

12 December 2023

Delivered by via Planning Portal

Jennifer Atkinson
Manchester City Council
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Town Hall, Albert Square
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Dear Jennifer

**DISCHARGE OF CONDITIONS 4 AND 5 PURSUANT TO PLANNING PERMISSION (REF. 129251/FO/2021):
FORMER KENDALS BUILDING , 98-116 DEANSGATE AND 35-47 KING STREET, KING STREET WEST,
MANCHESTER, M3 2GQ**

On behalf of Kendals Regeneration Limited ('the Applicant'), we are pleased to enclose an application to discharge conditions 4 (Local Labour Agreement) and 5 (Construction Management) pursuant to planning permission (ref. 129251/FO/2021) at the above site.

The application is submitted via the Planning Portal (ref. PP-12668270) and comprises the covering letter, application forms and electronic copies of the documents listed below. The requisite application fee has been paid online via the Planning Portal.

Background

Full Planning Permission ('FPP') (ref. 129251/FO/2021) for the change of use of the upper floors and the erection of a three-storey rooftop extension to the existing Kendal Milne building to provide office and commercial floorspace and the demolition of an adjacent multi-storey car park and the erection of an office building in its place was granted by Manchester City Council ('MCC') on 4th June 2021 with the following description:

Change of use of upper floors and erection of three storey rooftop extension, including plant level, to Kendal Milne building to provide offices on floors 1-9 (Use Class E), together with change of use of ground, lower ground and basement levels of Kendal Milne building to flexible commercial spaces (Use Class E, F2 and /or Change of use of upper floors and erection of three storey rooftop extension, including plant level, to Kendal Milne building to provide offices on floors 1-9 (Use Class E), together with change of use of ground, lower ground and basement levels of Kendal Milne building to flexible commercial spaces (Use Class E, F2 and /or Sui Generis (Drinking Establishments) and associated elevational alterations and works; Demolition of adjacent Fraser Building and link bridges and erection of 14 storey office building (Use Class E), including plant level, together with associated amenity space and ground and basement floor flexible commercial units (Use Class E, F2 and / or Sui Generis (Drinking Establishments)) and basement areas for

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cycle storage and plant; Highways landscaping and public realm works, engineering and infrastructure works and other associated works.

An accompanying Listed Building Consent ('LBC') (ref. 129252/LO/2021) was also granted by MCC on 4th June 2021 for the internal and external alterations to the existing Kendal Milne building. The description of consent is as follows:

Listed Building Consent for internal and external alterations to Kendal Milne building as part of proposals for change of use and three storey rooftop extension to form 9 floors of offices and commercial uses at ground, lower ground and basement levels.

Applications were made to amend the structure of the conditions on the FPP and the LBC to ensure the conditions are structured in a way that reflects the intended phased implementation of the project. A non-material amendment application was made in relation to the FPP (LPA ref. 138315/NMC/2023) and a S.19¹ application (LPA ref. 138287/JO/2023). These applications were approved on 24th November 2023.

This application seeks to discharge conditions 4 and 5 of the FPP (as amended via the NMA approval), specifically in relation to an initial phase of development comprises the demolition of existing link bridges between the Kendals building and the multi-storey car park to the rear (shown as Phase 1 on the approved Phasing Plan).

A summary of the submitted information is provided below.

Condition 4 Local Labour Agreement

Condition 4 states :

- a) Prior to the commencement of each phase of the development, details of a local labour agreement in order to demonstrate commitment to recruit local labour for the demolition and construction 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.*
- b) Prior to first occupation of the development, details of a local labour agreement in order to demonstrate commitment to recruit local labour for the operational 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 occupational phases of the development.*
- c) Within six months of the first occupation of the development, details of the results of the scheme shall be submitted to the Local Planning Authority for consideration.*

The enclosed Local Labour Agreement, prepared by Connell Brothers Limited, demonstrate commitment to recruit local labour for the demolition and construction elements of the development, specifically by closely liaising with Manchester City Council.

Condition 5 Construction Management

Condition 5 states:

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for;

¹ Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990

- *A construction programme including phasing of works;*
- *24 hour emergency contact number;*
- *Phasing and quantification/classification of vehicular activity, to include expected number and type of vehicles accessing the site for: Deliveries; Waste removal; Cranes; Equipment, Plant; Works; and Visitors;*
- *Size of construction vehicles;*
- *The use of a consolidation operation or scheme for the delivery of materials and goods;*
- *Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction), such as programming, construction methodology, shared deliveries, car sharing, travel planning, parking facilities for staff and visitors, on-site facilities to encourage the use of public transport and cycling;*
- *Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;*
- *Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;*
- *Locations for storage of plant/waste/construction materials;*
- *Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;*
- *Arrangements to receive abnormal loads or unusually large vehicles;*
- *Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;*
- *Any necessary temporary traffic management measures;*
- *Measures to protect vulnerable road users (cyclists and pedestrians);*
- *Arrangements for temporary facilities for any bus stops or routes;*
- *Method of preventing mud being carried onto the highway (wheel washing);*
- *Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses and Community consultation strategy, including details of stakeholder and neighbour consultation prior to and during the development along with the complaints procedure*
- *Dust suppression measures, including a section on air quality and the mitigation measures proposed to control fugitive dust emissions during the enabling and build phases;*
- *Compound locations where relevant;*

- *Details regarding location, removal and recycling of waste (site waste management plan);*
- *Sheeting over of construction vehicles;*
- *A commentary/consideration of ongoing construction works in the locality;*
- *Construction and demolition methods to be used, including the use of cranes (and their location); - The erection and maintenance of security hoardings;*
- *Details on the timing of construction of scaffolding.*

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

The development shall be carried out in accordance with the approved construction management plan.

The following documents provide details corresponding to each required items and seek to discharge condition 5:

- Construction Phase Plan (Issue 01), prepared by Connell Brothers Limited
- Construction Management Statement, prepared by Connell Brothers Limited
- Road Closure (dwg ref. TMP-13006), prepared by UDP

Conclusion

I trust that you have the relevant information in order to validate this application and discharge conditions 4 (Local Labour Agreement) and 5 (Construction Management) pursuant to planning permission (ref. 129251/FO/2021).

However, should you have any queries, please do not hesitate to contact me, or my colleague Lewis Evans (lewis.evans@turley.co.uk).

Yours sincerely



Melissa Lee Wing Tung

Assistant Planner

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