MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Amour Spa Ltd
3 Wenfield Drive
Blackley
Manchester
M9 7BE

Agent (if used)

Mr Richard Williams
LR Law Limited
Madison House
37 Little Peter Street
Manchester
WA15 4QJ

Part 1 – Particulars of the application/development

Proposal: Retrospective application for the change of use of vacant premises to private members health spa (Sui Generis)

Location: 25 Park Street, Cheetham, Manchester, M3 1EU

Date of application: 13 June 2014

Application number: 105994/FU/2014/N1

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. This application was subject to pre-application advice where discussions about the principle of the development, including the contribution of the use to the regeneration of the area, and how the premises would be operated. In this instance it is considered that the use will be contribute to the existing problems in the area and will therefore be harmful to its successful regeneration. Accordingly, the proposal is not considered to be in accordance with the development plan and has been refused in a timely manner

The proposal is considered to be in accordance with the development plan and therefore determined in a timely manner.

Reason(s) for decision

1) The use of 25 Park Street, as a private members health spa (Sui Generis), is not compatible with the regeneration aspirations for Strangeways/City fringe and will bring

little activity and vibrancy to the area. This is considered to be harmful to the character and ongoing regeneration of the area. In addition, the use will afford little natural surveillance to the area and will attract and contribute to crime and anti-social behaviour, along with the perception of such issues, which will further undermine the areas successful regeneration. The use is therefore contrary to policies SP1, EC4 and DM1 of the Manchester Core Strategy (2012), saved policy CC10 of the Unitary Development Plan for the City of Manchester (1995), The Strangeways Local Plan (2008), The North Manchester Strategic Regeneration Framework and the National Planning Policy Framework.

Date: 1 August 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.