MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Gopal Dangol
Shontaine Ltd
136 Burton Road
Withington
Manchester
M20 1JQ

Agent (if used)

Mr Gopal Dangol
Shontaine Ltd
C/o 45 Old Lansdowne Road
West Didsbury
Manchester
M20 2PA

Part 1 – Particulars of the application/development

Proposal: Change of Use from A1 (Retail) to A3 (Restaurant) opening from 11.30am to 1.00am Monday to Saturday and 12pm - 12am Sundays, including installation of extraction system

Location: 136 Burton Road, Withington, Manchester, M20 1JQ

Date of application: 7 November 2011

Application number: 097537/FO/2011/S1

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.

Reason(s) for decision

1) Due to its close proximity to the residential accommodation on Burton Road, Leopold Avenue and Cavendish Road, the proposed use of the premises as a restaurant would have a detrimental impact on the amenity of the residents of those streets by reason of the increased comings and goings and noise associated with the proposed use. The proposed development is therefore contrary to the provisions of policies H2.2, DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

2) The proposed development by reason of the late opening hours of 1.00am Monday to Saturday would have a detrimental affect on the amenity of occupiers of nearby residential properties by reason of the noise associated with the comings and going of patrons in the early hours. The proposed development would therefore be contrary to the provisions of policies H2.2, DC10 and DC26 of the Unitary Development Plan and the Guidance contained in Planning Policy Guidance Note PPG 24.

3) The proposed flue by reason of its excessive size and prominent position on the rear elevation would be detrimental to the visual amenity of the area and the character of the conservation area. The proposed development is therefore contrary to the provisions of policies H2.2 and DC18 of the Unitary Development Plan for the City of Manchester.

Date: 22 December 2011

Signed: 

Julie Roscoe
Head of Planning
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, he may appeal to the First 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.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

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 First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he 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 of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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 his 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.