MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

ABA Leisure (Eight) Ltd
C/o Agent

Agent (if used)

Street Design Partnership
16 Brewery Yard
Deva Centre
Trinity Way
Salford
M3 7BB

Part 1 – Particulars of the application/development

Proposal: Change of use of ground and basement floors from A1 and A2 Uses to Gentlemen's Club Sui Generis Use, and external alterations including repair works to facades and windows and insertion of velux roof lights.

Location: 1-3 Swan Street, Manchester, M4 5JJ

Date of application: 13 January 2014

Application number: 104211/FO/2013/C2

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 included advising the applicant that the development failed to comply with City Council policy as expressed in the Core Strategy, including Save UDP policies due to the proximity of the premises adjacent to residential accomodation.

Reason(s) for decision

1) The proposed change of use and by virtue of the nature of this use and its outward appearance at ground floor level, would in this location:

(a) be out of keeping with the character of the area particularly in terms of its proximity to residential accommodation and with aspirations to promote the Northern Quarter and adjacent areas as a high quality residential areas and Neighbourhoods of Choice;

(b) not contribute to the vitality and viability of Swan Street and Oldham Street;
(c) have a potentially adverse impact on perceptions of the area and as a consequence the on the image of the area to future potential investors and existing businesses
(d) have a potential adverse impact on perceptions about crime and disorder in the area;

and as a result of the above would have a materially detrimental effect on aspirations for continuing improvement and regeneration in the area and its overall attractiveness for visitors, residents and investors. As such the proposed use would be contrary to Core Strategy policies (EN1 Design Principles and Strategic Character Areas), CC3 (Housing), CC7 (Mixed Uses), SP1 (Spatial Principles) and DM1 (Development Management), saved Unitary Development Plan Policy DC18, the City Centre Strategic Plan, the Northern Quarter Development Framework and sections 1,2,7 and 12 of the National Planning Policy Framework.

2) The proposed opening hours of the use would lead to the potential for further noise and disturbance to surrounding residents, which would detract from the aim of successfully balancing city centre living with the potential adverse impacts uses associated with of the night time economy. The proposal would therefore be contrary to Core Strategy Policies SP1 (Spatial Principles) and DM1 (Development Management) and saved UDP policy DC26 (Development and Noise).

3) The applicant has failed to demonstrate that full disabled access to the basement area is not achievable. The proposal is therefore contrary to Core Strategy Policy DM1.

Date: 17 March 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.