MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Tyras Hijab Boutique
17 Holmfirth Street
Longsight
Manchester
M13 0NS

Agent (if used)

Holborow and Ormesher
Station House
Adams Hill
Knutsford
Cheshire
WA16 6DN

Part 1 – Particulars of the application/development

Proposal: Retrospective application for change of use of ground floor to retail shop (Class A1) and first floor flat, with associated elevational alterations

Location: 17 Holmfirth Street, Longsight, Manchester, M13 0NS

Date of application: 8 October 2013

Application number: 103852/FO/2013/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.

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. In this case, it has been necessary to provide the applicant with a reasoned justification as to why it is considered that the development fails to meet the requirements of planning policy as expressed in the Core Strategy for the City of Manchester, including Saved UDP policies and the NPPF.

Reason(s) for decision

1) The unauthorised retail use is poorly related to neighbouring houses with a detrimental impact on the amenities and residential character of the immediate vicinity and broader streetscene along Holmfirth Street and Lincoln Street by virtue of its associated activity, noise, disturbance, traffic generation and on-street car parking and is therefore contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester, Saved Unitary Development Plan policies S1.2 and DC26 and the NPPF.

2) The application has not been supported with an assessment of need to justify the introduction of a new retail development outside Longsight District Centre. It is therefore considered that the continued use of the premises for retail purposes would be detrimental to the future viability and vitality of Longsight District Centre as the appropriate location for new retails and commercial development, undermine regeneration of the local area and thereby be contrary to policies SP1, C2 and DM1 of the Core Strategy for the City of Manchester, Saved Unitary Development Plan policy S1.2 and the NPPF.

3) The unauthorised development is not supported with the adequate waste management arrangements, thereby resulting in the inappropriate and obtrusive storage of refuse and recyclable waste containers within the site, which is detrimental to residential amenity and the character of the area and is thereby contrary to SP1, DM1 and EN18 of the Core Strategy for the City of Manchester and the NPPF.

Date: 2 December 2013

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.