

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Patrick Sheridan
Views Holdings Limited
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Carrs Road
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Agent (if used)

Mr Joseph Smith
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7 Norfolk Street
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M2 1DW

Part 1 – Particulars of the application/development

Proposal: Development of a residential accommodation block, comprising 42 no. residential units (Use Class C3) with ground floor commercial restaurant / cafe and retail units (Use Class E and sui generis), car parking, cycle parking and associated infrastructure.

Location: 98 Wilmslow Road, Manchester, M14 5AL

Date of application: 11 May 2022

Application number: 133748/FO/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

The application has been determined in a positive and proactive manner. In this instance the principle of the proposed development is considered to fail to accord with the adopted planning policies in place in the City. Concerns were raised with the applicant who sort to address this through the provision of additional supporting information. In this instance it was not considered that this additional information overcame the concerns with the proposals.

Reason(s) for decision

1) The proposed residential and commercial development together with its servicing requirements would give rise to increased demands for on-street car parking and consequential additional vehicular movements within nearby residential areas, in an area already experiencing high levels of demand, contrary to policies DM1 and T2 of the adopted Manchester Core Strategy.

2) The siting of the proposed development and location of habitable windows in close proximity to the northern boundary of the site would give rise to an unacceptable form of development that would prejudice the redevelopment of the neighbouring site, contrary to policies SP1, DM1 and EN1 of the adopted Manchester Core Strategy.

3) The proposed development would give rise to an unacceptable increase in activity on Grandale Street in the form of comings and goings, vehicular movements and noise associated with the proposed residential and commercial uses to the detriment of the residential amenity of nearby residential properties on Grandale Street, Ravensdale and Hibbert Street contrary to policy DM1 of the Core Strategy

4) The residential accommodation identified within the third floor of the proposed development served by rooflights would fail to provide an adequate standard of living accommodation by virtue of the limited access to natural daylight and sunlight, contrary to policy DM1 of the Core Strategy, guidance within the Manchester Residential Quality Guidance and the National Design Guide (2021).

5) The siting and scale of the proposed development to the back of pavement on Wilmslow Road would give rise to a form of development that would be an over-dominant feature within the street scene and area, which would have a detrimental effect on visual amenity and character of the area contrary to policies SP1, EN1, and DM1 of the Manchester Core Strategy, guidance contained in the Guide to Development in Manchester Supplementary Planning Document and Guidance and the National Design Guide (2021).

Date: 1 December 2022

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/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. 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.