

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

**Refusal of details reserved by condition**

**Applicant**

M Bagot  
Rowlinson Construction  
118B Gatley Road  
Stockport  
SK8 4AU

**Agent (if used)**

Mr David Coulson  
Buttress  
41 Bengal Street  
Manchester  
M4 6AF

**Part 1 – Particulars of the application/development**

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**Proposal:** Discharge of Condition 10 (Acoustics), 12 (Air Quality) and 13 (Contaminated Land) attached to planning permission 127796/JO/2020

**Location:** Former Stagecoach Depot, Princess Road, Manchester, M14 7LS

**Date of application:** 28 June 2021

**Application number:** CDN/21/0481

**Part 2 – Particulars of decision**

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

**Condition 10 - Acoustics**

The information submitted is not sufficient to discharge the condition which requires post completion testing and a verification report. Condition 10 is therefore not discharged.

**Condition 12 - Air Quality**

The information submitted is not sufficient to discharge the condition, Condition 12 is therefore not discharged.

**Condition 13 - Contaminated Land**

1. The Strategy and Validation reports updated in June 2021 refer to planning permission 113982/FO/2016 rather than the varied permission 127796/JO/2020, which changed the ground floor retail use of Block A to apartments.

2. The Strategy and Validation reports are submitted for the Enabling phase only, and the Validation Report provides the following requirements for the Construction phase - we advise however that these are generally acceptable proposals:

As part of the on-going construction works the developer will be required to construct and validate the items listed below:

Placement of clean subsoil and topsoil in all gardens and soft landscaped areas must be a minimum of 600mm [150mm of certified topsoil and 450mm of subsoil] or natural ground (whichever is the shallower); and

Independent validation of the cover system by a suitably qualified E3P engineer.

Independent validation of the gas hydrocarbon membranes within all residential properties by a suitably qualified E3P engineer.

3. Table 4.1 of the Validation Report provides sampling frequencies for imported materials; the proposals for site generated sub-soil should be amended to meet MCC's requirements.

4. The Validation Report appendices appear to be corrupted, with the plans/drawings cropped.

5. The validation of the gas/HC membrane for Block A is accepted.

Condition 13 is therefore not discharged

Date: 13 August 2021

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](http://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.