

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 Kamran Sheikh
73 Old Hall Lane
Longsight
Manchester
M13 0UJ

Agent (if used)

M Farooq
Building Design Services
6 Stock Close
Rochdale
OL12 8BB

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 2 (materials), 4 (CMP), 6 (drainage), 7 (drainage maintenance), 8 (security), 9 (boundary treatment), 10 (landscaping), 11 (EV), 12 (Environmental Standards Statement), 14 (ground conditions) and 15 (ground conditions verification) attached to planning permission 128160/FO/2020

Location: 4 Thirsfield Drive, Manchester, M11 4BF

Date of application: 24 August 2022

Application number: CDN/22/0428

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 2 (materials)

The external materials detailed within the Condition Discharge Supporting Information document dated 4 May 2022 and received by the City Council as Local Planning Authority on 21 June 2022 are satisfactory. Subject to implementation of the agreed details, condition 2 can be discharged.

Condition 4 (CMP)

The details contained with the submitted Construction Management Plan, received by the City Council as Local Planning Authority on 24 August 2022 are satisfactory. Subject to implementation of the agreed details, condition 4 can be discharged.

Condition 8 (security)

The security measures detailed within the Condition Discharge Supporting Information document dated 4 May 2022 and received by the City Council as Local Planning Authority on 21 June 2022 are satisfactory. Subject to implementation of the agreed details, condition 8 can be discharged.

Condition 10 (landscaping)

The landscaping scheme shown on drawing referenced 1909/5 received by the City Council as Local Planning Authority on 24 August 2022 is satisfactory. Subject to implementation of the agreed details, condition 10 can be discharged.

Condition 11 (EV)

The details of the electric vehicle (EV) charging point detailed within the Condition Discharge Supporting Information document dated 4 May 2022 and received by the City Council as Local Planning Authority on 21 June 2022 is satisfactory. Subject to the EV point being place prior to first occupation of the dwellinghouse approved, condition 11 can be discharged.

Condition 12 (ES)

The details of the environmental standards contained within the Condition Discharge Supporting Information document dated 4 May 2022 and received by the City Council as Local Planning Authority on 21 June 2022 are satisfactory. Subject to implementation of the agreed details, condition 12 can be 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 6 (drainage)

The surface water drainage layout is not acceptable. Details of the final discharge point is required to show where the system will discharge to. Where applicable, please also submit evidence to confirm consent to connect surface water to the public sewer has been obtained from United Utilities.

Until such time that satisfactory details are received and agreed, condition 6 cannot be discharged.

Condition 7 (drainage maintenance)

No details have been received in relation to condition 7. The following is required:

A verification report providing photographic evidence of construction as per design drawings - not yet submitted and cannot be submitted until the dwellinghouse is built-out.

-As built construction drawings if different from design construction drawings; - not yet submitted and cannot be submitted until the dwellinghouse is built-out.

-Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. - not yet submitted.

Until such time that satisfactory details are received and agreed, condition 7 cannot be discharged.

Condition 9 (boundary treatment)

Insufficient details have been received in relation to the proposed boundary treatment. Details of any gates are required and the position of all boundary treatment should be clearly demarcated on a plan. Until such time that satisfactory details are received and agreed, condition 9 cannot be discharged.

Condition 14 (ground conditions)

The submitted Condition Discharge Supporting Document states that a Site Investigation report has been commissioned and submitted as part of this application. The only report submitted is the MES Phase One Desk Study, ref. 2296-1 dated June 2022.

The following comments are made in relation to the Phase 1 report:

-The 'Site History Information' included in the Phase 1 report states that previous uses include a brickworks and clay pit, and the 'Recommendations' section states that " the site has been identified as being located on a former extraction pit/quarry". No indication is provided as to whether the clay pit was infilled. The Conceptual Model makes reference to potential " Infilled / made ground

" and concludes a 'Low' likelihood of gas migration into the building, but provides no clarification of the source of any such possible material or its gassing potential, and therefore no justification for the conclusion. It is understood that the previously demolished dwelling was part of a housing estate but there are no records of the original wider development or any remedial measures, and the site walkover or topographical surveys should provide an indication of whether the site lies on an infilled clay pit or within an excavated area. If the clay pit is infilled, then the potential for ground gas migration requires further consideration.

-The Site History Information indicates that the former dwelling was built/present during a period when asbestos containing materials were in use, and states that building rubble is present on site. The potential for asbestos being present, either within building rubble or Made Ground associated with the previous structure or any historic infilling, should be addressed.

-The report states that "The current owners are unaware of any issues on site which could have led to contamination and the site has been used as a garden since the property was purchased. " The site walkover photographs indicate that the site is not in current use as a garden and this statement cannot be accepted as evidence of no contamination.

-The report proposes options of either "soil analysis of the site' or number of mitigation measures including gas membrane, 600mm of clean cover in gardens and barrier water supply pipework. Due to the above stated issues neither option is currently acceptable; either additional Phase 1 information should be submitted to address the points raised or an intrusive site investigation undertaken in accordance with MCC guidance, including the submission of its scope for our approval.

Until such time that satisfactory details are received and agreed, condition 14 cannot be discharged.

Condition 15 (ground verification)

No verification report has been submitted. As the development has not been completed and the site investigation report and remediation strategy has not yet been agreed, it is not yet possible to discharge this condition. Condition 15 is not therefore discharged.

Date: 12 October 2022

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

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.