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 Chris Brocklehurst
Premier Estates
Chiltern House
72-74 King Edward Street
Trinity Way
Macclesfield
SK10 1AT

Agent (if used)

Mr Richard Hughes
Thomasons Partnership Limited
3 Brewery Yard
Deva City Office Park
Trinity Way
Salford
M3 7BB

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 4 (Construction Management Plan) attached to Planning Permission 130444/FO/2021.

Location: Trinity Court, 44 Higher Cambridge Street, Manchester, M15 6AR

Date of application: 14 February 2024

Application number: CDN/24/0100

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.

Construction Management Plan
Condition 3 (Construction Management Plan) is not discharged for the following reason:

Insufficient information has been provided in order to discharge this condition. Information would be required as a part of the construction management plan on the following:
- Hours of work
- Environmental noise management
- Waste management
- Dust management
- Confirmation of compound location is required.
- Permissions will be required from the landowner to guarantee rights of access over any land that does not come under the applicants ownership.
- Confirmation of contractor parking location, Highways would not support the accumulation of contractor vehicles on-street.
- Pedestrian and traffic management plans.

- What will be the effect on vehicular and pedestrian movement?
- Are there any road/footway closures or diversions required to facilitate the development?
- Are works to the back of kerb or right on the kerb edge?

This feedback has been provided back to the applicant and further information or a revised construction management plan have not be provided before the target date to determine the application.

Date: 5 April 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.