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## Appeal Decision

Site visit made on 24 June 2025

**by J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 31 July 2025**

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**Appeal Ref: APP/B4215/W/25/3362499**

**Land to the east of the junction of Blossom Street and Gun Street, Manchester M4 5AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr Scott Newton of Dragonfly Contracts Ltd against the decision of Manchester City Council.
  - The application Ref CDN/24/1111 sought approval of details pursuant to condition Nos 3 and 4b of a planning permission Ref 137419/FO/2023, granted on 24 November 2023
  - The application was refused in relation to condition No 3 and granted in relation to condition No 4b, by notice dated 22 January 2025.
  - The development proposed is provision of access ramp, hard and soft landscaping, bin and bike storage and associated works.
  - The appeal relates to the decision of the Council to refuse to discharge condition No 3.
  - The details for which approval is sought are: Prior to the commencement of any above ground works samples and specifications of all material to be used in the finish of the development shall be submitted to and approved writing by the Local Planning Authority. The approved materials shall then be implemented as part of the development.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made to discharge two conditions attached to permission ref 137419/FO/2023 (the original permission). The application to discharge condition No 4b (external lighting) was approved, while that for No 3 (material samples and specifications) was refused. The appeal is made against the Council's refusal to discharge condition No 3, which is detailed in my banner heading above. The application to discharge condition No 3 was made and considered on a retrospective basis. At my visit, the development appeared to be complete, such that the proposed materials have been installed and are in place.
3. After the original permission was granted, the Council adopted the Development Plan Document "Places for Everyone" (PfE) in March 2024. Furthermore, the National Planning Policy Framework (the Framework) was revised on 12 December 2024 with further amendments made in February 2025 which do not constitute a change to policy. The main parties have had an opportunity to consider these matters within the appeal timetable.

## Background and Main Issue

4. The development granted by the original permission seeks to provide a means of access (including for disabled persons or those with limited mobility) and landscape improvements serving an adjacent educational establishment. The dispute concerns the proposed material for coping stones.
5. A previous application Ref: CDN/24/0009 to discharge condition no 3 was refused (the first application). In the Council's view, samples of the coping stone submitted under the first application were in accordance with the approved materials schedule of the original permission, such that they would be flamed sandstone. During the period after the first application was refused and before the submission of the appealed application, the main parties appear to have agreed the use of grey Yorkstone, with material samples and product specifications for Marshalls Yorkstone being submitted to the Council. However, the installed coping stones are given to be Hardscape Tower Sawn Sandstone, and although the appellant considers this was agreed, this is disputed by the Council. For the avoidance of doubt, it is not the role of an Inspector dealing with a s78 appeal to consider whether the development has been lawfully undertaken – that is a matter for the main parties to resolve. I have considered the application to discharge the condition on its merits, based on the proposed details before me.
6. Therefore, having regard to all the evidence before me, the main issue is the effect of the proposal on the character or appearance of the Ancoats Conservation Area (CA), with particular regard to the proposed coping stones.

## Reasons

7. The appeal site occupies a corner of Blossom Street/Gunn Street in prominent view within the street scene. Blossom Street runs from Great Ancoats Street to Cutting Room Square which is a large public piazza within the CA.
8. The significance of the CA stems in part from its economic, historic and industrial heritage. While much of its significance arises from Victorian buildings including those with high quality detailing, it is also reflected in the hard surfaces of its streets and pavements which include Yorkstone paving and cobbles in a grey and gentle rust palette. It seems to me that the building served by the development is largely typical of other industrial/Victorian building forms in the wider CA, but the corner façade (along Blossom Street) includes high quality detailing of polished redbrick and terracotta and this façade directly abuts the appeal scheme. For these reasons, the building makes a positive contribution to the significance of the CA.
9. During my visit, I found a strong degree of harmony in the hard surfacing materials used within this part of the CA, not only along the pavement at Great Ancoats Street/Blossom Street, but also within the nearby piazza. These materials display a strong degree of uniformity with a largely recessive palette with tones of grey, pale red and rust. The installed/proposed coping stones appear in sharp contrast due to their warm yellow tone in combination with a high degree of variance or liveliness between stones. As it was raining during my visit, this sharp contrast was highly apparent and discordant to the wider CA. The photographic evidence before me from both parties is extensive and demonstrates the coping stone in drier conditions, but the discordant contrast is still evident.

10. While the appellant suggests 'buff' tones are present in the CA, the examples given in photographs and my own observations indicate that warmer/yellower tones appear in the architectural detailing of buildings such as lintels and sills. The appellant's photographs of examples of materials in the area are stated to include 'buff' colours, but these appear to indicate tones of pale red/rust, grey and sand. While a natural degree of variance in colour and liveliness is expected in stone, the predominance of yellower/warmer tones in the proposed coping stones is not sympathetic to the grey, pale red and rust palette within the CA. While the product is a high-quality sandstone and may have been used elsewhere within Greater Manchester area such as Deansgate Metro Station and Stockport Exchange, these sites are not within the CA and are at a significant distance from it, and therefore such examples are not directly comparable.
11. For the above reasons, the proposed coping stones do not form a suitable material that respects and reinforces the materials palette of the CA. Consequently, the proposed coping stones would harm the character and appearance of the CA and undermine the significance of its industrial heritage. This view is based on an appreciation of the importance of architectural elements and materials to the significance of the CA as a whole. The value placed on such matters is recognised in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
12. The Framework sets out that any harm to, or loss of, significance of a designed heritage asset should require clear and convincing justification. I find the harm to the significance of the CA would be 'less than substantial' and at the lower part of that spectrum, due to the highly localised nature of the proposed coping stones. However, a finding of less than substantial harm still carries considerable importance and weight.
13. In such circumstances, the harm must be weighed against any public benefits of the proposed development. The proposed development seeks to improve the setting of the building through landscape works visible within the public realm and to provide access for disabled persons to an educational facility, which would be public benefits of the proposal. There is no evidence to suggest that such public benefits would not be delivered if I were to dismiss the appeal, nor is there any evidence before me to demonstrate that this is the only means of access to the building. Temporary economic benefits have likely arisen during the construction phase, and if the coping stones were to be replaced, further economic benefits would occur for a temporary period. Collectively these public benefits would attract moderate weight in favour of the scheme, but they would not outweigh the harm I have identified, to which I am required to attach great weight. A clear and convincing justification for the harm to the asset's significance has not therefore been provided. Accordingly, the proposal conflicts with the aims of the Framework in terms of conserving and enhancing the historic environment.
14. For the reasons above, I conclude that the proposal would harm the character and appearance of the Ancoats CA, with particular regard to the proposed coping stones. It conflicts with Policies SP1 and DM1 of the Manchester Core Strategy 2012 (CS), as referenced in the reason for condition. Taken together, these policies seek to ensure that development positively contributes to well-designed places that enhance or create character through the use of materials.

15. The Council considers that further conflict arises with CS Policies EN1, EN3, CC9 and DM1; Saved Unitary Development Plan Policy DC18; PfE Policy JP-P2, and the Ancoats and New Islington Neighbourhood Development Framework, which when taken together, seek to ensure a high-quality material finish that preserves or enhances the significance of the historic environment, with particular regard to conservation areas. This is not disputed by the appellant, and I find no reason to consider otherwise.

### **Other Matters**

16. An interested party of the educational facility indicates satisfaction with the installed/proposed coping stones and raises concern about potential disruption if the coping stones were to be replaced. While I appreciate this concern, there is no compelling evidence before me to indicate that such works would result in significant disruption, nor that any such works could not be undertaken.
17. The proposed coping stones form part of a scheme to provide access to an educational facility, including for disabled persons. I have therefore had regard to the Public Sector Equality Duty (PSED) within section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. I am therefore required to balance the harm I find against the purpose of the proposal. The purpose of the proposal would be a positive consideration, in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. However, it has not been shown that the proposed coping stones are the only means of delivering the scheme, nor that they would be the least harmful option. Consequently, I must afford this matter limited weight.
18. I am therefore satisfied that the PSED considerations do not outweigh the conflict I have found in the main issue. If I were to dismiss the appeal, this would be a necessary and proportionate act in the wider public interest, as heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

### **Conclusion**

19. For the reasons given above, the appeal should be dismissed.

*J Moore*

INSPECTOR