



Paul Butler Associates

Planning, Development & Heritage Consultants

26 October 2021

Mrs Julie Roscoe
Head of Planning
Manchester City Council
Town Hall
Albert Square
Manchester M60 2LA

FAO Lucy Harrison

14.880

Dear Mrs Roscoe

Location: Site Fronting Bentinck Street And Chester Road, Manchester, M15 4LN
Proposal: Redevelopment of site with a mixed-use development comprising 174 dwellings (Use Class C3) and 4 commercial units (to include Use Classes A1, A2, A3, A4, B1a), with associated car parking and a landscaped public square.
Application: 115211/FO/2017

On behalf of our client, De Trafford, please find enclosed an application to make a non-material amendment to planning permission 115211/FO/2017 under Section 96 of the Town and Country Planning Act 1990.

The application proposes a slight change to the wording of planning conditions 6, 23 and 30 attached to permission 115211/FO/2017 in order to vary the triggers for the conditions being discharged and certain works being undertaken. The proposed amendments will enable occupation of the scheme and implementation of the landscaping works to be phased around the construction of De Trafford's neighbouring development, Phoenix Works, which was given a resolution to grant by Manchester's planning committee on 29 July 2021.

Section 96A paragraph 3(b) of the Town and Country Planning Act 1990 states that non-material amendment applications can be used to 'remove or alter existing conditions', therefore this application is appropriate to seek amendments to the conditions.

Condition 6 (landscaping)

An application to discharge condition 6 was submitted in 2017 (planning ref CDN/17/0642) and is currently under consideration by the Council. Condition 6 requires that *'the approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied'*. This application proposes to vary the timeframe in which the landscaping works must be implemented.

This amendment is proposed because the neighbouring site, currently occupied by Phoenix House, is to be redeveloped by De Trafford with a high density mixed-use development known as Phoenix Works (planning ref 129127/FO/2021). The overlap of the Sky Gardens and Phoenix Works sites (at the public square as shown by the dashed lines on the attached masterplan drawing rev

Q) raises issues in terms of implementing the Sky Gardens landscaping scheme within 12 months of occupation as required by condition 6. To comply with this De Trafford would have to implement landscaping works which would then be destroyed during the construction of Phoenix Works. In order to resolve this issue, this application proposes to vary the trigger for the implementation of the Sky Gardens landscaping scheme from 12 months to 5 years. This increased timescale would relate to works which would be impacted by the construction of Phoenix Works, namely the landscaping to the public square and the implementation of paving to the Spinners Way. The intention will be to finish Spinners Way in tarmac and complete the paving once Phoenix Works is complete. The kerb will be installed to the north of Spinners Way following the red edge boundary of Phoenix Works. Landscaping which will not be impacted by the construction of Phoenix Works will be implemented within the 12 months from occupation.

The proposed amendment to the wording of condition 6 is set out below, with the amended text identified in *italics and underlined*:

“6). A hard and soft landscaping treatment scheme shall be submitted to and approved in writing by the City Council as local planning authority. This shall include details of those existing trees to be removed and those existing trees that are to be retained, and details of replacement tree planting to be provided in line with the Manchester Tree Strategy. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied, *with the exception of works to the public square and Spinners Way which shall be implemented not later than 5 years from the date the buildings are first occupied.* If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.”

Whilst De Trafford have every intention of delivering Phoenix Works, if for some reason this did not happen, De Trafford would still have to implement the public square in accordance with this condition, or submit an application to agree a way forward to avoid being in breach the condition.

Condition 23 (footpaths)

Condition 23 (footpaths) requires works approved in this condition to be fully completed prior to the occupation of the scheme. An application to discharge condition 23 has been submitted to the Council (ref CDN/21/0526) and is currently awaiting a decision. This application proposes to remove the requirement for the above works – which largely fall under a section 278 agreement – to be completed prior to the occupation of the scheme. It is proposed that the condition wording be varied so that the proposed works to Chester Road are undertaken within 6 months from the date of variation. A similar approach was agreed with the adjacent schemes at City Gardens (planning ref 130143/NMC/2021) and St Georges Gardens (planning ref 128455/NMC/2020).

The proposed amended wording for condition 23 is set out below, with the amended timescales shown in *italics and underline*:

“23) Before the development hereby approved is completed, details of the materials,

including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building, shall be submitted to and approved in writing by the City Council as local planning authority. All works approved in discharge of this condition shall be fully completed within 6 months of the date of this decision letter."

Condition 30 (Drainage)

An application (planning ref CDN/21/0526) to discharge condition 30 has been submitted and is under consideration by the Council, however certain elements of the information required to discharge the condition will not be available until after the scheduled completion of the scheme. All of the main foul and surface water drainage runs are installed, however the final connections to surface water ACO's and gullies associated with the completion of the hard landscaping areas will be outstanding and are being completed as part of a sectional strategy, which will be finalised following practical completion of the project. The submitted Partial Possession drawing illustrates the strategy for occupation of the building. All main drainage runs have been successfully surveyed and the main outfall connections have been verified as connected and working. The main connections to the attenuation tank have also been verified and found to be installed correctly. Building Control have witnessed and accepted the main surface water connection between the building and attenuation tank.

The proposed variation to the wording of condition below is set out below, with the amended timescales shown in *italics and underline*. A similar amendment has also previously been accepted by the Council in relation to City Gardens (see NMA approval 130143/NMC/2021).

"30) Details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the local planning authority within 6 months of the date of this decision. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- Verification report providing photographic evidence of construction as per design drawings;
- As built construction drawings if different from design construction drawings;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime."

The provision of the above information will not impact the occupation of the scheme, and the outstanding details will be submitted as soon as they are available, which is anticipated to be + 6 months from initial partial possession planned for 26th November 2021.

We are keen to work with the Council to ensure that these amendments can be approved as soon as possible, in order to allow the scheme to be occupied in line with the project programme.

If you require any additional information, please do not hesitate to get in touch.

Yours sincerely



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Senior Planner

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