MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Towerhouse Systems Ltd
C/o Agent

Agent (if used)

Mr Julian Austin
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Outline planning application for the erection 57 dwellings, with all matters reserved expect for access, with associated access off Cringle Road, car parking, landscaping and other associated works

Location: Land Off Cringle Road, Manchester

Date of application: 21 June 2017

Application number: 116474/OO/2017

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. Pre application advice was given in respect of this matter where the applicant was advised that the proposal was contrary to Council policies. The proposal has failed to respond to the policies within the development plan and therefore the development is considered to be unacceptable and therefore recommended for refusal in a timely manner.

Reason(s) for decision

1) The proposal to create a residential development will result in the loss and harm to an area of open space and recreation land which forms part of a local landscape surrounded by built development. This would diminish the recreational value of the site which would therefore be unduly harmful to the recreational, health and wellbeing needs of the local community. The site is not considered to be surplus to local requirements in quantitative or qualitative terms and there has been no consideration of alternative uses of the site that would fulfil an open space, sport or recreational function. The proposal is

therefore contrary to saved policy LL3 of the Unitary Development Plan for the City of Manchester (1995), policies SP1 and EN10 of the Manchester Core Strategy (2012), the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

2) The creation of 56 residential would have an unduly harmful impact on the visual amenity value of the application site and in the wider open space context of Highfield Country Park and other open spaces. The proposal would therefore erode local character and fail to integrate successfully into the local area. As such, the proposal will be unduly harmful to the visual amenity of the site and the local landscape character. The proposal is therefore contrary to policies SP1, H1, EN1 and DM1 of the Manchester Core Strategy (2012, saved policy LL3 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD (2007), the Residential guide (2016) and the National Planning Policy Framework and National Planning Policy Guidance.

Date: 25 August 2017

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/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.