

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 Rebecca Sowerbutts
Vistry Group
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Birchwood Park
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Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 4b (contaminated land), 13 (landscaping), 20b (Sustainability), 21 (crime impact statement) and 29d (archaeology) attached to planning permission 122160/FO/2018.

Location: Belle Vue Greyhound Stadium, Kirkmanshulme Lane, Manchester, M18 7BD

Date of application: 10 April 2025

Application number: CDN/25/0339

Part 2 – Particulars of decision (a)

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 no. 13 (landscaping)

The details shown on the plans below have been reviewed.

-Landscaping Detail Plan 4 of 4 ref : 5797.06 rev.E received 8th April 2025

-Letter from applicant in relation to the need to relocate the previously approved street trees on Kirkmanshulme Lane within the site dated 21st May 2025

-Landscaping Detail Plan 1 of 4 ref : 5797.03 rev.G

-Landscaping Detail Plan 2 of 4 ref : 5797.04 rev.H

Received 21st May 2025

-Landscape Detail Plan 3 of 4 ref: 5707.05 E received 1st July 2025.

It is noted that condition no.13 was discharged previously as part of condition application ref: CDN/21/0834 on 31.05.2022, and this included the provision of 7 street trees on Kirkmanshulme Lane shown on plan refs; 5797.03 Rev D Landscape Detail Sheet 1 of 4

It is noted that these 7 street trees that were originally intended to be replace the ash trees to be removed along the Kirkmanshulme Lane frontage, can no longer be installed due to services and infrastructure beneath the pavement, and that 8 additional trees are now proposed to be planted to the garden area between the apartment blocks, and as such (as they mature) would be visible from Mount Road and Scenic Street .

On the basis that the development is implemented in accordance with the landscaping details on the plans specified above, and content of the email from the applicant dated 30th May 2022 regarding land to be deeded to plot nos. 177, 214, 129- 133, not later than 12 months from the date the buildings are first occupied, and that within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place; condition no.13 can be discharged.

Condition no. 20b (Sustainability)

The content of the Final Construction Energy Statement dated April 2025 has been reviewed, on the basis of the content of the document in particular the table in paragraph 2,1 referencing the U Values which are been achieved, I can confirm that condition no.20b can be discharged.

Condition no. 21 (CIS)

The Secure by Design Gold Award dated 18th March 2025 has been noted. On this basis condition no.21 is discharged.

Condition no. 29d (archaeology)

The permanent information panel outlining the history of the development site, and specifically the former Belle Vue stadium and pleasure gardens received on 23rd May 2025 has been reviewed and is considered to be acceptable. On the basis that the permanent information panel design received on 23rd May 2025 is implemented on site and retained on the site in perpetuity , condition no.29 part d is discharged.

It is noted that condition no.29 parts (a) , (b), (c), (e) and (f) were discharged in connection with discharge of condition application ref: CDN/21/0834 on 31.05.2022. As such the discharge of part d means that condition no.29 is fully discharged.

Part 2 – Particulars of decision (b)

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 no. 4b (contaminated land)

The content of the reports referenced below has been examined.

Validation Completion report ref: 12-123-R6-1 dated 9th April 2025 received 10th April 2025

Gas Membrane Validation Certificates and Garden Validation Plot reports received 23rd May 2025.

There are a number of plots where gas membrane validation certificates or cover validation system documents have not been provided for consideration; clarity is needed in respect of Plot 214, as a gas validation certificate states that one was installed, but Plot 214 is not marked on the drawing referenced within the validation report as requiring a vapour membrane; and there appears to be a gap in information as to how the decision was arrived at that HC vapour resistant membranes were required within the plots listed in the Validation Completion Report (VR): Apartment Block 2, and Dwelling Plots 86-98 and 204-214.

As such insufficient information has been provided for consideration to enable the discharge of condition no.4b.

Date: 2 July 2025

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.