MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr T Muir
APG Park Place Ltd
116 Duke Street
Liverpool
L1 5JW

Agent (if used)

Ms Linda Wright
Katana Planning Limited
Bloomfield Court
76 Factory Street West
Manchester
M46 0EF

Part 1 – Particulars of the application/development

Proposal: Creation of 12no residential apartments (Class C3a) together with elevational alterations including the installation of windows.

Location: 3A Park Place, Manchester, M4 4EZ

Date of application: 25 October 2023

Application number: 137601/FO/2023

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. In this instance, it is considered that there are no amendments that would make the proposal acceptable.

Reason(s) for decision

1) The creation of 12no. one-bedroom apartments would result in an overdevelopment of the building resulting in a poor standard of living accommodation, an over concentration of one bedroom, one person homes and a lack of private amenity space for the development. This would fail to have a positive impact on the supply of high-quality homes in this part of the city and would fail to offer a range of housing of different sizes including those which would be attractive to families. This would undermine the aspiration to create a sustainable neighbourhood as part of the transformation of the Great Ducie Street Regeneration Area. The proposal therefore conflicts with policies SP1, CC3, H3 and DM1 of the Manchester Core Strategy (2012), saved policy DC5 of

the Unitary Development Plan for the City of Manchester (1995), the Great Ducie Street Strategic Regeneration Framework, the Residential Quality Guide (2019) and the National Planning Policy Framework.

2) The siting of the windows on the south facing elevation of 3A Park Place, to facilitate the development, would preclude redevelopment of the adjacent vacant plot which is identified for development with the Great Ducie Street SRF. The proposal would therefore undermine the regeneration and proper planning of the area, as desired by the framework, which is contrary to the provisions of policies SP1 and DM1 of the Manchester Core Strategy (July 2012), the Great Ducie Street Strategic Regeneration Framework and the National Planning Policy Framework.

3) The proposed waste storage, by virtue of its siting, would fail to create a secure, practical refuse store upon which a workable waste management strategy is contingent. The proposal would see the use of the shared courtyard to store bins externally. This would create an unsightly element, visible from many of the proposed apartments, to the detriment of residential amenity. Furthermore, by virtue of the waste storage areas significant distance from the building entrance and the stated pick up location, it is considered that the store would not be practical. The development would therefore be contrary to the provisions of policy DM1 of the Manchester Core Strategy (2012), saved policy DC5 of the Unitary Development Plan for Manchester (1995) and the guidance contained within Manchester's Residential Quality Guidance (2017).

Date: 23 January 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.