MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr A Kahn
1042 Stockport Road
Levenshulme
Manchester
M19 3WX

Agent (if used)

Mr Colin Williams
Alpha Design
11 Gilda Crescent Road
Eccles
Salford
M30 9AG

Part 1 – Particulars of the application/development

Proposal: Erection of part single storey part two storey rear extension to form Class B1 workshop and office at ground floor level, with living accommodation on the first floor, in association of change of use of upper floors from one apartment to two apartmnents and alterations to front elevation including new entrance door to apartments and new ramp to access to existing hot food takeaway

Location: 1042 Stockport Road, Levenshulme, Manchester, M19 3WX

Date of application: 8 April 2013

Application number: 101546/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. Due to the proposal being contrary to planning policy, the Council has sought a solution to the problems, however the intervention has not resulted in a solution.

Reason(s) for decision

1) The proposed workshop would be detrimental to the amenities of the occupiers of nearby residential properties, and future occupiers of the proposed apartments, by virtue of associated noise and general disturbance as a result of activity generated by the use of the premises, and as such the proposal would be contrary to policy DC26.1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document.

2) Having regard to the character and density of the development, it is considered that the development fails to make adequate provision for private outdoor amenity space, to meet the needs of the future occupiers of the proposed apartments, and the proposal would constitute overdevelopment of the site. The proposal would not therefore result in a high quality, sustainable or attractive environment and would therefore be detrimental to the context, character, urban form and visual amenity of the area, and the residential amenities of the future occupiers of the site. Accordingly, the proposal is contrary to guidance contained in the National Planning Policy Framework, the Guide to Development in Manchester Supplementary Planning Document and Guidance and the policy DM1 of the Manchester Core Strategy Development Plan Document.

3) The proposed use does not provide suitable or sufficient arrangements for car parking, for workshop staff or residents of the proposed apartments, either within the curtilage of the site or on the adjoining highway It is considered that the proposal would lead to a significant increase in vehicular movements at the site in an already congested area creating the potential for vehicles blocking the highway/pavement, which would be detrimental to pedestrian and highway safety in the vicinity of the site and as such the proposal conflicts with policies SP1 and DM1 of the Manchester Core Strategy.

4) The proposed ramp due to the prominent position would detract from the character of the building and would form an undue obstruction on the pedestrian footway, to the detriment of highway safety. The proposal is therefore contrary to policies SP1 and DM1 of the Manchester Core Strategy Development Plan Document.

Date: 23 May 2013

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.