MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Yousif Al Rasheed
54 Wilmslow Road
Rusholme
Manchester
M14 5AL

Agent (if used)

Mr Farhan Rama
Archirama Ltd
4 Mallowdale Avenue
Fallowfield
Manchester
M14 6GT

Part 1 – Particulars of the application/development

Proposal: Elevational alterations, including creation of new external openings with roller shutters to Walmer Street elevation, and extension of opening hours to: Sundays 11am to 3am, Monday to Thursdays 10am till 3am and Friday and Saturday 10am till 4am

Location: 54 Wilmslow Road, Rusholme, Manchester, M14 5AL

Date of application: 25 February 2014

Application number: 104571/FO/2013/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.

Article 31 Declaration

Officers have worked with the applicant in a pro active manner based on seeking solutions to issues arising the determination of the application.

Reason(s) for decision

1) The introduction of large opening windows into the Walmer Street elevation will allow noise to to escape from inside the premises to the detriment of the amenity of the occupiers of the living accommodation above the application site and the adjoining property and residential accommodation on Walmer Stree. the proposed development is therefore contrary to the provisions of Core Strategy Policies DM1 and C10 and Saved Unitary Development Plan policies DC10 and DC26.

2) The proposed extension to the opening hours would have a detrimental impact on the amenity of neighbouring residents, particularly in relation to those residing on Walmer Street and in the Maisonettes above the application site, due to noise breakout

from the premises and the increase in the comings and goings to and from the premises, and associated noise, disturbance and increase in vehicular and pedestrian traffic late at night and during the early hours of the morning, the proposed extension to the opening hours is therefore contrary to the provisions of Core Strategy policies SP1, DM1 and C10 and Saved Unitary Development Plan policies DC10 and DC26 .

3) The use of atificial grass on the side and rear elevations would fail to achieve the durability of materials and high standard of design required for a property in a prominent location within a major district centre, the would therefore be detrimental to the visual amenity of the area .The proposed development would therefore be contrary to the provisions of Core Stragey Policy DM1.

Date: 22 April 2014

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, 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.