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

Prestbury Estates Limited
C/o Agent

Agent (if used)

Mr Tom Flanagan
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3c (Local Labour Agreement), 6b (Site Investigation Proposal) and 16 (Sustainable Drainage Scheme) attached to Planning Permission 113617/FO/2016.

Location: Blantyre Street, Manchester, M15 4JT

Date of application: 2 October 2023

Application number: CDN/23/0657

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.

Local Benefit Proposal
Condition 3 - Local Benefit Proposal

Condition 3 is discharged on the basis of the Local Labour Construction Proposal and Reporting Template received by the City Council as local planning authority on 2 October 2023.

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.

Contaminated Land
Condition 6b - Contaminated Land

The following information has been submitted and considered in relation to Condition 6b:

Soil Validation Report 3548/02/A dated 28 September 2023 by IGE Consulting; and
Email from Tom Flanagan to Lucy Harrison dated 19 October 2023 (Agent email 19 Oct 23).

Further to the above, the following information is required in order to discharge condition 6b:

1. Details of the watching brief/assessment of any unexpected contamination or confirmation that none was encountered during the work; and
2. Details of the source of the cover material and waste transfer notes to provide evidence of source, as stated in the above submitted report.

This information was requested on 7 November 2023 but has not been submitted.

Given the above, Condition 6b cannot be discharged at this time.

SuDS
Condition 16 - SuDS

The following information has been submitted and considered in relation to Condition 16:

Below Ground Drainage Layout drawing no: 13955/30 Rev RC; and
CCTV Survey Inspection Report dated 06.04.2022.

The above information is insufficient to discharge Condition 16 and the following further information is required:

1. Verification report providing photographic evidence of construction as per design drawings - a verification report for the surface water drainage needs to be submitted for review. Photographic evidence must include attenuation tank and hydro-brake installation / completion.

2. The CCTV survey needs to include photographic evidence of surface water drainage.

3. Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The maintenance schedule / plan must be in accordance with CIRIA C753 (The SuDS manual).

The above further information was requested on 22 November 2023 but has not been submitted.

Given the above, Condition 16 cannot be discharged at this time.

Date: 27 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.