

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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Southern Gate
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Manchester
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Agent (if used)

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Raven House
113 Fairfield Street
Manchester
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Part 1 – Particulars of the application/development

Proposal: Application to discharge conditions 1 (Time), 2 (Specified Plans), 3 (Agreed surface water drainage), 4 (Construction Management), 5(Remediation in accordance with agreed details), 6 (Retained Trees), 7 (Works to trees outside Bird Nesting), 8 (Tree Replacement in accordance with agreed details), 9 (Agreed materials), 10 (Remediation Verification), 11 (Agreed biodiversity enhancements), 12 (Landscaping agreed), 13 (Car parking layout), 14 (Agreed waste management), 15 (Drainage management and maintenance), 16 (Approved boundary treatment), 17 (Secured By Design), 18 (Use Class C3a), 19 (Obscured glazing), 20 (Local Labour Agreement) and 21(Energy Verification) from planning approval reference 130920/JO/2021.

Location: Brookstone Close, Manchester, M21 7AE

Date of application: 11 May 2023

Application number: CDN/23/0297

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 1 - Time Period

It is noted that works to implement the permission were commenced within 3 years of the granting of planning permission.

Condition 2 -SPL

It is noted that the development has been indicated as being completed in accordance with the approved plans and details.

Condition 4 - Construction Management

This condition was previously agreed under application reference CDN/21/0290.

Condition 6 - Retained trees

Condition 6 is a condition that requires compliance with and remains relevant for a period of 5 years from the first occupation of the development.

Condition 7 - Tree and Vegetation

This is a condition that required compliance with during the construction phase. No information has been provided alongside this application.

Condition 8 - Tree replacement

This condition agreed the details of the tree replacement scheme and the timescales for planting. The condition remains relevant for 5 years from the date of the planting of the trees.

Condition 9 -Materials

This condition requires the development to be undertaken in accordance with the previously agreed details under condition discharge CDN/21/0290.

Condition 11 - Biodiversity Enhancements

This condition requires compliance with the previously agreed details of the planning permission.

Condition 12 - Agreed landscaping

Condition 12 required the installation of the agreed landscaping within 12 months from first occupation and a 5 year requirement from the date of planting for replacements if necessary. This condition will therefore continue to be relevant during this period.

Condition 13 - Car park layout

The submitted details are acceptable.

Condition 14 -WMS Agreed

This condition requires the agreed details to remain insitu whilst the development is occupied and would therefore be relevant over the lifetime of the development.

Condition 16- Boundary Treatments

Condition 16 had agreed the details to be installed prior to the occupation of the units.

Condition 17 - SBD

The certificate confirming that the development has achieved Secured by Design Gold Award is acceptable. This condition is discharged.

Condition 18 - C3a

Condition 18 is one that is required to be complied with over the lifetime of the development.

Condition 19 - Obscure glazing

Condition 19 is a compliance condition that will remain relevant whilst the development is occupied.

Condition 20 -Local Labour

The submitted information is acceptable, condition 20 is discharged.

Condition 21- Energy

The submitted information is acceptable, this condition is 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 3 - Surface Water Drainage

This condition is not discharged. The following information is still required:

- As-built surface water drainage layout, including engineering details. The as built must include attenuation tank dimensions and all invert/cover levels to outfall. Developer will need to confirm if drawing no. 8796-HBL-XX-XX-DR-D-0501 is an as-built, as this drawing is currently referenced 'proposed drainage layout';
- Revised surface water drainage long sections and manhole schedules to be reflective of the updated layout;
- Attenuation tank dimensions and hydro-brake discharge rate must be clearly labelled within the engineering drawing, specifically associated with each component;
- Given the repositioning of the attenuation tank, we would require the developer to complete revised hydraulic modelling, up to 1 in 100 years + cc% to accurately reflect the design changes;
- 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. This must be reflected of the revised modelling completed.

Condition 5 - Remediation Strategy

We are unable to discharge this condition at the current time. Further information is required:

- The first page of the Tim O'Hare Associates letter dated 24th May has the bottom half missing. This needs to be submitted.
- The report states that delivery notes are still needed from the soil supplier and that the site will need to be inspected following completion of garden areas. MCC would expect the soil to be sampled in-situ on completion of the work in line with the MCC soil sampling criteria with a map showing where the samples were taken - The method has been agreed.
- The source(s) of the topsoil are still required. The depth of topsoil in the landscaped / garden areas is also needed as the photographs within the report do not clearly depict the depth of the imported soils.

Condition 10 - Remediation Validation

We are unable to discharge this condition at the current time. Further information is required:

- The first page of the Tim O'Hare Associates letter dated 24th May has the bottom half missing. This needs to be submitted.
- The report states that delivery notes are still needed from the soil supplier and that the site will need to be inspected following completion of garden areas. MCC would expect the soil to be sampled in-situ on completion of the work in line with the MCC soil sampling criteria with a map showing where the samples were taken - The method has been agreed.

-The source(s) of the topsoil are still required. The depth of topsoil in the landscaped / garden areas is also needed as the photographs within the report do not clearly depict the depth of the imported soils.

Condition 15- Surface water management

As with condition 3 this condition cannot be discharge, further details are required:

- As-built surface water drainage layout, including engineering details. The as built must include attenuation tank dimensions and all invert/cover levels to outfall. Developer will need to confirm if drawing no. 8796-HBL-XX-XX-DR-D-0501 is an as-built, as this drawing is currently referenced 'proposed drainage layout';
- Revised surface water drainage long sections and manhole schedules to be reflective of the updated layout;
- Attenuation tank dimensions and hydro-brake discharge rate must be clearly labelled within the engineering drawing, specifically associated with each component;
- Given the repositioning of the attenuation tank, we would require the developer to complete revised hydraulic modelling, up to 1 in 100 years + cc% to accurately reflect the design changes;
- 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. This must be reflected of the revised modelling completed.

Date: 8 February 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.