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 Russell Worthington
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Claughton-on-Brock
Preston
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Agent (if used)

Mr Adam Desborough
Glenn Howells Architects
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B5 6ET

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 09(Construction Management Plan), Condition 10 (Ground Contamination), Condition 11 (Foundations), Condition 33 (Site Drainage) and Condition 35 (Surface Water Drainage) of Planning Permission ref:114232/JO/2016 - for Variation to Condition 02 (Plans and Documents), Condition 03 (Materials),Condition 04 (Method Statement), Condition 05 (Hard Landscaping Materials),Condition 09 (Construction Management Plan), Condition 13 (Servicing Strategy), Condition 25 (Refuse Strategy) and Condition 31 (Tenant Management Strategy) of planning permission ref: 110078/FO/2015/C1 for the 'Demolition of existing buildings on- site. Erection of basement plus ground plus 11 storey office building with flexible retail units (Use Class A1, A2, A3, A4) at ground floor level, access and landscaping and associated works'.

Location: 123 Deansgate, Manchester, M3 2BY

Date of application: 3 February 2017

Application number: CDN/17/0051

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.

CMP
The information submitted is not sufficient to discharge condition 09 (CMP).

Ground contamination
The information submitted is not sufficient to discharge condition 10 (Ground Contamination).

Foundations
The information submitted is not sufficient to discharge condition 11 (Foundations).

Site drainage
The information submitted is not sufficient to discharge condition 33 (Site drainage).

Surface water drainage
The information submitted is not sufficient to discharge condition 35 (Surface water drainage).

Date: 27 February 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.