

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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M4 6AF

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 4 (Construction Demolition Plan), 5A (Labour Benefit Proposal), 11 (Contaminated Land), 22 (Invasive Species Report) and 35 (Affordable Housing Statement) attached to planning permission 136791/FO/2023.

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

Date of application: 12 April 2024

Application number: CDN/24/0297

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 22 - Invasive Species

The submitted details for the treatment of invasive species are considered acceptable. As required by condition 22 these approved measures shall be carried out strictly in accordance with the approved scheme and implemented prior to the commencement of the development.

Condition 35 - Affordable Housing

The submitted information in relation to the affordable housing provision on site is acceptable. The development shall be carried out in accordance with the agreed details.

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 4 - Construction Management

The submitted document is insufficient to discharge condition 4.

The CMP document refers to two differing sets of working hours for Saturday, this needs to be corrected to reflect the Saturday working hours recommended by the City Council.

The updated noise section is accepted.

The submitted document does not provide sufficient detail in respect of the sites interface with the operational Metrolink. The document will require more detail, alternatively it could be amended to make reference to discussions held and methodologies agreed with the Metrolink Operator and Maintainer (KAM). Evidence of RAMS being agreed would be required.

Reference to vibration and acceptable limits in the CMP does not address Metrolink's concerns and should be disregarded in relation to Metrolink infrastructure.

The following points that need addressing in an amended CMP, are:-

Page 7 Demolition - refers to water canon, this needs to be risk assessed in relation to its proximity to overhead wires, carrying 750v DC.

Page 8 Reference to the use of cranes following Metrolink stipulations. Metrolink do not allow any oversailing and the crane location and its radius needs to be identified including where slew restrictions will be in place to prevent oversailing of Metrolink. The crane also needs to be de-rated to a level agreed if it has a topple radius that falls within Metrolink land.

Page 12 shows tree protections measures in the form of heras style fencing. There is concern in relation to T12, a tree within the Metrolink boundary, where the logistics plan on page 7 shows storage and a spillage kit sitting in this area, this is contradictory and needs to be resolved.

The Applicant is advised to liaise with the Metrolink Operator and Maintainer to agree RAMS in relation to this and resubmit his document to reflect what is agreed. For reference the new more comprehensive Working Safely Near Metrolink Document can be found at: <https://tfgm.com/public-transport/tram/working-safely>

Condition 5a - Local Labour

The submitted information is insufficient to discharge part a) of this condition at the current time. The required information is needed in a KPI format.

Condition 11 - Contaminated Land

Whilst sufficient information has been provided to allow the demolition of the building on site and further site investigations taking place, this condition can not be discharged in full until the completion of those site investigations and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

Date: 5 June 2024

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.