

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

Partial approval of details reserved by condition

Applicant

Mr A Canning
Caddick Construction Limited
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Trident Business Park
Warrington
WA3 6BX

Agent (if used)

Mr Steve Sullivan
Buttress Architects
41 Bengal Street
Manchester
M4 6AF

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 9 (archaeological works) and 11 (contaminated land) attached to planning permission ref: 136791/FO/2023

Location: Chorlton Baths, Manchester Road, Manchester, M21 9PQ

Date of application: 13 January 2025

Application number: CDN/25/0023

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 9 - Archaeology

The submitted Historic Building Investigation report is considered acceptable. Condition 9 has now been complied with in full and 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 11 - Contaminated Land

We are unable to discharge condition 11 at this time.

The following submitted information has been reviewed:

-Phase II Geoenvironmental Report for Land at the Former Chorlton Leisure Centre, CCG, Reference: CCG-C-24-14500, Dated: May 2024.

- Interim Phase 2 Geo-Environmental Investigation and Risk Assessment, Chorlton Baths, Manchester, LK Consult, Reference: LKC241317, Dated: October 2024.
- Final Phase 2 Geo-environmental Investigation, Risk Assessment and Remediation Strategy, Chorlton Baths, LK Consult, Reference: LKC241317, Dated: December 2024.

The desk study information was found to be adequate in an earlier review.

The site investigation and risk assessment are considered appropriate for the site and appear consistent with recognised guidance and best practice.

The final risk assessment was found to be adequate.

The site investigation and final risk assessment for this development have identified levels of contamination that will require remediation prior to the site being suitable for its intended use. The Council requires submission of a detailed remediation strategy for approval before the commencement of any remedial works on site, particularly for the soil build up for areas of soft landscaping and the proposed community garden.

Before the Council can discharge condition 11 from this planning approval, the following information needs to be submitted to the Council for approval:

- Submission of a detailed Remediation Strategy, to confirm soil build up for soft landscaping and the community/communal garden.

Please note that condition 12 of the planning approval relates to contaminated land and the following would be needed to discharge this condition:

- After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed by this Section.

Date: 10 February 2025

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.