

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

Partial approval of details reserved by condition

Applicant

Mulbury Homes (Central) Ltd
C/o Agent

Agent (if used)

Ms Ellen Sanderson-Clark
Deloitte LLP
Hanover Building
Corporation Street
Manchester
M4 4AH

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 3 (Local Labour), 4 (Drainage) and 7 (Construction Management Plan) associated with planning permission 125681/FO/2019

Location: Site Bound By Thompson Street To The North East, Oldham Road To The South, Bendix Street To The South West And A Building Occupied By Turning Point To The North West, Manchester

Date of application: 5 November 2021

Application number: CDN/21/0825

Part 2 – Particulars of decision (1)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **approved** in accordance with the information set out below.

Condition 3 Local Labour

The following information has been submitted in respect of this planning condition:

- Construction Supply Chain & Local Benefit Proposals stamped as received by the City Council, as Local Planning Authority, on the 5 November 2022

The above information has been considered and is acceptable and is sufficient to discharge part (a) of this planning condition. The development shall now be carried out in accordance with the above information.

In order to discharge this condition in full, part (b) of this condition needs to be complied with. This requires that within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority.

Condition 7 CMP

The following information has been submitted in respect of this planning condition:

- Construction management plan stamped as received by the City Council, as Local Planning Authority, on the 5 November 2021
- Changes in the logistics plan stamped as received by the City Council, as Local Planning Authority, on the 3 December 2021

The above information has been considered and is acceptable. The development shall be carried out in accordance with the above information.

Condition 7 is now formally discharged.

Part 2 – Particulars of decision (2)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **refused** in accordance with the information set out below.

Condition 4 Drainage

The following information has been submitted in respect of this planning condition:

- Documents stamped as received by the City Council, as Local Planning Authority, on the 5 and 29 November 2021 and 3 February 2022.

The above information has been considered and is not acceptable in this instance. An email was sent on the 25 February 2022 requesting the following information:

- Hydraulic calculation of the proposed drainage system Please provide Micro Drainage manhole schedule print-out so calcs can be cross-referenced against construction details.

- CDN/21/0181 was allowed to progress on the basis that satisfactory investigation of the culvert had been presented. As mentioned in previous comments, the SI document for CDN/21/0825 makes no mention of the culvert being investigated. CDN/21/0181 presented GPR survey - we have received no such evidence for CDN/21/0825. The CCTV evidence now presented is a site plan, which does not clearly state that no evidence was found onsite, and therefore this would also need to be clarified. We would also advise that not finding the culvert on a nearby site is not proof it does not exist on this site. As a minimum to remove this comment we would expect site-specific GPR survey to be presented along with a formal statement summarising CCTV and SI findings, to remove reasonable doubt of the culvert's existence.

In order to satisfy this planning condition the above information should be supplied.

Condition 4 is not formally discharged.

Date: 12 May 2022

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.