MANCHESTER CITY COUNCIL

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

Approval of details reserved by condition

Applicant

Mr Gary Poole
STOR 128 Ltd
95 High Street
Somerset
BA16 0EZ

Agent (if used)

Ms Jenka Kaslik
STOR Power Ltd
Unit 1B Polden Business Centre
Bristol Road
Somerset
TA6 4AW

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 4 and 5 (contaminated land) of planning permission 113808/FO/2016

Location: Land To The Rear Of 1119 Ashton Old Road, Manchester, M11 1AA

Date of application: 29 May 2018

Application number: CDN/18/0377

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 4 (Contaminated Land 1)
Condition 4 (Contaminated Land 1) - Condition 4a is discharged on the basis that the development is undertaken in accordance with the following documents:

i. Desk Study and Preliminary Risk Assessment, Land off Ashton Old Road, Openshaw by RPS, September 2016
ii. Ground Investigation Report, 1119 Ashton Old Road, Manchester by T&P Regen, 1st September 2017.

The following requirements of condition 4b remain in place and should be discharged at an appropriate stage of the development:

b) 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.

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.

Condition 5 (Contaminated Land 2)
Condition 5 (Contaminated Land 2) - Condition 5 parts (i), (ii) and (iii) are discharged on the basis that the development is undertaken in accordance with the following documents:

i. Desk Study and Preliminary Risk Assessment, Land off Ashton Old Road, Openshaw by RPS, September 2016;
ii. Ground Investigation Report, 1119 Ashton Old Road, Manchester by T&P Regen, 1st September 2017.

The following requirements of condition 5 (iv) remain in place and require discharge at an appropriate stage of the development:

Condition 5 (iv) - A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in condition 5 (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Date: 29 June 2018

Signed: 

Julie Roscoe
Head 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 of 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.