MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Rev Julius Osa-Oni
91 Kenyon Lane
Moston
Manchester
M40 9JN

Agent (if used)

Mr John Flinn RIBA
Davenport and Flinn Ltd
3A Hamnett Street
Hyde
SK14 2EX

Part 1 – Particulars of the application/development

Proposal: Change of use of public house (A4) to place of worship (D1), with ancillary offices, together with the creation of car parking to the rear, following the demolition of the existing garage, and erection of boundary treatments, including gates.

Location: White Lion, 52 Old Church Street, Manchester, M40 2JF

Date of application: 26 May 2017

Application number: 116257/FU/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

In this case it has been necessary to provide the Applicant with a reasoned justification as to why it is considered the development fails to meet the requirements of planning policy.

Reason(s) for decision

1) The development would lead to the loss of premises, in Newton Heath District Cente , where the loss of commercial/employment generating premises would be detrimental to the nature of the use of the Dtsitrict Centre, as a retail/commerical destination, and, its attractiveness to future businesses/commercial uses, which would thereby be detrimental to future regeneration efforts in the area. The proposal is therefore contrary to policies SP1, DM1, EC1, EC2 and EC5 of the Manchester Core Strategy.

2) It has not been demonstrated that the development serves the needs of the immediately surrounding communities and the use of this site for worship and associated facilities is inappropriate in the Newton Heath District Centre, where the site would be more appropriately used for retail/commercial purposes which maximise new

employment opportunities. The proposal is therefore contrary to policies SP1, DM1, EC1, EC2 and T5 of the Manchester Core Strategy.

3) The proposed development would generate a significant demand for car parking facilities which cannot be accommodated on this site in a satisfactory manner with the result that vehicles would be forced to park on surrounding highways to the detriment of the general amenity of the area and highway and pedestrian safety. As such, the proposal would be contrary to policies DM1 and T2 of the Manchester Core Strategy.

Date: 21 July 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/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.