

## **Important – Planning permission & notices of consent**

### **Compliance with conditions**

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email [planning@manchester.gov.uk](mailto:planning@manchester.gov.uk)

## **Town & Country Planning Act 1990 (as amended)**

### **Planning Permission**

#### **Applicant**

Jennifer Ingham  
National Trust  
Heelis  
Kemble Drive  
Rodbourn  
Swindon  
SN2 2NA

#### **Agent (if used)**

### **Part 1 – Particulars of the application/development**

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**Proposal:** Temporary change of use to an urban park (F2(c)) for a period of 20 months.

**Location:** Castlefield Viaduct , Manchester,

**Date of application:** 9 September 2021

**Application number:** 131621/FO/2021

### **Part 2 – Particulars of decision**

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Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

### **Article 35 Declaration**

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### **Condition(s) attached to this decision**

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1) The permission hereby granted is for a limited period only, expiring twenty months from 1 February 2022 and the buildings, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued. The land shall be reinstated within six months in accordance with a scheme previously approved and timetable of implementation to be submitted to and approved in writing by the City Council local planning authority before this permission expires.

Reason - The use and works hereby approved are of a temporary nature only, pursuant to Core Strategy Policies SP1, CC3, EN3 and DM1.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing numbers:

(PL) 001 Rev A  
(PL) 100 Rev D  
(PL) 300 Rev C  
(PL) 301 Rev C  
(PL) 302 Rev C  
(PL) 303 Rev C  
(PL) 400 Rev B  
(PL) 700 Rev D  
(DIA)004 Rev A

Design & Access Statement Planning Revision A by Twelve Architects dated 19 November 2021;  
Statement of Heritage Significance Parts 1 and 2 Issue 01 by Purcell dated June 2021;  
Heritage Impact Assessment Issue 02 by Purcell dated September 2021;  
Planning Supporting Statement by National Trust dated September 2021;  
Castlefield Viaduct ARUP Report by ARUP dated 3rd September 2021;  
Operational Overview September 2021 by National Trust;  
Record of Structural Review Form REP/282210/C001 Draft 1 by Arup dated 27 July 2021;  
Structural Survey for Highways England by Balfour Beatty dated 7 September 2020;  
Stage 3 Fire Strategy by Arup dated 7 September 2021;  
Construction Management Plan Framework and Principles by National Trust;  
Noise Survey Report reference: PC2387-ZZ-XX-RP-Z-0010 dated 3 September 2021 by Royal HaskoningDHV;  
Bat Survey Report dated September 2021 by Urban Green;  
Preliminary Ecological Appraisal dated April 2021 by Urban Green;  
Drainage Assessment reference: PC2387-RHD-ZZ-XX-RP-Z-0004 dated 7 May 2021 by Royal HaskoningDHV;  
Initial Flood Risk Appraisal reference: PC2387-RHD-ZZ-XX-RP-Z-0003 dated 26 April 2021 by Royal HaskoningDHV;  
Summary Feasibility Report reference: PC2387-RHD-ZZ-XX-RP-Z-0005 dated 11 May 2021 by Royal HaskoningDHV;  
Full Utility drawing 0421-RH-14204;  
Land Quality Desk Study and Preliminary Risk Assessment Report reference: PC2387-RHD-ZZ-XX-RP-Z-0002 dated 10 May 2021 by Royal HaskoningDHV;  
Land Quality Interpretative Ground Investigation and Generic Quantitative Risk Assessment Report reference: PC2387-RHD-ZZ-XX-RP-Z-0009 dated 13 August 2021 by Royal HaskoningDHV;  
Environmental Standards Statement by National Trust;  
Castlefield Viaduct: Operational Overview by National Trust;  
Crime Impact Statement version A: 7th September 2021 URN: 2021/0347/CIS/01 by Greater Manchester Police;  
Travel Plan as amended by the Cvia Planning Feedback document received by the City Council on 3 November 2021;  
Transport Statement VN211993 dated September 2021 by Vectos.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, CC9, EN3 and DM1 of the Core Strategy, and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

3) Notwithstanding the details shown in the approved drawings and documents, as set out in condition 2 above, before development commences final details (including where

appropriate specification and method statement) of the following shall be submitted to and approved in writing by the City Council as local planning authority:

- (a) The detailed design of the MHVR;
- (b) The detailed design of the high level guarding;
- (c) Locations and details (including any fixtures and fittings) of any external lighting, CCTV and LV power supply, as well as any other fixtures or fittings required to implement the recommendations of the Crime Impact Assessment referred to in condition 2;
- (d) Locations and details of any new drainage equipment including any 'event style' attenuation, which should accord with paragraph 174 of the National Planning Policy Framework (NPPF);
- (e) The detailed design of any graphic panels (including appearance, materials, dimensions and locations).

The approved details shall be implemented in full before the use of the building hereby approved commences.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

4) Prior to the commencement of development, a detailed construction management plan outlining working practices during development and including safe methods of working adjacent to the Metrolink overhead line equipment and other Metrolink infrastructure shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the construction management plan shall include:

- \*Display of an emergency contact number;
- \*Details of Wheel Washing;
- \*Dust suppression measures;
- \*Compound locations where relevant;
- \*Location, removal and recycling of waste;
- \*Routing strategy and swept path analysis;
- \*Identification of the vehicular access points into the site;
- \*Loading and unloading of plant and materials;
- \*Storage of plant and materials used in constructing the development;
- \*Parking of construction vehicles and staff;
- \*Sheeting over of construction vehicles;
- \*Engagement with Metrolink;
- \*Protection of Metrolink equipment;
- \*Retention of 24 hour unhindered access to Metrolink equipment;
- \*Construction and demolition methods to be used, including details of the use of lifting equipment or cranes (which shall not oversail the tramway or overhead line equipment);
- \*The erection and maintenance of any works/security hoarding (please note this may require an electrical isolation of the Metrolink overhead wires); and

\*Communication strategy with residents that shall include details of how engagement, consultation and notification of residents during the works shall take place.

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents, in the interests of highway safety and to ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

5) No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the City Council as local planning authority. The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason - In order to provide protection to flora and fauna, pursuant to Policy EN15 of the Core Strategy.

6) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of

remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences 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.

b) When the development within each phase commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority. In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

7) Before the use hereby approved commences, facilities for the storage and disposal of waste shall be provided in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority. The facilities shall be implemented in full and shall remain in situ whilst the development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

8) The use shall not be operate outside the following hours, except for special events, the hours of which shall be agreed in writing by the City Council as local planning authority before the events take place:-

1 June 2022 to 31 December 2022 - 9am to 5pm daily;  
1 January 2023 to 17th February 2023 - closed;  
18th February 2023 to June 2023 - 9am to 5pm daily.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

9) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria. Those measures shall be implemented in full before the use commences.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

10) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

b) Prior to occupation of the development a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria. Those measures shall be implemented in full before the use commences.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

11) Before development commences a signage strategy for the site shall be submitted to and agreed in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved details.

Reason - In the interests of visual amenity to enable careful attention to signage details is required to protect the character and appearance of this building in accordance with policies SP1 and DM1 of the Core Strategy.

12) Foul and surface water shall be drained on separate systems.

Reason - To secure proper drainage and to manage the risk of flooding and pollution, pursuant to Section 10 of the National Planning Policy Framework and Policy EN14 of the Core Strategy.

13) Prior to operation of the site, a lighting strategy that shall include full details of lighting at the site shall be submitted to and approved in writing by the City Council as local planning authority. The lighting strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to gain access to key areas of their territory, for example, for foraging;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places;
- c) demonstrate how the lighting would have no adverse effect on tram drivers' ability to read a tram signal and would not cause dazzle.

All external lighting shall be installed and maintained thereafter in accordance with the approved lighting strategy. No other external lighting shall be installed without prior consent from the City Council as local planning authority.

Reason - To prevent the works from disturbing bats and to ensure that the operational requirements of the Metrolink system are met in the interests of safety, pursuant to Policies S06, EN15 and DM1 of the Core Strategy.

14) The use shall not commence unless and until measures/features that are beneficial to wildlife, such as roosting opportunities for bats or the installation of bird nest boxes, have been submitted to and approved in writing by the City Council as local planning authority and those approved measures/features have been incorporated into the development.

Reason - To enhance, restore or create new biodiversity either on-site or adjacent to the site in order to contribute to linkages between valuable or potentially valuable habitat areas, pursuant to Policy EN15 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

15) No development shall take place, until a biodiversity monitoring strategy has been submitted to and approved in writing by the City Council as local planning authority. The purpose of the strategy shall be to monitor bat foraging activity across the site. The content of the strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose;
- b) Identification of adequate baseline conditions prior to the start of the development;
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- d) Methods for data gathering and analysis;
- e) Location of monitoring;
- f) Timing and duration of the monitoring;
- g) Responsible persons and lines of communication;

h) Review and, where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the City Council as local planning authority at intervals identified within the strategy. The report shall set out (where results from monitoring show that conservation aims and objectives are not being met) what contingencies and/or remedial action shall be taken so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme and shall be agreed in writing by the City Council as local planning authority.

The monitoring strategy shall be implemented in accordance with the approved details.

Reason - The site has been identified as being of high value for foraging bats and a monitoring programme is required to ensure that the site retains this status, pursuant to Policies S06, EN15 and DM1 of the Core Strategy.

16) No development shall take place unless and until full details of fencing/guarding and boundary treatment to the site have been submitted to and approved in writing by Manchester City Council as local planning authority (in consultation with Transport for Greater Manchester). The development shall be carried out in accordance with the approved details.

Reason - In the interests of visual amenity and to ensure that a safe and secure boundary treatment is installed that prevents access to the operational Metrolink network, pursuant to policies EN3 and DM1 of the Core Strategy and saved policies DC18.1, DC19.1 of the Unitary Development Plan for the City of Manchester.

17) No development shall take place until the developer has confirmed that there are no Electro Magnetic Compatibility impacts from the proposed development.

Reason - In the interests of safeguarding Metrolink infrastructure pursuant to policy DM1 of the Core Strategy.

18) Level access shall be provided into and throughout all publicly accessible areas of the site for all people, including those whose mobility is impaired.

Reason - To ensure that satisfactory access for people with disabilities is provided pursuant to policy DM1 of the Core Strategy.

19) No amplified sound or any music shall be produced or played in any part of the site outside the event space building.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

20) The use hereby approved shall not commence unless and until space and facilities for bicycle parking have been provided in accordance with the approved details. The approved spaces and facilities shall then be retained and reserved for bicycle parking for as long as the use is in operation.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode, pursuant to policy T1 of the City of Manchester Core Strategy.

## **Informatives**

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### **Building Regulations 2010**

This permission does not grant approval under Building Regulations.

### **Street Naming & Numbering Requirements**

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

[http://www.manchester.gov.uk/info/100011/roads\\_parking\\_and\\_transport/1988/naming\\_and\\_numbering\\_of\\_houses\\_buildings\\_streets\\_and\\_roads/2](http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2)

### **Mining Information**

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

### **Construction Working Hours**

To safeguard the amenities of the occupiers of nearby residential and commercial properties during the construction/demolition phases, construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by Manchester City Council Environmental Health:

- o Monday - Friday: 07:30 to 18:00;
- o Saturday: 08:30 - 14:00;
- o Sunday / Bank holidays: No work.

The applicant should refer to:

[https://secure.manchester.gov.uk/info/100006/environmental\\_problems/2956/noise/9](https://secure.manchester.gov.uk/info/100006/environmental_problems/2956/noise/9)

and

IAQM/EPUK Construction Guidance at:

<http://iaqm.co.uk/guidance/>.

The applicant should undertake a condition survey of the existing drainage system to assess whether it is fit to serve the site for the duration of Phase 1. Repairs and upgrades should be made wherever necessary to ensure proper drainage and flood risk management to the site and third parties.

Manchester City Council (MCC) records highlight that the underground Medlock Tunnel is located within close proximity to the site (approximately crossing below ground under the east of the site). Whilst MCC records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100 per cent accuracy for all MCC underground assets. Therefore, the applicant should inform the on-site contractor to remain observant and to take the appropriate safety precautions during works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

The applicant is advised to liaise closely with adjacent and nearby landowners to ensure that mutual access arrangements are maintained.

The applicant is advised to liaise with the Water Safety Partnership before the park is first brought into use.

Any approval given for the proposal does not grant, or imply grant of, planning approval for any existing unauthorised works.

Date: 23 November 2021

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

Julie Roscoe  
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

## Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 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 within six months of the date of the notice of the decision.

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/planning-inspectorate](http://www.gov.uk/planning-inspectorate). The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council ([planning@manchester.gov.uk](mailto:planning@manchester.gov.uk)) and the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on [GOV.UK](http://GOV.UK).

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 his 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.

## Appendix A



The Coal  
Authority

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison

Telephone: 01623 637 119

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**STANDING ADVICE - DEVELOPMENT LOW RISK AREA**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

*This Standing Advice is valid from 1<sup>st</sup> January 2021 until 31<sup>st</sup> December 2022*