

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: Application to discharge conditions 10 (boundary wall details), 12 (bio enhancements), 14 (drainage) and 19 (construction management) attached to planning permission 123430/FO/2019

Location: Former Clyde Court Nursing Home, 22 - 24 Lapwing Lane, Manchester, M20 2NS

Date of application: 16 November 2023

Application number: CDN/23/0786

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 19 (construction management)

Condition 19 (construction management) - The submitted information is considered acceptable. Therefore, on the proviso the development is implemented in accordance with this information, the condition is considered 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 10 (boundary wall details)

Condition 10 (boundary wall details) - The submitted information is not sufficient to discharge this condition. In order to discharge the condition it should be confirmed, that at the points of vehicle access/egress, boundary treatments are visually permeable from 600mm upwards as per the previous email dated 6 February 2024.

Condition 12 (bio enhancements)

Condition 12 (bio enhancements) - The submitted information is not sufficient to discharge this condition. In order to discharge it, the additional information requested by Greater Manchester Ecology Unit (issued under separate correspondence) is required along with elevational drawings showing their location.

Condition 14 (drainage)

Condition 14 (drainage) - The submitted information is insufficient to discharge this condition. The following further information is required:

1. Further detail is required on the pumped area of the network which receives flows from the 'land drain' around the basement. Consideration must be given that a land drain could introduce unaccounted-for volumes of groundwater into the network. Clarity is required on whether this is a land drain or if another type of drain should have been specified on the layout (e.g. linear). Update layout where required.

2. Permeable paving (infiltration type): No calculations or supporting infiltration testing has been provided. Please provide infiltration testing results to confirm viability of infiltration onsite. Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposals should provide attenuation that achieves half emptying time within 24 hours.

- Where infiltration is proven feasible, please provide supporting hydraulic calculations & simulations for the storage design of all infiltrating areas.

- If infiltration is not feasible on site, evidence of alternative surface water disposal routes is required.

Date: 7 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.