MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr A Patel
Gorton Service Station
197 Chapman Street
Gorton
Manchester
M18 8WP

Agent (if used)

Mr Keith Watmuff
Architectural Design Services
46 High Street
Skipton
North Yorkshire
BD23 1JR

Part 1 – Particulars of the application/development

Proposal: Erection of two storey building to form 2 no. ground floor units for A1 (retail) and A5 (Hot Food Take Away) use with 5 no. one bedroom self contained flats at first floor with associated car parking and external bin store following demolition of existing shop and shed.

Location: 197 Chapman Street, Gorton, Manchester, M18 8WP

Date of application: 3 July 2012

Application number: 099535/FO/2012/N2

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) The proposed development would result in residential disamenity to both the occupants of the existing nearby residential accommodation, and the future residents of the proposed flats, by virtue of the noise and disturbance that would be caused by the additional comings and goings associated with the proposed business uses within the site. For these reasons, the proposal would be unacceptable and contrary to policy DM1 of the adopted Core Strategy for Manchester and the saved policies DC10.1b and DC26.1a of the Unitary Development Plan for Manchester.

2) The proposed development, due to the design and location of the main entrance and parking facilities for the apartments, and the siting of proposed commercial uses within the site, would fail to provide adequate security within the development for future residents, and users of the existing and proposed commercial uses, contrary to policy DM1 of the adopted Core Strategy for Manchester and the Guide to Development in

Manchester Supplementary Planning Document and Planning Guidance (adopted April 2007).

3) The proposal would draw pedestrians into an area of the site with high levels of vehicular activity without the provision of safe and demarcated pedestrian routes, which would be hazardous to pedestrian safety given the level of vehicular activity within the site and the potential for customers to congregate outside the premises. The proposal would thereby be contrary to policy DM1 of the adopted Core Strategy for Manchester.

4) The proposed development is not supported with adequate and safe arrangements for customer car parking. The proposed car parking arrangements will result in potential for conflict and collision as pedestrian and vehicles manoeuvre within the site and attempt to access and egress the demarcated car parking spaces. The proposal will therefore introduce additional and unacceptable traffic hazards and would thereby be contrary to policy DM1 of the adopted Core Strategy for Manchester, policy DC10 of the Unitary Development Plan for the City of Manchester and policy 6.8 of Guide to Development in Manchester 2: Supplementary Planning Document and Planning Guidance.

5) The footprint of the proposed building would result in overdevelopment of the site, which, when combined with the height, scale and massing of the building, would produce an incongruous relationship to the street scene and would result in an overbearing relationship to the residential properties adjacent to the proposal site, to the detriment of visual amenity and the character of the area in general, contrary to policy DM1 of the adopted Core Strategy for Manchester, policies 2.13 and 2.14 of the Guide to Development in Manchester 2: Supplementary Planning Document and Planning Guidance and paragraph 58 of the National Planning Policy Framework (March 2012).

6) The proposal is not supported with adequate provision and arrangements for the storage of refuse, including segregated waste within the site. The proposal would therefore result in the inappropriate storage of refuse which, given the nature of the site, would be potentially injurious to pedestrian and highway safety, as well as, the residential amenities of the area and would thereby be contrary to policy DM1 of the adopted Core Strategy for Manchester and policy 4.10 the Guide to Development in Manchester 2: Supplementary Planning Document and Planning Guidance.

Date: 28 August 2012

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.