

Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended)

Refusal of Listed Building Consent

Applicant

Mr Sean Hinde
Trunk Restaurant Ltd
Unit 8
Bartle Court Business Centre
Rosemary Lane
MR4 0HF

Agent (if used)

Maria Marks
WSP
8 First Street
Manchester
M15 4GU

Part 1 – Particulars of the application/development

Proposal: Internal and external alterations including installation of louvres to front elevation associated with creation of restaurant /take away (Sui generis)

Location: 95 Oxford Street, Manchester, M1 6ET

Date of application: 21 December 2022

Application number: 135102/LO/2022

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 pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. This has included ongoing discussions about the information required to be submitted to support the application and the acceptability of the proposals. Unfortunately the issues with this application couldn't be resolved within the timescales allowed.

Reason(s) for decision

1) The proposed elevational alterations to the Grade II Listed building would fail to respond positively to the character and appearance of the building and local historic environment. The louvres would be located in a highly prominent position, relate poorly to the shop front and would be highly visible from the Rochdale Canal and towpath. The proposals would cause less than substantial harm to the listed building and affected the setting of the listed building in the street scene with the level of harm caused not being outweighed sufficiently by the public benefits of the scheme. The proposal is

contrary to policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC14.1, DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995) and NPPF.

Date: 15 February 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 refers only to that required under the Planning (Listed Buildings & Conservation Areas) 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 consent or approval for the proposed development, or to grant consent or approval subject to conditions, they may appeal to the Secretary of State in accordance with sections 20 and 21 of the Act within six months of the date of the notice of the decision.

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/planning-inspectorate. 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. If consent is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 27 of the Act.

4. In certain circumstances, a claim may be made against the local planning authority for compensation, where consent 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 27 of the Act..