

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 Jonathan McCaul
McCaul Developments Ltd
C/o Agent

Agent (if used)

Mr Ralph Taylor
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 2 (Materials), 8 (Acoustics), 9 (Landscaping), 15 (Ground conditions) and 16 (Drainage) attached to planning permission 136140/JO/2023.

Location: All Souls Rectory, Every Street, Manchester, M4 7DQ

Date of application: 22 January 2025

Application number: CDN/25/0051

Part 2 – Particulars of decision (a)

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.

Materials

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 21/01/2025)
- o Condition 2 (External Building Materials) and 9 (Landscape Materials) Material Sign off Schedule (Prepared by McCaul Developments Ltd)
- o A695_P_4000C Revision C: Proposed Residential Development

All stamped as received by the City Council as Local Planning Authority on 22/01/2025.

The submitted information is acceptable in regard to condition 2 only. To fully comply with the requirements of the condition, the development shall be completed in accordance with the approved details.

Condition 2 is discharged on this basis.

Acoustics

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 21/01/2025)
- o Acoustic Planning Report (Reference Number 1132/APR1; Prepared by Lighthouse Acoustics; Dated 12/09/2023)
- o Acoustic Review Report (Reference Number 1132/ARR1; Prepared by Lighthouse Acoustics; Dated 10/04/2024)
- o TM59 Overheating Analysis (Reference Number 2023.099; Prepared by Element Sustainability; Dated June 2024)

All stamped as received by the City Council as Local Planning Authority on 22/01/2025.

The submitted information is acceptable in regard to condition 8 only. To fully comply with the requirements of the condition, the development shall be completed in accordance with the approved details.

Condition 8 is discharged on this basis.

Drainage

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 21/01/2025)
- o S106 Part 1 'Application to connect to a public sewer' Approval Notice.
- o Drawing 7261G 0001 P4 'Drainage Strategy Plan'.
- o Drawing 1-21590 500 C02 'Drainage Layout'.
- o Drawing 1-21590 501 C01 'Drainage Details Sheet 1'.
- o Drawing 1-21590 502 C01 'Drainage Details Sheet 2'.
- o Every Street - DMS 1-21590 'Outline Drainage Maintenance Operations'.
- o SW Hydraulic Calculations.
- o Email regarding infiltration.
- o Discharge of condition 16 (drainage) document - MCC Comments (Dated 15/04/2024; Received 26/03/2025)

All stamped as received by the City Council as Local Planning Authority on 22/01/2025, unless stated otherwise.

The submitted information is acceptable in regard to condition 16 only. To fully comply with the requirements of the condition, the development shall be completed in accordance with the approved details, as well as then be managed and maintained in accordance with them for the development's lifetime.

Condition 16 is discharged on this basis.

Part 2 – Particulars of decision (b)

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.

Landscaping

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 21/01/2025)
- o 23-301 / 001 Rev F: Hard Landscaping Plan (Received 15/04/2025)

- o 23-301 / 002 Rec C: Soft Landscaping Plan (Received 15/04/2025)
- o A695_P_4000C Revision C: Proposed Residential Development

All stamped as received by the City Council as Local Planning Authority on 22/01/2025, unless stated otherwise.

The submitted information proposes low quality soft landscaping measures along the site's boundary with Tutbury Street that would fail to respond to the quality of other proposed landscaping measures, creating an elevation largely devoid of any meaningful soft landscaping measures. In order to discharge condition 9, higher quality landscaping measures must be proposed.

Condition 9 is still not discharged.

Ground Conditions

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 21/01/2025)
- o Ground Investigation Report (Prepared by Sub Surface; Reference 7741A; Dated January 2024)
- o Phase 2 Geo-Environmental Investigation & Assessment (ref: 7261G-WML-00-XX RP-G-0002 Rev A) dated September 2019
- o Every Street UU Risk Assessment for Water Pipes
- o Ground Contamination Letter (Prepared by A&H Safety Consultants Limited; Dated 30/01/2025; Received 21/02/2025)
- o Topsoil Analysis Report (Prepared by Freeland Horticulture Limited; Dated 11/02/2025; Received 21/02/2025)
- o Soil Delivery Confirmation Letter (Prepared by Travis Perkins; Received 18/03/2025)
- o Supagrow Product Information Sheet (Prepared by Supagrow; Received 18/03/2025)
- o Soil Images (Received 18/03/2025)
- o Soil Images (Received 04/04/2025)
- o Cross Referenced Hard Landscaping Plan - Every Street (Received 04/04/2025)
- o Soil test certificate/Specification Sheet (Prepared by Construction Testing Solutions; Received 04/04/2025)
- o Waste Transfer Notes (Prepared by S.Worton Plant Hire Limited; Dated 13/03/2025 & 28/03/2025; Received 04/04/2025)

All stamped as received by the City Council as Local Planning Authority on 22/01/2025, unless stated otherwise.

The submitted information does not contain sufficient information with regard to the number of soil samples, additionally, the information presented does not form part of a coherent report, being disjointed and lacking any form of interpretation. In order to discharge the condition, further soil samples must be presented in a single report.

Condition 15 is still not discharged.

Date: 16 April 2025

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.