

# Appeal Decision

Site visit made on 7 October 2022

**by J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 6 March 2023**

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**Appeal Ref: APP/Q4245/W/22/3299133**

**City Point and 2 Hornby Road, 701 Chester Road, Stretford, Manchester M32 0RW**

- 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 Mr Kamal Pankhania of Acre Manchester Ltd against the decision of Trafford Metropolitan Borough Council.
  - The application Ref 104811/FUL/21, dated 27 May 2021, was refused by notice dated 10 March 2022.
  - The development proposed is the demolition of existing office building and erection of 169 bed hotel, comprising between 4 and 10 storeys of hotel accommodation and ancillary uses including ground floor café, plus basement with pool and gym and screened rooftop plant area and tower feature. Associated parking and service areas with main vehicular access of Hornby Road and associated changes to the public realm. Use of No. 2 Hornby Road for hotel staff.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for an award of costs has been made by Mr Kamal Pankhania of Acre Manchester Ltd against Trafford Borough Council. This application is the subject of a separate decision.

## Preliminary Matters

3. The Civic Quarter Area Action Plan (CQAAP) was adopted by the Local Planning Authority (LPA) on 25 January 2023. This now forms part of the statutory development plan for the LPA's administrative area. The parties were provided with an opportunity to comment on the implications of this for the appeal and I have taken their comments into account.
4. During the course of the appeal the appellant submitted a signed and dated Unilateral Undertaking. The LPA was provided with an opportunity to comment on this legal agreement. Accordingly, I have also considered this as part of the appeal and will return to this matter below.
5. The description of development set out above is taken from the LPA's formal decision notice as this is a more accurate description of what is proposed.

## Main Issues

6. The main issues in this appeal are the effect of the development on:
  - the living conditions of the occupiers of adjacent residential properties, in particular those on Hornby Road with regard to visual impact, outlook and privacy;

- highway safety, with particular regard to parking provision; and,
- the character and appearance of the surrounding area.

## **Reasons**

### *Living conditions*

7. The appeal relates to a six storey office building with undercroft parking which occupies a corner plot location, fronting both Warwick Road and Chester Road in an L-shaped arrangement. The appeal site also includes the adjacent residential property at No. 2 Hornby Road, one half of a pair of semi-detached two storey houses.
8. Hornby Road consists of traditional two storey semi-detached residential properties. The houses on the north side of the road are set back from the highway and, to the rear, benefit from modest sized private gardens. The rear elevations of these properties include a number of habitable room windows. Owing to their positioning in relation to the appeal site, there is a close relationship to these rear facing windows and private gardens.
9. The proposed hotel building is broken up into three sections of varying heights stepping up from Hornby Road to Chester Road. At Hornby Road the building would rise to four storeys high, it would then step up to a central wedge-shaped section comprising nine floors of guest accommodation with a setback tenth floor containing a restaurant with an external viewing deck looking out over Warwick and Chester Roads. Screened plant and associated equipment would be located on the rooftop above the restaurant level. The highest part of the building is located towards the Chester Road and Warwick Road junction where the restaurant and screened plant equipment would be enclosed by an extruded brick frame that crowns the building and extends above the plant equipment to 12 storeys high.
10. Despite the building's mass being broken up into three sections of varying height, with the highest section positioned towards the Chester Road and Warwick Road junction, it would be a building of considerable height in close proximity to the rear facing windows and gardens that serve the residential properties on the north side of Hornby Road. As a result, the overall scale and massing of the building would be inescapably apparent when experienced from the rear of these residential properties.
11. The development would dominate the outlook from the rear facing windows and garden areas of the properties along Hornby Road, resulting in an oppressive environment for the occupiers of these adjacent properties and thus detrimental to their living conditions. The visual impact of the development would be unduly overbearing and excessively dominant. These harmful effects are evident from the supporting plans and indicative 3D visualisations which accompany the proposal, illustrating the monumental scale of the building when compared to the more diminutive domestic scale of the properties along Hornby Road.
12. In relation to No.2 Hornby Road, the appellant has advised, as part of their submission, that this property will remain in residential use and provide staff accommodation. Nevertheless, the occupiers of this property would experience similar harmful effects to those I have identified above, as the outlook from their rear facing windows would be significantly diminished. This would result in an oppressive and claustrophobic internal environment for the occupiers of

this residential unit of accommodation, significantly diminishing their living conditions.

13. The section of the proposed building immediately adjacent to the residential properties along Hornby Road would be of a lesser height than the existing office block, rising to only four storeys with a green roof. However, this does not detract from the harm that I have found, which principally results from the positioning and proximity of the taller elements of the building in relation to the adjacent residential properties on Hornby Road.
14. The Parameters Plan accompanying Policy CQ1 of the CQAAP suggests that the site could accommodate a building of up to 12 storeys in height. Nevertheless, the supporting text is clear that these maximum heights may not be achievable across the entire area, and it is not envisaged that the maximum height parameters will be achieved adjacent to existing residential communities. The fact that other tall buildings exist in the surrounding area does not diminish the harmful effects that would arise as a result of the appeal proposal. Furthermore, the two trees on the boundary of the site would not provide effective screening that would overcome these concerns.
15. With regard to privacy, the oblique angle of the glazing on the west facing elevation of the building would eliminate the possibility of any overlooking of the adjacent private gardens along Hornby Road. The windows on the south facing elevation are also proposed to be set at an oblique angle and recessed in order to minimise the potential for any overlooking. Due to their orientation, the view from these windows would allow some limited overlooking of the rear gardens along Hornby Road. However, any loss of privacy to these adjacent occupiers would be limited due to the distance between the windows and the rear gardens and given that the oblique angle and recessed positioning would limit the ability for extensive views. Therefore, sufficient levels of privacy would be maintained for these adjacent residents.
16. To conclude on this issue, the development would have a significant harmful effect on the living conditions of the occupiers of adjacent residential properties, in particular those on Hornby Road with regard to visual impact and outlook. However, the development would not result in an unacceptable loss of privacy for the occupiers of these adjacent properties. Consequently, the development would be in conflict with Policy L7 of the Trafford Local Plan Core Strategy, adopted January 2012 (the CS), which states that development must not prejudice the amenity of the occupants of adjacent properties by reason of overbearing and visual intrusion, amongst other things.
17. There would also be a conflict with the associated provisions of the National Planning Policy Framework (the Framework) which require high standards of amenity for existing and future users.

### *Parking*

18. On-street parking within the vicinity of the appeal site is limited and is subject to various restrictions that further reduce the availability of this provision. These parking restrictions are generally in place during office hours with the closest side streets, along Hornby Road and Barlow Road, having yellow markings which restrict parking to outside the hours of 9am to 5pm Monday to Saturday. Residents only bays exist on Warwick Road along with some pay and display parking bays. Beyond this, parking provision in the wider locality is restricted to private commercial facilities, including those associated with other hotel accommodation. In terms of accessibility, the area is well served

by public transport including bus and Metrolink services and there is infrastructure to support cycling and pedestrian movements throughout the area.

19. Policy L4 of the CS states that maximum levels of car parking for broad classes of development will be used as part of a package of measures to promote sustainable transport choices, amongst other things, and, in relation to matters of functionality CS Policy L7 states that development must provide sufficient off-street car and cycle parking.
20. The LPA's parking standards are set out in 'SPD3: Parking Standards and Design Supplementary Planning Document', adopted February 2012, (SPD3). Accordingly, for a hotel with 169 bedrooms and staff accommodation at this location, the LPA has calculated a parking requirement of 171 spaces. The requirement is expressed as a maximum standard, and SPD3 also states that applications will be assessed on a case by case basis. The guidance also states that where a developer seeks to provide a lower or higher level of parking this will need to be fully justified.
21. The proposal would provide 22 parking spaces operated by a valet system, equating to only 13% of the maximum parking standard required by SPD3. The appellant considers this to be consistent with the policy objectives set out in Policy CQ10 of the CQAAP, which in their view represents a significant reduction from the parking standards set out in SPD3. However, there is nothing in Policy CQ10 that specifically alters the parking standards for hotel developments, instead the policy advocates for proposals to be considered on a case-by-case basis whilst recognising the need to protect highway safety and residential amenity.
22. The levels of occupancy, and staffing levels, associated with the proposed 169 bedroom hotel and its complementary facilities would increase vehicular movements and parking demand in the area, this is acknowledged by the appellant's own Transport Assessment. Indeed, the parking restrictions that exist on surrounding streets suggest that parking is already in high demand.
23. The proposed parking provision would fall significantly short of the LPA's parking standards, and, therefore, when considering these factors together, I am not satisfied that the proposed parking provision would adequately meet the demand generated by the proposal. Consequently, this under provision would increase parking pressure on the spaces available in surrounding streets, to the frustration and inconvenience of local residents and giving rise to the potential for indiscriminate parking and associated adverse effects on highway safety.
24. The appeal site is highly accessible by public transport, with a Greater Manchester Accessibility Level rating of 7. Therefore, when considering the accessibility of the site along with the type and scale of the development, this would justify a substantial reduction in the provision of car parking spaces than the maximum standard set out by SPD3. Nevertheless, the shortfall against the maximum parking standards is severe and would result in the proposal not providing a sufficient number of parking spaces to reflect the size of the development. Quite simply, the proposed parking provision is insufficient to serve the development.
25. The appellant suggests that on-street parking is underutilised in the surrounding streets and therefore this provides some capacity to serve the proposal. However, the evidence underpinning this assertion is based on

limited survey data that was compiled during a period when some Covid 19 restrictions remained in place, and relates to only two weekday evenings. There were some on-street parking spaces available during the time of my visit. However, this was late-morning mid-week, and I am mindful that parking demand is likely to be greatest in the evening and at weekends. The parking demand generated by the proposal is also likely to be greatest during these periods due to the nature of overnight stays. In any case, I am not convinced that the claimed surplus on-street provision would be sufficient to meet the shortfall in parking provision that would arise from the proposal.

26. I acknowledge that the CQAAP considers there to be an over provision of parking in this area of the borough. Nevertheless, I have been provided with little evidence to suggest that other parking opportunities, including commercial car parks, would be available, or a convenient alternative, for guests and staff of the proposed hotel. Furthermore, for convenience and safety in hours of darkness and during periods of inclement weather, guests and staff will desire to park in close proximity to the proposed hotel and will therefore opt for on-street parking in adjacent residential streets, placing them in direct competition for parking spaces with local residents.
27. The appellant has submitted a Unilateral Undertaking (UU) which they consider will secure a financial contribution to fund a review of parking restrictions in the area with a view to potentially extending the area covered by residents' parking permits. However, the UU provides no certainty over what the review would achieve. Furthermore, the LPA is not a party to the agreement, yet it places an obligation on it to carry out a parking review. Given the LPA's concerns in these regards and the fact that parking restrictions are subject to a different regulatory regime, there is little evidence to suggest that the Council, in its capacity as the Local Highway Authority, would be willing to conduct such a review or indeed whether revised parking restrictions would be forthcoming as a result.
28. Even if the undertaking was able to secure an extension to the area covered by residents' parking permits, this would only exacerbate parking demand on the spaces not covered by the restrictions and cause overspill parking into surrounding areas. Fundamentally, the undertaking does not address the shortfall in parking provision arising from the proposal. Consequently, the UU provides no certainty that any mitigation could be achieved to alleviate the parking pressure that the proposal would cause. Therefore, it does not overcome my concerns in this regard.
29. Bringing these points together, I conclude that the proposal would have an unacceptable effect on highway safety, with particular regard to parking provision. This is contrary to Policies L4 and L7 of the CS and Policy CQ10 of the CQAAP which together, among other things, are concerned with maintaining highway safety and the free flow of traffic, and ensuring that development proposals provide sufficient off-street parking and protect residential amenity. The development would also conflict with the requirements of SPD3 because it would not provide an appropriate level of parking provision.
30. In these regards, the development would also be contrary to the associated provisions of the Framework which state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.



31. In relation to Policy L4, the parties agree that the policy is inconsistent with the Framework and is therefore to be considered out of date. This is because the policy and associated appendix 3 refer to maximum parking standards. The appellant is also of the view that these standards are out of date. The Framework cautions against setting maximum parking standards for development unless there is a clear and compelling justification. Accordingly, the requirements of Policy L4, and the conflict with it, carry limited weight in this regard. However, this does not lead me away from my conclusion on this main issue, because the proposal is contrary to the Framework's approach to parking standards as set out in paragraph 107 of the Framework. This essentially amounts to a consideration of the nature of the proposed development and taking into account site-specific circumstances, including accessibility and the availability of public transport. Against these considerations the proposed parking provision is unacceptable.

#### *Character and appearance*

32. The existing building on the site is relatively modern but its design is somewhat dated. Its elevations comprise a mix of brick and glazing, with a bronze curtain wall facing the street which lacks architectural detail or variation.
33. The character of the surrounding area is mixed, with a variety of buildings of differing design and uses. This includes both sizable tall buildings and more traditional semi-detached residential properties laid out in a typical planned arrangement. Along Chester Road there is an abundance of varying building types and uses, including a parade of shops, offices, large retail units, flats, car dealerships and public houses. Manchester United's football ground and Lancashire County Cricket Ground are large sporting venues that dominate the area.
34. The site is prominently located on a major arterial route into Manchester City Centre and on a processional route linking two internationally significant sporting venues. The CQAAP identifies the site as an opportunity for a landmark building. Therefore, it is clear that the site is well placed, in the context of its surrounding character, to accommodate a substantial building of high design quality.
35. In terms of height and massing, and notwithstanding my findings in relation to my first main issue, the site falls within a wider area where tall buildings are generally considered to be appropriate in urban design terms. The development has been designed with both horizontal and vertical variation to create interest and to reduce its apparent mass. The scale of the building is to be broken up through articulation, with the façades of the taller two sections designed to emphasise their verticality, thereby reducing their mass. The lower and wider form of the sections closest to Hornby Road assists in reducing the building's scale and massing.
36. In particular, the elevations are articulated to provide shadow depth through setbacks in the vertical plane, this includes brick framing dividing the façade into bays and providing the appearance of vertical columns. These are complemented by perforated bronze panels which create a robust contemporary finish. This design approach and deliberate vertical emphasis would, when viewed from the Chester Road/Warwick Road junction, result in a landmark form that would provide a distinct gateway feature to the Civic Quarter.

37. Turning to the matter of the extruded brick frame or 'crown', this would not be a horrible feature, but instead would be the termination of the 12 storey element of the development which has been designed as an integral piece. This element of the design perhaps lacks some architectural finesse, however, it is not an offensive feature and therefore does not detract from the overall design of the building.
38. Overall, I consider the proposed design of the building to be appropriate to its context and one that will result in a high quality development, in terms of its scale, massing and external appearance. It would be a striking addition to the street scene, but not in a way that could be considered as overly assertive or dominant in respect of its design. In these regards, the proposal would assist in the ongoing regeneration of the surrounding area and contribute to the overarching objectives of the CQAAP.
39. Consequently, the development would not have a harmful effect on the character and appearance of the surrounding area. Therefore, the development would accord with Policy L7 of the CS which, among other things, requires development to be appropriate to its context, make best use of opportunities to improve the character and quality of an area, and enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevational treatment, materials, hard and soft landscaping works and boundary treatment.
40. For the same reasons, the proposal would comply with the associated provisions of the Framework which seek to achieve well-designed places through the creation of high quality, beautiful and sustainable buildings.

### **Other Matters**

41. The site falls within the setting of Trafford Town Hall, a Grade II listed building. Therefore, it is incumbent on me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
42. The listed building's significance is in part derived from its commanding position and status as a grand civic building, emphasised by its imposing clock tower. The surrounding townscape, including the appeal site, makes an important contribution to the significance of the listed building, allowing an appreciation of its historic and architectural significance. The LPA considers that the proposal would have no adverse effect on the setting of the listed building and, on the evidence before me, I see no reason to depart from this view. Therefore, I am satisfied that the setting of the listed building would be preserved. However, this is a neutral matter that weighs neither for nor against the appeal proposal.
43. I acknowledge that the appeal proposal has been put forward as a revised scheme that was previously refused and dismissed at appeal<sup>1</sup>. The scheme now before me is of a lesser scale and provides additional onsite parking. However, for the reasons I have set out above, this scheme does not suitably address concerns in relation to the living conditions of adjacent residential occupiers or provide sufficient parking provision. In these regards, my findings are consistent with that of the previous Inspector and therefore it is not unsurprising that my reasoning shares some similarities in the approach to

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<sup>1</sup> Appeal Ref: APP/Q4245/W/20/3251903

these matters. Nevertheless, I have considered the appeal on the specifics of the case before me and reached my own independent conclusions.

44. In support of the appeal, my attention has been drawn to several other developments in the surrounding area which appear to have been granted planning permission with levels of parking that deviate substantially from the LPA's parking standards. However, I do not have the full details of these other cases before me or the circumstances in which they were found to be acceptable. In any case, they appear to relate to development that differs in both type and scale. Therefore, I have necessarily considered the appeal proposal on its own merits and consequent effects.
45. I understand that the proposal was subject to extensive pre-application discussions which culminated in Officers recommending the scheme for approval. Nevertheless, pre-application discussions are informal and not binding on any future decision the LPA may make once a proposal has been subject to the formal planning process. I also note that members of the Council's Planning and Development Management Committee are not duty bound to follow the advice of their Officers. Therefore, these matters do not lead me away from my conclusion on the main issues in this case.

### **Overall Planning Balance and Conclusion**

46. The development would bring regenerative and economic benefits to the local area including job creation. It would make use of a previously developed site that is identified as being underutilised by the CQAAP and would diversify the supply of hotels in the area, enabling the continued growth of the tourism industry and assisting in meeting the accommodation needs rising from cultural and leisure facilities in the area.
47. In character and appearance terms, it would introduce a building of high quality that would be a focus for the area, creating a landmark presence on the site that would make a significant contribution to the quality of the surrounding townscape. The building would also promote sustainable design principles, with some limited improvements in green infrastructure, landscaping and biodiversity. Taken together, these are significant benefits that support the proposal.
48. In relation to the harms that arise, I have found that the proposal would result in significant harm to the living conditions of the occupiers of adjacent residential properties, with regard to visual impact and outlook. There would also be harm to highway safety, owing to deficient levels of parking provision. These harmful effects would be substantial.
49. In these regards, I have found the proposal to be contrary to the above-cited policies of the development plan and the associated provisions of the Framework. These conflicts attract substantial weight and the benefits and other material considerations advanced in favour of the scheme are not sufficient to outweigh this.
50. Therefore, I conclude that the appeal should be dismissed.

*J M Tweddle*

INSPECTOR