

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

Partial approval of details reserved by condition

Applicant

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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (materials), 4 (CMP), 7 (Environmental Standards), 8 (Ground conditions), 10 (drainage), 11 (acoustic insulation), 13 (landscaping), 14 (boundary treatment) and 15 (bio diversity) attached to planning permission referenced 126451/FO/2020

Location: Land Between Old Market Street And Grant Close, Manchester

Date of application: 11 October 2021

Application number: CDN/21/0748

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 (materials)

The following external material details received by the City Council as Local Planning Authority on 11 October 2021 are satisfactory:

- Bricks - Forterra - Village Harvest Multi;
- Roof Tile - Marley Eternit Thrutone textured;
- Windows + Doors - Frames to be anthracite RAL 7016.

Subject to implementation of the agreed details, condition 3 can be discharged.

Condition 4 (CMP)

The details contained within the submitted Construction Management Plan (Version 2) produced by RP Safety Services, received by the City Council as Local Planning Authority on 12 January 2022, are satisfactory. Subject to implementation of the agreed measures during construction, condition 4 can be discharged.

Condition 7 (Environmental Standards)

The details contained within the submitted Environmental Standards Statement (Ref: 2021.212- Version 1.0) produced by Element Sustainability and received by the City Council as Local Planning Authority on 11 October 2021, are satisfactory. Subject to the approved measures outlined within the Statement being implemented in the construction of the approved development, condition 7 can be discharged.

Condition 13 (landscaping)

The landscaping scheme shown on drawing referenced GSD/OMS, accompanied by a Landscape Specification Report and Landscape Report, produced by Greenspace, Design and Consultancy UK, received by the City Council as Local Planning Authority on 11 October 2021, is satisfactory. Subject to the implementation of the agreed details and compliance with the condition requirements, condition 13 can be discharged.

Condition 14 (Boundary Treatment)

The boundary treatment shown on drawing referenced 90/01/A received by the City Council as Local Planning Authority on 29 November 2021 and supplemented by an e-mail confirming the brick choice (Village Harvest Multi), received by the City Council as Local Planning Authority on 7 December 2021, are satisfactory. Subject to implementation of the agreed details prior to first occupancy, condition 14 can be discharged.

Condition 15 (bio-diversity)

The use of native trees in the landscape scheme, as well as other planting and grassland, as detailed within the landscaping proposal are adequate to mitigate for losses on the site. Namely, details contained within the following drawings and documents:

- Drawing referenced GSD/OMS;
- Landscape Specification Report and Landscape Report, produced by Greenspace, Design and Consultancy UK, received by the City Council as Local Planning Authority on 11 October 2021.

On this basis and subject to implementation of the agreed measures, condition 15 can be 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 8 (Ground Conditions)

Insufficient details have been submitted to meet the requirements of this condition.

The Sub Surface 'GI Addendum Report 12-11-21' consists of the ground investigation updated with final gas monitoring and options for CS2 gas protection measures, which are acceptable. Confirmation should be provided as to which option is to be selected.

In addition, the following items remain outstanding:

1. The investigation has identified some limited elevated ground contamination and recommends further investigation and risk assessment, or remediation. Either option is

acceptable in theory and should be confirmed within the Remediation Strategy required by the condition. However, City Council guidance requires 600mm minimum clean cover within private garden areas and it is noted that the proposed thickness in the report for front gardens is 450mm. This reduction in cover thickness can only be considered for very small front gardens where it is clear that there would be significantly limited space for growing produce. From the submitted plans this does not appear to be the case for this development and, if the remediation option is selected, further justification should be provided or the proposed thickness increased.

2. United Utilities approval is required for the use of standard PE water supply pipework at this site; this may be included in the validation report required for condition 9.

3. Waste disposal documentation for any impacted materials removed from site will be required in the validation report required for condition 9.

Until such time that details are submitted and agreed to address point 1 above, along with confirmation as to which gas protection measures are proposed, condition 8 cannot be discharged.

Condition 10 (Drainage)

Notwithstanding the details contained within the Surface Water Drainage Strategy, produced by Earth, Environmental and Geotechnical, the following information is outstanding:

- Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposal of the attenuation that is achieving half emptying time within 24 hours. If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes (as follows) is required.

- A 5 metre easement surrounding the soakaway should be illustrated on the drainage layout - ensuring the soakaway is positioned the appropriate distance from offsite buildings and infrastructure.

Until such time that the above details are received and agreed by the City Council as Local Planning Authority, condition 10 cannot be discharged.

Condition 11 (acoustic)

The submitted Lighthouse Acoustics report, ref. 0785/APR1 dated 30 April 2021, proposes acceptable criteria for glazing and ventilation, but also highlights that the City Council requires acoustically treated forced mechanical ventilation for this type of development, and that a mechanical services engineer should be consulted to ensure that a suitable system is proposed. The detailed proposal should be reviewed acoustically then submitted for the Council's approval.

Until such time that updated details are received and agreed by the City Council as Local Planning Authority, condition 11 cannot be discharged.

Date: 17 March 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.