

## **Town & Country Planning Act 1990 (as amended)**

### **Refusal of Planning Permission**

#### **Applicant**

Mr James Browne  
BT Telecommunications Plc  
Pp 8.05  
Faraday Building  
1 Knightrider Street  
London  
EC4V 5BT

#### **Agent (if used)**

Mr Josh Lee  
Solutions30  
Regus - 82 King Street  
Manchester  
M2 4WQ

### **Part 1 – Particulars of the application/development**

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**Proposal:** Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens together with the removal of associated BT kiosk

**Location:** Pavement O/S 410 Wilmslow Road, Manchester, M20 3BD

**Date of application:** 15 November 2022

**Application number:** 135478/FO/2022

### **Part 2 – Particulars of decision**

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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**

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#### **Reason(s) for decision**

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1) The proposed structure, by reason of its size, height and siting on the public footpath in a prominent position would create a visually discordant and obtrusive feature in the street scene which would create an appearance of street clutter detrimental to the visual amenities of the area.

As such the proposal is contrary to policies SP1 and DM1 of the Manchester Core Strategy, saved Unitary Development Plan policies E3.3, DC15.1 and DC15.2, paragraph 132 of the National Planning Policy Framework and paragraph 2.42 of the Guide to Development in Manchester Supplementary Planning Document (2007).

2) The proposed structure, by reason of its design, appearance and siting within a conservation area would detract from the designated heritage asset, causing unnecessary visual harm and detriment to the special architectural and historic interest

of the Withington Conservation Area as well as significantly detracting from the historic character of the Grade II Listed Buildings and non-designated heritage assets situated nearby including: Withington Public Library, the former National Westminster Bank, No.456 'Pampers' Wilmslow Road.

As such, the proposal is contrary to policy EN3 of the Manchester Core Strategy, saved Unitary Development Plan policy DC18 and chapter 16 of the National Planning Policy Framework.

Date: 31 January 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](http://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](mailto:planning@manchester.gov.uk)) and the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto: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.