MANCHESTER CITY COUNCIL

# Town & Country Planning Act 1990 (as amended)

# Refusal of Planning Permission

**Applicant**

Simon Warner
BT Group Plc
1 Braham Street
London
E1 8EE

**Agent (if used)**

Mr Martin Brown
Telent
Rutland House
5 Allen Road
Livingston
EH54 6TQ

## Part 1 – Particulars of the application/development

**Proposal**: Installation of single black digital communications totem.

**Location**: Footpath Outside 15 Oldham Road, Manchester, M4 5EQ

**Date of application**: 14 April 2025

**Application number**: 142705/FO/2025

## 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 matters arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter where officers advised that the proposal would unlikely be supported. The applicant has also been made aware of concerns during the course of this application. The proposal has been determined in timely manner.

## Reason(s) for decision

1) The proposed kiosk would by virtue of its siting, scale, design and appearance would have a detrimental impact on visual amenity, resulting in additional street clutter together with forming an obtrusive, incongruous and overly dominant feature located in a prominent location adjacent to radial entry routes into and throughout the City Centre, to the detriment of the street scene (where there has been significant investment to improve the public realm and place making) and pedestrian experience. The proposed kiosk would therefore be contrary to the Core Strategy for the City of Manchester in

particular policies DM1, EN1, SP1 and T1; the Unitary Development Plan for the City of Manchester saved policy E3.3 Places for Everyone policy JP-P1 and the NPPF.

2) The proposed kiosk would by virtue of its siting, scale design and appearance would have a detrimental impact on the setting of the Grade II listed 2-4 Swan Street. The development would form visual clutter within its setting as we as being highly obtrusive and incongruous. The proposal would result in less than substantial harm to the significance of the listed asset and the required public benefits do not exist to out weigh the harm. The proposed kiosk would therefore be contrary to the Core Strategy for the City of Manchester policies CC9, EN1, EN3; the Unitary Development Plan for the City of Manchester saved policy DC19.1; Places for Everyone policy JP-P2; and fail to meet the requirements set out in sections 12 and 16 of the National Planning Policy Framework, as well as sections 66 of the Listed Buildings and Conservation Areas Act 1990.

3) The proposed kiosk would by virtue of its siting immediately adjacent to a signalised junction with pedestrian crossing facilities on Oldham Road would impact upon highway safety and therefore be contrary to the Core Strategy for the City of Manchester, in particular policies DM1, SP1 and T1, as well as Places for Everyone policy JP-P1 and the NPPF.

Date: 9 June 2025

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/appeal-planning-decision. 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.