

**Town & Country Planning Act 1990 (as amended)**  
**Planning (Listed Building & Conservation Area) Act 1990 (as amended)**

**Partial approval of details reserved by condition**

**Applicant**

Jim Nicholson & Mark Rodgers  
PQ Ventures LLP  
C/o Agent

**Agent (if used)**

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**Part 1 – Particulars of the application/development**

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**Proposal:** Application to discharge condition nos. 3 (materials), 8 (watercourse protection), 9 (drainage), 10 (construction management), 16 (drainage), 18 (Bird Hazard Management Plan), 21 (Secured By Design), 22 (contam land) and 24 (Local Benefit Proposal) attached to planning permission 131453/FO/2021

**Location:** Vacant Land To The North Of Longstone Road, Manchester, M22 5LB

**Date of application:** 24 May 2023

**Application number:** CDN/23/0331

**Part 2 – Particulars of decision (a)**

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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 3 - Materials**

The submitted material details to be used on the external elevations of the development are considered acceptable.

**Condition 8 - Watercourse Protection**

The submitted details are adequate to satisfy the pre-commencement element of this condition. As required by condition 8 the agreed measures shall be implemented and maintained for the duration of the construction period in accordance with the approved details.

**Condition 10 CEMP**

The submitted CEMP ref CD 36: 30022-CEMP is acceptable, the development shall be carried out in accordance with these details.

**Condition18- Bird Hazard Management Plan**

The submitted revised Bird Hazard Management Plan is acceptable on the additional proviso that there is zero tolerance of nesting large gulls. The development shall be carried out in accordance with the revised Plan as received on 10th July 2023.

#### **Condition 21 - Secured By Design (Part)**

Thank you for confirming an application has been submitted in order that the completed development achieves Secured By Design. The first part of this condition is accepted to allow construction to begin on site.

Please note as required by condition 21, in order for the condition to be complied with in full Secured By Design accreditation and accompanying certification is required to be submitted prior to first occupation of the development.

#### **Condition 22- Contaminated Land Part A**

The submitted details and further information provided to the City Council on the 27th June 2023 is considered adequate in order to discharge condition 22.

#### **Condition 24-Local Labour Benefit -Part**

The submitted information is acceptable in order to comply with part a) of condition 24 . As required by part b) of this condition further information will be required to be submitted in order that this condition can be discharged in full. Part b) states:  
"Within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority.

### **Part 2 – Particulars of decision (b)**

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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 9 - Drainage**

As the final drainage scheme has not been agreed under condition 16 of the planning approval, condition 9 is not currently capable of being discharged.

#### **Condition 16 - Drainage**

This condition cannot currently be discharged.

The following is still required to be resolved:

-3m easements from the top of bank should be shown on the proposed layout to ensure that the proposed development does not impact on the structural integrity of the surrounding ordinary watercourse and to ensure access. A separate plan must be provided demonstrating a minimum 3-meter easement from the watercourse top of bank throughout the development. This is the minimum easement requirement.

The proposed section (T\_21\_2463-CIV-SK-01) fails to demonstrate the proposed easement from the attenuation tank, the section must be updated to include distance from the building's foundation. The section must include foundation details to ensure the attenuation structure does not impact the zone of influence.

- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building. In the instance it is understood you are unable to raise the outfall level (IL 64.505). A hydraulic model under a surcharged outfall scenario is required to be submitted, to ensure an adequate amount of storage is provided within the site boundary.

-Where surface water is connected to ordinary watercourse, any works within or adjacent to the watercourse that would affect it would require consent from Manchester City Council as Lead Local Flood Authority. Updated information has been received. However, based on the evidence / images provided, the headwall structure has already been constructed without the requisite consent being in place for the works.

-Hydraulic calculation of the proposed drainage system. There is a discrepancy between the hydraulic modelling tank invert level provided and the attenuation section (T\_21\_2463-CIV-SK-01). The invert level must correspond to ensure an adequate free flowing system. If amended to 64.500AOD, this would be 200mm below the proposed design (IL 64.700 (Base of Unit)).

Updated hydraulic modelling will need to be submitted to support the proposed amendments. It should also be noted that there is a discrepancy between drawing T\_21\_2463-CIV-SK-01 and T\_21\_2463-60-02, both drawings reflect different attenuation tank invert levels.

If the revised level is situated 64.500AOD (section B-B), this is 60mm below the watercourse bed level, flotation forces must be considered within the tank design.

The following drawings still indicate the downstream water level (WL) is 64.63 AOD at the time of survey: T\_21\_2463-60-02 and T\_21\_2463-60-01.

As the proposed outfall invert level is situated 64.505m AOD, the Council is unable to approve this design.

Given the updated information / sections provided, to supersede the recorded WL, the Council would require an updated topographic survey of the watercourse to be submitted.

Date: 29 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](http://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.