MANCHESTER CITY COUNCIL

# Town & Country Planning Act 1990 (as amended)

# Refusal of Planning Permission

**Applicant**

Mr Dereck Chunda
Grace City Church
Grace City Church
Parish Halls
Niven Street
Manchester
M12 6PN

**Agent (if used)**

Mr Martin Tonks
MT Town Planning
29 Sandhurst Avenue
Manchester
M20 1ED

## Part 1 – Particulars of the application/development

**Proposal**: Retrospective application for the change of use from photography studio (Use Class B1) to place of worship (Use Class D1)

**Location**: Building Adjacent To Former Parish Hall At The Corner Of Niven Street And Cotter Street , Manchester, M12 6PN

**Date of application**: 26 January 2017

**Application number**: 114487/FO/2016

## 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. Due to the proposal being contrary to planning policy, the Council has sought a solution to the problems, however the intervention has not resulted in a solution.

## Reason(s) for decision

1) The development would lead to the loss of premises, within an area of employment generating uses,, where the loss of employment generating premises would be detrimental to the nature of the use of the area, as a business destination, and its attractiveness to future businesses/commercial uses, and which would thereby be detrimental to future regeneration efforts in the area. The proposal is therefore contrary to policies SP1, DM1, EC1, EC2 and EC8 of Manchester's Core Strategy.

2) The site lies in close proximity to a number of residential properties and outside a location where the use of premises as a Class D1 educational establishment nature is normally considered to be acceptable and results in an over intensive use of the site which generates a significantly harmful level of noise and general disturbance, in terms of general activity, comings and goings, particularly at unsocial hours, to the detriment of the amenity of the locality and the amenity of nearby occupiers of residential properties. The proposed development is therefore contrary to saved policy DC26 of the Unitary Development Plan for the of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

3) The site provides inadequate parking arrangements, to meet the needs of the development, which has an adverse impact upon the residential amenity of surrounding occupiers due to the potential generation of an unacceptable level of vehicular activity, and associated on-street parking and highway safety issues and the development is therefore considered to be contrary to policies SP1, T2 and DM1 of the Manchester Core Strategy.

Date: 22 March 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.