MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Aneet Kapoor
86 Clarendon Road
Manchester
M16 8LA

Agent (if used)

Mr Harry Johnson
Mialex
Work.Life
Core
Brown Street
Manchester
M2 1DH

Part 1 – Particulars of the application/development

Proposal: Change of use from single dwellinghouse to two self-contained flats (1 x 2 bed, 1 x 4 bed)

Location: 86 Clarendon Road, Manchester, M16 8LA

Date of application: 6 November 2023

Application number: 138387/FO/2023

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 officers worked with the applicant to find solutions for problems with the planning application. There were problems with the application, so the officer talked to the applicant and others. But they couldn't agree on a solution.

Reason(s) for decision

1) The proposed flat conversion would result in the loss of quality housing that is capable of providing accommodation by families thereby reducing the standard, availability, mix and choice of housing in the local area. Notably the conversion would remove a large single family dwellinghouse with private amenity space suited for intergenerational households. As such the proposal is counter to policies SP 1, H 1, H 6 and DM 1 of the Core Strategy for the City of Manchester, policy DC26 of the saved Unitary Development Plan and the principles of the National Planning Policy Framework.

2) The proposed flat conversion would lead to an overly intensive use of the site which would be detrimental to the amenities of neighbouring residents. Furthermore, the proposal would lead to increased levels of activity (comings and goings) which would be detrimental to the amenity of neighbouring occupiers. As such, the proposal is contrary to policies SP 1, H 1, H 6 and DM 1 of the Core Strategy for the City of Manchester, policy DC26 of the saved Unitary Development Plan and the principles of the National Planning Policy Framework.

3) The proposed development does not include sufficient arrangements for the parking of vehicles within the curtilage of the site and it is considered that the potential levels of traffic generated by the use would result in on-street parking in the locality which would exacerbate existing highway difficulties and traffic congestion. This in turn would have a negative impact on the character of the area and be detrimental to the amenity of neighbouring residents whilst also compromising highway safety. As such, the proposal is contrary to policies SP 1, H 1, H 6 and DM 1 of the Core Strategy for the City of Manchester, policy DC26 of the saved Unitary Development Plan and the principles of the National Planning Policy Framework.

Date: 29 December 2023

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.