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9 July 2024

Planning Department
Manchester City Council
Town Hall
Albert Square
Manchester
M60 2LA

FAO Lucy Harrison

Dear Lucy

Application for a Non-Material Amendment – Planning Permission Ref. 124302/FO/2019

Please find enclosed an application for a non-material amendment (NMA) to Planning Permission ref. 124302/FO/2019 (Approved 20 August 2021), in accordance with Section 96(a) of the Town and Country Planning Act 1990 (as amended). The Planning Permission relates to the demolition of existing structure and the construction of two buildings, comprising 366 units and ground floor commercial space ("the Gallery Gardens scheme"). The Applicant is Drum Capital Projects Ltd.

The site is approximately 0.38ha and bound by Ellesmere Street to the north, Phoenix House to the east, Chester Road to the south, and Hulme Hall Road to the west.

For completeness, the description of development as stated on the decision notice is as follows:

The demolition of the existing building on site and the erection of a residential-led mixed use development within two build blocks ranging from 8 to 18 storeys in height. The development consists of 366 residential units (C3); 217 sq.m of commercial floor space (Use Classes A1, A2, A3, A4, B1 or D2); associated car and cycle parking within a basement level; public realm and landscaping; access and servicing arrangements and other associated works.

1 Proposed Amendments

The proposed amendments will enable the laying out of the access road for the site, allowing for the delivery of the remainder of the Gallery Gardens scheme. The proposed amendments will

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facilitate the lawful implementation of the scheme, allowing the full economic benefits of the 366 homes in this location to be realised.

It is proposed that conditions 2, 4, 5, 6, 7, 8, 11, 12, 13, 14, and 17 attached to Planning Permission 124302/FO/2019 be formally amended, as set out in this application, to allow for the commencement of the road works.

A proposed Phasing Plan drawing (6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) has been prepared by JM Architects which outlines the 'Phase 1 – Early Works' element and the remaining 'Phase 2 – Main Works'. Phase 1 contains the area of access road to be laid out and Phase 2 comprises the remainder of development.

A technical review has been undertaken by Roscoe (please see 'Email by Roscoe on Ground Conditions') and it is considered that the works, namely the laying of the road and removal of the top-soil area, will not be of sufficient depth to necessitate a full ground conditions assessment. A full ground conditions assessment will be submitted prior to any Phase 2 works, as suggested in the amended condition wording.

In addition, consultation has taken place with Greater Manchester Archaeology Advisory Services in relation to the proposed works. They have confirmed that they do not consider the proposed Phase 1 works to impact on any below ground archaeology. Please see 'Email from GMAAS'.

On this basis, the proposed amendments do not alter the form of the development approved and will not materially alter the originally approved scheme. Therefore, the proposed amendments are considered to be non-material to its determination.

2 Consultation

The approved scheme was subject to a comprehensive process of pre-application public and stakeholder engagement. The proposals were also subject to statutory consultation during the determination period. The proposed changes are considered to be non-material in the context of the previous consultations.

This application is submitted following pre-application consultation with the Local Planning Authority in June and July 2024 where it was agreed with officers that the proposed changes could be applied for via a Non-Material Amendment to the existing permission and the proposed amendments were agreed in principle.

3 Proposed Amended Condition Wording

The proposed wording of planning conditions, as amended, is set out below. Additional wording is highlighted in **bold** and deleted wording is struck-out ~~like so~~.

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Table 3.1: Amended Condition Wording

Condition number and subject	Amended Condition Wording
2 – Drawings	Add: **Phasing Plan 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01 dated July 2024 by JM Architects.**
4 – Phasing Plan	**With the exception of** ~~Notwithstanding~~ **the Phase 1 – Early Works (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) and** demolition, should **Phase 2 of** the development be carried out in a phased manner, details of the phasing of development shall be submitted to and approved in writing by the City Council as local planning authority before development commences.
5 – Ground Conditions	**With the exception of** ~~Notwithstanding~~ **the Phase 1 – Early Works (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) and** demolition, before ~~the development hereby approved~~ **Phase 2 – Main Works** commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination). In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority. The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority. b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

Condition number and subject	Amended Condition Wording
	In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.
6 – Written Scheme of Investigation	**Prior to the commencement of Phase 2 of the development, as shown on drawing ref XXX**, ~~No development shall take place unless and until~~ the applicant, or their agents or successors in title, ~~has secured~~ **shall secure** the implementation of a programme of archaeological works. The works are to be secured through and undertaken in accordance with a Written Scheme of Investigation (WSI) prepared by the appointed archaeological contractor and submitted to Greater Manchester Archaeologocial Advisory Service for agreement. The WSI shall cover the following: a. A phased programme and methodology of investigation and recording that includes: - targeted archaeological evaluation through trial trenching; - dependent on the evaluation trial trenching above, targeted open area excavation and recording (subject to a separate WSI); b. A programme for post investigation assessment to include: - analysis of the site investigation records and finds; - production of a final report on the significance of the below-ground archaeological interest; c. Deposition of the final report with the Greater Manchester Historic Environment Record; d. Dissemination of the results of the archaeological investigations commensurate with their significance;

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Condition number and subject	Amended Condition Wording
	e. Provision for archive deposition of the report and records of the site investigation; f. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.
7 – Local Labour	**With the exception of** ~~Notwithstanding~~ **the Phase 1 – Early Works (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) and** demolition, prior to the commencement of **Phase 2 of the** development, details of a local labour agreement that shall demonstrate commitment to recruit local labour for both the construction and operations elements of the development shall be submitted to and approved in writing by the City Council, as Local Planning Authority. The approved document shall be implemented as part of the construction and occupation phases of the development. The agreement shall include a requirement to report back to the City quarterly during the construction phase on outputs and outcomes.
8 – Construction Management Plan	**a) Prior to the commencement of Phase 1 of the development, a detailed construction management plan outlining working practices during the Early Works shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the construction management plan shall include: *Display of an emergency contact number; *Details of Wheel Washing; *Dust suppression measures; *Compound locations where relevant; *Location, removal and recycling of waste; *Routing strategy; *Parking of construction vehicles and staff; *Sheeting over of construction vehicles; *Communication strategy with residents that shall include details of how engagement, consultation and notification of residents during the works shall take place; Development shall be carried out in accordance with the approved demolition and construction management plan.** **b)** Prior to the commencement of **Phase 2 of the** development, a detailed demolition and construction management plan outlining working practices during development (including demolition works) shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the demolition and construction management plan shall include: *Display of an emergency contact number; *Details of Wheel Washing; *Dust suppression measures;

Condition number and subject	Amended Condition Wording
	*Compound locations where relevant; *Location, removal and recycling of waste; *Routing strategy and swept path analysis; *Parking of construction vehicles and staff; *Sheeting over of construction vehicles; *Communication strategy with residents that shall include details of how engagement, consultation and notification of residents during the works shall take place; Development shall be carried out in accordance with the approved demolition and construction management plan.
10 – EV Charging Points	**With the exception of** ~~Notwithstanding~~ **the Phase 1 – Early Works (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) and** demolition, before **Phase 2 of** the development hereby approved commences, full details of electric vehicle charging (EVC) infrastructure (including appropriate cable provision and provision for charging points) shall be submitted to and approved in writing by the City Council as local planning authority. The approved EVC infrastructure shall be put in place before use of the car park commences and shall be retained thereafter.
11 – Materials Programme	**With the exception of** ~~Notwithstanding~~ **the Phase 1 – Early Works (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) and** demolition, prior to the commencement of **Phase 2 of the** development a programme for the issue of samples and specifications of all materials to be used on all external elevations of the development, including details of full sized sample panels, shall be submitted to and approved in writing by the City Council, as local planning authority. Samples and specifications of all materials to be used on all external elevations of the development, which shall include jointing and fixing details, details of the drips to be used to prevent staining and a strategy for quality control management, shall then be submitted to and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above. The development shall be carried out in accordance with the approved details.
12 – Landscaping	1. **With the exception of** ~~Notwithstanding~~ **the Phase 1 – Early Works (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) and** demolition, prior to the commencement of **Phase 2 of the** development a programme for the submission of final details of the public and private realm works for the develop**p**ment shall be submitted and approved in writing by the City Council as Local Planning Authority. The programme shall include submission and implementation timeframes for the following details: (a) Details of the proposed hard landscape materials;

Condition number and subject	Amended Condition Wording
	(b) Details of the materials, including natural stone or other high quality materials to be used for the reinstatement of the pavements and for the areas between the pavement and the line of the proposed building; (c) Details of the proposed tree species within the public realm including proposed size, species and planting specification including tree pits and design; (d) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include bat boxes and bricks, bird boxes and appropriate planting; (e) Details of the proposed street furniture including seating, bins and lighting; (f) Details of any external steps and handrails; (g) A strategy providing details of replacement tree planting, including details of overall numbers, size, species and planting specification, constraints to further planting and details of on-going maintenance; 2. The above details shall then be submitted to and approved in writing by the City Council as local planning authority and fully implemented in accordance with the approved timeframes. 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,
13 – Roof Top Pod Design	**With the exception of** ~~Notwithstanding~~ **the Phase 1 – Early Works (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) and** demolition, before **Phase 2 of** the development hereby approved commences, full details of the design, including scaled plans, elevations and cross sections, of the roof top office pods, private hire booth and pergolas, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved details.
14 – Drainage Details	**With the exception of** ~~Notwithstanding~~ **the Phase 1 – Early Works (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) and** demolition, **Phase 2 of the** ~~no~~ development shall **not** take place until surface water drainage works, designed in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, have been submitted to and approved in writing by the Local Planning Authority. In order to discharge this condition the following additional information shall be provided: a. Consideration of green SuDS solution; b. Details of

Condition number and subject	Amended Condition Wording
	surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates with the aim of achieving greenfield runoff rate; c. Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment; d. 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 1 in 100 year rainfall event with allowance for climate change in any part of a building; e. 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. The flood water should be routed away from the buildings and towards the less vulnerable areas i.e. open spaces, car parks and roads. A layout with overland flow routes to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site; f. Hydraulic calculation of the existing and proposed drainage system; g. Construction details of flow control and SuDS elements
17 – TV Reception	**With the exception of** ~~Notwithstanding~~ **the Phase 1 – Early Works (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) and** demolition, before **Phase 2 of** the development commences, studies containing the following with regard to television reception in the area containing the site shall be submitted to and approved in writing by the City Council as local planning authority. a) Measure the existing television signal reception within the potential impact areas identified in the Pre-Construction Signal Reception Impact Survey by Astbury Signal Surveys dated 2 June 2017 before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications, and shall include an assessment of the survey results obtained. b) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if

Condition number and subject	Amended Condition Wording
	requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (a) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

4 Application Documentation

The application is supported by:

- Application Form; and
- Site Plan prepared by JM Architects;
- Email from Roscoe on Ground Conditions;
- Email from GMAAS; and
- 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01 - Phasing Plan prepared by JM Architects.

5 Summary

The development proposed in this application is substantively unchanged from the approved development on site. The proposed amendment has been agreed with the Planning Authority as being a Non-Material Amendment to the determination of the original permission.

The development is therefore wholly compliant with the policies of the Development Plan and there are no material considerations which would justify the refusal of the application. We therefore respectfully request that this application be supported by the Planning Authority.

6 Application Submission

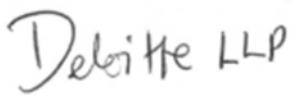
In addition to the supporting information set out in this letter, a Non-Material Amendment Application Form has been submitted via the Planning Portal to formalise this Application (PP-13228890). Based on the information provided, these conditions merit variation by Manchester City Council.

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A fee has been paid to Manchester City Council for £293, in addition to any administrative fees by the Planning Portal, in respect of the requisite application fee. We trust you will find this application in order, and we look forward to receiving written confirmation of its registration.

If you require any further details, please do not hesitate to contact Frances Hampson on 0161 455 6766 (fhampson@deloitte.co.uk).

Yours sincerely



Deloitte LLP