

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

Refusal of details reserved by condition

Applicant

Mr Carl Tunnicliffe
Churchill Living Ltd
Churchill House
The Courtyard
Buntsford Gate
Bromsgrove
B60 3DJ

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 3a (contaminated land) attached to planning permission 138765/FO/2023.

Location: Wren House, 108 Palatine Road, Manchester, M20 3ZA

Date of application: 30 March 2026

Application number: CDN/26/0308

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 3a - Contaminated Land

The submitted information is not sufficient to discharge condition 3a from planning permission reference 138765/FO/2023.

The reasons and outstanding information that would need to be provided in addition to that already provided in order to discharge this condition are:

1) The proposals for the cover system are not acceptable. Section 12.3.3 of the Soiltechnics report STV6154 has said that "The Building Research Establishment publication 'cover systems for land regeneration - thickness cover for systems for contaminated indicates that 600mm of capping would be required at the site, though in our opinion this could be reduced to 300mm in non-productive garden and landscaped areas". The proposed 300mm cover is not in accordance with our guidance which can be found at

https://www.manchester.gov.uk/downloads/download/1460/contaminated_land

2) Mineral Oil was detected at 0.7M at point TP105. The City Council will require more discussion from the applicant regarding this as there is no explanation within the submitted information as to where this came from etc. TP105 is located in part of soft landscaping on the site.

3) Section 12.4.2.2 says that the soil sampling will have at least one sample tested per source. One sample per source is not in line with the City Councils guidance.

4) Section 12.4.3.2 says that Capping materials shall be from a source where at least 3 representative soil samples have been taken, subject to a minimum rate of at least 1 sample per 250m³. Is this for Greenfield or Brownfield sources? This is also not in line with the City Councils criteria.

5) The applicant will need to consult United Utilities to gain their advice as to whether barrier pipes will be needed or not due to the hydrocarbon contamination on the site.

Date: 12 May 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.