MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Habib Mofarah
Buildmold Ltd
C/o Norcliff Farm
Styal Road
Wilmslow
SK9 4HZ

Agent (if used)

Mr Murray Graham
Urban Roots Planning
Sedan House
Room F3
Stanley Place
Chester
Cheshire
CH1 2LU

Part 1 – Particulars of the application/development

Proposal: Retrospective change of use from vacant land to airport car parking and associated boundary treatment for a temporary period of 3 years

Location: Land Next To Woodpecker Hotel , Selstead Road, Wythenshawe, Manchester, M22 1TR

Date of application: 21 December 2012

Application number: 101247/FO/2012/S2

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 31 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 to the applicant that this development would be unlikely to be supported. Further information was gathered during the course of this application but the details were not considered satisfactory to consider this development acceptable. Accordingly, the proposal was considered not to be in accordance with the Development Plan.

Reason(s) for decision

The 120 space car park storage facility, for airport hotels at Manchester International Airport, is considered to be a poor quality development for a prominent section of road.

Furthermore, the use fails to be complementary to the residential area by virtue of the nature of the use, its operations and its resulting appearance in the street scene. The proposal will therefore fails to contribute positively to the regeneration objectives of the local area particularly in terms of the enhancing its character, sense of place and appearance of the built environment. In addition, there will also be no economic benefit for the local area. The proposal is therefore contrary to the provisions of policies SP1, EC1, EN1 and DM1 of the Manchester Core Strategy (2012), Wythenshawe Strategic Regeneration Framework (2004), Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

The boundary treatment, in the form of concrete panels, close boarded wood gates and paladin fencing, which has been erected around the perimeter of the site, are inappropriate in terms of its siting, scale and appearance within a residential area. This has caused unnecessary harm to the visual amenity and character of the regeneration area and its residential nature. This is contrary to the provisions of polices SP1, EN1 and DM1 of the Manchester Core Strategy (2012), Wythenshawe Strategic Regeneration Framework (2004), Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

The use of the land for a 120 space car park storage facility, for airport hotels at Manchester International Airport, has a detrimental impact on the residential amenity of the occupiers of nearby residential accommodation (particularly those along Selstead Road, Saltdene Road, Rottingdene Drive and Kingsgate Road) from noise and disturbance from general comings and goings, raised voices and vehicle noise (including car alarms) and is likely to attract criminal activity. The proposal is therefore contrary to the provision of policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012), extant policy DC26 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD (2007), Wythenshawe Strategic Regeneration Framework (2004) and the National Planning Policy Framework.

Date: 7 February 2013

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. 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 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.