

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

Partial approval of details reserved by condition

Applicant

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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 10a (Contaminated Land), 12 (Coal Activity), 20 (Surface Water Drainage) and 35 (HMMP) attached to Planning Permission 143295/FO/2025.

Location: Former Apollo Pub, Varley Street, Manchester, M40 7NH

Date of application: 18 February 2026

Application number: CDN/26/0159

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 no. 10a (Contaminated Land)

The content of the following documentation has been reviewed:

Phase II Interpretative Ground Assessment Reference: 33585-SUT-ZZ-00-RP-G-7201

Date: May 2025

Phase III Remediation and Validation Strategy Proposals

Reference: 33585-SUT-ZZ-00-RP-G-7301 Date: February 2026

Received 18th February 2026

As updated by :

Response from Sutcliffe by email dated 19th March 2026

Gas Monitoring results (position ref: WS101A) dated 26.03.2025

Gas Monitoring results (position ref: WS103) dated 26.03.2025

Gas Monitoring results (position ref: WS105) dated 26.03.2025

Site plan ref: 1349-AP-902 rev. B showing the position of the tank taken from historic maps.

Received 19th March 2026

On the basis of the information submitted on 18th February 2026 , as updated by the further details (including gas monitoring results received 19th March 2026), condition no.10a is discharged.

Condition no. 35 (HMMP)

The content of the Habitat Management and Monitoring Plan Version 1 updated 13.01.2026

(including Appendix 2 Maintenance and Monitoring and Condition Sheet : Individual Trees Habitat Type) received 24th March 2026 has been reviewed.

On the basis of the documentation referenced above condition no.35 is 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 no. 12 (Coal Activity)

There is insufficient information to enable the discharge of condition no.12.

Information is required in relation to the investigations of shallow coal mine workings (drilling of 3 x 30m deep boreholes), as per Sutcliffe's recommendations within their Coal Mining Risk Assessment Report. The Phase II Interpretative Ground Assessment appears to have been prepared in support of the discharge of contaminated land planning condition, and not coal mining matters.

Further information regarding the coal mining risk previously identified within Section 4.2 of the Coal Mining Risk Assessment Report (33585-SUT-ZZ-00-RP-G-7601, February 2025) is required including the review of any abandonment plans for the recorded workings within the north eastern corner of the site , and that the level of investigations are able to prove that there is no risk to the site from shallow (recorded and unrecorded) coal workings; and no remedial works and / or mitigation measures are required to ensure the approved development is safe and stable.

Condition no. 20 (Drainage)

The content of the following documentation and plans have been reviewed

- Soil Infiltration Test results dated 26.03.2026
- Head Flow characteristics sheet for Hydro- Brake Optimum ref: SHE -0095-5000-1700-5000
- Hydro- Brake Optimum specification sheet ref: SHE -0095-5000-1700-5000
- Surface Water Calculation- Storm Phase: Surface Network 1 dated 21.03.2025
- Drainage Strategy plan ref: 33585-SUT-ZZ-XX-DR-C-6020
- Sections through attenuation tank plan ref: 33585-SUT-ZZ-XX-DR-C-6021 rev. P01
- Permeable paving details plan ref: 33585-SUT-ZZ-XX-DR-C-6022 rev. P01

Received 17th March 2026

It is considered that insufficient information has been provided for consideration to enable condition no.20 to be discharged. Outstanding matters include: where surface water is connected to the ordinary watercourse, agreement in principle from MCC as Lead Local Flood Authority is required; all new connections to the watercourses need to

comply with reduction of flows to Greenfield runoff rates(an email of acceptance of proposed flows and/or new connection would suffice); calculations of greenfield runoff rates are required; and there should not be flooding within the 1 in 30 year events.

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.