

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

Partial approval of details reserved by condition

Applicant

Bagot
Rowlinson Construction
118B Gatley Road
Stockport
SK8 4AU

Agent (if used)

Mr David Coulson
Buttress
41 Bengal Street
Manchester
M4 6AF

Part 1 – Particulars of the application/development

Proposal: Application to discharge conditions 4 (Secure by Design), 12 (Acoustic), 14 (Land Contamination), 15 (Land Remediation) and 19 (drainage) attached to planning permission 125776/FO/2019

Location: Former Stagecoach Depot Site , Princess Road, Manchester, M14 7LS

Date of application: 24 January 2023

Application number: CDN/23/0048

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 4 - Secure by Design

The information submitted to discharge Condition 4 (Secure by Design) attached to planning permission 125776/FO/2019 showing that the scheme has achieved Gold certification is acceptable and Condition 4 can be discharged.

Condition 14 - Contamination

The E3P remediation and enabling works strategy Reference11-813-r1 dated January 2018 was accepted for the whole site, so Condition 14 attached to planning permission 125776/FO/2019 can be discharged.

Condition 19 - Drainage

The information submitted to discharge Condition 19 (Drainage) attached to planning permission 125776/FO/2019 is acceptable and Condition 19 can be 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 12 - Acoustic

Only 1 apartment was tested as part of the validation report. This does not satisfy Environmental Health who expect a minimum of 10% to be tested as a matter of good practice. The report does not show a plan of where the readings were taken, it says apartment 8 but there is no plan showing where apartment 8 is. Is apartment 8 facing onto Princess Road or is it one of the apartments facing the houses on the adjoining roads? Table 2 presents the glazing recommendations for the south facing facade of the Happi Block, which hints that apartment 8 is not on the western facade facing Princess Road. The western facade of the development is more likely to be affected by noise as it faces Princess Road, so Environmental Health would want some of the validation to be undertaken on this facade.

Condition 12 attached to planning permission 125776/FO/2019 is therefore not discharged.

Condition 15 - Remediation

Environmental Health need the following information before Condition 15 can be discharged:-

How much Topsoil was imported, and what was the source (is it greenfield / Brownfield)? They need to know this so that they can see if the sampling was in line with the MCC guidelines and the remediation strategy.

How much subsoil was imported? They need to know this so that we can see if the sampling was in line with the MCC guidelines and the remediation strategy.

Please could the applicant provide a map showing where the validation photos were taken plus a map of where the topsoil and subsoil samples were taken.

They still need final clarification re the gas membrane for the Happi Block.

Condition 15 attached to planning permission 125776/FO/2019 is not discharged.

Date: 21 March 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 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.