

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

Partial approval of details reserved by condition

Applicant

Ms Gilchrist
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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (materials), 7 (waste management), 9 (construction management plan), 10 (drainage), 15 (Replacement Tree Planting), 17 (EVC), 18 (sustainability), 20 (contaminated land part a), 21 (contaminated land part b) and 22 (acoustic insulation) from planning approval 121557/FO/2018

Location: 28 Edge Lane, Manchester, M21 9JY

Date of application: 15 February 2022

Application number: CDN/21/0838

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 3 - Materials

The information submitted to discharge condition 3 (materials) attached to planning permission 121557/FO/2018 is acceptable and condition 3 can be discharged.

Condition 7 - Waste Management

The submitted drawing Proposed Site Plan No 1729-1001 confirms the secure and ventilated bin store on-site for each new property. The information submitted is now sufficient in order to discharge condition 7 (waste management) attached to planning permission 121557/FO/2018.

Condition 15 - Replacement Tree

The information submitted to discharge condition 15 (replacement tree) attached to planning permission 121557/FO/2018 is satisfactory and condition 15 can be discharged.

Condition 17 - Electric Vehicle Charging

The information submitted to discharge condition 17 attached to planning permission 121557/FO/2018 is acceptable and condition 17 can be discharged.

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 9 - Construction Management

The information submitted to discharge condition 9 attached to planning permission 121557/FO/2018 is insufficient.

A Construction Management Site plan and associated document have been submitted. It is noted that there will be no congestion caused at the entrance / exit to site during the construction works. Vehicles will be permitted to drive onto site for deliveries, collections and turning purposes only. Waiting vehicles will be required to park away from site to allow the continued flow of traffic.

Swept path drawings are 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.

The Applicant should confirm where contractor vehicles will park as Highways would not support any requirement for vehicles to be parked on surrounding residential streets.

Condition 9 is therefore not discharged.

Condition 10 - Drainage

The information submitted and uploaded onto the planning portal on 14th February 2022 has been considered.

In order to discharge the drainage planning condition, further information is needed to confirm that the proposed drainage design is adequate to manage flood risk.

The outstanding evidence required:

Surface water drainage layout including discharge points, proposed attenuation and proposed overland flow routes for extreme events (up to a 1 in 100 year including 40% climate change allowance).

Consideration of alternative green SuDS solution (that is either utilising infiltration or attenuation) if practicable;

Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment.

Provide at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area.

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 climate change in any part of a building;

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 calculation of the proposed drainage system;

Construction details of flow control and SuDS elements.

Details of how the scheme shall be maintained and managed after completion.

Condition 10 is not discharged.

Condition 18 - Sustainability

No information has been submitted to discharge condition 18 (sustainability) attached to planning permission 121557/FO/2018.

Condition 20 - Contaminated Land

An 'EnviroCheck Report' has been provided for this development containing the desk study information but without any interpretation, this is inadequate. Submission of this missing information is required before this application can be processed. A satisfactory desk study would be expected to include:

The purpose and aims of the study.

Site location and layout plans.

Reference to historical maps and an appraisal of the sites history.

A geological, hydrogeological and hydrological assessment of the site.

Information of coal workings and other mining or quarrying activities.

Information from the Environment Agency and Local Authority on abstractions, pollution incidents, water quality classification and landfill sites.

An assessment of current site use and surrounding land uses.

A review of any previous site contamination studies (desk based or intrusive) or remediation works.

A preliminary (qualitative) assessment of risks based on proposed site use including an appraisal of actual and/or potential contaminant sources, pathways and receptors, along with the production of a conceptual model (visual and/or written).

Recommendations for intrusive contamination investigation and/or ground gas monitoring, if necessary.

Condition 20 cannot be discharged.

Condition 21 - Contam Land B

The local planning authority need to agree part a first and any remedial measures, this condition applies once the groundworks/development has been completed.

Condition 21 is not discharged.

Condition 22 - Acoustic Insulation

An acoustic report has been submitted (Nova Acoustics, 20/12/2021), the report has suggested that further mitigation measures may be required with regards to overheating, as such a TM59 assessment is required to determine if MVHR or other mechanical ventilation also needs to be installed in the development if opening the windows at night comprises the acoustic comfort of the occupiers. The TM59 assessment needs to be considered alongside the acoustic assessment and not in isolation. This condition can not be discharged at this stage.

Date: 15 June 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.