MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Crosslane (Gamecock) LLP
Suite 3D
Manchester Industrial Office Centre
Styal Road
Manchester
M22 5WB

Agent (if used)

Mr Stephen Foulkes
709 Peterhouse
Oxford Street
Manchester
M1 5AN

Part 1 – Particulars of the application/development

Proposal: Erection of part 8 part 11 storey building comprising 48 units (38 x 4 bed and 10 x 3 bed) to provide student accommodation (Sui generis)

Location: Former Gamecock Public House, Boundary Lane, Hulme, Manchester, M15 6GE

Date of application: 28 May 2012

Application number: 099285/FO/2012/S1

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.

Reason(s) for decision

1) The applicant has failed to demonstrate that there is unmet need for the proposed student accommodation or that they have entered an agreement with an education provider for the provision of student accommodation. As such the proposal is not in accordance with the provisions of Policy H12 of the Core Strategy of the Local Development Framework.

2) The proposed building would be reason of its scale and architectural massing be an over-dominant and intrusive feature in the street scene to the detriment of the visual amenity of the area. The proposed development is therefore contrary to the provisions of policies SP1, EN1, EN2 and DM1 of the Core Strategy of the Local Development Framework. The guidance contained in para 14 of the National Planning Policy Framework supports refusal.

3) The proposed development fails to make adequate provision for private amenity space for the residents of the proposed development. The proposed development is

therefore contrary to the provisions of policies EN1 and DM1 of the Core Strategy of the Local Development Framework and Para 14 of the National Planning Policy Framework.

4) The proposed development by reason of it's excessive height and architectural massing would have an overbearing impact on the occupiers of Cooper House to the detriment of their residential amenity. The proposed development is therefore contrary to the provisions of policies SP1, H1, EN1, EN2 and DM1 of the Core Strategy to the Local Development Framework and the guidance contained in para 14 of the National Planning Policy Framework.

5) The proposed development fails to achieve the high standard of design required for such large buildings contrary to the provisions of policies SP1, H1, EN1, EN2 and DM1 of the Core Strategy of the Local Development Framework and the guidance contained in para 14 of the National Planning Policy Framework.

6) The proposed high density development is not compatible with existing developments and notwithstanding a proposed S106 agreement is likely to result in increased on street parking in the surrounding area contrary to policy H12 of the Core Strategy of the Local Development Framework. The guidance contained in para 56 and 64 of the National Planning Policy Framework supports refusal.

7) It is considered that the numbers of residents for the proposed development would have a detrimental effect on the amenity of other residents in the area due to a substantial increase in comings and goings and the proposed development is therefore contrary to the provisions of policies SP1 and DM1 of the Core Strategy of the Local Development Framework. The guidance contained in para 56 and 64 of the National Planning Policy Framework supports refusal.

Date: 24 August 2012

Signed: 

Julie Roscoe
Head of Planning
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 Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

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.