

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135998/NMC/2023

Date registered valid: 17 January 2023

Proposal: Non-material amendment to listed building consent 131622/LO/2021 to amend description of duration of temporary period.

Address: Castlefield Viaduct , Manchester

Ward(s): Deansgate Ward

Applicant: Mr Richard Pearse National Trust

Agent (if any):

Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 February 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Not required

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

Listed building: Grade II

Conservation area: Castlefield Conservation Area 1979

Tree Preservation Order: Not applicable

Description of area

The site is section of the Grade II listed 1892 Castlefield Viaduct that starts at the car park of Deansgate Metrolink Station in the east and runs alongside the Metrolink line towards Cornbrook. The site is 330m long and straddles Castlefield Basin with its canal structures and rail viaducts below. The viaduct is supported on a series of cast iron columns that both sit within the canal and around it. The area has a variety of uses, including offices, residential and leisure.

Applications referenced: 131621/FO/2021 and 131622/LO/2021 allowed the National Trust propose to use the viaduct as a free-to-access park as an initial pilot project between June 2022 and July 2023 (that forms part of this application), with a view to a permanent scheme (subject to a further planning application) if the pilot is a success. The permission allowed the creation of a welcome area, a section of the viaduct as existing, a section with gardens created by planters and an event space building with a glass window giving views of the rest of the viaduct beyond. Two compostable toilets, a welcome kiosk, seating and planters would be installed in the welcome area. Geo-cell gravel with bound gravel on top would be laid to provide a walkway through the centre of the site, with look-out areas along the viaduct. Guarding rails and information boards would be installed along the viaduct. All the additions would be removable.

Description of development

A Non-Material Amendment is now sought to amend the description of the development of application referenced 131622/LO/2021 to extend the duration of the use to 31st December 2024. The justification provided for this is as follows:

- Since opening in July 2022, Castlefield Viaduct has been exceptionally successful, with demand far exceeding our original expectations, thereby limiting our capacity to accommodate visitors.
- Allowing additional time for this initial trial phase of the development would enable them to welcome more visitors, and in doing so obtain a greater depth and diversity of views to inform the Phase Two permanent scheme (which will be subject to a new planning application in the future - work is already underway to prepare for this).
- The extension would enable more public benefit to be generated from the initial temporary capital investment as more visitors can be welcomed to site. This will also support the city centre economy bringing more people into the area to shop and dwell. Feedback has been overwhelmingly positive and we forecast continued high demand for visits.
- The 12.8 FTE local jobs created by the viaduct would be extended supporting employment in the city.
- The National Trust has demonstrated that they can operate the site successfully in terms of health and safety, impact on the local community and impact on local infrastructure i.e. transport networks, anti-social behaviour; it therefore suggests risks of negative impacts associated with a short operational extension for the pilot are low.
- They are developing the next phase of works 'Phase Two'. The National Trust remains committed to the project, but it is unlikely Phase Two will be open until 2025. The extension will therefore shorten the period between Phase One and Phase Two when the site is closed to the public and not delivering public benefit.

Consultations & Notification Responses

Not applicable

Issues

The above described changes are non-material. Please see original report for app. 131622/LO/2021 for details of the original scheme. A copy of the report for app. 131622/LO/2021 will be stored on the application file for this application.

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) Reason 1: Following an assessment of the details submitted, it is confirmed that the proposed amendment to the wording of the description of 131622/LO/2021 to extend the duration of the temporary use to allow continued operation until 31st December 2024 is considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed amendment to the description will have no material impact upon the previously approved scheme, will not adversely affect residential amenity within the area or will it have any significant material impact upon the overall quality of the development and there are no material planning considerations to indicate otherwise.

2) Reason 2: The re-wording of condition 3 is required to change the duration of the temporary consent referenced 131622/LO/2021 to allow the use to continue until 31st December 2024, in order to allow additional time for this initial trial phase of the development that would enable them to welcome more visitors, and to inform the Phase Two permanent scheme. The extended time period would also support the City Centre economy and extend the time period of the 12.8 FTE jobs created. The time period won't be extended, but will be removed from the description instead as this relates to an application for Listed Building Consent and the duration of the use can be restricted by the related planning permission referenced 131621/LO/2021. It should be noted that this letter of consent does not supersede the decision notice attached to listed building consent 131622/LO/2021. These documents should be read in conjunction with one another. Therefore, the conditions previously applied to the consent referenced 131622/LO/2021, still apply to this development. However, due to the acceptance of the amendments outlined above, the following amended description applies:

3) Listed Building Consent for works associated with a change of use to urban park.

Appendix 1 – List of consultees & neighbours notified

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 (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL