

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Grant Ashdown
Neighbourhood Pizza
113 Lapwing Lane
Manchester
M20 6UR

Agent (if used)

Kath Ludlam
Ludlam Associates
The Bank
99 Palatine Road
M20 3JQ

Part 1 – Particulars of the application/development

Proposal: Installation of enclosed canopy at rear of premises to form an enclosed seating area for customers and retention of first floor rear external air conditioning unit.

Location: 113 Lapwing Lane, Manchester, M20 6UR

Date of application: 8 October 2021

Application number: 131763/FO/2021

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

Article 35 Declaration

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons outlined in the delegated report. Concerns were raised with regards to noise and disturbance from the intensified use of the yard area, openable rooflights and a rear gate opened intermittently for delivery orders, which would not be mitigated by the proposals in this application, particularly with regards to closing this space at 9pm that would include 2.5hours prior to the closing time of the main premises on the busiest days of the week. The Council also sought the management of some waste from within the site curtilage, in line with other premises within the parade, which the applicant was unable to accommodate. The proposal would not improve the social and environmental conditions of the area, which is designated land, and therefore does not comprise sustainable development. Negotiations with the agent has not resolved the matters of concern and there are no conditions which could reasonably be imposed which could overcome those concerns. The application is therefore recommended for refusal.

Reason(s) for decision

1) The proposal facilitates a more intensive use of the existing yard area where patrons' raised voices, laughter and shouts in close proximity to resident's bedroom windows, exacerbated when rooflights and the rear gate would be open, would be to the detriment of their amenity, contrary to saved UDP policies DC10(b) and DC26.1 and Core Strategy policies C10, DM1 and SP1.

2) The proposal, by enclosing all of the rear yard, removes the opportunity to accommodate smaller waste containers in this space which is contrary to the general character of open yards at the rears of properties in the parade, and leads to an accumulation of waste containers in the alleyways to the side and rear which is in view of the parade frontage. This has a negative impact on the character and appearance of the conservation area, contrary to saved UDP policies DC10.1 and DC18.1 and to Core Strategy policies EN3, EN19, DM1 and SP1.

Date: 2 March 2022

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.