



Appeal Decision

Site visit made on 3 May 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/B4215/W/22/3313918

Parkway Gate, 50 Chester Street, Manchester M15 6JE

- 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 Unite Students against the decision of Manchester City Council.
 - The application Ref 133498/FO/2022, dated 11 April 2022, was refused by notice dated 30 June 2022.
 - The development proposed is the erection of an external bin store.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of an external bin store at Parkway Gate, 50 Chester Street, Manchester M15 6JE in accordance with the terms of the application, Ref 133498/FO/2022, dated 11 April 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application form describes the proposed development as '*Relocation of bin store*'. The Council's decision notice and the description given by the appellant in the appeal form differs from this, but it more accurately describes the proposal. Accordingly, I have used the description given in the Council's decision notice in the banner heading above and in my formal decision.

Main Issues

3. The main issues relevant to this appeal are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposed refuse arrangements would be adequate for occupants of the accommodation.

Reasons

Character and appearance

4. The appeal site is a small area of land at the end of Wilmott Street adjacent to a gated entrance to a courtyard providing communal outdoor space for students living in a complex of three high-rise blocks of flats. The area is generally dominated by tall blocks of flats providing modern student accommodation.
5. The buildings in the complex are faced in a variety of materials including brick, rusted steel, coated metal, and smooth opaque cladding panels. Glazing is

generally flush with the cladding, and the design and size of the windows adds to the vertical emphasis prevalent in the appearance of the blocks. Student flats are also provided in the tall building on the opposite side of Wilmott Street which is finished in variously coloured bricks and render. There is no dominant building material in the vicinity. All buildings nearby are modern in appearance and their distinguishing feature individually and collectively is their height.

6. The proposal is a modest, low structure comprising a steel frame clad with hit-and-miss vertical timber fence boards. The steel frame would be covered by a semi-translucent polycarbonate roof. The finished height of the bin store would be slightly above the height of the timber fence boards.
7. The side walls of the two blocks of flats adjacent to the appeal site tower over it. When viewed at ground level, in conjunction with the flats opposite and the elevated concrete motorway structures nearby, the appeal proposal would appear dwarfed by the surrounding structures. The proposal would be a small, light, and unobtrusive feature in the street, it would be generally in scale with the means of enclosure found at the entrance to the courtyard of the associated adjacent flats, and it would be largely unseen from the nearby elevated motorway.
8. The site was previously landscaped with grass and two trees, and this formed part of the landscaping scheme required by a condition imposed on the planning permission for the original flats. However, the trees and the grass have been removed. The site is now covered by coarse loose aggregate and is surrounded by temporary metal fencing. The Council would like to see soft landscaping and trees reinstated. However, from the evidence I have seen, there appears to be no means of requiring replanting since the maintenance and replacement period given in the planning condition has passed.
9. The proposed bin store would not appear obtrusive in this context. The plans show that tree and shrub planting could be accommodated within the appeal site and, provided appropriate species are used, this would be beneficial in softening the visual dominance at ground level of hard edges to the adjacent buildings.
10. The proposal would not harm the character and appearance of the area. Accordingly, it would be in conformity with Policies EN1, CC9, DM1 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document (July 2012) (the Core Strategy) and Policy E3.3 of the Unitary Development Plan for the City of Manchester (1995) (the UDP) which, in summary, collectively require development to exhibit good design that enhances the overall image of the City particularly on major radial road routes; contribute to a coherent and integrated physical environment; contribute positively to the experience of all at street level; have regard to its impact on the surrounding areas in terms of design, scale and appearance and on the character of the surrounding area; and make a positive contribution to neighbourhoods of choice including through creating well designed places that enhance or create character. The proposal also accords with the National Planning Policy Framework (the Framework) in respect of achieving well-designed places.

Adequacy of refuse storage arrangements

11. The evidence provides details regarding the original planning permission for the student flats (Council Ref 078574/FO/2006/C3) and the subsequent evolution of the buildings through various changes that have resulted in the provision of additional bed spaces and the repurposing of other space. The appellant indicates that the original bin stores intended to serve the flats were never fit for purpose and that space now provides cycle storage and accommodates other plant. Furthermore, while the Council states that the original planning permission for the flats '*...sets out that there should be 12 bins for recycling*', I have not been directed to evidence that demonstrates that the initial or continuing use of the bin stores for their intended purpose has been secured by a planning condition or any other mechanism.
12. I saw during my site visit that bins were left in the road on Wilmott Street, and I counted 11 large 'Eurobins' and one smaller recycling bin. The appellant indicates that the bins have been left in the highway since the flats were first occupied due largely to the inadequacy of the storage and manoeuvring space available in the internal bin store. Photographic evidence supports this position and, from the information available to me, it appears the bin storage arrangements designed into the original buildings have not fulfilled their intended purpose.
13. Conditions attached to more recent planning permissions which include additional bed spaces (Council Refs 121186/FO/2018 and 129886/FO/2021) refer to approved refuse strategies associated with those developments. However, the proposal before me concerns a free-standing bin storage facility and the evidence does not demonstrate that this is directly associated with the provision of additional living accommodation. Whether other space is used or is available for bin storage within the complex does not weigh in favour or against the proposal. Notwithstanding the concerns of the Council's Environmental Protection Officer, it is evident that the proposal would create a new enclosed bin storage area to serve the student accommodation.
14. The collection of refuse from the site is undertaken through private contractors and does not involve the use of Council services, and this has always been the case. Part of the Council's concern is that waste disposal arrangements for the proposal fails to meet its waste requirements, and this would lead to a need for the use of private contractors. However, there appears to be no inherent problem with the use of private waste disposal arrangements, and I note this forms part of the agreed waste strategy in condition No 3 attached to the permission Ref 129886/FO/2021. Accordingly, I find that there is a reasonable mechanism available to ensure that refuse might be collected.
15. The proposal would create additional storage space which could accommodate significantly more refuse bins than the number I saw in the highway. From what I saw during my site visit, it is unlikely that the creation of a new bin store in the courtyard surrounded by the student flats would be an appropriate alternative arrangement given the primary purpose of that space which provides a quiet, secure, relatively small communal outdoor space for the occupiers of the flats.
16. The removal of bins from the highway, which the appellant indicates would be the outcome if the proposal were permitted, would result in a visual

improvement in the vicinity of the site and I afford moderate weight to this benefit. Bin collections would continue to operate as at present and, while I note the Council's Highways Department request for vehicle swept path information, there is a turning head at the end of the highway directly adjacent to the appeal site which appears adequate for refuse collection vehicles.

17. The Council's Environmental Protection Officer comments that the information provided with the planning application shows refuse disposal capacity for the student accommodation being heavily skewed towards not recycling. However, the evidence I have seen does not elaborate further on how the proposal before me could address the matter.
18. The proposal provides an additional bin storage area, and, in this respect, I conclude that the proposed refuse arrangements would be adequate for occupants of the accommodation. The proposal would therefore be in conformity with Policies DM1 and EN19 of the Core Strategy in respect of the provision of refuse storage and collection, and by encouraging communities to take responsibility for the waste they create through the provision of accessible facilities.

Conditions

19. I have had regard to the conditions suggested by the Council. The appellant has been given an opportunity to comment on these, but I have seen no response. I have made minor modifications to some of the suggested conditions. I have not imposed a condition regarding swept path details since adequate space is available in the highway. In the interests of certainty, I have imposed a condition specifying the timeframe for commencement of development, and a condition specifies the plans approved through this appeal.
20. Conditions requiring submission and approval of external finishes, details regarding gates and other means of enclosure, and the implementation and maintenance of an approved landscaping scheme are necessary to protect the character and appearance of the area.
21. The Council suggest a condition requiring waste management arrangements to be approved, and a planning obligation in respect of waste collections. Waste management, including refuse collections can be secured by an appropriately worded condition rather than a planning obligation. I have imposed a condition that secures these arrangements, along with limitations on the times for deliveries and collections to protect living conditions locally and the character and appearance of the area.

Conclusion

22. For the above reasons, having regard to the development plan as a whole, and all other relevant material considerations, the appeal is allowed subject to the conditions in the attached schedule.

David English

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing Site Location Plan (A-PL-04-000 Rev. P06);
Proposed Site Location Plan (A-PL-04-001 Rev. P04);
Existing Bin Store Plan (A-PL-04-002 Rev. P04);
Proposed Bin Store Plan (A-PL-04-003 Rev. P07);
Existing Bin Store Elevations (A-PL-04-004 Rev. P01); and
Proposed Bin Store Elevations (A-PL-04-005 Rev. P02).
- 3) No development shall take place above ground level until details of the materials and finishes to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding condition No 2, no development shall take place above ground level until details of the access gates and other means of enclosure to the site boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details prior to the building being first brought into use and they shall thereafter be retained.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of use of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No development shall take place above ground level until a scheme for the management of the bin store hereby approved, including for the collection of waste, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and managed in accordance with the approved scheme thereafter.
- 8) Deliveries and waste collections shall be taken at or despatched from the site only between 07:30 and 20:00 on Mondays to Saturdays and between 10:00 and 18:00 on Sundays or on Bank or Public Holidays.