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 Richard Stone
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Manchester
M1 1JG

Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Application to discharge condition 4 (construction management), 7 (tree protection), 9 (contaminated land) and 10 (drainage) attached to planning permission 114283/FO/2016

Location: Land Adjacent To Sir William Siemens House , Princess Road, Manchester, M20 2UR

Date of application: 5 September 2017

Application number: CDN/17/0553

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.

Condition7 - Tree Protection
The submitted tree protection measures are considered acceptable. The development should be carried out in accordance with these details.

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 - CMP
The Construction Management Plan submitted for the development cannot currently be discharged. The following information is required:
- An emergency telephone contact number for the site contractor displayed in a publicly accessible location on the site.

- The timetable for the community consultation strategy.
- Dilapidation surveys should be undertaken and include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site. This is to protect MCC and the contractors to verify (prior to construction) the condition of the carriageway.
- The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the MCC Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Condition 9 - Contam Land
The desk study information was found to be adequate.

The site investigation information that has been provided for this development is inadequate. In addition to the information provided, further information should be submitted which addresses the following issue:
-The exploratory locations to date do not provide adequate site coverage and further site investigation is deemed necessary- due to building being present when the investigation was undertaken, an addendum investigation should be undertaken post demolition.

The final risk assessment provided for this development is inadequate. The buildings were still present at the time of investigation and further investigation and testing should be undertaken post-demolition (if they are being demolished). Consequently the data obtained from this investigation may require changes to be made to the current risk assessment. The Council will require submission of the additional site investigation report and, if necessary, an updated final risk assessment for approval.

A proposed remediation strategy has not been submitted to date.

Gas protection measures have been recommended to CS2 therefore confirmation is required as to what is going to be installed, to include:

- Manufacturer's specification of the gas membrane
- Cross sectional foundation drawings showing the gas protection measures.
- Details of how the installation of the gas protection measures will be validated.

A watching brief should also be undertaken for unexpected contamination and copies waste transfer notes provided for any soil removed from the site.

Before the Council can discharge condition 9 from this planning approval , the following information needs to be submitted to the Council for approval:
(i) Submission of any addendum post-demolition site investigations and risk assessment.
(ii) Submission of a Remediation Strategy (to confirm the gas protection measures, undertaking of a watching brief and retention of waste transfer notes)
(iii) After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed by the Council.

Condition 10 - Drainage
The following further information is required before condition 10 can be discharged:

- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Assessment of flow directions when capacity of the drainage system is exceeded including inlet structures should be presented on a layout;

Date: 16 October 2017

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.