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

n/a
Salboy Ltd
Unit 3 Birchwood One Business Park
Dewhurst Road
Birchwood
Warrington
WA3 7GB

Agent (if used)

Mr Joshua Wyatt-Smith
100 Embankment
Cathedral Approach
Manchester
M3 7FB

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 7b, 7c, 7d (Ground Conditions) and Condition 33 (Secured by Design) attached to Planning Permission ref. 138031/JO/2023.

Location: Former Boddingtons Brewery Site , Dutton Street, Manchester, M3 1LE

Date of application: 17 April 2025

Application number: CDN/25/0371

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 33 Secured by Design
The following information has been submitted in respect of this planning condition:

- Letter from Design for Security at Greater Manchester Police received by the City Council, as Local Planning Authority, on the 17 April.

The above letter has been considered and suggest the Secured by Design is anticipated to be achieved on phases C and D. This, however, is not Secured by Design Accreditation.

The Secured by Design Accreditation must be submitted in line with the requirements of the condition.

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 7 Ground Conditions
The following information has been submitted for consideration in respect of this planning condition:

- Remediation Validation Report JEM/C5313/12304 Rev C received by the City Council, as Local Planning Authority, on the 3 June 2025

The above information has been considered and is not acceptable at this stage.

The clean cover system has still not been installed or validated. In addition, whilst the validation report is to cover blocks c and d only and that there is no soft landscaping proposed for the apartments in blocks c and d, the duplex apartments within blocks c & d will include soft landscaping so we will still need these validating once the clean cover has been installed in these locations.

Comment has been provided to suggest there wasn't any contaminated arisings other than in ASB203. What about the made ground which was found to contain elevated levels of PAH in the table on page 8? How was this stored prior to removal? We will need evidence to confirm how these arisings were stored to demonstrate compliance with the recommendations in the remediation strategy.

Condition 7 is not formally discharged

Date: 7 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.