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	Agent (if used)
Manchester Life Development Company 2 Limited And Loom Holdings 2 Limited C/o Agent	Michael Swiszczowski Chapman Taylor Manchester Studio Bass Warehouse 4 Castle Street Manchester M3 4LZ

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 7 (materials), 15 (lighting), 21 (cycle storage) and 22 (car parking layout) associated with planning permission 115947/FO/2017

Location: 2 Vesta Street, Manchester, M4 6EQ

Date of application: 17 December 2018

Application number: CDN/18/0941

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 7 materials
The following information has been submitted in respect of this planning condition

- Drawing 100 Rev C02 stamped as received by the City Council, as Local Planning Authority, on the 17 December 2010

The above information has been considered and a site inspection carried out by Jennifer Atkinson on the 7 January 2019

Following a review of the sample panel a number of points were raised in respect to of the panel. In addition, limited information was provided in respect of the town houses.

At this stage the condition cannot be formally discharged.

condition 15 lighting
The following information has been submitted in respect of this planning condition:

- Drawing MC1088-63-0-E001 Rev C02 stamped as received by the City Council, as Local Planning Authority, on the 17 December 2018

The above information has been considered. An email was sent to Michael Swiszczowski on the 21 January 2019 outlining that the information provided shows the proposed locations of the external lighting but not enough specific information has been given on the lighting levels to determine the impacts on the occupiers of the development and neighbouring properties. Drawings indicate that light will not disperse that far from the source but we need to know the luminance of the lights and the light intrusion levels through nearby windows.

No response has been received on to that email.

Condition 15 is not formally discharged.

condition 21 ccyle store
The following information has been submitted in respect of this planning condition:

- Drawing 100 Rev C02 stamped as received by the City Council, as Local Planning Authority, on the 17 December 2018

The above information has been considered and an email sent to Michael Swiszczowski on the 24 January 2019 stating that the layout showed there had been a reduction in cycle parking from the 138 shown as part of the original application to 132. It was to be agreed, as part of this condition, that an increase in cycle parking would be considered increasing the cycle provision to closer to 100%. Please can the scheme be amended to reflect an increase in cycle parking. In addition, further details should be provided which shows how the spaces will be managed.

No response has been received to this email.

Condition 21 is not formally discharged

condition 22 car parking
The following information has been submitted in respect of this planning condition:

- Drawing 100 Rev C02 stamped as received by the City Council, as Local Planning Authority, on the 17 December 2018

The above information has been considered and an email sent to Michael Swiszczowski on the 24 January 2019 stating that the layout shows the parking has deceased from 68 to 59. 4 bays are classified as accessible and one motorcycle bays provided. There are no electric car charging points. It is recommended that 10% EV provision is provided.

No response has been received to this email.

Condition 22 is not formally discharged

Date: 8 February 2019

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 (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.