

Hearing Statement of Case

LPA Ref: 129020/FO/2020

Appeal Ref: APP/B4215/W/21/3286831

Submitted on behalf of the Appellant

**Oakley, 188 Wilmslow Road, Fallowfield,
Manchester, M14 6LJ**

February 2022

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Our reference

WATM3006

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1. Introduction and Scope of Statement

Introduction

- 1.1 This Hearing Statement has been prepared on behalf of the Union of Shop, Distributive and Allied Workers ('USDAW'), Watkin Jones Group Ltd and Wilmslow Road Manchester Ltd (the 'Appellant') in relation to its appeal against the decision of Manchester City Council ('the 'Council') to refuse planning permission in respect of the proposed redevelopment for student accommodation at Oakley, 188 Wilmslow Road, Fallowfield, Manchester, M14 6LJ (the 'Appeal Site').

Qualifications

- 1.2 I, Stephen Bell, am a Senior Director of Turley, a national independent town planning and development consultancy. I hold an honours degree in Geography, a master's degree in Town Planning and have been a member of the Royal Town Planning Institute since 2001. I have 22 years' experience in a broad range of planning and development matters. I am based in Turley's Manchester office, leading our planning service within the city, and have practised across the North West of England throughout those 22 years.
- 1.3 I was instructed in relation to the appeal proposals by Watkin Jones Group in January 2020 and was directly involved in the preparation and negotiation of the planning application ('the Application').
- 1.4 I have worked on a number of development projects across Manchester over a number of years. In every case I have ensured a collaborative and cooperative approach has been taken to working with the Council and other stakeholders. Notwithstanding the Council's decision to refuse the application, this is an approach I, the Appellant and the wider Appellant team, have taken in this case.
- 1.5 I have acted as an expert planning witness at inquiry and hearings on a number of occasions in respect of various development proposals, including those relating to residential development, major mixed use development and energy infrastructure.
- 1.6 I am very familiar with this site, the relevant planning policies, as well as the circumstances and material considerations affecting the determination of this appeal. I have been instructed by the Appellant to prepare this Statement.
- 1.7 The evidence I have prepared for this appeal and contained in this Statement is true and has been prepared and is given in accordance with the guidance of my professional institute. I confirm that the opinions given are my true professional opinions.

Scope of Statement and Structure

- 1.8 This Statement deals with planning policy and how it applies to the appeal proposals, and the overall 'planning balance'. I consider whether the appeal proposals accord with the relevant and most important policies of the Development Plan and whether material considerations, including the National Planning Policy Framework, weigh for or against the grant of planning permission.

1.9 In carrying out the planning balance and reaching an overall conclusion I have taken full account of the evidence and advice of the Appellant's wider professional team. My Statement is supported by a series of appendices prepared by that professional team, which together with this principal Statement represents the Appellant's full Statement of Case. Those appendices comprise:

- Townscape and Visual Impact Appeal Statement, prepared by Ms Joanna Ede – (Appendix 1)
- Architecture and Design Appeal Statement, prepared by Mr Tim Groom – (Appendix 2)
- Heritage Appeal Statement, prepared by Mr Stephen Levrant – (Appendix 3)
- Arboricultural Report, prepared by Mr Glyn Thomas - (Appendix 4)
- Highways Technical Note, prepared by Focus Transport Planning (Appendix 5)
- Manchester Student Demand Study, an updated report by Knight Frank (Appendix 6)

1.10 There are additional documents referred to in the main body of this Statement and I provide these as additional appendices, as follows:

- University of Manchester Letter of Support, dated 18 December 2020 (Appendix 7)
- Church Inn (LPA ref. 125654/FO/2019), Officer Report to Planning Committee (Appendix 8)
- Email correspondence from Manchester City Council relating to financial contributions, dated 02 February 2022 (Appendix 9)
- Great Marlborough Street Car Park (LPA ref. 121252/FO/2018), Officer Report to Planning Committee (Appendix 10)
- New Wakefield Street (LPA ref. 117054/FO/2017), Officer Report to Planning Committee (Appendix 11)
- Report of Strategic Director (Growth & Development) to Manchester City Council Executive, 13 November 2019 (Appendix 12)
- Report of Strategic Director (Growth & Development) to Manchester City Council Executive, 9 December 2020 (Appendix 13)

1.11 A draft Statement of Common Ground ('SoCG') was submitted with the appeal. At the time of writing no response has been received from the Council on the content of the draft SoCG. In addition, a draft SoCG relating to arboricultural matters has recently been shared with the Council, with comments awaited. The Appellant will seek to agree common ground with the Council across a number of matters in advance of the appeal being heard, in order to narrow down matters of dispute.

1.12 This Statement is presented in sections which address:

- Section 2: Overview of the Appellant's case
- Section 3: The Site and Proposed Development
- Section 4: Reasons for Refusal
- Section 5: Approach to Application
- Section 6: Accordance with the Development Plan
- Section 7: Material Considerations
- Section 8: Benefits of proposals
- Section 9: Harm / Absence of harm
- Section 10: Reasons for Refusal and Overall Planning Balance
- Section 11: Conditions
- Section 12: Summary and Conclusions
- Section 13: Signed Affirmation

2. Overview of the Appellant's case

- 2.1 Within this Section I provide an overview of the Proposed Development and the case for it. I summarise the principal reasons as to why I consider the grant of planning permission is appropriate. Each of these matters is expanded upon elsewhere in the Statement and, where applicable, in the evidence of others as appended and the comprehensive suite of documents submitted in support of the Application upon which I rely.

The Balance of Considerations

- 2.2 The Proposed Development accords with all the relevant and most important policies of the Development Plan. The Development Plan contains a specific criteria-based policy for assessing Purpose Built Student Accommodation ('PBSA'), Policy H12; the Proposed Development satisfies this policy in all respects and therefore draws support from it. With regard to those other policies of the Development Plan of relevance, covering a range of considerations, the Proposed Development achieves full accordance and draws further support.
- 2.3 In respect of material considerations, significant weight is to be applied to the National Planning Policy Framework ('the Framework'), and the Proposed Development is both in accordance with and draws support from the Framework. Given my conclusions on the accordance with the Development Plan, and other material considerations, paragraph 11c) of the Framework applies: the proposals should be approved without delay.
- 2.4 The Proposed Development also accords with the Guide to Development in Manchester Supplementary Planning Document. Only limited weight can be attributed to the Council's Executive endorsement of its Policy H12 interim review. Nevertheless, the Proposed Development deviates from the endorsed 'policy proposals' in only limited respects, and otherwise is consistent with this review.
- 2.5 The Proposed Development will convey significant benefits. Harm that will arise from the Proposed Development is limited, can be minimised and controlled through proposed planning conditions, and is clearly outweighed by those benefits. The overall net beneficial outcomes of the Proposed Development weigh substantially in favour of the appeal proposals.
- 2.6 In applying Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal proposals are in accordance with the Development Plan and material planning considerations weigh further in favour of the grant of planning permission.
- 2.7 The principal matters which inform my conclusions are as follows:
- The Proposed Development will help to address the need for competitively-priced PBSA, this need being clearly evidenced, and acknowledged by the Council. This is a significant benefit of the proposals;

- In meeting this need, the Proposed Development will help to provide students with choice and address a number of adverse effects that the unmet need for PBSA contributes to, and therefore convey notable benefits in this regard;
- The accommodation and amenities will be of the highest quality, supporting student wellbeing. There is expressed support from the University of Manchester ('UoM') for the proposals for this and other related reasons;
- The Proposed Development will bring about redevelopment and reuse of a vacant, previously developed site in a prominent location, which is no longer fit for its current purpose, making efficient use of land consistent with national policy;
- The site is highly accessible to the University campuses and a range of local services and facilities that students will benefit from. There will be a notable reduction in car use and parking compared to the existing use;
- The non-designated heritage asset on site will benefit from an enhanced setting and be provided with a sustainable and viable use, one which will retain its valuable features and celebrate its history;
- The Proposed Development has been designed to achieve a high standard of architecture that will significantly enhance the character of the local area and its sense of place. Independent design review has helped contribute to what is an excellent design;
- The Proposed Development is appropriate in its scale, massing and layout, reflective of and responsive to its context;
- There will be no unacceptable impacts arising from the Proposed Development, including on the local environment, townscape and residential and visual amenity. Indeed, there will be a number of beneficial effects. The absence of any objection from statutory consultees is highly material;
- The Proposed Development will adopt high standards of sustainable design, seeking to achieve BREEAM Excellent, which will convey notable environmental benefits, particularly compared to the current energy-inefficient buildings on site;
- Additional social and economic benefits will arise from the Proposed Development, including job creation particularly during the construction phase and spend within the local economy.
- The Proposed Development represents sustainable development, which lies at the heart of national planning policy; it is the purpose of the planning system to contribute to the achievement of sustainable development¹.

2.8 These conclusions are further explained and substantiated in the balance of this Statement and its appendices submitted on behalf of the Appellant (as well as the other technical material submitted in support of the Application).

¹ The Framework, paragraph 7

3. The Site and Proposed Development

- 3.1 I am familiar with the site, the Proposed Development and the issues arising. I have visited the site and the surrounding area on a number of occasions.
- 3.2 A detailed description of the site and the Proposed Development is contained within the Planning Statement and Design and Access Statement submitted with the Application. The following is provided to assist with context for the remaining sections of this Statement.
- 3.3 The appeal proposals relate to a brownfield site within the Fallowfield area of Manchester. They involve the demolition of a number of existing office buildings that have accommodated the headquarters of the Union of Shop, Distributive and Allied Workers ('USDAW'). Oakley House (also referred to as Oakley Villa within the Application documents) is agreed to be a non-designated heritage asset (not including its later extensions) and will be retained and converted as part of the proposals.
- 3.4 The site is vacant², with USDAW relocating its operations to modern office premises in Salford Quays.
- 3.5 The existing premises are dated, constrained (including DDA compliance and energy efficiency) and not well suited to modern office requirements. The site is not in a prime location for employment use and it is very unlikely the site could be viably redeveloped for employment purposes.
- 3.6 With the exception of the original Oakley House the buildings on the site are of poor architectural quality and make no positive contribution to the character and appearance of the local area. The extensions to Oakley House are insensitive and harmful to its appreciation and setting. The employment use of the site is out of character with the predominantly residential uses that extend from the site to the south.
- 3.7 The office buildings front directly on to Langley Road, and extend from two to three storeys with windows along the full length of the building, albeit only up to the second storey height in part.
- 3.8 There are two car parking areas (at the eastern and western parts of the site), providing a total of 53 parking spaces. Prior to USDAW vacating, c.180 employees worked on the site, making extensive use of the car parks. On days where there were additional staff/visitors to the offices, i.e. when training courses were taking place, then the car parks would become full resulting in further on street parking.
- 3.9 The site comprises a number of mature trees particularly along the northern and eastern edges of the site. The trees along the eastern boundary obscure Oakley House from Wilmslow Road, providing a 'green setting' to the villa. Platt Fields Park lies immediately to the north and west of the site, with further mature trees sitting within the Park adjoining the site boundary.

² Aside from a skeleton security staff.

- 3.10 The properties on Langley Road facing the site are predominantly two storey terraced homes, with some three storey apartments closest to Wilmslow Road. It has not been possible, by reference to publicly available information, to establish precisely how many of these are operating as HMOs accommodating students, but at least eleven are³, and I consider this to be an underestimate from observing the properties.
- 3.11 The site fronts on to Wilmslow Road, one of the key radial routes extending southwards from Manchester City centre. As this route extends north it forms Oxford Road, the locational focus of both the UoM and Manchester Metropolitan University teaching campuses (approximately 2.5km and 2.9km to the north respectively). Immediately next to the site on Wilmslow Road is an extensive bus layby comprising a series of bus stops and shelters. This is the largest and most commonly used bus stop in Fallowfield, taking students to the University teaching campuses and into the City centre. At peak times during the academic term, buses can be as frequent as every two minutes; services run 24 hours a day.
- 3.12 Opposite the site on Wilmslow Road is the UoM Fallowfield Campus. Whilst principally a residential campus housing approximately 3,000 students across seven halls of residence it is also home to a number of UoM's health, welfare and pastoral care facilities and the Armitage Centre, one of only two UoM sport centres, which includes a gym, sports hall, fitness classes, indoor and outdoor playing pitches and squash courts. As part of ongoing investment in the Fallowfield campus, UoM is planning to replace or enhance a number of its facilities.
- 3.13 A short distance to the south is the Fallowfield district centre, comprising a Sainsbury's supermarket, a wide range of other shops, takeaways, restaurants, bars, pubs, a health centre and pharmacies.
- 3.14 The Fallowfield area is one of the most popular parts of Manchester for students. Latest data for 2019/20 shows that there were 19,049 full time students living within 0.5 mile of the Appeal Site, which represents 28.8% of all full time students attending the City's Higher Education Institutes⁴.
- 3.15 The appeal proposals will deliver two new buildings, extending to 4 storeys and 13 storeys, providing 425 student bedrooms. The proposals provide a stepped approach to building height with the taller element set back from Langley Road, furthest from residential properties, to sit on the northern site boundary and benefit from the Platt Fields Park setting. The lower element is appropriately scaled and residential in character, respecting the existing character of Langley Road and forming a more suitable composition than is the case with the existing functional office design.
- 3.16 Oakley House will be converted and subject to sensitive and subservient extension to accommodate a range of supporting amenities and facilities including a games rooms,

³ Based on online searching for agents marketing particulars, and the Council's HMO register

⁴ Refer to Section 3.1 of the updated Manchester Student Demand Study, at Appendix 6. The total full time students being 66,157, attending UoM, MMU, the Royal Northern College of Music and other higher education institutions

lounge, library, study spaces, meeting rooms, a community room⁵, and the concierge and management staff room. The design retains and creates a feature of the important historic design elements of Oakley House, including the entrance hallway, staircase and features within the meeting rooms as existing.

- 3.17 An extensive landscaping scheme is proposed that is of a high quality and has a functional purpose designed to encourage regular use of the amenity spaces provided. This also provides an important part of the setting to Oakley House.
- 3.18 The proposals have been designed to achieve excellent design quality and to create a coherent sense of place. As the Design and Access Statement accompanying the Application, and Mr Groom's Statement (Appendix 2) explains, and I will turn to, the design process has been iterative and inclusive, including through independent design review. This process has materially enhanced the quality of the design. The proposals are also highly sustainable, incorporating a range of energy efficiency and energy saving measures.
- 3.19 In my opinion, as I will expand on, the appeal proposals are entirely suitable for the site's location. The site is within an area where there remains high demand for student accommodation and yet there is limited high quality PBSA; it is highly accessible both to the University teaching campuses and to local facilities (including the UoM Fallowfield campus), which is both environmentally sound and beneficial for student wellbeing; it accommodates buildings that are vacant, no longer fit for purpose and have no positive effect on the character of the area. The proposals will make effective and efficient use of a brownfield site and introduce buildings and spaces of the highest design quality, with a beneficial effect on Oakley House, a non-designated heritage asset.

⁵ Access to the site will be restricted but the room can be booked in advance by members of the local community. Those with an advanced booking will be able to call on intercom to get through the gates on the site boundary. The reception staff will then be able to show them to the community space by a separate building entrance to the student accesses to Oakley House.

4. Reasons for Refusal

4.1 The decision notice was issued 3 September 2021 and includes 6 reasons for refusal (“RfR”):

- (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.*

- 4.2 The RfR reflected the recommendation of officers as set out within the Officer Report to Planning Committee (the 'Officer Report'); no further reasons originated from comments during the Planning Committee.
- 4.3 I have sought in the remainder of this Statement to provide my assessment of the acceptability of the appeal proposals against the RfR. This includes my reflection on the alleged harm (or adverse effects) that will be caused to the local area, as contended by the Council and in third party representations. I consider in balance to this alleged harm the benefits of the proposals, such as in meeting housing need, enhancing the student experience, supporting economic development including through employment, and heritage enhancement. I draw all of this together in my Section 10, before concluding.

5. Approach to Application

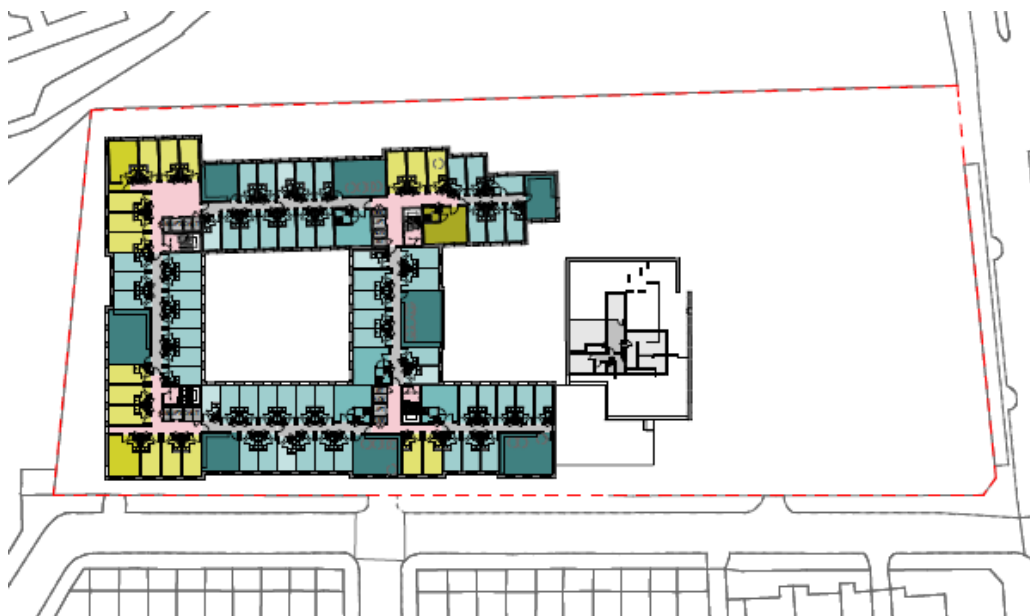
- 5.1 The Design and Access Statement submitted with the Application describes the design process, including independent design review. The Statement of Community Involvement provides a detailed account of the extensive public and wider stakeholder consultation undertaken by the Appellant.
- 5.2 There is no need for me to repeat those details here, but it useful to explain how the proposals evolved, the feedback received from the Council during the process, and how the key stakeholders such as UoM were engaged and informed the proposals. It is important to emphasise in my view that a thorough, diligent and collaborative approach has been taken to the design of the appeal proposals throughout the planning process. Positive indications of that are the absence of any objections from statutory consultees, the clear support of UoM and very positive feedback received through the design review panel; each of which I will turn to.

Engagement with the Council

Pre-application engagement

- 5.3 An initial pre-application meeting was held on 3 March 2020 with Officers of the City Council. The scheme was presented by HLM Architects and comprised dense development to the west of the Villa (Figure 5.1). The building was staggered in height with the tallest, fourth block reaching 10 storeys and providing a total of 497 bedspaces. A link to Oakley Villa was also shown as being retained at this initial pre-application stage.

Figure 5.1: Extract of HLM Floorplan



- 5.4 Concerns were raised by officers with regard to the location of the proposed PBSA use, with a clear preference expressed for more central locations. It was confirmed by Officers that compliance with Policy H12 of the Core Strategy and being able to secure University support was a key requirement for any PBSA development in the City.

Concerns were also expressed with the scale and massing and the potential for impact on trees and Platt Fields Park.

- 5.5 Following this initial pre-application response the Appellant instructed a new architect, Mr Tim Groom, with a wealth of experience in Manchester, to revisit the design approach and ensure the matters raised by Council Officers relating to design and impact were fully addressed.
- 5.6 Given the emphasis placed by Officers upon engaging with and gaining the support of the Universities, in the context of Policy H12, the Appellant held a series of discussions with representatives of UoM. Following initial positive feedback on the principles of the proposed development the Appellant and Mr Groom presented evolved designs, and iteratively developed the proposals to align with UoM's feedback. The culmination of this was commitment by UoM to support the proposals, which at that stage was expressed verbally to both the Appellant and a lead Council Officer that had been involved in the pre-application discussion.
- 5.7 Following this, Mr Groom presented the amended scheme at a second pre-application meeting which showed built development pulled south from the boundary with Platt Fields Park and the existing mature trees on this boundary. The scheme also pulled built development away from Oakley House and reduced the building footprint so there was a large internal courtyard (Figure 5.2).

Figure 5.2: Extract of Floorplan



- 5.8 The Appellant confirmed that UoM support was secured and the application would be submitted alongside a written letter of support. Council Officers did not raise an issue with this support nor was it suggested that a formal agreement was needed with the University. The requirement for formal agreement by a higher education institution was not raised at any point during the application process. It is accepted however, that Officers did not offer a supportive position on the principle of the PBSA use, with discussions principally focused on the design approach.

- 5.9 Officers were generally supportive of the amendments to the scheme at the second pre-application meeting and recognised the heritage and arboricultural benefits as a result of the layout changes. Officers raised no objection or suggested amendments to the scale or massing of the proposals.
- 5.10 Further informal calls and discussions were held with Officers prior to the submission of the planning application. At no stage did Officers raise concern with the design approach (i.e. scale, massing, layout), either specifically or even in general terms.

Post-submission Engagement

- 5.11 Further discussions were held with Officers following submission of the Application, and correspondence was exchanged. It became apparent during the determination period that Officers were of the view that the proposals would not satisfy Policy H12 of the Core Strategy, and that the scale, massing and footprint of the proposals were deemed to be out of character with and not respectful of the site and surroundings. It was not however, apparent from those discussions or correspondence as to how, precisely, the proposals were deemed to conflict with Policy H12, and how the design failed to respond to its context. No direction was provided in respect of any potential design changes, or specific impacts that the design may seek to overcome.
- 5.12 Despite requests, Officers did not supply copies of consultation responses, but only provided summaries of statutory consultee responses and a list of issues raised by third parties. The consequence of this was that the Officer Report raised for the first time a series of issues that had never been raised as a concern in discussion or correspondence, and hence the Appellant was provided with no opportunity to consider those issues nor to respond to them. This included the assertion of harm to the non-designated heritage asset; impacts on adjoining trees associated with light loss; suggested deficiency in the waste management strategy; and impact on residential amenity / overlooking. A number of these previously un-stated concerns were incorporated into the Officer recommendation for refusal and are expressed within the RfR.

Public Engagement

- 5.13 Public consultation took place between 12 and 27 November 2020. The approach to public consultation involved the issue of over 5,500 leaflets to households and businesses in the local area, Facebook adverts to people within a 2km radius of the site, press releases to local news publications and the publication of a project specific website. There was a total of 28 consultation responses including 4 by telephone. Individual meetings were held with local ward Councillors and representatives of the local resident community.
- 5.14 The Statement of Community Involvement submitted with the Application outlines and provides a response to the key topics resulting from the public consultation and stakeholder and Councillor discussions. The topics include: impacts from increased students numbers; possibility of providing a different residential tenure at the site; the affordability of the scheme; transport and access; scale of development; proposed amenities and ecology and biodiversity. The Application documents sought to address each of the matters raised through this process.

Independent Design Review

- 5.15 Major development proposals in Manchester are subject to independent design review as best practice and with the encouragement of the Council. The Council's 'Manchester Residential Quality Guidance' recommends that schemes should be peer reviewed as part of the design process and the Places Matter Regional Design Panel is identified in the MCC guidance as a suitable panel to undertake such a review. The guidance notes (at page 124) that:

'This dialogue can add value to the design process, looking at economic, social, environmental and aesthetic aspects of a proposal to ensure that it adds to Manchester and makes a positive contribution to the city over a long period'.

- 5.16 Page 127 of the Residential Quality Guidance sets out the Council's key requirements for residential buildings and states:

'The Council will require Applicants to demonstrate how proposals:

- Have considered if the scale or prominence is such that it would be required to be brought to the regional Design Review Panel.'*

- 5.17 This is consistent with the emphasis on design advice in the Framework, where it states *'planning authorities should have regard to the outcome from these processes [the processes of obtaining independent design advice], including any recommendations made by design review panels'*⁶. Further support for the use of design review panels is given in the Planning Practice Guidance paragraph 017 (Reference ID: 26-017-20191001) of Design: Process and Tools.

- 5.18 Places Matter Review Panel is an independent design review service hosted by RIBA. The Design Review Panel provides impartial advice to public and private sectors across North West England. The Panel typically includes specialists on matters of heritage, landscape, design and architecture. The Appellant undertook two Places Matter Design Reviews; one prior to submission of the Application and another during the determination of the Application. The Appellant approached the design review process with an open mind and a willingness to refine the design approach.

- 5.19 The first Places Matter written response to the panel discussion is provided as an appendix to the Planning Statement submitted with the Application. As the Design and Access Statement and Mr Groom's Statement (Appendix 2) explain, the feedback received following the first design review provided support for the general approach to design that had been adopted and directly influenced the design process, with notable changes made to the design to address the detailed comments received, prior to submission of the Application. As Mr Groom further explains, the second design review sought to present the changes that had been made in response to the first review, and to obtain any further feedback on the design which may have warranted additional changes. The response of the Places Matter panel was very positive and no further

⁶ The Framework, paragraph 133

design refinement was considered appropriate or required. A copy of the panel's response was supplied to Council Officers alongside correspondence dated 8 June 2021.

- 5.20 Despite this thorough design review process, and the degree to which it influenced and improved the scheme design, there is not a single reference to it within the Officer Report. Notwithstanding the clear advice in the Framework, Officers clearly had no regard to nor placed any weight on this process or the feedback, and as consequence the Council's decision can have placed no weight on it. As I return to, I consider this to be a significant omission and invite the Inspector to have due regard to value of this process and the feedback provided.

University of Manchester

- 5.21 As referred to above, in the very first pre-application meeting, MCC emphasised the importance of University support for any PBSA proposals, in the context of Core Strategy Policy H12. From my experience in working within the City, this is common advice from Officers, and the lack of any University backing has been commonly cited by Officers in discouraging PBSA proposals. On the other hand, where University support has been obtained (support, rather than any contractual position), this has been afforded weight by the Council in positively determining proposals against Policy H12. I turn to examples where this is the case later, in my analysis against Policy H12.
- 5.22 In this case, as noted above, express support from the UoM has been obtained, as contained within its letter of 18 December 2020 submitted with the Application (as an appendix to the Planning Statement) and reiterated in its letter of response to the Council's Application consultation. For ease of reference, I have provided UoM's letter at Appendix 7.
- 5.23 UoM recognises the proposals represent a 'unique opportunity', by reference to the accessible and convenient location, close to the UoM's Fallowfield campus and the welfare and pastoral care on offer; the design approach; the appealing communal and amenity spaces that will be provided to students; the affordable price point; and the diversity of supply the proposals will contribute to.
- 5.24 There remain ongoing discussions between UoM and the Appellant. UoM remain supportive of the proposals and have confirmed their interest in advancing discussions should the appeal be successful and planning permission obtained.
- 5.25 Despite the importance placed by Officers upon engaging with and seeking support of the Universities and the weight placed upon such support when obtained in determining other PBSA applications over recent years, the UoM's express support in this case was given limited weight in the determination of this Application. The Officer Report makes three references to the letter of support and its general context, but provides no explanation of the relevance or significance of this support, nor evidently considers it as being a material factor in the consideration of the proposals against Core Strategy Policy H12, or indeed more generally in the determination of the Application.
- 5.26 As I turn to in my analysis of the proposals against Policy H12, including in respect of the need for PBSA and the suitability of the location, I consider that significant weight should be applied to UoM's stated support.

Statutory Consultees

- 5.27 At the time of writing, and despite requests, I have not had sight of the full content of the responses to the Application by statutory consultees (or indeed any other consultation responses) as these were not made available by the Council during the determination period. I therefore have had to rely on the summaries supplied by Council Officers in email correspondence and references contained within the Officer Report. What is apparent from those sources is that all statutory consultees were satisfied as to the acceptability of the proposals, subject to appropriate controls through the imposition of planning conditions. I will refer to this further below, but I consider this to be a material consideration to be afforded significant weight. It is also instructive in evaluating the proposals against the relevant Development Plan policy and the harm alleged in the RfR and by third parties.

6. Accordance with the Development Plan

- 6.1 Pursuant to Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities and other decision makers should determine the application in accordance with the development plan unless material considerations indicate otherwise. This requires the identification of the relevant development plan and its policies applicable to a given application, and then to any material considerations.
- 6.2 The adopted Development Plan comprises:
- The Manchester Core Strategy (CS) (2012)
 - Manchester Proposals Map
 - Saved policies of the Manchester Unitary Development Plan (UDP) (1995)
 - Greater Manchester Waste Development Plan (April 2012)
 - Greater Manchester Minerals Plan (April 2013).
- 6.3 I consider that only the CS and the saved UDP policies are relevant to this appeal, and in respect of the latter only Saved UDP Policy DC26 (.1 and .5) Development and Noise is relevant. I expect this is a matter that can be agreed with the Council in a SoCG.
- 6.4 Full weight can be afforded to those Development Plan policies of relevance to the appeal as they remain consistent with the Framework. The Development Plan is therefore considered substantially up-to-date in respect of the matters being considered in this appeal.
- 6.5 Based on the Officer Report I believe it is recognised by the Council (and I will seek to confirm this through a SoCG) that there is accordance with all those relevant policies of the Development Plan not cited within the RfR, namely:
- CS Policy T1 Sustainable Transport
 - CS Policy T2 Accessible Areas of Opportunity and Need
 - CS Policy EN4 Reducing CO2 Emissions by Enabling Low and Zero Carbon Development
 - CS Policy EN6 Target Framework for CO2 reductions from low or zero carbon energy supplies
 - CS Policy EN 8 Adaptation to Climate Change
 - CS Policy EN14 Flood Risk
 - CS Policy EN 16 Air Quality

- CS Policy EN 17 Water Quality
 - CS Policy EN 18 Contaminated Land and Ground Stability
 - CS Policy EN19 Waste
 - Saved UDP Policy DC26.1 and DC26.5 Development and Noise
- 6.6 The Council contends conflict with a number of other relevant policies, as referenced in the RfR, namely:
- CS Policy SP 1 Spatial Principles
 - CS Policy H1 Overall Housing Provision – I question the degree to which this policy is relevant, as I address below
 - CS Policy H6 South Manchester – I question the degree to which this policy is relevant, as I address below
 - CS Policy EN1 Design Principles and Strategic Character Areas
 - CS Policy EN2 Tall Buildings
 - CS Policy EN3 Heritage
 - CS Policy EN9 Green Infrastructure
 - CS Policy EN15 Biodiversity and Geological Conservation
 - CS Policy DM 1 Development Management
- 6.7 The Appellant has sought to clarify with the Council through preparation of the SoCG which parts of those policies the appeal proposals are considered to be conflicted with, as it was not clear in many instances either in the wording of the RfR or in reviewing the Officer Report. In the absence of any response to the SoCG at the time of writing, I have made assumptions as to how and why the Council contends conflict (again insofar as I have been able to do so informed by the RfR and the Officer Report) and based my assessment on those matters.
- 6.8 I provide my analysis against each of these policies within this section of the Statement. With regard to those policies which are not referenced in any RfR, I rely on the analysis and conclusions set out within the Planning Statement submitted with the application.
- 6.9 I set out why I consider the appeal proposals fully comply with each and all of these policies and why in my view they accord with the Development Plan as a whole.
- 6.10 I deal first with CS Policy H12, which given its specific focus on PBSA and the breadth of the considerations it addresses, I consider to be the most relevant and important of the Development Plan policies in the determination of the appeal. I then consider each of the other policies referenced in the RfR in turn.

Policy H12: Purpose Built Student Accommodation

6.1 The overarching objective of the CS in respect of housing in the city is Strategic Objective 3 (SO3): *'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.'*

6.2 The CS contains a series of policies which are intended to meet this objective, but Policy H12 provides specific direction in relation to PBSA.

6.3 It is clear from the explanation to the policy that at the time of preparation of the CS, the Council judged there to be sufficient PBSA development in the planning pipeline to meet needs, and potential for an 'oversupply' to arise:

*'Currently the amount of purpose built student accommodation in the planning pipeline exceeds the demand from both the projected growth in student numbers and latent demand from students living in the general rented sector, meaning that there is a future oversupply of bedspaces. This means that purpose built student accommodation will be able to meet any increase in overall demand for student accommodation in Manchester, whilst broadening housing choice in a way which reflects evidence of current demand. If a need for further purpose built accommodation arises the Council will encourage this where it satisfies the criteria set out in Policy Approach H12.'*⁷

*'Recent planning applications show that there is currently a potential oversupply of student bedspaces in purpose built accommodation in the planning pipeline when matched against demand from both the projected growth in student numbers to 2014/15 and latent demand from students living in the general rented sector'*⁸

6.4 The policy was therefore prepared to provide a basis for assessing PBSA proposals, including in determining whether they are 'needed'. In so doing, the provision of PBSA was clearly recognised as beneficial, in the context of Policy H11 which seeks to control and restrict the prevalence of HMO accommodation:

'provision of further bedspaces in purpose built student accommodation will assist in encouraging students to choose managed accommodation over HMOs...

*...impacts of a large number of students living in an area can be more easily mitigated when they are living in purpose built accommodation rather than unmanaged HMOs which have significant impacts on residential amenity for non-student neighbours'*⁹

6.5 I will return to these beneficial effects, which the appeal proposals will help convey, later in my evidence.

6.6 In respect of need and supply, the CS policy was informed by evidence from 2014/15. Up to date evidence, including that compiled by the Council and the Appellant, demonstrates that rather than an oversupply, there is a clear need for additional PBSA

⁷ CS, paragraph 9.54

⁸ CS, paragraph 9.61

⁹ CS, paragraph 9.61

following years of constrained supply. I address this in relation to the relevant criteria of Policy H12 below.

- 6.7 I would first highlight that the policy is drafted in a permissive form; the first sentence of the policy states that PBSA will be supported where the criteria are met. The policy does not therefore seek to limit or restrict, but rather identifies the basis on which such proposals (recognising their benefit) will be given support.
- 6.8 I would also highlight that the policy contains criteria covering a broad range of issues, including development management considerations. Whilst it is not my contention that this overrides or precludes the need to consider other relevant policies of the Development Plan, given the breadth of the policy, compliance with it demonstrates suitability beyond purely the principle of the PBSA use.
- 6.9 Whilst not explicitly stated, I acknowledge that in order to derive full support from the policy all criteria of the policy have to be satisfied, where relevant and applicable.
- 6.10 The first paragraph of the policy states that *“Priority will be given to schemes which are part of the universities’ redevelopment plans or which are being progressed in partnership with the universities, and which clearly meet Manchester City Council’s regeneration priorities.”* (my emphasis).
- 6.11 As I have referred to and will return to below, the proposals have been worked up through extensive discussion with UoM and benefit from the University’s support, and the proposals will convey significant regeneration benefits consistent with the City Council’s priorities (e.g. economic development, providing student accommodation choice, protecting and enhancing heritage). I would contend therefore that ‘priority’ should indeed be given to the appeal proposals. However, if it is determined that this does not apply, this does not weigh against the proposals. The policy affords support to proposals that accord with the stated criteria, regardless of whether they are to be afforded ‘priority’; as I now turn to demonstrate the appeal proposals are entirely in accordance with the criteria and hence supported by the policy.

Criterion 1. Sites should be in close proximity to the University campuses or to a high frequency public transport route which passes this area.

- 6.12 This criterion is presented in the alternative, therefore meeting either locational expectation satisfies the criterion.
- 6.13 Dealing with the first of the alternatives, neither the policy nor the explanation to the policy state that this relates exclusively to teaching campuses. Given the explanation to the policy states that for these purposes 500m is taken to be ‘close proximity’¹⁰, the appeal site is clearly beyond 500m from the main University teaching campuses on Oxford Road. However, the appeal site sits well within 500m of the UoM Fallowfield campus. Whilst predominately a residential campus, as I note in Section 3 the campus also comprises a series of facilities available to all UoM students (not just those residing on the campus), including facilities focused on student welfare and pastoral care, and the University’s main sporting hub. UoM’s letter of support (Appendix 7) makes specific

¹⁰ CS, paragraph 9.62

reference to this close relationship as being a key reason for lending its support, acknowledging the suitability and benefits of the appeal site location.

- 6.14 UoM students who come to reside in the Proposed Development will no doubt make use of the Fallowfield campus facilities. I accept that they may not visit those facilities as frequently as they visit the main teaching campus, but this proximity is clearly beneficial, as UoM acknowledge. My view is that this can be taken as being one of the campuses referred to in criterion 1, and given the close proximity between the appeal site and the campus, the first alternative is satisfied.
- 6.15 Whether this is accepted or not has no particular bearing however, as it is abundantly clear in my view that the second alternative is satisfied.
- 6.16 The site adjoins the largest and busiest bus stop in Fallowfield that is serviced by high frequency bus services 24 hours a day. The bus services passing through this stop travel directly to the Oxford Road corridor (the location of the main University campuses) and to the City centre. The average travel time to the UoM and Manchester Metropolitan University ('MMU') is around 13 minutes and 17 minutes respectively. A combination of wide footways and on- and off-road cycleways provide continuous access to the Universities, including Dutch-style cycle lanes from Platt Lane to Portland Street. Recently implemented improvements to cycle infrastructure along Wilmslow Road has been achieved via carriageway narrowing rather than impacting existing footways. Cycle time is approximately 10 minutes and 12 minutes to the UoM and MMU campuses respectively. The submitted Transport Statement documents the accessible nature of the appeal site, and this is reiterated in the appended Highways Technical Note (Appendix 5)
- 6.17 In supporting the appeal proposals, the UoM recognises how quick and easy it is to travel between the appeal site and the University's teaching campus.
- 6.18 There is no doubt in my mind therefore that this criterion is satisfied, and further that in doing so it is demonstrated that the appeal proposals are in an entirely sustainable and accessible location, which will not only have environmental benefits, but also contribute to the attractiveness of the proposals to students and support student wellbeing.
- 6.19 In considering this criterion the Officer Report states:
- 'A number of respondents to the notification process have highlighted current issues with the high demand on this bus route and some of the issues faced by school pupils and other residents in using these routes and that these issues would worsen if the proposals were approved.'*
- 6.20 The Officer Report reaches no conclusion on this matter, nor indeed offers a view on the materiality of the issue or whether there is any evidence to substantiate it. It is taken no further, and not referred to in the RfR, so I take it that the Council does not concur with the position taken by the 'number of respondents'. If it was otherwise the Council, consistent with its duty under Article 35(1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, would have identified it as a justification to refuse the application as they were to have "stated clearly and

precisely their full reasons for refusal, specifying all policies and proposals in the development plan that are relevant to the decision.”

- 6.21 Regardless of whether or not this would be an issue, it is not test of this policy. The capacity of a particular public transport corridor is not cited as a consideration of criterion 1 or elsewhere in the policy. It is not therefore material to an assessment against Policy H12.
- 6.22 Notwithstanding, and for completeness, the Highways Technical Note (Appendix 5) considers this and I address it within my consideration of harms at Section 9.

Criterion 2. The Regional Centre, including the Oxford Road Corridor, is a strategic area for low and zero carbon decentralised energy infrastructure. Proposed schemes that fall within this area will be expected to take place in the context of energy proposals plans as required by Policy EN 5.

- 6.23 The appeal site is not in the Regional Centre or the Oxford Road corridor and therefore this criterion is neither relevant nor applicable to the appeal proposals.
- 6.24 As I return to later however, I note that the Appellant has ensured sustainability has been integral to the design process and the proposed scheme includes elements of low and zero carbon technology. The Proposed Development will achieve BREEAM Excellent and includes air source heat pumps, electric heating and electric vehicle charging points.
- 6.25 The Officer Report acknowledges that the buildings are sustainable.
- 6.26 Whilst the criteria is not applicable, the underlying objective behind it (to achieve low carbon PBSA development) is clearly met by the appeal proposals.
- 6.27 I would note that in assessing other PBSA proposals, the Council has accepted sustainability standards of a lower level than proposed by the Appellant in this case as satisfying this criterion. One example being the site of the Church Inn in Hulme (application ref: 125654/FO/2019, approved in February 2020) where the proposals were for BREEAM Very Good standard. I attach the Officer Report for this scheme at Appendix 8.

Criterion 3. 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. Proposals should not lead to an increase in on-street parking in the surrounding area.

- 6.28 The site is already occupied by a relatively high density development. The buildings occupy a large part of the site, extending up to three storeys, and prior to being vacated, c180 USDAW staff members worked at the site. The residential streets to the south of the site are generally of a lower scale, but are terraced in character and therefore relatively high density in their own right.
- 6.29 On the opposite side of Wilmslow Road lies the UoM Fallowfield Campus which is clearly of a high density, including a building of significant height. As Ms Ede’s statement (Appendix 1) highlights, further high density development and significant height exists

and has been approved for development a short distance to the north along Wilmslow Road, on the site of the former MMU campus. The Fallowfield district centre lies a short distance to the south of the appeal site; as I will turn to later, CS Policy H6 seeks to direct high density developments outside of the City centre principally to the City's district centres.

6.30 There is therefore a clear and appropriate context for high density development on the appeal site. As to the 'compatibility' of this development, this could be considered in different ways, but I would identify:

- The design is responsive and appropriate to the characteristics of the site and its surroundings; it will be beneficial in both respects. In this regard I rely upon the evidence of Mr Groom, Ms Ede and Mr Levrant, as appended to this Statement. I return to this later.
- The proposals will cause no unacceptable impact on nearby properties, by reason of loss of light, overlooking, noise disturbance or otherwise. Again, I rely on the evidence of Mr Groom and Ms Ede, and also the relevant technical reports submitted with the Application and the response of statutory consultees. I also return to this later.
- The introduction of a PBSA use is entirely compatible with the area within which the appeal site is located. As noted earlier, Fallowfield is an established and popular location for students. The UoM Fallowfield Campus both accommodates and caters for its students; the district centre facilities are of a scale and composition aligned to the needs of students. The bus routes along Wilmslow Road are 24 hour and highly frequent. Many of the residential streets are occupied by properties accommodating students, including immediately adjoining the appeal site. The former employment use is, if anything, out of character with the principally residential character of adjoining streets. A PBSA use will be much more consistent with this character.

6.31 I will return to matters of design and impact in respect of other criteria of Policy H12 and other policies, but this aspect of Policy H12 is my view clearly satisfied; the proposals will be compatible with existing developments.

6.32 There are a range of retail facilities within the Fallowfield district centre, which lies a short distance to the south.

6.33 In relation to car parking, this is a matter considered by the Highways Technical Note (Appendix 5) in response to third party objections summarised within the Officer Report. The proposed development comprises a limited number of spaces (3 accessible spaces plus 4 spaces with electric vehicle charging points). This is deliberately limited, and a notable reduction on the number of spaces currently on site (53 spaces). Consistent with the principles of sustainability that underpin the development, the green travel measures proposed to be adopted (see Travel Plan submitted with Application) and the accessibility of the site by a range of non-car transport modes (see Transport Statement submitted with the Application) a car-free policy is to be implemented. This will limit students from bringing private vehicles to the site by including this within individual

tenancy agreements and tenancy handbook, and this can be assured through an appropriate planning condition.

6.34 This is an approach that has been adopted on a number of PBSA developments (69 properties at the time of writing) the Watkin Jones Group is responsible for across the country. As the Highways Technical Note (Appendix 5) explains both UoM and MMU strongly discourage students from bringing cars to the teaching campuses by limiting car parking passes and adopt a high pricing strategy for the car parks they operate close to the campuses. Students in the City are therefore generally discouraged from using a car, and it is perfectly reasonable to assume that the car-free policy can be applied effectively in this case.

6.35 Whilst I accept each site must be considered on its merits, there are a number of PBSA developments across the City where no car parking is provided for students, including all of those that have been approved by the Council in recent years.

6.36 With these safeguards in place, the green travel measures and the availability of other transport modes, it can be reasonably concluded the appeal proposals will not lead to an increase in parking in the surroundings streets. Indeed, as the Highways Technical Note concludes, the proposed development can be expected to bring about an improvement in this regard, compared to the former USDAW use. Prior to vacation the site accommodated 180 staff members on an average working day, and particularly on days where there were additional staff/visitors to the office, i.e. when training courses were taking place, cars would be parked on surrounding streets.

6.37 The matter of parking is referred to on a number of occasions within the Officer Report, where it states:

'It is considered that the application proposals would not be compatible with existing developments of this area and would contribute towards existing on-street parking problems that are identified by Highway Services';

'It is considered reasonable to expect, given the level of proposed occupation, that a proportion of occupiers would have access or ownership of a car irrespective of the sustainability of the location. Such demands would have to be almost exclusively accommodated on the public highway around the development.'

'Given the low level of on-site provision for car parking to service the development it is considered that the proposals would give rise to an increase in demand and requirement for on street car parking in the vicinity of the development in an area already experiencing high levels of on-street car parking.'

6.38 Notwithstanding these conclusions, the RfR make no reference to a deficiency in car parking or any adverse impact on the surrounding highway. I would also note that the Officer's views and conclusions are in no way substantiated or evidenced. They are purely contentions, without seemingly any regard to the level of on-street parking arising from the pre-existing use (which must be treated as a baseline in order to establish whether an increase will arise), or the management strategy set out by the Appellant within the submitted documents.

- 6.39 The Officer's conclusions also run contrary and draw no support from the Council's Highway Services response, separately summarised within the Officer Report. As the Officer Report recognises Highways Services identify that '*a high level of on-street parking has been observed on Langley Road during University term time, associated with the terraced properties*'. However, Highways Services response is further summarised as stating:

'Student Parking Management Strategy - It is noted that a strategy is proposed so Students would not be permitted to bring their own cars to the site (or to the University) as a condition of their tenancy, this is welcomed. This strategy should be conditioned.

Move-in/out Procedure - It is noted that all on-site car parking would be made available for students moving into/out of the site at the start/end of term time and demand for on-site parking during move-in /move-out events would be managed by the site operator. It is recommended that a Condition is attached to any subsequent Planning permission requesting that an Operational Management Plan is submitted to and agreed in writing with the Local Planning Authority, prior to first occupation of the development.'

- 6.40 There is therefore no objection from the highway authority on any ground, including in relation to car parking provision or the potential impact of off-street parking. Indeed, the highway authority welcome the approach adopted by the Appellant. The Officer Report pays no apparent regard to this position and draws conclusions to the contrary. I attach substantial weight to the highways authority's stance and no material weight to the Officer Report's unsubstantiated conclusions. I am therefore of the firm view that this aspect of the criterion is satisfied.

- 6.41 Overall, I conclude this criterion is satisfied.

Criterion 4. Proposals that can demonstrate a positive regeneration impact in their own right will be given preference over other schemes. This can be demonstrated for example through impact assessments on district centres and the wider area.

Proposals should contribute to providing a mix of uses and support district and local centres, in line with relevant Strategic Regeneration Frameworks, local plans and other masterplans 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.

- 6.42 RfR 1 relates to this criterion as it states that the proposal will not give rise to a positive regeneration impact. I address the specific terms of each RfR in Section 10 by reference to this review.

- 6.43 I would first note that the criterion states that '*preference over other schemes*' will be given to proposals that can demonstrate a positive regeneration benefit impact in their own right. Neither the policy nor the explanation to the policy explains how such preference will be applied, particularly as each proposal needs to be judged on its own merits. However, it is not a requirement of the policy for such benefit to be conveyed and proposals that do not convey such benefit cannot be taken as failing to satisfy the criterion.

- 6.44 Notwithstanding, the appeal proposals will have a regeneration impact in their own right, on the following basis.

Supporting Manchester's Higher Education offer

- 6.45 Higher Education Institutions play a critical role within Manchester. They sustain, support and further the economic performance of the City, in turn conveying significant social benefit. They are equally recognised as crucial to the City's recovery from the Covid-19 crisis.
- 6.46 The provision of high quality, affordable and well managed student accommodation is an essential component in sustaining the appeal of those Higher Education Institutions in what is a very competitive market place. Sufficient high quality provision is critical to the City's universities being able to attract and retain the best talent.
- 6.47 As addressed in relation to criterion 9 below, there is a significant mismatch between supply and demand, and a pressing need to deliver additional PBSA. The proposals will make a notable contribution to the supply, with high quality, managed accommodation in a location that is proven to appeal to a large proportion of students. By making this contribution and helping to increase and improve the accommodation offer, providing students with choice and enhanced wellbeing, the proposals will support the appeal of the Higher Education Institutions and their continued essential contribution to the City's economy.

Providing housing choice and supporting 'recovery' of traditional housing stock

- 6.48 The mismatch between supply of and demand for student accommodation within Manchester, evidenced within the Application (updated within Appendix 6 to this Statement) and addressed below in respect of criterion 9, has generated a significant issue within the City in respect of the occupation by students of mainstream housing stock. There are more than twice as many students at the Higher Education Institutions than there are bedrooms in purpose built accommodation. Allowing for a small proportion of students living at home, the balance is necessarily made up of properties in the private rented sector, the majority of which are HMOs.
- 6.49 Whilst this will always be a feature of any successful university city, the issues this generates are numerous: reduced availability and affordability of housing stock; exemption from Council tax and the impact this has on Council revenue and spending; lack or absence of management; no oversight of student wellbeing; students exposed to poor landlord practices; impact on amenity of neighbours by being interspersed with mainstream housing. High quality, well managed PBSA represents a means of addressing all of these issues.
- 6.50 Those issues are prevalent in Manchester. As I will return to in the consideration of need against criterion 9, there is a clear imbalance between PBSA supply and demand, and significant occupancy by students of properties that may otherwise contribute to the mainstream housing stock. This is an issue that will escalate without additional PBSA supply. As the updated Student Demand Study (Appendix 6) identifies, there are an estimated 29,125 PBSA bed spaces in Manchester, representing just 44% of total full time students. The current supply of PBSA bed spaces equates to a ratio of 2.3 full time students per bed space. If the current potential pipeline is included in the ratio, alongside

the projected increase in full time student numbers, the ratio will decrease, but only marginally, to 2.1 students per bed space.

- 6.51 These issues affect a number of areas within the City but not least the Fallowfield area. Fallowfield is a very appealing location for students. They are attracted by the presence of the UoM Fallowfield Campus with the facilities this offers, the other local facilities, the easy accessibility to the university teaching campuses and the City centre, and by the presence of other students. The updated Student Demand Assessment (Appendix 6; Section 3.1) estimates that 14,375 full-time students live within the Fallowfield area in non-PBSA accommodation/HMO accommodation within the mainstream private rented sector. A large number of these will be within what could otherwise be mainstream housing stock.
- 6.52 There is also a notable price differential between student accommodation within the Fallowfield area and that found within the City centre. For the year 2023/24 (estimated year of opening for the appeal proposals), the average rate for PBSA accommodation is forecast (based on 2020/21 actuals) to be 14 – 41% (dependent on room type) more expensive in the City Centre compared to Fallowfield, whilst the average HMO accommodation is forecast to be 45% more expensive in the City centre¹¹.
- 6.53 To make a difference here, to reduce this ‘claim’ on the mainstream housing stock and all the associated issues this brings, it is necessary to provide an attractive and realistic alternative. Increased supply of PBSA represents a key solution, in a form, at a price point and in a location which students can and would choose instead.
- 6.54 City centre PBSA is part of that solution, as the Council now recognises (see Section 7). However, it is simply not realistic for it to represent the whole solution. There will remain a strong demand from students to locate in Fallowfield, rather than a City centre location. The price differential between the two areas as referred to above, which even with increased supply in the City centre is highly unlikely to be overcome on a widespread basis due to underlying land costs, will preclude many students from making that choice.
- 6.55 To present students with a realistic alternative to HMO accommodation in Fallowfield, the Appellant, and UoM (as evidenced by their letter of support (Appendix 7)), firmly contends that additional PBSA needs to be provided within Fallowfield where it can be suitably accommodated. This is not to exacerbate existing issues, but rather acknowledges the reality of demand and the need to accommodate that demand in a form that can help resolve existing issues.
- 6.56 The high quality PBSA proposed provides the opportunity to address these issues, across Manchester and in Fallowfield specifically, to alleviate the pressure on the mainstream housing stock and contribute to the aim of bringing HMOs back in to the mainstream housing market. The proposals can attract students who will otherwise be located in Fallowfield and within HMO stock, given the absence of attractive and affordable PBSA alternatives. They will be attracted by the ability to live with other students, but within a modern, well designed development, which is managed effectively such that their health and wellbeing is protected. They will be attracted by the location, adjacent to a

¹¹ Derived from the data for ‘mean’ prices in Table 12 of the update Student Demand Study, Appendix 6

well-frequented bus stop and very close to the UoM Fallowfield Campus and Fallowfield district centre facilities. They will be attracted by the amenities on offer within the development, with dedicated gathering and study spaces and private landscaped areas.

6.57 In respect of cost, which will be an important but not the sole determinant of choice, the appeal proposals will represent a realistic alternative. WJG anticipate marketing from 2024 academic year at £160 per week for an en-suite room, over a 45 week contract length. The updated Student Demand Assessment (Appendix 6) makes a fair comparison at Section 5, and finds that with adjustment to reflect the additional bills this price is inclusive of, the rental growth position between now and 2023/24, and contract length, the anticipated price point for the proposals sits substantially below City centre PBSA and HMO prices and between the median and upper quartile for HMO prices in Fallowfield. The price point, together with the high standard of accommodation, amenity offered and its prime location, provides an attractive and realistic alternative to a good proportion of the HMO stock in Fallowfield.

6.58 The appeal proposals will both serve to reduce the supply deficiency (which in itself reduces pressure on mainstream housing stock) and offer essential choice. In so doing, it reduces pressure on the housing stock, reduces the prospects of additional mainstream housing being occupied by students, and creates the opportunity to revert a proportion of the HMOs in the area back to family housing. This is a key regeneration benefit of the proposals.

Making efficient use of land

6.59 The site and premises are no longer fit for purpose as office accommodation. USDAW have moved premises and the site is vacant. The scheme design makes efficient use of land by retaining and providing a viable future for the existing villa, introducing high quality new accommodation which is beneficial to the character of the site and surroundings, and ensuring the site's green environment is retained and enhanced.

6.60 This is wholly consistent with national policy contained in the Framework, not least where it states that planning decisions should '*give substantial weight to the value of using suitable brownfield land*'.¹²

Conveying Heritage Benefit

6.61 This is dealt with in detail at criterion 7 below, by reference to Mr Levrant's evidence (Appendix 3). The proposed scheme places the non-designated heritage asset at the heart of the development and provides it with a viable future. The demolition and decoupling of built development from the Oakley House improves its setting and the contemporary rear extension ensures the accommodation blocks are tied into the overall aesthetics of the site and surroundings. The internal heritage features of importance will be improved and protected and the important external features retained.

6.62 The heritage enhancement arising from the proposal is a key regeneration benefit of the appeal proposals.

¹² The Framework, paragraph 120(c). See also paragraphs 119, 120(d) and 125.

Economic and Social Benefits

- 6.63 The Economic Impact Statement submitted with the Application summarises the economic benefits resulting from the appeal proposals. The Impact Statement summarises the economic benefits at a city wide and local level.
- 6.64 During the construction phase, the Proposed Development would support a number of direct and indirect jobs within the construction industry and associated supply chains. The value of the construction of the development is estimated as circa £23.5million, and is estimated to employ a workforce of around 80 during the estimated 2 year construction period. During the operational phase of the Proposed Development, approximately 5 full-time equivalent jobs will be created, in addition to investment in the local supply chain. The 425 students who will live within the Proposed Development are expected to spend a total of more than £1.4 million per year in the local area, supporting businesses and the vibrancy of the area. The Proposed Development would attract footfall into the area, encouraging further investment to take benefit from the opportunities of increased activity in the area.
- 6.65 I accept that it cannot be assured that a direct consequence of this development alone would be the freeing up of HMO accommodation, given the increasing demand for student accommodation and wider market dynamics. However, as argued above, the provision of high quality PBSA in locations of choice, such as proposed, makes this more likely. The Economic Impact Statement estimates the potential effects of this, by estimating that the quantum of rooms proposed could equate to the freeing up of 100 homes, capable of accommodating 230 residents. It estimates up to £1.7 million in additional retail and leisure expenditure could be generated by new occupants of former student HMOs. Up to £110,000 per annum in Council Tax revenue could be collected by the Council following the re-occupation of former student HMOs.
- 6.66 By offering a viable and attractive alternative to HMOs within purpose built, well designed accommodation, the scheme can ensure there is a comprehensive management strategy in place to reduce the prevalence of anti-social behaviour typically associated with late night student activity. The Management Plan submitted with the Application confirms that 24 hour on and off-site management scheme will be implemented.
- 6.67 In respect of the other expectations of the criterion beyond regeneration benefit, the proposals include a range of amenities for its occupants, with Oakley House providing a series of dedicated gathering and social spaces, together with the extensive landscaped areas within the site. These facilities complement and can work alongside those on offer and planned in the UoM Fallowfield Campus adjacent to the site. Additional services, such as a doctor's surgery and shops are proposed as part of the campus redevelopment and students residing in the appeal proposals will support and benefit from these facilities, as well as the existing sporting and recreational facilities within the campus.
- 6.68 PBSA in this location will closely integrate with the surrounding neighbourhood which will remain a popular destination for students. The well managed accommodation will help to alleviate some of the existing challenges in the area associated with anti-social behaviour, whilst contributing to the vibrancy of the neighbourhood by supporting the numerous bars, restaurants, takeaways and local shops in close proximity.

- 6.69 The Officer Report acknowledged that there would be a positive regeneration impact caused by the retention, refurbishment and re-use of Oakley House¹³. Similarly, the Officer Report recognised regeneration benefits from the creation of jobs at the construction phase and the monetary expenditure within the local economy as a result of the increase in student population. The Officer Report also notes that the retention of USDAW staff within Greater Manchester. However, it fails to recognise the other notable regeneration benefits in the assessment of the proposals, as referenced above, and in any event places insufficient weight on the benefits it does acknowledge. The regeneration benefits are significant, satisfy this aspect of the criterion and weigh strongly in favour of the appeal proposals.
- 6.70 In reaching this conclusion and considering the Officer Report's assertions on absence of sufficient regeneration benefit, I would question the consistency of approach adopted by the Council in determining PBSA proposals in this respect. I would contend that the appeal proposals convey at least the same and if not greater regeneration benefit than other proposals the Council has supported in recent years. Citing one example, a PBSA proposal in Hulme approved in February 2020, the Officer Report¹⁴ in that case concluded that the redevelopment of a former public house, acknowledged to be of some local value, would convey sufficient regeneration benefit to satisfy criterion 4. The consideration of criterion 4 extended to:
- 'The site lies on a key gateway route from the south into the City Centre. Although the site is in part occupied by a former public house of some local value, it generally creates a poor quality built environment and has raised issues of crime and safety. The redevelopment of the site would have a hugely beneficial impact on the area, improve the perception of the City at a key location and improve the vitality and safety of the surrounding streets. It is considered therefore that the proposal would meet the requirements of point 4 of Policy H12.'* (page 15).
- 6.71 The appeal proposals would, I firmly contend, convey greater regeneration benefit, not least given the heritage benefits arising.
- 6.72 In respect of the remainder of the criterion, the principal proposed use of the site is for student residential accommodation. However, a mix of facilities are provided for the students residing on site. This mix of uses is at least commensurate with, and in respect of the external amenity areas substantially exceeds, that which is found within other PBSA proposals that the Council has supported in recent years. The Church Inn proposal in Hulme, referred to above (Officer Report provided at Appendix 8) being one.
- 6.73 The proximity and connectivity to both the UoM Fallowfield Campus and the Fallowfield district centre - locations and facilities the occupants will make use of - helps to ensure integration of the proposals with the local neighbourhood. The district centre will benefit from the custom generated by the occupants, for example in terms of shopping and food and beverage purchases. There is no evidence that I have had sight of at the time of writing that the proposals would cause pressure on existing neighbourhood services to

¹³ Planning Committee Officer Report, page 32

¹⁴ Application Ref. 125654/FO/2019, attached at Appendix 8

the detriment of existing residents¹⁵. During the determination of the Application, the Appellant asked local ward Councillors if there were any services that may require investment as a consequence of the proposals, necessitating a financial contribution or other intervention. None was identified. The question has been again asked by email of Officers of the Council in advance of preparation of this Statement, and it was confirmed on 02 February 2022 that no financial contributions are sought (Appendix 9)

6.74 This criterion is satisfied.

Criterion 5. Proposals should be designed to be safe and secure for their users, and avoid causing an increase in crime in the surrounding area. Consideration needs to be given to how proposed developments could assist in improving the safety of the surrounding area in terms of increased informal surveillance or other measures to contribute to crime prevention.

6.75 The appeal proposals are very mindful of the safety and security of future residents and the contribution they can make to crime prevention in the surrounding streets. The site access points will be gated and on and off-site management protocols will ensure the safety of its residents. The Management Plan submitted with the Application confirms that the site will have fob/card access, CCTV in the communal areas and a door entry system that means guests can only enter the premises if they're met by a resident. The scheme will also benefit from a concierge and 24-hour onsite management staff. Two secure cycle storage areas are also to be provided.

6.76 The active frontage on Langley Road and views towards Platt Fields Park will be a benefit to the wider community by offering natural surveillance and making a positive contribution to the prevention of crime and fear of crime.

6.77 The Application was accompanied by a Crime Impact Statement and Greater Manchester Police (GMP) have raised no objection to the application. The Appellant held further discussions with GMP during the application determination period in order to ensure that the proposed development responds to the highest standards of design security and contributes where possible to addressing any anti-social/criminal behaviour in the vicinity of the site. In light of those discussions the Appellant confirmed to the Council¹⁶ its commitment to the following:

- Achieving the Secure by Design Gold Award certification after construction through implementation of the measures identified in the Crime Impact Statement;
- Extending 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;

¹⁵ The Appellant reserves the right to respond to any evidence supplied by the Council or 3rd parties that has not been made available to date.

¹⁶ Letter dated 6 July 2021

- Introducing additional dense planting and shrubbery on the northern and western site boundaries to prevent intruders.

6.78 These matters can be addressed by means of planning condition.

6.79 In the same correspondence the Appellant also confirmed its willingness to assist in local crime prevention and security initiatives (e.g. CCTV, lighting, signage) in the local area at crime hotspots as identified by GMP, where possible. This would require further discussion with the Council and GMP to firm up the particular locations and measures that may be appropriate. To date, the Council has not sought to engage on these matters, but the Appellant remains willing to in advance of the appeal hearing.

6.80 This criterion is satisfied.

Criterion 6. Consideration should be given to the design and layout of the student accommodation and siting of individual uses within the overall development in relation to adjacent neighbouring uses. The aim is to ensure that there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the streetscene either from the proposed development itself or when combined with existing accommodation.

6.81 The Design and Access Statement demonstrates how the layout, siting and relationship with neighbouring land uses have directly influenced the design evolution of the scheme. I deal with impact on the streetscene and the Council's contentions as to 'overbearing effect' against Policy EN2 below, and find the effects of the proposals to be beneficial.

6.82 In respect of privacy I refer to Ms Ede's and Mr Groom's evidence. This evidence considers relationship between the existing development and the properties on the south side of Langley Road compared to the relationship that will exist as a consequence of the proposed development is not materially different.

6.83 The proposed development will only be slightly closer, at 16.8m; the distance from habitable window to habitable window will not be materially smaller. I am not aware of any definitive local guidelines on separation distances contained with policy, including within the Guide to Development in Manchester SPD and the Manchester Residential Quality Guidance (March 2017) document which has been endorsed by the Council in a similar way to the Policy H12 review I refer to elsewhere¹⁷.

6.84 In respect of the latter, when considering privacy at page 116, the document states:

'Overlooking (back-to-back) distances between residential properties needs to balance the desire for sufficient residential privacy whilst offering scope for different development options to come forward in response to a site's context. While the norm is for a back-to-back distance of 20m, this can be restrictive and a reduction may be appropriate where

¹⁷ i.e. through Executive endorsement as a material consideration. I would question the broader relevance of this document to the appeal given it is principally concerned with C3 residential and makes no specific reference to PBSA throughout. But in respect of separation and privacy it provides an indication of the contextual approach which the Council adopts, which is evident in the precedents Mr Groom refers to.

facing uses are compatible, there remains a sufficient amount of daylight and residents enjoy a sense of space without feeling overcrowded.'

- 6.85 This contextual approach is in my view appropriate, and the degree of separation proposed in this case strikes a suitable balance, by maintaining a sense of space, reflecting the compatible residential character of the opposing buildings and not materially altering the current arrangement. In terms of compatible character, I note earlier the number of known student-occupied properties along Langley Road – in many respects the occupants of the opposing buildings will both be students.
- 6.86 There is an extensive number of windows on the southern elevation of the existing building, which are large and offer a wide splay view of the street. Those windows serve part of an interlinked office building which until recently was occupied by c.180 staff. In comparison, the southern elevation of the new building will have a series of smaller windows with a narrower view range, serving up to 66 residents. I would acknowledge that given the character of the proposed use compared to pre-existing, the proposals increase the likelihood of occupants looking out of their windows later into the evening (outside of normal working hours), but consider this is balanced by the likely reduced occupancy during the day and the fact that there will no occupancy during University holidays (c.10 weeks per year).
- 6.87 The four storey element of the proposed building does introduce windows at a higher level than the existing building, and extends further along Langley Road to the west (to a point beyond where the existing building fronts Langley Road). The latter is balanced by the reduced scale and presence of windows towards the eastern end of the street, where the villa is now unveiled and given space. Nevertheless, this does alter the relationship somewhat, with the increased risk of overlooking from those more elevated windows / windows where there aren't presently any. However, I do not consider this to be a material change, one that would present an unacceptable arrangement, nor one which would cause material detriment to residential amenity (either for existing residents or residents of the proposals). There remains good levels of separation, commensurate with the character of the area (one principally of a tight urban grain with back to back terraces, as Ms Ede documents) and generally consistent with the existing arrangement.
- 6.88 I reach that conclusion regardless of the other numerous examples that Mr Groom highlights, where comparable or shorter separation distances are found, including where properties on one side of the street are elevated compared to the other. But such examples reinforce my view that this is an acceptable arrangement and not out of the ordinary in Manchester's inner urban areas (nor doubtless in many cities across the country).
- 6.89 In respect of other potential impacts on amenity, the Application was supported by a Management Plan, Transport Statement, Daylight and Sunlight Assessment, and Noise Impact Assessment, which in combination outline the effects the proposed development will have, and the management regime that will be put in place to minimise disturbance. They demonstrate that no unacceptable effects on residential amenity will arise.

- 6.90 The Officer Report confirms that no objections were raised by the Council's Environmental Health team, subject to the imposition of conditions, which are acceptable to the Appellant.
- 6.91 RfR5 contends that the proposals will *'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'*. There is no evidence I have seen from the Council or other parties that substantiates this assertion. No concerns have been raised by statutory consultees concerned with such issues. There of course will be 'comings and goings', just as there will have been for the long length of time the site has been in active employment use. Fewer vehicles will enter and leave the site. End of term movements will be coordinated and closely managed, in accordance with the Management Plan. As a residential use then of course activity is more likely outside of working hours than the employment use, but this is characteristic of the surroundings in any event. The proposals will be self-contained, purpose-built and well managed, with 24 hour security provision. Access points to the site will be limited and principally at the western end of the site, closest to Wilmslow Road.
- 6.92 In the absence of any evidence to the contrary, and informed by the design and management of the proposals, the character of the area, and absence of any statutory consultee concerns, I do not believe that unacceptable impacts are likely to arise. I conclude therefore that this criterion is satisfied.

Criterion 7. Where appropriate proposals should contribute to the re-use of Listed Buildings and other buildings with a particular heritage value.

- 6.93 It is agreed with the Council that the original part of Oakley House is a non-designated heritage asset, and therefore qualifies as a building 'with a particular heritage value'. The effects of the proposed development on heritage assets, and in particular on Oakley House, is dealt with in the evidence of Mr Levrant (Appendix 3), upon which I rely.
- 6.94 The proposed development will provide Oakley House with a sustainable and viable future. As the Design and Access Statement and Mr Groom's statement (Appendix 2) explains the design has treated the original villa as the 'heart' of the scheme, the place which the overall design is focused around. It is to be used to house shared facilities for use by the students occupying the adjoining accommodation blocks, together with a range of other management activities and a meeting room for use by the wider community.
- 6.95 As the whole site, including Oakley House, is now vacant the appeal proposals therefore not only contribute to, but directly bring about the re-use of this heritage asset. As I address within Section 8, there are significant benefits arising from this re-use and indeed how the appeal proposals respond to, enhance and protect the heritage of the site. Under the specific terms of the policy, the re-use alone is sufficient to satisfy this criterion.
- 6.96 I note the Officer Report acknowledges that *'the retention, refurbishment and re-purposed use [of the villa] is a benefit of the proposals.'* Regardless that the Council contends (and reflects in its RfR) the proposals are harmful to the setting of the villa, this

does not affect evaluation against this criterion, which is clearly satisfied. I expand on the effects of the Proposed Development on heritage further in relation to Policy EN3 below.

Criterion 8. Consideration should be given to provision and management of waste disposal facilities, that will ensure that waste is disposed of in accordance with the waste hierarchy set out in Policy EN 19, within the development at an early stage.

6.97 The Officer Report states:

“A waste management strategy has been submitted that would fall short of the standards for City Council in terms of its size. It is considered that if the proposals were considered acceptable in principle this matter could have been successfully resolved.”¹⁸

6.98 I note that the RfR make no reference to this as a concern.

6.99 The Appellant was not notified of any objection to the submitted Waste Management Strategy during the determination of the Application. The Appellant wasn't given the opportunity to address this concern during the determination of the Application as the response to the Waste Management Strategy was not disclosed. It remains undisclosed. To date, the Appellant has not been provided with any explanation as to why the Strategy is deemed deficient.

6.100 I consider the Waste Management Strategy submitted with the Application to demonstrates compliance with the Council's requirements for waste management (including in accordance with Policy EN19). However, with further information on the nature of the Council's concerns the Appellant can consider any necessary adjustments to the Waste Management Strategy. The Appellant can commit to a private collection regime if this was deemed preferable. This can be addressed through a planning condition requiring an updated Waste Management Strategy to be submitted and approved by the Council as Local Planning Authority.

6.101 It is clear that consideration has been given to the provision and management of waste disposal facilities within the design development process and that a clear strategy has been developed, which can be readily refined as necessary.

6.102 This criterion of Policy H12 is satisfied.

Criterion 9. 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.

6.103 I would again highlight that this criterion is presented in the alternative – i.e either aspect can be satisfied in order to comply.

6.104 In relation to the second of the alternatives I accept that there is no formal agreement in place with a University or another provider of higher education. As Section 5 explains

¹⁸ Planning Committee Officer Report, page 34

however, there has been extensive discussion with UoM on the proposals, the design (including room sizes and internal and external amenity spaces) has been developed in line with feedback from UoM and has taken all their comments on board, and they have confirmed their support for the proposals including the location, the type of accommodation and the anticipated price point. The letter of support (Appendix 7) also confirms UoM's keenness to continue discussions on the proposals 'hopefully in light of a positive determination'.

6.105 This does not represent a formal agreement but it is in my view highly material to a judgement on consistency with this criterion and to the planning balance overall. UoM's support is undoubtedly, in my view, an important consideration in determining whether there is a need for the proposal.

6.106 I say this both in respect of my own judgement and reading of the intentions behind the policy, but also in light of how the Council has considered this criterion and the relevance of and weight placed on University support in determining other PBSA proposals in the City. I would refer the Inspector to three examples:

- **Great Marlborough Street, Manchester** (Application ref. 121252/FO/2018; determined July 2021) (Officer Report at Appendix 10): In appraising against the Policy H12, the Officer Report simply states that at page 54, '*MMU have expressed support for the development*'. There is no other reference to need being proven. It is clear from the Officer Report that MMU's support does not extend to a contractual position at the point of determination. At page 40 it states the proposal has '*the support of MMU with regards to meeting student accommodation demands*'.
- **New Wakefield Street, Manchester** (Application ref. 117054/FO/2017; determined October 2017) (Officer Report at Appendix 11): In its evaluation against Policy H12, the Officer Report (at page 25) states '*the need for a development of this nature is reinforced within correspondence from the University of Manchester which expresses their support for the proposal including using their own knowledge about need and demand for this type of accommodation*'.
- **Church Inn, Hulme, Manchester** (Application ref. 125654/FO/2019, determined February 2020) (Officer Report at Appendix 8): In considering the principle of student accommodation, the Officer Report states at page 16 '*Alumno have demonstrated in their supporting information that there is a need for additional student accommodation, the development would be in the immediate vicinity of the Manchester Metropolitan University campus. Commercial negotiations between MMU and the applicant are ongoing and there is potential for MMU to take a long lease on the building. If agreed, the building would be managed as part of MMU's wider residential portfolio, including 24/7 staffing and security. It is considered that point 9 of policy H12 is satisfied. An email from Manchester Metropolitan University was supplied by the applicant in relation to the previous application stating they are very supportive of Alumno's proposals.*'

6.107 I draw from this that the Council has placed notable weight on University support in positively determining PBSA proposals and specifically in evaluating proposals against criterion 9 of Policy H12. In none of those cases has a contract been in place between the scheme promoter and the University in question. Indeed, the position has been directly comparable to the situation in this case. Bearing this in mind, I find it a point of

considerable inconsistency that the Council placed apparently little to no weight on UoM's support in determining the Application and had no apparent regard to it in appraising the need for the proposal against criterion 9 of Policy H12. The Council should have done, and I believe it is highly material in finding the proposals to be consistent with criterion 9, and a matter to be attributed substantial weight in favour of the proposals.

- 6.108 Turning back to the first alternative of the criterion, a demonstration of need for additional student accommodation, I place reliance on evidence prepared by Knight Frank submitted with the Application and now updated (Manchester Student Demand Study; Appendix 6). I also refer to the Council's own consideration of need as part of an informal non-statutory review that it has undertaken of Policy H12.
- 6.109 RfR 2 refers to need not being proven 'within this location'. This is not a requirement of the Policy H12 criterion; it is not what the policy requires. Rather, it states: that developers will be required to demonstrate that there is a need for additional student accommodation. This is an absolute need, not a locational need. The suitability of location is instead dealt with in criterion 1 of the policy, which I address above and demonstrate accordance with.
- 6.110 The updated Student Demand Study shows that there are an estimated 29,125 PBSA bed spaces in Manchester, representing only 44% of total full time students. This equates to a gross ratio of 2.3 students per bed space (0.44 bed spaces per student). If the potential development pipeline (3,584 bed spaces) is included within the supply, alongside a projected 5.8% increase in student numbers (768 students per annum) over 5 years, the estimated future full-time student to bed space ratio will still lie at 2.1 students per bed space.
- 6.111 Therefore, both at present, and taking in to account pipeline relative to further forecast increases in demand, PBSA is catering for less than half of all student accommodation demand within the city. On average, for every 1 PBSA bedroom there are over 2 students within Manchester. There is therefore a population of 37,032 students who are not being provided with the choice of PBSA, as the supply isn't sufficient to cater for demand. Even when counting in pipeline PBSA development (which one cannot be sure will be developed) against forecast growth over 5 years there would remain 37,287 students who are not provided with the choice of living in PBSA.¹⁹ This represents a significant mismatch in supply and demand, a significant deficiency in PBSA.
- 6.112 The constrained supply provides as lack of choice for students, and pressure to accept accommodation that is not specifically intended and designed to meet their needs: HMOs, other market housing in the private rented sector or indeed other forms of accommodation (e.g. hotels, serviced apartments). The prevalence of HMOs (the updated Student Demand Study refers to an estimated 6,500 across the Manchester authority area²⁰) has consequential negative impacts such as a reduction in the availability of housing stock (contributing to unmet housing need and associated

¹⁹ See Tables 7 and 8, Figure 13 of the updated Student Demand Study, Appendix 6
²⁰ Section 4.2. Although it acknowledges that not all of these will be marketed to and occupied by students. Note at paragraph 6.118 however, I highlight that the Council itself estimates 15,000 market dwellings are being rented by students.

affordability challenges); a reduction in Council Tax income for the authority (through exemptions) and consequential impacts on funds available to support essential services; greater challenges around both protecting student wellbeing and managing potential adverse behaviours; an interspersing of student premises across neighbourhoods, with potentially uncomfortable interfaces with family living.

- 6.113 The constrained supply relative to demand also drives up rental levels and generates affordability challenges for students themselves, with associated impacts on student choice; levels of debt; wellbeing; the distance that has to be travelled to the place of study; and the potential attractiveness of the Universities themselves. Knight Frank identify that annual rental growth in PBSA over recent years in Manchester has varied between 2.48% and 1.13%, in all but the most recent year exceeding the UK average²¹. PBSA in Manchester is becoming increasingly unaffordable and additional supply is required to help restrain this rental growth and at least keep up with increased demand.
- 6.114 These are all issues that have been identified in the need case presented in support of the aforementioned planning applications for PBSA at Great Marlborough Street, New Wakefield Street and Church Inn, Hulme, and which have been accepted by the Council as satisfactory demonstration of need against criterion 9 of Policy H12 in each instance. It remains unclear from reviewing the Officer Report why a comparable level of evidence, presented in the Student Demand Study and Planning Statement submitted with the Application, has not been accepted in this case, other than on a point of location. But as I note above and would reiterate, there is no reference to a locational need within Policy H12.
- 6.115 These issues, the mismatch of supply and demand, and a number of the consequential adverse impacts, have also been explicitly acknowledged and accepted by the Council in its informal, interim review of Policy H12.
- 6.116 As explained in the Planning Statement submitted with the Application²², and as I return to in Section 7, an interim review of Policy H12 and matters influencing PBSA delivery has been undertaken by the Council. The Council's Executive Committee considered two reports on this matter in November 2019 and December 2020.
- 6.117 After a period of consultation, the Council Executive endorsed a series of policy proposals as material considerations in the determination of PBSA schemes by its Planning and Highways committee. The Executive made this endorsement whilst acknowledging that it does not and cannot change development plan policy, which remains within Policy H12.
- 6.118 I turn to the weight to be applied to these informal policy proposals, and how the appeal proposals relate, in Section 7. But at this stage it is relevant to note that the Officer Reports to the Executive acknowledged that PBSA in Manchester is one of the most expensive in the UK²³; that the affordability challenges reflect the lack of supply relative

²¹ Table 9, updated Student Demand Study, Appendix (6)

²² Paragraphs 2.32 onwards

²³ Report of Strategic Director (Growth & Development) to Manchester City Council Executive, 13 November 2019, Paragraph 3.15 (enclosed at Appendix 12)

to demand²⁴; that there are an estimated 15,000 market dwellings being rented by students across the Local Authority area and that the monies lost to the Council as a result of student Council Tax exemptions is estimated at £17 million a year²⁵; and that such issues will only be addressed by meeting student accommodation demand and delivering more PBSA²⁶.

- 6.119 The need for additional PBSA is clear, has been proven in the evidence submitted with the Application (and updated in Appendix 6) and in support of other PBSA applications in the City, and accepted by the Council both in approving those applications and through its informal, interim review of Policy H12. It is also acknowledged by UoM in its support for the proposals. Criterion 9 of Policy H12 is clearly satisfied.

Criterion 10. Applicants/developers must demonstrate to the Council that their proposals for purpose built student accommodation are deliverable.

- 6.120 The Proposed Development will be developed by Watkin Jones Group, a student accommodation provider with a proven track record of delivering high quality, popular and well managed accommodation across the UK and historically, elsewhere in Manchester.
- 6.121 Watkin Jones Group will act as both developer and contractor. A full design and engineering team is in place and has informed the design of the proposals. A detailed delivery programme has been prepared and there are no known technical constraints to the delivery of the scheme.
- 6.122 I therefore consider this criterion to be wholly satisfied.
- 6.123 The only reference to this criterion in the Officer Report was that: *'The applicant has relied on their schemes delivered elsewhere in the country to demonstrate that their proposal for PBSA are deliverable.'* Firstly, this is not accurate, the matter of deliverability was addressed in the Planning Statement at paragraph 7.76 onwards, in addition to Watkin Jones Group's track record at paragraph 2.14 onwards. Secondly, there is no set requirement or expectation within the policy or explanation to the policy as to what is needed to demonstrate deliverability. In my view the material contained within the Planning Statement and reiterated here is sufficient to come to a view on the deliverability of the appeal proposals, in the absence of any evidence to the contrary. Thirdly, the consideration by the Council of this criterion in relation to other PBSA proposals has not extended beyond issues satisfactorily covered by the Appellant in this case – those relating to matters of control, delivery programme and track record. Finally, the Officer Report did not conclude whether this was sufficient to meet the criterion or not. It is my firm view that it is clearly sufficient.

²⁴ Ibid.

²⁵ Report of Strategic Director (Growth & Development) to Manchester City Council Executive, 13 November 2019, Paragraph 3.20 (enclosed at Appendix 12)

²⁶ Report of Strategic Director (Growth & Development) to Manchester City Council Executive, 9 December 2020, Paragraph 3.1 (enclosed at Appendix 13)

Overall conclusion on Policy H12

- 6.124 Policy H12 is the Development Plan policy of greatest relevance. It is the bespoke policy that addresses PBSA applications. It confirms that the provision of new PBSA will be supported where the development satisfies the policy criteria.
- 6.125 The appeal proposals satisfy all of the relevant policy criteria and as such, the proposals are in accordance with the most important policy for determining a PBSA application and should be supported and in accordance with paragraph 11 c of the Framework granted permission 'without delay'.
- 6.126 Furthermore, the Proposed Development is being progressed with support from the UoM and meets the Council's wider regeneration priorities. As a result, the proposals should be given priority under the terms of the policy.
- 6.127 As I note earlier, given the breadth of the policy and range of considerations it covers, compliance with it demonstrates suitability beyond purely the principle of the PBSA use. My findings above therefore cut across a range of other relevant policies of the Development Plan, which I now turn to address, wherever possible avoiding repetition.

Policy SP1 Spatial Principles

- 6.128 Policy SP1 relates to the spatial principles for future growth and identifies core development principles. In respect of the spatial principles, the appeal site falls in an area outside the Regional Centre where *'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.'* As the appeal proposals provide a high quality residential offer, tailored to a specific and evidenced need for student accommodation, in close proximity to the Fallowfield district centre, and contributing positively to the local environment, there is clearly consistency with this principle. By virtue of its highly accessible location, the appeal proposals also respond strongly to the principle concerning promoting walking, cycling and use of the public transport.
- 6.129 In terms of *'having regard to the character, issues and strategy'* for South Manchester as described in the South Manchester Strategic Regeneration Framework (SRF), this is a very extensive document in its own right, covers a very wide area and cuts across a number of themes. I simply note that there is nothing in the SRF that the proposals would contradict or conflict with, but rather they would align well with the emphasis placed (at pages 168 -169 of the SRF) on ensuring good quality housing and amenities for students within Fallowfield.
- 6.130 Turning to the core development principles, the appeal proposals will make a 'positive contribution to neighbourhoods of choice' by:
- *creating well designed places that enhance or create character:* I refer elsewhere to the quality of the design, by reference to Mr Groom's evidence, and the positive effect it has on the character of the site and surroundings, by reference to Ms Ede's evidence.

- *making a positive contribution to the health, safety and wellbeing of residents:* I refer elsewhere to the quality of the accommodation that will be provided and the management regime that will be put in place. This will offer students residing in the development a safe and secure environment, and one which supports their wellbeing. This has been recognised by UoM in lending its support.
- *considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income:* whilst specifically catering for the student population, development has been designed to be fully inclusive and accessible²⁷.
- *protect and enhance the built and natural environment:* As I note elsewhere the proposals will enhance the heritage asset and protect and enhance the green infrastructure on the site.

6.131 The balance of the core development principles are clearly satisfied by reference to:

- the re-use of previously developed land;
- a sustainable, energy efficient design approach;
- being a location that is highly accessible by public transport.

6.132 All aspects of Policy SP1 are satisfied.

Policy H1 Overall Housing Provision

6.133 I would question the degree to which Policy H1 is relevant, as it relates to overall housing provision, and PBSA is a *sui generis* use. The housing requirement stated in the policy is, as I understand it, not inclusive of nor was determined by reference to the need for student accommodation. Further, Policy H12 provides a PBSA-specific policy, including in relation to location, need, design and a range of other matters, as I have covered. To treat Policy H1 as relevant, at least in part, generates a good degree of duplication. I note that for PBSA applications which the Council has granted planning permission in recent years, including those three examples referred to above (Great Marlborough Street; New Wakefield Street; Church Inn – see Officer Reports at Appendices 10, 11 and 8 respectively) the Officers Reports have not cited Policy H1 as a policy of relevance nor therefore undertaken any assessment against it. I would contend this is appropriate and equally applicable in this case.

6.134 Notwithstanding this question of relevance, I find the appeal proposals to be in accordance with its terms. Specifically, in relation to those matters the policy states

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Access to the accommodation will be via level thresholds at External FFL; access to the communal building will be from the main entrance which is stepped and an alternative entrance to the rear which will be via a level threshold and internal lift; all lift lobbies are 1500mm wide; all communal areas are to be Part M compliant, with 5% of the rooms to be DDA Accessible; a dedicated disabled parking bay will be accessed via the main car park.

proposals for new residential development should take in to account, I would conclude as follows:

- *Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population:* This consideration is in the context of the City as a whole, and catering for all needs. Amongst the City's population to be catered are students and, as I have evidenced above, there is a need to cater for that population through additional PBSA, particularly that which is high quality and affordable.
- *Reflect the spatial distribution set out above [a breakdown of the overall housing requirement by area] which supports growth on previously developed sites in sustainable locations and which takes into account the availability of developable sites in these areas:* The spatial distribution relates to the overall housing requirement, which does not capture student accommodation. The appropriate location of PBSA is dealt with in Policy H12, and therefore this distribution is not a relevant consideration. That said, the appeal proposals are on a previously developed site in a sustainable location.
- *Contribute to the design principles of Manchester's Local Development Framework, including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space, including in high density development. Schemes should make provision for parking cars and bicycles, and the need for appropriate levels of sound insulation:* I deal with design and density elsewhere and find the proposals to respond appropriately and positively to its context, including the character of the area. There is extensive amenity space in the proposals, sufficient parking and cycle provision is made, and no adverse noise impacts will arise.
- *Address any existing deficiencies in physical, social or green infrastructure, or future deficiencies that would arise as a result of the development, through developer contributions or on site provision:* I am not aware of any evidenced deficiencies, or evidence that deficiencies will arise as a consequence of the development.
- *Prioritise sites which are in close proximity to centres or high frequency public transport routes:* I have addressed this above in relation to Policy H12 criterion 1.
- *Take account of any environmental constraints on a site's development:* there are no overriding constraints, but the design has been responsive to the constraints and features of value found on the site (see Design and Access Statement).
- *Be designed to give privacy to both its residents and neighbours:* I deal with this in respect of Policy H12, criterion 6.

Policy H6 South Manchester

6.135 I would question the degree to which this policy is relevant as it is concerned with housing development (PBSA being a *sui generis* use), and policy on PBSA accommodation is provided within H12, as addressed above. If the Inspector does deem it to be relevant I would contend no conflict arises.

6.136 The policy supports the delivery of 5% of the city's housing requirement within the South Manchester area, it does not state that proposals will be adjudged on whether they provide housing or not. Furthermore, the site is not in existing residential use so there will be no net loss of housing as a result of the proposals.

6.137 Policy H6 proceeds to state:

"High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes." [my emphasis added]

6.138 The policy does not preclude high density PBSA outside of district centres. The policy only 'generally' expects high density within such locations. Therefore, proposals that entail high density development beyond district centre boundaries do not generate conflict with the policy. In this case, the proposals lie very close to the Fallowfield district centre, in a highly accessible location, and on a site that is already intensively developed. There are also other high density developments in close proximity, not least on the UoM Fallowfield Campus. As addressed under Policy H12 above, and in Ms Ede's and Mr Groom's evidence, the design response is contextual and appropriate, including the scale, massing and density of development.

6.139 The policy also 'prioritises' housing which meets identified shortfalls. As I evidence above under Policy H12, there is a clear shortfall in PBSA within the City.

6.140 In so far as the policy is relevant, the proposed development causes no conflict with Policy H6.

Policy EN1 Design Principles and Strategic Character Areas

6.141 Policy EN1 expects all development to follow a series of sound design principles, to realise opportunities for good design to enhance the overall image of the City, and to reinforce and enhance the local character of that part of the City.

6.142 I address design quality and impact on character in my analysis against Policy H12 above, and Policy EN2 below, informed by Mr Groom and Ms Ede's evidence. In respect of the policy, I consider the excellent design quality and the positive effect on character of the development ensures the proposals are fully in accordance with Policy EN1.

Policy EN2 Tall Buildings

6.143 Policy EN2 relates to development of tall buildings and sets a series of expectations.

6.144 The Officer Report states:

“The proposal is for a tall building adjacent to smaller scale residential buildings and non-designated heritage asset, which it would tower above with very little separation distance, having an overbearing impact on existing residents and providing 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.”²⁸

- 6.145 This carries through to RfR4 (with additional reference to detrimental effect on ‘the character of the area’), where it is asserted conflict with Policy EN2, *inter alia*, arises.
- 6.146 I will turn to the specific terms of the policy, but first address the issues raised by the Officer Report, as noted above, and within RfR4. I do so by principally relying upon the expert evidence of Mr Levrant (Appendix 3), Mr Groom (Appendix 2) and Ms Ede (Appendix 1).
- 6.147 The relationship between the proposed new build and the retained non-designated heritage asset is comprehensively addressed in Mr Levrant’s evidence. He concludes an overall beneficial rather than detrimental effect arising from the proposed development. I expand on this in relation to Policy EN3 below.
- 6.148 In respect of the ‘urbanising’ effects on Platt Fields Park, Ms Ede concludes the proposal would preserve the visual amenity of the Park and in places would contribute to improved visual amenity by forming a positive skyline feature in some longer views and an improved park edge in some shorter views. There would be no harm to key characteristics of the Park or key views from the Park. Ms Ede notes that the Park is already influenced by the surrounding urban area and was originally designed and intended to be a park within an urban area; surrounding and visible urban form is therefore not incongruous. In reaching this conclusion Ms Ede rightly references the positive findings of the Design Review Panel, Places Matter, which I have referred to earlier. Mr Levrant also considers the effects on Platt Fields Park in the context of the setting of Oakley House and finds that the wider park setting does not contribute to the significance of the non-designated heritage asset, as the historic setting of the villa has been eroded to the west side and is no longer understood or appreciated.
- 6.149 In relation to the asserted ‘overbearing impact on existing residents’ and ‘detrimental effect on visual amenity and character of the area’, again these matters are dealt with by Ms Ede, but also Mr Groom, whose expert evidence I rely on.
- 6.150 As described earlier, the design has been continually refined through an iterative design process, informed by design review, and had reference to all relevant design guidance and policy. Poor quality built form is to be removed and replaced with buildings of high architectural quality, using appropriate materials and careful detailing. The tallest accommodation block is deliberately positioned to the north of the site, at the furthest point from the nearest residential properties. The new frontage to Langley Road has residential scale and appearance. The landscape is enhanced with removal of most car parking, new garden areas and new planting (and introduction of a regular management regime), including on the Langley Road frontage, to enhance the street scene.

- 6.151 The outcome of this, in my opinion, informed by Ms Ede, Mr Groom and Mr Levrant's expert opinion, is a very well considered scheme that responds to and is sympathetic to its context, including existing residential streets that bound the site to the south. The effective process of design review and feedback from Places Matter is highly material in my view.
- 6.152 Ms Ede concludes there to be no harm to overall visual amenity or character, but rather finds that there is an improvement arising from the proposals. In addition to the above points, she finds there to be no harm to or loss of key views or townscape features; an improvement to some views through creating a positive feature/termination e.g. from Riga Road; a massing and design approach that responds appropriately to local context (including the local presence of other buildings of height); and suitability of the student accommodation use given the characteristics of the local area.
- 6.153 Ms Ede acknowledges at Section 5 of her evidence, that the residents of Langley Road, those closest to the appeal site, would experience a change in outlook, arising from the proposed buildings nearest to the properties, but to a much lesser extent from the tallest element. For those properties at the eastern of Langley Road, the tallest building would be visible in the background but, with a separation distance of c.49m, it would be sufficiently distant that it would not appear overly dominant or intrusive in the outlook from the properties. Given the reduction in area of car park on the appeal site and introduction of new landscaped front garden areas, Ms Ede concludes the proposals would create an improved outlook for these properties. I would concur.
- 6.154 For those properties at the western end of Langley Road, Ms Ede finds that the tallest building in the appeal proposals will be very largely obscured from view by the four storey element nearest Langley Road. The more relevant relationship to consider in appraising impact on visual amenity for those residents (and indeed the street scene) therefore, is not the impact of the tallest element, but the nearer four storey element. Ms Ede notes that proposals are a storey taller than the existing, but the parapet height will be similar, as will the separation distance, and an acceptable visual relationship will be achieved. Mr Groom highlights a range of other examples where similar arrangements have been found to be acceptable in the City (both in terms of separation and storey height differential). In addition, Ms Ede highlights the tight urban grain that is characteristic of the area, the absence of unacceptable impacts on daylight or sunlight, and the sense of separation aided by existing front gardens and a proposed planting bed in front of the new buildings.
- 6.155 Informed by this expert analysis (itself underpinned by the Townscape and Visual Assessment, Design and Access Statement and Heritage Statement submitted with the Application) I dispute the findings of the Officer Report and the contentions in RfR4. I agree with Ms Ede's overall conclusion that the proposals would have beneficial effects on the character and appearance of the site and the surrounding local area, and cause no harm to the amenity of existing residents (I deal with privacy separately, against Policy H12).
- 6.156 In respect of the particular terms of Policy EN2, I find the proposals:
- are of excellent design quality;

- are located appropriately;
- contribute positively to sustainability, by virtue of their location and the design approach;
- contribute positively to place making, responsive to the local context;
- will bring significant regeneration benefits;
- cause no detriment to their surroundings and create an enhanced environment;
- are viable and deliverable.

6.157 I conclude therefore, that the proposals are fully in accordance with Policy EN2.

Policy EN3 Heritage

6.158 Policy EN3 relates to heritage and states:

“Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as 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 will be encouraged where they are considered consistent with the significance of the heritage asset.”

6.159 The Officer Report agrees²⁹ with the assessment of Oakley House as a non-designated heritage asset as presented within the submitted Heritage Statement and states that *“Its retention, refurbishment and re-purposed use is a benefit of the proposals”*. However the Officer Report also states: *“It is considered that the building would have a detrimental impact on the setting of the retained Oakley House.”; “It is considered that the proposed 13 storey building would have a poor relationship with the retained Oakley House, a non-designated heritage asset.”; and “the proposed construction of a 13 storey building in close proximity is considered to give rise to harm to its setting and its appreciation within the area”*.

6.160 The Heritage Statement submitted with the Application was prepared by Stephen Levrant Heritage Architecture Ltd and Mr Levrant provides his evidence to the appeal at Appendix 3. Mr Levrant concludes:

- The appeal site is of low heritage interest overall, comprising a non-designated heritage asset (Oakley House);

²⁹ Planning Committee Officer Report, page 2

- The focus of the heritage interest of this local heritage asset is its historic interest and the artistic interest of the interiors. The external architectural expression of the villa is not of particular architectural quality or merit, and its setting only contributes to the significance of the heritage asset to a low extent;
- The appeal proposals retain the existing historic villa for amenity/ management use thereby retaining its surviving plan form and all existing, significant internal fixtures and fittings. Consequently, the heritage interest, both artistic and historic, will be preserved.
- Although the proposals will result in more of the appeal site being developed, the development is focused on the former garden area which has been redeveloped previously. The most important part of the villa's setting is the former domestic garden setting to the east, and the appeal scheme will enhance this through the hard and soft landscaping proposals which will utilise and reactivate the historic entrance from Wilmslow Road, to the north-east of the appeal site, reduce the area used for car parking, and reintroduce paths and areas of ornamental planting.
- Visual conjunction between the villa and tower element of the appeal scheme will not compromise the heritage interest of the non-designated heritage asset as views of the villa will not be affected. This is because the heritage interest of the villa is not best understood or appreciated within any of the views where there is visual conjunction, due to the low significance of the setting to the villa's significance, and because the focus of the villa's heritage interest is yielded by its interior.
- The heritage interest of the former villa will be enhanced by the appeal proposals through retaining the existing interior of the former villa as existing, removal of later extensions from the south-west corner of the building and restoring its garden setting to the east.
- Overall, the appeal proposals result in a beneficial cumulative impact on the heritage interest of the non-designated heritage asset.

6.161 As previously stated, there are no outstanding objections from statutory consultees and the Council didn't raise this concern during the determination of the application.

6.162 Rather than causing harm to the heritage asset the proposed development will enhance its setting, provide it with a viable new use and safeguard the internal features of particular value. Therefore, Policy EN2 is fully satisfied; the proposals not only accord with the policy but draw support from it. As noted elsewhere, the enhancement and protection of the non-designated heritage asset is a key benefit of the proposals.

6.163 I would note that if it is considered necessary the Appellant would be prepared to accept a planning condition requiring approval of a conservation management plan assuring the retention of the internal heritage features, as proposed, throughout the lifetime of the development.

Policy EN9 Green Infrastructure

- 6.164 Policy EN9 seek to maintain and where possible enhance the City's green infrastructure. The appeal proposals achieve this.
- 6.165 The Arboricultural Statement submitted with the Application confirms that some moderate and low quality trees, shrubs and hedges will be removed. However, this loss has been minimised and focused on those elements that make a lesser contribution. The vast majority of trees, including those that are of the highest quality and contribute to the greatest extent (including to the setting of Oakley House and the streetscene) are to be retained. The extensive landscaping scheme, which has been an integral part of the design, ensure the necessary loss is mitigated for by new landscaping, entailing an overall enhancement.
- 6.166 The Arboricultural Statement provides a robust assessment of the existing trees onsite, proposed retention and mitigation measures and concludes that a suitably worded condition can be imposed to protect trees where built development strays slightly into root protection areas.
- 6.167 The Council's RfR4 contends there is the potential for the development to overshadow adjacent trees within Platt Fields Park and that in the absence of evidence to the contrary, it is considered that the proposed building, by reason of its scale and height, could have a detrimental impact on existing adjacent trees.
- 6.168 I would first note that despite having engaged with Council officers for over 12 months, through the pre-application and application determination processes, at no stage did officers raise the impact on trees (more generally, or specifically in relation to this contention of overshadowing).
- 6.169 Secondly, the Council's arborist did not raise objection or recommend refusal on these grounds. The Officer Report summarises the arborist's response as follows:
- 'There are some concerns regarding the excessive shading to the offsite tree stock positioned within Platt Fields Park, however, as the trees are of mature stature, it is considered that although this would have some negative impact on the trees (which are used to mostly direct sunlight) it would not cause the trees to fail.'*
- 6.170 The Council's own appointed specialist therefore raised 'some concern' but satisfied him/herself that whilst some negative impact may arise, this was not of a sufficient degree to warrant objection (or indeed refusal).
- 6.171 In the absence of any evidence contradicting the Council arborist's conclusions, and having requested no further evidence from the Appellant, this should never have been cited as a reason for refusal by the Council.
- 6.172 The Appellant has now commissioned its appointed arborist to consider this specific issue, with the findings of Mr Thomas provided at Appendix 4. By reference to daylight and sunlight analysis undertaken by Consil to evaluate the loss of light to the relevant trees (appended to Mr Thomas' report), the nature of the trees affected and their ability to adapt, Mr Thomas concludes the long-term shading impacts of the new tower on the

four westernmost trees will be minor and localised. He further concludes that any negative impacts will not cause the trees to fail (consistent with the Council's arborist's conclusions).

- 6.173 I am not aware of any evidence before the appeal that contradicts the expert analysis and conclusions of Mr Thomas and therefore significant weight can be attributed to this. In the absence of any significant harm to the relevant trees, and the overall beneficial effect the proposals will have on green infrastructure, Policy EN9 is complied with.
- 6.174 Following correspondence between Mr Thomas and the Council's arborist, and the Council's arborist being supplied with a copy of Mr Thomas' statement and the Council's analysis, a draft SoCG has been prepared and shared with the Council in relation to this specific matter and the basis of RfR4. I understand that the Council's arborist agrees with Mr Thomas' findings and conclusions and that this may alter the Council's stance on RfR4 prior to the appeal being heard. However, at the time of writing this remains unresolved and therefore I rely on Mr Thomas' evidence.

Policy EN15 Biodiversity and Geological Conservation

- 6.175 Policy EN15 sets out expectations relating to the protection and where possible, the enhancement of biodiversity, and makes reference to *inter alia* the protection of trees and woodland.
- 6.176 The Ecological Assessment submitted with the Application explains that mitigation of the loss of any habitats and recommended enhancement measures have been incorporated into the landscaping scheme, such that the site's biodiversity is maintained and enhanced where possible with a net gain in biodiversity overall. I note that the Greater Manchester Ecological Unit raised no objection to the proposals, subject to conditions which are satisfactory to the Appellant.
- 6.177 In respect of trees, I have addressed this in relation to Policy EN13. The proposals will bring about a net enhancement in the longer term. The reason for refusal on the grounds of impacts on off-site trees is unsubstantiated and unwarranted, as I note above.
- 6.178 Policy EN15 is fully satisfied.

Policy DM1 Development Management

- 6.179 Policy DM1 is a 'catch all' policy that requires all development to 'have regard to' a range of development management matters, principally relating to acceptability of impact.
- 6.180 In respect of the first two considerations of the policy relating to appropriate siting, layout, scale, form, massing, materials and detail, and impact on the surrounding areas in terms of design, scale and appearance, I address these matters under Policies H12, EN2 and EN3 above (by reference to the evidence of Ms Ede, Mr Groom and Mr Levrant).
- 6.181 In relation to amenity, the matter of privacy is dealt with under Policy H12, whilst:

- The Noise Impact Assessment demonstrates that a suitable noise environment can be achieved at the development and the proposals are not likely to generate noise impacts on surrounding residents.
- The Daylight and Sunlight Report finds that the development would not have an unacceptable impact on levels of daylight and sunlight in adjoining properties.
- The Air Quality Assessment identifies that any potential construction phase air quality impacts resulting from demolition, earthworks, construction can be mitigated through best practice measures, and, as a result of the relatively low number of vehicle trips, emission impacts will be low. No significant air quality impacts would arise.
- The Transport Statement demonstrates traffic generation will be limited (and much reduced from the existing office use) and road safety will not be compromised. I also rely on the Highways Technical Note contained at Appendix 5 in drawing this conclusion.

6.182 In relation to the other matters covered by the policy (where relevant):

- The position on trees and biodiversity is as stated above, in respect of Policies EN13 and EN15.
- As comprehensively addressed both in the Heritage Statement submitted with the Application and Mr Levrant's evidence (Appendix 3), there will be a net beneficial effect on heritage assets, particularly on the non-designated Oakley House.
- The Archaeological Desk-based Assessment confirms that the proposed development will not impact on any designated or non-designated archaeological assets.
- The Flood Risk and Drainage Assessment evidences that the drainage strategy is appropriate for the disposal of foul and surface water and will not increase the risk of surface water flooding to the surrounding area.
- The Ground Investigation Report confirms a scheme of remediation works can be implemented in order to ensure that the site is suitable for residential use.
- The proposed development will be adaptable to climate change and incorporates measures to minimise greenhouse emissions, as demonstrated by the Energy Statement, BREEAM pre-assessment and letter committing to BREEAM Excellent (dated 12 May 2021).
- Refuse storage and collection is subject to an appropriate and proportionate Waste Management Strategy, which can be further refined, if necessary, pursuant to a planning condition.

- Extensive amenity space, internally and externally is provided for residents of the development, as explained in the Design and Access Statement, and Mr Groom's evidence (Appendix 2).
- Extensive measures have been incorporated in the design and management strategy to support community safety and crime prevention, including a commitment to Secure by Design 'Gold' standard.

6.183 I would highlight that in respect of each of the above matters, where there is a relevant statutory consultee, no objection has been raised. I place significant weight on this.

6.184 I consider that the proposed development is appropriate and acceptable in all respects, and that all provisions of Policy DM1 are complied with.

Summary of accordance with the Development Plan

6.185 I have reviewed all policies of the Development Plan which the Council, in refusing the application, contends that the appeal proposals are in conflict with. Contrary to that conclusion, I find that the proposals are in fact wholly in accordance with those policies.

6.186 In respect of all other relevant policies of the Development Plan, I rely upon the analysis contained within the Planning Statement submitted with the Application, which I was involved in drafting. That analysis found the proposals to be in accordance with all other relevant policies. On the basis that they do not feature in any RfR it would seem clear that the Council agrees.

6.187 Therefore, as an interim conclusion, but clearly one which carries significant, statutory weight, I find that the appeal proposals are in accordance with the Development Plan when read as a whole. In applying paragraph 11 of the Framework, this directs that planning permission should be approved without delay. This is a material consideration of significant weight, which I will turn to now, alongside other material considerations.

7. Material Considerations

The National Planning Policy Framework (July 2021)

- 7.1 The Framework sets out Government planning policies for England and how these are expected to apply. It is a material consideration to be afforded significant weight.
- 7.2 The Framework seeks to achieve sustainable development and states that sustainable development has an economic, social and environmental role. The Framework outlines, at paragraph 11, a 'presumption in favour of sustainable development'.
- 7.3 I have already concluded that the proposals accord with the Development Plan and therefore the presumption applies by virtue of paragraph 11c): planning permission should be granted without delay. This is clearly highly material to the determination of the appeal, weighing strongly in favour.
- 7.4 With regard to the remainder of the Framework, my conclusions on the wide range of Development Plan policies (addressed above, or otherwise addressed in the Planning Statement) carry across to the provisions of the Framework; there is no conflict with any aspect of the Framework. Further, the appeal proposals derive support from a number of policies of the Framework. I deal with each area briefly in turn.

Section 5 (Delivering a sufficient supply of homes)

- 7.5 There is a clear need for additional PBSA to address the mismatch between supply and demand, and the consequent adverse effects this generates. The proposals can make a notable and positive contribution to meeting this need. By contributing to meeting this need, it can also contribute to reducing pressure on mainstream housing stock. The Officer Report states that the proposals '*would have a negative impact on the land available for delivering a sufficient supply of homes for the general population*³⁰. The land has been in employment use and not allocated for housing. Regardless of the Council's resistance to this proposal, it cannot be reasonably contended that it is detrimental to housing supply.

Section 6 (Building a strong and competitive economy)

- 7.6 As the Officer Report acknowledges, '*the proposal would create jobs during construction and occupation would support commercial premises within the local area*³¹. The notable direct and indirect economic contribution of the proposals is identified in the Economic Impact Statement submitted with the Application.

Section 8 (Promoting healthy and safe communities)

- 7.7 As acknowledged in the letter of support from UoM, the proposals provide an environment for students that will support their learning and wellbeing. The proximity of the UoM's Fallowfield Campus is an important factor in this regard. The proposals will provide a safe and secure living environment, in close proximity to essential facilities, easily accessible to the places of learning. Secure by design principles are being adopted and no concerns have been raised by Greater Manchester Police. Nor is there any

³⁰ Officer Report, page 28

³¹ Ibid, page 28

objection from the Council's Environmental Health officers in respect of potential for disturbance. The proposals will be well managed in accordance with industry standards and best practice. As purpose built development with active management, it provides a much more preferable alternative to HMOs, for both students and local residents alike.

Section 9 (Promoting Sustainable Transport)

- 7.8 The proposal is in a highly sustainable location, and measures such as restricted parking and green travel plan initiatives will further encourage the use of sustainable modes of travel.

Section 11 (Making Effective Use of Land)

- 7.9 The proposal would clearly make efficient use of land, through redevelopment at an appropriate density of vacant premises that are no longer fit for purpose.

Section 12 (Achieving Well-Designed Places)

- 7.10 The design is responsive and contextual and of a high standard. Significant weight should be applied to the design review process, which enhanced the design and brought about positive endorsement from the Places Matter panel.

Section 14 (Meeting the challenge of climate change, flooding and coastal change)

- 7.11 The Appellant is committed to achieving an 'Excellent' BREEAM rating for the development. The Energy Statement submitted with the Application identifies the energy efficiency and energy saving measures which are incorporated into the design of the proposed development. These include the use of air source heat pumps, high-efficiency LED lighting with occupancy sensing, natural ventilation and air source heat pumps to serve the domestic hot water load. The Energy Statement demonstrates that the proposed development will exceed the 20% renewable energy target outlined in the Guide to Development in Manchester SPD. Coupled with its sustainable location, these embedded measures and commitments will ensure the development is highly sustainable.
- 7.12 The site is within Zone 1 of the Environment Agency flood maps and has a low probability of flooding.

Section 15 (Conserving and enhancing the natural environment)

- 7.13 The Application documents have demonstrated that the proposals would not have a detrimental impact in respect of the natural environment, and a net enhancement can be achieved. I deal with the RfR relating to impact on trees above, and find this to be entirely unfounded.

Section 16 (Conserving and Enhancing the Historic Environment)

- 7.14 As already addressed above, by reference to Mr Levrant's evidence (Appendix 3), the proposals will have a positive effect on the historic environment, through providing Oakley House with viable use, safeguarding internal features of value, and enhancing its setting. This is a significant benefit of the proposals.

Resolution of the City Council's Executive Committee, December 2020

- 7.15 As I note in my analysis against criterion 9 of Policy H12 in the preceding section, an interim review of Policy H12 and matters influencing PBSA delivery has been undertaken by the Council, culminating in the endorsement by the Council's Executive in December 2020 of a series of 'policy proposals' as a material consideration in the determination of PBSA schemes by the Council's Planning and Highways committee.
- 7.16 I acknowledge that this Executive endorsement is capable of being a material consideration. However, the issue of what weight can be given to the Endorsement remains to be addressed. The review and the endorsed policy proposals do not supersede, replace or outweigh Policy H12. It is recognised in the Council's Report to Executive that it cannot represent formal policy and has not been independently examined and tested. It is stated that it should present a '*context for the application for Policy H12, in advance of the Local Plan review and update in 2023*'³². It may present context, including recent evidence of need (which I refer to in my analysis against criterion 9 of Policy H12), but Policy H12 remains Development Plan policy and its provisions for assessing PBSA proposals (including the wording of specific criteria) are clear. In view of the non-statutory and obvious limitations of the review exercise any deviation from the 'policy proposals' contained in this interim review, including in relation to the location of the proposed development, cannot be afforded anything more than limited weight in the determination of the appeal.
- 7.17 That said, even as a material consideration to be afforded limited weight, it is appropriate to evaluate against those endorsed policy proposals. I summarise my evaluation against my understanding of each of the policy proposals as described in the Executive Report of 9 December 2020, seeking to avoid duplication of what I have already stated in my preceding Development Plan policy analysis.

a) Student accommodation schemes should contribute to delivering the city's regeneration objectives; support employment growth, graduate and talent retention, place making and the city's international reputation

- 7.18 I deal with the regeneration benefits of the proposals in Section 6, which I consider are extensive. The proposals will utilise vacant, previously developed land and provide a viable future for a heritage asset. They will contribute to the local economy through additional expenditure and support employment growth by providing opportunities during the construction and operation phases. The delivery of high quality PBSA in this popular student location will help the Higher Education Institutions attract and retain the best student talent at a time when quality of accommodation is becoming increasingly important to prospective students. It will do so at a competitive price point. The support of UoM is highly material in this regard.

³² Council Executive Report 9 December 2020, paragraph 8.3. I would note that the new Local Plan remains at a very early stage, with an Issues consultation undertaken but no further progress at the time of writing.

7.19 The design of the proposal is of the highest quality, retaining the site features of greatest value, and significantly enhancing the site's contribution to its locality. It will integrate effectively and sympathetically and undoubtedly contribute to place-making.

7.20 The proposed development clearly aligns with this consideration.

b) The approach needs to be within the context of the approved Corridor Spatial Framework which establishes the principle that development of land in the Oxford Road Corridor should prioritise commercial or educational/research use. Student accommodation should, therefore, be in the right locations, in appropriate numbers, and only where it supports wider growth

7.21 The site is not within the Oxford Road Corridor. The site is in the 'right location', and of the appropriate scale, for the reasons set out in my evaluation against Policy H12 above; I expand on this below. In respect of supporting 'wider growth' the proposal will support and sustain the appeal of the universities, which in itself is a critical factor in supporting the city's continued economic growth.

c) To meet the needs of students, stabilise rental growth and provide an affordable accommodation offering, a more diverse pipeline of new PBSA is needed. It is critical to ensure there is a residential market, which meets the needs of students at an affordable price

7.22 The proposals will introduce new, high quality PBSA, the need for which is recognised by the Council and further evidenced by the updated Student Demand Assessment (Appendix 6). The anticipated price point is competitive, materially lower than generally found within the City Centre, comparable to the Unsworth Park accommodation within the UoM Fallowfield campus, and within the range of HMO prices found in the Fallowfield and surrounding area³³. Student needs can therefore be met by the proposals, at an affordable price.

d) All PBSA must be of a high quality, providing a high standard of living, within close proximity to the city's higher education institutions PBSA should be within or immediately adjacent to Oxford Road Corridor (with the exception of the area surrounding the Institute of Sport, on the Etihad Campus). Design should allow sufficient facilities to cater for the overall wellbeing of students, including, for example, generous living space, communal spaces for students to socialise, and public realm, which contributes to the quality of place. PBSA design must also be sufficiently flexible to allow for re-purposing as demand varies.

7.23 The proposed accommodation will combine high quality living accommodation alongside extensive communal spaces and public realm, which will enhance the site and contribute to the quality of space. UoM makes specific reference to this positive design approach, and the contribution it will make to student wellbeing, in its letter of support.

7.24 The site is not within the Oxford Road Corridor nor is it adjacent to it, and therefore the proposal departs from the locational focus of the Executive Committee's resolution. I accept this must weigh against the proposals, but as noted above, I consider only limited

³³ See Section 5 of the updated Student Demand Study, Appendix 6

weight can be applied. Full, statutory weight must be applied to Policy H12. As has been addressed above, the proposals satisfy the criteria of Policy H12, including the criterion relating to location, where it has been shown that the appeal site adjoins a busy public transport route in to the City centre and along the Oxford Road corridor.

- 7.25 The principal reasons given within the Executive report for this revised and more specific locational focus is in the interests of sustainability and student wellbeing. However, the location of the proposal addresses each of these fully. The appeal site is immediately adjacent to a bus route with very regular services, whereby students living at the site would be able to get to the teaching campuses easily and quickly, without reverting to use of a private car. Cycling and indeed walking both represent viable alternatives. They also have easy access to the UoM Fallowfield campus facilities. In respect of wellbeing, this is addressed below. The proposed location presents no barriers to a sustainable development or one which protects and promotes student wellbeing. Again, UoM specifically references this in its letter of support.

e) PBSA should consider the welfare and wellbeing of students as a major factor, in both design and management. Ensuring student accommodation is delivered in safe and secure locations, and with appropriate management and facilities. Location of accommodation close to University facilities is a critical issue in ensuring the safety and wellbeing of students

- 7.26 Welfare and wellbeing of students has been a major consideration in the design of the proposals and the formulation of the Management Plan. The communal facilities designed in to the scheme present a unique accommodation offering. The library, study area and games room, coupled with the extensive usable open space ensure a high quality student experience with wellbeing and welfare being a central element.
- 7.27 The site will be gated and security will be paramount. Students will be provided with a safe and secure environment in which to live.
- 7.28 The proposal includes extensive management proposals, as referenced in the Management Plan, comprising 24-hour on-site security staff ensuring the wellbeing and safety of students are appropriately managed. The on-site staff will provide a degree of oversight by helping to manage disputes and arrange socials.
- 7.29 Students will also benefit from being within close proximity to the UoM Fallowfield Campus and associated welfare and pastoral facilities. The proximity to the Fallowfield Campus is equally, if not more relevant to well-being as being close to teaching facilities.
- 7.30 The Proposed Development clearly aligns with this consideration.

f) All new PBSA development to adopt the principles in the following codes of practice; 1) The Universities UK/GuildHE Code of Practice for University Managed Student Accommodation, 2) The ANUK/Unipol Code of Standards for Larger Residential Developments for Student Accommodation Managed and Controlled by Educational Establishments, 3) The ANUK/Unipol Code of Standards for Larger Developments for Student Accommodation NOT Managed and Controlled by Educational Establishment

- 7.31 Watkin Jones Group are members of ANUK and ensure all schemes are fully compliant with the Code of Standards. As referred to in the Management Plan submitted with the Application, Watkin Jones Group also work closely with local councils and education establishments and sign up to local accreditation schemes where appropriate.
- 7.32 The proposed development clearly accords with this consideration.
- 7.33 ***g) Consideration of place making opportunities to contribute to the management of areas in which the proposed PBSA is located***
- 7.34 The proposed development will be securely gated and self-contained with additional 24 hour security and general management. Extensive space will be provided for the students residing in the property to enjoy, thereby reducing the tendency for students to gather in spaces beyond the site boundary. A community space is to be made available to local residents, subject to advance booking. This all contributes to shaping places in a suitable manner.
- 7.35 To date, despite specific requests made of the Council, no specific proposals have been raised with the Appellant in relation to the need for any contribution to be made to 'management' of the wider area.
- 7.36 ***h) Density of student accommodation will be essential to deliver the level of new high quality accommodation needed within the context of scarce land availability both in the Oxford Road Corridor area and the wider City Centre***
- 7.37 As noted, the site does not fall within the Oxford Road corridor and therefore does not put pressure on land availability within that area, or the wider City Centre. However, in the interests of making efficient use of land a suitable level of density is proposed.
- 7.38 ***i) Location is a key factor in ensuring the quality, security, sustainability and wellbeing benefits of accommodation. As a result, purpose built student accommodation should be located in the areas immediately adjacent to the core university areas, principally the Oxford Road Corridor area.***
- 7.39 I deal with this matter above. The proposals deviate from this locational focus, but each of the considerations that underpin it are satisfied by the appeal proposals.
- j) 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, reducing the need to travel, and to sustainable modes of transport. This supports existing green travel plans.***
- 7.40 I have dealt with the sustainable location of the appeal site. I also note that the Officer Report acknowledged the site to be 'highly sustainable'.³⁴

Conclusion on Executive resolution

³⁴ Officer Report, pages 26 and 29.

- 7.41 The appeal proposals align with most of the ‘policy proposals’ that the Council’s Executive has endorsed as a material consideration. Therefore, generally these weigh in favour of the proposals. There is however a deviation in terms of the locational focus on the Oxford Road Corridor, which I contend is to be afforded limited weight in the planning balance.

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

- 7.42 This Supplementary Planning Document supplements guidance within the CS with advice on development principles including on design, accessibility, design for health and promotion of a safer environment. Given my conclusions against the relevant policies of the Development Plan above, particularly in respect of design, scale, massing, residential amenity and environmental impact, including by reliance on the appended evidence of others, I conclude that the proposals are fully in accordance with the SPD. This is a material consideration that weighs in favour of the proposals.

8. Benefits of Proposals

- 8.1 There are many significant benefits that will be delivered by the appeal proposals. These are largely identified in the various technical and other supporting documents that were submitted with the Application, within the accompanying evidenced supplied as appendices to this Statement, and/or in my preceding analysis. I have listed a number of them below for ease of reference.
- 8.2 There are certain benefits that on their own should carry significant or substantial weight when considered in the overall planning balance, especially when considering the level of accordance of the appeal proposals with the Framework.
- 8.3 When considered collectively, my view is that the range of benefits arising from the appeal proposals provide a very compelling case in support of granting approval to the proposals. The proposed development will generate a number of benefits, which comprise material considerations that weigh in favour of the planning application. These benefits are strongly aligned with the three objectives of sustainable development outlined within the Framework, and summarised below.

Economic Benefits

- The provision of sufficient, high quality, affordable accommodation is a critical factor in the City's universities ability to attract and retain students in a global market. The retention of highly skilled graduates from the City's universities is a key component in the drive towards a knowledge economy, and forming the critical mass of activity necessary to strengthen the economy.
- During the construction phase, the Proposed Development would support a number of direct and indirect jobs within the construction industry and associated supply chains.
- The value of the construction of the development is estimated as circa £23.5million, and is estimated to employ a workforce of around 80 during the estimated 2 year construction period.
- During the operational phase of the Proposed Development, approximately 5 full-time equivalent jobs will be created, in addition to investment in the local supply chain.
- The 425 students who will live within the Proposed Development are expected to spend a total of more than £1.4 million per year in the local area.
- Where the development succeeds in displacing HMO accommodation by providing a realistic alternative, up to £1.7 million in additional retail and leisure expenditure could be generated by new occupants of former student HMOs. A significant proportion of this expenditure would be retained locally, supporting businesses in Manchester and the district centre of Fallowfield. Up to £110,000 per annum in Council Tax revenue could be collected by the City Council following the re-occupation of former student HMOs.

- The Proposed Development would attract footfall into the area, encouraging further investment to take benefit from the opportunities of increased activity in the area.

Social Benefits

- Enhanced appreciation of Oakley House, a non-designated heritage asset, through the retention of key internal heritage features, providing a distinct purpose to the building and the decoupling of unsympathetic built development from the Villa.
- The provision of a bespoke PBSA offering with unrivalled communal, social and management facilities including a 24 hour onsite security, concierge service, management team to help arrange social events, games room, meeting rooms, library and secure undercover cycle storage. All with the intention of enhancing student wellbeing. This is explicitly recognised by the UoM in its letter of support.
- Bringing the site into beneficial use, avoiding it lying vacant over an extended period, with the negative perception this brings and the risk of antisocial behaviour arising.
- The provision of new high quality accommodation at a competitive price point in a location of choice can help free up existing HMOs currently popular with students, increasing the supply of good quality homes for sale and rent, thereby providing the opportunity for Manchester residents to raise their individual and collective aspirations.

Environmental Benefits

- The Proposed Development would deliver high density PBSA on a site no longer suitable for its current office use, representing an efficient use of land.
- Introducing buildings of a high quality design, that respect and enhance character, enhance visual amenity and bring about a notable improvement compared to the existing situation.
- Improvements to the natural environment and public realm, including the provision of trees along the Langley Road frontage and a high quality landscaped scheme within the site.
- The proposed development would deliver an energy efficient building which will achieve a BREEAM rating of 'Excellent and CO2 reduction in excess of Building Regulations and local policy requirements. The existing buildings are highly inefficient in their energy consumption; the new development would represent a significant net improvement.
- Firm discouragement for the use of the private car. The application site is highly accessible to public transport and other sustainable modes of transport, minimising potential impacts on climate change.

- 8.4 By delivering economic, social and environmental benefits, the Proposed Development will constitute sustainable development. In Section 10 I consider how these cumulatively significant benefits weigh in the overall planning balance.

9. Harm / Absence of Harm

9.1 In order to ensure my evaluation of the planning balance is properly informed, I address within this section the harms that could arise from the proposed development.

9.2 Based on my foregoing analysis against policy, the appended evidence of others and the documents supporting the Application, I conclude no material harm would arise. As to the harms contended by the Council in its RfR, I consider that I have addressed those comprehensively against policy and I return to this in considering the RfR in turn in the following section.

9.3 With regard to any additional harms asserted in third party representations to the Application, drawn from my review of the Officer Report which summarises those representations, I set out below my response to each below. I would reiterate that the Appellant has not been provided with copies of these representations and therefore reserves the right to expand on these points should that be necessary when the material is made available through the appeal process.

Harm to Platt Fields Park – overshadowing; increased use.

9.4 I have dealt with the contention that the Proposed Development will have an urbanising influence and adverse visual effect on Platt Fields Park in my analysis against policy in Section 6 (particularly Policies H12 and EN2), drawing on the evidence of Ms Ede in particular.

9.5 These contentions are additional and relate to the suggestion of an overshadowing effect and the additional use of the Park to the suggested detriment of the wider community.

9.6 On the point of overshadowing, the evidence of Mr Thomas contains an analysis by Consil of the immediate effects of the proposed tower element on trees just beyond the site boundary. This does identify a significant reduction in daylight received by certain trees, as a worse case, but the clear conclusion of Mr Thomas is that this will not cause more than minor adverse impacts to the condition of the affected trees. Whilst the Consil evidence had a specific brief in considering those trees purported to be affected, it does identify that the reductions in daylight and sunlight caused by the development would be highly localised. Given the scale of the Park and the very limited area affected (and the absence of material impacts on the trees as a consequence) I do not consider that to be a harmful effect necessary to weigh in the planning balance.

9.7 As to the potential for the students residing in the development to make use of the Park, then I accept this is likely, though the students will have the benefit of an attractive, high quality amenity space on site. However, at most this would involve 425 people using, very likely at different times of the day and week, a large municipal park that is intended for the enjoyment of all. I do not accept this is a legitimate harmful effect.

Anti-social behaviour, crime, community tensions and littering, associated with additional students

- 9.8 There is an evidenced need for additional PBSA within the City. There are widespread, adverse consequences arising from the mismatch between supply and demand. There remains a high demand from students to live in the Fallowfield area; and the significant majority of this demand is being met within HMOs, which offer no management regime and are interspersed with the wider community. The PBSA proposed by the Appellants will offer an attractive, competitively-priced alternative, where an effective management regime can be put in place. Given the characteristics and proposed price-point of the proposals, they offer the opportunity to accommodate students who may otherwise occupy HMO accommodation in the area. I do not therefore accept that the proposals will necessarily increase the student population within this area, rather it has the potential to support a shift to more suitable accommodation. However, I do accept that I cannot exclude the possibility that the proposal may increase the student population in Fallowfield. The scale of increase relative to existing numbers is however, limited (425 student rooms proposed; 19,049 existing students in Fallowfield), and I would maintain that the nature of the accommodation and management arrangements make it much more feasible to address adverse impacts of student behaviour.
- 9.9 I do accept that some limited harm may arise in this respect, but such harms would be experienced regardless of location, and one needs to balance this against the pressing need for additional PBSA and the adverse effects of not responding to this need.

Pressure on local services

- 9.10 I have not had sight of any evidence that existing services are at capacity, or that the impact of the development, even if every student was a net addition to the area, would materially affect capacity levels. The Appellant has specifically asked the Council as to whether any contribution would be needed towards the enhancement of existing services (or in any other respect) and email correspondence has confirmed that the Council would not seek any such contribution (see Appendix 9).
- 9.11 In the absence of any evidence to substantiate this claim, I do not accept this to be a harm associated with the Proposed Development.

Harm to tree roots

- 9.12 The Arboricultural Statement submitted with the Application provides a robust assessment of the existing trees on site and necessary mitigation measures. Amongst those are measures to ensure that the root protection areas of retained trees will not be affected, or in the few instances where built development strays slightly into root protection areas, the measures that will need to be put in place to protect the roots and the health of the trees. The Arboricultural Statement concludes that a suitably worded condition can be imposed to ensure these measures are implemented. This is reiterated in the Arboricultural Report by Mr Thomas, attached to this Statement (Appendix 4).
- 9.13 I note that the Council's arborist raised no concerns in this regard, as reported in the Officer Report (page 21). RfR4 is unrelated, it concerns only the impact of shadowing.

- 9.14 Based on the evidence submitted with the Application, the acceptance of this by the Council's arborist, and the absence of any other expert evidence to the contrary, I do not accept this harm will arise.

Impact on biodiversity, including bats

- 9.15 The Application was accompanied by an Ecological Appraisal detailing the findings of an extended Phase 1 Habitat survey, building inspection survey and bat emergence survey.
- 9.16 This identified suitable mitigation measures and recommendations to be adopted during site clearance and construction to ensure there are no direct or indirect impacts on habitats. Mitigation of the loss of any habitats and recommended enhancement measures have been incorporated into the landscaping scheme, for example through the provision of replacement native planting.
- 9.17 In respect of bats, no evidence of bats was found with all buildings proposed for demolition assessed as having negligible bat roosting potential, whilst for the building to be retained reasonable avoidance measures can be applied. Trees to be removed have low roosting potential and require further survey, but this can be conditioned.
- 9.18 I note the statutory consultee, Greater Manchester Ecology Unit, raised no objection, subject to conditions, finding that the landscaping scheme will ensure that the site's biodiversity is maintained and enhanced where possible with a net gain in biodiversity overall³⁵.
- 9.19 I conclude no harm will arise, but rather some benefit may be achievable.

Bus capacity and air pollution associated with increased bus movements

- 9.20 The 'pressure' on bus services is addressed within the Highways Technical Note provided at Appendix 5. The Note calculates that the appeal proposals could generate at its peak a maximum of 75 two-way bus users at 16:00-17:00, which is the equivalent of less than 1 additional patron per bus operating past the site on Wilmslow Road.
- 9.21 The Note goes on to advise that should public transport operators identify that current service provision is at capacity, this would provide the platform for operators to increase service provision further to meet demand. Buses operating on the route are commercial operations, and higher patronage would provide the opportunities for additional buses which would be commercially attractive.
- 9.22 In terms of any air quality impacts associated with increased bus services, this is pure conjecture and has no evidenced foundation. I would purely highlight that of course bus travel is recognised as a highly sustainable form of travel, far preferable to the private car given that multiple trips can be saved.
- 9.23 I do not accept any harm would arise in relation to these matters.

³⁵ As reported in the Officer Report, pages 20-21

Carbon impact associated with redevelopment rather than conversion

- 9.24 The limitations of the existing premises for modern employment purposes are documented in the Application (Commercial Market Assessment). The premises comprise a series of buildings that have been linked and modified over time. The buildings present severe challenges in terms accessibility and are energy inefficient. With the exception of Oakley House the buildings have no architectural or other merit.
- 9.25 Whilst the Appellant never actively considered a conversion proposal, it seems apparent to me that it would prove very challenging and is unlikely to be ultimately achievable without very extensive modifications. I also do not consider it follows necessarily that a conversion scheme would be more sustainable than the proposed redevelopment, given the degree of intervention that would be needed to modify its use and bring it up to modern standards. Meanwhile, as I have already noted, the Proposed Development has been designed to meet high standards of energy efficiency, and the Appellant has made additional commitments to achieve BREEAM Excellent.
- 9.26 There is no policy basis for requiring conversion to first be discounted prior to considering redevelopment, and in respect of the asserted harm, I can see no justification for counting this against the proposal in the planning balance.

Availability of affordable housing

- 9.27 The Officer Report cites concerns by a third party that there is insufficient affordable housing in the locality, seemingly attributing this (at least in part) to the demand from students and the consequent inflationary effect this has on rental / purchase levels.
- 9.28 I consider that rather than exacerbating such issues, the proposed development can make a contribution to alleviating them. As I have noted, the deficient supply of PBSA has an impact on the occupation by students of mainstream housing stock, across the City and not least in Fallowfield. Increased PBSA supply, of a high quality and at an affordable price, can begin to address this. The proposed development will make a significant contribution in this respect.
- 9.29 At the very least, the effect on the affordability of market housing will be a neutral one. I do not accept harm would arise.

Increased criminal behaviour associated with students being a target for crime

- 9.30 Students have as much right as anyone to live without fear of being a target of crime. It is not a reasonable position to take that the development or otherwise of much-needed accommodation should be dictated by the risk that criminals may target its residents. This is a wider societal issue and one where the police ultimately take responsibility.
- 9.31 Insofar as the design and management of the development can influence this, as I have noted the proposal will seek to achieve Secure by Design Gold accreditation, and a management plan will be in place, providing students with guidance and security. The development itself, being secure, purpose built accommodation, clearly provides an preferable, safer and more secure environment than disparate HMO accommodation.

- 9.32 I cannot accept this is a harm arising from the development.

Impact on the character of the district centre

- 9.33 It is asserted (as reported in the Officer Report) that the prevalence of students in the Fallowfield area has directly influenced the type of facilities found in the district centre, that they are targeted towards students, and the wider community is not adequately served. The argument is presented that the Proposed Development would further exacerbate this issue.
- 9.34 In simple numerical terms, the evidence (updated Student Demand Study, Appendix 6) shows that over 10,000 students reside within the immediate area. 425 student bedrooms are proposed within the appeal proposals. Even if this does generate a wholly net addition to students living in the area – a point I would not necessarily accept given the attractive and affordable alternative this proposal offers compared to other rented accommodation within the area – it will be to a very limited degree. It will not dictate the future composition of the district centre. I would also argue that the district centre's vitality and viability is in large part attributable to student custom and without it, the range, scale and breadth of services that are found within the district centre would very likely be adversely affected.
- 9.35 Again, I would not accept this is a harm associated with the Proposed Development.

10. Reasons for Refusal and Overall Planning Balance

- 10.1 Informed by my preceding analysis and conclusions, I turn to consider the individual RfRs contained within the Council's decision notice, before considering the overall planning balance. I cite the RfR in full for ease of reference.

RfR1

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.

- 10.2 I have demonstrated the positive regeneration impacts that the appeal proposals will convey, which are numerous and significant.
- 10.3 There is no 'requirement' for housing in the area. The site is not presently in use for housing and is not identified within any plan for the area (statutory or otherwise) for housing. As I have explained, whilst CS Policy H6 (a policy which I believe has questionable relevance to the appeal) supports the delivery of 5% of the City's housing requirement within the South Manchester area, it does not state that proposals will be adjudged on whether they provide housing or not and certainly does not preclude development for other uses. The same policy 'prioritises' housing which meets identified shortfalls; PBSA is a type of housing for which there is a clear shortfall.
- 10.4 The balance of the RfR relates to criterion 4 of Policy H12, which I address in full within Section 6, demonstrating full accordance with the criterion, contrary to the Council's contention. The proposed use can support the district centre through generating custom and footfall, whilst the development will accommodate day to day amenity and other resident requirements. The development can indeed successfully integrate with the existing neighbourhood, through the provision of high quality, well managed, purpose-designed accommodation close to the UoM Fallowfield Campus. No unacceptable impacts will arise.
- 10.5 Given the analysis I have undertaken, including by reference to the evidence of others (as appended), I find the RfR to be unfounded.

RfR2

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.

- 10.6 I deal with this in my analysis of criterion 9 of Policy H12 in Section 6. UoM is in clear support of the proposals and discussions will continue should planning permission be granted. There is a clear need for additional student accommodation within the City. On the locational need, I would reiterate that this is not a requirement of Policy H12 and provided the need for PBSA is identified (and the appeal proposals will contribute to meeting that need) then the policy is satisfied.
- 10.7 Given the analysis I have undertaken, including by reference to the evidence of others (as appended), I find the RfR to be unfounded.

RfR3

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.

- 10.8 I conduct an analysis against the cited Development Plan policies in Section 6, and the SPD and Framework in Section 7. In respect of the matters raised in this RfR, I place considerable reliance on the evidence of Ms Ede, Mr Levrant and Mr Groom. Informed by Mr Levrant's conclusions I find that rather than harming the relationship with Oakley House, the appeal proposals will enhance that relationship and its setting. I share the views of Ms Ede that the appeal proposals are contextual and well considered relative to their surroundings, and they will not have an overbearing visual impact or significant urbanising effect on Platt Fields Park (which in any event is a park that has always existed within an urban environment). The scale of the proposals is reasonable and justified in the context of the site (and its present condition) and surroundings, including the presence of other tall and high-density developments in the surrounding area. The proposal would not be over-dominant (in the street scene and wider area) and would have a positive effect on visual amenity and character.
- 10.9 I have already concluded consistency with the relevant policies cited within the RfR.
- 10.10 Given the analysis I have undertaken, including by reference to the evidence of others (as appended), I find the RfR to be unfounded.

RfR4

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.

- 10.11 This RfR is completely unfounded and contrary to the Council's own specialist advice on such matters. The evidence of Mr Thomas (Appendix 4), referred to in my analysis of policies EN9, EN15 and DM1 at Section 6, clearly concludes that any detrimental impact will be minor and not significant. There is no conflict with the cited policies of the Development Plan and no material harm arising.

RfR5

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.

- 10.12 This RfR was unsubstantiated by the Council. I have highlighted the absence of any objection from Environmental Health or any other statutory consultee. Extensive evidence submitted with the Application demonstrates the acceptability of the proposals in terms of noise, air quality and highways. The latter is further evidenced within the Highways Technical Note at Appendix 5, including by comparison to the existing use of the site. The accommodation will be managed to the highest standards, consistent with the management plan submitted with the Application; this can be ensured by planning condition. Given the analysis I have undertaken, including by reference to the evidence of others (as appended), I find the RfR to be unfounded.

RfR6

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.

- 10.13 I deal with this, by reference to Ms Ede and in particular Mr Groom's evidence, in Section 6, demonstrating accordance with the cited Development Plan policies.
- 10.14 Like Ms Ede and Mr Groom I note that the reason for refusal specifically relates to the effect on living room windows which one can reasonably assume are ground floor windows. The effect on bedroom windows (likely to be first floor windows) is not a matter disputed in the RfR. Currently, the living rooms of these properties have a lower level of privacy than other windows in the properties as they are at ground level and face on to the street. They are therefore already overlooked from the street by pedestrians on the pavement, who pass c. 2.25m from the window, and also by the existing offices on the opposite side of the road within the Site.
- 10.15 The relationship between the appeal proposals and the properties on Langley Road is not materially different from the present relationship. There are extensive windows in the existing elevation and these are wide, capable of offering a broad range of view; this within an inter-linked building recently occupied by c180 employees. Where additional risk of overlooking may arise (from occupation in to the evening, the additional fourth

storey, and by extending further to the west) this is balanced by reductions elsewhere (unoccupied between term times, reduction in built form towards the eastern end of the street). The character of the use is more compatible, particularly with the student-occupied properties along Langley Road. The distance between buildings maintains a sense of space and separation, and any increased overlooking would in my view be marginal and not significant. There will not be a material worsening of the existing situation, and the end outcome will not be such as to cause notable detriment to the reasonable amenity and privacy of occupiers of Langley Road properties (nor indeed to the occupiers of the proposed building). The relationship is one that I consider is perfectly common in Manchester, including in relatively recently developed schemes that the Council has lent its support to through the grant of planning permission (see Mr Groom's evidence). The relationship is one that is reasonable to be expected in an area of such inner-urban character, and as Ms Ede highlights one that is found in surrounding streets.

- 10.16 Given the analysis I have undertaken, including by reference to the evidence of others (as appended), I find the RfR to be unfounded.
- 10.17 I therefore find that all the reasons given by the Council in refusing the application are without sound foundation in light of the evidence before the Inspector, and that refusal on these grounds was unwarranted.

Overall Planning Balance

- 10.18 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Application should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.19 Having identified in Section 6 those policies of the Development Plan that are relevant and up-to-date, I have proceeded to consider whether the Proposed Development accords with those policies, where applicable placing reliance on the analysis of the Planning Statement.
- 10.20 I conclude that the appeal proposals are in accordance with all relevant policies and therefore are in accordance with the Development Plan when read as a whole.
- 10.21 In Section 7, I consider a range of material, principally policy considerations and explain the weight I attribute to them. I conclude that the appeal proposals not only accord with but draw substantial support from the Framework, for example the proposals represent sustainable development within the meaning of the Framework. This is a material consideration to be afforded significant weight. I also find that the proposals generally accord with the relevant provisions of the SPD, which should be attributed moderate weight. I find that limited weight can be attributed to the Policy H12 Review, and conclude that the proposals are in many respects consistent with the recommendations of that review, with the exception of the location.
- 10.22 In Sections 8 and 9 I consider other benefits and harms (or absence of harm) anticipated to arise from the appeal proposals, which in themselves are material considerations. I do so by reference to any issues raised by third parties beyond those already addressed through the policy analysis. In each case, I attribute my own assessment of weight to be

applied. I find that there are significant benefits arising from the appeal proposals, and very limited harm, and overall I find this weighs significantly in favour of the grant of planning permission.

- 10.23 Returning to my conclusions on the Framework, and informed by my conclusions on the Development Plan paragraph 11c is engaged in this case. This directs that the proposals should be approved without delay. This presumption in favour is to be afforded significant weight in the determination.
- 10.24 Therefore, I find the Proposed Development is in accordance with the Development Plan as a whole, and there are very weighty material considerations that weigh further in favour. Together, this clearly justifies the grant of planning permission in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

11. Conditions

- 11.1 Prior to the appeal being heard, the Appellant will seek to engage with the Council on planning conditions that should be applied in the event that planning permission is granted. The intention being that a final agreed list is supplied to the Inspector prior to the commencement of the hearing and subject to discussions at the hearing itself. This Statement and the appended evidence makes reference to and relies upon suggested conditions where applicable.
- 11.2 In seeking to agree a list of conditions I will be mindful that they are necessary and adequate to:
- Secure the requisite mitigation and further detailed technical assessment work to ensure the development impacts are no greater than those reported in the assessments submitted with the Application;
 - Secure the benefits as outlined in my evidence.
- 11.3 And that the conditions satisfy the tests in the Framework³⁶, namely they are:
- Necessary;
 - Relevant to planning and to the development to be permitted;
 - Enforceable
 - Precise; and
 - Reasonable in all other respects.
- 11.4 At the time of writing it is not anticipated that a planning obligation will be necessary to address any of the relevant issues. The Appellant will seek to agree this with the Council in advance of the appeal being heard.

³⁶ The Framework, paragraph 56.

12. Summary and Conclusions

- 12.1 This Statement of Case (including its appendices) has been prepared on behalf of the Appellant in respect of an appeal against the Council's refusal of full planning permission for PBSA at the site of the USDAW head office on Wilmslow Road, Fallowfield.
- 12.2 The existing office use is no longer suitable in this location and in what are very outdated and unsuitable premises. The site is vacant and an alternative purpose must be found. The proposals support the long term regeneration of this area of Fallowfield by bringing back into beneficial use a prominent and largely unattractive brownfield site.
- 12.3 The Proposed Development seeks to retain and convert the non-designated heritage asset, Oakley House, as a communal and social space with the demolition of the existing office extension buildings and erection of two accommodation buildings comprising 425 bedrooms with associated landscaping and outdoor space.
- 12.4 The appeal site is suitable for PBSA as it is in a highly sustainable location, close to amenities and public transport links and adjacent to the UoM Fallowfield Campus – the redevelopment of which demonstrates the popularity of the area with students is unlikely to change.
- 12.5 The proposals benefit from written UoM support. The letter of support acknowledges the scheme-specific benefits including amount and quality of amenity space, proximity to the welfare hub at the Fallowfield Campus, the competitive pricing of the bedrooms and the site's sustainable location.
- 12.6 There is a proven and pressing need for additional, high quality PBSA, with adverse consequences arising from the imbalance of supply and demand. The proposals will make an important contribution to meeting this need, at a competitive price point. The proposals will offer students an attractive, high quality living experience, of considerable benefit to their wellbeing. They will also offer an alternative to HMO accommodation, helping to facilitate a move by students into expertly managed PBSA, reducing the pressure on and increasing opportunity to free up mainstream housing stock.
- 12.7 It has been comprehensively demonstrated through the Application documentation and within this Statement that the scheme is Development Plan-policy compliant. No conflict arises in respect of any relevant Development Plan policy and the proposals derive benefit from a number.
- 12.8 Additional support is derived from the Framework, not least the presumption in favour of sustainable development which is engaged in this case: planning permission should be granted without delay.
- 12.9 Most other material considerations weigh in favour of the proposals or are at worst neutral. There are extensive benefits associated with the proposals, and very limited harms.

- 12.10 It has been shown that the planning balance falls strongly in favour of the grant of planning permission. In accordance with Section 38(6) of the 2004 Act, given the Proposed Development's accordance with the Development Plan, and additional favourable weight arising from material considerations, I would invite the Inspector to allow the appeal.

13. Signed Affirmation

13.1 The evidence which I have prepared and provide for this inquiry is true and has been prepared and is given in accordance with the guidance of my professional institution, the Royal Town Planning Institute, and I confirm that the opinions expressed are my true and professional opinions.

13.2 Signed:

A handwritten signature in black ink, appearing to read 'Bell', with a stylized, cursive script.

Stephen Bell

Senior Director, Head of Planning North

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