MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Jon Furnues
BT Payphones
4th Floor Monument Telephone Exchange
11 - 13 Great Tower Street
London
EC3R 5AQ

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Replacement of two existing public telephone kiosks with one kiosk combining public telephone service and ATM service

Location: Outside 16 Albert Square, Manchester, M2 5PE

Date of application: 18 September 2013

Application number: 103355/FO/2013/C1

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 31 Declaration

In assessing the merits of an application forplanning permission officers will seek to work with the applicant in a positive and pro-active manner in seeking solutions to problems arising in relation to dealing with the application. The City Council officers worked with the applicant during the application process to advise them that the application would be refused due to its impact on amenity.

Reason(s) for decision

1) The proposed kiosk by virtue of its size, siting and design would add to street clutter and would thereby be detrimental to the public realm of this part of the City Centre. It would therefore be contrary to Sections 4 (Promoting Sustainable Transport) and 7 (Requiring Good Design) of the National Planning Policy Framework; Policies SP1 (Spatial Principles), T1 (Sustainable Transport), EN1 (Design Principles and Strategic Character Areas) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester; saved policy RC20 (Area 24) of the Unitary Development

Plan for the City of Manchester; and Policy 2 (Design) subsection 2.42 of the 'Guide to Development in Manchester' Supplementary Planning Document.

2) The proposed kiosk, by virtue of its size, siting and appearance, would constitute an unnecessary visually intrusive feature within the street scene, sited in a prominent location within one of the main civic squares within the City Centre and would have a detrimental impact upon the visual amenity of the area. The proposal is therefore considered to be contrary to Section 7 (Requiring Good Design) of the National Planning Policy Framework; and Policies SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas) and DM1 (Development Management) and of the Adopted Core Strategy for the City of Manchester; saved policy RC20 (Area 24) of the Unitary Development Plan for the City of Manchester; and Policy 2 (Design) subsection 2.10 of the 'Guide to Development in Manchester' Supplementary Planning Document

3) The proposed kiosk, by virtue of its size, siting and appearance, would constitute an unnecessary and visually intrusive feature within the street scene, and would have a detrimental impact upon the visual amenity of the Albert Square Conservation Area. The proposal is considered to be contrary to Sections 7 (Requiring Good Design) and 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework; Policies SP1 (Spatial Principles), CC9 (Design and Heritage), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester; saved policies DC18 (Conservation Areas) and RC20 (Area 24) of the Unitary Development Plan for the City of Manchester; and Policy 2 (Design) subsections 2.6 and 2.10 of the 'Guide to Development in Manchester' Supplementary Planning Document.

4) The proposed kiosk, by virtue of its size, siting and appearance, would have a detrimental impact upon the visual amenity of the area and the settings of the Grade II listed buildings at 16 to 21 Albert Square, Gladstone's Statue, Heywood's Statue, the Grade II* listed 1 & 3 Southmill Street, the Town Hall Extension, and the Grade I listed Town Hall and Albert Memorial. The proposal is therefore considered to be contrary to Sections 7 (Requiring Good Design) and 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework; Policies SP1 (Spatial Principles), CC9 (Design and Heritage), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester; and saved policies DC19.1 (Listed Buildings) and RC20 (Area 24) of the Unitary Development Plan for the City of Manchester.

5) The proposed kiosk, due to its size, siting and appearance, would have a detrimental impact upon visual amenity and regeneration in a prominent location within an area of the City Centre, which has seen and continues to benefit from considerable financial investment and regeneration activity. It is therefore considered that the kiosk would be inconsistent with Policies SP1 (Spatial Principles) and EN1 (Design Principles and Strategic Character Areas) of the Adopted Core Strategy for the City of Manchester; and saved Policy RC20 (Area 24) of the Unitary Development Plan for the City of Manchester.

Date: 13 November 2013

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 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.