MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Yasin Vaza
I.V. Holdings
Unit 1 Fishwick Park
Mercer Street
Preston
PR1 4LZ

Agent (if used)

Mr Christopher Hosty
11th Floor Manchester One
53 Portland Street
Manchester
M1 3LD

Part 1 – Particulars of the application/development

Proposal: Erection of a part 7, part 5 storey building to form ground floor commercial unit (Use Classes A1, A2, A3, A4 or A5) (81 sqm) together with 30 residential apartments (Use Class C3a) with associated car parking spaces, amenity space and associated works following demolition of existing buildings

Location: Mount Pleasant House , 162-164 Oldham Road, Manchester, M4 6BG

Date of application: 10 October 2016

Application number: 113535/FO/2016

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 worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Whilst the applicant has sought pre-application advice, together with discussions on going during the course of the application, it is not considered that an appropriate development has been proposed in respect of this matter in line with City Council development plan policies and objectives. The application has therefore been determined in a timely manner.

Reason(s) for decision

1) The proposed demolition of 162-164 Oldham Road would result in the loss of a key building which makes a positive contribution to character, appearance and significance of the Ancoats Conservation Area. The demolition of the building would therefore result in substantial harm to the significance of the Conservation Area together with there be

no substantial public benefits derived from the redevelopment of the site to outweigh its loss to the area. The proposal is therefore contrary to policies SP1 and EN3 of the Manchester Core Strategy (2012), saved policy DC18 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD (2007), The Ancoats and New Islington Development Framework (2014), the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

2) The erection of a part 7, part 5 storey building, following the demolition of the existing building, at 162-164 Oldham Road would, by virtue of its layout, height, size, massing and appearance would fail to preserve or enhance the character, context, appearance and significance of the Ancoats Conservation Area. The proposal will therefore fail to make a positive contribution to the Conservation Area and its visual amenity by failing to enhance and sustain (or better reveal) the significance of the area with a distinctive and high quality development. In addition, the proposal would fail to support positively the ongoing regeneration of the local area by failing to create a sustainable neighbourhood of choice. The proposal is therefore contrary to policies SP1, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC18 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD (2007), The Ancoats and New Islington Development Framework (2014), the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

Date: 13 December 2016

Signed: 

Julie Roscoe
Head 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, he may appeal to the First 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.

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

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

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 of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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 his 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.