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**

Mr David Stanbury
North Manchester General Hospital
Delaunays Road
Manchester
M8 5RB

**Agent (if used)**

## Part 1 – Particulars of the application/development

**Proposal**: Discharge of conditions 4a (ground conditions), 5 (drainage) and 7 (CMP) attached to planning permission referenced 121569/FO2018

**Location**: North Manchester General Hospital , Delaunays Road, Manchester, M8 5RB

**Date of application**: 16 April 2019

**Application number**: CDN/19/0326

## 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 4a - Contam Land**
The following additional information has been submitted for consideration:

o GRM Phase I Desk Top Site Appraisal dated October 2018 reference P8653/DS.1
o P8653 Proposed EC NMGH- Phase II Site Appraisal Report

The submitted information has been assessed and the following comments can be made:

A review of Preliminary Risk Assessment and site investigation proposals provided for the site can be summarised as follows:

The report includes a description of the site including its past historical uses. An appraisal of the site environmental setting is presented including its geology, hydrogeology and hydrological regime, mining activities, waste management issues, and identification of additional environmental sources, pathways and receptors. This information has been used to compile a clear site conceptual model, which identifies potential sources, pathways and receptors and likely pollution linkages.

The desk study information was found to be adequate.

However,  before the City Council can recommend the discharge of this condition from the application, the following information needs to be submitted for approval:

o Submission of Site Investigation and gas monitoring Proposals
o Submission of a Site Investigation and Risk Assessment Report
o Submission of a Remediation Strategy
o After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed.

**Condition 7 - Construction Management**
The following additional information has been submitted for consideration:

o Construction Management Plan CMP - PAT NMGH TROH Issue 1 with appendices.

The submitted information has been assessed and the following comments can be made:

The Construction Management Plan submitted is considered to be acceptable for this development. Therefore, on the basis that the development is constructed in accordance with the approved strategy, this formally discharges Condition 7 of planning approval 121569/FO/2018.

## 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 5 - Drainage**
The following additional information has been submitted for consideration:

o Surface water drainage layout NEC-AJP-XX-00-DR-C-002-P1
Below ground drainage details sheet 1 NEC-AJP-XX-00-DR-C-0003-P1
Below ground drainage details sheet 2 NEC-AJP-XX-00-DR-C-0004-P1
Below ground drainage details sheet 1 NEC-AJP-XX-00-DR-C-0005-P1

The submitted information has been assessed and the following comments can be made:

The information submitted to date is considered to be acceptable. However, there remains outstanding evidence before this condition can be finally discharged, including the following:

o 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 climate change in any part of a building. Hydraulic calculation needs to be provided;

o 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.

Therefore, on this basis, Condition 5 of planning approval 121569/FO/2018 cannot be formally discharged until the above information has been submitted and approved.

Date: 11 June 2019

Signed: 

Julie Roscoe
Head 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.