
Appeal Decision

Site visit made on 15 September 2015

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 October 2015

Appeal Ref: APP/B4215/W/15/3100596

6 Albert Road, Manchester M19 3PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Riaz Ahmad (Kingston Estates) against the decision of Manchester City Council.
 - The application Ref 108209/OO/2015/N2, dated 27 February 2015, was refused by notice dated 5 June 2015.
 - The development proposed is the demolition of two terraced properties to make way for a four storey student residential development with associated garden area and cycle storage area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with only access, layout and scale to be determined at this stage. I have dealt with the appeal on this basis.
3. The appellant has suggested that the height of the building could be reduced to overcome the Council's second reason for refusal. However, the appeal process should not be used to evolve a scheme and it is important that the facts before me are essentially the ones considered by the Council and other interested persons. As I have no evidence before me to suggest that any such persons were formally consulted about this amendment, its acceptance would be prejudicial to their interests. Consequently, this appeal will be determined according to the details that were submitted at the application stage and any arguments relating to the proposed amendment will not be considered.
4. The Council have considered the proposal against a number of development plan policies. Bearing in mind the main issues of this case and the evidence before me I consider the most relevant policies to be SP1, DM1 and H12 of the Manchester LDF Core Strategy DPD 2012 (CS).

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the local area;
 - whether there is a need for additional student accommodation; and
 - whether the proposed waste management provision would be adequate.

Reasons

Character and appearance

6. The appeal site includes the curtilage and terraced dwellings of Nos 8 and 6 Albert Road. They are part of a larger terrace that extends to the east comprising a further two terraced properties that are in commercial use. A railway viaduct lies immediately to the west. The site is on the periphery of the Levenshulme District Centre. The proposal is seeking to demolish part of the terrace and replace the dwellings with a four-storey, flat roof, slab building that would provide accommodation for 24 students.
7. I observed from my site visit that whilst the visual context for the site is mixed and clearly influenced by the nearby railway viaduct, consistent architectural features nevertheless define the character of the immediate area. These comprise the gable ends and pitched roofs of the properties on either side of Albert Road and, most importantly, the consistent scale and massing of the buildings on the north side of the road.
8. Bearing the above in mind, I find that the proposal would lead to the introduction of an over-dominant, highly incongruent building that would be out of scale with its immediate context. It would lead to a stark, visual cliff in the roof line of the adjoining terrace and this impact would not be mitigated by the nearby viaduct that acts as a visual foil rather than an appropriate height benchmark for the proposed building.
9. The appellant is of the opinion that the proposal would only lead to a 'modest increase in height' in comparison to a previously approved application for a similar three storey building (Ref 089200/OO/2009/N2). However, I do not consider the provision of an additional storey and a seven bedroom 'cluster flat' in a predominantly two-storey street scene to be insubstantial, even if it would have the same footprint and be sited in a similar way.
10. Given the above, I conclude that the proposal would cause significant harm to the character and appearance of the local area, conflicting with policies SP1 and DM1 of the CS and thereby contrary to the development plan. The policies seek, among other things, to ensure that all new development creates well-designed places with buildings that have regard to the character and scale of the surrounding area.

Accommodation need

11. Policy H12 of the CS identifies 10 criteria that all purpose-built student accommodation proposals must satisfy. Criterion 9 states that developers are required to either demonstrate that there is an unmet need or that they have entered into a formal agreement with a higher education provider to supply bed spaces. Paragraph 9.61 of the CS advises that in order to demonstrate need developers should provide documented waiting lists for all existing places in university accommodation as well as privately-owned stock in addition to an appraisal of the schemes in the planning pipeline. The latter should include schemes under construction as well as all extant permissions and applications.
12. The appellant has failed to provide numerically-based evidence of waiting lists or any formal agreement with an educational institution. Moreover, the brief consideration that was given to the planning pipeline was limited to purpose-built accommodation with extant permissions. Whilst I acknowledge the

undisputed fact that this figure includes the appellant's previously approved application, it falls short of demonstrating how the pipeline, which comprises 2,536 beds, relates to demand. I am mindful of evidence¹ that was tested at Inquiry² that suggested that the demand up to the 2014/15 academic year was around 1,700 beds. Whilst not of recent origin this nevertheless suggests an oversupply in the absence of any more recently substantiated evidence to the contrary.

13. Despite this oversupply, the appellant has argued that a local need is present and that the proposed accommodation would be more culturally suitable for students from Middle-Eastern and South Asian countries who may wish to live in a local community in preference to on campus. The appellant has suggested that it would also meet the needs of more mature students. I accept that such preferences exist and I acknowledge the attempt that the appellant has made to substantiate a perceived local need.
14. However, I find that the evidence equivocal as the views of two local estate agents are anecdotal and not supported by any substantiated facts nor has any documentary evidence been provided to support the reported views of the Federation of Student Islamic Societies. Consequently, I am not satisfied that an adequate local need has been demonstrated and find that the proposal would be likely to lead to an under-occupation of purpose-built student accommodation in the City.
15. Given the above, I conclude that the appellant has failed to demonstrate an adequate need for additional student accommodation contrary to policy H12 of the CS and thereby the development plan as a whole.

Waste

16. In their third reason for refusal, the Council have highlighted concerns over the storage of waste within the curtilage of the site and the impacts that this would have on the living conditions of future occupants of the flats as well as the appearance of the local area. I accept that the use of the integral bin storage area indicated on drawing 03 REV C could affect the living conditions of future residents with regard to noise and odour.
17. However, I am satisfied that any such impact could be mitigated through the use of suitable conditions requiring the acoustic insulation of this area and a waste management plan that ensures regular refuse collections. Moreover, I am satisfied that the 1m setback of the front façade from the pedestrian walkway would enable bins to be left for collection without causing an obstruction.
18. Notwithstanding the increased volume of waste, I note that refuse bins are already an intermittent feature of the street scene given the ongoing occupation of the appeal site dwellings. Consequently, the refuse bins associated with the development would not represent a significant material change in the appearance of the local area.
19. Given the above, I conclude that the proposal would have adequate waste management provision and would therefore be consistent with policies SP1 and DM1 of the CS and thereby the development plan. These policies seek, among

¹ PlaceFirst Manchester Student Strategy New Build Halls Update Note, June 2010

² APP/B4215/A/12/2180719

other things, to ensure that proposals make a positive contribution to the wellbeing of residents and avoid negative impacts on amenity in regard to noise and odour. Having also considered policies C2, H11 and H12, I find that they are not relevant to this issue and therefore no conflict would be present.

Other Matters

20. I acknowledge the willingness of the appellant to alter the indicative design of the proposal and accept that the appearance of the building could be altered to provide a more sympathetic response to the prevailing local character and the more recent development to the west of the site. As a reserved matter, I accept that this could be achieved through a suitable condition. However, changes to the appearance of the scheme would not overcome the totality of harm that I have identified nor would any such mitigation lead me to a different overall conclusion.

21. This is also the case for a number of benefits that the appellant has identified in relation to the sustainable location of the site; its proximity to campus; and the regeneration benefits of developing the site.

Conclusion

22. For the above reasons and having regard to all other matters raised I conclude that, on balance, the appeal should be dismissed.

Roger Catchpole

INSPECTOR