MANCHESTER CITY COUNCIL

# Town & Country Planning Act 1990 (as amended)

# Refusal of Planning Permission

**Applicant**

R C Property Management Ltd
C/O Graham Hitchen Associates
13 Sherbrooke Avenue
Uppermill
Oldham
OL3 6EF

**Agent (if used)**

Mr Graham Hitchen
Graham Hitchen Associates
13 Sherbrooke Avenue
Uppermill
Oldham
OL3 6EF

## Part 1 – Particulars of the application/development

**Proposal**: Erection of two storey building to form ground floor retail unit with a 1 bedroom flat above.

**Location**: Land At Viola Street, Clayton, Manchester

**Date of application**: 6 March 2012

**Application number**: 098747/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, by reason of it height, massing and design, does not take into account the context of the adjoining and surrounding properties, and would be out of character with those properties and the general area. It is therefore considered to represent an inappropriate form of design that is not informed by the local character, which creates an incongruous features in the street scene on North Road that will have an adverse impact on the visual amenity of the area, contrary to policies R1.1, EM13, H2.2 and H2.7 of the Unitary Development Plan for the City of Manchester, and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and the emerging Manchester Core Strategy Development Plan Document.

2) The proposed development would fail to pay appropriate regard to the security of the area and visitors to the site by virtue of its layout and detailed design, in particular the proposed creation of a long confined alley between Viola Street and North Road which would leave it as a potential area for anti-social and criminal behaviour, which would

impact on actual and perceived safety and security in the area and due to the lack of natural surveillance and the implications of the likely vulnerability of the new window proposed in the gable wall of the property, along this route, fostering the risk of crime to the detriment of the quality of the built environment and the sustainability of the community, contrary to policies EM2, H2.2 and E3.5 of the Unitary Development Plan for the City of Manchester (adopted 1995), the Guide to Development in Manchester supplementary planning document and guidance and central government guidance contained within PPS1 "Delivering Sustainable Development".

3) The provision of a one bedroom apartment would fail to provide an appropriate mix of housing types in this locality, by increasing the supply of accommodation attractive to low income and transient occupiers, and would add to an oversupply of apartments in the area, which would have a detrimental impact upon the character of the local area to the detriment of the fostering of sustainable communities and regeneration in East Manchester, contrary to policies EM1, EM2, EM13, R1.1, H1.2 and H2.2 of the Unitary Development Plan for the City of Manchester, and the guidance contained within the Guide to Development in Manchester Supplementary Planning Document and Guidance, the East Manchester Strategic Regeneration Framework, the National Planning Policy Framework and the emerging Manchester Core Strategy Development Plan Document.

Date: 30 April 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.