

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 3 (materials), 10 (boundary wall details), 12 (bio-enhancements), 14 (drainage), 15 (drainage), 17 (screening) and 19 (construction management plan) attached to planning permission 123430/FO/2019

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

Date of application: 7 March 2023

Application number: CDN/23/0158

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 3 (materials)

Condition 3 (materials) - The proposed materials are considered acceptable. Therefore, on the proviso the development is undertaken using these materials, the condition is considered discharged.

Condition 15 (drainage)

Condition 15 (drainage) - The submitted information is considered acceptable. Therefore, on the proviso the development is undertaken in accordance with the approved details, the condition is considered discharged.

Condition 17 (screening)

Condition 17 (screening) - The screening shown on drawing no. 18004,(9-)03A is considered acceptable. Therefore, on the proviso the development is undertaken in accordance with the approved details, 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 condition cannot be discharged until the following aspects have been addressed:

- Plans show that gates are either sliding or that they open inwards which ensures no obstruction to passing pedestrians on the footway.
- It should be confirmed, that at the points of vehicle access/egress, that boundary treatments are visually permeable from 600mm upwards.

Condition 12 (bio-enhancements)

Condition 12 (bio-enhancements) - Greater Manchester Ecology Unit (GMEU) have confirmed that the bird roosting pocket is inadequate as this is not a bird nesting box. Examples of appropriate bird boxes are shown in the original Ecology Report (Tyrer Ecological Consultants Ltd, 14/08/2019).

Before this condition can be discharged, the number of bat and bird boxes which are to be fitted and a map showing their location needs to be submitted.

Condition 14 (drainage)

Condition 14 (drainage) - This condition cannot be discharged for the following reasons:

- a) No engineering details have been included within the proposed layout, the approved surface water drainage design must include engineering specifications such as, invert levels, cover levels, hydro-brake details, attenuation dimensions/specifications.
- b) Attenuation justification/modelling up to 1 in 100 years + cc% will need to be provided, to ensure the network is appropriately sized. Any above ground flooding should be accompanied by an overland flow routing plan.
- c) Clarification regarding future maintenance arrangements and strategy

Condition 19 (construction management plan)

Condition 19 (construction management plan) - The condition cannot be discharged until the following aspects have been addressed:

- Detail is required regarding parking locations for contractors;
- Swept path drawings and a traffic management plan is requested to indicate the largest vehicle arriving to the site. It should be ensured that all vehicles can access/egress the site whilst remaining in a forward gear with no requirement for vehicles to reverse. This should include any temporary traffic management measures;
- A site plan is required for the development during the construction phase, to show the holding area and appropriate waste storage location.

Date: 23 June 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.