MANCHESTER CITY COUNCIL

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

Refusal of details reserved by condition

Applicant

Miss Shannon Cooke
Kellen Homes
105 Birchwood Park
Birchwood
Warrington
WA3 6YF

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 15C (contaminated land) attached to planning permission 138788/FO/2023.

Location: Land At Mount Road, Manchester

Date of application: 13 November 2025

Application number: CDN/25/1088

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 15C (contaminated land)
The content of the Kellen Homes email dated 9th January 2026 has been reviewed in conjunction with the information contained in the documentation specified below:

- Plot 92-101 Garden Validation ref: 18-062-V1-2 dated 20th January 2026

- Plots 102-109 Garden Validation ref: 18-062-V2-2 dated 20th January 2026

- Plots 1-32 Garden Validation ref: 18-062-V3-2 dated 20th January 2026

- Plots 73-91 and 175 -182 Garden Validation ref: 18-062-V4-2 dated 20th January 2026

- Plots 33-48 Garden Validation ref: 18-062-V5-2 dated 20th January 2026

On the basis of the referenced documentation above, insufficient information has been submitted to enable condition no.15c to be discharged.

The following matters need to be addressed.

1. Some of the plot validations state that the entire cover system consists of 600mm topsoil. The approved RS was for 150mm topsoil and 450mm subsoil.
2. For some of the plots, particularly those where it's stated that the entire cover system consists of 600mm topsoil, the material is clearly the same throughout the depth of the hand pit, and appears to be subsoil rather than topsoil from the photos and low soil organic matter in the majority of analytical results. This material does not appear suitable for use as topsoil.
3. Regarding the re-use of site-won subsoil, all reports state that "Brownfield Solutions have been appointed to sample and chemically validate stockpiled site-won subsoil. To date, 42 samples of site-won subsoil have been analysed from four stockpiles of site-won subsoil (1, 25, 3 and 4)." As per CDN/24/0915, the following information is required for this material:

a. Confirmation of suitability as growing medium.
b. Chemical suitability sampling rate of minimum 1 sample per 100m3.

In addition, if this application were to be considered in relation to the discharge of condition no. 15 c solely for Phase 1 of the wider development, no information has been provided for consideration in regard to plot nos-217-220 and 264-267 , which form part of phase 1.

Date: 28 January 2026

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.