

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Papa Johns (GB) Ltd
C/o Agent

Agent (if used)

Baldip Basi
Smith Jenkins Ltd
7 Canon Harnett Court
Wolverton Mill
Milton Keynes
MK12 5NF

Part 1 – Particulars of the application/development

Proposal: Replacement shop front

Location: Unit 5, Peter House, 2 - 14 Oxford Street, Manchester, M1 5AZ

Date of application: 23 May 2023

Application number: 136493/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) By way of its design and finish, the proposed shopfront would have an unacceptable impact on the character and appearance of Peter House and the neighbouring street scene. This would also have an unduly harmful impact on the St Peter Square conservation area resulting in less than substantial harm. The necessary public benefits to outweigh that harm have not been provided. The proposal is therefore contrary to Policies SP1, EN1, EN3 and DM1 of the Manchester Core Strategy, Policies DC14 and DC18 of the Unitary Development Plan for the City of Manchester (1995) and

the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

2) The applicant has failed to provide sufficient justification for why disabled access cannot be provided on site, nor have they demonstrated an acceptable alternative access arrangement. The proposed development would not provide inclusive access for people whose mobility may be impaired which is contrary to the Manchester City Council's adopted Core Strategy Policies SP1, CC10 and DM1, The Guide to Development in Manchester Supplementary Planning Document and the National Planning Policy Framework.

Date: 13 July 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.