

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129176/FO/2021

Date registered valid: 5 August 2021

Proposal: Installation of 13 mooring service pillars and hoops and erection of an amenity building (shower room, toilet and elsan) together with regrading of the land and associated landscaping

Address: Land Beneath The Railway Viaduct, Between The Bridgewater Canal And Adjacent Bridgewater Canal Basin, Potato Wharf, Manchester, M3 4LA

Ward(s): Deansgate Ward

Applicant: Peter Parkinson Bridgewater Canal

Agent (if any): Mrs Becki Hinchliffe Eden Planning

Case officer: Lucy
Tel: 0161 234 Harrison
Email: lucy.harrison@manchester.gov.uk 5795

Recommendation: Approve

Date of recommendation: 24 October 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 15 November 2023

Standard consultations:

Printed: 29 June 2022 Expired: 13 July 2022

Neighbour notifications

Printed: 29 June 2022 Expired: 13 July 2022

Site notice

Posted: 7 July 2022 Expired: 28 July 2022
September 2021 Posted: 17 August 2021 Expired: 7

Press advert

Published: 5 July 2022 Expired: 26 July 2022 Published: 24 August 2021 Expired: 14 September 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Castlefield Conservation Area 1979

Tree Preservation Order: Yes

Description of area

The site is roughly an L-shape and comprises the western edge of the Bridgewater Canal basin at Potato Wharf and land extending to the south/south west located beneath and adjacent to the Castlefield Railway Viaduct. The land is bounded by the Potato Wharf apartment block to the west, and the Bridgewater Canal and basin to the south and east. The Grade II listed Castlefield Railway Viaduct oversails the site and Dawson Street runs along the western edge. The apartment buildings of Worsley Mills (Grade II listed) and Slate Wharf bound the site to the south. The site is within Castlefield Conservation Area.

The southern part of the site is overgrown with self-seeded shrubbery and has a group of mature trees which are subject to a Tree Preservation Order. The northern part of the site consists of an access road to the car park for the Potato Wharf apartments with York stone paving running along the edge of the canal coping stones.

The area is characterised by the historic canal basin network and the railway viaducts, as well as historic warehouse buildings and modern apartment blocks. There are a variety of uses in the area, including residential, food and drink and office uses.

Description of development

The proposal is to install 13 mooring points along the edge of the canal basin and the main stretch of the canal. This would consist of 13 steel mooring hoops and 13 mooring service pillars with electrical connection. An amenity building is proposed beneath the railway viaduct, consisting of a brick building with slate pitched roof. It would provide shower, toilet and Elsan disposal facilities for the canal boat users, along with a refuse store. The land to the south of the viaduct would be tidied up, with the existing trees retained and new native wildflower meadow, shrub and tree planting.

This is a revised scheme to that originally submitted. The original submission included the removal of trees and regrading of the land on the southern part of the site to create an access road and car park. These elements have now been removed from the application.

Consultations & Notification Responses

Publicity

The original and amended proposals have been advertised in the local press, site notices have been displayed and occupiers of neighbouring properties have been notified. The representations received are set out below:

Original Proposal

Loss of Trees and Biodiversity/Wildlife Habitat – 105 objections.

Other Objections (see below) – 3 objections.

No reason given – 2 objections.

Support application – 2 representations (site is derelict – boat moorings would be more pleasant and useful).

The objections not relating to the loss of trees were for the following reasons:

Noise – The proposal would create an unacceptable noise nuisance to existing residents with the narrow boats being only 8 metres away from existing residences. The boats would run their engines when moored to provide heat, hot water, generate electricity and pump water out and there would be noise from voices to music etc. The existing background noise is relatively tranquil with just the noise from passing trams and trains. We cannot see what conditions could prevent or mitigate the noise intrusion.

Proximity to Existing Homes – The canal boats would be moored within 8 metres of existing flats.

Smoke Pollution – Canal boats frequently run their engines when stationary, causing pollution from diesel engines, which would affect the flats in close proximity to the moorings.

Permanent Dwellings – Any consent should be conditioned to prohibit the use of the moorings for permanent residential occupation.

Commercial Use of Moorings – There is nothing to prevent the canal moorings or narrowboats attached to them for commercial purposes such as party boats or shops, which would cause a noise nuisance to neighbours. Any consent should be conditioned to prevent this.

Listed Building Consent (LBC) – LBC is required for the Elsan/shower unit as backed up by the *Ampliflaire v Secretary of State for Scotland* case. The design of the unit with its pyramid shaped roof is out of keeping with the curved structure of the listed railway viaduct and would visually dominate the space.

Parking - The creation of yet more parking spaces in this city centre site is in direct conflict with the clear local and national need to promote transport sustainability. Whilst it is alleged that these car parking spaces are for individuals mooring boats, on newly built moorings, no other mooring in the area provides this service. I believe it is reasonable to suspect these will be rented out to the public for profit in an area known for parking space shortages.

Lack of on-site management - Facilities such as service pillars and car parking are associated with a private marina situation, where boats are moored on a piece of water managed by on-site staff, generally on a medium to long term basis. Under this proposal boaters could simply moor alongside the mooring points without restriction, making it difficult to monitor the use of both service pillars and individual parking spaces (parking being at a premium in this city centre

location). There is no reference to ongoing site management. Lack of on-site staff could lead to opportunities for vandalism and anti-social behaviour.

Why are 13 more mooring points being created when the spaces at Castlefield Bowl have just had access restricted to moor up?

There are already enough mooring points in the area.

The money should be spent on preventing bird droppings on cars in the Potato Wharf spaces under the arches, which people have spent a lot of money on with zero help towards the problem.

Peel should concentrate on making the canal towpaths safely lit and clean. There is virtually no maintenance of the towpaths so what state will the new footpath access look like in future? Will they replace lamps, pick up litter, clean up graffiti? They are making Castlefield look scruffy, uninviting and uncared for. Why permit them to do more when they can't even look after the property they've got?

An objection on the original proposal was received from Councillor Marcus Johns as follows:

I am concerned about the level of tree loss. I am unclear about the extent to which the tree loss is avoidable vis preventing damage to the canal. The canal is a hugely significant historic asset while the trees make a significant contribution to a conservation area - so my goal is to retain and promote both.

Objections received from Councillors Marcus Johns and William Jeavons:

- Lack of consultation. We are unaware and disappointed by the lack engagement and consultation from the applicant other than their statutory requirement with the nearest residents in Bridgewater House and Worsley Mill who face on to the canal and the site on its opposite side, some as near as 8m away.
- Removal of trees especially those already covered by TPO's is unacceptable.
- The area is part of the Castlefield Conservation Area, and both the tree removal and installation of the facilities are contrary to its nature and undermines the principle of its goals of conservation and heritage.
- The proximity to the listed railway arches is contrary to the need to respect and contextualise their importance to the heritage of the immediate area and Manchester's industrial history.
- There will be loss of residential amenity including overlooking, increased noise, removal of green space and loss of privacy.
- Increase in crime and anti-social behaviour. Unmanned parking areas in the area already attracts drug taking, dealing and crime. The increased provision without mitigation will mean this will increase.
- Increased parking does not support sustainable transport, which are key features of both national planning policy and Manchester's Core Strategy, and where a goal of a modal shift away from private cars to public transport and active travel.
- No discussion or explanation on the tenure or use of the mooring site. The expected volume of use or turnover and hours of movement.

Revised Proposal (trees retained) – 13.7.22

Following publicity and renotification of neighbours of the amended scheme, where the car park has been removed and the trees are retained, the following objections were received:

Loss of Trees and Biodiversity/Wildlife Habitat – 20 objections.

Other Objections – 1 objection was received stating that the area would be misused, attracting vandalism and homeless people.

Consultations

Highway Services - No highway safety or capacity concerns. Requests information on how servicing would take place and recommends a CMP condition including dilapidation survey.

Environmental Health - Recommends conditions on contaminated land, construction hours, acoustics for external plant or equipment, waste and EVCs.

Canal & River Trust - No comments as the application falls outside the notified area.

Greater Manchester Ecology Unit - Any mature trees to be removed should be assessed for bat roosting potential prior to determination. Recommend conditions regarding: no works to trees during bird nesting season; protection of canal conditions; and provision of bat and bird boxes.

Greater Manchester Police - Security in terms of appropriate lighting around the area and car parking area, ensuring the facilities are secured, and robustness around the service pillars so that they cannot be tampered with, should be considered.

Manchester Water Safety Partnership – Request an informative be attached to encourage completion of a Water Safety Impact Assessment and the provision of rescue equipment, water safety signage/information and adequate lighting.

Issues

The main issues to consider in assessing this application are the principle of the use, its impact on amenity in terms of noise and disturbance and fumes, visual amenity, heritage issues relating to the Grade II listed viaduct and canal basin and Castlefield Conservation Area, crime and disorder, highway safety, green infrastructure and biodiversity, and disabled access. The application should be considered against the following policies:

Core Strategy and Save UDP Policies

Policies SP1 (Spatial Principles), CC4 (Visitors - Tourism, Culture and Leisure), CC9 (Design and Heritage), CC10 (A Place for Everyone), T2 (Accessible Areas of Opportunity and Need), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage), EN9 (Green Infrastructure), Policy EN 15 (Biodiversity and Geological Conservation) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester; and saved policies DC18 (Conservation Areas), DC19 (Listed Buildings) and DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester.

Manchester Green and Blue Infrastructure Strategy 2015

The Manchester Green and Blue Infrastructure Strategy (G&BIS) sets out objectives for environmental improvements within the City within the context of objectives for growth and development.

Places for Everyone (PfE)

The Places for Everyone Plan is a Joint Development Plan Document, which provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. It was adopted on 21 March 2024 and forms part of Manchester's development plan.

Policy JP-G2 (Green Infrastructure Network) - Wherever practicable, opportunities to integrate new and existing green infrastructure into new development will be taken to protect, enhance and expand the green infrastructure network.

Policy JP-G3 (River Valleys and Waterways) aims to protect and improve waterways as central components of our Green Infrastructure Network and a vital part of a Nature Recovery Network. It prioritises increasing the use of canals and watercourses for active travel, with improved and extended rights of way alongside the water providing walking and cycling routes for both recreation and commuting, thereby increasing access to natural green space. Development should relate positively to waterways, taking advantage of opportunities to integrate green infrastructure through high quality frontages and public realm alongside the water for recreation and maintenance access.

Policy JP-G6 (Urban Green Space) - Existing urban green space will be protected and enhanced in balance with other considerations.

Policy JP-G7 (Trees and Woodland) looks to significantly increase tree cover.

Policy JP-G8 (A Net Enhancement of Biodiversity and Geodiversity) seeks a net enhancement of biodiversity resources.

Policy JP-P1 (Sustainable Places) aims to create one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-P2 (Heritage) aims to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. The policy requires development proposals affecting a designated heritage asset to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

Policy JP-P7 (Sport and Recreation) looks to protect and enhance a network of high quality and accessible sports and recreation facilities.

National Planning Policy Framework (NPPF)

The NPPF sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable

development has an economic, social and environmental role (paragraphs 7 & 8). Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan (para 11). Paragraphs 11 and 12 state that:

"For decision-taking this means: approving proposals that accord with an up-to-date development plan without delay" (para 11) and "where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed" (para 12).

The following sections of the NPPF are relevant to the consideration of this application: Section 8 (Promoting healthy and safe communities), Section 12 (Achieving Well-Designed and Beautiful Places), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and Enhancing the Historic Environment).

Principle of the Use

Canal moorings are an appropriate use within the Castlefield basin where there are already a number of moorings. The proposal would help to expand opportunities for leisure and recreation within the City Centre, enhancing the area as a place to visit and live, and creating a more meaningful area of open space. It would be in line with policies SP1 (Spatial Principles), CC4 (Visitors - Tourism, Culture and Leisure), EN1 (Design Principles and Strategic Character Areas) and DM1 (Development Management) of the Core Strategy; Policy JP-P1 (Sustainable Places) and Policy JP-P7 (Sport and Recreation) of PpE; and Section 8 (Promoting healthy and safe communities) of the NPPF.

Amenity

The site is close to the residential properties of Worsley Mill and Slate Wharf across the canal, as well as the residential buildings of Potato Wharf. Canal boat moorings are common within Castlefield Basin and boat users could moor their boats along this stretch of the canal without the need for permission. This proposal would provide facilities for users to dispose of boating waste safely within the proposed Elsan unit, which would be in a purpose-built building. The electric bollards would allow boaters to moor with an electric hook up power supply, which would negate the need for boats to generate electricity by running their engines or burning fuel.

On the Bridgewater Canal, boaters must adhere to Licensing conditions and mooring rules set by the applicant and there is an enforcement process in place, which could ultimately lead to a boat being removed by the Bridgewater Canal Company for flouting the rules. The rules include restrictions on the use of engines at certain times to protect amenity. Therefore, noise and disturbance through engine noise and fumes created by engines running should not have an unacceptable impact on the amenities of nearby residents.

The applicant has also stated that there are a number of commercial boat operators that have used the Canal basin as a base for more than 10 years without any reported issues. Whilst the proposal would introduce more activity to this part of the canal it is considered that it would not result in a significant increase in noise or disturbance and the proposal would be commensurate with the existing uses and activities in and around this part of the canal.

The width of the canal from the bank to the residential properties opposite the site in Worsley Mill is approximately 15m, which would mean that the nearest part of the canal boats would be approximately 13m away from those properties. The boats would be at a lower level than the

properties so it is not considered that there would be unacceptable overlooking of the Worsley Mill properties from the canal boats. The canal bank is considered to be far enough away to prevent unacceptable overlooking by boaters using the canal bank. There are already canal moorings on the canal bank opposite the northern part of the site, which again, are lower than the adjacent apartments and do not cause an issue of overlooking. It is considered therefore that the proposal would have an acceptable impact in terms of overlooking.

The amenity building includes a bin store and an appropriate waste management strategy would be in place, with bin collections managed in conjunction with the adjacent Potato Wharf apartments.

Given the above it is considered that the proposal would have an acceptable impact on amenity in accordance with national and local policy, including Policy DM1 and saved policy DC26.

Visual Amenity

The proposal would improve the appearance of the southern part of the site with woodland wildflower planting, shrub and tree planting to supplement the retained TPO's trees. A resin bound gravel pathway would be formed to this part of the site along the canal edge, which would allow flexibility over the tree roots whilst having an acceptable appearance.

The proposed service pillars are not large and would be finished in black so they would not stand out visually.

The proposed shower block with Elsan unit would be a simple brick building with pitched slate roof, which would be in keeping with other buildings in the area. A condition requiring the approval of material samples would ensure the materials are appropriate.

It is considered therefore that the proposal would have an acceptable impact on visual amenity in accordance with policy DM1 of the Core Strategy, JP-P1 of PfE and the NPPF.

Heritage

It is considered that Listed Building Consent is not required for the proposed shower block as no physical works are being proposed to the Grade II listed viaduct structure. Likewise, the proposed service pillars and mooring hoops would not directly attach to the listed part of the canal basin in the northern part of the site. However, the impact of the proposal on the settings of the railway viaduct and canal basin, and on Castlefield Conservation Area should be considered.

The use for canal moorings is entirely appropriate in the context of the conservation area and the listed structures and would enhance the function and viability of the conservation area.

The proposed service pillars would be small and finished in black to match other infrastructure within the conservation area. It is considered therefore that these features would not harm the settings of the heritage assets.

The proposed amenity building would be a small single storey building located beneath the viaduct, adjacent to the brick landing structure of the pedestrian bridge over the canal. The design of the building is in keeping with other small scale buildings in the area and a condition to control the type of brick and slate used in its construction would ensure that its appearance is in keeping with the viaduct and other buildings within the conservation area. It is considered therefore that it would have a neutral impact on the significance of the heritage assets.

Given the above, it is considered that the impact of the development on the settings of the heritage asset would be low, with the magnitude of the impact being imperceptible/none. The significance of the heritage assets would be sustained by the proposal, in line with paragraph 203 of the NPPF. It is considered that the proposal is therefore in line with policies CC9 (Design and Heritage) and EN3 (Heritage) of the Core Strategy; saved policies DC18 (Conservation Areas) and DC19 (Listed Buildings) of the UDP; Policy JP-P2 (Heritage) of PfE; and section 16 of the NPPF.

Crime and Disorder

The proposal would bring a disused piece of land into use, which would improve its appearance, bring activity and surveillance, and deter anti-social behaviour. Users of the moorings would have to adhere to the Bridgewater Canal licence and rules. A condition for details of any lighting should be attached to any permission.

Given the above it is considered that the proposal would have an acceptable impact on crime and disorder in line with policy DM1 of the Core Strategy.

Highway Safety

The highway impacts of the proposal are confined to waste collection vehicles, which would use the existing pick up point within the Potato Wharf apartment complex. There would, therefore, be no detrimental impacts on highway safety in line with policy DM1 of the Core Strategy.

Green Infrastructure and Biodiversity

The southern part of the site provides an important area of green infrastructure within the City Centre. The original proposal has been amended to retain all the TPO'd trees on the site and the proposal would provide further tree planting alongside woodland meadow planting and shrub planting. The proposal would enhance the quality of the greenspace and the canal basin, and would allow opportunities for use of the area.

In terms of GMEU's comments, none of the mature trees are now proposed for removal so a bat assessment is not considered necessary. However, an informative should be attached reminding the applicant of their legal obligations should bats be found. The proposal includes the provision of bat and bird boxes and a log pile to encourage fauna on the site. The provision of bat and bird boxes should be conditioned and a condition requiring a method statement to protect the Bridgewater Canal during development should be attached.

As the application was submitted prior to 10% biodiversity net gain being mandatory, the proposals do not need to demonstrate a 10% gain, so a BNG assessment has not been carried out. However, given the retention of the trees and the proposed planting, it is considered that the proposal would result in a net gain in biodiversity.

Given the above, it is considered that the proposal would be in line with Policies EN 9 (Green Infrastructure) and EN15 (Biodiversity and Geological Conservation) of the Core Strategy; Policies JP-G2 (Green Infrastructure Network), JP-G6 (Urban Green Space), JP-G7 (Trees and Woodland) and JP-G8 (A Net Enhancement of Biodiversity and Geodiversity) of the PfE; and Section 15 of the NPPF. The proposal is consistent with the Manchester Green and Blue Infrastructure Strategy 2015.

Accessibility

The site is in a highly accessible location, being close to public transport links and amenities/facilities within the City Centre. Level access would be provided to the mooring points and into the amenity building. The proposal is therefore in line with policies CC10 (A Place for Everyone), T2 (Accessible Areas of Opportunity and Need) and DM1 (Development Management).

Conclusion

Given the above, it is considered that the proposal would have an acceptable impact on amenity, visual amenity, heritage assets, crime and disorder, highway safety, green infrastructure and biodiversity and accessibility, and would be in accordance with national and local planning policy. The application should therefore be approved.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers worked with the applicant with regard to ensuring the retention of trees, the removal of the proposed parking and access road, visual amenity, accessibility and waste management. The proposal is now considered to be acceptable.

Condition(s) to be attached to decision for approval

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

6689_P01 - Site Location Plan

03 Revision A - Hard Landscape Plan received by the City Council as local planning authority on 25 September 2024;

6612_PL03 Revision M - Proposed Site Section AA & Elevations received by the City Council as local planning authority on 9 October 2024;

6612_PL02 Revision J (as amended by drawing 03 Revision A) - Hard Landscape Plan;

6612_PL04 Revision B - Detail of Service Pillar, Indicative Signage & Mooring Hoops;

254173-LPP-90-SW-L00-DPL-L-0003-003 R5 - Hard Landscape 2 of 2;

254173-LPP-90-SW-L00-DSE-L-0107_PL06 - Elevation;

Bin Collection Route drawing received by the City Council as local planning authority on 8 August 2023;

Email from Lydia Gallagher to Lucy Harrison dated 13 March 2024;

Waste Refuse Strategy RD0454 dated 15 February 2024 as amended by Email from Lydia Gallagher to Lucy Harrison dated 13 March 2024;

Email from Nicole Roe to Lucy Harrison 13 October 2023;

Email from Peter Parkinson to Nicole Roe dated 18 July 2024;

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

3) No development, site clearance or earth moving shall take place or material or machinery brought on site until a method statement to protect the Bridgewater Canal from accidental spillages, dust and debris has been submitted to and agreed in writing by the City Council as local planning authority. All measure shall be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason - In the interests of amenity and to protect the water environment, pursuant to policy DM1 of the Core Strategy.

4) 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 the 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 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 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.

5) No works to trees or shrubs shall occur during the main bird breeding season between 1 March and 30 September inclusive in any year, unless a competent suitably experienced ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and agreed in writing by the City Council as local planning authority.

Reason - In order to provide protection to nesting birds, pursuant to Policy EN15 of the Core Strategy.

6) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented as part of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

7) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used within the hard landscape have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

8) Any soils imported for use in the development shall be validated as suitable for use and a minimum of 300mm subsoil and topsoil over a no dig marker layer shall be placed. A post completion report shall be submitted to and agreed in writing by the City Council as local planning authority to provide evidence of this.

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.

9) Prior to the commencement of development, a lighting scheme shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason - In the interests of security and visual amenity, pursuant to 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 first occupation of the development, 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 first 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 nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria and timescales for implementation of those measures.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to Policy DM1 of the Core Strategy.

11) The service pillars hereby approved shall be finished in black.

Reason - For the avoidance of doubt and in the interests of visual amenity, pursuant to policies SP1 and DM1 of the Core Strategy and saved policies DC18 and DC19 of the Unitary Development Plan for the City of Manchester.

12) The storage and disposal of refuse set out in @@@@ shall be fully implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of

13) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or

materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

14) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

Informatives

1) Manchester Water Safety Partnership (MWSP)

The MWSP would encourage and welcome the following:

1. Completion of the MWSP Water Safety Impact Assessment for developments by city centre waterways;
2. Provision of Public Rescue Equipment;
3. Provision of publicly accessible signage/information promoting water safety; and
4. Provision of an assessment on lighting in the area to ensure that there is adequate lighting for safe access egress from boats and safe movement around the site, particularly when close to the water's edge.

2) Temporary Traffic Management Arrangements

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with Manchester City Council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

3) Construction/demolition works shall be confined to the following hours:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work.

4) Bats

Under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Appendix 1 – List of consultees & neighbours notified

Castlefield Forum
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Ecology Unit
Manchester Water Safety Partnership
Neighbourhood Team Leader (Arboriculture)
Environmental Health
Highway Services
Greater Manchester Ecology Unit
Manchester Water Safety Partnership
Neighbourhood Team Leader (Arboriculture)
Castlefield Forum
Greater Manchester Police
Canal & River Trust
Highway Services
Environmental Health
Greater Manchester Police
Canal & River Trust
Castlefield Forum
Environmental Health
Highway Services
Greater Manchester Ecology Unit
Manchester Water Safety Partnership
Castlefield Forum
Greater Manchester Police
Canal & River Trust

Flat 202, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 404, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 513, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 611, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 613, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 701, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 702, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 709, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 201, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 207, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 210, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 305, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 308, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 309, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 412, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 603, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 610, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 410, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 511, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 103, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 109, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 110, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 205, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 310, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 401, Whitworth, 39 Potato Wharf, Manchester, M3 4AR
Flat 407, Whitworth, 39 Potato Wharf, Manchester, M3 4AR

[illegible]

[illegible]

[illegible]

[illegible]

Flat G10, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 102, Whitworth, 39 Potato Wharf, Manchester, M3 4BH
Flat 112, Whitworth, 39 Potato Wharf, Manchester, M3 4BH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Castlefield Conservation Area 1979

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRL