

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 2 (materials), 4 (construction management plan), 6 (drainage), 7 (drainage maintenance), 8 (security), 9 (boundary treatment), 10 (landscaping), 11 (electric vehicle charging), 12 (environmental standards) and 14 (ground conditions) attached to planning permission 137858/FO/2023

Location: 4 Thirsfield Drive, Manchester, M11 4BF

Date of application: 15 July 2024

Application number: CDN/24/0630

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.

Condition 2 (materials)

The external materials detailed within the submitted Conditions Discharge Supporting document, received by the City Council as Local Planning Authority on 3 July 2024, are acceptable. Subject to implementation of the agreed details, condition 2 can be discharged.

Condition 4 (CMP)

The submitted Construction Management Plan received by the City Council as Local Planning Authority on 3 July 2024, is satisfactory. Subject to implementation of the agreed details, condition 4 can be discharged.

Condition 8 (security)

The security measures detailed within the submitted Conditions Discharge Supporting document, received by the City Council as Local Planning Authority on 3 July 2024, are acceptable. Subject to implementation of the agreed details, condition 8 can be discharged.

Condition 9 (boundary treatment)

The boundary treatment detailed within the submitted Conditions Discharge Supporting document, received by the City Council as Local Planning Authority on 3 July 2024, are acceptable. Subject to implementation of the agreed details, condition 9 can be discharged.

Condition 10 (landscaping)

The landscaping scheme shown on drawing referenced 1909/5 (site plan) received by the City Council as Local Planning Authority on 3 July 2024, is acceptable. Subject to implementation of the agreed details, condition 10 can be discharged.

Condition 11 (EV)

The details of the electric vehicle charging provision within the submitted Conditions Discharge Supporting document, received by the City Council as Local Planning Authority on 3 July 2024, is acceptable. Subject to implementation of the agreed details, condition 11 can be discharged.

Condition 12 (ES)

The environmental standards detailed within the submitted Conditions Discharge Supporting document, received by the City Council as Local Planning Authority on 3 July 2024, are acceptable. Subject to implementation of the agreed details, condition 12 can be discharged.

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.

Condition 6 (drainage)

The proposed drainage arrangements are unclear. A separate drawing is required for the proposed drainage arrangements, along with the following details:

- Evidence that the drainage hierarchy has been adhered to;
- Finalised surface water drainage layout including all components, levels and connectivity to outfall;
- Evidence of connection approval in principle.

Until such time that satisfactory details are submitted to and agreed in writing by the City Council as Local Planning Authority, condition 6 cannot be discharged.

Condition 7 (drainage maintenance)

It is premature to seek the discharge of condition 7. This condition can only be discharged once the drainage works have been completed in accordance with agreed details, pursuant to condition 6 of the host planning permission.

Condition 7 requires as built drawings and photographic evidence to verify the drainage works have undertaken with the agreed details.

Until such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 7 cannot be discharged.

Condition 14 (ground conditions)

The submitted MES Contaminated Land Phase Two Intrusive Investigation, ref. 2741-1 dated June 2024, includes the following recommendations for remedial works:

1. A clean cover system to be provided across all landscaped areas. The clean cover system should be a minimum of 600mm deep, with a capillary and no dig break below. Imported material will need to be provided with suitable test certificates to provide evidence that it is clean, suitable and safe for the intended use within a domestic garden. Excavated material will need to be appropriately disposed of with waste transfer notes kept for evidence.
2. New services installed shall be installed in trenches which are backfilled with clean imported material.
3. All drinking water supply pipes and connections shall be of a MDPE barrier pipe design.
4. The construction of the building shall incorporate a clear void below the ground floor for passive ventilation of the space and a gas protection barrier. The barrier shall be formed using a suitable gas membrane with joints appropriately overlapped and sealed and all penetrations sealed.
5. All construction workers to be given suitable advice and training on the risks from contamination with adequate welfare facilities provided for handwashing etc. A verification report will be required on completion to demonstrate that the membrane has been installed correctly and a sufficient level of clean material has been provided in the landscaped areas.

The remedial scheme must include testing proposals for the material to be imported for the proposed clean cover system, or reused site-won material, and the testing criteria to meet the Council's guidance.

The proposed gas membrane must be specified as suitable for protection from CO₂/CH₄ (i.e. rather than radon).

The subfloor venting void height must be confirmed.

Condition 14 requires that "The absence of invasive plant species at the site should be confirmed".

Until satisfactory details are received and agreed in writing by the City Council as Local Planning Authority to overcome and confirm the above requirements, condition 14 cannot be discharged.

Date: 11 September 2024

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.