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)
Empiric (Manchester Victoria Point) Limited C/o Agent	Rick Palmer Susan Stephen Architects 14 Alva Street Edinburgh EH2 4QG

Part 1 – Particulars of the application/development

Proposal: Application to discharge Condition 3 (Materials) and Condition 4 (Secure by Design) of planning approval 114962/FO/2017

Location: 44 Hathersage Road, Manchester, M13 0FE

Date of application: 9 May 2017

Application number: CDN/17/0238

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 3 - Materials
The following additional information has been submitted for consideration:

- Email from Susan Stephen Architects dated 2nd May 2017
- Materials Samples for the following external materials; Trespa Naturals NM05 Hardened Brown cladding and Aluminium windows in RAL 8025

The submitted information has been assessed and the following comments can be made:

The list of materials proposed as listed above are considered to be acceptable in principle. However, there remains outstanding information relating to further external materials to be used to the fronts of the accommodation blocks that requires submission, consideration and approval.

Therefore, this information is required for submission and consideration before this condition can be formally discharged.

Any materials approved for planning purposes should be discussed in full with Building Control. This is to ensure they meet the guidance contained in the Building Regulations for fire safety. Should it be necessary to change the external facade treatment due to conflicts with the Building Regulations you should discuss these with the Planning Service as soon as possible as this could materially affect your permission.

Condition 4 - Secured by Design
The following additional information has been submitted for consideration:

o Email from Susan Stephen Architects dated 2nd May 2017
o Drawing 16059_pl(68)01 showing External lighting, CCTV cameras, access control devices and secure entrance foyers
o Secure By Design Accreditation for the proposed window and door system, and the Vingcard locking system

The submitted information has been assessed and the following comments can be made:

It has been confirmed by Greater Manchester Police that the applicant is required to seek to achieve the Secured By Design accreditation by applying by emailing to the following email address info@designforsecurity.org and requesting an application form. It would then be possible to assess what level of accreditation the development would achieve and assist the applicant with doing this.

Therefore, this information is required for submission and consideration before this condition can be formally discharged.

Date: 27 June 2017

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.