

Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

Your Ref 137841/FO/2023

Our Ref CRTR-PLAN-2023-39809

Monday 2 October 2023

Dear Michael Pearson,

Proposal: Erection of 5 storey building to form 52 residential apartments (Use Class C3a), with associated car and cycle parking provision, hard and soft landscaping, boundary treatment, access, servicing, and other associated works.

Location: Land at, Downley Drive, Manchester

Waterway: Rochdale Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The Trust commented on the original application on this site 130390/FO/2021 in a letter dated 15th June 2021 (our ref: CRTR-PLAN-2021-32755), in which we set out that conditions would be required to satisfy our concerns. The scheme was consented. We note that a number of conditions have been discharged, although the Trust have not seen these details before.

Based on the information available, the original consented scheme is required to be amended to avoid a sewer running through part of the site. The amendment has resulted in the width of the building fronting the canal being reduced in length, but it would be increased in height by one storey. We have reviewed the amended details and our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following **general advice**:

The application site is located to the south of the Rochdale Canal, with the northern boundary adjoining the canal towpath and two towpath access points and paths also contained within the application site boundary. The towpath in this location forms part of Sustrans Route 66. The canal is a designated county wildlife site (SBI) adjacent to the site and a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

The overall design and detailing of the building remain the same as the consented scheme. However, the details show that the length of the apartment block has been reduced and a hard landscaping/planting area provided instead. It is presumed that the amount of hardstanding is required to provide access to the sewer and cannot

Canal & River Trust Planning Team

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be planted/landscaped instead. The height of the building has also been increased by one storey. On balance these changes would not have any greater visual impact of the canal than the consented scheme. It also appears that the bin storage would now be sited away from the canal, which is welcome. As with the previous scheme railings would be provided along the canal boundary.

We note that the ecology report includes an update letter at the start setting out that an updated survey is not required, however that due to increase in height an updated transient shadow assessment has been undertaken. As with the previous scheme this shows that the development will result in shadowing of the canal, but that there is no floating plantain on this section of canal.

In terms of the impact of the construction works on the canal infrastructure, the works are underway on site, and we welcome that these are being carried out in accordance with the Canal & River Trust Third Party Works Code of Practice. The site containment is ensuring that the canal and its users are being safeguarded. Our previous concerns in relation to foundations have also been addressed via the Party Wall Award which has been agreed.

Comment as landowner

There were ongoing discussions between the applicant and the Trust to clarify the relationship between the towpath and the proposed development and any associated landownership and rights. These discussions have not been concluded and we would reiterate that any proposed variation of access points or paths will likely be subject to approval and commercial terms, to be recognised by legal agreement.

With regards to any boundary anomalies that may exist, the Trust will need to be satisfied that there is no encroachment onto its land unless first approved and subject to any necessary commercial legal agreement. (The applicant may wish to consider instructing an independent boundary surveyor to determine the definitive boundary line if not already done so.) The Trust's Estates Surveyor, James Bibby, James.Bibby@canalrivertrust.org.uk would be happy to discuss this matter further with the applicant.

Should planning permission be granted we therefore request that the following informative are appended to the decision notice:

- 1) *The application site includes land that may be within the ownership of the Canal & River Trust. The applicant/developer is advised to contact the Trust's Estates Surveyor James Bibby at James.Bibby@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained.*

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Tim Bettany-Simmons MRTPI
Area Planner

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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