



Appeal Decision

Hearing held on 22 to 23 June 2022

Site visit made on 23 June 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2022

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

Oakley, 188 Wilmslow Road, Manchester M14 6LJ

- 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 Ms Eve Ladden Timbers, Union of Shop, Distributive and Allied Workers, Watkin Jones Group Ltd, Wilmslow Road Manchester Ltd against the decision of Manchester City Council.
 - The application Ref: 129020/FO/2020, dated 23 December 2020, was refused by notice dated 3 September 2021.
 - The development proposed was originally described as a full planning application for the part-demolition of the existing office buildings on site and erection of purpose built student accommodation. Retention and redevelopment of Oakley Villa to provide amenity and communal space, landscaping and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. The appeal form states that the description has changed from that stated on the application form to the *'erection of 1 no. 13 storey building and 1 no. part 4 and part 5 storey building to form purpose built student accommodation together with a single storey side and rear extension to the retained and refurbished Oakley Villa and conversion to form amenity and communal space together with associated landscaping, cycle parking, car parking and associated works following the demolition of existing office accommodation on the site.'* This is also the description that is set out on the Council's decision notice. Accordingly, I have considered the appeal on this basis. I have also utilised the details of the appellant from the appeal form in the banner heading as those details were not provided on the planning application form.
3. Following the submission of further arboricultural evidence with the appeal, the Council withdrew its concerns over the effect on the amenity value of trees, as is set out in its fourth reason for refusal. Hence, this issue is no longer in disagreement between the Council and the appellant. The hearing proceeded on this basis. All other matters that are set out in the Council's decision notice remain in dispute with the appellant.

4. The appellant submitted a rebuttal document in response to the Council's appeal statement. I accepted this document exceptionally as late evidence prior to the opening of the hearing because it would not have been possible for the appellant to have provided this evidence when its full statement of case was submitted. Moreover, as it concerns the matters of dispute, it is also directly relevant and necessary to my decision. In the interests of procedural fairness, the Council was requested to put the document on its website, so that it was available for perusal by other parties prior to the hearing. Hence, no party has been disadvantaged in my acceptance of this document.
5. The proposal has also been considered by the Secretary of State in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017). A screening direction has been issued which states that the proposal is not Environmental Impact Assessment development.

Main Issues

6. Taking account of the above, the main issues are (i) whether the proposal would be in a suitable location with regard to the development plan regeneration and housing policies; (ii) whether there is a need for the proposal as student housing; (iii) the effect on the significance of a non-designated heritage asset, Oakley House; (iv) the effect on the character and appearance of the area; (v) the effect on the living conditions of the occupiers of nearby residential properties in relation to noise, disturbance and general activity; (vi) the effect on the living conditions of the occupiers of residential properties on Langley Road by way of visual impact and privacy; and (vii) if there is harm, whether this is outweighed by the benefits of the proposal.

Reasons

Suitable Location

7. The site comprises offices that were formerly occupied by the Union of Shop, Distributive and Allied Workers, together with the grounds and parking. The associated building is known as Oakley House, a 2 storey building which has been extended significantly. There is a large 3 storey extension which projects from the side of the building and down much of the side of the site along Langley Road. Beyond, there is a raised 2 storey extension which angles back from this road, parallel to the west boundary of the site.
8. There are a number of accesses into the site, and parking areas are found both towards the Wilmslow Road eastern boundary and adjacent to the west boundary. There are also areas of mature landscaping around the Wilmslow Road parking area and towards the north boundary of the site, in particular. There is also an open grassed area in between Oakley House and the various extensions.
9. With regard to the site's surroundings, to the west and the north is Platt Fields Park. On the opposite side of Wilmslow Road lies the Fallowfield Campus, which comprises university owned student accommodation. Langley Road and the streets behind contain largely 2 storey terraced housing. It is an area of the city that accommodates a large student population, both in relation to the Fallowfield Campus and private housing in the area.
10. Policy H6 of the Council's Local Development Framework (LDF) Core Strategy Development Plan Document (2012) (Core Strategy) sets out how the Council

foresees that South Manchester will contribute to new residential development in the city. It states that only high density development will generally be appropriate within named district centres and as part of mixed use development. Such centres include Fallowfield. Whilst the site lies relatively close to this district centre as is defined by the LDF Area Map, it lies outside of it. Policy H6 thereafter sets out priorities for housing outside of centres based on identified shortfalls, where family housing, meeting the needs of elderly people and affordable housing are cited.

11. With regard to the relevance of Policy H6 to the proposal, the supporting text refers to purpose built student accommodation (PBSA) by way of the Fallowfield campus. Hence, this policy does concern itself with the type of accommodation that is for my consideration, even if it is a *sui generis* use. The proposal as PBSA still performs a housing function.
12. The proposal would be of a high density in these environs where it would involve a total of 425 student bedrooms and associated facilities that would be contained within new 13 storey and 4 and 5 part storey buildings. This would be markedly greater than the Langley Road terraces and in contrast to the absence of any particular density of development in Platt Fields Park. The existing development on the site does not amount to an equivalent level of density because of the lesser degree of coverage by buildings. In addition, the proposed 13 storey building would be on land within the site that is largely undeveloped and would be far greater in height than any of the existing development on the site. This would further add to what would be a high density development.
13. As the site does not fall in the Fallowfield District Centre, it would not thus be in a location that Policy H6 considers appropriate as regards high density development. Whilst I would accept that the supporting text to the policy provides some exception as regards the Fallowfield Campus, there is not an indication that such an approach is to be extended to other locations around the district centre. The second part of Policy H6 does not relate the priorities that it sets for housing outside of district centres to permitting high density development and so the proposal also does not gain support from this part of the policy, notwithstanding that PBSA is not on this list of priorities.
14. Policy H12 of the Core Strategy is the main development plan policy which concerns PBSA. Subject to the criteria in the policy, such development is to be supported. Priority is to be given to schemes that are part of the universities' redevelopment plans or which are being progressed in partnership with the universities, and which clearly meet the Council's regeneration priorities. On this issue, it is criteria 3 and 4 that are in dispute between the main parties.
15. Criterion 3 sets out that high density development should be sited in locations where this is compatible with existing developments and initiatives, amidst other considerations. For the reasons that I have set out above, the density of the proposal would be in contrast to that which is in its vicinity and so it would not comply with this criterion.
16. Criterion 4 is centred on demonstrating a positive regeneration impact, and it is matters in relation to the mix of uses, support for the district centre and integration where the main parties views' differ. The proposal itself would not reasonably constitute a mix of uses because it would all relate to student accommodation and ancillary facilities, apart from one room that could be

booked by the wider community. Nor would there be a housing mix because it would all be given over to students. Whether it would result in private housing stock been brought back into non-student use cannot be said with any great certainty because it is not known where the future occupiers would come from or their accommodation preferences. Furthermore, I was informed that student numbers have increased and as a result so would the need for accommodation for this type of occupier, which includes private housing stock.

17. The proposal would support the district centre in that the services it contains are largely given over to student related custom, albeit it would likely further exacerbate the skew of such services towards students with the proposed occupation levels. The spend of the occupiers of the proposal would also support the centre in times when such locations can face ongoing challenges due to the growth of on-line sales, in particular.
18. As the proposal would be a substantial and largely self-contained development of student accommodation, the potential for it to closely integrate with the existing neighbourhood would be of a limited nature. Good management would not amount to such integration because of the nature and level of its occupation by solely students and as it would support vibrancy only in as far as the student services and population, rather than that of the settled local residents. The room that could be booked by local residents would be a modest feature compared to the overall development. The Council's South Manchester Strategic Regeneration Framework (2008) does not take my deliberations substantively further because this document already contributes towards the evidence which underlined the preparation of the policy, and so is already reflected in this criterion.
19. In drawing these considerations together with regard to criterion 4, it has not been established that the proposal can demonstrate a positive regeneration impact. I would accept that it would support the district centre, but in overall terms mix and integration would count against it. Matters have also been raised over regeneration in relation to the non-designated heritage asset and the effect on the living conditions of local residents, which I set out later in my decision. However, these do not alter my view that such a positive impact would not occur.
20. I conclude that the proposal would not be in a suitable location with regard to the development plan regeneration and housing policies. It would not comply with Policy H6 because it would be a high density development outside of a district centre in South Manchester and so would not address the requirement for housing in the area in a way that would accord with the policy. It would also not comply with Policy H12 criteria 3 and 4 because it would be of high density and as it would not demonstrate a positive regeneration impact.

Need

21. Policy H12 criterion 9 states that developers will be required to demonstrate that there is a need for additional student accommodation or that they have entered into a formal agreement with a University, or another provider of higher education, for the supply of all or some of the bedspaces. The appellant is relying on the need aspect of criterion 9. Whilst there is a letter of support from the university, there is not a formal agreement.

22. The supporting text to the policy refers to a potential oversupply of student bedspaces in purpose built accommodation. Time has however moved on since the adoption of the Core Strategy, and there is agreement through the Statement of Common Ground (SoCG) that there is a need for new high quality PBSA, per se. The dispute centres on need in this location, although criterion 9 does not refer to a locational aspect to need. It is therefore a separate issue and I have already discussed locational considerations above.
23. Nevertheless, need remains a matter of dispute under the reason for refusal and the main parties have provided evidence to support their case. The appellant's updated Student Demand Study reaffirms its need case, and that PBSA is providing less than half of the student accommodation offer. This amounts to around 37,000 students who do not have the choice of PBSA. The appellant has also set out how demand is forecast to grow as student numbers increase, both domestically and internationally. There is not substantive evidence to the contrary.
24. The Council consider that need is to be accommodated in the city centre and the Oxford Road corridor due to the pipeline of such development in those areas and student preference, especially from international students. It also points to a reduction in students in the postcode area where the site is found.
25. Yet, Fallowfield remains a popular location for students. The concerns expressed by interested parties reinforce this position. While I do not dispute the Council's figures over the reduction in students, it has not reached the stage where there are not substantial numbers of students in this area. From the perspective of a student lifestyle, it remains an attractive place to live. There would still be a quantitative need when the forecast rise in students is considered.
26. Clearly, other accommodation options are available for students with a propensity of first year students in university owned accommodation, Houses in Multiple Occupation (HMO) and living with parents for local students, amongst others. However in a qualitative sense, PBSA has the benefit of providing a secure and managed purpose built environment, and so there is also a need in this regard.
27. The Council's recently published draft Housing Strategy (2022-2032) includes reutilising former student accommodation for other purposes. This does not though in itself indicate that there is not a need for student housing. The Council has also referred to objectives that concern not adding to the stock of student accommodation in the south of the city, although this does not reflect current development plan policy. I have also been directed to other reports that the Council has produced which concern providing more PBSA, if private rented accommodation is to be repurposed for market dwellings in order to gain Council Tax receipts. This all represents a somewhat mixed picture in terms of the Council's stance on PBSA and need.
28. With regard to evidence submitted over pricing, making cost comparisons between PBSA and HMO is not straightforward given that they are not an exact comparison in terms of what is on offer. Whether further PBSA development would itself drive down the costs of PBSA is also unclear, given the overall need for this type of accommodation and whether the lowering of costs would have a bearing on the qualitative need in terms of what is on offer. Pricing does not take my deliberations greatly further.

29. The Council has also sought to demonstrate that it has a sufficient supply of PBSA in the pipeline to cater for the need. A number of these sites though do not have planning permission, based on what I was told at the hearing. Accordingly, there is limited assurance at the present time that such sites would proceed. The appellant's evidence is more convincing in this regard as it is more centred on permissions. The bedspace ratio of students to accommodation with the sites in the pipeline would remain the same and as a consequence the need would not be addressed.
30. The Council has also pointed to the repurposing of a site in Victoria Park where it considers that student housing market is not viable. Based on the evidence before me, this seems part of a much wider development that would also involve PBSA, even if it would not be on the Victoria Park site, as well as a number of other types of developments that are either in the city centre or the Oxford Road corridor. To what extent this can be considered comparable to the proposal is questionable and the site circumstances are sufficiently different so as not to change my view on this issue.
31. I conclude that there is a need for the proposal as student housing. It would comply with Policy H12 criterion 9 as the developer has demonstrated there is a need for additional student accommodation.

Non Designated Heritage Asset

32. It is not in dispute that Oakley House constitutes a non-designated heritage asset. It was constructed as a residential villa in the 1830s or thereabouts and is in the Gothic style. Internally, it has been substantially altered due to its former office use. Still, it retains a number of original Gothic revival features, fitting, fixtures and decoration.
33. Externally, the building contains gables with steep pitched roofs and barge boarding, albeit some of the features are more recent or have been altered. It remains set in its own landscaped grounds, with trees and vegetation towards the Wilmslow Road frontage and with the grassed area to the rear, although the original outbuildings have been lost. Its gated carriageway drive off Wilmslow Road remains. The grounds also remain well defined by way of the boundary walls, some of which are of a stone and original construction.
34. The extensions are clear detractors from the building. The south side of the building is much eroded by both the design and scale of the attachment, whilst the grounds to the rear have been significantly disrupted by the intrusion of these extensions. The boundary wall to the Wilmslow Road frontage has been adversely affected by a long bus shelter that is found adjacent to it. The setting beyond the site is also fairly limited to the nearest parts of Platt Fields Park, which itself formed the gardens of a now demolished neighbouring villa.
35. The significance of the asset is defined to a notable degree by the contribution of the internal features. Yet, when viewed away from the extensions, externally it still retains its overall appearance as a villa from that era. The north elevation is still observed from within the site as its principal façade. Parts of the original grounds and gardens continue to contribute, as do the gate piers, garden and boundary walls, driveway and paths. The closest parts of Platt Fields Park also contribute to the significance of its setting. In my view, it is of some historic local interest. Whilst I was referred to English Heritage

guidance over the listing of suburban and country houses, as the asset is not listed, this has a limited bearing on this issue.

36. The removal of the extensions and the reinstatement of Oakley House as a standalone building under the proposal would be of marked benefit as regards its significance. It would better reveal the original architectural form of the building and the ability to understand and appreciate it. There would also be some benefit derived from the proposed landscaping proposals to the former domestic garden up to the Wilmslow Road frontage, in particular with the reduction in the current area for parking and so that the gated former carriageway drive can be better revealed.
37. In terms of internal alterations to the house, and whilst full details are not before me, the surviving plan form and features of heritage significance would be retained. It would also bring this building back into use for amenity and management purposes. This would also be of benefit.
38. Set against this would be the imposition of the proposed 13 storey building on the significance of the house. It would introduce a building of significant scale and massing into part of the site which has been kept largely open. Even though it is the intention to keep this proposed building and the house apart, there would be no great distance and it would appear as an omnipresent feature within the site and when viewed with the house. Whilst views of the two together from Platt Fields Park would be limited, the presence of the proposed 13 storey building would be a contemporary jarring feature when viewed over the house from where Langley and Wilmslow roads meet. Nor can such an effect be considered to be entirely indirect because it would be built on part of the gardens for the house and within the walls.
39. With regard to whether the buildings would form some part of a grouping that the proposed 13 storey building would signify, this would not relate to the significance of the asset or its setting. Prior to the extensions, it would have been the house itself that would have been the dominant building on the site. That the Owens Park Tower on the Fallowfield Campus is itself of considerable height also does not relate to the significance of the asset. That tower is very much a more modern addition compared to the house.
40. Accordingly, there are elements of the proposal that are both of benefit and would cause harm to the significance of the asset. In considering the potential impact, I find that the overall effect would be neutral in weighing these considerations together.
41. This leads me to the conclusion that the proposal would not have an unacceptable effect on the significance of a non-designated heritage asset, Oakley House. Therefore, it would comply with Policy EN3 of the Core Strategy where it states that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance; and that proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Character and Appearance

42. The townscape in the vicinity of the site is of a varied but not unpleasing character. To the south, there is the largely uniform area of terraced housing that is set out in a tight urban grain and extends up to the district centre. In contrast, Platt Fields Park provides some relief with its green and spacious environment, and as it contains a number of recreation uses. Close to the park boundaries with the site, as well as open grassed areas, mature vegetation and pathways, there is an attractive sunken Shakespearean garden that is laid out in a formal manner.
43. On the opposite side of Wilmslow Road, Fallowfield Campus also contains open areas, but also a number of sizeable buildings. Of note is the Owens Park Tower, a 19 storey building that is a prominent feature in this area. There are also a number of other taller buildings on that side of Wilmslow Road, but progressively further away from the site. These include the Toast Rack building, Worsley Court and Platt Court. A further 11 storey building, known as the New Hollins Building also has gained approval, again on the opposite side of Wilmslow Road and approximately 130 metres to the north.
44. The site falls within the Southern Character Area under Policy EN1 of the Core Strategy, and in this regard Oakley House constitutes the presence of older development. Wilmslow Road is a radial route and Platt Fields Park does constitute formal open space. Hence, there are some attributes of this character area on and in the vicinity of the site.
45. The appellant's Townscape and Visual Impact Appraisal (TVIA) places the site within the Fallowfield Campus and Institutions Local Townscape Character Area. The appeal site though bears little semblance to this educational campus type layout and moreover, it is firmly separated from it by Wilmslow Road, a wide and busy thoroughfare that clearly dissects areas on both sides of the road. In my view, the site shares little in character terms with the campus.
46. The proposed 4 storey building along Langley Road would be of a similar height to the existing building and would bear some semblance to the properties opposite because it would have an elongated form akin to how terraced properties are set out. It would be taller and more modern in its design, but this would not look out of place, especially when the unattractive form of the current extensions on the site are considered. With regard to its appearance from the western boundary with Platt Fields Park, vegetation within the park would soften its appearance in townscape terms.
47. The same cannot though be said of the proposed 13 storey building. It would constitute a tall building under Policy EN2 of the Core Strategy, which defines such buildings as those which are substantially taller than their neighbourhoods and/or which significantly change the skyline. Whilst this would not in itself make it unacceptable, there are not buildings on this side of Wilmslow Road that are comparable as regards its proposed scale and massing. It would be an outlier compared to the taller buildings on the opposite side of Wilmslow Road as it would be well set away from them, including when the distance that it would be set into the site is also considered. Whereas much has been made of the Owens Park Tower, it has not changed the townscape on this side of Wilmslow Road. It is more of a landmark building signifying the Fallowfield campus, rather than informing the broader character of the area.

48. The effect of the proposed 13 storey building would be in stark contrast to the character on this side of Wilmslow Road, even with the variety provided by the considerably more diminutive terraces and the park. Such an effect would be adverse and so be of detriment to the overall townscape character.
49. In relation to the visual impacts, these would be most apparent from Platt Fields Park. Currently, the site has a fairly unobtrusive appearance when viewed from the park because either the buildings are well setback from the boundary or views are filtered by trees from the nearer parts of the park. Such views are of importance to users of the park and those views close to the site have a high susceptibility to change and a high-medium sensitivity. I do not disagree with the appellant's TVIA in this regard.
50. The change in view would though be marked, in particular from the Shakespearean Garden. The proximity of the proposed 13 storey building in particular to this edge of the park would be domineering with its scale and massing. It would create a significant urbanising effect compared to the existing site that would not sit comfortably with the adjacent open parkland. Although not to the same degree, I also find that the change in view would be of detriment from the entrance to Platt Fields Park from Wilmslow Road, and close to the entrance from Mabfield Road. The proposed 13 storey building would be a prominent feature and detract from what are currently generally open and verdant views.
51. In relation to broader views from both the park and Wilmslow Road, the effect would not be so adverse because the proposed 13 storey building would be set further away and so would be more filtered by mature vegetation. The TVIA does not present a viewpoint from along Langley Road itself, but such an effect in my view would be neutral as whilst the unsympathetic extensions would be replaced, glimpses of the proposed 13 storey building between Oakley House and the proposed 4 storey building, and over the 4 storey building, would contribute towards the urbanising effect. This would also be apparent from Riga Road, although it would be framed between the terraced properties and so would also have a neutral effect. I do not though consider that there would be an overall beneficial effect in any of the views.
52. This should not be taken to imply a particular criticism of the architectural design of the proposal, per se, and nor of the independent peer review of the design which took place. It is the divergence of the proposed 13 storey building from the context of the site in relation to the townscape character and the visual impacts which cause my concerns to arise over the effect of the proposal on the character of the area. As a consequence, the imposition of planning conditions would not address such a harm.
53. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. It would not comply with Policy EN2 of the Core Strategy which, amongst other considerations, only supports tall building development in such a location where it can be shown to play a positive role in a coordinated place-making approach to a wider area, that suitable locations are likely to relate to existing district centres, and that the height of tall buildings in such locations should relate more to the local, rather than the City Centre, urban context.
54. The proposal would also not comply with Policies SP1, EN1 and DM1 of the Core Strategy in this regard where they are concerned with creating well

designed places that enhance or create character as a core development principle; good design principles; appropriate siting, layout, scale, form, massing, materials and detail; impact on the surrounding areas in terms of the design, scale and appearance; and having regard to the character of the surrounding area, amongst other considerations.

55. The proposal would also not accord with the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) where it is concerned with character and context, buildings relating well to each other, and tall buildings in as far as the location and design of such buildings need careful consideration as they can be viewed from longer distances and have an impact on a much wider area. It would also not accord with the National Planning Policy Framework (Framework) where it conveys good design as a key aspect of sustainable development, and that decisions should add to the overall quality of the area and are sympathetic to local character, amidst other matters.

Living Conditions - Noise, Disturbance and General Activity

56. Both the Council and interested parties have drawn my attention to a number of matters which they attribute to having a high proportion of students in the area. The concerns raised include late night activities and associated noise, crime and anti-social behaviour, and rubbish and littering. This has had an impact on the lives and well-being of local residents who have had to experience the consequences of a lifestyle which does not always easily coincide with that of the more settled local population.
57. Whilst I consider this to be largely dependent on the individual actions of those concerned, given the number of students in the area, this leads to a propensity of such issues arising which are of detriment to the living conditions of local residents. It is also evident that students have also themselves suffered because of some of these activities.
58. From what I heard, particular issues arise from where the students are occupying the terraced properties as HMO because of a purported lack of management and with their juxtaposition to properties that are occupied by settled local residents. This has the potential to heighten the detrimental effect on their living conditions.
59. In contrast, the proposal would operate in a manner that would be more effectively managed, even with the level of occupation that would result. In particular, it would have a concierge, 24 hour on-site management and CCTV. These measures would limit the potential for late night activities and associated noise, crime and anti-social behaviour. It would also include measures for the management and disposal of waste with regard to rubbish and littering. Outside of the site, it would be substantially more difficult to manage such matters, although if this was thought to be attributable to its occupiers, those who manage the proposal could be approached by the relevant authorities. In addition, the proposed student management plan would include measures that seek to keep such noise and disturbance to a minimum.
60. With regard to noise associated with vehicular movements, parking would be limited on site and tenancy agreements would prevent student owned cars at the site. This would also be part of the proposed student management plan. Parking is not restricted on the terraced streets, but as Wilmslow Road is well

served by bus services towards university teaching facilities and with the tenancy controls, widespread car ownership amongst the students would be unlikely. This would not render the proposal unacceptable.

61. It would be highly likely that pedestrian movements would be the predominant way that the students would enter and exit the site. If the likely number of students was using Langley Road, this would raise noise and disturbance concerns during the quieter times at night. The appellant has however offered to close this access at night times to pedestrian movements, so that the students would have to use the Wilmslow Road access. There are not residential properties close to this access and so this would reduce undue noise and disturbance at those times.
62. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of nearby residential properties in relation to noise, disturbance and general activity. As a result, it would comply with Policies H12 and DM1 in this regard where they concern no unacceptable effect on residential amenity in the surrounding area through increased noise and disturbance; effects on amenity, including noise, litter and vermin; and community safety and crime prevention.

Living Conditions – Visual Impact and Privacy

63. The properties on the south side of Langley Road are set back from their site frontages by modest sized front gardens. They have an arrangement of fenestration on their facing elevations and the Council has referred in its concerns to the living room windows. These properties are separated from the site by Langley Road itself and the associated footways. The extensions on the site are set back by a short distance, save for an entrance feature which projects forward.
64. Whilst the Council's development plan policies seek to protect the living conditions of nearby residents by way of visual impact and privacy, it does not apply strict separation distances. Rather, it is dependent on the context in deciding on the effect on the living conditions of local residents in these respects.
65. In relation to visual impact, the proposed building along the Langley Road frontage would be of similar height to the existing extensions up to eaves level. The roof of the proposed building would then further angle back from the frontage as it gains in height to its ridgeline. A modest gap would be opened up with Oakley House. The proposed building would extend further along Langley Road at its western end, but the current outlook is onto a high wall and a vehicular access. Moreover, the separation provided by the road and the footways would still remain between the entirety of the proposal and the terraced houses opposite.
66. The proposed 13 storey building would be a feature that local residents would be aware of due to its presence and proportions. It would though be well set back from this frontage by a not inconsiderable distance. Hence, neither the proposed 13 storey building nor the proposed building along Langley Road would be overbearing as regards living conditions.
67. Turning to privacy, where there would be facing windows between the proposal and terraced properties, this would not be dissimilar at ground and first floor

level to where properties on these terraced streets already face one another, with the road and footways in between. As such, it would not be a short distance within this context. The living room windows on the properties on Langley Road would simply face the ground floor windows of the proposal across the road. I am not persuaded that the proposed scale of glazing within the ground and first floor windows would make much difference in this regard.

68. Whilst the overall extent of fenestration would be greater, the upper floors of the proposal would face more towards the roof areas of the terraced properties opposite, rather than directly facing towards their existing windows. The usage of the rooms in the proposal would also not differ significantly from more typical residential properties, which also contain bedroom and communal living space for members of the household. Use of rooms for studying would not be unlike people simply working from home. Undue overlooking would thus not occur.
69. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of residential properties on Langley Road by way of visual impact and privacy. Consequently, it would comply in this regard with Policies SP1, DM1 and H12 where they involve the well-being of residents as a core development principle; the effect on amenity, including privacy; and no unacceptable effect on residential amenity in the surrounding area through impact on the streetscene, amidst other matters.

Benefits

70. The proposal would bring economic benefits through the value of construction and employment. Whilst such a benefit would be for a limited period, it would not be insignificant at £23.5 million¹ and with a workforce of around 80. The future occupiers would also support the economy through their expenditure of an estimated £1.6 million per year in the local area. A small number of jobs would also be generated on-site once the proposal would be operational, with the potential for further employment in the supply chain.
71. By attracting students, there is also the potential for economic benefits when they graduate and if they enter the local job market with the skills they would likely have available to them. The purported benefits with regard to displacing students from HMO accommodation would though have less of a bearing, as there is some doubt in my mind to what extent this would occur, in particular with the need for student accommodation. Contributing to addressing the need itself is however a benefit. The proposal would also provide a quality offer of accommodation and support the higher education sector in the city by providing accommodation for its students. The letter of support from the university ably demonstrates this.
72. The proposal would also bring previously developed land back into use. It would also provide for an efficient use of land in as far as it would bring back the site into use, although this is qualified by way of the harm that I have identified. It would potentially reduce the risk for anti-social behaviour associated with the vacant use. A room would also be provided that would be available for use by the wider community.

¹ Economic Impact Assessment, December 2020

73. The proposal would also bring a non-designated asset back into use and restore internal features, as well as improvements to its grounds, and remove the unsympathetic extensions. Such heritage benefits are however tempered by way of the harm that I have found to the significance of the asset due to the proposed 13 storey building.
74. The proposal would provide environmental improvement through landscaping and this would also have some biodiversity benefit, through the proposed new trees and other planting. There would also be energy efficiency benefits, as the proposal would be built to a BREEAM rating of excellent. Whilst there would likely be some carbon impact associated with the redevelopment of the site compared to a full conversion, there is not substantive evidence that a conversion could be achieved to an equivalent energy efficiency rating.
75. The proposal would also be found in a location that is highly accessible by modes of transport other than by the car and is close to a good range of local services. With the harm that I have found with regard to the effect on the character and appearance of the area, the design of the proposal would not though be of benefit.

Planning Balance and Conclusion

76. Policy H12 is central to my decision because it concerns PBSA. There is agreement between the main parties, including through the SoCG, that all of the criteria in that policy must be satisfied in order for the proposal to be in accordance. As I have found that the proposal would not comply with criteria 3 and 4, it would not accord with that policy. The proposal would also not comply with Policy H6 and Policies SP1, EN1, EN2 and DM1 in as far as character and appearance issues and so similarly it would not accord with these policies. It would comply with EN3. The policies attract significant weight in my decision and save for Policy H6 this is not a particular matter of dispute between the main parties. With the conflict that I have identified with the development plan policies, the proposal conflicts with the development plan as a whole.
77. In relation to the harm that would arise, the proposal would not be in a suitable location with regard to development plan regeneration and housing policies, and it would have an unacceptable effect on the character and appearance of the area. As well as the conflict with the development plan, I have also found conflict with the Framework and the SPD in these respects. I find the harm, when taken together, to be very significant.
78. Set against the harm would be the economic, social and environmental benefits that I have set out. The benefits attract significant weight in my decision. All other matters attract neutral weight. In the balance, the harm would not be outweighed by the benefits.
79. With regard to achieving sustainable development, I have taken into account the relevant matters in relation to the economic, social and environmental objectives of the Framework, notwithstanding these are not criteria against which every decision can or should be judged. I agree with the main parties that limited weight should be given to the policies of both the emerging Places for Everyone Plan and the Manchester Local Plan, due to the stage of preparation they are at.

80. Interested parties have raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.
81. In coming to my conclusion, I have considered all relevant matters that have been raised. That the proposal would not be in a suitable location with regard to development plan regeneration and housing policies, and would have an unacceptable effect on the character and appearance of the area, are decisive. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

Darren Hendley

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

John Barrett	of Counsel
Stephen Bell	Senior Director, Turley
Matthew Bowen	Partner, Knight Frank
Stephen Levrant	Principal, Stephen Levrant Heritage Architecture Ltd
Joanna Ede	Director, Turley
Tim Groom	Director, Tim Groom Architects
Kayley Goulbourne	Director, Focus Transport Planning Ltd
Sarah Stirling	Stephen Levrant Heritage Architecture Ltd (in attendance at site visit)
Barry Coltrini	Watkins Jones Group Ltd (in attendance at site visit)
Philip Livingstone	Watkins Jones Group Ltd (in attendance at site visit)

FOR THE LOCAL PLANNING AUTHORITY:

Martin Carter	of Counsel
Robert Griffin	Principal Planner
Nicholas Cole	Strategic Lead, Housing Strategy & Policy
Paul Mason	Group Manager, Urban Design and Conservation

INTERESTED PARTIES:

Kattie Kincaid	SE Fallowfield Residents Group
Sue Hare	Fallowfield Community Gdns
Allan Challenger	Friend of Platt Fields
Sue Evans	Friend of Platt Fields
Dr. Poole	Local Resident
Rashid Mhar	Local Resident
Jill Earnshaw	Local Resident

Hilary Jones	Local Resident
Liam Curtin	Local Resident
Anne Tucker	Local Resident
Simon Lewis	Local Resident
Cllr Jill Lovecy	Rusholme Ward Councillor
Nikita John	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Appearance List on Behalf of the Appellants
- 2 South Manchester Strategic Regeneration Framework (2008)
- 3 Council, Report to Economy Scrutiny Committee – 23 June 2022 Manchester Housing Strategy (2022-2032) and appendices
- 4 Unaccompanied site visit route and viewpoint locations
- 5 USDAW Site – Draft Planning Conditions June 2022 (also submitted prior to hearing)