MANCHESTER CITY COUNCIL

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

Partial approval of details reserved by condition

Applicant

Miss Jodie Marlow
Mulbury Homes
Great Oak Farm
Mag Lane
Lymm
WA13 0TF

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Application to discharge conditions 4 (Sustainability), 6 (Secure by Design) and 9B (Contaminated Land) attached to planning permission 104855/FO/2014/N2

Location: Land To The West Of Vine Street , Manchester, M18 8SR

Date of application: 20 March 2019

Application number: CDN/19/0240

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 4 - Sustainability
The following additional information has been submitted for consideration:

o Final Certificates of achievement of the Code for Sustainable Homes 3 star award for all properties dated 19th March 2019

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

The submitted certificates are sufficient to show that the development has achieved the necessary sustainability ratings. Therefore, on this basis, this formally discharges Condition 4 of planning approval 104855/FO/2014/N2.

Condition 6 - SBD
The following additional information has been submitted for consideration:

o Certificate of Accreditation of the Secured by Design award for the development dated 11th March 2019

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

The submitted certificate is sufficient to show that the development has achieved the necessary Secured by Design accreditation. Therefore, on this basis, this formally discharges Condition 6 of planning approval 104855/FO/2014/N2.

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 - Contaminated Land
The following information has been submitted for consideration:

o e3p Enabling Works Validation Report Ref 10-019-R4 dated March 2019

The information submitted as listed above has been considered and the following comments can be made. The information submitted is insufficient to recommend the discharge of this condition.

The report detailing the chemical validation of the subsoil, and the imported soil within the gardens is satisfactory.

However, the following information is still required to show that the contamination identified on site no longer presents a risk:

o The validation report to show that all dwellings were fitted with gas protection measures to CS2 (installed in line with the submitted drawing and manufacturer's specification)
o Construction of potable water infrastructure in accordance with an appropriate UKWIR Risk Assessment with a validation report on completion.

Therefore, the information submitted for the proposed remediation of the contaminated land at this site is not considered to be acceptable for this development. On this basis, Condition 9 of planning approval 104855/FO/2014/N2 cannot be formally discharged until the issues raised above have been properly addressed.

Date: 13 May 2019

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

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.