

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

Refusal 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: Discharge of conditions 4 (CMP), 6 (ground conditions), 11 (drainage) and 23 (highway works) attached to planning permission referenced 127106/FO/2020

Location: 168-170 Bury Old Road, Manchester, M7 4QY

Date of application: 18 January 2023

Application number: CDN/23/0013

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Refused** in accordance with the information set out below.

Condition 4 (CMP)

The submitted Construction Management Plan is not sufficient.

Before this condition can be discharged, the following information should be included within a revised Construction Management Plan.

- Access arrangements off Catherine Road and details of how parking along Catherine Road will be managed;
- Confirmation that Salford City Council have been consulted, as they manage the section of Bury Old Road to which the site relates;
- Hours of working;
- Details of how noise will be managed and mitigated for nearby residential occupiers.

Until such time that satisfactory details are received and agreed by the City Council as Local Planning Authority, condition 4 cannot be discharged.

Condition 6 (ground conditions)

The submitted Desk Study is over 5 years old and therefore out of date. A more recent study is required to assess current levels of potential ground contamination and any necessary remediation measures.

Until such time that satisfactory details are received and agreed by the City Council as Local Planning Authority, condition 6 cannot be discharged.

Condition 11 (drainage)

The submitted drainage details are not acceptable. Before this condition can be discharged, the following information is required:

-Surface water sewer in Catherine Road connecting to Singleton Brook. Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice;

- Hydraulic calculations of the proposed drainage system;

- 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;

- Hydraulic calculation of the existing and proposed drainage system;

- Construction details of flow control and SuDS elements.

Until such time that satisfactory details are received and agreed by the City Council as Local Planning Authority, condition 11 cannot be discharged.

Condition 23 (highway works)

Highways Services are not satisfied with the proposed highways works. A S.278 application does not appear to have been made and the drawings submitted are not sufficiently detailed to assess the alterations to the existing highway. Condition 23 cannot therefore be discharged at this time.

Date: 28 March 2023

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.