MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Riaz - Ul - Haq Ghafoor
21 College Drive
Manchester
M40 7PS

Agent (if used)

Mr Talat Zeria
HSH Enginering Design Service
428 Cheetham Hill Road
Manchester
M8 9LE

Part 1 – Particulars of the application/development

Proposal: Change of use of former factory to a car show room and associated MOT garage (sui generis) together with associated elevational alterations

Location: 305-311 Oldham Road, Manchester, M40 7PS

Date of application: 21 May 2021

Application number: 130090/FO/2021

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 proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have discussed with the applicant to outline the concerns in respect of this proposal. The application is not considered to be in accordance with the development plan and is determined in a timely manner.

Reason(s) for decision

1) The proposed use would have a detrimental impact upon the living conditions of adjoining residential occupiers by way of unacceptable levels of activity, vehicle movements and general noise and disturbance. The proposed uses combined would result in an over intensification of the use of the site, with excessive levels of noise, disturbance and activity within the proposed building and around its ancillary car parking and servicing areas. The proposed use is therefore contrary to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

2) The proposed development by reason of its siting, massing, scale and design, would create a visually intrusive feature in the street-scene, along the key radial route of Oldham Road. It is therefore considered that the development represents an inappropriate form of design that fails to improve the character and appearance of Oldham Road, to the detriment of visual amenity. As such the development is considered contrary to saved policy E3.3 of the Unitary Development Plan for the City of Manchester, policies EN1, DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

Date: 20 July 2021

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.