MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Alan Roiter
Novasite Properties Ltd
35 Hendale Avenue
London
NW4 4LU

Agent (if used)

Mr Mark Lister
Igloo Architecture
403 Chester Road
Woodford
Cheshire
SK7 1QP

Part 1 – Particulars of the application/development

Proposal: Conversion of house in multiple occupation (sui generis) to 2no. houses in multiple occupation (sui generis) comprising 1no. six bed dwelling at basement and ground floor with shared kitchen and bathroom facilities, and 1no.six bed dwelling at first and second floor with shared kitchen and bathroom facilities and erection of two-storey side extension

Location: 9 Amherst Road, Fallowfield, Manchester, M14 6UG

Date of application: 9 August 2013

Application number: 103307/FO/2013/S1

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.

Reason(s) for decision

1) The conversion of the property in to two houses in multiple occupation in an area where there is an over concentration of such uses would have a detrimental impact on the sustainability and character of the area and undermine the objectives of the City Council with regard to the formation of sustainable, inclusive, mixed communities in all areas. The proposed development would therefore be contrary to policy H11 of the Core Strategy for Manchester.

2) The proposed development would result in an overly intensive use of the property with the introduction of a consequential increase in the levels of activity, including comings and goings, noise levels, in an area of the application site where this has previously been absent. The proposed development would therefore be contrary to policies SP1 and DM1 of the Core Strategy for Manchester and the guidance contained within the NPPF.

3) The proposed new entrance to the second flat would be to the rear and would have no natural surveillance from the public domain rending the entrance and people using the entrance vulnerable to criminal and anti-social behaviour. On this basis the provision of the rear entrance would therefore be contrary to policies DM1 and SP1 of the Core Strategy for Manchester.

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.