



Appeal Decision

Site visit made on 17 March 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2020

Appeal Ref: APP/B4215/W/19/3241898

Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB

- 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 Peter Yim of SAM Properties against the decision of Manchester City Council.
 - The application Ref 122088/OO/2018, dated 29 November 2018, was refused by notice dated 16 October 2019.
 - The development proposed is described as "*redevelopment of vacant former industrial site to accommodate 147 new apartments*".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved for future consideration. Plans showing potential access arrangements and an indicative layout and design were submitted with the application, and I have had regard to these in determining this appeal.
3. The description of development given above omits some of the text from the description given on the planning application form. The omitted text simply states that the proposed apartments would consist "*of 2 and 3 bedrooms*". However, this contradicts the submitted plans and supporting information which indicate that 1 and 2 bedroom apartments are envisaged.
4. Revised indicative plans were submitted at final comments stage that show a smaller building containing 119 apartments that would be 8 stories in height when viewed from Kingsway. Given the late stage at which these plans were submitted, neither the Council nor interested parties have had the opportunity to comment upon them. In this regard, a number of interested parties objected to the development on design grounds, including in relation to its scale and height. In these circumstances, my acceptance of these plans could deprive those who should have been consulted on the changed development of the opportunity of such consultation. Moreover, I note that the 'Procedural Guide – Planning Appeals – England' (2020) advises that: "*the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought*".

(Annexe M.2.1). Accordingly, I have determined the appeal based on the drawings that were before the Council when it made its decision.

Main Issues

5. The main issues are:

- (a) The effect of the development on the character and appearance of the area;
- (b) The effect of the development on on-street parking stress;
- (c) Whether the development would prejudice highway safety; and
- (d) Whether a high density apartment development would be appropriate in this location.

Reasons

Character and appearance

- 6. The appeal site consists of a series of disused industrial and commercial buildings on the western side of Kingsway. It adjoins non-residential development to both the north and south and is positioned between a railway line and a dual carriageway.
- 7. The appeal is in outline with all matters reserved and so the precise scale, layout, and appearance of the development are not before me. However, in order to accommodate 147 apartments on the site it is inevitable that a relatively substantial building would be required. In this regard, the submitted plans indicate a 10 storey apartment block that would be of a significant scale and mass.
- 8. The surrounding area is characterised by low rise development consisting mostly of 2 storey properties, and there are no tall buildings in the vicinity. The appeal site is also in a relatively prominent position next to Kingsway, which is a main arterial route into the City. In this setting, a 10 storey building would be a landmark feature that would dominate the surrounding area. It would be visible in longer views from a number of directions and its height and scale would contrast sharply with the established pattern of development in the area. In this regard, the submitted plans indicate a large bulky structure, of utilitarian design, that would be completely out of scale with its surroundings. These plans also indicate a number of poor design features including a tall 5 storey element close to the back edge of the footway to Kingsway, and amenity decks that would be overshadowed for much of the day. Whilst the submitted plans are illustrative, and alterations could be made to the design, a substantial building would inevitably be required in order to achieve the number of apartments that are proposed. Any reduction in one element of the indicative scheme would therefore necessitate an increase in bulk or height elsewhere. In this regard, and from the information before me, I am not persuaded that this number of units is capable of being satisfactorily accommodated on the site.
- 9. It is asserted that the proposal would accord with the locational requirements of Policy EN 2 of the Core Strategy which relate specifically to tall buildings. However, that policy states that suitable locations for tall buildings away from the City Centre are likely to be in existing district centres, which is not the case here. Moreover, Policy EN 2 advises that tall buildings will only be supported

where they "*can be shown to play a positive role in a coordinated place-making approach to a wider area*". In this regard, I am not aware of any coordinated strategy for the area which this proposal would contribute to. In addition, Policy EN 2 requires that proposals demonstrate excellent design quality. In the absence of details relating to layout, scale, and appearance, it is not possible to assess whether this policy requirement is met.

10. My attention has also been drawn to draft Policy GM-H 4 of the emerging Greater Manchester Spatial Framework. This draft policy stipulates minimum net residential densities of 70 dwellings per hectare near railway stations with a frequent service. However, that document is at an early stage of preparation and has not yet been submitted for examination. It is also unclear whether it is subject to any significant unresolved objections. Accordingly, I attach only limited weight to it at this stage. In any case, the proposed 147 dwellings on a 1.1 ha (gross) site would far exceed the minimum net density stipulated in that draft policy.
11. The Council has recently granted approval for a 5 storey apartment block comprising 27 units on the site of the former Kingsway Hotel (Ref 117274/FO/2017). However, the full details of that case including the approved plans and the Council's reasoning are not before me. I am therefore unable to assess any direct comparability to the current appeal proposal. In any case, I have come to my own view on this matter rather than relying on the approach the Council may have taken elsewhere.
12. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policies SP 1, DM 1, and EN 2 of the Manchester Core Strategy (2012). These policies seek to ensure, amongst other things, that new development is of an appropriate scale and form and makes a positive contribution to the area.

On-street parking stress

13. There are few available on-street parking spaces in the vicinity of the appeal site, and most of the surrounding roads are subject to parking restrictions. At the time of my site visit, I also noted that the vast majority of the existing on-street spaces were occupied. Moreover, both the Council and local residents refer to high demand for parking spaces in the area. The submitted plans indicate that 98 undercroft parking spaces would be provided to serve the 147 proposed apartments. Whilst the site is in an accessible location, this level of provision would not be sufficient to accommodate vehicles associated with the development in my view, and it would be likely to place additional strain on existing on-street spaces.
14. The submitted Transport Assessment¹ states that parking would accord with the Greater Manchester parking standards and would provide 1.5 off-street spaces per dwelling. However, the site has a relatively constrained shape and the indicative plans show parking occupying almost its entire footprint at ground floor level. Significant additional parking provision could therefore only be achieved through an underground parking level, or through the introduction of a first floor parking level. However, it is not clear whether an underground parking level would be feasible in this case, and the introduction of a first floor parking level would necessitate a further increase in the height of the building.

¹ SCP (November 2018)

Accordingly, in the absence of further information, it is not clear that sufficient parking can be accommodated within the site.

15. For the above reasons, I conclude that the development would significantly exacerbate on-street parking stress. It would therefore be contrary to the relevant sections of Policy DM 1 of the Manchester Core Strategy (2012) which seeks to ensure, amongst other things, that new development provides adequate car parking.

Highway safety

16. Access is a reserved matter and so the full details of the access arrangements are not before me at this stage. However, given the width of the frontage onto Harwood Road and the extent of parking congestion along it, the appeal site is likely to take its main access from Kingsway. In this regard, the submitted plans indicate that 2 new access points would be created onto Kingsway on either side of the existing substation.
17. The appeal site contains a number of commercial buildings that were recently used as offices and as a vehicle repair garage. These premises are served by existing accesses onto Kingsway and Harwood Road. In this regard, the submitted Transport Statement notes that the development would result in a net increase of around 15 vehicle movements in both the AM and PM peak hours compared to the previous commercial uses. This would be only a modest increase in my view. There are also a number of existing accesses onto Kingsway nearby, including those to Burnside Drive and the adjacent petrol filling station. There is no evidence before me that these existing access points have resulted in any highway safety issues. Moreover, data for the period 2013-2017 indicates that accidents in the vicinity during that period were all clustered around the signalised junction between Mauldeth Road and Kingsway.
18. For the above reasons I conclude that the development would not prejudice highway safety. It would therefore accord with the relevant sections of Policy DM 1 of the Manchester Core Strategy (2012) which seeks to ensure, amongst other things, that new development provides a safe and suitable access.

High density apartment development

19. Policy H 1 of the Manchester Core Strategy relates to overall housing provision within the City. It states that outside of the inner areas the emphasis will be on increasing the availability of family housing. In addition, Policy H 6 of the Core Strategy identifies a need for family housing, elderly peoples housing, and affordable housing in the south of the City.
20. The submitted plans indicate that the development would contain mostly 1 and 2 bedroom apartments and so would not comprise family sized accommodation. However, the appeal site has an irregular shape that would not lend itself to traditional family housing. In this regard, it has a backland character, a limited road frontage, and is surrounded by mostly non-residential development. It is also in a highly accessible location next to Mauldeth Road Train Station and the bus routes along Mauldeth Road and Kingsway. In these circumstances, I consider that an apartment development would be appropriate on the site (albeit not to the height and scale that is proposed). Whilst Policies H 1 and H 6 identify a shortage of family housing in the south of the City,

Policy H 1 also states that the type, size and tenure of the housing mix will be assessed on a site by site basis.

21. Policy H 6 also supports the provision of housing that meets the needs of elderly people in South Manchester. In this regard, the appellant indicates that 45 dwellings would be reserved for occupiers aged 55 and above. Little detail is provided as to precisely what this would entail. However, a condition could be imposed restricting the occupancy of these dwellings to residents within this age group. This element of the scheme would clearly accord with the requirements of Policy H 6.
22. For the above reasons, I conclude that a higher density apartment development would be appropriate in this location. The development would therefore accord with Policies H 1 and H 6 of the Manchester Core Strategy (2012).

Other Matter

23. The appellant states that it is intended to provide 20% of the proposed units as affordable housing in accordance with Policy H 8 of the Manchester Core Strategy. However, little detail has been provided in this regard. Moreover, no planning obligation has been submitted and so there is no mechanism before to deliver the affordable housing contribution. In this regard, Planning Practice Guidance is clear that a condition which limits the development that can take place until a planning obligation has been entered into is unlikely to be appropriate in the majority of cases, and would require "*exceptional circumstances*" (Paragraph: 010 Reference ID: 21a-010-20190723). No such exceptional circumstances have been put to me in this case, and the use of a planning condition would therefore not be appropriate. Accordingly, the development would fail to make an appropriate contribution towards affordable housing provision.

Conclusion

24. For the reasons set out above, I conclude that the development would significantly harm the character and appearance of the area, would exacerbate on-street parking stress, and would fail to make an appropriate contribution towards affordable housing. It would be contrary to the development plan in these respects. Whilst the development would provide 147 new dwellings (including housing for older people) on an accessible brownfield site, and would generate some economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR