

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140291/NMC/2024

Date registered valid: 14 June 2024

Proposal: Non-material amendment to planning permission reference 137079/JO/2023 to allow for phasing of landscaping and public realm works relating to Condition 10, 27 and 28.

Address: Red Bank Neighbourhood, Victoria North, Manchester

Ward(s): Cheetham Ward

Applicant: Manchester City Council

Agent (if any): Mrs Larna Smith Avison Young

Case officer: Jennifer
Tel: 0161 234 Atkinson
Email: jennifer.atkinson@manchester.gov.uk 4517

Recommendation: Approve

Date of recommendation: 03.07.2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site extends to approximately 15.74ha and comprises an irregular shaped parcel of land to the south of Red Bank Road, Manchester. The majority of the works proposed would be undertaken in Red Bank area.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

To the east and south of the application site are areas of hardstanding, trees and vegetation beyond which is the River Irk. Residential uses located at the Green Quarter and industrial uses associated with the Strangeways employment area are located to the north of the application site beyond Red Bank.

Description of development

Non-material amendment to planning permission reference 137079/JO/2023 to allow for phasing of landscaping and public realm works relating to Condition 10, 27 and 28.

Consultations & Notification Responses

n/a

Issues

The proposed changes relate to amending the wording of Condition 10, 27 and 28, in order to facilitate the phased delivery of the consented City River Park.

The first phase of works to the park (Function Park Works) will comprise:

- Vegetation clearance;
- Remediation; • Invasive species treatment and removal;
- Earthworks (cut and fill); • Reprofilling of existing slope to river edge;
- Construction of new gabion retaining structures; and
- Construction of new walkways including footpaths and elevated step sections.

The works below are proposed to form a later phase of development (i.e. future Phase 3, Full Park Works), and include the following:

- Woodland management (including selected tree removal and new tree planting);
- Installation of cycling routes;
- Installation of play equipment and seating areas;
- Lighting and security installation; and,
- New tree and landscape planting

The changes are considered to be acceptable and non material in nature.

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

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed amendment seeks to allow for phasing of landscaping and public realm works relating to Condition 10, 27 and 28.

2) Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

10) Notwithstanding the details submitted on the flood risk and drainage chapter of the Environmental Statement stamped as received by the City Council, as Local Planning Authority, on the 8 March 2022,

(a) the development shall not commence (except for enabling works including tree clearance, vegetation removal earthworks and remediation, and functional park works) until a scheme for the drainage of surface water has been submitted for approval in writing by the City Council as the Local Planning Authority. This shall include:

- Consideration of alternative green SuDS solution (that is either utilising infiltration or attenuation) if practicable;
- Proposed discharge rates should be accompanied by a breakdown of catchment areas which are comparable to points of outfall.
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 100 year rainfall event with the allowance of 40% climate change;
- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements).
- Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site. This should include proposed elevations.
- Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposal of the attenuation that is achieving half emptying time within 24 hours. If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes (as follows) is required.
- Where alterations are proposed to the Main River, any works within or adjacent to the river that would affect it would require consent from the Environment Agency.

- Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

- For sites where proposed development would cause unusual pollution risk to surface water, evidence of pollution control measures (preferably through SuDS) is required.

- Hydraulic calculation of the proposed drainage system;

- Construction details of flow control and SuDS elements.

(b) The phase shall then be constructed in accordance with the approved details, within an agreed timescale.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

27) Prior to any above ground works (except for construction of gabion retaining structures and new walkways associated with the Phase 2 functional park works), details of the natural play equipment to St Catherine's Wood shall be submitted for approval in writing by the City Council. This shall include the siting, scale, appearance and materiality of any equipment. The approved shall be implemented as part of the development and thereafter retained and maintained.

Reason - In the interest of visual amenity pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

28) Prior to any above ground works within each phase of development, final details of any accessible routes, elevated decks, feature steps, elevated boardwalks and seating terraces, associated with that phase shall be submitted for approval in writing by the City Council. This shall include the siting, scale, appearance and materiality of any installations. The approved shall be implemented as part of the development and thereafter retained and maintained.

Reason - In the interest of visual amenity pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

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

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

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT LOW RISK AREA

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

Flood Zones Type 3 (high risk) -

Historic Landfill Site 250m Buffer -

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

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Area Team Boundary - Name: CENTRAL
Area Team Boundary - Name: NORTH AREA