MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Peter Sam
Tatton House 2 Investments Ltd
433 Wilmslow Road
Manchester
M20 4AF

Agent (if used)

Mr Peter Alan Rowlinson
123 Green Lane
WN7 2TW

Part 1 – Particulars of the application/development

Proposal: Outline application seeking approval for access, layout and scale with all other matters reserved for the erection of a seven storey building to form a 133 room aparthotel (Class C1) following demolition of existing buildings

Location: 79 Hathersage Road, Manchester, M13 0EW

Date of application: 7 October 2019

Application number: 124262/OO/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

Officers have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reason(s) for decision

1) The proposed development does not allow for sufficient off road parking, drop off/pick-up arrangements or servicing provision. This in turn would lead to servicing and drop offs/pick-ups taking place on the adjoining highway which would impede traffic flow and cause localised congestion, close to the Hathersage Road/Upper Brook Street junction, to the detriment of highway safety. Vehicles associated with the proposed development would also park on surrounding streets which would result in localised congestion and increased competition for on-street spaces to the detriment of amenity,

the inconvenience of other user of the highway and general highway safety. As such, the proposed development is contrary to policies DM1, SP1 and T2 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

2) Having regard to the relationship of the proposed development with surrounding buildings in the area, the loss of the existing buildings, coupled with the scale, mass and height of the proposed seven storey building, would constitute an inappropriate form of development and would result in an incongruous, over-dominant feature, out of scale and out of character with the surrounding context, whilst negatively affecting views into and out of the neighbouring Victoria Park Conservation Area. As a result, the proposed development would have a harmful impact upon the character and appearance of the area, contrary to the provisions of policies DM1, EN1, EN3 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

3) The proposed building would by reason of its position, height, scale, mass and relationship with adjoining building would be overbearing and over-dominant to adjoining occupiers and would lead to reduced levels of daylight/sunlight. Notably, to occupiers of 295 Upper Brook Street. In turn, the proposed development would have a harmful impact upon the amenity and living conditions of neighbouring occupiers, contrary to policies DM1, SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

4) The applicant has failed to demonstrate the deliverability of the proposed development, or that there are no other sequentially preferably sites available, suitable or viable, for a town centre use in an out of centre location, contrary to policies CC4, C1, C9, SP1 of the Core Strategy and the National Planning Policy Framework (NPPF).

Date: 29 November 2019

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.