

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Vision Manchester Limited
Empire House
92-98 Cleveland Street
Doncaster
DN1 3DP

Agent (if used)

Mr Michael Percival
Deloitte LLP
Hanover Building
Floor 2
Corporation Street
Manchester
M4 3AN

Part 1 – Particulars of the application/development

Proposal: Variation of planning conditions 2, 7, 8, 9, 11, 13, 17, 18a, 19, 21, 29 and 30 attached to planning permission 111003/FO/2016/C1 (as amended by Non-Material Amendment Refs.: 115544/NMC/2017, 123234/NMC/2019, 128109/NMC/2020, 129701/NMC/2021, 132193/NMC/2021 and 134907/NMC/2022) to allow internal reconfiguration including repositioned lift core, ground floor entrance and roof pavilion with associated elevational alterations

Location: 10 - 12 Whitworth Street West, Manchester,

Date of application: 4 November 2022

Application number: 135272/JO/2022

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. Officers held pre-application discussions with the applicant to establish the in-principle acceptability of the proposed development. Also, officers worked with the applicant during the planning application process to deal with comments raised by consultees.

Condition(s) attached to this decision

1) No development shall be carried out pursuant to this permission if the contract for the construction and completion of the building hereby permitted has not been let by 30 April 2023 (and evidence provided to the reasonable satisfaction of the LPA) and any development activities on the site shall cease and no further development permitted by

this planning permission shall be carried out. In this event, no later than 30 May 2023 a scheme shall be submitted to the LPA setting out how the site shall be restored, landscaped and maintained and thereafter the site shall be restored, landscaped and managed in accordance with the scheme that has been approved by the City Council, as Local Planning Authority.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings approved as part of planning permission 111003/FO/2016/C1

- o 05247_B1_02_2199 Rev E Basement Floor Plan - issued 20.08.15
- o 05247_B1_05_2200 Typical West Section AA
- o 05247_MP_00_1002 Rev A Proposed Block Plan - issued 20.08.15
- o 05247_MP_00_1100 Rev A Demolition Plan - issued 20.08.15
- o
- o Design and Access Statement Revision C - issued 20.08.15
- o Whitworth Street Waste Proforma
- o Air Quality Statement
- o Application form and certificates
- o Crime Impact Statement
- o Extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment July 2015 Revision 2.1 - issued 13.07.15
- o Energy Strategy
- o Planning and Tall Building Statement
- o Statement of Community Consultation
- o Flood Risk and Drainage Statement
- o Phase 1 Desktop Study
- o Residential Management Strategy
- o Transport Assessment
- o Transport Assessment Addendum July 2015 - issued 23.07.15
- o Updated swept path analysis - issued 23.07.15
- o Travel Plan
- o TV Survey
- o Environmental Standards Statement
- o Environmental Statement:
 - o Volume 1 June 2015 - issued 14.01.16
 - o Volume 2 Technical Appendices
 - o Volume 3 Non-Technical Summary

Drawing and documents as part of planning application 135272/JO/2022

05247_B1_02_2200 Rev AE, 05247_B1_02_2201 Rev AA, 05247_B1_02_2202 Rev AC, 05247_B1_02_2203 Rev W, 05247_B1_02_2204 Rev AC, 05247_B1_02_2215 Rev AB, 05247_B1_02_2219 Rev AB, 05247_B1_02_2220 Rev D, 05247_B1_02_2222 Rev B, 05247_B1_02_2235 Rev AE, 05247_B1_02_2236 Rev Z, 05247_B1_02_2237 Rev W, 05247_B1_02_2238 Rev V, 05247_B1_12_2200 Rev E, 05247_B1_04_2200 Rev S, 05247_B1_04_2201 Rev S, 05247_B1_04_2202 Rev S, 05247_B1_04_2203 Rev R, 05247_B1_10_4201 Rev G, 05247_B1_10_4202 Rev H,

DAS Addendum - 05247_Planning Comparison 11 July 2022, Planning Addendum dated October 2022, updated by the EIA Addendum dated October 2022, including technical appendices, E3P Geo-environmental Summary and Material Classification, Whitworth Street, dated July 2022, Remediation Strategy, Whitworth Street West, prepared by E3P dated July 2022, Acoustic Strategy prepared by Fisher Acoustics (Appendix B of EIA Addendum), Environmental Noise Study prepared by Fisher Acoustics (Appendix B of EIA Addendum), Wind Microclimate Assessment dated August 2022 (Appendix C of EIA Addendum) and Daylight and Sunlight Assessment prepared by Watts (Appendix D of EIA Addendum).

The above were received by the City Council, as Local Planning Authority, on the 24 October 2022

Reason: To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

3) Prior to commencement of development other than enabling works comprising demolition, piling and construction of the substructure, samples and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details have been submitted to and approved in writing by the City Council as local planning authority. Thereafter, all materials to be implemented in the external elevations of the development shall be fully in accordance with those which have been approved.

Reason : To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) Prior to commencement of development other than enabling works comprising demolition, piling and construction of the substructure, samples and specifications of all hard landscape materials for external areas, together with a layout plan identifying the location of materials have been submitted to and approved in writing by the City Council as local planning authority. Thereafter, all materials to be implemented in the external areas of the development shall be fully in accordance with those which have been approved.

Reason: To ensure that a satisfactory landscaping scheme is carried out pursuant to policy DM1 of the Core Strategy and the Guide to Development.

5) Before the development hereby approved is completed, a paving and surfacing strategy for the public footpaths, vehicular crossings, and vehicular carriageways around the site shall be submitted to and approved in writing by the City Council as local planning authority. All works approved in discharge of this condition shall be fully completed before the development hereby approved is first occupied.

Reason: In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes, pursuant to the Guide to Development and policy DM1 of the Core Strategy.

6) The development hereby approved shall include a building lighting scheme for the period between dusk and dawn. Full details of such a scheme, including how the impact on occupiers of nearby properties will be mitigated, shall be submitted to and approved in writing by the City Council as local planning authority before the development is completed. The approved scheme shall be implemented in full before the development is first occupied.

Reason: In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to policy E3.3 of the Unitary Development Plan for the City of Manchester DM1 of the Core Strategy.

7) The development shall be carried out in accordance with the Secured by Design checklist tracker dated 9 January 2017, rev B dated 20 March 2017 (as approved under CDN/17/0663).

The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason : To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy.

8) The servicing strategy shall be carried out in accordance with the Construction Management Plan and Construction Environmental Management Plan - 10-12 Whitworth Street, Rev 6, dated 10 October 2017, and the associated appendices and the Access and Servicing Strategy, dated 6 July 2016 (as approved under CDN/17/0663).

Reason: In the interests of public and highway safety and the protection of residential amenity, pursuant to policy DM1 of the Core Strategy

9) Other than enabling works comprising demolition, piling and construction of the substructure, the development hereby approved shall not commence unless and until a Construction Management Plan, has been submitted to and approved in writing by the City Council, as Local Planning Authority. The Construction Management Plan shall include details of the following:

- o Hours of site opening/operation

- o A Site Waste Management Plan

- o Air Quality Plan

- o A Plan Layout showing areas of public highway agreed with the Highway Authority for use in association with the development during construction.

- o The parking of vehicles of site operatives and visitors

- o Loading and unloading of plant and materials

- o Storage of plant and materials used in constructing the development
- o Construction and demolition methods to be used, including the use of cranes
- o The erection and maintenance of security hoarding
- o Measures to control the emission of dust and dirt during construction and
- o A scheme for recycling/disposing of waste resulting from demolition and construction works
- o Details of and position of any proposed cranes to be used on the site and any lighting
- o A detailed programme of the works and risk assessments
- o Temporary Traffic Management measures to address any necessary bus rerouting and bus stop closures
- o Details of safe methods of working adjacent to railway operational land
- o Details on the timing of construction and scaffolding
- o A Human Impact Management Plan, including community consultation.

Any approval granted shall be following a consultation process that includes Network Rail. The approved CMP shall be adhered to throughout the construction period.

Reason: To ensure that the appearance of the development is acceptable and in the interests of the amenity of the area, pursuant to policies EN15, EN16, EN17 and EN18 of the Core Strategy and Guide to Development 2 (SPG)

10) The details of an emergency telephone contact number for shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason : To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policies SP1 and DM1 of the Core Strategy.

11) Wheel washing and road sweeping shall be carried out in accordance with the Construction Management Plan and Construction Environmental Management Plan - 10-12 Whitworth Street, Rev 6, dated 10 October 2017, and the associated appendices (as approved under CDN/17/0633).

Reason : In the interest of pedestrian and highway safety, as specified in policies SP1 and DM1 of Core Strategy.

12) No part of the development shall be occupied unless and until a scheme to provide space and facilities for bicycle parking has been submitted to, and approved in writing by, the City Council, as local planning authority. These facilities shall include parking arrangements for 160 bicycles, and shall be retained and permanently reserved for bicycle parking.

Reason: To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode, pursuant to policy T1 of the City of Manchester Core Strategy.

13) The waste management arrangements shall be carried out in accordance with the Storage and Refuse Disposal Report, by 5plus Architects, dated 30 June 2016 (as approved under CDN/17/0640).

The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason: In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

14) The apartments hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1 and to ensure the permanent retention of the accommodation for normal residential purposes.

15) Before first occupation of any part of the development, a Travel Plan including details of how the plan will be funded, implemented and monitored for effectiveness, shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site's Travel Plan Strategy. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remain effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented. The Travel Plan shall be fully implemented, prior to first occupation of the building, and shall be kept in operation at all times thereafter.

Reason: In accordance with the provisions contained within planning policy guidance and in order to promote a choice of means of transport, pursuant to policies T2 and EN16 of the Core Strategy.

16) No externally mounted telecommunications equipment shall be mounted on any part of the buildings hereby approved, including the roofs.

Reason: In the interest of visual amenity pursuant to policy DM1 of the Manchester Core Strategy (2012).

17) Resident management shall be carried out in accordance with the Inhabit Management Strategy, dated 30 June 2016 (as approved under CDN/17/0640)

The Residents Management Strategy shall be fully implemented, prior to first occupation of the building, and shall be kept in operation at all times thereafter.

Reason: To ensure the development is managed in interests of the general amenities of the area, pursuant to policies SP1 and DM1 of the Core Strategy.

18) a) The ground conditions and remediation of the site shall be carried out in accordance with The Phase 2 Site Investigation by Roc Consulting, ref. JB/AS/p2f 3056 R1, dated April 2016, including the Appendices (as approved under CDN/17/0633).

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority prior to the first occupation of the development.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

19) The development shall be carried out in accordance with the Construction Management Plan and Construction Environmental Management Plan - 10-12 Whitworth Street, Rev 6, dated 10 October 2017, and the associated appendices (as approved under CDN/17/0633).

Reason: To ensure that the appearance of the development is acceptable and in the interests of the amenity of the area, pursuant to policies EN15, EN16, EN17 and EN18 of the Core Strategy.

20) Construction/demolition works shall be confined to the following hours:

Monday - Friday*: 7.30am - 6pm

Saturday*: 8.30am - 2pm

Sunday / Bank holidays: No work

*Workforce may arrive on site 30 minutes prior but no working outside these times.
Noise to be kept to a minimum in the first hour.

Any proposal for out of hours works shall be submitted and approved, at least 3 weeks in advance of such works commencing.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation during the construction/demolition phase pursuant to policy DM1 of the Manchester Core Strategy (2012).

21) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from the nearby road and rail network shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The internal noise criterion are as follows:

Bedrooms (night time - 23.00 - 07.00)	30 dB LAeq (individual noise events should not normally exceed 45 dB LAmax by more than 15 times)
Living Rooms (daytime - 07.00 - 23.00)	35 dB LAeq
Gardens and terraces (daytime)	55 dB LAeq

Additionally, as there are other sources of noise situated close to the site which require consideration, such as the nearby licensed premises collectively known as 'Deansgate Locks' other noise requirements will need to be achieved. For entertainment noise the sound insulation scheme shall be designed to achieve LAeq (entertainment noise) levels to be controlled to 10 dB below the internal LA90 (without entertainment noise), and not to Occupy the Development until the scheme has been completed in accordance with the approved details

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance pursuant to policy DM1 of the Manchester Core Strategy (2012).

22) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location.

The scheme should be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The approved scheme shall be implemented.

Reason - To secure a reduction in noise in order to protect future residents from noise disturbance pursuant to policy DM1 of the Manchester Core Strategy (2012).

23) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences; any works approved shall be implemented before the use commences.

Reason: In the interests of residential amenity, pursuant to policy DM1 of the Core Strategy

24) This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a Sustainable Drainage System to meet the requirements of the National Planning Policy Framework (PPS 1 (22) and PPS 25 (F8)) and part H3 of the Building Regulations

Reason: To ensure the details of the development are acceptable, pursuant to policy DM1 of the Core Strategy

25) No surface water from this development is discharged either directly or indirectly to the combined sewer network

Reason: To ensure the details of the development are acceptable, pursuant to policy DM1 of the Core Strategy

26) No infiltration of surface water drainage into the ground on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the water environment pursuant to policy EN18 of the Manchester Core Strategy (2012).

27) No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure a safe form of development which poses no unacceptable risk of pollution pursuant to policy EN18 of the Manchester Core Strategy (2012).

28) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure a safe form of development which poses no unacceptable risk of pollution pursuant to policy EN18 of the Manchester Core Strategy (2012).

29) (a) The amenity areas, as indicated on drawings 05247 B1 02 2201 REV AA and 05247 B1 02 2202 REV AC received by the City Council, as Local Planning Authority, on the 24 October 2022, the spaces shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted for approval in writing by the City Council as local planning authority.

The scheme shall be implemented in full before the use commences.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA 90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63HZ and 125HZ octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB(Leq,5min), respectively.

(b) Prior to the first use of each of the commercial units, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason In order to limit the outbreak of noise from the commercial premises pursuant to policies SP1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 4 January 2023

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 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 within six months of the date of the notice of the decision.

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-decision . The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.

Right of challenge on planning application decision

A third party does not have a right of appeal against a decision on a planning application. Instead there is a right of challenge (a Judicial Review) which is limited to lawfulness of the procedure that we have taken in coming to that decision.

Any challenge must be based on the following and not the merit of the decision:

- Procedural irregularity
- Irrationality
- Illegality

Any application for permission to bring such a challenge (which is through the High Court) must be made within 6 weeks of the date of the decision being issued.