MANCHESTER CITY COUNCIL

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

Partial approval of details reserved by condition

Applicant	Agent (if used)
Mr Lucy Mulbury Homes & Great Places Great Oak Farm Mag Lane WA13 0TF	Mr Lucy Mulberry Homes Great Oak Farm Mag Lane WA13 0TF

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 5 (Local Labour), 6 (Drainage), 7 (Ground Conditions), 14 (Landscaping), 15 (Tree Replacement Strategy), 18 (Lighting), 22 (Off Site Highways), 25 (Bird and Bat Boxes), 27 (Driveway Drainage), 31 (Travel Plan) and 33 (Site Levels) associated with planning permission 125974/FO/2020

Location: Land South Of Victoria Avenue, Blackley, Manchester, M9 0RA

Date of application: 16 April 2021

Application number: CDN/21/0309

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

- Local Benefit Proposal stamped as received by the City Council, as Local Planning Authority, on the 16 April 2022

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

In order to discharge this condition in full, 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 18 Lighting

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

- Drawing 01 stamped as received by the City Council, as Local Planning Authority, on the 16 April 2021

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

Condition 18 is now formally discharged.

Condition 25 Bird and Bat Boxes
The following information has been submitted in respect of this planning condition:

- Bat and Bird Box Strategy stamped as received by the City Council, as Local Planning Authority, on the 16 April 2021

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

Condition 25 is now formally discharged.

Condition 31 Travel Plan
The following information has been submitted in respect of this planning condition:

- Framework Travel Plan stamped as received by the City Council, as Local Planning Authority, on the 16 April 2021

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

No further action at this stage.

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

- Information and drawings stamped as received by the City Council, as Local Planning Authority, on the 2 August and 12 October 2021

The above information has been considered. The following points remain outstanding:

- Further details on the drainage layout of how the Eastern area of the site will discharge surface water. Currently the highway drainage within the Eastern area of the site is shown to connect to a UU manhole with no flow control, this would not be acceptable.

- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during

a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building;

- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site;

- Hydraulic calculation of the proposed drainage system;

- Construction details of flow control and SuDS elements.

- It is not clear where the east section of the site will drain to. There are clearly properties which will need to drain to the network but no connectivity on the drawing provided.

In order to discharge this condition the above information should be provided.

Condition 6 is not formally discharged.

Condition 7 Ground Conditions
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 16 April and 27 July 2021

The above information has been considered. The following information remains outstanding:

- The report states that gas monitoring is ongoing, therefore the site classification as Amber 1/CS2 istentative. The updated gas monitoring results and risk assessment should be submitted for approval.

- The calibration certificate expired in May 2021. If gas monitoring is ongoing then an updated certificate will be required.

Condition 7 is not formally discharged

Condition 14 Landscaping
The following information has been submitted in respect of this planning condition:

- Drawing UG_18025_LAN_SL_DRW_03 Rev P05 stamped as received by the City Council, as Local Planning Authority, on the 16 April 2021

The above information has been considered and is not acceptable. Correspondence was sent to Steve Ludlam dated the 6 August 2021 stating that the details were not acceptable in that there was insufficient tree mitigation on site and the trees proposed were not of a suitable size and species. No further details have been received.

Condition 14 is not formally discharged.

Condition 15 Tree Replacement

No details have been submitted. Condition 15 is not formally discharged.

Condition 22 Highway Works
No details have been submitted. Condition 22 is not formally discharged.

Condition 27 Draiveway Drainage
See comments from conditon 6

Condition 33 Site Levels
No details have been provided. Condition 33 is not formally discharged.

Date: 16 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.