

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

Approval of details reserved by condition

Applicant

Portugal Street East Limited
85 Buckingham Gate
London
SW1E 6PD

Agent (if used)

Mr Matt Grindey
Day Architectural
77 Deansgate
Manchester
M3 2BW

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 9 (a) (Contaminated Land) attached to application ref no 121099/FO/2018

Location: Land At Portugal Street East , Manchester, M1 2WX

Date of application: 25 November 2021

Application number: CDN/21/0859

Part 2 – Particulars of decision

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

condition 9 (a) (Contaminated Land)

Condition 9 (a) (Contaminated Land)- On the basis of the following:

Supplementary ground Appraisal Report, Apex, 10/11/21 and Dwg DAY-XX-XX-DR-A-03-0002 A

the condition is partially discharged and the enabling works comprising demolition can commence so that additional site investigation can be undertaken.

Once demolition is complete and access is available to all areas, it is recommended that a series of trial pits be excavated to allow inspection of inaccessible areas, most notably: Beneath the boiler room of Rammon House, through the buried slab beneath Rammon House; and within footprint of current highways

Full pre-commencement discharge requires production of a Remediation Strategy once remediation options are finalised and after the post-demolition site investigation.

Part b) of the condition cannot be discharged until the following is submitted:

Results of testing for VOCs and confirmation that the samples were undertaken in accordance with BS10176 (May 2020) as this changed the methodology for soil

sampling to improve the reliability of data.; sampling of 'black residue' on page 24, of the Apex Report

c) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

d) In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Date: 9 March 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 permission refers 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.

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 his 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.