
Appeal Decision

Hearing held on 14 December 2016

Site visit made on 14 December 2016

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th January 2017

Appeal Ref: APP/B4215/W/16/3155750

**Land to the rear of Ladybarn House, fronting Carill Drive,
Manchester, M14 6ND**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Guy Pearson-Gregory of Accrue Student Housing Limited against the decision of Manchester City Council.
 - The application Ref 110236/OO/2015/S1, dated 6 October 2015, was refused by notice dated 8 February 2016.
 - The development proposed is the erection of a four storey building to form a total of 28 student flats with associated common room, cycle store and bin store and reorganisation of car park to provide a 13 space and 7 space car park.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline, however, only details of landscaping was reserved for future approval. Drawings submitted with the application showed details of the site layout and access, the proposed car parking arrangements, and the elevations and floor plans of the proposed building and cycle store. Plans were also submitted which showed indicative details of landscaping and planting, however, it was agreed at the hearing that these drawings were now superseded.
 3. A draft Statement of Common Ground had been circulated in advance of the hearing. A finalised, although unsigned, draft was submitted at the hearing and both parties confirmed that the contents were agreed.
 4. The planning application form gives the site location as 'Ladybarn House, Wilmslow Road, Manchester, M14 6ND' and the proposal is described on the revised application form as 'Erection of one annex to form a total of 28 student units with associated common room plus associated infrastructure and works'.
 5. The decision notice describes the proposal as 'The erection of a four storey building to form a total of 28 student flats with associated common room, cycle store and bin store and reorganisation of car park to provide a 13 space and 7 space car park', and gives the address as 'Land to the rear of Ladybarn House, fronting Carill Drive, Manchester, M14 6ND'. This latter location and description were subsequently used on the appeal form. Although the revision
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to the address and description of the proposal had not been previously agreed, at the hearing both parties confirmed that they were content that the amended address and description which had been used on the decision notice be used for the purposes of the appeal. I have therefore determined the appeal on the basis of the above.

Main Issues

6. The main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the area;
- The effect of the development on the living conditions of the occupiers of Ladybarn House, with particular regard to loss of light;
- Whether there is a need for additional student housing; and
- The effect of the development on parking and highway safety in the area and any consequential effects of this on the living conditions of local residents.

Reasons

Character and appearance

7. Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. The National Planning Policy Framework (the Framework) also requires that development be of a high quality of design, which responds to local character and reflects the identity of local surroundings and materials.
8. Taken in isolation, the design of the proposed building is not of itself inherently objectionable. However, the policies in the development plan and the Framework are clear that good design also requires that a proposed development responds to, and respects, its context and the local distinctiveness of its surroundings.
9. The appeal site forms part of the current car park for Ladybarn House, a four storey building on an L-shaped plan situated at the junction of Wilmslow Road and Moseley Road. It is located within the Fallowfield District Centre which is focussed along Wilmslow Road and contains a range of buildings of a mix of ages, architectural style and built form. Whilst Ladybarn House itself fronts onto Wilmslow Road and Moseley Road, and has the extensive Owens Park campus consisting of a number of blocks of student accommodation to the north, the appeal site is more closely related to Carill Drive and Standish Road to the south. These comprise of traditionally constructed, two storey, red brick terraces, separated from the highway by short front garden areas.
10. Although of a similar height to Ladybarn House, the combination of a monopitch roof and flat roof on the proposed development is a marked contrast to the pitched roofs on Ladybarn house and the terraces opposite. This would be emphasised by the building presenting an essentially blank gable elevation to the road which would highlight the profile of the roof. The existing traditional terraced houses opposite have a very strong vertical emphasis

derived from the shape of the windows and the two storey bay windows on the front elevations. This is echoed by Ladybarn House in terms of the pattern of fenestration and the subdivision of the facades into more discrete bays by contrasting brick piers and glazed stairways.

11. In contrast, the proposed building, by utilising full height, square, window openings with only small areas of wall between them would have a much more horizontal emphasis. This would be particularly evident on the flat roofed timber clad element where the predominantly glazed ground floor would make the upper level more visually prominent. This east elevation would also be the more prominent elevation of the building as it would face toward the open amenity area at the junction of Carill Drive and Moseley Road. Whilst the west elevation would have a more vertical emphasis, as it is broken up by a glazed central feature, the low solid to void ratio would be inconsistent with the surrounding buildings.
12. In terms of the proposed materials for the building, the use of brickwork broken up by string courses on the western element would be consistent with the surrounding built form. There is a range of roofing materials in the area and consequently the use of zinc, standing seam, roofing panels would not be wholly alien. The extensive use of timber cladding on the eastern element of the building is, however, unique and would contrast markedly with the brick and render wall finishes that are predominant within the surrounding area. I have had regard to the appellant's point that this is an intentional design feature to draw attention to what is intended to become the heart of the building, nonetheless, the use of a material that is not used elsewhere in the surrounding area would not assist in the successful integration of the new building into its context.
13. Whilst noting the appellant's point that the parking areas appear underused and do not contribute to the street scene and that there is not an obvious entrance on the rear elevation of Ladybarn House, the existing building runs parallel to the highway, mirroring the form of the nearby terraced houses and the wider area. Due to the height of Ladybarn House, it also maintains a similar height to width ratio in the street to that of Standish Road, which integrates the taller building into the street scene. The introduction of a tall structure perpendicular to the highway would disrupt this and create a partial visual closure of the view down the street, which is uncharacteristic of the surroundings. The largely blank south elevation facing the street would also be inconsistent with the more active street frontages of the terraces opposite and of the existing Ladybarn House.
14. Taken as a whole, as a result of the roof form, the detailing of the elevations and choice of materials, the proposed building would not sit comfortably within the existing established street scene and the predominant architectural character of the area, nor would it integrate successfully with it. As a result it would appear as an incongruous feature within the street scene and, consequently, would not represent a high standard of design.
15. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to the relevant requirements of Core Strategy Policies SP1 and DM1 which seek to ensure that new development is of a high standard of design that has regard to its context. It would also be inconsistent with the requirements of the Framework for new

development to respond to local character and reflect the identity of its surroundings.

Effect on living conditions of existing occupiers

16. When taken together Policies SP1 and DM1 of the Core Strategy seek to ensure that new development does not have an adverse impact on the living conditions of existing occupiers including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation and should make a positive contribution to the health, safety and wellbeing of residents.
17. It is common ground between the main parties that the proposed development would not have any significant effects on the living conditions of occupiers of existing properties on Carill Drive in terms of overlooking or loss of light. The Council's reason for refusal relates solely to the effect of the development on the occupiers of Ladybarn House.
18. The proposed development would create a new four storey building with a blank gable elevation located approximately 3 to 4 metres from the south elevation of Ladybarn House. The location is such that it would straddle an entrance and stairway and be located adjacent to 8 flats within Ladybarn house, two on each of the four floors. Each flat consists of four en-suite study bedrooms and a communal kitchen area. The proposed development would be located in front of the windows serving one study bedroom in each flat.
19. The appellant submitted a daylight assessment with the appeal which concluded that daylight to seven study bedrooms would be affected to a noticeable extent, although the assessment categorises this extent as slight to moderate. This was based on student bedrooms being evaluated as having a low sensitivity to daylight, due to limited use as a result of study patterns, availability of external amenity space and access to communal areas both within the existing flats and in the proposed common room in the new development.
20. The Council disputes the assumption that students do not use their bedrooms during daylight hours and this is borne out by the fact that the only communal space available within the affected flats is a small, centrally located and windowless, kitchen area. The Council also stated at the hearing that the proximity of the blank gable wall of the proposed development would severely restrict the outlook from these rooms.
21. Whilst there would be access to the new common room proposed as part of the development, as this is located in a separate building, access to it would require going outside with an, albeit short, exposure to the elements and in the case of the flats on the upper floors of Ladybarn house, negotiating one or more flights of stairs. This would not, in my view, represent an entirely convenient alternative. I also consider that due to the restricted size of the internal kitchen area, the appellant's assessment of the amount of time that the occupants of these flats would spend in their study bedrooms is unrealistic and that, as such, a greater degree of sensitivity to daylight and outlook should be attached to these study bedrooms.
22. The proximity of the proposed development to the windows of these rooms would result in a very poor outlook from them and, in combination with the

reduction in daylight received, would significantly diminish the living conditions experienced by the occupants of these rooms.

23. I have noted the appellant's point that, due to the more transient and shorter duration of occupation of student accommodation, the effects of the development would be on future occupiers rather than existing occupiers and that the level of daylight and outlook would be factored into the expectations of future tenants. Nonetheless, this is not consistent with the requirement in the Framework that new development should enhance and improve the places in which people live their lives and should provide a good standard of amenity for all existing and future occupants of land and buildings.
24. I therefore find that the proposed development would cause harm to the living conditions of the occupiers of Ladybarn House, with particular regard to loss of light. It would not comply with the requirements of Policies SP1 and DM1 of the Core Strategy which seek to ensure that new development does not have an adverse impact on the living conditions of existing occupiers and makes a positive contribution to the wellbeing of residents.

Need for additional student housing

25. Policy H12 of the Core Strategy covers the provision of purpose built student accommodation. The Policy gives priority to schemes which are promoted by or are in partnership with the two main universities in the city and sets out ten criteria with which proposals for purpose built student accommodation must comply. Criterion nine requires the developer to show that there is a need for additional student accommodation or that a formal agreement has been concluded with one of the universities or another provider of higher education for the supply of some or all of the bed spaces. The appellant does not have an agreement with a higher education provider and it is therefore necessary to demonstrate that there is a need for the accommodation in order to satisfy this criterion of Policy H12.
26. It is common ground between the parties that the current most accurate figure of the number of students studying in Manchester is 47,500 and that, of these, 22,090 live in purpose built accommodation and 23,660 live in other forms of accommodation. Neither party was able to identify any specific targets for the amount of purpose built accommodation to be provided nor the number of students which it is sought to house in purpose built accommodation. The Council advised that the principal driver of Policy H12 of the Core Strategy was to manage the supply of student accommodation with the preference for students to be housed in the city centre and district centres, rather than within housing suburbs. It was also advised that the main identified future source of additional purpose built accommodation would be from the redevelopment of the Owens Park student accommodation, which would yield an additional 1,033 bed spaces.
27. I note that the scheme is not supported by the University. Although the University has not formally objected to the proposal, it is suggested that the type of accommodation proposed would not constitute a product which is distinct from schemes that exist or are planned in the city of Manchester at present. It is also suggested that due to its location the development is unlikely to appeal to postgraduates and international students, however, no evidence had been put forward to support this assertion. The evidence provided by the appellant in support of the application indicated that a

relatively high proportion of the studio flats in the existing accommodation at Ladybarn House are occupied by postgraduate or overseas students. Evidence was also submitted in the form of waiting lists which show that the existing accommodation at Ladybarn House was oversubscribed in 2014/15 and 2015/2016 which is indicative of a demand for purpose built accommodation in the area. However, the appellant recognised that demand does not directly correlate to need, and factors such as location can be a reason for a particular scheme being sought after.

28. At the hearing it was established that the Council does not have a specific calculation of need for purpose built student accommodation nor is there a comprehensive picture of the future supply, rather the Council is guided by the universities in respect of the amount of accommodation required and has a preference for schemes to be developed in conjunction with the higher education establishments. In terms of need, schemes are assessed on a case by case basis. My attention was also drawn to a scheme for the redevelopment of the former British Broadcasting Corporation Site on Oxford Road which proposed a large number of flats for students where there was no agreement in place with a university. The Council advised that this proposal was part of a larger regeneration scheme for the redevelopment of the site, offered a different form of accommodation that was not solely for student occupation during term time, and that the university had been engaged with the consultation process on the regeneration framework for the site. When assessed against Policy H12, this scheme met the requirements of the policy.
29. Whilst I do not have full details of the proposal, from the Committee report for that scheme, it appears that there are sufficient differences in that proposal from the one that forms the subject of this appeal and, consequently, I do not consider they are directly analogous. However, it is clear that, although it is for a different type of accommodation, a need for student accommodation was recognised in that case.
30. The appellant suggests that the scheme has potential to free up houses in multiple occupation for re-use as family accommodation and additional expenditure by students in the local economy is a regeneration benefit. Other than the effect on residents from increased parking demand, at the hearing the Council did not identify any other conflicts with regeneration objectives or pressure on local services that would adversely impact on existing residents.
31. In support of its case the Council drew to my attention two appeal decisions where it was found that no need for additional purpose built student accommodation had been demonstrated. Whilst I do not have the full details of these cases, it is apparent from the copies of the decision letters provided that there was a much clearer picture in terms of need and future supply at the time that these appeals were determined. In addition, these decisions are now over three years old and I do not consider that they can be relied upon to demonstrate that there is not a need in the present day.
32. Given that there is a large imbalance between the number of students at the various higher education establishments and the number of places in purpose built accommodation, and taken alongside the Council's expressed preference for students to be accommodated in purpose built accommodation within district centres as opposed to unmanaged rented accommodation in residential suburbs, there is a persuasive argument that there is a need for further

purpose built accommodation. Additionally, as the appeal site is currently part of an existing development of student accommodation it would not result in the loss of a site that could be developed for other purposes.

33. In the absence of any specified targets for the numbers of students sought to be housed in purpose built accommodation, or evidence that the type of accommodation proposed would lead to an oversupply of purpose built accommodation, I find that the balance of the evidence indicates that there is a need for the accommodation proposed. The proposal would meet the relevant requirements of Core Strategy Policies SP1, DM1 and H12 which seek to provide high quality and diverse housing around district centres which meet local needs, and provide better accommodation for students in appropriate locations.

Highway safety and parking

34. The proposed development would result in an overall decrease of the number of car parking spaces available at Ladybarn House. The application indicated that Ladybarn House was to be promoted as a car free development, and the evidence submitted with the appeal stated that the eastern car park area containing approximately 6 spaces would be restricted to use by disabled badge holders and would only be utilised as a drop off and pick up space at the beginning and end of terms. This, in combination with the land taken up by the proposed development, would effectively reduce the capacity of the car parks by 12 spaces and remove all student parking, leaving only the barrier controlled car park to the west, which is associated with the commercial uses on the ground floor of Ladybarn House.
35. It was suggested by the appellant at the hearing that spaces within the western barrier controlled car park could be made available to students. Whilst this was not what was proposed when the Council determined the application, there are currently no planning restrictions on how the western car park is to be used and the future management of the car parking could be amended without recourse to the planning process.
36. The Council does not have a car parking standard for student accommodation and the requirements are assessed on a case by case basis. The Council has not put forward in evidence a number of car parking spaces which would be required to serve the development as a whole, although it was stated at the hearing that the existing number of spaces should be retained or there should be a pro-rata increase, which would equate to two additional spaces. Core Strategy Policy T2 seeks to ensure that new development is located to ensure good access to among others, the city centre and the universities on Oxford Road, and to ensure good national and international connections and is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities. Policy T2 also makes it clear that within District Centres fewer parking spaces are required than elsewhere.
37. It was established at the hearing that the harm to the living conditions of neighbouring residential properties referred to in the reason for refusal only arises out of potential competition for parking on nearby streets. The supporting information for the planning application and the evidence submitted with the appeal show that there is currently a low level of car ownership amongst the tenants of Ladybarn House with only four residents having car

parking permits. The car parking survey submitted with the application shows that the available on street parking around the appeal site is heavily used with only a small number of spaces available at most times of the day. This correlates with what I saw when I visited the site. Carill Drive and Standish Road were heavily parked. There were spaces available on Moseley Road further from the appeal site.

38. Whilst it is proposed to promote Ladybarn House as a car free development and include a clause in the tenancy agreements that residents would not park vehicles on the streets near the site, at the hearing the appellant agreed that it may be difficult to enforce such an agreement in practical terms.
39. It is not in dispute between the parties that the appeal site is located in an area where there is good access to shops, facilities and public transport. Tenants of the existing accommodation and the proposed development would, therefore, not necessarily be dependent on private cars as their main mode of transport although this would not prevent residents from owning cars.
40. The evidence submitted by the appellant, and which is not challenged by the Council, states that only approximately 3% of the students in Manchester operate cars and this is reflected in the current level of parking demand at Ladybarn House where of the present 117 residents, only four hold parking permits (3.4%). The proposed development would displace any parking onto the streets surrounding the appeal site. Although the appellant's parking survey shows that there is only limited parking capacity on Carill Drive and Standish Road, the resulting additional demand would also be very low and could be accommodated near to the appeal site, particularly on Moseley Road where the survey shows that there are generally spaces available.
41. Whilst there was some concern regarding excessive demand for parking spaces at the beginning and end of the university terms, the Council confirmed at the hearing that the reason for refusal related to the normal day to day use of the development.
42. The Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts would be severe. The Council has identified inconvenience to other residents resulting from competition for parking spaces as their main concern in respect of harm arising from the development. In my view, the low parking demand of the existing and proposed development would result in only limited additional competition for parking spaces in the area where there is some additional capacity and, in combination with the district centre location of the appeal site and the good public transport connectivity, the impact of this would not be so severe as to warrant refusing planning permission.
43. I therefore find that the proposed development would not cause harm to parking and highway safety in the area, nor would it cause harm to the living conditions of local residents as a result of additional on street parking. It would comply with the relevant requirements of Core Strategy Policies T2 and DM1 which seek to ensure that new development is well located in respect of access to the city centre, universities, health and leisure facilities and open space, that it is provided with an appropriate level of car parking, and does not adversely affect the living conditions of nearby residents.

Other matters

44. I have had regard to the representations from local residents which were received by the Council in response to the application. In general these raise matters which have already been covered above.

Conclusion

45. I have found that, on the balance of the evidence, as there is a large numerical difference between the number of students requiring accommodation and the number of bed spaces available in purpose built student accommodation, and no evidence has been put forward that the development would result in an oversupply of purpose built accommodation, there is a need for purpose built student accommodation. I have also found that the proposed development would not cause harm to highway safety in the area or, as a result of increased demand for parking, cause harm to the living conditions of the occupiers of nearby residential properties.
46. However, I have found that the design and siting of the development would cause permanent and lasting harm to the character and appearance of the area and to the living conditions of the occupiers of Ladybarn House. The scheme would therefore conflict with Policies SP1 and DM1 of the Core Strategy. In my view this is an important matter, to the extent that the proposal should be regarded as being in conflict with the development plan as a whole, notwithstanding compliance with other policies which are referred to above.
47. Whilst there would be some limited benefits arising from the scheme, it is small in scale, providing only 28 additional bed spaces, and any economic benefits arising from it in terms of additional spending within the locality would likewise be small in scale. These small scale benefits would not outweigh the permanent and lasting harm that would be caused by the development, and as a consequence the appeal must fail.
48. For the above reasons, and taking into account all other matters raised, I therefore conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Hard MRTPI	Indigo Planning
Guy Pearson-Gregory	Accrue Student Housing
Paul O'Connell	O'Connell East Architects
Maria Marks	Indigo Planning

FOR THE LOCAL PLANNING AUTHORITY:

Jennifer Connor	Principal Planner MCC
Paul Mason	Urban Design and Conservation Group Manager MCC
Muniza Usmani	Highways MCC
Neil Bayliss-Rowe	Highways MCC

DOCUMENTS SUBMITTED AT THE HEARING

1. Statement of Common Ground
2. Circle Square Development Planning Permission
3. Circle Square Development Committee Report
4. List of properties for rent in Standish Street