

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

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Richard Pearce
National Trust
The Hollens
Grasmere
LA22 9QZ

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Variation of condition 1 attached to 131621/FO/2021 to amend the temporary time period to December 2024

Location: Castlefield Viaduct , Manchester

Date of application: 17 January 2023

Application number: 135999/JO/2023

Part 2 – Particulars of decision

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

Article 35 Declaration

In assessing the merits of an application for planning permission officers shall work with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. Officers worked with the applicant at pre-application stage and during the planning application to ensure an acceptable outcome.

Condition(s) attached to this decision

1) The permission hereby granted is for a limited period only, expiring on 31st December 2024 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 of the expiry of this approval 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:

The location plan referenced 122019 (PL)001 Rev A

Drawing numbers:

(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.

Received by the City Council as Local Planning Authority on 15 December 2021:

-Document Referenced 'Castlefield Viaduct, Listed Building Consent 131622/LO/2021 Condition 3 Rev'

Received by the City Council as Local Planning Authority on 22 April 2022:

- Email from Gianni Spagnoli dated 22 April 2022
- Document referenced Entrance Signage_rev1
- Material Samples

The Construction Management Plan and Construction Logistics Plan Job no.: 2021-0807 received by the City Council as Local Planning Authority on 15 December 2021

The Construction Environment Management Plan project no. UG922 prepared by Urban Green received by the City Council as Local Planning Authority on 15 December 2021.

The Land Quality Desk Study and Preliminary Risk Assessment Report Reference: PC2387-RHD-ZZ-XX-RP-Z-0002 dated 10 May 2021 received by the City Council as Local Planning Authority on 15 December 2021 and the email from Gianni Spagnoli dated 21 March 2022 and the Castlefield Viaduct CDN/21/0941 Condition 6 Contaminated Land Response to Remediation Strategy Review reference: PC2387-RHD-ZZ-XX-CO-Z-0017 received by the City Council as Local Planning Authority on 03 March 2022

The Signage Strategy Document received by the City Council as Local Planning Authority on 15 December 2021.

The Noise Survey Report Reference: PC2387-ZZ-XX-RP-Z-0010 dated 03 September 2021 and the email from Tim Britton dated 06 December 2021.

The Drainage Assessment ref. PC2387-RHD-ZZ-XX-RP-Z-0004 dated 07 May 2021 received by the City Council as Local Planning Authority on 15 December 2021 and the Memo ref. PC2387-RHD-ZZ-XX-NT-D-0005 dated 16 December 2021 received by the City Council as Local Planning Authority on 15 February 2022

The Biodiversity Monitoring Strategy project no. UG922 prepared by Urban Green dated 10 December 2021 received by the City Council as Local Planning Authority on 15 December 2021

The measures detailed within the Submission for Planning Condition 14 Received by the City Council as Local Planning Authority on 15 December 2021 shall be incorporated into the development and maintained for the duration of the use hereby approved.

The document referenced PC2387-RHD-ZZ-XX-CO-Z-0015 dated 4 February 2022 prepared by HASKONINGDHV UK LTD received by the City Council as Local Planning Authority on 25 February 2022

The Biodiversity Monitoring Strategy project no. UG922 prepared by Urban Green dated 10 December 2021 received by the City Council as Local Planning Authority on 15 December 2021

The Submission for Planning Condition 16 received by the City Council as Local Planning Authority on 15 December 2021

The File Note reference 4-05-06 prepared by ARUP Received by the City Council as Local Planning Authority on 15 December 2021

The Waste Management Proforma and the Drawing referenced: Refuse Strategy Diagram no. (DIA)008 received by the City Council as Local Planning Authority on 25 February 2022

The document referenced PC2387-RHD-ZZ-XX-CO-Z-0015 dated 4 February 2022 prepared by HASKONINGDHV UK LTD received by the City Council as Local Planning Authority on 25 February 2022

The drawings referenced:

- CVI-ARUP-ZZ-GF-DR-E-002501 Lighting Layout Sheet 1
- CVI-ARUP-ZZ-GF-DR-E-002502 Lighting Layout Sheet 2
- CVI-ARUP-ZZ-GF-DR-E-002503 Lighting Illuminance Layout
- CVI-ARUP-ZZ-XX-SP-VP-000001 MEP Particulars Specification

Received by the City Council as Local Planning Authority on 25 February 2022.

The document referenced: 282210-00 dated 11 February 2022 prepared by ARUP

The document referenced: Glare Potential Appraisal, LTG001, Issue 1 dated 14 February 2022

Email dated 04 October 2022

The Supporting Statement dated January 2023 and prepared by the National Trust received by the City Council as local planning authority on 17 January 2023

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) The development hereby approved the following shall have been carried out in accordance with the following information:

Received by the City Council as Local Planning Authority on 15 December 2021:

-Document Referenced 'Castlefield Viaduct, Listed Building Consent 131622/LO/2021 Condition 3 Rev'

Received by the City Council as Local Planning Authority on 22 April 2022:

- Email from Gianni Spagnoli dated 22 April 2022
- Document referenced Entrance Signage_rev1
- Material Samples

These approved details shall be complied with and maintained for the duration of the use hereby approved.

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) The construction of the development shall have been carried out fully and only in accordance with the Construction Management Plan and Construction Logistics Plan Job no.: 2021-0807 received by the City Council as Local Planning Authority on 15 December 2021.

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) All demolition, ground works, vegetation clearance) and construction shall have been carried out fully and only in accordance with Construction Environment Management Plan project no. UG922 prepared by Urban Green received by the City Council as Local Planning Authority on 15 December 2021.

This approved CEMP shall have been 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) The measures for investigating the site as detailed within the Land Quality Desk Study and Preliminary Risk Assessment Report Reference: PC2387-RHD-ZZ-XX-RP-Z-0002 dated 10 May 2021 received by the City Council as Local Planning Authority on 15 December 2021 and the email from Gianni Spagnoli dated 21 March 2022 and the Castlefield Viaduct CDN/21/0941 Condition 6 Contaminated Land Response to Remediation Strategy Review reference: PC2387-RHD-ZZ-XX-CO-Z-0017 received by the City Council as Local Planning Authority on 03 March 2022 shall have been completed prior to the development hereby approved commencing.

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) Waste shall be stored and disposed of in accordance with the Waste Management Proforma and the Drawing referenced: Refuse Strategy Diagram no. (DIA)008 received by the City Council as Local Planning Authority on 25 February 2022. The facilities shall have been 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 operated outside the following hours, except for special events:-

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.

Special events shall operate in accordance with the following:

- Events would take place between 6-9pm and would include:
- Maximum 50 visitors on site
- No live or amplified music, only spoken word
- No alcohol
- No parking - visitors will arrive by train, tram or on foot
- Minimum 3 members of National Trust staff supervising
- Security and evacuation systems live
- The last person to leave site quietly and considerably by 9.30pm

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) The premises shall have been acoustically insulated and treated to limit the breakout of noise in accordance with the document referenced PC2387-RHD-ZZ-XX-CO-Z-0015 dated 4 February 2022 prepared by HASKONINGDHV UK LTD received by the City Council as Local Planning Authority on 25 February 2022 and shall comply with the approved document for the duration of the use hereby approved.

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) Externally mounted ancillary plant, equipment and servicing shall have been selected and/or acoustically treated in accordance with the Noise Survey Report Reference: PC2387-ZZ-XX-RP-Z-0010 dated 03 September 2021 and the email from Tim Britton dated 06 December 2021 as validated by the Document referenced PC2387-RHD-ZZ-XX-CO-Z-0015 dated 4 February 2022 prepared by HASKONINGDHV UK LTD received by the City Council as Local Planning Authority on 25 February 2022 in order to secure a reduction in the level of noise emanating from the site. These approved measures shall have been implemented in full before the use commenced.

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) The signage for the use hereby approved shall be carried out and maintained in accordance with the Signage Strategy Document received by the City Council as Local Planning Authority on 15 December 2021.

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 as detailed within the Drainage Assessment ref. PC2387-RHD-ZZ-XX-RP-Z-0004 dated 07 May 2021 received by the City Council as Local Planning Authority on 15 December 2021 and the Memo ref. PC2387-RHD-ZZ-XX-NT-D-0005 dated 16 December 2021 received by the City Council as Local Planning Authority on 15 February 2022 for the duration of the use hereby approved.

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) Lighting at the site shall have been installed and shall be maintained in accordance with the following details:

The drawings referenced:

- CVI-ARUP-ZZ-GF-DR-E-002501 Lighting Layout Sheet 1
- CVI-ARUP-ZZ-GF-DR-E-002502 Lighting Layout Sheet 2
- CVI-ARUP-ZZ-GF-DR-E-002503 Lighting Illuminance Layout
- CVI-ARUP-ZZ-XX-SP-VP-000001 MEP Particulars Specification

Received by the City Council as Local Planning Authority on 25 February 2022.

The document referenced: 282210-00 dated 11 February 2022 prepared by ARUP

The document referenced: Glare Potential Appraisal, LTG001, Issue 1 dated 14 February 2022

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 measures detailed within the Submission for Planning Condition 14 Received by the City Council as Local Planning Authority on 15 December 2021 shall have been incorporated into the development and shall be maintained for the duration of the use hereby approved.

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) Bat foraging activity shall be monitored in accordance with the report on the monitoring of the bat foraging activity across the site (the Biodiversity Monitoring Strategy project no. UG922 prepared by Urban Green dated 10 December 2021 received by the City Council as Local Planning Authority on 15 December 2021) in accordance with these 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) The fencing/guarding and boundary treatment to the site shall have been implemented in accordance with the Submission for Planning Condition 16 received by the City Council as Local Planning Authority on 15 December 2021. The approved boundary treatment shall be maintained for the duration of the use.

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) The development shall comply with the File Note reference 4-05-06 prepared by ARUP Received by the City Council as Local Planning Authority on 15 December 2021 for the duration of the use hereby approved.

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 for the duration of the use hereby approved.

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 for the duration of the use hereby approved.

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

20) The space and facilities for bicycle parking as shown on the Drawing referenced Cycle Stand Details no. (95)003 received by the City Council as Local Planning Authority on 25 February 2022 shall have been implemented and shall 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

This permission does not grant approval under Building Regulations.

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.

Date: 13 March 2023

Signed:



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/appeal-planning-decision. 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) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on 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 their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.