MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Habib Rouf
C/o Agent

Agent (if used)

Mr David Bitan
Debtal Architecture Ltd
72 Bury New Road
M25 0JU

Part 1 – Particulars of the application/development

Proposal: Retention of ground floor studio apartment (Use Class C3) with associated elevational alterations.

Location: 3 Central Buildings, Kingsway, Manchester, M19 1SP

Date of application: 29 February 2024

Application number: 139406/FO/2024

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 35 Declaration

The retention of the ground floor studio apartment would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

Reason(s) for decision

1) The use of the rear extension of application property to form 1 bedroom self-contained flat, fails to provide adequate levels of gross internal amenity space which would give rise to a poor standard of living accommodation for future occupiers and inadequate residential accommodation contrary to policies DM1, SP1, H1, H6 and EN1 of the Manchester Core Strategy, guidance within the Manchester Residential Quality Guidance, Policy JP-H3 of the Places for Everyone Joint Development Plan - 2022 to 2039 and Chapter 12 of the National Planning Policy Framework.

2) The development by reason of its location at the rear of the building, its outlook and proximity to the garden boundary fence of no.4 Oasis Close would create an unsatisfactory unit of living accommodation which would lack the level of amenity that the current and future occupants of the proposed flat could reasonably expect to enjoy. As such the proposal is contrary to policies DM1, SP1, H1, H6 and EN1 of the Manchester Core Strategy, guidance within the Manchester Residential Quality Guidance, Policy JP-H3 of the Places for Everyone Joint Development Plan - 2022 to 2039 and Chapter 12 of the National Planning Policy Framework.

3) The flat conversion has result in an over intensive use of the property, with a consequential increase in the levels of activity, noise, disturbance levels and demand for on-street parking. This in turn would has a detrimental impact upon the amenity of neighbouring residential occupiers, contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

4) The development fails to provide adequate levels of private amenity space to the detriment of the amenities of the current and future occupiers, contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Date: 25 April 2024

Signed: 

Julie Roscoe
Director 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, they may appeal to the 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 gov.uk website – www.gov.uk/appeal-planning-decision. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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 or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they 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 their 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 Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.