
Appeal Decision

Site visit made on 24 June 2025

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/B4215/W/25/3360798

Land off Oldham Street and Spear Street, Manchester M4 1LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Sainsbury's Supermarkets Ltd against the decision of Manchester City Council.
 - The application Ref CDN/24/1007 sought approval of details pursuant to condition Nos 3 and 4 of a planning permission Ref 140007/FO/2024, granted on 17 September 2024.
 - The application was granted in relation to condition No 3a and refused in relation to condition No 4, by notice dated 22 January 2025.
 - The development proposed is erection of new plant on the roof of the building.
 - The appeal relates to the decision of the Council to refuse to discharge condition No 4.
 - The details for which approval is sought are: Notwithstanding the information hereby approved, full and final details of the screen to be installed around the equipment hereby approved shall be submitted to and approved in writing by the City Council as local planning authority prior to the installation of the externally mounted equipment hereby approved. The approved screen shall be installed prior to the completion of the installation of the external mounted equipment hereby approved and prior to the operation of any of the equipment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made to discharge two conditions attached to permission ref 140007/FO/2024 (the original permission). The Council made a split decision whereby the Council discharged condition No 3b (Noise 6 - external equipment) and refused to discharge condition No 4 (Plant Screen Details). The appeal is made against the Council's refusal to discharge condition No 4, which is detailed in my banner heading above.
3. The appellant suggests that as no policies were referenced within the decision notice for the appealed application, this contrasts with advice in the Planning Practice Guidance (PPG), which also refers to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2025 ("The DMPO")¹. On this basis, the appellant suggests that it can only be assumed that the proposed plant screen is not contrary to any planning policies. I have therefore considered the PPG and the DMPO in relation to this matter.
4. The PPG clearly refers to the refusal of planning permission, rather than a refusal of a planning application, or a refusal of a planning application to discharge a condition. Article 35 of the DMPO sets out provisions for the written notice of

¹ Paragraph: 020 Reference ID: 21b-020-20140306 - Revision date: 06 03 2014.

decision or determination relating to a planning application. With my emphasis in italics, the provisions at paragraph 1 clearly refer to notice of a decision or determination on *an application for planning permission or for approval of reserved matters*, with sub-paragraphs detailing various requirements. Sub-paragraph (za) details required information for notices, including the name of the local planning authority and various matters concerning biodiversity gain.

5. Sub paragraph (a) sets out that *where planning permission is granted subject to conditions*, the notice must state clearly and precisely their full reasons— (i) for each condition imposed; and (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition. Sub-paragraph (b) sets out that *where planning permission is refused*, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision.
6. The decision notice for the original planning permission clearly includes the reasons for imposing the condition, with reference to the relevant policies of the development plan. Furthermore, Articles 27-30 inclusive of the DMPO concern applications made under a planning condition. These provisions do not detail any requirement to specify all policies and proposals in the development plan which are relevant to any determination.
7. Drawing all the above together, I find the local planning authority has complied with the DMPO and PPG on this matter. In any event, the appellant is clearly aware of the reasons for the condition and the relevant policies and proposals of the development plan referred to in the decision notice for the original permission, as these are referred to in their statement of case.
8. The appeal site is within the Stevenson Square Conservation Area (CA) and there are several listed buildings within the vicinity. I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”).
9. The appellant’s evidence refers to a conservation area appraisal (CAA) for the Stevenson Square CA which did not appear to be submitted to the appeal. I therefore asked the Council for a copy of this publicly available document, which was provided and cross copied to the appellant. I therefore consider that no party is prejudiced by this matter.
10. After the original permission was granted, the Council adopted the Development Plan Document “Places for Everyone” (PfE) in March 2024. Furthermore, the National Planning Policy Framework (the Framework) was revised on 12 December 2024 with further amendments made in February 2025 which do not constitute a change to policy. The main parties have had an opportunity to consider these matters within the appeal timetable.
11. I note that the conclusions of the Council’s statement of case refer to conflict with Circular 03/2007 the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. For the avoidance of doubt, the original permission and appealed application do not include any proposed advertisement, and therefore this circular is not relevant to my consideration of the appeal.

Background and Main Issue

12. The appeal site was the subject of a previous planning permission Ref: 110074/FO/2015/C2 for a redevelopment scheme which included demolition of a building, and the erection of two buildings. The original permission concerns the siting of rooftop plant above one building of the redevelopment scheme, which includes a Sainsbury's store and many apartments over about 8 floors. The dispute concerns whether the proposed screen would be of sufficient visual interest and quality in its context. There is no dispute such that the proposed screen is considered to harm the setting of any listed building. In the absence of any evidence to the contrary, I find no reason to consider otherwise. Therefore, and having regard to all the evidence before me, the main issue is:

- whether the proposed details would be acceptable, having regard to the effect upon the character or appearance of the Stevenson Square CA.

Reasons

13. The CAA indicates that the significance of the Stevenson Square CA stems from its large number of Victorian and early 20th century buildings related to the cotton industry. There is a varied matrix of building mass, divided by largely dark narrow streets. Many buildings are richly decorated, due to the wealth of the cotton industry, constructed of brick and/or stone, with elaborate decoration. The CAA draws attention to sensitive redevelopment of gaps or spaces created by demolition, where the overall urban environment of the CA would be considerably improved. Furthermore, the CAA sets out that the urban design context is vital in conservation areas and designers of proposed buildings should take account of this rather than evolving a design which could be located anywhere in Manchester or indeed any other city.
14. The proposed screen would be sited to surround rooftop equipment and would comprise perforated, powder coated aluminium panels, coloured bronze, about 1.85m high with a gap at the lower level and an entrance gate for maintenance. The perforations are 20mm diameter circles and regularly spaced. The Council advises that other metalwork on the building is anodised, which is not disputed by the appellant. In the absence of any evidence to the contrary, I find no reason to disagree with the Council that an anodised product would be more durable.
15. During my visit, I saw that the rooftop includes a paved communal terrace with seating, separated from the site of the rooftop plant and proposed screen by a glass balustrade. The rooftop appears in prominent view from the windows and 'juliet' style balconies of neighbouring apartments sited at the same level and above it. The wall of the neighbouring elevation to the communal terrace includes several highly decorative wall panels in a dark bronze/brown metallic finish, which provide visual interest. While I cannot be certain that the wall panels are anodised, their metallic finish and colour harmonises with the light-coloured brick and bronze-coloured window frames of the development.
16. There is a further communal terrace below (towards Oldham Street) which includes a grassed area, seating and decorative wall panels of the same style as the upper terrace. Consequently, it seems to me that the communal terraces are integrated into the development and form part of its overall design to enable the enjoyment of outdoor space at height. It therefore seems reasonable to me that a highly decorative design would be appropriate in this context to provide visual

interest for occupiers of the apartments when using the communal terrace or as part of the outlook from their windows and/or balconies. While the colour of the proposed panel would harmonise with the colour palette of the materials in the development, its regular perforation spacing would be of limited visual interest and in sharp contrast to the highly decorative wall panels sited along the walls of the communal terraced areas.

17. During my visit, I saw windows and a balcony area serving a residential use within the upper floor of a property directly opposite the rooftop on Oldham Street. I cannot be certain that other properties opposite are in residential use at the upper level. However, views of the proposed screen would be available from the windows/balconies of properties on the opposite side of Oldham Street, albeit largely limited to the upper/middle layer of view.
18. The appellant suggests that the proposed screen would not be out of context in relation to other rooftop plant and screening measures within the surrounding roofscape. However, during my visit, it seemed to me that such plant and screening measures were not of such a scale or frequency of siting that they formed a significantly common feature within the rooftop landscape. Much of the equipment I saw was limited in scale and not in such a degree of direct view of neighbouring occupiers as that at the appeal site.
19. While the proposed screen is not a 'standard' design usually installed with rooftop equipment by the appellant, it seems to me that a highly decorative design is required to ensure visual interest for neighbouring occupiers, to harmonise with the existing development, and to respect the elaborate detailing which forms part of the significance of the CA. I note that the Council's evidence includes various photographs demonstrating decorative screens which demonstrate perforated panels with elaborate patterns and those with designs that match other materials used in buildings. While it is not clear whether such examples are within the CA before me, they nevertheless support the Council's position that high quality decorative/elaborate screens are a common feature in developments within the city, and the CAA makes clear that elaborate detailing is part of its significance.
20. While the CAA does not identify Oldham Street as a gateway or a significant view, it seems to me that Oldham Street is an important route within the CA, linking Piccadilly Gardens and Great Ancoats Street, and is well frequented by pedestrians and other road users. I have no reason to disagree with the appellant's view that the proposed screen would likely appear in limited views from street level, due to the setback on the rooftop terrace and the siting of the proposed screen, in combination with the height at which it would be sited. However, the limited public visibility of the site has limited bearing on my considerations, as I am duty bound to consider the character or appearance of the CA as a whole.
21. For the above reasons, the proposed screen would not be of a suitable design that would preserve or enhance the CA. This view is based on an appreciation of the importance of architectural elements and materials to the significance of the CA as a whole. The value placed on such matters is recognised in the Act, which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The Framework sets out that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification. I find the harm would be 'less than substantial' and at

the lower part of that spectrum, due to the highly localised nature of the proposed screen. However, a finding of less than substantial harm still carries considerable importance and weight. In such circumstances, the harm must be weighed against the public benefits of the proposed development.

22. The proposed screen seeks to provide a means of screening rooftop equipment, and to attenuate noise arising from such equipment. It seems to me that even if the proposed screen would not be of sufficient visual interest or quality, it would still provide some degree of visual interest, albeit within limited public view. Temporary economic benefits would arise during the construction phase. Collectively these public benefits attract limited weight in favour of the proposed details, but they would not outweigh the harm I have identified, to which I am required to attach great weight. A clear and convincing justification for the harm to the significance of the CA has not therefore been provided. Accordingly, the proposal conflicts with the aims of the Framework to conserve and enhance the historic environment.
23. I therefore conclude that the proposed details would not be acceptable, having regard to the effects upon the character or appearance of the Stevenson Square CA. The proposed details conflict with Policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy 2012, the Design and Principle of the Guide to Development in Manchester SPD and Saved Policy DC18.1 of the Unitary Development Plan for the City of Manchester. Taken together, these policies seek to ensure development positively contributes to well-designed places that enhance or create character, including through the use of materials and high-quality design, which preserves or enhances the significance of the historic environment, with particular regard to conservation areas.
24. The Council considers that further conflict arises with PfE Policies JP-P1 and JP-P2, which when taken together, seek to ensure that where appropriate, development should be (among other things) visually stimulating and conserve, sustain and enhance the historic environment. I find no reason to consider otherwise.

Other Matters

25. During the determination phase, the main parties engaged in discussions pursuant to agreeing a suitable design. The appellant suggests that the Council refused the application while discussions were ongoing, and there was not sufficient time to produce further drawings. However, a local planning authority is entitled to refuse an application, and the Council appear to have been mindful of the consequences of not determining an application to discharge a condition within time limits. In any event, matters regarding the handling of an application are not determinative in my consideration of the appeal, which I have considered on its planning merits.

Conclusion

26. For the reasons given above, the appeal should be dismissed.

J Moore

INSPECTOR