This is a new issue which was not raised previously. It is acknowledged that the proposed development would be visible from some points on Wilmslow Road. However, it would be a group of well-designed buildings set within attractive and well-manged landscaped grounds and would form part of a series of existing and planned taller buildings which line this part of Wilmslow Road. It would not appear incongruous or out of place. Whilst urban in character, its high quality design and the associated improvements to Oakley Villa and the surrounding landscape would have a positive effect on the character of Wilmslow Road.
- 8.12 It should also be noted that the potential for an '*urbanising effect*' on Wilmslow Road was not identified as a negative issue with the proposed 'Gateway House' on the Hollings site. The proposed eleven storey building is located much closer to Wilmslow Road and will have a significantly greater prominence, visibility and urban influence on Wilmslow Road than the proposed development on the Appeal Site, but this was not raised as a

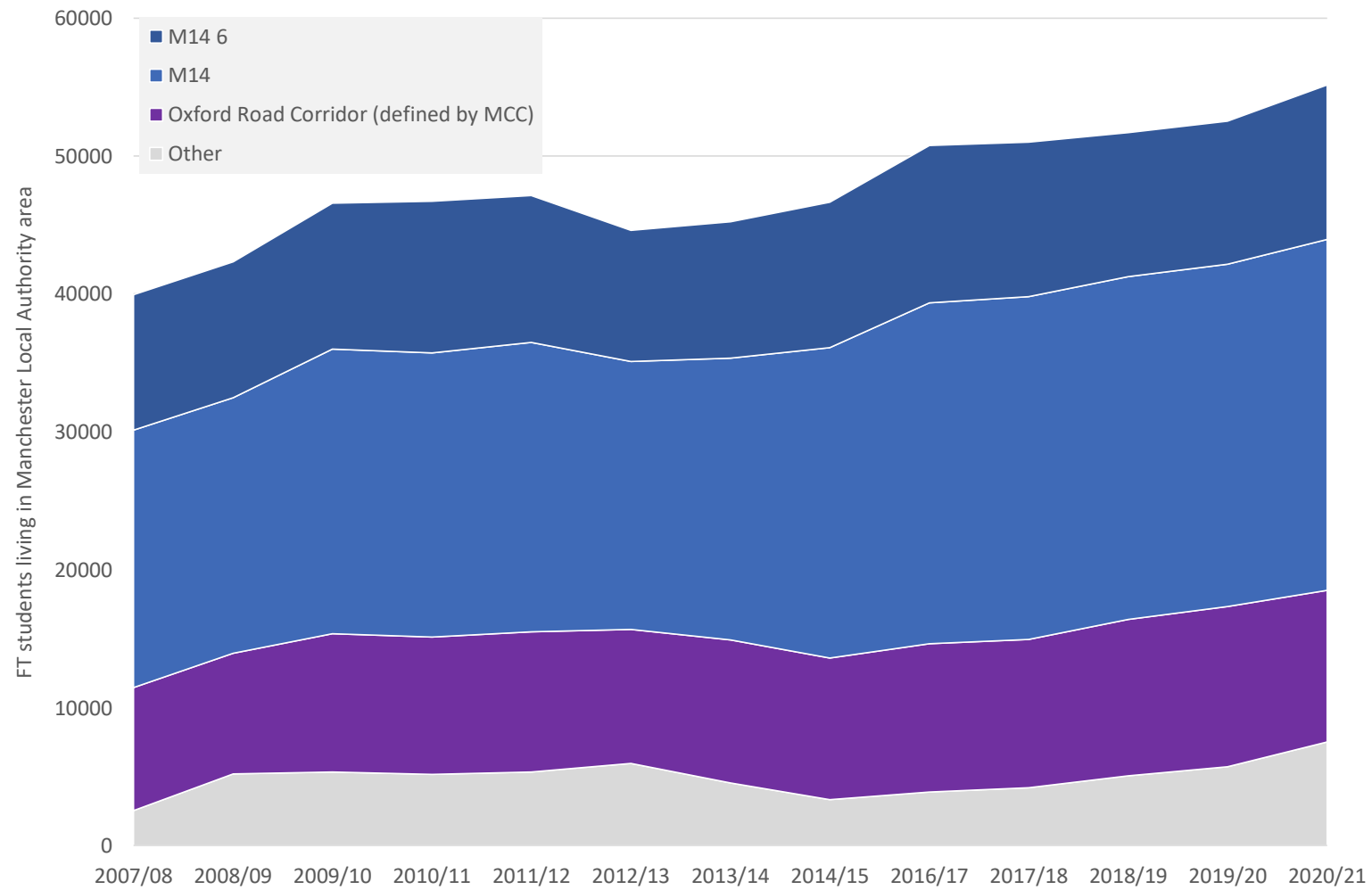
concern with those proposals, and rightly so. The introduction of substantial urban built form on this section of the Wilmslow Road is appropriate to the local character and would reinforce the importance and identity of this key road corridor to the University and city centre.

Error in illustration of views along Riga Road

- 8.13 Figure 3.27 of the Council's case includes a photograph along Riga Road which appears to be a Google Streetview image. If so, this should not be relied upon as the camera height is elevated (higher than the recommended height for viewpoint photography of 1.6m) and the image is not taken with a 50mm DSLR camera (which is current best practice). Similarly, the image identified as a 'Proposed View' in Figure 3.29 should be disregarded. It is a zoomed image taken from a viewpoint c. 175m away at the southern end of Riga Road. It does not represent what would actually be visible from the point at the northern end of Riga Road. In reality, the visibility of the tower would reduce as the viewer approaches the northern end, with the proposed four storey building screening increasingly more of the lower part of the tower. Instead, reference should be made to Figure 5.6 in the Townscape Statement which illustrates the visibility of building two in views from Langley Road and the figures of the Design and Access Statement as set out by Mr Groom in Section 7.

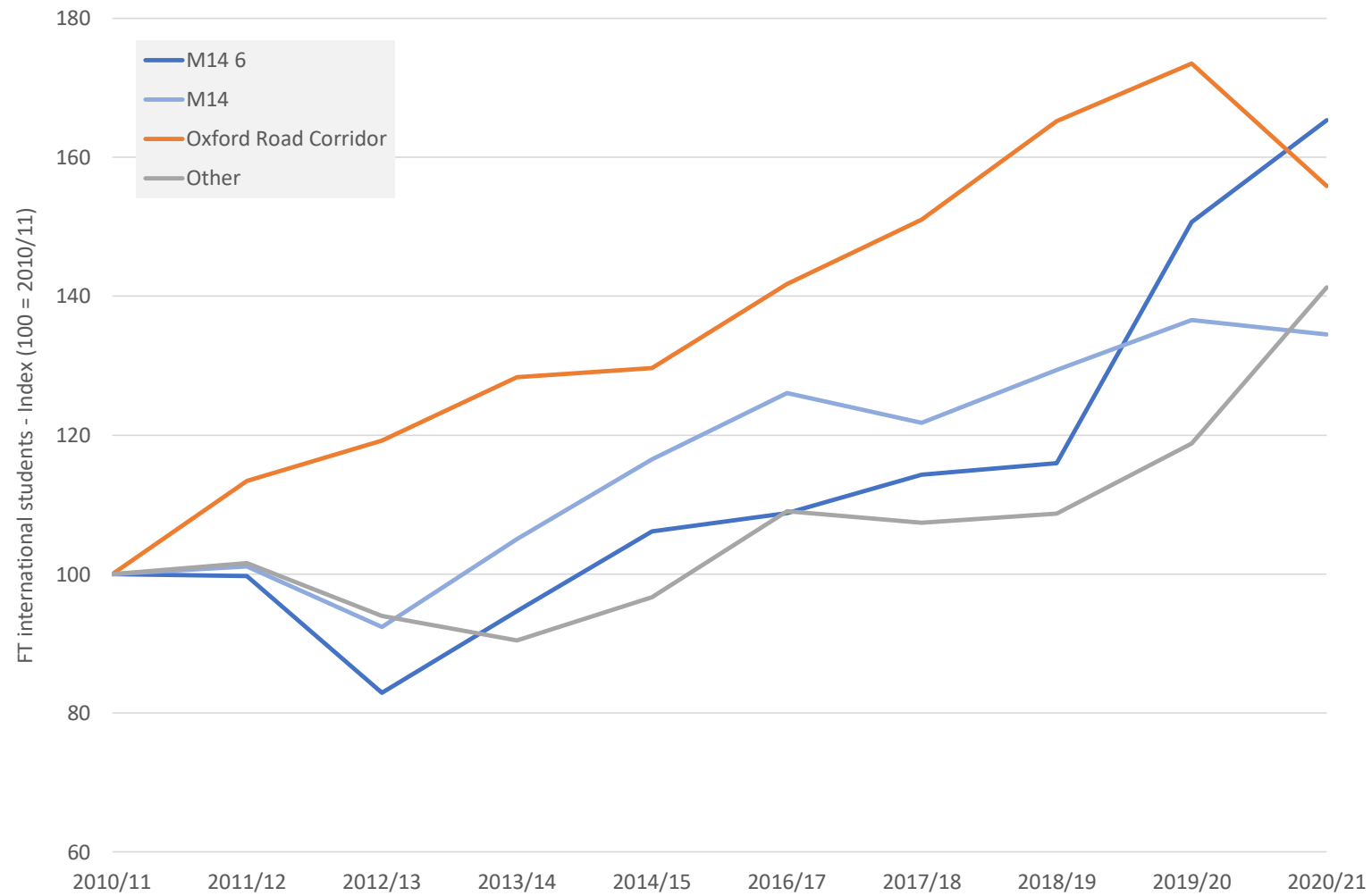
Appendix 1: Student Need Analysis

Figure 1: Full time students living in Manchester Local Authority area by location



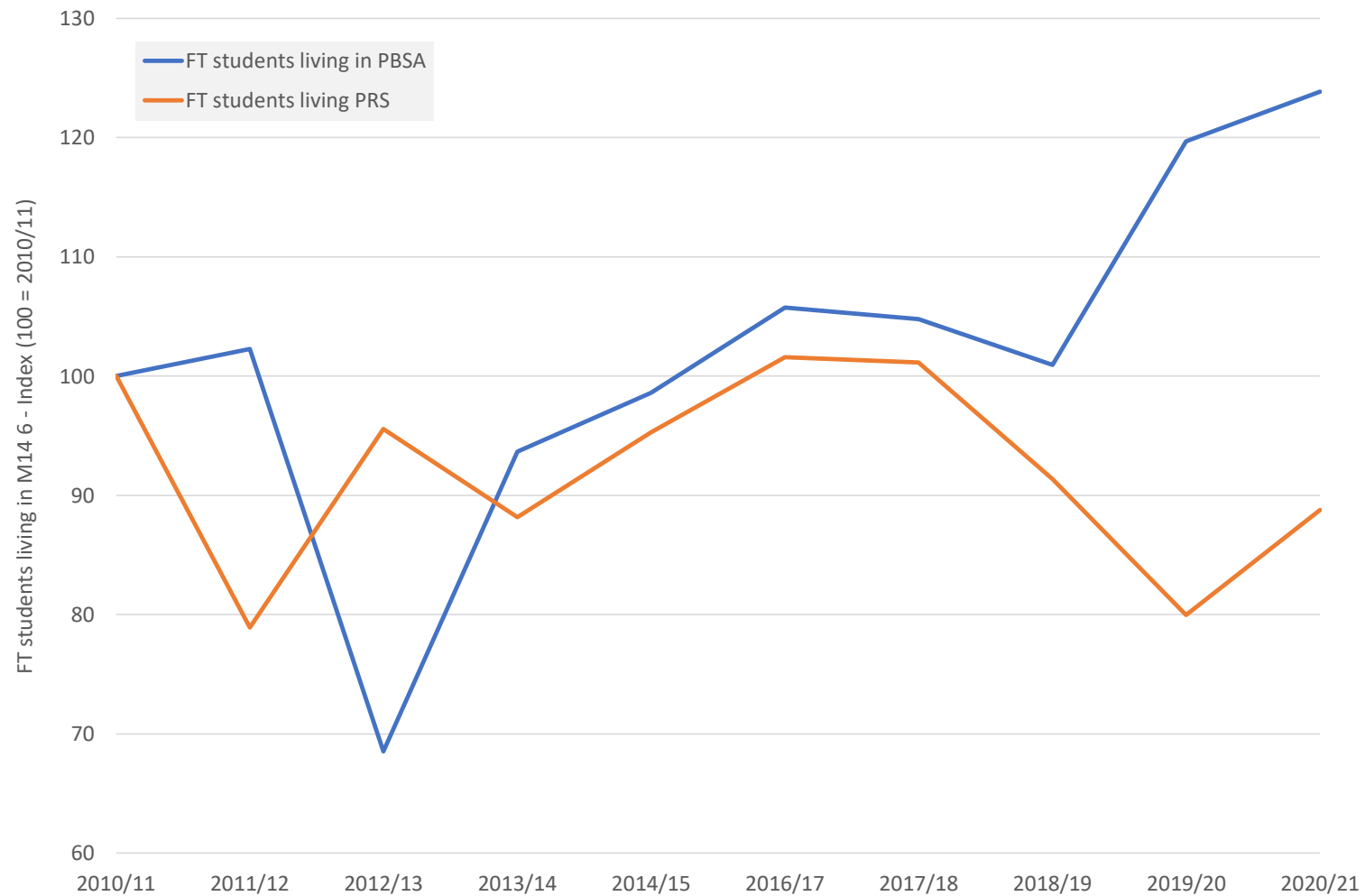
Source: HESA

Figure 2: Change in FT international students living in each location



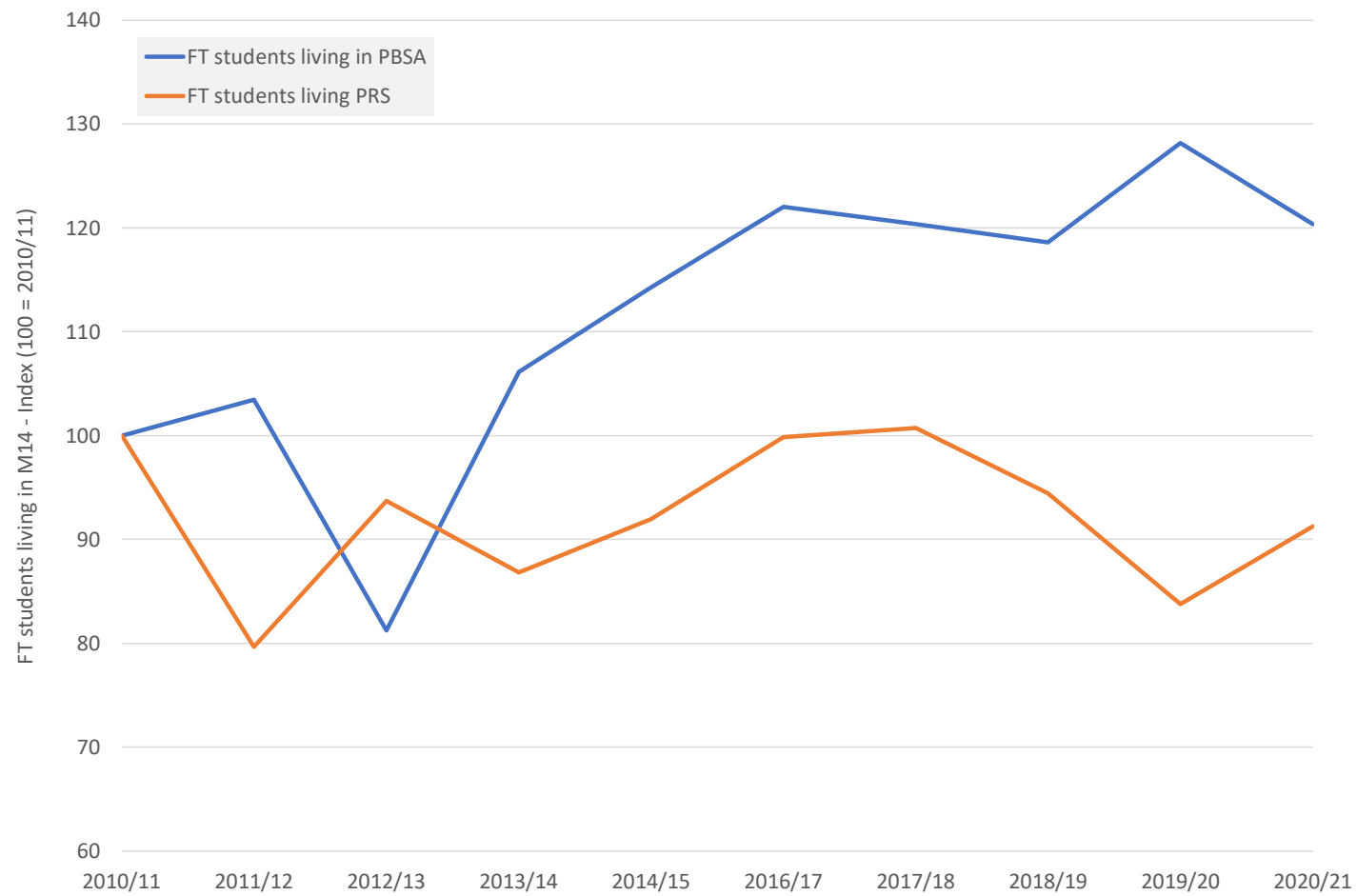
Source: HESA

Figure 3: Change in FT students living in M14 6 by term time accommodation type



Source: HESA

Figure 4: Change in FT students living in M14 area by term time accommodation type



Source: HESA