The Planning Inspectorate

Appeal Decision

Inquiry held on 29-31 March and 5-8 April 2022

Site visits made on 28 March and 7 and 8 April 2022

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/B4215/W/21/3287525

Land at Deansgate South, Manchester M3 4LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Fusion Manchester DevCo Ltd against the decision of Manchester City Council.
- The application Ref 129406/FO/2021, dated 15 February 2021, was refused by notice dated 4 June 2021.
- The development proposed is Full planning permission for a 28-storey purpose built student accommodation building (Sui Generis).

Decision

1. The appeal is allowed and full planning permission is granted for a 28-storey purpose built student accommodation building (Sui Generis) on land at Deansgate South, Manchester in accordance with the terms of the application, Ref. 129406/FO/2021, dated 15 February 2021, subject to the conditions set out in the attached schedule.

The site and its surroundings

2. The appeal site is triangular, is about 0.6 hectares, and is vacant, previously developed land. It has a north-west frontage to Bridgewater Viaduct, which spans the Bridgewater Canal and which links Chester Road to the south-west and Deansgate to the north-east, a south frontage to Deansgate South, and a north-east boundary facing Deansgate Quay, a residential development of up to seven stories above a ground floor car park that is at a lower level than the appeal site. Deansgate Quay and Deansgate South also span the canal where it meets the River Medlock. Access into the site is off Bridgewater Viaduct and Deansgate South.

3. On the opposite side of Bridgewater Viaduct is a recently completed residential development of two buildings of 12 and 21 stories; 2-4 Chester Road and known as Chester Wharf. Chester Wharf is within the Castlefield Conservation Area which contains several listed buildings including the Grade II Former Congregational Chapel to the north of the site. To the south-east of the site is Deansgate Square, a residential development of four multi-storey buildings ranging in height from 38 to 65 stories set within areas of public realm. The tallest tower, Deansgate West, is on the opposite side of Deansgate South to the appeal site.

4. To the south-west of Deansgate Square is a cleared site awaiting redevelopment alongside Great Jackson Street. Beyond this road, and with a frontage to Chester Road, is the Grade II listed Former Bridgewater Canal Offices. Beyond this listed building is the Victoria Residence at 21 stories and the Elizabeth

Tower at 51 stories, both recently constructed residential buildings. These two buildings form part of a larger scheme that includes The Blade and The Drum, both residential buildings currently under construction, and which includes a new park, a medical facility and a primary school.

5. The appeal site is at the north tip of the Great Jackson Street Regeneration Area (GJSRA), which is bounded by Chester Road, by the River Medlock, and to the south by Mancunian Way, the A57(M). All of the aforementioned recently constructed and under construction residential developments, apart from Chester Wharf and Deansgate Quay, are within the GJSRA. Just outside this area and to the south-east, on River Street, is a purpose built, recently constructed, student accommodation building of 32 stories. This building and the GJSRA are within the designated Manchester City Centre.

Planning history

6. In 2017, and the only event of note in the planning history of the site, planning permission was granted for the erection of a 13 storey building comprising 53 residential apartments, a ground floor commercial unit, landscaping, a loading bay and pedestrian access. The planning permission was not implemented and has expired. The building would have been alongside Bridgewater Viaduct and the remainder of the site alongside Deansgate South would have been public realm.

The proposed development

7. The proposed development is a 28 storey purpose built student accommodation (PBSA) building for 534 students. The triangular building would take up virtually the whole site. At lower ground floor level, with access off Deansgate South at the east end of the site, would be ancillary accommodation including cycle and refuse stores. The main entrance at ground floor level would be at the south-west tip of the building. At this floor level there would be reception and office space, lounge, social and game spaces, a laundry and ancillary accommodation around a stair and lift core. At first floor level there would be a gym, a wellbeing suite and communal study space. At all other floor levels there would be study bedrooms in a variety of arrangements.

8. The proposed building would have rooftop terraces at three levels, 22, 24 and 26. These would be, respectively, 38, 60 and 95 square metres. The terraces would be landscaped and available to students as external recreational spaces. The proposed development would be car free.

Planning policy

9. The Development Plan includes the Manchester Core Strategy (CS) and saved policies of the Unitary Development Plan (UDP) for Manchester.

10. CS policy CC8 states that developments which, amongst other things, improve legibility of the city centre will be supported subject to the proposal's impact on key aspects of the city's heritage and character. CS policy CC9 requires the design of new buildings to be of the highest quality in terms of appearance and function, and that development in the city centre should preserve the heritage assets that have been identified, including listed buildings and conservation areas. CS policy EN1, amongst other things, recognises that there will be opportunities to create landmark buildings but that developments should also contribute positively to the experience of all at street level. CS policy EN3 reiterates policy CC9 with regard to the preservation of heritage assets.

11. Two CS policies are particularly relevant to the proposed development; policy H12 'Purpose Built Student Accommodation' and policy EN2 'Tall Buildings'. Policy H12 is a criteria based policy and requires, amongst other things, that sites should be in close proximity to the university campuses or to a high frequency public transport route which passes this area, that high density developments should be sited in locations where this is compatible with existing developments and initiatives, and where retail facilities are within walking distance, that proposals should avoid causing an increase in crime in the surrounding area, that there will be no unacceptable effect on residential amenity in the surrounding area, and that developers will be required to demonstrate that there is a need for additional student accommodation, and that the proposed development is deliverable.

12. CS policy EN2 states that proposals for tall buildings will be supported where it can be demonstrated that they will be of excellent design quality and are appropriately located, will contribute positively to sustainability and to place making, for example as a landmark or by terminating a view, and will bring significant regeneration benefits. The policy states that a fundamental design objective will be to ensure tall buildings make a positive contribution to the evolution of a unique, attractive and distinctive Manchester, including its skyline and approach views, and states that suitable locations will include sites within the city centre with particular encouragement given to non-conservation areas and sites which can easily be served by public transport nodes. The policy also recognises that tall buildings can have a significant impact on the local wind environment and requires that this impact be modelled and that submissions include measures to create an attractive pedestrian environment.

13. Saved UDP policy DC19.1 states that the City Council will, amongst other things, seek to preserve the settings of listed buildings by appropriate control over the design of new development in their vicinity.

Reasons

14. The main issues are;

1. The effect on the proposed development on the character of the area;

2. The effect of the proposed development on the settings and significance of heritage assets;

3. Whether there is a need for the proposed development;

4. Whether the site is an appropriate location for the proposed development;

5. The effect of the proposed development on the amenities of residents of Deansgate Quay; and,

6. The effect of the proposed development on the wind microclimate at street level and the safety and comfort of pedestrians and cyclists.

The first issue – the character of the area

15. The character of the area has been hugely affected by development within and without the GJSRA. Development within the GJSRA is guided by the Great Jackson Street Development Framework (GJSDF) which was updated in 2018 from a 2015 version which was itself an update of the first version published in 2007. The

GJSRA is not part of the Development Plan but it has been the subject of public consultation and is afforded some weight. The appeal site is Plot H in the GJSRA.

16. At paragraph 2.15 of the GJSDF it is reported that 'Significant progress has been made in delivering the vision for the GJSRA as identified in the 2007 and 2015 Frameworks' and, in this regard, two planning permissions are referred to; that for the Deansgate Square development and that granted in 2017 for the appeal site. When the 2018 GJSDF was published the 2017 planning permission was extant and there would have been a reasonable prospect that the scheme would have been built out. The GJSDF therefore considers the 13 storey scheme to be committed development and it is this scheme, apart from one exception, that appears in sketches and plans of the GJSRA.

17. The one exception is where the GJSDF considers 'Height at Strategic Points'. The plan and street level visualisations indicate that Plot H could be the location of a building significantly taller than the 13 storey scheme granted planning permission in 2017. The appeal site is, indeed, at a strategic point of the GJSRA. The site is slightly detached from the main body of the area, by Deansgate South, and is at a point where the road leading from the Mancunian Way into the city centre takes a slight bend, at the junction of Chester Road and Bridgewater Viaduct. Consequently, any building on the appeal site is in direct line of site along Chester Road towards the city centre and will terminate the vista along this main road.

18. The visually strategic location of the appeal site demands an appropriate design response for a building on the site. In addition, there are now significant developments on both sides of the site in the view along Chester Road. To the left is Chester Wharf, a distinctive scheme in bulk, design, form and material, Portland stone, and to the right is the 65 storey, glass clad, Deansgate West. There is a stark difference in form and appearance between the two schemes but this is not inappropriate in a part of the city that is changing fundamentally in character, from low rise industrial development to high rise residential development, and where buildings are individual in appearance but each part of a collective character.

19. The vista along Chester Road, between Chester Wharf and Deansgate West, is currently terminated by Deansgate Quay. This development, similar in scale and form to other developments to the east of Deansgate South, such as those on Little Peter Street and Constance Street, now relates poorly to its immediate surroundings and is not a suitable building to terminate the vista. The GJSDF envisages a tall building on the appeal site and, given its strategic location and the nearby tall buildings on both sides, a tall building is required to respect, and continue the development of, the character of the GJSRA and the wider area.

20. The visualisations along Chester Road towards the city centre from various distances, produced by both main parties, with Chester Wharf to the left and Deansgate West to the right, show that the proposed 28 storey building is appropriate in height. In this regard there is a clear step down in scale from development within the GJSRA to development outside the area. The proposed building would replace Deansgate Quay in this vista and the two developments would be close together. The proposed building would be significantly higher than Deansgate Quay and this height difference would be apparent in views south-westwards along Deansgate.

21. But in this vista the 65 storey Deansgate West and the other tall buildings of Deansgate Square are nearby in the background, and the 21 storey building at Chester Wharf is in the foreground. The addition of the proposed building, even

though it would be closer to Deansgate Quay, would not therefore compromise the already existing scale of development in, or the character of, the area. Furthermore, the difference in scale between the proposed building and Deansgate Quay is somewhat mitigated by the stepping down in scale of the proposed building at roof level. This design feature of the proposed building contributes positively to the appearance of the proposed building.

22. Other design features of the proposed building would contribute positively to its appearance. These include the full height glazing at the south-west and north corners, the vertical proportions and the ratio of solid to void of the principal elevations, and the active and open frontages at street level on Bridgewater Viaduct and Deansgate South. The building would be clad with Corten steel; a material that naturally corrodes to an orange/red colour. It is claimed that this colour reflects a traditional building material of the area, red brick, and that the material recalls a time when steelmaking was a local industry. These connections are interesting but not significant, and do not in themselves justify the choice of cladding material.

23. The GJSDF requires that 'Materials used must be durable with a long design life…' and '…should also be simply detailed, limited in palette, robust, high-quality and easily maintained'. Corten steel is a durable, high-quality, and easily maintained cladding material and the building would be simply detailed with a limited palette. Furthermore, recently constructed buildings within and without the GJSRA have distinctive characters and, in this regard, Corten steel would be an appropriate cladding material that would contribute to the distinctive character of the proposed development. In this regard the planning condition discussed at the Inquiry that would require the prior approval of an alternative cladding material would not be necessary if planning permission is granted.

24. The location of the site and the aspirations of the GJSDF require a landmark building for the site. The shape of the site has dictated the plan form of the building. This, however, is fortuitous for the resulting slender proportions of the proposed tall building, when viewed along Chester Road, would result in the building having landmark quality. Taking all the aforementioned factors into account the proposed 28 storey building would have a positive effect on, and would not therefore harm, the character of the area. The proposed development does not thus conflict, in this regard, with CS policies CC8, CC9 and EN1.

The second issue – the settings and significance of heritage assets

25. The National Planning Policy Framework (NPPF) defines the setting of a heritage asset as the surroundings in which such an asset is experienced, and the significance of a heritage asset to be the value of such an asset to this and future generations because of its heritage interest. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act) states that in considering whether to grant planning permission for development which affects a listed building or its setting the Secretary of State shall have special regard to the desirability of preserving the building or its setting.

26. Section 72(1) of the LBCA Act, with respect to any buildings or land in a conservation area, requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. However, it is also the case that development outside a conservation area can affect, adversely or otherwise, the character or appearance of that area. Harm to the significance of a heritage asset must, in accordance with established case law, be given considerable importance and weight in the decision making process.

27. The Council maintains that the proposed development would harm the character and appearance, and therefore the significance, of the Castlefield Conservation Area and would harm the setting, and therefore the significance of, four Grade II listed buildings; the Former Congregational Chapel at 378-380 Deansgate, Deansgate Station, the Manchester South Junction and Altrincham Railway Viaduct, and the Former Bridgewater Canal Offices on Chester Road. They also maintain that the proposed development would cause harm to a non-designated heritage asset, the Atlas Bar, which is attached to the viaduct and is close to Deansgate Station.

28. Deansgate Station, the Viaduct and the Atlas Bar form a group of heritage assets that are experienced together in views southwards along Deansgate. In the background in these views are the four towers of Deansgate Square (Deansgate West at 65 storeys being the closest and most prominent) and the two tall buildings of Chester Wharf. Further in the background is the 51 storey Elizabeth Tower. The dispersed group of tall buildings is the background context of the setting of the heritage assets and the addition of the 28 storey proposed building, between Deansgate West and Chester Wharf, would not change that context. The proposed development would not harm the setting or significance of the group of designated and non-designated heritage assets.

29. The Former Congregational Chapel is on the south side of the railway viaduct and to the north-west of the Bridgewater Viaduct and is a prominent feature of the Conservation Area. Its tower is seen from Deansgate above the viaduct against a backdrop of the group of tall buildings, particularly the 21 storey tower at Chester Wharf, and behind steel gantries over the elevated railway. The proposed building would not affect appreciation of the tower in these views. The Chapel is closely experienced from the Bridgewater Viaduct and from the Castlefield Basin within the Conservation Area but the proposed building would be behind in these close views of the Chapel. Furthermore, Castle Wharf obscures views of the Chapel in views north-east along Chester Road and the Chapel only comes into view alongside the appeal site. The proposed building would not thus harm the setting or significance of the Former Congregational Chapel.

30. The Former Bridgewater Canal Offices is experienced from Chester Road, with the four towers of Deansgate Square to the left and with Victoria Residence and Elizabeth House to the right. The proposed building would only add to this context in oblique views of the Offices from Chester Road towards its junction with the Mancunian Way. In this view the 28 storey building would be between the 65 storey tower of Deansgate West and the 21 storey tower at Chester Wharf with Beetham Tower and the other three towers of Deansgate Square in the background. Given this context the proposed building would not affect appreciation of the Former Bridgewater Canal Offices and would not harm its setting or significance.

31. In the Officer Report on Chester Wharf, which is in the conservation area, it is stated that "The proposal would bring this vacant, unsightly piece of land back into use and would create a development…with a contemporary design that would complement the architectural ethos of the nearby listed buildings and would use high quality materials" and that "…the proposal would enhance the character and appearance of the conservation area". The proposed development would bring a vacant unsightly piece of land back into use, would not harm the setting or significance of nearby listed buildings and would use high quality materials. The appeal site is outside the Conservation Area and it is therefore concluded,

consistent with the conclusion in the Officer Report, that the proposed development would not harm the character and appearance of the Castlefield Conservation Area.

32. The proposed development would not harm the setting of the four Grade II listed buildings and the non-designated heritage asset and would not harm the character and appearance of the Castlefield Conservation Area. The development would have no effect on the significance of the heritage assets and does not, in this regard, conflict with CS policies CC9 and EN3 or saved UDP policy DC19.1.

The third issue – need for the proposed development

33. The Council claims that the Appellant has overestimated the need for more PBSA in Manchester to house students at the two principal universities, the University of Manchester (UM) and Manchester Metropolitan University (MMU). Whether they have or have not is not relevant because the Council accepts, as stated by Mr Ponter in his closing statement, that "…there is a need for the provision of more PBSA…" in Manchester. PBSA accommodation in the city has increased by about 500 bed spaces per annum over the last ten years and Mr Cole, for the Council, stated at the Inquiry that, up to at least 2030, about 660 further PBSA bed spaces per annum would be required to meet demand.

34. Mr Cole provided a note at the Inquiry that sets out sites identified by the Council for the development of PBSA. The ten schemes would provide 6,610 net new PBSA bed spaces but only one scheme, for only 62 bed spaces, is currently proceeding on site, one development is on site but has stalled, one has planning permission and one has been submitted for planning permission. The other six schemes are at pre-planning stage or have yet to progress even to this stage. There is an accepted quantitative need for the proposed PBSA scheme and it is not certain that there are enough schemes in the pipeline to meet PBSA demand over the next few years. The proposed scheme would contribute to fulfilling that need.

35. It must also be noted that the Appellant company, which has an impressive track record of developing PBSA schemes all around the country, has procured a professional assessment of PBSA need and is satisfied that there is sufficient unmet need to justify pursuing planning permission for development of the appeal site. They are also willing to commit significant financial resources to build out the development and they wouldn't be willing to do so if there wasn't an unmet need.

36. The same observation can be made about the qualitative need for the proposed PBSA scheme. It is undisputed that student numbers at UM and MMU will increase over the next decade and it is also undisputed that the percentage of international students, particularly those from the Far East, will increase at a greater rate. Such students are not generally attracted to living in shared houses and are willing to pay more for PBSA. The proposed scheme is aimed at this market at a price point similar to those at the recently built River Street PBSA scheme. The Appellant company has made their assessment and is confident that there is sufficient demand for the quality of PBSA that is proposed.

37. There is a quantitative and qualitative need for the proposed PBSA scheme and the Council can be confident, given the Appellant company's track record, that the scheme would be delivered if planning permission is granted. In this regard the proposed PBSA development does not conflict with CS policy H12.

The fourth issue – the location of the proposed development

38. CS policy H12 requires PBSA schemes to be in close proximity to the university campuses or to a high frequency public transport route which passes this area. The MU and MMU campuses are, mostly, to the south of the Mancunian Way and to the west of Oxford Road, the main road out of the city centre to the south. In the supporting text to policy H12 it is stated that "In this context "close proximity" means within 500m which is defined in Planning Policy Statement 4 as being within easy walking distance in terms of access to office development". Supporting text is not policy and Planning Policy Statement 4 was withdrawn many years ago. Furthermore, walking distance to office development is an entirely different matter to walking distances to university campuses. The 500m distance referred to in the supporting text can be disregarded.

39. The Appellant has researched likely walking routes to the UM and MMU campuses and has provided estimates of walking times to these campuses. The timings are not precise because much depends on who is walking but it is not unreasonable for an able bodied student to walk for about 25 minutes from their accommodation to their university. It is also worth noting that the students would have an alternative sustainable means of travel. The appeal site may not be on a direct bus route to the campuses but Chester Road/Deansgate is a main arterial bus route and two bus trips, one from the accommodation to the transport hub on Oxford Street in the city centre and one from there to the campuses, would take about the same time as walking. It is likely that this would be a popular method of travel because it would afford the opportunity for students to shop and socialise in the city centre on their journeys to and from the universities.

40. The Officer Report on the River Street PBSA scheme states that "The site is within walking distance of both universities and is in close proximity to Oxford Road…It is therefore well connected to and in close proximity to university campuses…". The proposed PBSA scheme is only about a 4-5 minute walk further away from the university campuses than the River Street scheme. Taking into account the easy and quick, and possibly otherwise beneficial, public transport link between the appeal site and the university campuses it is reasonable to conclude that the site is, as a matter of judgement, in close proximity to the university campuses. The appeal site is an appropriate location for the proposed development, which does not, in this regard also, conflict with CS policy H12.

The fifth issue – the amenities of residents of Deansgate Quay

41. The north-east elevation of the proposed building, which would have large windows to public spaces at mezzanine level and study bedroom windows at all other levels, would be about 12 metres from the south-west elevation of Deansgate Quay, which includes balconies and windows to living rooms at each end and windows to bedrooms in the middle. Given the relationship between existing and proposed development there is concern for overlooking of and loss of privacy in the flats in Deansgate Quay, and for reduced levels of daylight and sunlight in the flats, particularly in living rooms. The effect of the proposed development on outlook from the flats must also be considered.

42. Residents of flats in Deansgate Quay have benefited, with regard to all of the aforementioned concerns, from the appeal site remaining un-redeveloped thus far. The reality is, however, that the appeal site will be developed in the future, whether by the proposed development or by another. It is also realistic to assume that development would be higher than Deansgate Quay, as envisaged by the GJSDF.

The relationship between Deansgate Quay and any development on the appeal site, in terms of separation distance, would be similar to relationships between residential buildings nearby to the east and elsewhere in the city centre. This must be the starting point for consideration of the aforementioned concerns.

43. In terms of outlook from the flats in Deansgate Quay it matters not whether a building on the appeal site is 7, 13 or 28 storeys high. In this regard, outlook is directly forwards and the height of development on the appeal site is not therefore an issue. Furthermore, the outlook from living rooms in flats in the west corner of Deansgate Quay already takes in the 21 storey tower of Chester Wharf and the outlook from living rooms in flats in the south corner is of Chester Road rather than any building on the appeal site. The proposed development would not be unduly overbearing and would not unduly affect the outlook from flats in Deansgate Quay.

44. A particular concern is for overlooking of, and therefore loss of privacy in, Deansgate Quay flats from three large windows at mezzanine level in the proposed development. These windows would be to social and study spaces where students may be relaxing and regarding the outside world, which would be of windows in Deansgate Quay flats. Overlooking from the three windows could be alleviated by the installation of opaque glass and this could be covered by imposition of a planning condition. The mezzanine area has a large window in another elevation and the study and social spaces would not be compromised by the three windows having opaque glass. Windows to study bedrooms above mezzanine level are not large and are to deep plan rooms in which students are unlikely to be spending much time looking out. There is no concern for overlooking from these windows.

45. Reduced levels of daylight and sunlight in bedrooms in flats in Deansgate Quay, given that these rooms are generally in use during night-time hours with curtails drawn, is not concerning. The proposed development would result in reduced levels of daylight and sunlight in living rooms in flats in Deansgate Quay. But daylight and sunlight levels would be reduced by any realistic development on the appeal site and, on the basis of evidence provided at the Inquiry, to the same degree. Consequently, given also that CS policy CC6 emphasises the importance of maximising development opportunities in the city centre, reduced levels of daylight and sunlight in living rooms in Deansgate Quay would not be unacceptable.

46. The proposed development would not have a significant or unacceptable adverse effect on the amenities of residents of Deansgate Quay and, in this regard also, does not conflict with CS policy H12.

The sixth issue – the wind microclimate around the site

47. The relevant reason for refusal of the application states that "The proposed building…would have a detrimental impact upon the wind environment around the building, requiring mitigation. The applicant has failed to demonstrate that the mitigation measures put forward are capable of implementation…Therefore, it is considered that the proposed building…could have a detrimental effect on the safety and comfort of pedestrians and cyclists…". The emphasis of the reason for refusal is on the effectiveness of mitigation measures rather than on the impact of the proposed building on the wind microclimate and only states that "…the proposed building could (emphasis added) have a detrimental effect…".

48. However, whilst maintaining concern for the effectiveness of mitigation measures the Council has cast doubt on the robustness of the Appellant's assessment of the effect of the proposed building on the wind microclimate,

prepared by Mr Evans. This was the subject of a chapter of the Environmental Statement (ES) submitted with the application. At no time during the application stage did the Council request further information or, for instance, ask that wind tunnel tests be carried out to model the effect of the building. It was only at appeal stage that the Council appointed Mr Turpitt to defend the reason for refusal and he has not carried out an assessment himself but has presented a critique of the methodology of Mr Evans' assessment.

49. The appropriate guidance on this topic, and commonly used by Engineers when assessing developments around the country, is 'Wind Microclimate Guidelines in the City of London, RWDI, August 2019'. The guidelines set out two methodologies for calculating the effect of a building on wind microclimates. Mr Evans' assessment has been carried out in accordance with one of those methodologies and by creating a 3D Computational Fluid Dynamic (CFD) model of the proposed development and the surrounding area. There is no reason to doubt that the modelling provides an accurate assessment of the effect of the proposed building on the wind microclimate. It was perfectly reasonable for Mr Evans to include both built out and consented schemes in the GJSRA in his modelling.

50. The ES and further assessment carried out by Mr Evans after the application stage does indicate that for a very few wind directions safety and comfort criteria would be exceeded for some short periods. Mr Turpitt, because he is critical of the methodology employed, suggests that wind conditions would be windier than those calculated. But Mr Evans has been cautious in his approach to the assessment and it is certainly true that wind in northern cities is stronger than wind in London, on which the guidelines and the safety criteria contained therein are based. There is nothing in evidence to suggest that the CFD model created is inaccurate and the guidelines do not require, for this method, that gust equivalent mean wind speeds are taken into account.

51. Mr Turpitt has suggested that wind tunnel testing should have been carried out in addition to CFD modelling. But the Council has not required for any of the 25 tall building schemes submitted for planning permission in the last eight years both wind tunnel testing and CFD modelling. The modelling does fairly identify, as set out in Mr Evans' proof of evidence, where wind from a few of the 36 10 degree compass point would exceed safety and comfort criteria on Bridgewater Viaduct and Deansgate South. The exceedences are slight and would be the same for any development on the site. There is nothing in evidence to indicate that the CFD modelling carried out by Mr Evans does not provide a robust and accurate assessment of the effect of the proposed development on the wind microclimate.

52. Mitigation is proposed in the form of four trees on the pavement to Bridgewater Viaduct and three trees on the pavement to Deansgate South. It is estimated that the mitigation measures would alleviate all exceedences other than in the 70 degree wind direction on Bridgewater Viaduct. But Mr Evans' statement, at paragraph 8.1.1 of his proof of evidence, that "…based on the 30 year historic dataset use for the modelling, the likelihood of the safety exceedences modelled occurring in the real world are negligible", has not been challenged. However, the Council has challenged whether the proposed trees could be established.

53. The seven trees would be planted in a cellular tree pit system developed by GreenBlue Urban. The system is designed to provide sufficient soil volumes to ensure tree establishment and their long term survival. The system can accommodate both existing and proposed services and has been used successfully

in other projects in the city. The Council has cast doubt on the use of the system because they maintain that the site survey does not accurately identify the location and depth of underground services. The survey was carried out using modern electro magnetic and ground penetrating radar techniques and, in any event, the tree pit system is sufficiently adaptable to accommodate services when they are uncovered during the construction process. There is no reason to doubt that the proposed trees would become established and would provide mitigation for the effect of the proposed development on the wind microclimate.

54. The proposed development would not affect the wind microclimate at street level such that the safety and comfort of pedestrians and cyclists would be compromised. The proposed development does not thus conflict with, in this regard, CS policy EN2.

Other Matters

55. The Greater Manchester Police Crime Prevention Team do not object to the proposed development and there are no concerns for the safety and welfare of resident students of the PBSA scheme. The 2018 GJSDF does not exclude PBSA schemes from the GJSDA. The proposed car free development would not have any effect on traffic or highway safety in the area. All other matters mentioned in opposition to the proposed development have been considered but they do not, either individually or collectively, outweigh the overall conclusion to be reached.

Conditions

56. The Council and the Appellant have, generally, agreed suggested conditions to be imposed if planning permission was to be granted. Those not agreed are considered below. The suggested conditions that will be imposed have been amended, in the interests of clarity and precision, but they meet the tests set out in the National Planning Practice Guidance (NPPG).

57. Suggested condition 12 requires the submission of a Flood Risk Assessment (FRA) even though an FRA was submitted with the application. The application was submitted more than one year ago and it is not therefore unreasonable for the Council to require the submission of an FRA because it may need updating. Item i) of the condition is also not unreasonable and covers the possibility that the drainage strategy for the development might be altered to include discharge of surface water into a main river. If it is not altered then item i) does not come into effect. Suggested condition 12 has not therefore been amended.

58. Suggested condition 14 has been deleted because the FRA submitted with the application indicates that foul and surface water will be discharged to a combined sewer and United Utilities accepted this strategy in pre-application correspondence. In any event, condition 12 requires the submission of an FRA which will be considered by United Utilities as statutory consultee on drainage matters. Suggested condition 17 has been deleted because it duplicates suggested condition 16. A vague and open ended element of suggested condition 22 has been deleted. Suggested condition 33 has been deleted because, as previously indicated, it is not necessary to make the development acceptable in planning terms.

Section 106 Unilateral Undertaking

59. A signed and dated Section 106 Unilateral Undertaking was submitted after the close of the Inquiry. The Undertaking provides for the payment of two financial contributions to the Council; £30,000 for the provision of a Bee Network Cycle Hire

stand in the vicinity of the development and £75,000 for the provision of a new signalised pedestrian crossing on Medlock Street. The obligations of the Undertaking are related to requirements of development plan policies and are necessary to make the development acceptable in planning terms. They are all, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement therefore complies with the tests set out in the NPPG and with Regulation 122 of the CIL Regulations 2010.

Conclusion

60. The proposed development would not harm the character of, or the significance of heritage assets in, the area, and would not have a significant adverse effect on the amenities of residents of Deansgate Quay. Furthermore, there is a quantitative and qualitative need for the proposed PBSA scheme which would be in an appropriate location relative to UM and MMU campuses, and there are no significant comfort or safety concerns for pedestrians or cyclists. The proposed development accords with CS policies H12 and EN2 in particular, and with the up-to-date development plan.

61. Paragraph 11 of the National Planning Policy Framework requires that development proposals that accord with an up-to-date development plan should be approved without delay. The proposed development does accord with an up-to-date development plan and planning permission is thus granted, subject to conditions, for a 28-storey purpose built student accommodation building (Sui Generis) on land at Deansgate South, Manchester.

John Braithwaite

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr C Katkowski	Queens Counsel
and	
Mr G Grant	Of Counsel

(instructed by Ms C Pegg of Cushman and Wakefield)

They called

Mr D Feeney BA(Hons)	Partner at Cushman and Wakefield
Mr A Pearce BA(Hons) BTP(Hons) MRTPI	Managing Director of Pearce Planning Ltd and Head of Planning at Fusion Students
Mr C Pullen BA(Hons) DipUD	Director of Lambert Smith Hampton
Dr C Miele MA PhD IHBC MRTPI	Senior Partner at Montagu Evans LLP
Mr P Evans BSc(Hons) MEI CEnv	Service Area Director at Wardell Armstrong LLP
Mr J Dalrymple	Technical Design Consultant at GreenBlue Urban Ltd
Mr S Denby BA(Hons) MSc CMILT	Technical Director at Hydrock Consultants Ltd
Ms K Hulse BA(Hons) MA MRTPI	Partner at Cushman and Wakefield
Mr M Beatty BSc(Hons) MRICS	Associate Partner at GIA

FOR THE LOCAL PLANNING AUTHORITY:

Mr I Ponter	Of Counsel

(instructed by Mr J Hobson, Senior Lawyer at Manchester City Council)

He called

Mr N Cole BA(Hons)	Strategic Lead for Housing, Strategy and Policy at Manchester City Council
Mr D Carty DipURP MRTPI	Development Manager at Manchester City Council
Mr P Mason BA(Arch) DipArch RIBA IHBC	Group Manager – Urban Design and Conservation at Manchester City Council

Mr A Turpitt MEng CEng MIMechE	Director of Architectural Aerodynamics Ltd
Mr A Mitchell BSc(Hons) DipURP	Principal Planning Officer at Manchester City Council

INTERESTED PARTIES:

Mr M Beck	Local resident
Mr A Fallon	Director of Estates, Facilities and Capital at Manchester Metropolitan University

DOCUMENTS

1 Appearances for the Appellant.
2 Appearances for Manchester City Council.
3 Appellant's Opening Submissions.
4 Opening Submissions on behalf of the Local Planning Authority.
5 Supplementary Note by Mr Cole on Student Need.
6 Representation by Mr Beck.
7 Letter from Mr Fallon to Mr Brown dated 31 March 2022.
8 Draft Unilateral Planning Obligation.
9 Section 106 Compliance Statement by Manchester City Council.
10 Draft planning conditions.
11 Closing Submissions on behalf of the Local Planning Authority.
12 Appellant's Closing Submissions.

SCHEDULE OF CONDITIONS FOR PLANNING PERMISSION 129406/FO/2021

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following drawings and documents:

Existing - Site Location Plan	20269-0200 P-00
Proposed - Site Location Plan	20269-0300 P-02
Proposed - Block Plan	20269-0301 P-02
Proposed - Plan - Lower Ground (Superseded)	20269-0310 P-04
Proposed - Plan - Ground	20269-0311 P-02
Proposed - Plan - Mezzanine	20269-0312 P-02
Proposed - Plan - Typical 01-21st Floors	20269-0313 P-02
Proposed - Plan - 10th Floor	20269-0315 P-02
Proposed - Plan - 22nd Floor	20269-0316 P-02
Proposed - Plan - 23rd Floor	20269-0317 P-02
Proposed - Plan - 24th Floor	20269-0318 P-02
Proposed - Plan - 25th Floor	20269-0319 P-02
Proposed - Plan - 26th Floor	20269-0320 P-02
Proposed - Plan - 27th Floor	20269-0321 P-02
Proposed - Plan - Roof	20269-0322 P-02
Proposed - Room Types	20269-0325 P-02
Proposed - Section - A-A	20269-0340 P-00
Proposed - Section - B-B	20269-0341 P-00
Proposed - Section - C-C	20269-0342 P-01
Proposed - Elevations - North and South	20269-0350 P-01
Proposed - Elevations - East and West	20269-0351 P-01
Proposed - Streetscene Elevation - North	20269-0355 P-01
Proposed - Streetscene Elevation - South	20269-0356 P-00
Proposed - Elevation and Sections Study - Typical Ground and Mezzanine	20269-0360 P-00
Proposed - Elevation and Sections Study - Typical Level	20269-0361 P-00
Proposed - Elevation and Sections Study - Level Twenty Sixth External Terraces	20269-0362 P-00

Proposed - Elevation and Sections Study - East Elevation	20269-0363 P-00

Environmental Statement Volume 1;
Environmental Statement Appendices;
Planning Statement dated February 2021 by Cushman & Wakefield;
Design and Access Statement 20269-8003-01 by Corstorphine +Wright Architects dated December 2020 as amended by the Design and Access Statement Addendum 20269-8004-00 by Corstorphine +Wright Architects dated November 2021;
Archaeological Desk Based Assessment by Oxford Archaeology dated October 2015;
Blue and Green Infrastructure Statement by Cushman & Wakefield dated February 2021;
Broadband Connectivity Assessment Issue 0.3 dated 07/01/2021 by GTech Surveys Limited;
Television and Radio Reception Impact Assessment Issue 0.3 dated 07/01/2021 by GTech Surveys Limited;
Crime Impact Statement Ref: 2018/0600/CIS/02 Version B: 27/01/21 by Greater Manchester Police Design for Security;
Energy Strategy Report dated 16 December 2020 by Ridge;
BREEAM Pre-Assessment Report dated 14/10/2020 by Impact Sustainability;
Flood Risk Assessment and Drainage Strategy 20047.02.03.D100 dated December 2020 by Shear Design;
Phase 1 Preliminary Risk Assessment Report dated January 2021 by WSP;
Phase 1 Preliminary Risk Assessment Report Appendix C, part 1;
Phase 1 Preliminary Risk Assessment Report Appendix C, part 2;
Phase 1 Preliminary Risk Assessment Report Appendix C, part 3;
Factual Report on Ground Investigation;
Local Labour Agreement dated February 2021 by Cushman & Wakefield;
Residence Management Plan by Fusion Students;
Social Spaces, Amenities & Student Wellbeing Strategy dated January 2021 by Corstorphine + Wright Architects;
Transport Statement Rev 01 and Framework Travel Plan by Calibro;
Student Accommodation Schedule by Corstorphine + Wright Architects;
Tree Planting Proposals by Wardell Armstrong received by the City Council on 25 January 2022;
Updated Environmental Statement – Chapter 12: Wind Microclimate dated February 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

3. a. Notwithstanding the details shown in the approved drawings and documents, the development hereby permitted shall not take place unless and until full details of the measures required to provide a safe and comfortable wind environment in and around the site for pedestrians and cyclists as a result of the development has been submitted to and approved in writing by the local planning authority. Where the mitigation includes tree planting, the details shall include:

i. A viability assessment for any tree planting within the highway, which shall include service plans, a ground penetrating radar survey and the digging of trial holes. The information derived from these investigations shall be used to illustrate within scaled plans the location of any services (including their depth) relative to the pavement edge and building line;

ii. Details of the overall numbers, size, species and planting specification (which should meet with the City Centre Tree Planting Specification Standards) and details of on going maintenance shall be submitted to and approved in writing by the City Council as local planning authority in accordance with the planting scheme as agree above.

b. Any approved scheme shall be fully implemented prior to first occupation of the development. If within a period of 10 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - In the interests of amenity and public safety, pursuant to policy DM1 of the Core Strategy.

4. No vegetation clearance shall take place between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation that no active bird nests are present has been provided. Any such written confirmation should be submitted to the local planning authority.

Reason - In order to provide protection to nesting birds, pursuant to Policy EN15 of the Core Strategy.

5. Prior to the commencement of development (other than demolition and site clearance), details of piling using penetrative methods shall not be carried out other than with the written approval of the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the proposed piling does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

6. a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To protect the water environment pursuant to policies DM1 and EN18 of the Core Strategy.

7. a) Prior to the commencement of development, details of a Local Benefit Proposal in order to demonstrate a commitment to recruit local labour for both the construction and operation elements of the development shall be submitted to and approved in writing by the local planning authority. The approved document shall be implemented as part of the construction and occupation phases of the development.

In this condition a Local Benefit Proposal means a document which includes:

(i) the measures proposed to recruit local people including apprenticeships;
(ii) mechanisms for the implementation and delivery of the Local Benefit Proposal; and
(iii) measures to monitor and review the effectiveness of the Local Benefit Proposal in achieving the objective of recruiting and supporting local labour objectives.

(b) Within six months of first occupation of the development, details of the results of the scheme shall be submitted to the local planning authority.

Reason - To safeguard local employment opportunities pursuant to policy EC1 of the Core Strategy.

8. Prior to the commencement of development, a detailed demolition and construction management plan outlining working practices during development (including demolition works) shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the demolition and construction management plan shall include:

a) Display of an emergency contact number;
b) Details of Wheel Washing;
c) Dust suppression measures;
d) Compound locations where relevant;
e) Location, removal and recycling of waste;
f) Routing strategy and swept path analysis;
g) Parking of construction vehicles and staff;
h) Sheeting over of construction vehicles;

i) Communication strategy with residents that shall include details of how engagement, consultation and notification of residents during the works shall take place;

Development shall be carried out in accordance with the approved demolition and construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety pursuant to policies SP1, EN9, EN19 and DM1 of the Core Strategy.

9. Before development commences, a full condition survey of the carriageways/footways on construction vehicle routes surrounding the site shall be undertaken and submitted to the local planning authority. When all construction/fit-out works are complete, the same carriageways/footways shall be re-surveyed and the results submitted to the local planning authority for assessment. Should any damage have occurred to the carriageways/footways, they shall be repaired and reinstated in accordance with a scheme that shall first be submitted to and approved in writing by the local planning authority. The necessary costs for this repair and/or reinstatement shall be met by the developer.

Reason - To ensure an acceptable development pursuant to policy DM1 of the Core Strategy.

10. Prior to the commencement of development a programme for the submission of samples and specifications of all materials to be used on all external elevations of the development, including details of full sized sample panels, shall be submitted to and approved in writing by the local planning authority. Samples and specifications of all materials to be used on all external elevations of the development, which shall include jointing and fixing details, details of the drips to be used to prevent staining and a strategy for quality control management, shall then be submitted to and approved in writing by the local planning authority in accordance with the programme as agreed above. The development shall be carried out in accordance with the approved details.

Reason – In the interests of the visual amenity of the area pursuant to policies SP1 and DM1 of the Core Strategy.

11. a. Prior to the commencement of development a programme for the submission of final details of the public and private realm works for the development shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include submission and implementation timeframes for the following details:

a. Details of the proposed hard landscape materials;
b. Details of the materials, including natural stone or other high quality materials to be used for the reinstatement of the pavements within the public highway and for the areas between the pavement and the line of the proposed building;
c. Details of the proposed tree species within the public realm including proposed size, species and planting specification including tree pits and design;
d. A strategy detailing on-going maintenance of the proposed trees;
e. Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include bat boxes and bricks, bird boxes and appropriate planting;
f. Details of any external furniture including seating, bins and lighting;

b. The above details shall then be submitted to and approved in writing by the local planning authority and fully implemented in accordance with the approved timeframes.

If within a period of 10 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out pursuant to policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

12. No development shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and details that have been submitted to and approved in writing by the local planning authority.

In order to discharge the above drainage condition the following additional information shall be provided:

a) A Flood Risk Assessment shall be carried out, as the site is located within close proximity to a Main River and the site is shown to be located within an Environment Agency (EA) Flood Warning Area;

b) A Drainage Strategy, which shall be set out in accordance with National Planning Policy Framework and follow the drainage hierarchy;

c) The River 'Medlock Tunnel' (which connects the River Medlock) runs within close proximity to the site, therefore site investigation works and correspondence with the Environment Agency shall be carried out to confirm that this culvert is not located within the site boundary and that the proposed building does not encroach into the culvert easement;

d) Consideration of alternative green SuDS solution (that utilises infiltration or attenuation) if practicable;

e) Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area;

f) Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment;

g) Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so

that flooding does not occur during a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building;

h) Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes shall be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes shall be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site;

i) Where surface water is connected to a Main River, any works within or adjacent to the river that would affect it would require consent from the Environment Agency (EA). An email of acceptance by the EA of proposed flows and/or new connection will suffice;

j) Where surface water is connected to the public sewer, agreement in principle from United Utilities (UU) is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance by UU of proposed flows and/or new connection will suffice. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer shall be restricted to 5 l/s;

k) Hydraulic calculation of the proposed drainage system;

l) Construction details of flow control and SuDS elements.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies EN08 and EN14 of the Core Strategy.

13. The development hereby permitted shall not be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details shall include:

a. Verification report providing photographic evidence of construction as per design drawings;

b. As-built construction drawings if different from design construction drawings;

c. Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason - To ensure satisfactory drainage pursuant to policies EN08 and EN14 of the Core Strategy.

14. Before development commences, studies containing the following with regard to television reception in the area of the site shall be submitted to and approved in writing by the local planning authority.

a) Measure the existing television signal reception within the potential impact areas identified in the Television and Radio Reception Impact Assessment Issue 0.3 dated 07/01/2021 by GTech Surveys Limited before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications, and shall include an assessment of the survey results obtained.

b) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the local planning authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (a) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the local planning authority, whichever is the earlier.

Reason - To ensure that the development does not adversely affect existing levels and quality of television reception pursuant to policy DM1 of the Core Strategy.

15. Development shall not commence on site unless and until a Radar Mitigation Scheme (RMS), (including a timetable for its implementation during construction), has been agreed with NATS (En Route) PLC and submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved RMS.

Reason - In the interests of aviation safety pursuant to policy DM2 of the Core Strategy.

16. Development shall not commence unless and until a scheme for the provision of obstacle lighting has been submitted to and approved in writing by the local planning authority, in consultation with the Aerodrome Safeguarding Authority for Manchester Airport. The approved obstacle lighting scheme shall be implemented before first occupation of the development and retained thereafter.

Reason - In the interests of aviation safety pursuant to policy DM2 of the Core Strategy.

17. Facilities for the storage and disposal of waste shall be provided in accordance with a waste management strategy (WMS) to be submitted to and approved in writing by the local planning authority before the development is occupied. The WMS shall include provision for a twice weekly refuse collection to be undertaken by a private refuse collector only. It shall be implemented in full throughout the lifetime of the development.

Reason - In the interests of amenity and public health pursuant to policy DM1 of the Core Strategy.

18. a. Notwithstanding the details shown in the approved drawings and documents, before the development commences a scheme for acoustically insulating the proposed student accommodation against noise from Bridgewater

Viaduct, Deansgate, and the nearby tram and railway lines shall be submitted to and approved in writing by the local planning authority.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved:

> Bedrooms (night time 23:00 to 07:00) - 30 dB L Aeq (individual noise events shall not exceed 45 dB L AmaxF by more than 15 times);
>
> Living rooms (daytime 07:00 to 23:00) - 35 dB L Aeq
>
> Gardens and terraces (daytime) - 55 dB L Aeq.

b. Prior to first occupation of the student accommodation units, a verification report to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report shall be submitted to and approved in writing by the local planning authority. The report shall include post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria. Those measures shall be implemented in full before any of the units are first occupied.

Reason - To protect future residents from noise nuisance pursuant to policies SP1, H1 and DM1 of the Core Strategy.

19. a. Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme to be submitted to and approved in writing by the local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

b. Upon completion of the development and prior to first occupation a verification report to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report shall be submitted to and approved in writing by the local planning authority. The verification report shall also undertake post completion testing to confirm that acceptable criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria. Those measures shall be implemented in full before any of the units are first occupied.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies SP1 and DM1 of the Core Strategy.

20. a) Prior to commencement of the development mitigation measures to safeguard local air quality shall be submitted to and approved in writing by the local planning authority.

b) Prior to occupation of the development any agreed mitigation measures shall be implemented and verified as such in writing by the local planning authority and shall remain in situ whilst the use or development is in operation.

Reason - To protect existing and future residents of the area from air pollution pursuant to policies EN16, SP1 and DM1 of the Core Strategy.

21. Rooftop terraces of the development hereby permitted shall not be used outside the hours of 0700 to 2300 on any day. ~~No part of the site outside the building shall be used other than in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority.~~No amplified sound or music shall be produced or played on the terraces or outside the building.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

22. a) Prior to first occupation of the development, a scheme of highway works shall be submitted to and approved in writing by the local planning authority and shall include the following:

i. The provision of an accessible car parking bay within the vicinity of the site;
ii. The provision of a Car Club parking bay within the vicinity of the site;
iii. The provision of an informal crossing facility on Deansgate South;
iv. The installation of a loading bay on Deansgate South;
Details of the materials, including natural stone or other high quality materials to be used for the reinstatement of the pavements adjacent to the site and for the areas between the pavement and the line of the proposed building, and repairs/improvements to the pavements on routes to the bus stops on Oxford Street between Whitworth Street and Charles Street (including the route along Little Peter Street) and the University of Manchester and Manchester Metropolitan University campuses based on an independent Stage 1 and 2 Road Safety Audit.~~Any other works required to the adopted highway around the site to enable the development.~~

b) The highway works approved under part a) of this condition shall be implemented in accordance with the approved details prior to any part of the development first being occupied and shall thereafter be retained and maintained.

Reason – In the interests of pedestrian and highway safety pursuant to policy DM1 of the Core Strategy.

23. Prior to first occupation of the development, a detailed Servicing and Deliveries Strategy (SDS) shall be submitted to and approved in writing by the local planning authority. The SDS shall include details of management arrangements for student moving in and out times; taxi pick up and drop off; food and online deliveries; and any other associated management and operational requirements. The approved SDS shall be in place prior to first occupation of the development and shall be retained thereafter.

Reason - To ensure appropriate servicing arrangements pursuant to policies SP1 and DM1 of the Core Strategy.

24. The development hereby permitted shall operate in accordance with a Resident Management Strategy (RMS) that has been submitted to and approved in writing by the local planning authority before first occupation of the development.

Reason - In the interests of highway safety and the protection of residential amenity pursuant to policy DM1 of the Core Strategy.

25. a. External lighting shall be designed and installed so as to control glare and overspill onto nearby residential properties in accordance with a scheme to be submitted to and approved in writing by the local planning authority before first occupation of the development. If any lighting at the development hereby approved, when illuminated, causes glare or light spillage, which, in the opinion of the local planning authority, causes detriment to adjoining and nearby residential properties, within fourteen days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the local planning authority and once approved shall thereafter be implemented and retained in accordance with details which have been approved in writing by the local planning authority.

b. Prior to first occupation of the development, a verification report to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report shall be submitted to and approved in writing by the local planning authority. The report shall include post completion testing to confirm that the acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the acceptable criteria. Those measures shall be implemented in full before any of the development is first occupied.

Reason – To protect the amenities of residents of nearby residential accommodation pursuant to policies SP1 and DM1 of the Core Strategy.

26. No loading or unloading shall be carried out at the site outside the hours of 0730 to 2000 on Mondays to Saturdays and 1000 to 1800 on Sundays and Bank Holidays.

Reason - To protect the amenities of local residents pursuant to policies SP1 and DM1 of the Core Strategy.

27. The development hereby permitted shall be carried out in accordance with the recommendations of the Crime Impact Statement Ref: 2018/0600/CIS/02 Version B: 27/01/21 by Greater Manchester Police Design for Security and the building shall not be occupied or used until the local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policy DM1 of the Core Strategy.

28. No part of the development hereby permitted shall be occupied unless and until space and facilities for bicycle parking have been provided in accordance with the approved plans. The approved spaces and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking pursuant to policy T1 of the Core Strategy.

29. Before the development is first occupied a Travel Plan (TP), including details of how the plan will be funded, implemented and monitored for effectiveness, shall be submitted to and approved in writing by the local planning authority. The TP shall include monitoring procedures and review mechanisms that are to be put in place to ensure that the TP and its implementation remain effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented. The Travel Plan shall be fully implemented on occupation of the development, and shall be kept in operation at all times thereafter.

Reason - To promote a choice of means of transport pursuant to policies T2 and EN16 of the Core Strategy.

30. The development shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'Very Good'. A post construction review certificate shall be submitted to and approved in writing by the local planning authority within six months of the development being occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies EN4, EN5, EN6 and EN7 of the Core Strategy.

31. The development hereby permitted shall include full disabled access to all areas of public realm and via the main entrances to the floors above.

Reason - To ensure that satisfactory disabled access is provided pursuant to policy DM1 of the Core Strategy.

32. The building hereby permitted shall only be used as purpose built student accommodation (Sui Generis) and for no other use.

Reason - To ensure that the accommodation is used solely for the intended purpose of student accommodation pursuant to policy DM1 of the Core Strategy.

33. No telecommunications equipment shall be mounted on any external part of the building hereby permitted.

Reason - In the interest of visual amenity pursuant to policy DM1 of the Core Strategy.

34. Prior to first occupation of any disabled accessible room within the development a strategy for providing access to university campuses by residents with disabilities shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and retained in perpetuity.

Reason - To ensure access to the University campuses for disabled residents of the building in accordance with Policy T1 of the Core Strategy.

35. Prior to commencement of the development hereby permitted a scheme for obscuration of the three windows at mezzanine level in the north elevation of the building shall be submitted to and approved in writing by the local planning authority. The three windows when installed shall be obscured in accordance with the approved scheme and shall thereafter be maintained in perpetuity.

Reason - To protect the privacy of residents of Deansgate Quay pursuant to policy DM1 of the Core Strategy.