Gallery Gardens, Manchester

Legal Opinion on Implementation of Planning Permission LPA Ref. 124302/FO/2019

for Drum Capital Projects Limited c/o Drum Property Group

Date: 28 August 2024

Ref: DW/Gallerygardens

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1. INTRODUCTION

1.1 Drum Capital Projects ('Drum') are the developers of the site known as 'land bounded by Chester Road, Hulme Hall Road and Ellesmere Street, Manchester M15 4JY' or 'Gallery Gardens' ('the Property').

1.2 The Property benefits from the following planning permission:

124302/FO/2019 - 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. ('the Planning Permission'). **Appendix 1**

1.3 The Planning Permission is dated 20th August 2021 and condition (1) requires development to be begun not later than the expiration of three years beginning with the date of this permission. The Planning Permission therefore needed to be implemented by 20th August 2024.

1.4 The purpose of this legal opinion is to provide a legal view as to whether the Planning Permission was successfully implemented prior to the 20th August 2024 and is therefore extant and able to be utilised for ongoing redevelopment of the Property.

1.5 We have set this out below, beginning with a summary of our findings.

1.6 This note constitutes the opinion of Deloitte LLP and no guarantee is offered that it will accord with the view of the local planning authority. No site visit or survey has been conducted by Deloitte LLP in the production of this note and this advice is given on the assumption that the works carried out on the Property are in the correct location relative to the approved drawings and terms of the Planning Permission.

2. SUMMARY

2.1 We are of the opinion that all pre-commencement condition attached to the Planning Permission were discharged, and a material operation carried our pursuant to the Planning Permission prior to the 20th August 2024.

2.2 We are therefore of the view that the Planning Permission was successfully implemented and remains extant.

3. REQUIREMENTS FOR IMPLEMENTATION

3.1 In order to lawfully implement the Planning Permission two requirements would have had to have been met prior to the 20th August 2024. These are as follows:

3.1.1 The relevant conditions need to be discharged (including any pre-commencement conditions, and conditions expressly linked to the proposed method of implementation); and

3.1.2 Physical works directly related to the Planning Permission constituting a *"material operation"*, as defined in the Section 56(4) of the Town and Country Planning Act would need to have been carried out.

4. PRE-COMMENCEMENT CONDITIONS

4.2 The original version of the Planning Permission contained numerous planning conditions which were required to be discharged prior to certain events taking place. This included three conditions requiring discharge prior to the commencement of development (condition 6 - Archaeological Works, condition 8 – demolition and construction management plan, and condition 9 – carriageway condition survey). In addition there was a condition requiring discharge prior to demolition of the building on site (condition 3 – bat survey). Finally there were nine "notwithstanding demolition" pre-commencement conditions (condition 4 – phasing, condition 5 -preliminary risk assessment, condition 7 – local labour agreement, condition 10 – EV charging details, condition 11 – material samples, condition 12 – public and private realm works, condition 13 – design of roof top office pods).

4.3 A non-material amendment application pursuant to s96a of the Town and Country Planning Act 1990 was submitted and granted with reference 140495/NMC/2024 ('the NMA'). The NMA resulted in amendments to conditions 2 (approved drawings), 4 (phasing), 5 (ground contamination), 6 (archaeology), 7 (local labour agreement), 8 (CMP), 11 (materials), 12 (landscaping), 13 (roof top design), 14 (SUDS), and 17 (TV reception). **Appendix 2**

4.4 The purpose of the NMA was to allow for the laying out of the access road for the site to take place ahead of the 20th August 2024. A phasing plan was submitted which separated the development into 'Phase 1 – Early Works' and 'Phase 2 – Main Works'.

4.5 The NMA was granted on the 7th August 2024. Following its granting only two 'pre-commencement conditions' remained attached to the Planning Permission (with the others now requiring discharge prior to commencement of 'Phase 2'). **Appendix 3**

4.6 The two remaining pre-commencement conditions were condition 8 (construction management plan) and condition 9 (carriageway condition survey). There were no other conditions requiring discharge prior to the carrying out of the Phase 1 works.

4.7 Condition 8 (construction management plan) (Phase 1 only) and condition 9 (carriageway condition survey) were formally discharged by Manchester City Council on 19th August 2024. **Appendix 4**

4.8 All conditions requiring discharge prior to the commencement of the Phase 1 works have been discharged and were discharged prior to the 20th August 2024.

5. MATERIAL OPERATION

5.1 A material operation is defined is s56(4) of the Town and Country Planning Act 1990 as:

(a) any work in the construction of a building;

(a a) any work of demolition of a building;

(b) the digging of a trench which is to contain the foundations, or part of the foundations of a building;

(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building;

(d) any operation in the course of laying out or constructing a road or part of a road;

(e) any change in the use of land which constitutes material development.

5.2 Work was carried out at the Property between Wednesday 14th August 2024 and Friday 16th August 2024. This work involved firstly pegging out the line of the access road and then works to excavate the topsoil to suitable formation level for the Phase 1 access road. Photographs of the works undertaken are included as **Appendix 5** These works directly relate to the access road which is shown on approved drawings 6335-JMA-01-ZZ-DR-A-SK0001-P01 (Phasing Plan) and GLG-JMA-01-ZZ-DR-A—00-0101 Rev P08 (Masterplan) (see condition 2 of the NMA) **Appendix 6.** In addition they are shown marked on the attached phasing drawing marked in yellow. **Appendix 7**.

6. ANALYSIS

6.1 Referring back to the two pre-requirements for successful implementation of the Planning Permission outlined at paragraph 3.1 above. Firstly, following the granting of the NMA, only two pre-commencement conditions remained (conditions 8 and 9) in respect of the Planning Permission. These conditions have both been discharged in respect of Phase 1 and a decision notice issued. We therefore consider this pre-requirement to be satisfied.

6.2 Secondly a material operation (as defined in s56(4) pursuant to the Planning Permission is required to be carried out. Works sufficient to constitute a material operation (and which would fall under s56(4)(d)) have been carried out at the Property. These works were directly undertaken pursuant to the Planning Permission and relate to an access way which is shown on various approved drawings forming part of the Planning Permission. The works constitute an 'operation' as they alter the physical characteristics of the land and were undertaken for the purposes of constructing a road. They are also more than de-minimus (see for example the case of *Malvern Hills District Council v Secretary of State for the Environment and another [1982] 1EGLR 175* where simply pegging out a road was considered a sufficient operation to implement a planning permission). These works were undertaken prior to the 20th August 2024 and the expiry of the Planning Permission.

6.3 It is noted that while the application to discharge planning conditions 8 and 9 was validated on the 25th July 2024 (prior to the implementation works being undertaken) a decision was not actually issued until after the works had been undertaken on the 19th August 2024. We do not consider this would prevent the implementation of the Planning Permission. The required details were submitted prior to carrying out the works and were subsequently approved as submitted, the only thing missing at the time of commencement was the formality of a written notice of approval which would not render the implementation works unlawful (see the

principles established in *R v Flintshire CC Ex P. Somerfield Stores Ltd [1998] P.L.C.R 33*6 and *Whitley v The Secretary of State 64 P&CR 296 [1992] 3 PLR 72*).

7. CONCLUSIONS

7.1 The remaining pre-commencement conditions attached to the Planning Permission have been discharged and a formal decision notice issued.

7.2 Subsequent to submission of the necessary details for approval of the pre-commencement conditions, works were undertaken, in accordance with the approved plans, and pursuant to the Planning Permission, forming an operation in the course of construction of an access road on the Property. This constituted a material operation for the purposes of s56(4). This material operation was undertaken prior to the 20th August 2024 and the deadline imposed by condition 1 of the Planning Permission.

7.3 For the reasons set out above we therefore conclude that the Planning Permission has been lawfully implemented.

Deloitte LLP
28th August 2024

Contacts

Duncan Williams (Planning Lead)
[redacted]

APPENDIX 1

MANCHESTER CITY COUNCIL

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

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Gary Jackson
De Trafford
C/o Agent

Agent (if used)

Mr Tom Flanagan
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: 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.

Location: Land Bounded By Chester Road, Hulme Hall Road & Ellesmere Street, Manchester, M15 4JY

Date of application: 3 October 2019

Application number: 124302/FO/2019

Part 2 – Particulars of decision

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

Article 35 Declaration

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. This has included discussions about the form and design of the development, heritage issues, access and CO2 reductions.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

GLG-JMA-01 ZZ-DR-A-00 0001 Rev P04 Location Plan

GLG-JMA-01-00-DR-A-00-0200 Rev P08 Proposed Site 00 Floor - GA plan
GLG-JMA-01-01-DR-A-00-0201 Rev P07 Proposed Site 01 Floor - GA plan
GLG-JMA-01-02-DR-A-00-0202 Rev P07 Proposed Site 02 Floor - GA plan
GLG-JMA-01-03-DR-A-00-0203 Rev P07 Proposed Site 03 Floor - GA plan
GLG-JMA-01-04-DR-A-00-0204 Rev P07 Proposed Site 04 Floor - GA plan
GLG-JMA-01-05-DR-A-00-0205 Rev P07 Proposed Site 05 Floor - GA plan
GLG-JMA-01-06-DR-A-00-0206 Rev P07 Proposed Site 06 Floor - GA plan
GLG-JMA-01-07-DR-A-00-0207 Rev P07 Proposed Site 07 Floor - GA plan
GLG-JMA-01-08-DR-A-00-0208 Rev P06 Proposed Site 08 Floor - GA plan
GLG-JMA-01-09-DR-A-00-0209 Rev P06 Proposed Site 09 Floor - GA plan
GLG-JMA-01-10-DR-A-00-0210 Rev P06 Proposed Site 10 Floor - GA plan
GLG-JMA-01-11-DR-A-00-0211 Rev P06 Proposed Site 11 Floor - GA plan
GLG-JMA-01-12-DR-A-00-0212 Rev P07 Proposed Site 12 Floor - GA plan
GLG-JMA-01-13-DR-A-00-0213 Rev P07 Proposed Site 13 Floor - GA plan
GLG-JMA-01-14-DR-A-00-0214 Rev P07 Proposed Site 14 Floor - GA plan
GLG-JMA-01-15-DR-A-00-0215 Rev P07 Proposed Site 15 Floor - GA plan
GLG-JMA-01-16-DR-A-00-0216 Rev P07 Proposed Site 16 Floor - GA plan
GLG-JMA-01-17-DR-A-00-0217 Rev P07 Proposed Site 17 Floor - GA plan
GLG-JMA-01-B1-DR-A-00-0218 Rev P07 Proposed Site Basement Floor - GA plan
GLG-JMA-01-RF-DR-A-00-0251 Rev P08 Proposed Site RF Floor - GA plan

GLG-JMA-01-ZZ-DR-A-00-0101 Rev P08 Proposed Site Masterplan
GLG-JMA-01-ZZ-DR-A-00 0102 Rev P08 Proposed Site Plan
GLG-JMA-01-ZZ-DR-A-00-1001 Rev P05 Site Section AA
GLG-JMA-01-ZZ-DR-A-00-1002 Rev P05 Site Section BB
GLG-JMA-01-ZZ-DR-A-00-1003 Rev P05 Site Section CC
GLG-JMA-01-ZZ-DR-A-00-1004 Rev P05 Site Section DD
GLG-JMA-01-ZZ-DR-A-00-1005 Rev P05 Site Section EE
GLG-JMA-01-ZZ-DR-A-00-2001 Rev P06 Proposed Site Elevations - North + East
GLG-JMA-01-ZZ-DR-A-00-2002 Rev P06 Proposed Site Elevations - South + West
GLG-JMA-01-ZZ-DR-A-00-2003 Rev P07 Proposed Site Elevations - Courtyard
GLG-JMA-01-ZZ-DR-A-00-2004 Rev P07 Proposed Site Elevations - Spinners Way

GLG-JMA-AA-ZZ-DR-A-00-5000 Rev P03 Loft Hulme Hall - Typical
GLG-JMA-AA-ZZ-DR-A-00-5001 Rev P03 Loft Hulme Hall - Crown
GLG-JMA-AA-ZZ-DR-A-00-5002 Rev P04 Mill - Typical Ground Detail
GLG-JMA-AA-ZZ-DR-A-00-5003 Rev P03 Mill - Typical Detail
GLG-JMA-AA-ZZ-DR-A-00-5004 Rev P03 Mill - Typical Crown Detail
GLG-JMA-AA-ZZ-DR-A-00-5005 Rev P04 Mill - Inner Crown Detail
GLG-JMA-AA-ZZ-DR-A-00-5006 Rev P04 Mill - Typical Inner Detail
GLG-JMA-AA-ZZ-DR-A-00-5007 Rev P04 Mill - Inner Ground Detail

GLG-JMA-BB-ZZ-DR-A-00-5000 Rev P03 Facade Study_Block B_Loft - Typical
GLG-JMA-BB-ZZ-DR-A-00-5001 Rev P04 Facade Study_Block B_Loft - Ground
GLG-JMA-BB-ZZ-DR-A-00-5002 Rev P05 Facade Study_Block B_Loft - Crown
GLG-JMA-BB-ZZ-DR-A-00-5003 Rev P04 Facade Study_Corner Block - Ground
GLG-JMA-BB-ZZ-DR-A-00-5004 Rev P03 Facade Study_Corner Block - Single Height
GLG-JMA-BB-ZZ-DR-A-00-5005 Rev P03 Facade Study_Corner Block - Double Height
GLG-JMA-BB-ZZ-DR-A-00-5006 Rev P04 Facade Study_Corner Block - Penthouse

GLG-JMA-BB-ZZ-DR-A-99-2001 Rev P01 Proposed Signage Location

GLG-JMA-ZZ-ZZ-DR-A-00-3501 Rev P02 DFA2 One Bed Apartment Compliance Study
GLG-JMA-ZZ-ZZ-DR-A-00-3502 Rev P03 DFA2 Two Bed Apartment Compliance Study
GLG-JMA-ZZ-ZZ-DR-A-00-3503 Rev P02 DFA2 Access Strategy Assessment

3716 01 Revision H Ground Floor - Masterplan
3736 01 Rev D Gallery Gardens - Landscape Layout
3736 02 Rev D Roof Garden - Landscape Layout
GLG-DEP-00-00-DR-L-001 Rev P06 Gallery Gardens - Block A & B

GLG-WECE-AA-08-DR-M-0113 Rev T3 Mechanical Services Ventilation Layout Eighth Floor
GLG-WECE-AA-10-DR-E-0105 Rev T4 Electrical Services Small Power & Communications Layout Block A Tenth Floor
GLG-WECE-BB-14-DR-M-0214 Rev T2 Mechanical Services Ventilation Layout Block B - 14th Floor
GLG-WECE-BB-RF-DR-M-0218 Rev T3 Mechanical Services Ventilation Layout Block B - Roof Level

Design & Access Statement reference GLG-JMA-01-ZZ-DAAS-A-00-0001_P04 dated June 2019 by JM Architects;
Air Quality Assessment reference: 1779-1r2 dated 19 February 2019 by Redmore Environmental;
An Archaeology Desk-Based Assessment, Assessment of Gallery Gardens/Block A, Greater Manchester, ARS Ltd Report 2017/93 dated July 2017;
Crime Impact Statement Version B: 21/02/19 reference 2011/0100/CIS/02 by Greater Manchester Police;
Daylight & Sunlight report by gia Chartered Surveryors dated 10 January 2019;
Demolition Method Statement by DeTrafford Construction received by the City Council as local planning authority on 22 July 2019;
Energy & Sustainability Assessment Revision A by Watt Energy & Consulting Engineers dated 30 January 2019;
Planning & Heritage Statement by Paul Butler Associates dated 21 June 2019;
Pre-Construction Signal Reception Impact Survey by Astbury Signal Surveys dated 2 June 2017;
Tall Buildings Statement by Paul Butler Associates dated 20 February 2019;
Wind Engineering Desktop Study 040369 dated 16 November 2018 by BuroHappold Engineering;
Landscape Strategy Document Rev.E 11.06.2019 by DEP;
Kitchen Fume Extraction Specification & DEFRA EMAQ Report dated September 2019 by Watt Engineering & Consulting Engineers;
Noise Impact Assessment REC Reference: AC104022-1R0 dated 7 November 2018 by REC
Arboricultural Impact Assessment (AIA) July 2017 by Urban Green;
Bat Roost Assessment (BRA) and Bat Emergence Surveys Rev 3 dated 13 January 2020 by Urban Green;
Flood Risk Assessment dated 20/02/19 by Civic Engineers;
Phase 1 Preliminary Risk Assessment Ref: LKC 17 1166 dated 28 July 2017 by LK Consult Ltd;

Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy Ref: LKC 17 1166 dated January 2019 by LK Consult Ltd;
Waste & Servicing Strategy Ref: VN70851 dated June 2019 by Vectos;
Transport Assessment Rev V03 Reference 65728/TA dated 20 February 2019 by Curtins;
Interim Travel Plan Final Reference: 65728/ITP dated 20 February 2019 by Curtins.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

3) The demolition of Building 1, as identified in the Bat Survey Map (drawing number Figure C6) in Appendix 3 of the Bat Roost Assessment (BRA) and Bat Emergence Surveys Rev 3 dated 13 January 2020 by Urban Green, shall not commence unless and until the City Council as local planning authority has been provided with either:

a) Evidence of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or

b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/ development will require a licence.

Reason - In order to provide protection to bats, pursuant to Policy EN15 of the Core Strategy.

4) Notwithstanding demolition, should 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.

Reason - For the avoidance of doubt as the development could be carried out in a phased manner, pursuant to Policy DM1 of the Core Strategy.

5) a) Notwithstanding demolition, before the development hereby approved 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.

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.

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.

6) No development shall take place unless and until the applicant, or their agents or successors in title, has secured 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;
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.

Reason - To investigate the archaeological interest of the site and record and preserve any remains of archaeological interest, pursuant to saved policy DC20.1 of the Unitary Development Plan for the City of Manchester and guidance in Section 16, Paragraph 199 of the National Planning Policy Framework.

7) Notwithstanding demolition, prior to the commencement of 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.

Reason - To safeguard local employment opportunities, pursuant to pursuant to policies EC1 of the Core Strategy for Manchester.

8) Prior to the commencement of 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;
*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.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

9) Before development commences, a full condition survey of the carriageways/footways on construction vehicle routes surrounding the site shall be undertaken and submitted to the City Council as Local Planning Authority. When all construction/fit-out works are complete, the same carriageways/footways shall be re-surveyed and the results submitted to the City Council as Local Planning Authority for assessment. Should any damage have occurred to the carriageways/footways, they shall be repaired and reinstated in accordance with a scheme that shall first be submitted to and approved in writing by the City Council as Local Planning Authority. The necessary costs for this repair and/or reinstatement shall be met by the applicant.

Reason - To ensure an acceptable development, pursuant to policy DM1 of the Core Strategy.

10) Notwithstanding demolition, before 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.

Reason - In the interests of improving local air quality and providing sustainable development, pursuant to the NPPF and policy DM1 of the Core Strategy.

11) Notwithstanding demolition, prior to the commencement of 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.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

12) 1. Notwithstanding demolition, prior to the commencement of development a programme for the submission of final details of the public and private realm works for the develoment 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;
(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,

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the emerging Core Strategy.

13) Notwithstanding demolition, before 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.

Reason - In the interests of visual amenity pursuant to policy DM1 of the Core Strategy.

14) Notwithstanding demolition, no development shall 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 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.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in light of national policies within the NPPF and NPPG and pursuant to policies EN08 and EN14 of the Core Strategy.

15) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

a. Verification report providing photographic evidence of construction as per design drawings;

b. As built construction drawings if different from design construction drawings;

c. 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.

Reason - To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to national policies within the NPPF and NPPG and local policies EN08 and EN14.

16) Foul and surface water shall be drained on separate systems.

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.

17) Notwithstanding demolition, before 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 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.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, pursuant to Policy DM1 of the Core Strategy for the City of Manchester and Section 5 of the National Planning Policy Framework.

18) a. The residential accommodation shall be acoustically insulated against noise from Chester Road, Hulme Hall Road and Ellesmere Street, and any other actual or potential sources of noise, in accordance with the Noise Impact Assessment REC Reference: AC104022-1R0 dated 7 November 2018 by REC to achieve the following noise criteria within apartments:

Bedrooms (night time 23:00 to 07:00) - 30 dB L Aeq (individual noise events shall not exceed 45 dB L AmaxF by more than 15 times);

Living rooms (daytime 07:00 to 23:00) - 35 dB L Aeq

Gardens and terraces (daytime) - 55 dB L Aeq.

b. The approved noise insulation scheme shall be completed and a post-completion verification report (including validation that the work undertaken throughout the development conforms to the recommendations and requirements of the above approved acoustic report by REC and including the results of post-completion testing to confirm that the internal noise criterion have been met) shall be submitted to and approved in writing by the City Council as local planning authority before any of the dwelling units are first occupied. Any instances of non-conformity with the above approved acoustic report by REC shall be detailed within the post-completion report along with any measures required to ensure compliance with internal noise criteria. Those measures shall be implemented in full before any of the dwelling units are first occupied.

Reason - To secure a reduction in noise from the main roads and surrounding road networks and any other potential sources of noise, in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

19) Before any of the commercial uses hereby approved commence, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63HZ and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

Upon completion of the development a verification report to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report shall be submitted to and approved in writing by the City Council as local planning authority. The verification report shall also undertake post completion testing to confirm that acceptable criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria and timescales for the implementation of those measures.

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

20) Before first occupation of the development the buildings, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Upon completion of the development a verification report to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report shall be submitted to and

approved in writing by the City Council as local planning authority. The verification report shall also undertake post completion testing to confirm that acceptable criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria and timescales for the implementation of those measures.

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

21) No part of the site outside the building shall be used other than in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority. No amplified sound or any music shall be produced or played in any part of the site outside the building.

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

22) Fumes, vapours and odours shall be extracted and discharged from the A3 or A4 premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences. Any works approved shall be implemented in full before the use commences.

Reason - In the interests of residential amenity, pursuant to policy DM1 of the Core Strategy.

23) The air quality mitigation measures set out in the Air Quality Assessment reference: 1779-1r2 dated 19 February 2019 by Redmore Environmental shall be implemented in full before first occupation of the development and shall remain in situ whilst the development is in operation.

Reason - To secure a reduction in air pollution from traffic or other sources and to protect existing and future residents from air pollution, pursuant to Core Strategy Policies EN16 and DM1.

24) External lighting shall be designed and installed so as to control glare and overspill onto nearby residential properties. If any lighting at the development hereby approved, when illuminated, causes glare or light spillage, which, in the opinion of the City Council as local planning authority, causes detriment to adjoining and nearby residential properties, within fourteen days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

25) The commercial uses hereby approved shall not be occupied unless and until the opening hours of such uses have been agreed in writing by the City Council as local planning authority. Those uses shall thereafter not open outside the approved hours.

Reason - In order that the local planning authority can achieve the objectives both of protecting the amenity of local residents and ensuring a variety of uses at street level in the redeveloped area in accordance with saved policy DC 26 in accordance with the

Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

26) No loading or unloading shall be carried out on the site outside the hours of:

07:30 to 20:00, Monday to Saturday,
10:00 to 18:00, Sunday/Bank Holiday.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

27) The development hereby approved shall only be carried out in accordance with the recommendations of the Crime Impact Statement Version B: 21/02/19 reference 2011/0100/CIS/02 by Greater Manchester Police and each building shall not be occupied or used until the City Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy DM1 of the Adopted Core Strategy for the City of Manchester.

28) No part of the development shall be occupied unless and until space and facilities for bicycle parking have been provided in accordance with the approved details. The approved spaces and facilities shall then be retained and permanently reserved for bicycle parking.

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.

29) No part of the development shall be occupied unless and until car parking spaces suitable for use by disabled persons have been provided in accordance with the approved drawings and documents. These parking spaces shall be retained and permanently reserved for use by disabled persons.

Reason - To ensure that adequate provision is made for parking for disabled persons, pursuant to policies CC10 and DM1 of the City of Manchester Core Strategy.

30) Facilities for the storage and disposal of waste for the residential (C3) part of the development shall be provided in accordance with the Waste & Servicing Strategy Ref: VN70851 dated June 2019 by Vectos before first occupation of the residential units. The Waste & Servicing Strategy Ref: VN70851 dated June 2019 by Vectos shall be 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.

31) The commercial uses (A1, A2, A3, A4, B1 or D2) hereby approved shall not commence unless and until a scheme for the storage (including segregated waste recycling) and disposal of refuse relating to the proposed use has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or 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.

32) Before the external roof gardens hereby approved are first brought into use a detailed Event Management Strategy, which includes detail of the following, shall be submitted to and agreed in writing by the City Council as Local Planning Authority:

(a) Details of the types of events that would be held within the space;
(b) Any temporary traffic measures that would be required to be put in place;
(d) How full access for pedestrians and service vehicles to surrounding streets and buildings would be maintained;
(e) Locations for vehicles including cranes to unload;
(f) An Operating Schedule for prevention of crime and disorder and prevention of public nuisance; and
(g) Details of the operating hours of any events.

Any event to take place on the site shall be implemented in accordance with the approved details at all times.

Reason - In the interests of highway safety and amenity 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.

33) Before first occupation of the development hereby approved, a quantitative assessment of the wind environment around the site, which shall detail any necessary wind mitigation measures to ensure the safety and comfort of pedestrians and cyclists in and around the site, shall be submitted to and approved in writing by the City Council as local planning authority. Any agreed mitigation measures shall be implemented before the development is first occupied.

Reason - To ensure that the environs in and around the site are suitable for their intended uses, in the interests of amenity and safety, pursuant to policy DM1 of the Core Strategy.

34) The commercial unit hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'Very Good'. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the building hereby approved is first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies EN4, EN5, EN6 and EN7 of the City of Manchester Core Strategy, and the principles contained within The Guide to Development in Manchester 2 SPD.

35) Before first occupation of the development, a Travel Plan, including details of how the plan will be funded, implemented and monitored for effectiveness, shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site's Travel Plan Strategy. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remain effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be

adopted and implemented. The Travel Plan shall be fully implemented, prior to first occupation of the development, and shall be kept in operation at all times thereafter.

Reason - In accordance with the provisions contained within planning policy guidance and in order to promote a choice of means of transport, pursuant to policies T2 and EN16 of the Core Strategy.

36) The apartments (C3) hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1 and to ensure the permanent retention of the accommodation for normal residential purposes.

37) No externally mounted telecommunications equipment shall be mounted on any part of the buildings hereby approved, including the roofs.

Reason - In the interest of visual amenity pursuant to policy DM1 of the Core Strategy.

38) Should the redevelopment of the site hereby approved not commence within six months of the demolition of the buildings on the site, the site shall be treated in accordance with a landscape scheme, which shall include a timetable for implementation and a maintenance plan, that has been submitted to and approved in writing by the City Council as local planning authority.

Reason - In the interests of the amenity of the area, pursuant to policies EN9, EN15, and DM1 of the Core Strategy and Guide to Development 2 (SPG)

Informatives

Building Regulations 2010
This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements
Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:
http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

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.

Crane Guidance

Cranes, whilst they are temporary, can be a hazard to air safety. The developer or crane operator must therefore contact Manchester Airport's Control of Works Office using the details provided below, at least 21 days in advance of intending to erect a crane or other tall construction equipment on the site. This is to obtain a Tall Equipment Permit and to ascertain if any operating restrictions would be required. Any operating restrictions that are subsequently imposed by Manchester Airport must be fully complied with.

Contact: MAG, Permit to Work Office, Terminal 1 Quadrangle (adjacent to T1 Tower Road), Manchester
Airport, M90 1QX

t: 0161 489 6114 e: permittowork@magairports.com

Reason: To ensure that Manchester Airport's Obstacle Limitation Surfaces are protected to avoid endangering the safe operation of aircraft.

S278 Agreement

Any highway works or Traffic Regulation Orders (TROs) shall be included as part of a S278 agreement under the Highways Act, which shall be funded by the applicant.

Materials

Any materials approved for planning purposes should be discussed in full with Building Control. This is to ensure they meet the guidance contained in the Building Regulations for fire safety. Should it be necessary to change the external facade treatment due to conflicts with the Building Regulations you should discuss these with the Planning Service as soon as possible as this could materially affect your permission.

Construction Work

To safeguard the amenities of the occupiers of nearby residential and commercial properties during the construction/demolition phases, construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council:
- Monday - Friday: 07:30 to 18:00;
- Saturday: 08:30 - 14:00;
- Sunday / Bank holidays: No work.

The applicant should refer to:
https://secure.manchester.gov.uk/info/100006/environmental problems/2956/noise/9

and

IAQM/EPUK Construction Guidance at:
http://iaqm.co.uk/guidance/.

Date: 20 August 2021

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/planning-inspectorate. 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 of 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 his 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.

Appendix A

The Coal Authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/government/organisations/the-coal-authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2021 until 31st December 2022

APPENDIX 2

Deloitte LLP
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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 develo**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

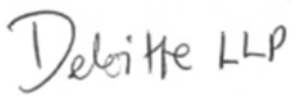
In addition to the supporting information set out in this letter, a Non-Material Amendment Application Form has been submitted via the Planning Portal to formalise this Application (PP-13228890). Based on the information provided, these conditions merit variation by Manchester City Council.

Deloitte.

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

APPENDIX 3

MANCHESTER CITY COUNCIL

Planning

Lucy Harrison
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lucy.harrison@manchester.gov.uk

P O Box 532 Town Hall
Manchester M60 2LA

Miss Frances Hampson
Deloitte LLP
Hanover Building
Corporation Street
Manchester
M4 4AH

Date: 7 August 2024

Dear Sir/Madam,

Application under Section 96a of the Town & Country Planning Act 1990 (as amended) for a Non-Material change to a planning permission
Application No: 140495/NMC/2024
Description: Non material amendment to application ref no 124302/FO/2019 to amend conditions 2 (approved dwgs), 4 (phasing), 5 (ground contamination), 6 (archaeology), 7 (local labour agreement), 8 (CMP), 11 (materials), 12 (landscaping), 13 (roof top design), 14 (SuDs) and 17 (TV reception) to allow commencement of roadworks
Location: Land Bounded By Chester Road, Hulme Hall Road & Ellesmere Street, Manchester, M15 4JY

I refer to your application for a non-material amendment to planning permission reference 124302/FO/2019.

The proposal seeks alterations to the wording of pre-commencement conditions to allow the commencement of roadworks.

Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

Therefore I can confirm that the proposed amendments are hereby **approved**.

It should be noted that this letter of consent does not supersede the decision notice attached to planning permission 124302/FO/2019. These documents should be read in conjunction with one another. Therefore, the conditions previously applied to approval 124302/FO/2019 still apply to this development. However, due to the acceptance of the amendments outlined above, the following amended conditions also now apply:

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

GLG-JMA-01 ZZ-DR-A-00 0001 Rev P04 Location Plan

6335-JMA-01-ZZ-DR-A-SK00010-S2-P01 Phasing Plan, dated July 2024 by JM Architects.

GLG-JMA-01-00-DR-A-00-0200 Rev P08 Proposed Site 00 Floor - GA plan
GLG-JMA-01-01-DR-A-00-0201 Rev P07 Proposed Site 01 Floor - GA plan
GLG-JMA-01-02-DR-A-00-0202 Rev P07 Proposed Site 02 Floor - GA plan
GLG-JMA-01-03-DR-A-00-0203 Rev P07 Proposed Site 03 Floor - GA plan
GLG-JMA-01-04-DR-A-00-0204 Rev P07 Proposed Site 04 Floor - GA plan
GLG-JMA-01-05-DR-A-00-0205 Rev P07 Proposed Site 05 Floor - GA plan
GLG-JMA-01-06-DR-A-00-0206 Rev P07 Proposed Site 06 Floor - GA plan
GLG-JMA-01-07-DR-A-00-0207 Rev P07 Proposed Site 07 Floor - GA plan
GLG-JMA-01-08-DR-A-00-0208 Rev P06 Proposed Site 08 Floor - GA plan
GLG-JMA-01-09-DR-A-00-0209 Rev P06 Proposed Site 09 Floor - GA plan
GLG-JMA-01-10-DR-A-00-0210 Rev P06 Proposed Site 10 Floor - GA plan
GLG-JMA-01-11-DR-A-00-0211 Rev P06 Proposed Site 11 Floor - GA plan
GLG-JMA-01-12-DR-A-00-0212 Rev P07 Proposed Site 12 Floor - GA plan
GLG-JMA-01-13-DR-A-00-0213 Rev P07 Proposed Site 13 Floor - GA plan
GLG-JMA-01-14-DR-A-00-0214 Rev P07 Proposed Site 14 Floor - GA plan
GLG-JMA-01-15-DR-A-00-0215 Rev P07 Proposed Site 15 Floor - GA plan
GLG-JMA-01-16-DR-A-00-0216 Rev P07 Proposed Site 16 Floor - GA plan
GLG-JMA-01-17-DR-A-00-0217 Rev P07 Proposed Site 17 Floor - GA plan
GLG-JMA-01-B1-DR-A-00-0218 Rev P07 Proposed Site Basement Floor - GA plan
GLG-JMA-01-RF-DR-A-00-0251 Rev P08 Proposed Site RF Floor - GA plan

GLG-JMA-01-ZZ-DR-A-00-0101 Rev P08 Proposed Site Masterplan
GLG-JMA-01-ZZ-DR-A-00 0102 Rev P08 Proposed Site Plan
GLG-JMA-01-ZZ-DR-A-00-1001 Rev P05 Site Section AA
GLG-JMA-01-ZZ-DR-A-00-1002 Rev P05 Site Section BB
GLG-JMA-01-ZZ-DR-A-00-1003 Rev P05 Site Section CC
GLG-JMA-01-ZZ-DR-A-00-1004 Rev P05 Site Section DD
GLG-JMA-01-ZZ-DR-A-00-1005 Rev P05 Site Section EE
GLG-JMA-01-ZZ-DR-A-00-2001 Rev P06 Proposed Site Elevations - North + East
GLG-JMA-01-ZZ-DR-A-00-2002 Rev P06 Proposed Site Elevations - South + West
GLG-JMA-01-ZZ-DR-A-00-2003 Rev P07 Proposed Site Elevations - Courtyard
GLG-JMA-01-ZZ-DR-A-00-2004 Rev P07 Proposed Site Elevations - Spinners Way

GLG-JMA-AA-ZZ-DR-A-00-5000 Rev P03 Loft Hulme Hall - Typical
GLG-JMA-AA-ZZ-DR-A-00-5001 Rev P03 Loft Hulme Hall - Crown
GLG-JMA-AA-ZZ-DR-A-00-5002 Rev P04 Mill - Typical Ground Detail
GLG-JMA-AA-ZZ-DR-A-00-5003 Rev P03 Mill - Typical Detail
GLG-JMA-AA-ZZ-DR-A-00-5004 Rev P03 Mill - Typical Crown Detail
GLG-JMA-AA-ZZ-DR-A-00-5005 Rev P04 Mill - Inner Crown Detail
GLG-JMA-AA-ZZ-DR-A-00-5006 Rev P04 Mill - Typical Inner Detail
GLG-JMA-AA-ZZ-DR-A-00-5007 Rev P04 Mill - Inner Ground Detail

GLG-JMA-BB-ZZ-DR-A-00-5000 Rev P03 Facade Study_Block B_Loft - Typical
GLG-JMA-BB-ZZ-DR-A-00-5001 Rev P04 Facade Study_Block B_Loft - Ground
GLG-JMA-BB-ZZ-DR-A-00-5002 Rev P05 Facade Study_Block B_Loft - Crown
GLG-JMA-BB-ZZ-DR-A-00-5003 Rev P04 Facade Study_Corner Block - Ground
GLG-JMA-BB-ZZ-DR-A-00-5004 Rev P03 Facade Study_Corner Block - Single Height
GLG-JMA-BB-ZZ-DR-A-00-5005 Rev P03 Facade Study_Corner Block - Double Height
GLG-JMA-BB-ZZ-DR-A-00-5006 Rev P04 Facade Study_Corner Block - Penthouse

GLG-JMA-BB-ZZ-DR-A-99-2001 Rev P01 Proposed Signage Location

GLG-JMA-ZZ-ZZ-DR-A-00-3501 Rev P02 DFA2 One Bed Apartment Compliance Study
GLG-JMA-ZZ-ZZ-DR-A-00-3502 Rev P03 DFA2 Two Bed Apartment Compliance Study

GLG-JMA-ZZ-ZZ-DR-A-00-3503 Rev P02 DFA2 Access Strategy Assessment

3716 01 Revision H Ground Floor - Masterplan
3736 01 Rev D Gallery Gardens - Landscape Layout
3736 02 Rev D Roof Garden - Landscape Layout
GLG-DEP-00-00-DR-L-001 Rev P06 Gallery Gardens - Block A & B

GLG-WECE-AA-08-DR-M-0113 Rev T3 Mechanical Services Ventilation Layout Eighth Floor
GLG-WECE-AA-10-DR-E-0105 Rev T4 Electrical Services Small Power & Communications Layout Block A Tenth Floor
GLG-WECE-BB-14-DR-M-0214 Rev T2 Mechanical Services Ventilation Layout Block B - 14th Floor
GLG-WECE-BB-RF-DR-M-0218 Rev T3 Mechanical Services Ventilation Layout Block B - Roof Level

Design & Access Statement reference GLG-JMA-01-ZZ-DAAS-A-00-0001_P04 dated June 2019 by JM Architects;
Air Quality Assessment reference: 1779-1r2 dated 19 February 2019 by Redmore Environmental;
An Archaeology Desk-Based Assessment, Assessment of Gallery Gardens/Block A, Greater Manchester, ARS Ltd Report 2017/93 dated July 2017;
Crime Impact Statement Version B: 21/02/19 reference 2011/0100/CIS/02 by Greater Manchester Police;
Daylight & Sunlight report by gia Chartered Surveryors dated 10 January 2019;
Demolition Method Statement by DeTrafford Construction received by the City Council as local planning authority on 22 July 2019;
Energy & Sustainability Assessment Revision A by Watt Energy & Consulting Engineers dated 30 January 2019;
Planning & Heritage Statement by Paul Butler Associates dated 21 June 2019;
Pre-Construction Signal Reception Impact Survey by Astbury Signal Surveys dated 2 June 2017;
Tall Buildings Statement by Paul Butler Associates dated 20 February 2019;
Wind Engineering Desktop Study 040369 dated 16 November 2018 by BuroHappold Engineering;
Landscape Strategy Document Rev.E 11.06.2019 by DEP;
Kitchen Fume Extraction Specification & DEFRA EMAQ Report dated September 2019 by Watt Engineering & Consulting Engineers;
Noise Impact Assessment REC Reference: AC104022-1R0 dated 7 November 2018 by REC
Arboricultural Impact Assessment (AIA) July 2017 by Urban Green;
Bat Roost Assessment (BRA) and Bat Emergence Surveys Rev 3 dated 13 January 2020 by Urban Green;
Flood Risk Assessment dated 20/02/19 by Civic Engineers;
Phase 1 Preliminary Risk Assessment Ref: LKC 17 1166 dated 28 July 2017 by LK Consult Ltd;
Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy Ref: LKC 17 1166 dated January 2019 by LK Consult Ltd;
Waste & Servicing Strategy Ref: VN70851 dated June 2019 by Vectos;
Transport Assessment Rev V03 Reference 65728/TA dated 20 February 2019 by Curtins;
Interim Travel Plan Final Reference: 65728/ITP dated 20 February 2019 by Curtins.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

4) With the exception of 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.

Reason - For the avoidance of doubt as the development could be carried out in a phased manner, pursuant to Policy DM1 of the Core Strategy.

5) a) With the exception of the Phase 1 - Early Works (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) and demolition, before 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.

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.

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.

6) Prior to the commencement of Phase 2 - Main Works of the development, as shown on drawing ref 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01, the applicant, or their agents or successors in title, 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;
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.

Reason - To investigate the archaeological interest of the site and record and preserve any remains of archaeological interest, pursuant to saved policy DC20.1 of the Unitary Development Plan for the City of Manchester and guidance in Section 16, Paragraph 199 of the National Planning Policy Framework.

7) With the exception of 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.

Reason - To safeguard local employment opportunities, pursuant to pursuant to policies EC1 of the Core Strategy for Manchester.

8) a) Prior to the commencement of Phase 1 (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) of the development, a detailed construction management plan outlining working practices during Phase 1 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 (as shown on drawing ref. 6335-JMA-01-ZZ-DR-A-SK00010-S2-P01) of the development, a detailed demolition and construction management plan outlining working practices during Phase 2 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;
*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.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

10) With the exception of 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.

Reason - In the interests of improving local air quality and providing sustainable development, pursuant to the NPPF and policy DM1 of the Core Strategy.

11) With the exception of 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.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

12) 1. With the exception of 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 development 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;
(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,

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the emerging Core Strategy.

13) With the exception of 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.

Reason - In the interests of visual amenity pursuant to policy DM1 of the Core Strategy.

14) With the exception of 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 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 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.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in light of national policies within the NPPF and NPPG and pursuant to policies EN08 and EN14 of the Core Strategy.

17) With the exception of 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 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.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, pursuant to Policy DM1 of the Core Strategy for the City of Manchester and Section 5 of the National Planning Policy Framework.

Should you wish to discuss the matter further, please contact Lucy Harrison using the details above.

Yours faithfully,



Julie Roscoe
Director of Planning, Building Control & Licensing

APPENDIX 4

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Approval of details reserved by condition

Applicant

Drum Capital Projects Ltd
C/o Agent

Agent (if used)

Miss Frances Hampson
Deloitte LLP
Hanover Building
Corporation Street
Manchester
M4 4AH

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 8a (Construction Management Plan) and 9 (Carriageway Condition Survey) attached to planning permission 124302/FO/2019

Location: Land Bounded By Chester Road, Hulme Hall Road And Ellesmere Street, Manchester

Date of application: 17 July 2024

Application number: CDN/24/0650

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Condition 8a CMP
The following information has been submitted in respect of this planning condition:

- Method statement civil works (ref. 20240907-HUL-MS) and Traffic Management Plan for Hulme Hall Road Manchester Rev 1 received by the City Council, as Local Planning Authority, on the 15 August 2024

The above information has been considered and is acceptable in respect of phase 1 only. Phase one shall be carried out in accordance with the above information.

Condition 8a is formally discharged for phase 1 only.

Please note the followign construction working hours:

- Monday - Friday: 7.30am - 6pm
- Saturday: 8.30am - 2pm
-Sunday / Bank holidays: No work

Condition 9 Carriageway Condition Survey

The following information has been submitted in respect of this planning condition:

- Highway condition survey (ref 35601-HYD-XX-XX-RP-TP-8001) received by the City Council, as Local Planning Authority, on the 17 July 2024

The above information has been considered and is acceptable.

As per the requirements of the planning condition, when all construction/fit-out works are complete, the same carriageways/footways shall be re-surveyed and the results submitted to the City Council as Local Planning Authority for assessment. Should any damage have occurred to the carriageways/footways, they shall be repaired and reinstated in accordance with a scheme that shall first be submitted to and approved in writing by the City Council as Local Planning Authority. The necessary costs for this repair and/or reinstatement shall be met by the applicant.

No further action at this stage.

Date: 19 August 2024

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 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) 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 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) 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-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

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.

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 of 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 his 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.

APPENDIX 5









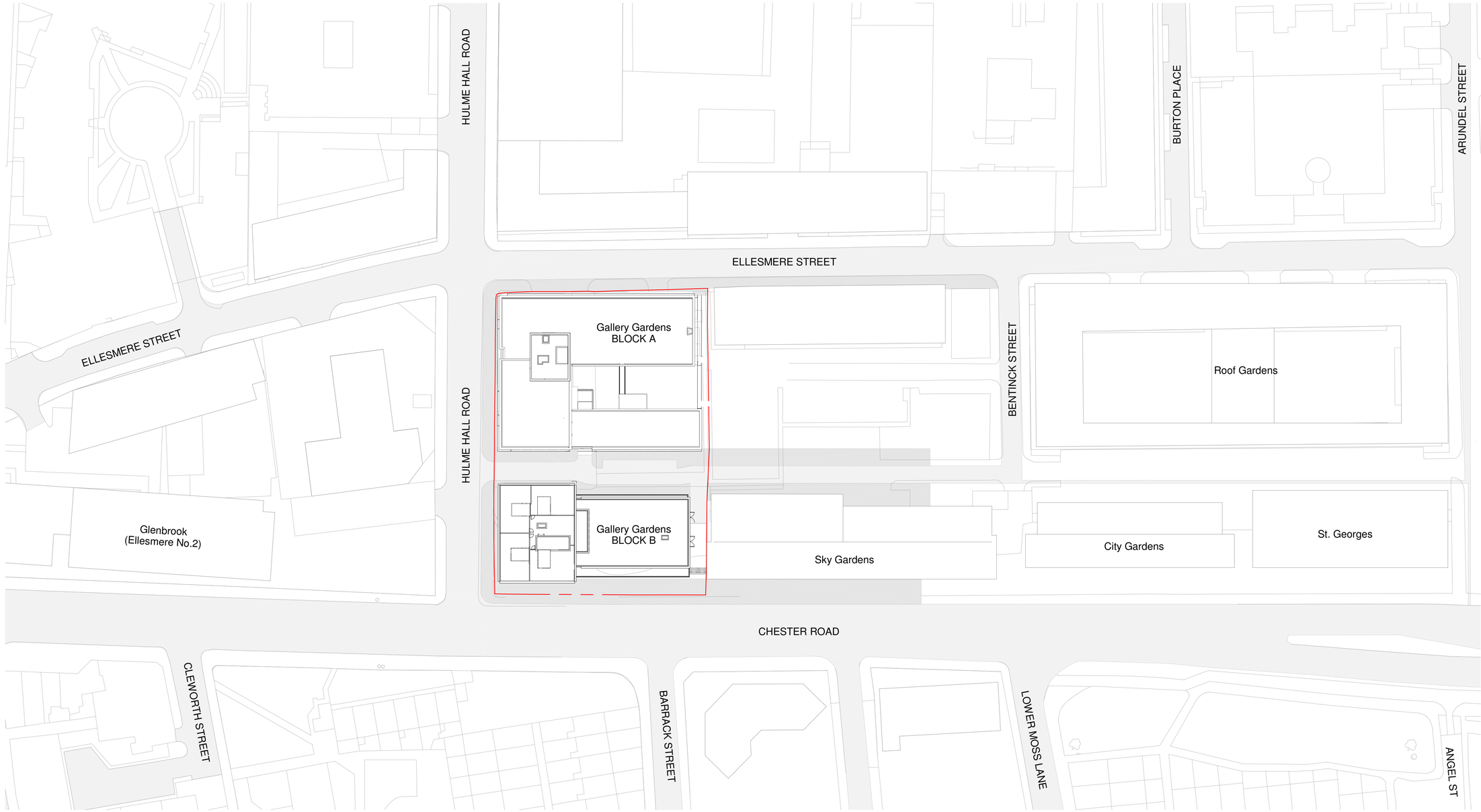




APPENDIX 6

Notes :
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Structural information indicative only. To be confirmed by Structural



1 Proposed Site Masterplan

1 : 500

Site Boundary Line

Rev	Description	Date	Drn By	Chk By
P08	Issued for Planning	09.07.2019	JS	JS
P07	FINAL STAGE 3 ISSUE	24.05.2019	JS	JS
P06	Stage 3 Issue	11.04.2019	GG	TFL
P05	Issued for Planning	15.02.2019	GG	JS
P04	Issued for Planning	09.01.2019	GG	JS
P03	Issued for Planning	14.12.2018	GG	JS
P02	Issued for Planning	11.12.2018	GG	JS
P01	Issue for Planning	22.11.2018	GG	DP

North

0 5 10 20 30 40 50
GRAPHIC SCALE 1:500

jmarchitects

Project
Gallery Gardens

Title
Proposed Site Masterplan

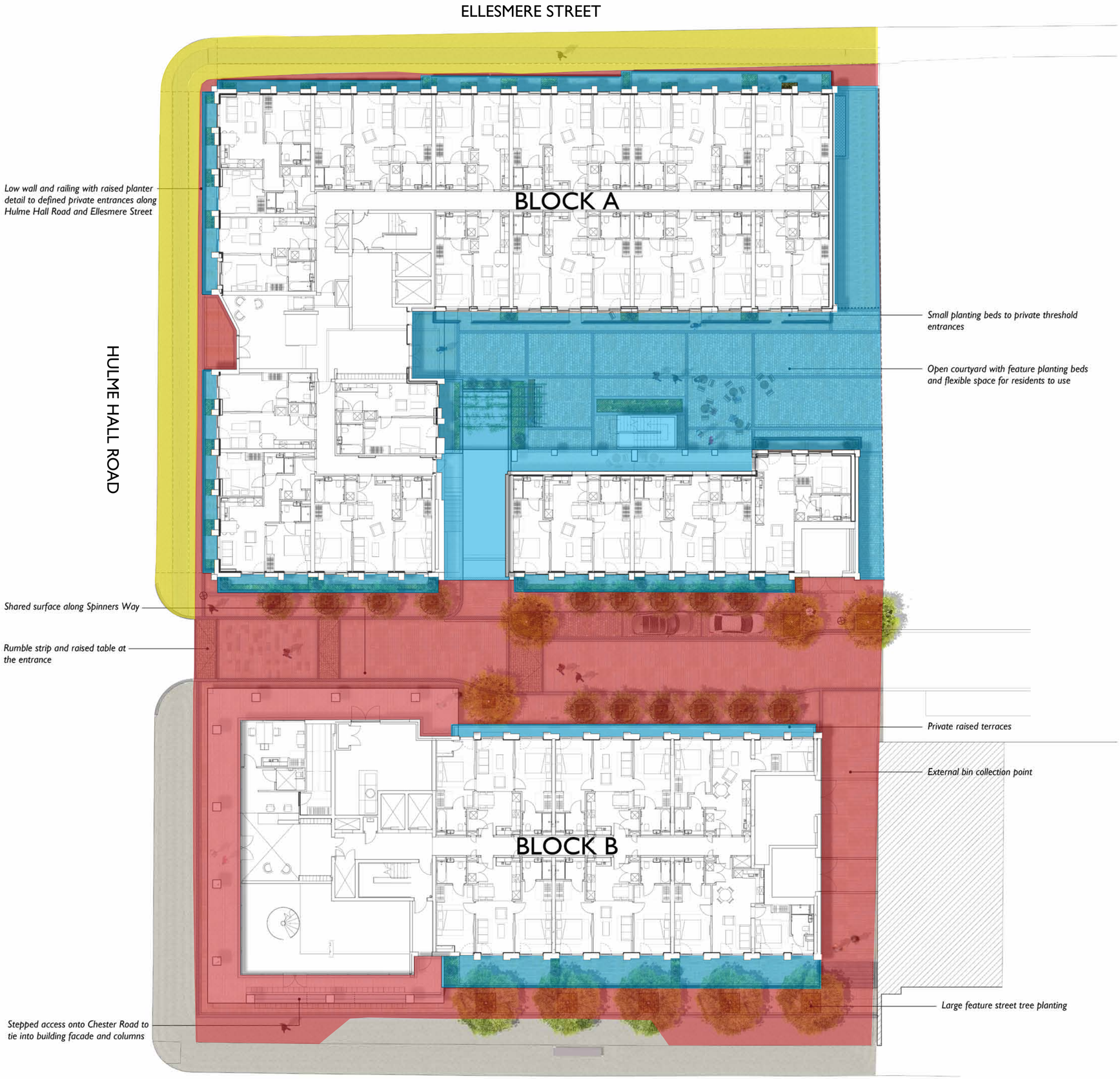
Client
DeTrafford Estates

Purpose :
FOR INFORMATION

Scale :
As indicated @ A1

Drawing Number
Project - Originator - Zones - Level - Type - Role - Class - Number
GLG-JMA-01-ZZ-DR-A-00-0101

Status S2 Revision P08



Public realm works within the red line site boundary

Private terrace areas and podium courtyard

Highway / public realm works outside the red line boundary

DEP LANDSCAPE ARCHITECTURE LTD
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T: 0161 2419878
E: info@dep.co.uk
W: www.dep.co.uk

Client
DeTrafford Estates Group

Project
Gallery Gardens

Description
Landscape Layout

Status
Planning

Scale	Drawn
1:150@A1	MA (CP)

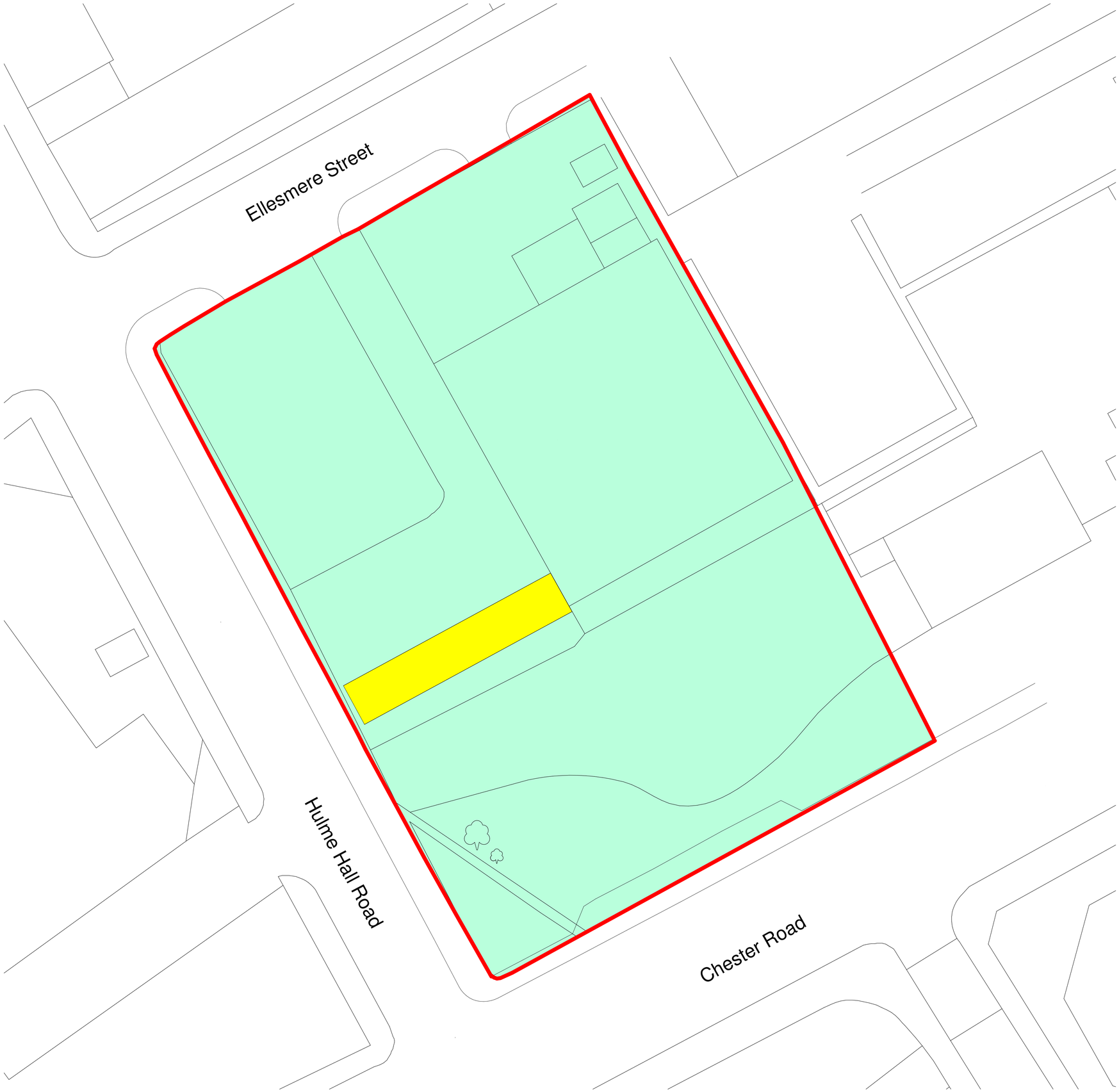
Drawing number	Date	Revision
3736 01	May 18	D

Copyright DEP Landscape Architecture Ltd

All levels and dimensions to be checked on site by contractor prior to commencement; Any variations to be reported to the client. This drawing is to be read in conjunction with all others relating to the project and all information derived accordingly; any anomalies to be reported to the client. Use figured dimensions only. Work shown on this drawings to be carried out in accordance with current British Standards and Codes of Practice.

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APPENDIX 7



Scale 1:200 @ A1

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Structural information indicative only. To be confirmed by Structural Engineer.

KEY

Site Boundary

Phase 1 - Early Works
Area of works for proposed road

Scope:

1. Excavate c200mm below existing hardstanding to suitable formation level
2. Peg extents of the proposed road layout to indicated dimensions
3. End state: secure heras fencing around perimeter of excavated area including c.300mm buffer

Phase 2 - Main Works

Rev	Description	Date	Drn By	Chk By
P01	First Issue	05.07.2024	CNJ	AI

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Project
Gallery Gardens

Title
Phasing Plan

Client
Drum Capital Project LTD

Purpose :
For Information

Scale :
As indicated @ A1

Drawing Number
Project - Originator - Volume - Level - Type - Role - Class - Number
6335-JMA-01-ZZ-DR-A-SK0001

Status S2
Revision P01

Version: 00.00.09