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 Steven Brown
John Southworth
10 Charles Street
Dukinfield
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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (materials), 10 (CMP), 16 (ground conditions) 17 (drainage) and 27 (protected species) attached to planning permission referenced 136171/FO/2023.

Location: Land Bounded By Brigham Street, Meech Street And The Rear Of Connie Street, Manchester, M11 2JJ

Date of application: 31 August 2023

Application number: CDN/23/0591

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.

C3 Materials
The discharge of condition 3 (Materials) is approved on the basis that the development will be implemented in accordance with the following materials:

Brickwork - Blockleys Park Royal Michelmersh
Cladding - Marley Cedral slate grey
Roofing - Marley Edgemere anthracite roof tiles
Fascia and soffits - UPVC with RAL 7016 dark grey finish
Rainwater goods - Black finished half round guttering and square plastic down pies
Window frames - UPVC RAL 7016 dark grey finish
Doors - Composite doors with 7016 dark grey finish (external) and white finish (internal)
Driveways - Tarmac finish with pre-cast concrete flags to garden pathways.

C10 CMP

The discharge of condition 10 (Construction Management Plan) is approved on the basis that the construction phase of the development is fully implemented in accordance with the details of document referenced: Construction Management Plan Project Brigham Street Openshaw by John Southworth Issue date15.08.23 Issue No 1.

C16 A Ground conditions
The discharge of Part A of condition 16 (Ground conditions) is approved on the basis that the development is implemented in accordance with the following documents:
i. Brigham Street Phase 2 Ground Investigation: by Curti ns Ref: 081427-CUR-00-XX-RP-GE-00002 RevP02 dated 24 July 2023
ii. Letter from IGE dated 17 November 2023 Ref: Remediation Strategy - Land at Brigham Street Openshaw Ref: 4046-02/LM
iii. Gas monitor data Ref: GFM436 Final Inspection and Calibration Check Certificate dated 24.11.2022
iv. Gas and groundwater monitoring by IGE Ref: 4046.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

C27 Protected species
The discharge of condition 27 (Protected species) is approved on the basis that the construction phase of the development is fully implemented in accordance with document referenced Safeguarding protected species Brigham Street Manchester Ref: Version 1 - 15.08.23 by John Southworth

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.

C17 Drainage
The discharge of condition 17 (Drainage) is refused as insufficient information has been provided. The following additional information would be required in relation to the discharge of condition 17:

a) A finalised drainage layout showing all components, outfalls, levels and connectivity with details of outfall IL to the south of the development.
b) Details of S106 (Drainage agreement) - Agreement in principle from United Utilities for the connection to the south and acceptance of proposed flows and/or new connection would be satisfactory.
c) Where a public sewer diversion is required, an agreement in principle from United Utilities is required, including easement and S185 approvals.
d) Details of S38 approval.
e) Dimensions from tank to plot. SW features should be 5 metres from a building or highway and 2.5 metres from a boundary. It will be necessary to ensure that the tank does not conflict with foundations and has suitable access and the ability to be maintained through its lifetime.
f) Construction details of SuDS elements not provided, i.e., Stormcells Geo cellular.
g) Overland flow routes should be provided.
h) A blockage risk assessment to be undertaken as part of the drainage strategy to support proposed flows less than 5 l/s. (2 separate flow controls)

Date: 11 March 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.