MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Refusal of details reserved by condition

Applicant

Mr Parekh Parekh
Roselands House Ltd
Parkway Business
Parkway Suite 5
300 Princess Road
Manchester
M14 7HR

Agent (if used)

Mr David Crowder
David Crowder Architecture
11 Ashtree Drive
Little Neston
Neston
CH64 9QP

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 5 (SBD) and 6 (environmental standards) attached to planning permission referenced 116157/FO/2017

Location: 4 Middleton Road, Manchester, M8 5DS

Date of application: 23 April 2019

Application number: CDN/19/0339

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Refused** in accordance with the information set out below.

Condition no.5 Secure by Design
I have noted the contents of the email dated 14th March 2019 from the Design for Security team at GMP to you, confirming the proposals appear acceptable in relation to security, and if the development is constructed in accordance with the supplied documents, it should achieve the Secured by Design (Bronze) award - the bronze award being applicable to developments where a significant proportion of the construction requires use of non - standard or bespoke items. This is accepted, and I can confirm that the pre-commencement element of condition no.5 has been complied with.

However, condition no.5 also requires that the development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of secured by design accreditation. As such condition no.5 cannot be discharged until a copy of the secured by design accreditation is submitted for consideration. Therefore, condition no.5 is not discharged at this time.

Condition no.6 Environmental Standards
The submitted Uncertified Sustainability Review of the construction site at Roselands prepared by Scott Hughes Design received by email on 16th October 2019 has been examined. It is noted that provided the set of measures outlined in Appendix A of the review are implemented , the development would meet the sustainability standard roughly equivalent of that of a BREEAM rating of very good .
It is also noted that a Sustainability Checklist, along with a number of project specific evidence requirements will be provided alongside this review which should be completed and provide at handover to validate the presence of the relevant sustainability measures.

On the basis of the submitted Uncertified Sustainability Review I can advise that the pre-commencement element of condition no.6 has been complied with. However, condition no.6 also requires that a post construction Sustainability Review document demonstrating achievement of rating of at least three star sustainability rating under the code for sustainable homes shall be submitted to and approved in writing by the City Council as local planning authority within 3 months of the building hereby approved is first occupied. The Sustainability Review document will provide evidence once the building has been erected that it has been built in accordance with the relevant BREEAM criteria based on the current appropriate BRE manual and has incorporated feasibility measures to minimise the environmental impact and energy use.
As such condition no.6 cannot be discharged at this time.

Date: 22 October 2019

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 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) 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 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) 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-inspectorate. The Inspectorate will publish details of your appeal on the internet.

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 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.

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.