

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Strain
DSJMK Properties Ltd
323 Wilmslow Road
Manchester
M14 6NW

Agent (if used)

Ms Kimberley Mountford
Mode Architects Limited
Piccadilly House
59 Piccadilly
Stoke-On-Trent
ST1 1HR

Part 1 – Particulars of the application/development

Proposal: Conversion of existing ground floor from general industrial (B2) to office use (E), with three storey extensions to rear, side and upper floors to create 8no. apartments (6no. 1 beds and 2no. 2 beds).

Location: 42 Ladybarn Road, Manchester, M14 6WW

Date of application: 2 August 2024

Application number: 139958/FO/2024

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

Significant issues have arisen during the consideration of this application and a satisfactory resolution has not been reached.

Reason(s) for decision

1) The proposal by reason of its excessive scale, massing, and bulk and inappropriate design choices would not be visually subservient to the existing building, would introduce detrimental visual elements to the street scene and would form a visually incongruous and obtrusive structure which would not be sympathetic to the appearance of the existing building or its surrounding area, to the detriment of visual amenity and, as such, is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies SP1, DM1 and H1 of the Manchester Core Strategy and the National Planning Policy Framework.

2) The proposal fails to provide accommodation of a sufficient quality for its prospective occupiers, particularly in regard to the inadequate internal living space provided, lack of private external amenity space, lack of car parking provisions, lack of landscaping and boundary treatment and insufficient cycle parking and refuse storage provisions, which would give rise to a poor standard of living accommodation for its prospective occupiers and an inadequate residential accommodation, contrary to the Technical Housing Standards - Nationally Described Space Standard, Manchester's Emerging Space Standards detailed in the Manchester Residential Quality Guidance document, policies DM1, SP1 and H1 of the Manchester Core Strategy, saved policy DC5 of the Unitary Development Plan for the City of Manchester, policies JP-H3 and JP-H1 of the Places for Everyone Joint Development Plan Document, and chapter 12 of the National Planning Policy Framework.

3) The proposal fails to include adequate provisions for the parking of vehicles within the curtilage of the site, resulting in an increase in demand for on-street parking in the area, which would exacerbate existing highway difficulties and traffic congestion, to the detriment of pedestrian and highway safety as well as the character and amenity of the area. As such, the proposal is contrary to policies SP1, DM1, and H1 of the Manchester Core Strategy as well as saved policy DC5 of the Unitary Development Plan for the City of Manchester and the principles of the National Planning Policy Framework.

4) The proposal fails to provide adequate provisions for the storage and management of segregated waste and recycling for the proposed apartments. As such, the proposal is contrary to policies SP1, DM1 and EN19 of the Manchester Core Strategy and saved policy DC5 of the Unitary Development Plan for the City of Manchester.

Date: 25 September 2024

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.