Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
Mr Nawaz Khokhar 4 Abbots Place London NW6 4 NP	GVA Grimley Ltd 81 Fountain Street Manchester M2 2EE

Part I – Particulars of Application

Date of Application	Application ref. no.
4 July 2008	086782/FO/2008/N2

Particulars and location of development:

Third floor extension above existing two storey property currently in use as 4 flats to form 3 storey property comprising 7 self contained flats with ancillary landscaping and car parking

Flats 1-4
16 Burnage Lane
Levenshulme
Manchester
M19 2HX

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision **Refused**
Date of Decision **29 August 2008**

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

1) The construction of a third storey and the creation of three one bedroom flats would be detrimental to the supply of a balanced mix of houses in this part of Levenshulme and would have a detrimental impact on the character of the local area and fail to maintain a sustainable community, contrary to policies H1.2 and H2.2 of the Unitary Development Plan for the City of Manchester, guidance

contained in the Guide to Development in Manchester Supplementary Planning Guidance, Planning Policy Statement 1 and Planning Policy Statement 3.

2) The proposed development will be out of character with the area and does not take into account the context of surrounding properties. 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 Burnage Lane that will have an adverse visual impact on the visual amenity of the area, contrary to policies H2.2 and H2.7 of the Unitary Development Plan for the City of Manchester, guidance contained in the Guide to Development in Manchester Supplementary Planning Guidance, Planning Policy Statement 1 and Planning Policy Statement 3.

3) The proposed site layout has a poor physical relationship with Burnage Lane and adjoining properties, which does not contribute to the vitality and interest of the street and provides poor surveillance of this street. The proposal is therefore contrary to the Guide to Development in Manchester Supplementary Planning Guidance and policy H2.2 of the Unitary Development Plan for the City of Manchester.

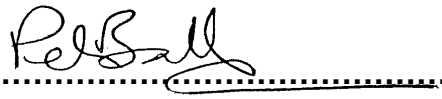
4) Having regard to the character and density of the development and the number and type of residential units, it is considered that the development fails to make adequate provision for private outdoor amenity space, to meet the needs of the future occupiers of the residential units, and the proposal would constitute overdevelopment of the site. The proposal would therefore be detrimental to the context, character, urban form and visual amenity of the area, the residential amenities of the future occupiers of the site and the existing occupiers of the surrounding residential accommodation, contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Guidance.

5) The proposal represents an over intensive use of the property that would increase congestion in the area and introduce additional activity, in terms of people and vehicular movements that would be out of character with the general area and detrimental to amenity of adjacent residents and contrary to policy H2.2 of the City Council's Unitary Development Plan.

6) The proposed development would fail to pay appropriate regard to the security of its occupiers and users by virtue of its layout and detailed design, in particular the proposed access to all flats at the rear of the site and the lack of natural surveillance, fostering the risk of crime to the detriment of the quality of the built environment and the sustainability of the community, contrary to policy E3.5 of the Unitary Development Plan for the City of Manchester (adopted 1995), supplementary planning guidance contained within the Guide to Development in Manchester and central government guidance contained within PPS1 "Delivering Sustainable Development".

7) The proposed vehicular access arrangements are unacceptable due to the lack of an off-road vehicle waiting area, for vehicles waiting to access the car park from the vehicular access to the site, on Burnage Lane. This would lead to vehicles blocking the highway/pavement, which would be detrimental to

pedestrian and highway safety and contrary to policies H2.2 and LL1 of the Unitary Development Plan for the City of Manchester.

Signed**……**

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. This permission refers 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**.**

3. 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.

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. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

4. 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.

5. 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

6. 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.