

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Churchill Retirement Living
Churchill House
Parkside
BH24 3SG

Agent (if used)

Mr Ziyad Thomas
Planning Issues Ltd
Churchill House
Parkside
Ringwood
BH24 3SG

Part 1 – Particulars of the application/development

Proposal: Erection of three storey building to provide 37 retirement living apartments (comprising 24 no. 1 bed and 13 no. 2 beds) including communal facilities, access, car parking and landscaping and reconfigured car parking arrangement for Wren House

Location: Wren House, 108 Palatine Road, Manchester, M20 3ZA

Date of application: 5 December 2023

Application number: 138765/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

The application has been determined in a positive and proactive manner. In this instance concerns with the proposals have been communicated to the applicant during the course of processing of the planning application. The proposal is considered to be contrary to the development plan and has been considered in a timely manner

Reason(s) for decision

1) The proposed scale, layout and footprint of the proposed development is considered to be excessive in size that would appear incongruous and dominant in its immediate context, eroding the significance and distinctive character of the area, failing to preserve or enhance the character and appearance of the Albert Park Conservation Area and the adjacent Blackburn Park Conservation Area contrary to policies DM1, SP1, EN1 and EN3 of the Core Strategy, saved UDP policy DC18.1 and sections 12 and 16 of the NPPF.

2) The proposed design, appearance, and choice of materials of the proposed development would result in a form of development that would not be sympathetic or beautiful, and would erode the special character of the Albert Park Conservation Area and adjacent Blackburn Park Conservation Area providing an unduly prominent addition to the local townscape contrary to policies DM1, SP1, EN1 and EN3 of the Core Strategy, saved UDP policy DC18.1 and sections 12 and 16 of the NPPF.

3) The proposed development by reason of its relationship to the adjacent residential property at number 114 Palatine Road and as a result of the inclusion and arrangement of windows, doors and Juliette balconies on the proposed building, would give rise to a real and perceived loss of privacy and overlooking of the occupiers at number 114 Palatine Road to the detriment of their residential amenity contrary to policy DM1 of the Core Strategy.

Date: 16 February 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.