

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

Refusal of details reserved by condition

Applicant

Ms Abbie Mason
Countryside Partnerships North West
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Birchwood Park
Birchwood
WA3 6XG

Agent (if used)

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Paul Butler Associates Ltd
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 5 (Sustainability) attached to planning permission 137380/JO/2023

Location: Brunswick Neighbourhood, Manchester, M13 9TQ

Date of application: 7 October 2024

Application number: CDN/24/0944

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 5 (Sustainability)

The submitted Code 4 rating final certificates for the dwellings in phases B, D, F1, 2, 7, 19, 83, 88, and the apartments in the Polygon building, together with plots nos. 2 and 3 (145 and 145 a, Upper Brook Street) in phase AJ 1 have been noted. On the basis of the submitted information I can confirm that condition no.5 has been complied with in respect of phases B, D, F1, 2, 7, 19, 83, 88 and the apartments in the Polygon building, together with plots nos. 2 and 3 (145 and 145 a, Upper Brook Street) in phase AJ 1.

This is in addition to the measures approved previously to improve the energy efficiency of the existing retained properties including the low-rise refurbishments, Lockton Court, Silkin Court, Lamport Court and Artillery Court., and the Post Construction Code Certificates previously approved for Phases AJ1, A, E, 86, 87 and 89.

However, as there are phases where Code 4 rating final certificates have yet to be submitted for consideration, condition no.5 cannot be formally discharged at this time.

Date: 15 October 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.