

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

Refusal of details reserved by condition

Applicant

Cornerstone
Hive 2
1530 Arlington Business Park
Theale
RG7 4SA

Agent (if used)

Ms Dianne Perry
Perry Williams Ltd
Dunkirk Avenue
Desborough
Kettering
NN14 2PN

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3 (generator location), 4 (noise) and 5 (Construction Management Plan) attached to planning permission 141816/FO/2024

Location: Temporary Base Station , Lower Vickers Street , Manchester , M40 7LX

Date of application: 19 March 2025

Application number: CDN/25/0263

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.

Con3 (generator location)

Condition 3 (generator location)

The submitted documents have been reviewed and is considered to be insufficient.

A visibility splay assessment at the Lower Vickers Street/Mellor Street junction is required to discharge the condition.

On this basis Condition 3 (Generator location) attached to planning permission 141816/FO/2024 is not discharged.

Con4 (noise)

Condition 4 (noise)

The submitted documents have been reviewed and is considered to be insufficient.

The report does not give background noises, nor LA90, nor discusses penalties to be added.

On this basis Condition 4 (noise) attached to planning permission 141816/FO/2024 is not discharged.

Con5 (CMP)

Condition 5 (CMP)

The submitted documents have been reviewed and is considered to be insufficient.

- Clarification is sought on any effects to vehicular and pedestrian access by the proposed works and should be demonstrated on an updated plan.
- Clarification is sought on whether 1no. rigid delivery vehicle and 3no. articulated delivery vehicle will arrive to the site daily during the construction of mast.
- Clarification is sought on whether 3no. 4x4 van, 1no. rigid delivery vehicle, 3no. articulated delivery vehicle and 1no. specialist vehicle will arrive to the site daily during the decommissioning of mast.
- Plant & Materials are to be delivered with a rigid and articulated vehicle. Highways request that a swept path assessment is provided which demonstrates the largest vehicle accessing the site, manoeuvring and egressing in a forward gear.
- Further information on contractor car parking is required from the applicant.
- Highways request that an update plan is provided which demonstrates the following:
 - Site Welfare Area;
 - Material/Plant loading and unloading location;
 - waste storage areas;
 - Contractor parking;
 - A dilapidation survey is required to be undertaken demonstrating condition of highway preconstruction and post-construction.

On this basis Condition 5 (CMP) attached to planning permission 141816/FO/2024 is not discharged.

Date: 9 May 2025

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.