

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 Craig Nemeth
Vistry Partnerships North West
Innovation House
Kelburn Court
Warrington
WA3 6UT

Agent (if used)

Mr David Tye
Paul Butler Associates Ltd
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 4b (hard and soft landscaping) Phases AC,AD,AE,AF,AG,and AO ; 8 (contaminated land remedial works) Plot no. 220 of Phase 77, and Plot nos. 273, 274 and 275 of Phase 91/V; and 30 (surface water drainage) Plot 315 (Phase G); Plot 288 (Phase V) and Plots 297/302/303 of Phase Z: attached to planning permission ref:118379/JO/2017

Location: Brunswick Neighbourhood, Manchester, M13 9TQ

Date of application: 22 February 2022

Application number: CDN/22/0102

Part 2 – Particulars of decision (1)

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 no. 4 B Landscaping

The hard and soft landscaping on plan refs: has been examined

- o Covering letter from Paul Butler Associates dated 24th January 2022
- o Drawing M4976-187-AC Rev 00, Phase AC General Arrangement and Planting Plan;
- o Drawing M4976-185-AD Rev 00, Phase AD General Arrangement and Planting Plan (notwithstanding outward opening gates to driveways) ;
- o Drawing M4976-188-AE Rev 00, Phase AE General Arrangement and Planting Plan;
- o Drawing M4976-189-AF Rev 00, Phase AF General Arrangement and Planting Plan;

- o Drawing M4976-178-AG Rev 00, Phase AG General Arrangement and Planting Plan;
- o Drawing M4976-187-AO Rev 00, Phase AO General Arrangement and Planting Plan;

The submitted information has been assessed and the following comments can be made:

The submitted hard and soft landscaping drawings for Phases AC,AD,AE,AF,AG and AO of this development are considered to be acceptable. Therefore, on this basis, this formally discharges Condition 4b of planning approval 118379/JO/2017 for Phases AC,AD,AE,AF,AG and AO of the development, subject to the on-going requirement that 'If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place'.

Condition no.8 Contaminated Land

The remediation confirmation report dated 04.04.2019 prepared by Redstart for Plot no. 220 of Phase 77, and Plot nos. 273, 274 and 275 of Phase 91/V has been examined, and is considered to be acceptable. Condition no. 8 is discharged in respect of plot no. 220 of Phase 77, and Plot nos. 273, 274 and 275 of Phase 91/V.

Part 2 – Particulars of decision (2)

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 no.30 Surface Water Drainage

The following information has been submitted for consideration

- o Cover letter from Paul Butler Associates dated 24th January 2022
- o Surface water drainage details for Plot 315 (Phase G); Plot 288 (Phase V) and Plots 297/302/303 of Phase Z;
- o AECOM Plan 47069217-DR-PhG P1 'Proposed Surface and Foul Drainage Layout Phase G' Plot 315 (Phase G)
- o AECOM Plan 47069217-DR-PhV C2 'Proposed Surface and Foul Drainage Layout Phase V' Plot 288 (Phase V)
- o AECOM Plan 47069217-DR-PhZ-002 P1 'Proposed Surface and Foul Drainage Layout Phase Z-Sheet 2' plots 297/302/303 (Phase Z)
- o Copy of letter dated 29.11.2018 from Paul Butler Associates in connection with earlier application to discharge condition no.30 received 7th March 2022, and attached plan refs:
 - Brunswick PFI; Dwg UV004393 - 0551D/1DA-06 Rev D06; Network 1D/1DA S104 Layout showing proposed surface water drainage details for Network 1D/1DA including details of proposed surface water sewers, proposed combined sewers, abandoned sewers and other connections. Proposed foul sewers are noted.
 - Brunswick PFI; Dwg UV004393 - 0552-02 Rev D01; Section 104 Network 2. Details of proposed surface water drainage are indicated. Existing combined sewers, existing foul sewers and existing surface water sewers shown.
 - Brunswick PFI; Dwg UV004393 - 0551A-03 Rev C06, Network 1A Proposed S104 Layout. Details of proposed adopted surface water sewers and other connections are shown.

- Brunswick PFI; Dwg UV004393 - 0551A-101 Rev D01; Network 1A Temporary Proposed S104 Layout, showing an interim arrangement pending the full implementation of the Dwg UV004393 - 0551A-03 Rev C06 proposal.
- Brunswick PFI; Dwg UV004393 - 0551E-02 Rev D03; Network 1E Drainage Impermeable Plan showing proposed adopted surface water sewers and other connections.
- Brunswick PFI; Dwg UV004393 - 0551F-01 Rev C01; Network 1F S104 Layout showing proposed surface water drainage details including details of proposed surface water sewers, proposed combined sewers, abandoned sewers and other connections. Proposed foul sewers are noted.
- Brunswick PFI; Dwg UV004393 - 0551G-100 Rev C01; Network 1G-GA Location Plan identifying infrastructure to be abandoned.
- Brunswick PFI; Dwg UV004393 - 0551C-02 Rev C01; Network 1C Section 104, showing proposed surface water drainage details for Network 1C including details of proposed surface water sewers for adoption, proposed combined sewers for adoption and other connections. Proposed foul sewers are noted.
- Brunswick PFI; Dwg UV004393 - 551H-02 Rev C01; Network 1H Section 104, showing proposed surface water drainage details for Network 1H including details of proposed surface water sewers for adoption, proposed combined sewers for adoption and other connections.
- Brunswick PFI; Dwg UV004393 - 0552A-25 Rev C02; Surface and Foul Water S104 Layout Network 2A, showing proposed surface water drainage details for Network 2A including details of proposed surface water sewers for adoption, proposed combined sewers for adoption and other connections. Proposed foul sewers are noted.
- Brunswick PFI; Dwg UV004393 - 0552B-46 Rev C02; Surface Water S104 Layout Network 2B Diversion Location, showing the proposed surface water drainage details for Network 2B including details of proposed surface water sewers and manholes for adoption, including provision for a temporary sewer diversion. Existing combined sewers are noted.
- Brunswick PFI; Dwg UV004393 - 0552C-03 Rev C03; Network 2C S104 Layout, showing proposed surface water drainage details for Network 2C including details of proposed adopted surface water sewers, proposed adopted combined sewers and other connections. Existing United Utilities combined water sewers are noted.
- Brunswick PFI; Dwg UV004393 - 0554-03 Rev C02, Network 4 S104 Layout, showing proposed surface water drainage details for Network 4 including details of proposed adopted surface water sewers, proposed highway gullies and other connections. Existing United Utilities combined water sewers are noted.
- Brunswick PFI; Dwg UV004393 - 0557-04 Rev C01, Network 7 S104 Layout, showing the proposed surface water drainage details for Network 7 including details of proposed adopted surface water sewers, proposed adopted combined water sewers and other connections.
- Brunswick PFI; Dwg UV004393 - 0558-07 Rev C01, Network Statham Walk S104 Drainage Layout. This shows proposed surface water drainage details for Network 8 including details of proposed surface water sewers and abandoned sewers.
- Brunswick PFI, Dwg UV004393 - 0572-02 Rev C01, Foul combined water Network2A Section 104 Manhole Base Plans.
- Brunswick PFI, Dwg UV004393 - 0572-03 Rev C01, Foul water Network2A Section 104 Schedule of manhole details.
- Brunswick PB Stage Dwg M4976-850 -C rev.00 Falls towards Houses

The submitted information has been assessed and the following information has been requested , but has not been submitted for consideration:

- Finished floor levels required for plot 288 to ensure surface water flows are away from the property
- Easement dimensions shown for culvert should be illustrated on all submitted drawings (where applicable)
- Confirmation that the additional plot areas have been incorporated into the wider drainage model to ensure there is sufficient capacity in the network.
- Confirmation on who will be responsible for the maintenance of the drainage .

Therefore, on this basis, it is not possible to formally discharge Condition 30 of planning approval 118379/JO/2017 in relation to Plot 315 (Phase G); Plot 288 (Phase V) and Plots 297/302/303 of Phase Z: until the above issues have been fully addressed.

Date: 27 July 2022

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.