MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr A Mancini
704 Wilmslow Road
Manchester
M20 2DW

Agent (if used)

S.W. Foulkes
31 Norfolk House
Clarendon Road
Sale
Manchester
M33 2DU

Part 1 – Particulars of the application/development

Proposal: Erection of rear escape staircase and store room

Location: 704 Wilmslow Road, Manchester, M20 2DW

Date of application: 24 January 2020

Application number: 125320/FO/2019

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 officer's delegated report. The application raised objections on public consultation which have been taken into consideration in the assessment of the proposal.

Reason(s) for decision

1) The rear staircase and extended platform would, by reason of its size, height, location, position and proximity in relation to the windows of neighbouring occupiers, give rise to the creation of new opportunities for overlooking into resident's windows and to extended opportunities for staff to congregate giving rise to noise and disturbance on the staircase and platform at times when the businesses would be open including late into the evening. This would be to the detriment of residential amenity, contrary to policies SP1 and DM1 of Manchester's Local Development Framework Core Strategy

(Core Strategy) and saved Policy DC26 of The Unitary Development Plan for the City of Manchester (UDP).

2) The proposed extended staircase, raised platform and screen at first floor level would, by reason of its height, scale, design and location, represent a large and visually intrusive structure that would be out of character with the form of development at the rear of commercial premises and would lead to the impression of visual clutter to the detriment of visual amenity contrary to policies SP1 and DM1 of Manchester's Local Development Framework Core Strategy (Core Strategy).

Date: 5 March 2020

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.