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 Ben Smith
Manchester City Council
Claremont Resource Centre
116 Rolls Crescent
Manchester
M15 5FS

Agent (if used)

Mr Tony Ryan
Drees & Sommer UK Ltd
1.06 South Harrington Building
182 Sefton Street
Liverpool
L3 4BQ

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 4 (external equipment) attached to planning permission referenced 135707/VO/2022.

Location: African Caribbean Care Group, Claremont Centre, 2 Jarvis Road, Manchester, M15 5FS

Date of application: 25 October 2024

Application number: CDN/24/1000

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 4 (external equipment)
The following information has been submitted in respect of planning condition 4 (external equipment):

- 'Application for Approval of Details Reserved by Condition', numbered 'PP-13452149', stamped as received by the City Council as Local Planning Authority on the 25th October 2024.
- 'Claremont Resource Centre, Hulme, Manchester. ASHP Verification Report', stamped as received by the City Council as Local Planning Authority on the 25th October 2024.

The above information has been assessed and is considered insufficient to discharge this planning condition. This is on the basis that:

- Clarification is required to confirm whether the ASHPs will be switched off at nighttime. The submitted report only provides details of the daytime levels.

- Further comment is required to clarify why an on/off test was not conducted for verification and why prediction software was used instead.

Condition 4 attached to planning permission referenced 135707/VO/2022 is therefore not formally discharged.

Date: 12 December 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 (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.