

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

Refusal of details reserved by condition

Applicant

Daniels
Chorlton Villas
Hardy Lane
Manchester
M21 8DN

Agent (if used)

Mr Matthew Daniels
Crossfield Park Ltd
24 Orme Crescent
Macclesfield
SK10 2HS

Part 1 – Particulars of the application/development

Proposal: Discharge of condition number 4 (contaminated land) from planning approval reference 127696/FO/2020

Location: Chorlton Villas, 105 Hardy Lane, Manchester, M21 8DN

Date of application: 17 June 2024

Application number: CDN/24/0394

Part 2 – Particulars of decision

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 4 - Contaminated Land

This condition cannot be discharged at the current time. Further information is still required, this is set out below (the first two paragraphs are what was previously indicated as being required):

Although the exact measures that were installed have previously been confirmed there is no validation report. The pictures showed that a membrane has been fitted somewhere, but there is no report confirming where it was fitted, who fitted it and what their qualifications are and whether it was installed correctly.

We need confirmation as to whether validation testing was carried out to ensure it was installed correctly. This report needs to be submitted. If one hasn't been prepared then what steps need to be taken need to be discussed with the Council.

The Council still require information regarding any imported soils, the following information is still required:-

-The report says there are 2 sampling positions SS1 and SS2, but did not show where these were on the map. Please can you confirm.

- How much soil was imported?
- Was subsoil and topsoil imported? If so both will need testing.
- How many sources was the imported soil from? If it is more than 1 then additional samples may be required.

Date: 2 August 2024

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.