

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Lob Tang
Popeyes Louisiana Chicken
67 The Broadway
London
W5 5JN

Agent (if used)

Project Coordinator
@Architect UK Ltd
Suite 2 Clocktower House
Station Road
West Horndon
CM13 3XL

Part 1 – Particulars of the application/development

Proposal: Elevational alterations to form new entrance doors and delivery window.

Location: Ground Floor Unit A, 1 Piccadilly Gardens, Manchester, M1 1RG

Date of application: 20 September 2023

Application number: 137200/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/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. However, negotiation has been unable to resolve the issues identified in a satisfactory way and due to the harm, which has been clearly identified within the reason for the refusal, approval has not been possible.

Reason(s) for decision

1) The delivery hatch, by virtue of its position in the shop front, appearance/design, location and materiality, has undermined the design principles of the building. The development has had an unacceptable impact on visual amenity of the building and character of the local area which is contrary to the provisions of the Manchester Core Strategy (2012) policies SP1, EN1 and DM1, and the National Planning Policy Framework.

2) The delivery hatch, by virtue of its position and relationship with the adjacent public realm and highway has inadequate arrangements for servicing and deliveries due to

lack of safe onsite provision. This has resulted in an unacceptable impact on highway and pedestrian safety as a result of servicing and deliveries conflicting with pedestrian and vehicle movements within the public realm together with local highway network restrictions. This is contrary to the provision of Core Strategy policies SP1, CC5 and DM1, and the National Planning Policy Framework.

Date: 8 November 2023

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.