



# Appeal Decisions

Inquiry opened on 25 November 2008  
Site visits made on 27 and 28  
November 2008

by **N A C Holt** TD BArch(hons) DipTP  
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an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
8 January 2009

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## Appeal Ref: APP/B4215/A/08/2070864/NWF

**Jackson's Wharf Public House, Blantyre Street, Castlefield, Manchester, M15 4LF**

- 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 Ship Canal Properties Ltd against the decision of Manchester City Council.
- The application Ref 083296/FO/2007/C3, dated 18 May 2007, was refused by notice dated 17 January 2008.
- The development proposed is described as 'demolition of the existing Jackson's Wharf Public House and erection of a building incorporating 118 No. residential apartments (Class C3) and a ground floor retail unit (Class A1/A2/a3/D1)'.

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## Appeal Ref: APP/B4215/E/08/2070895/NWF

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Ship Canal Properties Ltd against the decision of Manchester City Council.
- The application Ref 083297/CC/2007/C3, dated 18 May 2007, was refused by notice dated 17 January 2008.
- The proposal relates to the demolition of Jackson's Wharf Public House.

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### Decisions

1. I dismiss these appeals.

### Procedural Matters

2. Whilst the initial scheme related to a development including 118 apartments a revised scheme was submitted following consideration of the original proposal by the Planning and Highways Committee of the City Council on 22 November 2007. In the revised scheme various changes were made to the form of the building and the number of apartments was reduced to 117. It is on the basis of the revised scheme and the relevant drawings and supporting material listed at document 4 that I shall determine the appeals.

### Main issues

3. From all that I have heard, read and seen I consider that the main issues in the case of the appeal against the refusal of planning permission are the effect of the proposal on the character and appearance of the Castlefield Conservation Area and the effect on the setting of nearby listed buildings. As
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the existing building on site does not materially contribute to the quality of the Conservation Area, the decision in relation to the section 20 appeal turns on the decision that is made with the planning appeal.

## Reasons

### The Site and Surroundings

4. The site is within the extensive Castlefield Conservation Area which is located at the southern edge of Manchester's commercial City Centre. The area takes in, among other things, a section of the Bridgewater Canal, the country's first cut canal, together with the original terminus of the world's first passenger railway. After a period of decline the area has seen significant public and private investment with regeneration schemes that have resulted in the opening up of filled in canal arms, improvement of the public realm, restoration of individual buildings and new build projects.
5. Since the original designation of the Conservation Area in 1979 the character of the area has markedly changed from a run-down adjunct of the City Centre to a vibrant and prosperous neighbourhood. The historic significance of the area as a whole is reflected in the fact that along with Ancoats and Worsley it is on the Government's shortlist of potential World Heritage Sites because of its formative role in the canal era and again 75 years later when the railways developed in the second quarter of the 19<sup>th</sup> Century.
6. The appeal site is on the west side of the Bridgewater Canal Basin close to the point where on the opposite side it is joined by the Rochdale Canal. It comprises the curtilage of the former Jackson's Wharf Public House together with an area of car parking and amenity space. The Public House is a 2/3 storey brick building of no particular architectural merit that was constructed in the 1990s.
7. The basin area forms a component of the larger Conservation Area and extends in broad terms from the area of the Potato Wharf in the west to Bridgewater Viaduct in the east. The north side of canal is dominated by massive Victorian railway viaducts crossing the area and includes a variety of buildings including the listed Merchant's Warehouse. To the south the area includes the former Slate Wharf, now largely redeveloped with housing and the canal side, including the appeal site, Middle Warehouse, Castle Gate and currently open land to its east. The multi-storey City Gate development whilst forming a visual backdrop is at a higher level and in my opinion should be regarded as being outside the immediate basin area.
8. Immediately to the south of the site is the listed early 19<sup>th</sup> Century Middle Warehouse, a massive brick structure with its own basin forming a spur from the canal proper and it is onto this spur that the appeal site fronts to its east. Middle Warehouse has been restored and is in commercial and residential use. To the east of the Middle Warehouse, which has 5 storeys below the parapet, is a modern 7/8 storey apartment block, Castle Gate and beyond that is a site that had permission for a pair of 11/12 storey towers.
9. To the north east of the site on the opposite side of the main canal is a hard landscaped area partly used for parking that was formerly a coal wharf. Above this are a series of converted 19<sup>th</sup> Century structures, incorporating

elements of new build. At the western end of this area and almost at right angles to Middle Warehouse is Merchant's Warehouse. This is also an early 19<sup>th</sup> Century Grade II listed building that has been extensively restored and converted for modern uses. Like the Middle Warehouse it is of brick construction with deeply recessed openings, including former shipping holes and loading slots. On the canal side it is 4 storeys high and on the road side 3 storeys.

10. To the north of the Merchant's Warehouse beyond the junction with the Rochdale Canal a modern footbridge crosses the Bridgewater Canal from the area known as Catalan Square to the former Slate Wharf which adjoins the appeal site to the north. The majority of the Slate Wharf area has been redeveloped with 4/5 storey apartment blocks which to their south adjoin the modern multi storey development at City Gate. The City Gate development provides a back drop of modern development behind trees in views of the site from the east.

#### Policy Background

11. Any proposal for development in a conservation area must be considered in the light of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This indicates that in the exercise of any powers under the planning acts, the decision maker shall pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In addition, as the proposal affects the setting of listed buildings, section 66 of the Act is also applicable. This requires that I have special regard to the desirability of preserving the buildings, their setting or any features of special architectural or historic interest which they possess.
12. In relation to the main issues the most significant policies of the UDP are E3.8 where the Council states its desire to enhance the appearance of conservation areas; DC18.1, which seeks to ensure that development in conservation areas preserves or enhances their character and DC19.1, which seeks to preserve and enhance the setting of listed buildings. Also of relevance are policy H2.7 which requires new housing development to be of a high standard of design and make a positive contribution to improving the City's environment and policy 13.1 in relation to the design of commercial development.
13. The UDP policies are in general accordance with the national guidance in relation to Planning and the Historic Environment in PPG15, regional policies in the RSS and guidance provided by English Heritage and CABE which I have taken into account. Also of relevance is the increased importance that is attached nationally to the achievement of good design in development generally that is reflected in PPS1 and PPS3.
14. English Heritage Guidance on the Management of Conservation Areas indicates that proposals for the enhancement of conservation areas should be aimed at reinforcing those qualities or characteristics that warrants designation. It states that the aim of site-specific design guidance should be to encourage new development that complements the established urban grain or settlement pattern whilst representing the time in which it is built and the culture it accommodates. Whilst the use of materials generally matching in appearance or complimentary to those that are historically dominant in the

area is important, the principal concerns with new development should be the appropriateness of the overall mass or volume of the building, its scale and its relationship to its context. The guidance warns against crude or debased imitations of adjoining buildings and where the character of the area derives from its diversity, the imposition of imitative or 'in keeping with existing' styles runs counter to the way in which the area has traditionally developed.

15. Similar advice is provided in PPG15. Paragraph 4.16 makes clear that rather than preventing all new development the emphasis will generally need to be on the controlled and positive management of change within conservation areas and paragraph 4.17 indicates that rather than directly imitate earlier styles, buildings should be designed with respect for their context, as part of a larger whole which has a well established character and appearance of its own. Paragraph 4.18 states that in the assessment of proposals special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis and detailed design with the object of harmonising the new development with its neighbours in the conservation area.

#### Demolition of the Existing Building and the Principle of Redevelopment

16. Although constructed in the 1990s, Jackson's Wharf Public House is vacant and boarded and its curtilage is neglected. It is of brick construction and 2/3 storeys high with an overall footprint of 526 sq m, representing a coverage of around 12% of the site area. In comparison to the nearby listed warehouses it is a somewhat weak pastiche building that fails to make the most of a visually important site within the canal basin.
17. It is generally accepted that the existing building is itself of no architectural merit and the site is capable of accommodating a significant new building that would ensure a more efficient use of a 'brownfield' City Centre site that enjoys excellent access to facilities and services including public transport. I would agree that in line with the important objectives of national policy, the Regional Spatial Strategy and policies of the Manchester UDP, the site could be more effectively used and that with care a larger replacement building could secure an enhancement in the character and appearance of the Conservation Area. I would also accept that having regard to relevant policy and the nature of adjoining development there is no objection to the uses that are currently proposed.

#### The Character of the Conservation Area

18. There is no formal appraisal document for the Castlefield Conservation Area. Whilst the character and appearance of the overall area may be varied, in the case of the canal basin the basic context is provided by the massive industrial railway viaducts, the Bridgewater Canal and associated waterways and the listed warehouses. It is these characteristics that are likely to have led to the inclusion of the canal basin in the wider designated area. Unlike other parts of the City the historic framework for development is basically provided not by streets but by waterways.
19. As well as the 19<sup>th</sup> Century structures, including the two large listed warehouses, the basin area contains modern buildings. Some, whilst they contrast in style and appearance, compliment the historically dominant

features. Others, such as the Slate Wharf residential development and the large and prominent Castle Gate development with its range of materials, are less successful. The character and appearance of the area has been enhanced by hard landscaping and planting and the restoration and replacement of canal-side features and the introduction of new features such as the Merchant's Bridge.

#### The Effect of the Proposal on the Character and Appearance of the Conservation Area and the Setting of Listed Buildings

20. In terms of layout the area historically contained large rectangular warehouses irregularly spaced with a functional relationship to the waterways. Whilst the modern development at Castle Gate may in general terms continue the frontage of Middle Warehouse, development laid out on a regular grid to provide enclosure to the waterways is not a characteristic of the area. Having said this, by accident rather than design, the Merchant's Warehouse on the opposite side of the canal almost follows an orthogonal relationship with Middle Warehouse and in principle I see no objection to a replacement building on the appeal site fronting the canal at right angles to the Middle Warehouse. I would also accept that, by setting a replacement building further back from the waterfront, it would enable the entire frontage of the warehouse to be seen from the north without another building intruding in the view and at the same time would provide the opportunity to improve the quality of the public space between the building and canal. At present the Public House intrudes into this view.
21. The principle elevation of the proposed building is arguably that to the east facing the canal basin. This comprises five floors rising from what would be a public space, above which would be a further two floors set back from the face of the building. The top of the fifth floor would line through with the parapet of Middle Warehouse and the flat roof of the top floor would line through with the apex of the pitched roof on the warehouse. The front face of the building would be set back around 25m from the water's edge so that it would virtually align with the end of Middle Warehouse. It would have a length of around 54m and the distance from the corner of the proposed building to the corner of Middle Warehouse would be around 7m at ground level.
22. The top two storeys whilst set back from, and parallel to, the east face would be angled and cantilevered out so that in the south west corner the top floor would extend by 6.4m and align with the north facing elevation of Middle Warehouse.
23. Unlike the other elevations where the predominant cladding material would be horizontally tooled sandstone, the east elevation would be glazed with sliding timber louvers in front of which would be continuous balconies enclosed by glass screens.
24. The east elevation of the proposed building would be characterised by a generally smooth façade with large areas of glass and a very marked horizontal emphasis with the balconies with their glazed fronts. In contrast the architectural expression of the historic buildings and to a lesser extent more recent buildings such as the Slate Wharf development and Castle Gate,

is based on the 'holes punched in solid' principle. In the case of the historic buildings the various openings are deeply recessed in the heavy masonry. Furthermore neither warehouse can in my opinion be described as having a marked horizontal emphasis. National guidance in PPS1 and the Council's Supplementary Planning Guidance 'The Guide to Development in Manchester' highlight the importance of developments responding to their local context.

25. There are examples where significant areas of glass have been successfully used on buildings elsewhere in the canal basin area, for instance on the new circulation area of Merchant's Warehouse and at Albert Shed. However the proposal would represent the use of the material on an altogether different scale. The proposed building would become one of the principal elements of this part of the Conservation Area and would contrast markedly with the existing structures. Whilst in the past the Council may have accepted the principle of two glass towers to the east of Castle Gate, that permission has now lapsed and in any event the site was further removed from the listed warehouses.
26. Whilst a contrast in materials can sometimes successfully differentiate between old and new and add to the interest of the overall composition, the use of glazing and lightweight construction on the scale proposed would in my opinion erode one of the defining features of this part of the conservation area - the solid and powerful construction of the warehouses. To my mind this change in character would have detrimental consequences for an important part of the conservation area that would impact on the quality of the area as a whole.
27. The impact of the glazing would be most apparent in views from the east where the proposed building would be seen at right angles to, and very close to, Middle Warehouse.
28. With its striking appearance and its dimensions, the proposed building would replace the historic warehouse as the focus of views from the north east. This would be apparent from the Castle Street area and from the canal side area. The Middle Warehouse would no longer be seen as a building with space around it but would be seen alongside a building with an entirely different approach to design. Whilst unlike Castle Gate the two upper floors of the proposal would not exceed the overall roof height of Middle Warehouse and are set back from the face, I do not consider that the set back would be readily apparent. In my opinion, because of its apparent height, the proposed building would appear over dominant in relation to its listed neighbour. In views from this direction I consider that the proposal would have a detrimental impact on the setting of Middle Warehouse, an important listed building that makes a very significant contribution to the character and quality of the Conservation Area.
29. From the area of the Merchant's Warehouse the east and the north elevations of the proposed building would be seen together and from here it would be impossible to read the building as being L shaped. Whilst attempts have been made to break up the building into two rectilinear forms with the introduction of the glazed atrium, I consider that the building would read as being almost square shaped, with an apparent volume far in excess of anything around it. Even with the removal of a storey from the leg of the L in the revised scheme,

the apparent bulk and mass of the building would have an over-bearing and detrimental impact on its immediate quayside neighbours.

30. I would accept that there are visual advantages in the introduction of the 'L' form in that it would provide enclosure to Blantyre Street and focus views towards the Congregational Chapel. I do not consider however that these benefits would outweigh the harm that would result from the inappropriate perceived volume of the building that would result from the plan form coupled with its height.
31. From the Merchant's Bridge, a structure of modern design that successfully harmonises with its surroundings, there are important views where the two listed warehouses are seen together, with limited intrusion in the view from more recent buildings. The proposed building would also be seen in these views and appear as the dominant element. Any benefit of the proposal in enabling the complete frontage of Middle Warehouse to be seen without obstruction would in my opinion be offset by the overpowering effect of the proposed building. This would be to the detriment of the character and appearance of the conservation area and the setting of both the Middle Warehouse and Merchant's Warehouse.
32. A characteristic of the traditional buildings is the way they are solidly anchored to the ground by their masonry construction. In contrast the ground floor of the proposal facing Blantyre Street would be clad in open stainless steel mesh with a glazed commercial unit on the Canal corner that would continue onto the east elevation. In visual terms this would have the apparent effect of almost detaching the bulk of the building from the ground.
33. I am also concerned by the visual impact of the lateral shifting of the two top floors. I agree with the Council that when viewed from the south and west the cantilevered floors will result in a top heavy effect. Where this is seen in conjunction with Middle Warehouse the effect on the setting of the listed building will be unfortunate, particularly having regard to the recessive character of the roofs of the warehouses above the brick walls.

#### Conclusion

34. There are distinct benefits of the proposal. These include securing a more effective use of an important site within this part of the Conservation Area, in improving the extent and quality of the public realm, in screening certain unattractive features of the townscape from the canal basin area and in opening up the north elevation of Middle Warehouse. However I do not consider that these outweigh the cumulative impact of the various deficiencies of the scheme in its current form that are described above.
35. Whilst the individual deficiencies in themselves may not be sufficiently serious to merit the rejection of the proposal, taken together I consider that they would result in a scheme that failed to preserve or enhance the character or appearance of the Conservation Area and would also have a damaging effect on the setting of nearby listed buildings. As such the proposal would be contrary to relevant national guidance and the policies of the Manchester UDP which seek to protect heritage assets.

36. In the absence of a satisfactory scheme for the replacement building it would be inappropriate to grant conservation area consent for the demolition of the existing building on site.
37. In reaching this conclusion I am aware that whilst the proposal was opposed by the Manchester Conservation Areas and Historic Buildings Panel, it was recommended for approval by the Head of Planning on both occasions that it was considered by the Planning and Highways Committee.

#### Other Matters

38. Local residents also raise a range of other objections to the proposal which I have taken into account. These included references to the impact on residential amenity, access and vehicular provision, the adequacy of services and facilities and the lack of affordable housing.
39. I have concerns in relation to the proximity of parts of the proposal to residential properties on Blantyre Street and the effect this will have on the outlook from and privacy and daylight levels within the Blantyre Street properties. However on balance I do not consider that the consequences for residential amenity would be so serious that the proposal should be rejected for this reason. Similarly I am satisfied that appropriate provision would be made for vehicular access and parking. Had there been inadequate local services to cater for the increased population I am sure this would have been addressed by the Council.
40. Whilst the proposal includes no affordable housing the Council confirmed that as the proposal pre-dated their current policy it would be inappropriate to require the provision of an element of affordable housing.
41. I have taken account of all the other matters that were raised at the inquiry or referred to in the written material before me; these included reference to various other national, regional and local policies. I am aware that the proposal is accompanied by a Section 106 Undertaking which provides for a contribution of £468,000 towards public realm improvements in the City Centre which would meet the Council's policy requirements. The various other matters that were raised do not alter my conclusion that with the proposal in its present form the appeals should be dismissed.

*Neil A C Holt*

Inspector

## **APPEARANCES**

### **For the Appellants**

Mr David Manley QC

Instructed by Sheila Wright

He called:

David Green BA BArch RIBA

Associate Director, Ian Simpson Architects, 4 Commercial Street, Manchester M15 4RQ.

Roger Wools PhD BArch DipCons RIBA IHBC

Principal, Roger Wools and Associates, Heritage Consultants, 74 Bootham, York, YO30 7DF.

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### **For the Council**

Ian Ponter of Counsel

Instructed by Susan Orrell, City Solicitor

He called:

Warren Marshall BArch MCD RIBA MRTPI

Formerly Urban Design and Conservation Manager, Manchester City Council

Anthony Mitchell BSc Dip Urp

Principal Planning Officer, Manchester City Council

### **Interested Persons**

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Castlefield

Ian Christie

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Cllr Mark Ramsbottom

Town Hall, Albert Square, Manchester M60 2LA

Cllr Pat Karney

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### **Documents** (submitted at Inquiry)

Document 1

Attendance Lists

Document 2

Notification of appeal and Inquiry

Document 3	3rd party correspondence sent to Planning Inspectorate and handed in at Inquiry.
Document 4	List of current drawings and supporting information
Document 5	List of Core Documents
Document 6	Core Documents as listed above
Document 7	Appendices to evidence of Mr Marshall
Document 8	Appendices to evidence of Mr Mitchell
Document 9 A&B	Appendices to evidence of Mr Green
Document 10	Appendices to evidence of Dr Wools
Document 11	Appendix to evidence of Ms Wright
Document 12	Material submitted by Mr Christie
Document 13	map submitted by Council showing position of original canal warehouses
Document 14	Note on Affordable Housing provided by Council
Document 15	Daylight and Sunlight Study
Document 16	Schedule of Suggested Conditions
Document 17	Section 106 Undertaking
Document 18	Notes by Council on s106
PLANS	
Plan A	Folder of revised plans
Plan B	Folder of plans as submitted