MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr S Gleave
SG Properties
PO Box 512
Adlington
Macclesfield
SK10 9DB

Agent (if used)

Mr W Evans
Bayon Architectural Technology Ltd
Suite 140 Silk House
Macclesfield
SK11 7QJ

Part 1 – Particulars of the application/development

Proposal: Erection of 8 single storey garages and 4 car parking spaces on vacant land and retention of 2.8 metre high perimeter gates

Location: Land To Rear Of 243 And 249 Broom Lane, Manchester, M19 3NA

Date of application: 9 October 2018

Application number: 121466/FO/2018

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. The submitted planning application has been formed by the previous reasons for refusal issued in relation to ref: 120157/FO/2018. In this case, officers advised the applicant that the proposed use of the land continued to present concerns with regarding to its impact on residential amenity, particularly with regard to addition noise, disturbance and activity around the site. There was also concern that the site may become the focus for crime and anti-social behaviour, given its seclude location and in the absence of site management arrangements. It is not considered that application 121466/FO/ 2018 responded to these comments by providing additional details regarding the future management of the site. The applicant was therefore advised of the intention of the City Council as local planning authority to refuse planning permission.

Reason(s) for decision

1) The proposed development would result in the cramped over development of the planning application site and produce an overly intensive use to related to the operation of 8 garages and 4 car parking spaces with associated excessive noise, disturbance and activity related to: vehicular access and egress to and from the site and manoeuvres within it, pedestrian activity and the operation of roller shutter doors over a 24 hour period, 7 days each week. The development would thereby be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester, saved policy DC26 of the Unitary Development Plan and the National Planning Policy Framework.

2) The proposed development would fail to achieve safe and satisfactory arrangements for vehicular access and egress to and from the site via Broom Lane nor would it provide satisfactory manoeuvring space within the planning application site. The proposed development would be harmful to pedestrian and highway safety and produce potentially hazardous pedestrian and vehicular conflict at the site junction with Broom Lane and thereby be contrary to policies SP1, T2 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

3) The proposed development would increase the risk of crime and anti-social behaviour within and around the application site, through: the introduction transiently occupied building and associated service areas without clear management arrangements for their future use and occupation and the relocation of security gates that have increased the vulnerability of windows in the side (southern) elevation of 243 Broom Lane vulnerable to crime. The proposed development would thereby be harmful to residential amenity and the character and security of the surrounding area and be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

Date: 4 December 2018

Signed: 

Julie Roscoe
Head 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-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

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.

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.