



Appeal Decision

Site visit made on 18 August 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2020

Appeal Ref: APP/Q4245/W/20/3251903

City Point, 701 Chester Road, Stretford 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, Acre Manchester Ltd against the decision of Trafford Borough Council.
 - The application Ref: 98676/FUL/19, dated 30 August 2019, was refused by notice dated 20 January 2020.
 - The development proposed is the erection of a 190 bed hotel with associated uses/changes and improvements to the public realm.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of adjacent residential properties, in particular on Hornby Road, by way of visual impact and outlook; (ii) highway safety, concerning the proposed parking arrangements and the parking provision for disabled persons; (iii) the character and appearance of the area; and, (iv) the setting of a listed building, Trafford Town Hall.

Procedural Matter

3. The appellant submitted a planning obligation by deed under Section 106 of the Town and Country Planning Act 1990 (Section 106 Agreement) during the appeal. The Council was given the opportunity to comment on this document. Accordingly, I have also considered it in my decision.

Reasons

Living Conditions

4. The appeal site contains a 6 storey office building, including undercroft car parking. The building is set out in an L-shaped arrangement, following the Warwick Road and Chester Road site frontages. The area up to the boundary with the adjacent residential property, No 2 Hornby Road (No 2), forms the access and the outside circulation space associated with the parking. The boundary with this property consists of a wall of a moderate height.
5. The properties on Hornby Road are largely traditional 2 storey semi-detached houses. On the same side as the site, they have enclosed modest sized rear

gardens. Their rear elevations contain a number of habitable room windows. No 2 is set slightly in from the boundary, with a small prefabricated structure to its side and with limited side elevation openings. Due to the juxtaposition of the site with the nearest properties on Hornby Road, there is a close relationship.

6. The tower element of the proposal would reach a height of 16 floors, or storeys, with an open feature on top. With the confines of the site, it would be located in close proximity to the nearest properties on Hornby Road, in particular their rear gardens, even with its siting towards the Chester Road and Warwick Road junction. When its scale and massing is also considered, it would appear as a stark feature from the rears of those properties. It would undoubtedly draw the eye of the occupiers, significantly detracting from their outlook with its size. The visual impact would appear unduly overbearing and over-dominant.
7. The neighbouring property, No 2, would be most impacted as it shares a common boundary with the site. The height of the proposed tower element compared to the more diminutive properties on Hornby Road would, though, mean the harmful effect on the adjacent residential properties would be more widespread. The 3D visualisations and comparison plans submitted by the appellant, whilst indicative, ably demonstrate this point.
8. The existing building is considerably lower than the proposed tower and does not result in the same degree of adverse effect as would arise from the proposal. The part of the building that is currently sited nearest the properties on Hornby Road is located to the side, and so it does not have such an impact on their outlook. The siting of the proposed tower would be more in line with the outlook from the rear of these properties and, hence, its height would appear oppressive.
9. The part of the proposal that would be nearest to the properties on Hornby Road would be of a lesser scale than the existing building and more akin to the domestic size of the properties. This would not, though, address the harm because it is caused by way of the height, scale and massing of the tower element.
10. The orientation of the windows from the existing building over the rears of these properties is also not so great so as to justify the detrimental effects that would arise from the proposal. Office workers would be expected to be attentive in their workplace, rather than looking into neighbouring properties. Even if there would be some improvements to light to No 2, this would not outweigh the more marked effect on outlook and the visual impact. That there are already other buildings that are of some height in the area does not account for the effect on the adjacent Hornby Road residential properties from the proposal.
11. I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of adjacent residential properties, in particular on Hornby Road, by way of visual impact and outlook. As such, it would not comply with Policy L7 of the Council's Trafford Local Plan: Core Strategy (2012) (CS) in this regard where it states that development must not prejudice the amenity of the future occupiers of the development and/or occupant of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.

12. It would also not accord with the National Planning Policy Framework (Framework) where it is concerned with a high standard of amenity for existing and future users.

Parking

13. The appellant has stated that the proposal was conceived as a car free development. Under the proposal, off-street car parking for the customers and staff at the proposed hotel would be limited to one space for use by disabled persons. A drop off area that would be available for use by taxis or similar would be created on Warwick Road. There would also be cycle parking.
14. On-street car parking in the vicinity of the site is limited. On Hornby Road, parking is restricted to outside the hours of 9am to 5pm Mondays to Saturdays. There are residents only permit holders bays on Warwick Road, along with pay and display parking spaces. Other car parking options are restricted to privately owned commercial facilities. In terms of public transport, there are bus and Metrolink services in the vicinity of the site, as well as infrastructure for cycling and pedestrians.
15. The Council's parking standards are set out in SPD3: Parking Standards and Design Supplementary Planning Document (2012) (SPD3). For hotels and in the area where the site is found, the standard is 1 space per bedroom including staff provision. The standard is to a maximum, and SPD3 also states that these applications will be assessed individually on a case by case basis. The parking standards for disabled persons are expressed as a minimum, namely 3 bays or 6% of total capacity whichever is greater, for developments with less than 200 spaces.
16. The proposal would contain some 190 bedrooms. With the related levels of occupancy, as well as staffing levels, there would be vehicular traffic movements and parking accumulation and demand associated with the proposal, as is set out by the Transport Assessment submitted with the planning application. On-street parking opportunities in the area to accommodate the associated parking for guests and staff would be constrained due to the restrictions that are in operation and, unlike the existing building, no on-site parking spaces would be provided, apart from the one space for disabled persons.
17. The effect of the proposed approach to parking would be to place greater demand on the spaces in the vicinity of the site where they would be available. Outside of working hours, when guests of the hotel are most likely to require parking due to the nature of overnight stays, this would place them in direct competition for spaces with local residents. Where evidence of lower occupancy of on-street spaces has been put forward, this relates more to daytime periods, not when guests are undertaking overnight stays.
18. With regard to whether there are other parking opportunities in the area, including from what the Council's draft Civic Quarter Area Action Plan (2020) (draft AAP) considers to be an over provision, this would need to be available to the guests and staff of the hotel for this to be given weight. The 100 spaces that were originally agreed with the Council to be provided in a car park nearby on an annual review basis are no longer part of the proposed parking arrangements that the appellant has put forward. I also have no substantive evidence that other off-street car parking would be available for the proposal.

19. The provisions of the Section 106 agreement includes a review of parking restrictions. If this would result in extending the area that would be covered by residents' parking permits, it would have the potential to place greater pressure on the spaces that would remain or cause overspill parking into areas not covered by the restrictions. It does not, therefore, overcome the concerns that I have identified. The Council is also not party to the Section 106 Agreement, yet it places obligations on them. Hence, it attracts limited weight in my decision.
20. Whilst the proposal would not be located in a city centre location, it would have ready access to frequent public transport services, including recent improvements. This is reflected in the Greater Manchester Accessibility Level rating that I have been referred to. The site management strategy detailed in the Highways Appeal Statement also includes that guests and staff would be informed of the lack of on-site parking and of the matchday restrictions, a travel plan and the cycle parking provision. There are also a number of destinations close by that would no doubt be the purpose of the visits by some of the guests. As such, it would lend itself to a substantively lower car parking provision than the maximum standards, and this is also reflected in the general direction of transport policy and guidance that I have been referred to.
21. However, this does not justify having no off-street car parking provision, apart from one space for disabled persons. Nor is it the case that where SPD3 and the Framework refer to the factors that need to be taken into account in setting a parking level, they are inherently trying to do away with car parking provision altogether. Rather, they are more concerned with setting an appropriate level of provision. The level of the shortfall against the maximum standards set by the SPD3 would result in the proposal not incorporating an appropriate number of spaces that would reflect the size of the development.
22. That other hotels in the area cater for guests who require off-street car parking does not abdicate the need for the proposal itself to provide an appropriate level of provision. The Council has also informed that it has similar concerns with the redevelopment of the former Kellogg's site in the area that the main parties have referred to and whilst I note the appellant operates car-free sites in London and elsewhere, each proposal needs to be determined on its own merits based on the site circumstances. In addition, the London appeal decision¹ that I have been made aware of refers to a hotel with less rooms than the proposal before me. Similarly, the London Plan (2016) parking standards only apply within the capital and so have a limited bearing. These matters do not alter my conclusion.
23. Moving onto the parking provision for disabled persons, the appellant has stated that blue badge holders would be able to park on-street. This would not offer the same ease of access, in particular for disabled persons with mobility issues. Moreover, it is clear that the SPD standards are to a minimum and the provision would be well below these standards. The level of such parking provision on other hotels does not address the shortfall in the SPD standards in this case. The proposed provision would be insufficient.
24. I conclude that the proposal would have an unacceptable effect on highway safety concerning the proposed parking arrangements and parking provision for disabled persons. Therefore, it would not comply with Policies L4 and L7 of the

¹ Appeal ref: APP/N5660/W/19/3230387

CS in this regard, where they are concerned with the safety and free flow of traffic, the parking standards and the provision of sufficient off-street car parking. It would also not comply with SPD3 because it would not provide an appropriate level of provision and ensure that the parking facilities cater for all users.

25. With the concerns that I have identified, it would also not accord with the Framework where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
26. The Council consider that less weight should be given to Policy L4 on the basis that it is inconsistent with the Framework and out of date. Policy L4 and the associated appendix 3 refer to maximum standards. The appellant also considers the standards out of date. The Framework does caution against setting maximum standards unless there is a clear and compelling justification, and so the conflict with Policy L4 attracts limited weight in this regard. Nevertheless, this does not lessen that the proposal would be unacceptable in these terms because it would not accord with the Framework's approach to parking standards. Under paragraph 105, these essentially relate to the nature of a development and the site circumstances, and this is where the proposal fails on this issue.

Character and Appearance

27. The existing building on the site is flat roofed and is relatively modern in its design. The exterior walls are constructed of brick and glazing, with a bronze curtain wall on its main street facing elevations.
28. The area in the vicinity of the site is mixed, both in terms of the types of uses and the buildings. An area of 2 storey residential properties are found along and off Warwick Road. Otherwise along this road, there are some considerably larger buildings. Chester Road contains yet more of a variety of types of buildings, including a parade of shops, public houses, car dealerships, flats, offices and large retail units. Some of these buildings are sizeable. Manchester United football ground is also a large and distinct feature in the area. Lancashire County Cricket Ground is also close by.
29. The site is prominently located and at an important focal point in the area. Chester Road itself is a major thoroughfare which leads towards Manchester city centre. The character in the area is clearly varied, but it contains a number of buildings that are of a not insignificant height. The draft AAP identifies the opportunity for a landmark building on the site. When these factors are taken together, the site is one that lends itself to accommodating such a building in character and appearance terms.
30. The vertical emphasis of the proposed tower would result in the proposal having a landmark form, as approached around the Warwick Road and Chester Road junction. This aspect of the design would also result in the overall scale and massing of the building appearing fairly comfortable in these varied surroundings, as would the use of the proposed different brick finishes and the predominance of glazing in these elevations. The siting of the proposed building is also reflective of that of the existing building on the site.

31. The proposal would be the tallest building in what can be reasonably considered to be the area in which it would be found. However, when the other tall buildings are recognised with the general variety of building types, and that its design would have a landmark function, its height in these terms would not be unacceptable. As a consequence, the longer distance views that would occur would not be to the detriment of the area. It would no doubt be a bold addition, but not in a way that would cause it to be unduly dominant and obtrusive in respect of character and appearance.
32. The proposal also seeks to break down its scale and massing through incorporating considerably smaller elements away from the corner of the site. The rear projection alongside Warwick Road would step down, in terms of how it would be viewed in the streetscene to 3 and then to 2 storeys. The difference in the palate of materials from the main tower would also assist in this part of the proposed building acting as a transition in the streetscene.
33. The National Design Guide (2019), along with the associated advice in the Planning Practice Guidance, promotes an approach that is based on a good understanding of the context of the site which should inform the design rationale, without stifling innovation. The Design and Access Statement, by and large, follows this approach as regards how the final design has been arrived at in character and appearance terms. This is not a location that lends itself to a pastiche development. The identity of the area is varied and the NDG acknowledges creating a new character is not to be discounted, including where the scale of development may differ.
34. I have been referred to the site's location along a strategic processional route which is identified under Policy SL3 of the CS, and submissions have also made reference to other local documents that have sought to guide development in the area and regeneration. Rather than taking a prescriptive approach to height, it seems to me what is of more relevance is a consideration of what the effects would be on the character and appearance of the area. When the totality of the evidence is considered together, I find this would not be untoward.
35. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, the proposal would comply with Policy L7 of the CS in this regard where it states that development must be appropriate in 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, elevation treatment, materials, hard and soft landscaping works, and boundary treatment.
36. Similarly, it would also accord with the Framework in this regard, where it states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Listed Building

37. Trafford Town Hall is a grade II listed red brick building. It lies at the opposite end of Warwick Road to the site. Much of its significance is derived from its imposing clock tower which contains clock faces on each elevation. This contributes to the importance of the building in terms of its civic origins and

- use. It still maintains a sense of command over its surroundings. The site falls within its setting, albeit at the margins with the intervening distance.
38. From where the proposal would be visible with Trafford Town Hall, at the junction of Warwick Road and Talbot Road, a clear degree of separation would be maintained, so that it would not compete with the listed building. The proposal would be distinct and would not form a backdrop to the building, or detract from its silhouette. For similar reasons, the proposed roofline would not take away from its significance.
 39. From the front of the town hall, the building itself would obscure views of the proposal. In longer distance views, the effect would be unlikely to be noticeably discernible. Accordingly, the design, siting, scale, massing and height of the proposal would not have a detrimental effect on the significance of the setting.
 40. I conclude that the proposal would preserve the setting of the listed building. Hence, it would accord with the statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also comply with Policies L7 and R1 of the CS in this regard, where they are concerned with protecting the historic environment, and require developers to demonstrate how their development will protect, preserve and enhance heritage assets, including their wider settings.
 41. Whilst not contained in its reason for refusal concerning the listed building, the Council has also referred to Policy SL3 of the CS. As harm would not arise to the listed Trafford Town Hall and its setting, it would also comply with this policy.
 42. The proposal would also accord with the Framework as far as it would conserve and enhance the historic environment. No harm would occur to the significance of the designated heritage asset for the purposes of the Framework. As a result, I do not have cause to weigh harm against public benefits.

Planning Balance

43. The proposal would bring regenerative and economic benefits to the area, and make use of previously developed land. In character and appearance terms, it would be an improvement compared to the existing building and have a landmark presence on the site that would add favourably to the mix and the identity of buildings in the area. It would support accommodation needs arising from the cultural and leisure facilities in the area, and demand from the hotel sector market in general. I also understand there would be biodiversity enhancements and that the proposal would achieve a BREEAM 'Very Good' rating. In total, these would be significant benefits.
44. The proposal would preserve the setting of Trafford Town Hall. Submissions have also referred to the listed Entrance Portal and Lodges to White City. With their separation from the site and the intervening buildings, the proposal would also preserve the setting of this listed building. Matters in relation to noise and disturbance, odour, air quality and glare would also not be unacceptable, as would the effect on the living conditions of the occupiers of residential properties on Warwick Road. This is due to their greater separation from the

proposed tower than the adjacent properties on Hornby Road. These matters attract neutral weight.

45. The appellant has referred to a permission² for a prior approval of the conversion of the current office building to residential use. I understand this consent has lapsed. Whether or not a further permission would be granted would depend on the consideration of what would be a future application. Accordingly, it has a limited bearing on my decision.
46. In relation to the harm that arises, this concerns both living conditions and highways safety. The effect on the occupiers of the adjacent residential properties on Hornby Road by way of their outlook and the visual impact would be stark with the height, scale and massing of the proposed tower. It would be an omnipresent and enduring feature that would, in my view, severely detract from their living conditions on a day-to-day basis.
47. The proposed parking arrangements would compound such effects, in particular with the divergence between the number of rooms and the spaces proposed, and the resultant reliance on on-street car parking, even with the accessibility of the location. The one space that would be proposed would not adequately cater for disabled persons, based on the Council's standards, and would result in an inconvenient reliance on-street parking for such persons.
48. In taking these considerations together, the harm that would arise would be substantial. This harm would not be outweighed by the benefits.

Conclusion

49. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. 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

² Council ref: 87743/PRO/16