

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

Approval of details reserved by condition

Applicant

Mr Craig Nemeth
Vistry Partnerships North West
Innovation House
Kelburn Court
WA3 6UT

Agent (if used)

Mr David Tye
Paul Butler Associates Ltd
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 8 (Contaminated land) attached to 118379/JO/2017 in relation to Phase T (Part of phase): Plots 255 and 256; Phase Z (All Plots within phase): Plots 296, - 312 (all); Phase AM (Single plot phase): Plot 313; Phase U (Part): Plots 257- 272 (all); Phase AB (Part): Plots 331, 332, 333, 334, 335 ; Phase AC (Part): Plots 336, 337, 338, 339; Phase AD (Part): Plots 347, 348, 349, 350, 352, 353, 354, 355; Phase AO (All Plots): Plots 356- 369 (all) ; Phase R (All Plots): Plots 345-246 (all); Phase M (Part): Plot 179 ; and Phase V (Part): Plots 278, 285, 286, 287, 288

Location: Brunswick Neighbourhood, Manchester, M13 9TQ

Date of application: 17 November 2022

Application number: CDN/22/0838

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 no.8 Contaminated land

The submitted information referenced below in regard to Phase T (Part of phase Plots 255 and 256); Phase Z (All Plots within phase Plots 296, - 312 (all); Phase AM (Single plot phase Plot 313); Phase U (Part of phase - Plots 257- 272 (all)); Phase AB (Part of phase -Plots 331-335) ; Phase AC (Part of phase - Plots 336 - 339); Phase AD (Part of phase - Plots 347, 348, 349, 350, 352, 353, 354, 355); Phase AO (All Plots - Plots 356- 359, and 369 (all)) ; Phase R (All Plots - Plots 345-346 (all)); Phase M (Part of phase - Plot 179) ; and Phase V (Part of phase - Plots 278, 285, 286, 287, 288) Has been examined and considered.

- Phase M, Plot nos.179 - 181 letter and technical appendices from Redstart dated 14th August 2019;
- Phase V, Plot nos.278, 285-288 letter and technical appendices from Redstart dated 17th March 2020;

-Garden Validation for Plots nos. 255 and 256 E3P letter ref: 14-207-V6 dated 7th October 2020;

-Garden Validation for Plots nos. 257 and 258 E3P letter ref: 14-207-V7 dated 6th November 2020;

-Garden Validation for Plots nos. 259, 260 and 261 E3P letter ref: 14-207-V8 dated 12th November 2020;

-Garden Validation for Plots nos. 262 and 263 E3P letter ref: 14-207-V9 dated 20th November 2020;

-Garden Validation for Plots nos. 264 and 313 E3P letter ref: 14-207-V10 dated 25th November 2020;

-Garden Validation for Plots nos. 308 - 312 E3P letter ref: 14-207-V15 dated 10th March 2021;

-Garden Validation for Plots nos. 304 - 306 E3P letter ref: 14-207-V16 dated 25th March 2021;

-Garden Validation for Plots nos. 302 - 304 and 307 E3P letter ref: 14-207-V17 dated 7th April 2021;

-Garden Validation for Plots nos. 296-297 E3P letter ref: 14-207-V19 dated 19th May 2021;

-Garden Validation for Plots nos. 298 - 299 E3P letter ref: 14-207-V20 dated 3rd June 2021;

-Garden Validation for Plots nos. 300 - 301 E3P letter ref: 14-207-V21 dated 8th June 2021;

-Garden Validation for Plots nos. 331, 347 -349 E3P letter ref: 14-207-V26 dated 11th November 2021;

-Garden Validation for Plots nos. 332- 333 E3P letter ref: 14-207-V27 dated 22nd November 2021;

-Garden Validation for Plots nos. 334- 335 E3P letter ref: 14-207-V28 dated 9th December 2021;

-Garden Validation for Plots nos. 354- 355 E3P letter ref: 14-207-V30 dated 16th December 2021;

-Garden Validation for Plots nos. 345-346, 336- 339 E3P letter ref: 14-207-V32 dated 10th March 2022;

-Garden Validation for Plots nos. 356-361 E3P letter ref: 14-207-V35 dated 15th June 2022;

-Gas Membrane Validation Statement E3P ref: 14-207 dated 09.06.2020 for plots 268-272 and 310-312 ;
Received 17th November 2022.

-Gas Membrane Validation Statement E3P ref: 14-207 dated 11.06.2020 for plots 265-267 ;
Received 17th November 2022.

-Garden Validation for Plots nos. 350, 352 -353 E3P letter ref: 14-207-V29 dated 15th December 2021

Received 9th January 2023

Email from planning agent dated 6th April 2023 with updated from Vistry confirming gas mitigation not required to plot nos:179;262-264;267-271;285-288; and 296-297 .

Email dated 06.04.2023 from the NHBC to Countryside Partnerships confirming their notes that
"cleared the remainder of Area U (plots 267 - 272) from LQ 4 & 6 as they were not impacted
would indicate that these gardens never actually required garden validations or capping.

-Garden Validation for Plot no. 265 E3P letter ref: 14-207-V12 dated 2nd February 2021

-Garden Validation for Plot no. 266 E3P letter ref: 14-207-V13 dated 8th February 2021

-Garden Validation for Plot no. 272 E3P letter ref: 14-207-V14 dated 25th February 2021

Received 6th April 2023

On the basis of the submitted information , I can confirm condition no.8 is discharged.

Date: 26 May 2023

Signed:



Julie Roscoe
Director 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 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 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.