Dated 17th November 2023

THE COUNCIL OF THE CITY OF MANCHESTER

- and –

TJ & ZJ AHMED PROPERTIES LTD

-and -

LLOYDS BANK PLC

AGREEMENT

pursuant to Section 106 Town and Country Planning Act 1990
relating to land at 466 - 472 Moss Lane East
in the City of Manchester

City Solicitor
Manchester City Council
P O Box 532
Town Hall
Albert Square
Manchester M60 2LA

L/SCC015/00935

THIS AGREEMENT is made the 17th day of November 2023

BETWEEN

(1) **THE COUNCIL OF THE CITY OF MANCHESTER** of Town Hall, Albert Square, Manchester ("the Council")

(2) **TJ & ZJ AHMED PROPERTIES LTD** (company registration number 11359767) whose registered office is at 17 Dolphin Street, Ardwick Green, Manchester, United Kingdom, M12 6BG (the "Owner" which expression shall include the successors in title and assigns of the Owner), and

(3) **LLOYDS BANK PLC** (company registration number 2065) whose registered office is at 25 Gresham Street, London, EC2V 7HN (the "Mortgagee") which expression shall include the successors in title and assigns of the Mortgagee)

WHEREAS

A The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated and is minded to grant the Planning Permission subject to the completion of this Agreement

B The Owner is the registered proprietor with title absolute of the Site registered at the Land Registry under title numbers GM171106, LA5008, and LA132935

C The Application was submitted to the Council for planning permission to carry out the Development in the manner set out in the plans, specifications and particulars forming part of the Application

D The Mortgagee is interested in the parts of the Site owned by the Owner by virtue of a registered charge dated 28 September 2018

E The Council has recognised the difficulty faced by lower income groups in Full Time Higher Education at a Manchester Higher Education Institution in sourcing affordable accommodation within the Administrative Boundaries of Manchester and the planning purpose of this Agreement is to provide Discounted Student Accommodation within the Administrative Boundaries of Manchester

F The Council is satisfied that the obligations in this Agreement are,

a necessary to make the Development acceptable in planning terms (including where appropriate, obligations necessary to mitigate the adverse impacts

of the Development in accordance with the development plan for the area and other material considerations),

b directly related to the Development, and

c fairly and reasonably related in scale and kind to the Development,

and in any event will secure other planning benefits

G The Owner has agreed to enter into this Agreement in support of the Application so as to create planning obligations in favour of the Council pursuant to section 106 of the Act and to be bound by and observe and perform the covenants hereinafter contained

NOW THIS DEED WITNESSETH as follows

1 In this Agreement unless the context otherwise requires the following words and expressions and phrases shall have the meanings hereby ascribed to them

"**Act**"	shall mean the Town and Country Planning Act 1990 (as amended)
"Academic Year"	shall mean the period during which a Manchester Higher Education Institution holds classes and examinations from time to time such period being 40 weeks at the date of this Agreement
"**Administrative Boundaries of Manchester**"	shall mean all the wards that together comprise the city of Manchester
"Agreement"	shall mean this agreement
"Application"	the application to which the Council gave the reference **135544/FO/2022** for planning permission for the erection of part nine, part

eight, part seven storeys building for use as purpose built student accommodation and conversion of 466-468 to purpose built student accommodation use with link, associated landscaping, access and cycle parking following demolition of 470 - 472 Moss Lane East

"**Architect**" means Carson Sall Architects,

"**Commencement of Development**" the date upon which the Development shall begin by the carrying out of a material operation in accordance with the provisions of section 56(4) of the Act PROVIDED THAT any works of or associated with site clearance, remediation works, environmental or archaeological investigations, site and soil surveys, erections of contractors work compound, erection of site office, erection of fencing to site boundaries, marking of site boundaries and laying out of access roads and services shall for the purposes of the agreement be deemed not to be material operations and **"Commence"**, **"Commencement"** and **"Commenced"** shall be construed accordingly

"Completion of Construction" the date upon which a valid certificate of completion shall have been issued in respect of the relevant number of Student Accommodation Units for the purposes of the Building Act 1984 and the Building Regulations 2010 or any amendment or replacement of the same and "Completed" and "Completion" shall be construed accordingly,

"Core Strategy" means the Manchester Core Strategy (adopted 11th July 2012) which is the key document in the Council's Local Development Framework and details the Council's vision for the development of Manchester during the period 2012 to 2027,

"Development" the development undertaken on the Site pursuant to the Planning Permission as specified in the Application,

"Discounted Student Accommodation" means accommodation that is made available to Eligible Students at a rent level set in accordance with the Discounted Student Accommodation Statement,

"**Discounted Student Accommodation Unit**" means a Student Accommodation Unit that is also Discounted Student Accommodation and "Discounted Student Accommodation Units" shall be construed accordingly,

"Discounted Student Accommodation Statement" the written statement detailing the provision of the Discounted Student Accommodation at Schedule 5,

"**Eligible Student**" means a student enrolled in a Full Time Higher Education Course at a Manchester Higher Education Institution in receipt of the full amount of Maintenance Loan or (in the event the Maintenance Loan ceases to be available) such other affordability criteria as the Council and the Owner agree,

"Expert"	a professional expert in town planning, who is a Chartered Member of the Royal Town Planning Institute with a minimum of ten (10) years post-qualification experience,
"**Full Time Higher Education Course**"	means a full time course at level 4 or higher of the national qualification frameworks for England of a duration of at least 24 weeks in a single academic year running from 1 September to 31 August and consisting of 3 terms across 2 semesters,
"Interest"	interest at 4% (four per cent) above the base lending rate of the Bank of England from time to time
"Legal Charge"	a registered charge registered against the titles comprising the Site dated 28 September 2018
"Local Plan"	includes the Core Strategy adopted by Manchester City Council on 11 July 2012, the extant Unitary Development Plan policies and all other relevant strategic planning documents adopted by Manchester City Council,
"**Maintenance Loan**"	a means tested loan provided by the Government to students under the provisions of the Education (Student Support) Regulations 2011 to assist with living costs while studying and includes any successor loan scheme,

"Management Fee" shall mean 15% of the planning application fee which equates to £ 4877 85 (four thousand eight hundred and seventy seven pounds and eighty five pence) to be used for the purpose of monitoring and reporting on the delivery of this Agreement and the Planning Obligations contained herein,

"**Manchester Higher Education Institution**" means a university or college or equivalent institution offering a Full Time Higher Education Course in the Administrative Boundaries of Manchester,

"**Market Rent**" means as defined by RICS (or such successor or replacement organisation) and is the estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion,

"Market Student Accommodation" means accommodation that is made available on the open market to rent to all students;

"**Market Student Accommodation Unit**" means a Student Accommodation Unit that is also Market Student Accommodation and "Market Student Accommodation Units" shall be construed accordingly,

"Plan"	the plan attached to this Agreement,
"Planning Obligations"	shall mean the obligations of the Owner specified in the Schedules,
"Planning Permission"	the planning permission granted pursuant to the Application substantially in the form as appended at Schedule 2 and as may be amended by any non-material amendment,
Reasonable Endeavours"	means that it is agreed by the parties hereto that the party under such an obligation will be bound to attempt to fulfil the relevant obligation by the expenditure of such effort and/or sums of money and the engagement of such professional or other advisers as in all the circumstances may be reasonable to expect in the case of the Owner of a competent commercial developer in the context of the Development and of a competent landowner in the context of the Development but shall not be required to go against their own commercial interests in doing so,
"RICS"	the Royal Institution of Chartered Surveyors,
"Site"	the property described in Schedule 1 and shown for the purposes of identification only edged red on the Plan,

"Student Accommodation Unit" a unit of sleeping accommodation to be constructed on the Site as part of the Development pursuant to the Planning Permission and "Student Accommodation Units" shall be construed accordingly,

"Working Day" means any day except Saturday Sunday or a bank holiday and reference to "Working Days" shall be construed accordingly

1 2 The Clause headings do not affect this interpretation

1 3 Unless otherwise indicated, references to Clauses and Schedules are to Clauses of and Schedules to this Agreement and references in a Schedule to a Part or Paragraph are to a Part or Paragraph of that Schedule

1 4 References to any statute or statutory provision include reference to

1.4 1 all Acts of Parliament and all other legislation having legal effect in the United Kingdom as directly or indirectly amended, consolidated, extended, replaced or re-enacted by any subsequent legislation, and

1 4 2 any orders, regulations, instruments or other subordinate legislation made under that statute or statutory provision.

2 **PLANNING OBLIGATION**

This Agreement is made pursuant to section 106 of the Act, section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011 and all other enabling legislation and is a planning obligation for the purposes of section 106 of the Act, with the intent that covenants hereinafter contained shall be enforceable by the Council acting under the powers contained in section 106 or such other enabling powers against the Owner

3 CONDITION PRECEDENT

3 1 This Agreement is conditional upon the grant of the Planning Permission and Commencement of Development save for the provisions of Clauses 9, 11, 15, 17, 18 and 19 which shall have immediate effect

4 CONDITION SUBSEQUENT

If the Planning Permission for the Development has not been implemented by the carrying out of a material operation in accordance with the provisions of sections 56, 91 and 93 of the Act or is revoked or modified in whole or in part (other than in approval of an application by or on behalf of either of the Owner) or quashed or declared unlawful as a result of legal proceedings then this Agreement shall absolutely determine and become null and void but without prejudice to the rights of either party against the other in respect of any antecedent breach

5 THE OWNER'S COVENANTS

5 1 The Owner on behalf of themselves and any person deriving title to any part of the Site from the Owner hereafter hereby covenants with the Council so as to bind the Site to fully observe and perform the obligations on their part contained in this Agreement including those obligations set out in Schedule 3 and hereby agrees that the Site shall be permanently subject to the obligations, restrictions and provisions specified herein, such obligations being planning obligations for the purpose of section 106 of the Act

6 THE COUNCIL'S COVENANTS

The Council hereby covenants with the Owner to observe and perform the obligations on its part in this Agreement including those obligations set out in the Schedule 4

7 DISPUTE RESOLUTION

7 1 In the event of any dispute arising in connection with any of the terms of this Agreement other than a dispute involving the construction or interpretation of the terms

of this Agreement or the enforcement of any decision pursuant to this Clause, the same shall unless the Council and the Owner otherwise agree be referred to an Expert to be appointed by agreement between the Council and the Owner

7 2 If the Council and the Owner are unable to agree on the appointment of an Expertwithin thirty (30) days of one party serving notice on the other calling for the appointment of an Expert, then an Expert shall be appointed on the application of either party to the President for the time being of the Royal Town Planning Institute

7 3 Any reference of a dispute to an Expert shall if the parties are agreed in writing be deemed to be a reference to an expert (and not to an arbitrator) whose decision shall be final and binding (save for manifest error or fraud) but shall otherwise be deemed to be a reference to an arbitrator pursuant to the Arbitration Act 1996 and any statutory amendment variation substitution or re-enactment thereof

7 4 Any party to this Agreement shall be entitled to submit to the Expert representations and cross-representations with such supporting evidence as they shall respectively consider necessary and the Expert shall have regard thereto in making his decision which shall be delivered in writing The reference of any dispute shall include authority to determine in what manner all the costs of the referral shall be paid

8 **WAIVER**

No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Agreement shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default

9 **CHANGE IN OWNERSHIP & LIABILITY**

9 1 The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interest in the Site occurring before all the obligations under this Agreement have been discharged such notice to give details of the

transferee's full name and registered office (if a company or usual address if not) together with (unless the purchase relates to the entirety of the Site) the area of the Site or unit of occupation purchased by reference to a plan

9 2 No person shall be liable for any breach, non performance and non observance of the covenants, obligations and restrictions contained in this Agreement after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest nor shall this hinder or preclude the Council's rights as the Local Planning Authority to require that the breach, non performance or non observance be remedied after that person has parted with its interest in the Site

9 3 The obligations contained in this Agreement shall not be binding on:

9.3 1 any tenant or occupier of a Student Accommodation Unit,

9 3 2 any statutory undertaker who acquires any part of the Site for the purpose of its statutory undertaking.

10 COUNCIL'S CONSENT OR APPROVAL

Where in this Agreement the consent, agreement or approval of the Council is required to be given by the Council, the Council confirms that such consent, agreement or approval shall not be unreasonably withheld or delayed provided that this shall not fetter the proper discretion of the Council

11 LOCAL LAND CHARGE

11 1 This Agreement is a Local Land Charge and shall be registered as such by the Council

11 2 The Council will upon receipt of a written request of the Owner's or their successors in title, at any time after the obligations set out herein have been fulfilled in their entirety, issue written confirmation thereon and thereafter cancel all related entries in the register of local land charges

11 3 The costs of registration and cancellation pursuant to clauses 11 2 above shall be met by the Owner if requested by the Council

12 **NON-PROHIBITION ON DEVELOPMENT**

Nothing in this Agreement shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission and the listed building consent) granted (whether or not on appeal) after the date of this Agreement

13 **THE CONTRACTS ACT**

Save as provided in respect of the successors in title to the Site or any successor to the relevant statutory functions of the Council this Agreement shall not be enforceable by any third party pursuant to the Contracts (Rights of Third Parties) Act 1999 and no third party shall acquire any benefit rights or claims whatsoever pursuant thereto

14 **COMMUNICATION**

14 1 Any notice or document to be served on or sent pursuant to this Agreement shall either be delivered personally or sent by recorded delivery service,

14 1 1 to the Council and addressed to the City Solicitor at the Council's address first above written,

14 1 2 to the Owner at their registered office address

15 **FEES**

15 1 The Owner shall pay forthwith to the Council its legal fees reasonably and properly incurred in preparation of this agreement up to a maximum of £5000 (inclusive of any VAT payable)

15 2 Receipt by the Council of the payment of such sum shall not create any lawyer-client type contractual relationship between the Council and the Owner nor absolve the Owner

from any liability or obligation imposed upon them by the terms of this Agreement or by statute or at common law

15 3 The Owner shall on the date hereof pay to the Council the Management Fee

16 **INTEREST**

If any payment due under this Agreement is paid late Interest will be payable from the date payment is due to the date that payment is received

17 **JURISDICTION**

This Agreement is governed by and interpreted in accordance with the law of England

18 **COMPLETION**

The provisions of this Agreement (other than this clause which shall be of immediate effect) shall be of no effect until this Agreement has been dated

19 MORTGAGEE

19 1 The Mortgagee consents to this Agreement being entered into with the intention that its interest in the Site in the form of the Legal Charge will be bound by the terms of this Agreement as if this Agreement had been executed and registered as a local land charge before the execution of the Legal Charge

19 2 Notwithstanding clause 19 1, the Mortgagee will not incur any liability for any breach of the obligations contained in this Agreement unless committed or continuing at a time when they become a mortgagee in possession of the Site or any part of it

IN WITNESS whereof this Agreement has been executed as a deed in the manner hereinafter appearing and delivered the day and year first before written

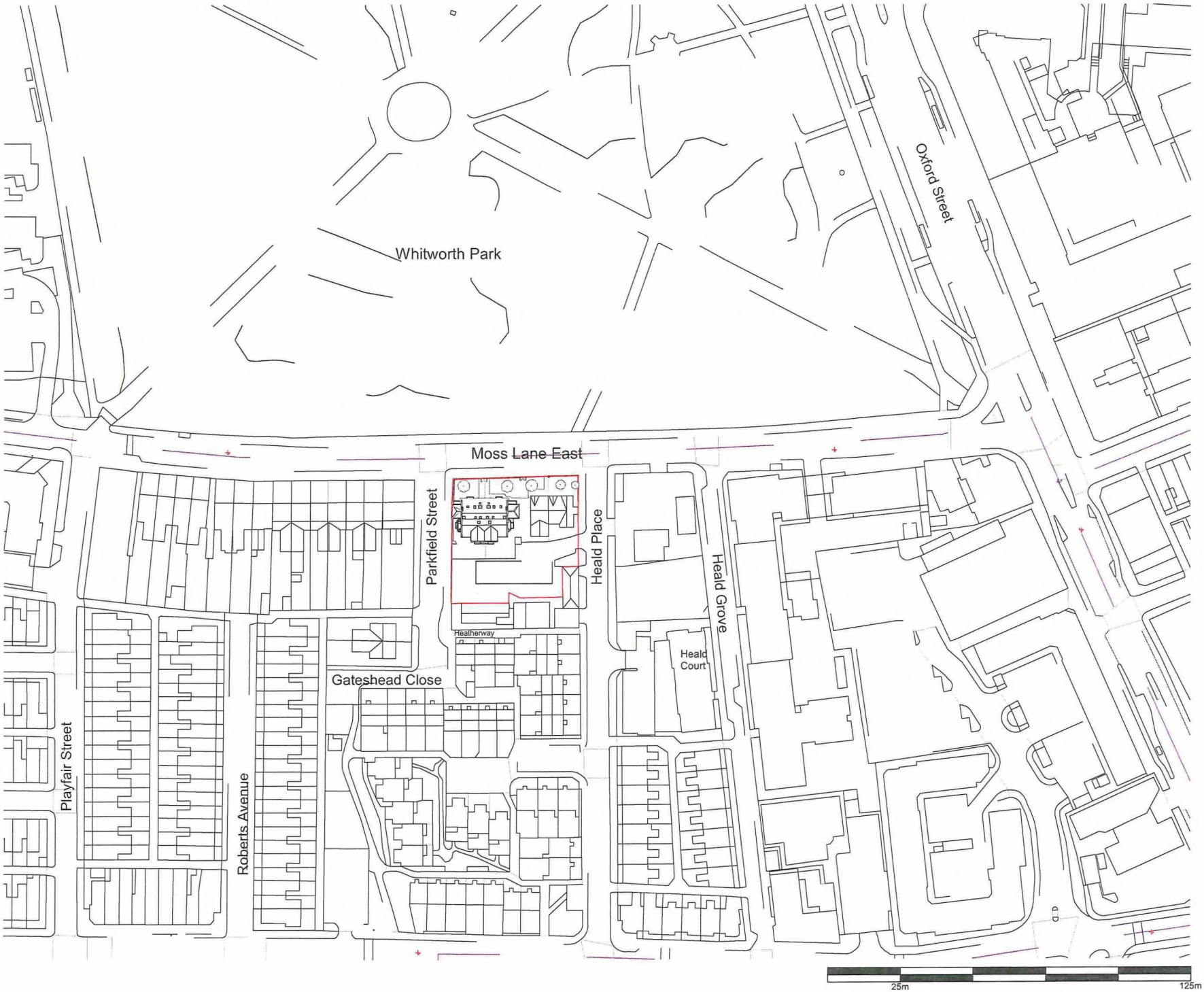
SCHEDULE 1

The Site

All that land and buildings known as

1 466-468 Moss Lane East, Manchester, M14 4PJ registered at the Land Registry under title number GM171106,
2 470-472 Moss Lane East, Manchester, M14 4PJ registered at the Land Registry under title number LA5008,
3 the land on the east side of Parkfield Street, Manchester, registered at the Land Registry under title number LA132935

shown edged red on the attached plan as at the date of this Agreement



This drawing is prolected under Copyright and at no time should any portion of this drawing be reproduced or copied without the permission of The Architect (Design Copyright Act 1968). This drawing must not be used for purposes other than that for which it is provided. It is supplied without liability for any errors or omissions and i subject lo statutory consents. All drawings are to be read in conjunction with any relevant specifications, consultan specialist and any other related information. Do not scale from this drawing. Information shown is subject to detailed site surveys with all dimensions to be verified on site prior to the commencement of any work or the production of any shop drawing. All dimensions are to be checked on site by, and remain the responsibility of, the contractor. All discrepancies are to be brought to the attention of The Architect immediately.

[redacted]

[redacted]

[redacted]

REV	DATE	NOTE	DWN	CHCK

Services:
Futureserv

Structures:
ROC Consulting

Client:
CS Moss Lane East Ltd

Project:
Moss Lane East
466-472 Moss Lane East, Manchester M14 4PJ

Drawing Title:
SI - Existing location plan

Project No:	Sheet No:	Stage:
1094	001	Planning
Scale:	**Paper Size:**	**Revision:**
1 : 1250	A3	PL
Drawn By:	**Checked By:**	**Date of first Issue:**
CB	CS	02/11/22

CarsonSall

2 Providence Yard
Ezra Street
London E2 7RJ
+44 (0) 207 033 7855

2nd Floor
Argyll Chambers
Buchanan Street
Glasgow G2 8BD
+44 (0)141 442 0036

SCHEDULE 2

Draft Planning Permission

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

CS Moss Lane East Ltd
Level 10
Tower 12
18-22 Bridge Street
Manchester
M3 3BZ

Agent (if used)

Steven Healey
Turley
1 New York Street
Manchester
M1 4HD

Part 1 – Particulars of the application/development

Proposal Listed Building Consent application for internal and external alterations and extension, in the form of a link building to 466 to 468 Moss Lane East to facilitate its conversion to purpose-built student accommodation

Location 466 - 468 Moss Lane East, Manchester, M14 4PJ

Date of application 24 November 2022

Application number 135545/LO/2022

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 proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and listed building application

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents
Application Form Turley
Covering Letter Turley
Design and Access Statement Carson Sall

Heritage Statement Turley
Archaeological Desk-Based Study Nexus
Location Plan Existing CS-1094_MLE-001-SI Carson Sall
Existing Site Plan CS-1094_MLE-003-EX Carson Sall
Basement Floor Plan Existing CS-1094_MLE-EX-150 Carson Sall
Basement Floor Plan Proposed CS-1094_MLE-EX-099 Carson Sall
Basement Floor Plan Demolition CS-1094_MLE-EX-160 Carson Sall
Ground Floor Plan Existing CS-1094_MLE-EX-151 Carson Sall
Ground Floor Plan Proposed CS-1094_MLE-EX-100 Carson Sall
Ground Floor Plan Existing CS-1094_MLE-EX-151 Carson Sall
First Floor Plan Existing CS-1094_MLE-EX-152 Carson Sall
First Floor Plan Proposed CS-1094_MLE-EX-152 Carson Sall
First Floor Plan Demolition CS-1094_MLE-EX-162 Carson Sall
Second Floor Plan Existing CS-1094_MLE-EX-153 Carson Sall
Second Floor Plan Proposed CS-1094_MLE-EX-102 Carson Sall
Second Floor Plan Demolition CS-1094_MLE-EX-163 Carson Sall
Roof Plan Existing CS-1094_MLE-EX-154 Carson Sall
Roof Plan Proposed CS-1094_MLE-EX-154 Carson Sall
Section A-A Existing CS-1094_MLE-EX-250 Carson Sall
Section A-A Proposed CS-1094_MLE-EX-200 Carson Sall
Section A-A Demolition CS-1094_MLE-EX-260 Carson Sall
Section B-B Existing CS-1094_MLE-EX-251 Carson Sall
Section B-B Proposed CS-1094_MLE-EX-201 Carson Sall
Section B-B Demolition CS-1094_MLE-EX-261 Carson Sall
Section C-C Existing CS-1094_MLE-EX-252 Carson Sall
Section C-C Proposed CS-1094_MLE-EX-202 Carson Sall
Section C-C Demolition CS-1094_MLE-EX-262 Carson Sall
Front Elevation Existing CS-1094_MLE-EX-350 Carson Sall
Front Elevation Proposed CS-1094_MLE-EX-300 Carson Sall
Rear Elevation Existing CS-1094_MLE-EX-352 Carson Sall
Rear Elevation Proposed CS-1094_MLE-EX-302 Carson Sall
Side Elevation A Existing CS-1094_MLE-EX-353 Carson Sall
Side Elevation A Proposed CS-1094_MLE-EX-303 Carson Sall
Side Elevation B Existing CS-1094_MLE-EX-351 Carson Sall
Side Elevation B Proposed CS-1094_MLE-EX-301 Carson Sall
Basement Reflective Ceiling Plan Existing CS-1094_MLE-EX-550 Carson Sall
Basement Reflective Ceiling Plan Proposed CS-1094_MLE-EX-500 Carson Sall
Ground Floor Level Reflective Ceiling Plan Existing CS-1094_MLE-EX-551 Carson Sall
Ground Floor Level Reflective Ceiling Plan Proposed CS-1094_MLE-EX-501 Carson Sall
First Floor Level Reflective Ceiling Plan Existing CS-1094_MLE-EX-552 Carson Sall
First Floor Level Reflective Ceiling Plan Proposed CS-1094_MLE-EX-502 Carson Sall
Second Floor Level Reflective Ceiling Plan Existing CS-1094_MLE-EX-553 Carson Sall
Second Floor Level Reflective Ceiling Plan Proposed CS-1094_MLE-EX-503 Carson Sall
Reinstated Windows CS-1094_MLE-EX-600 Carson Sall
Proposed Reinstated Windows CS-1094_MLE-EX-601 Carson Sall
Proposed Typical Wall Finishes CS-1094_MLE-EX-602 Carson Sall
Proposed Smoke Riser Details CS-1094_MLE-EX-603 Carson Sall
Proposed Lift Riser Details CS-1094_MLE-EX-604 Carson Sall
Biodiversity Metric Calculator

Received 23 November 2023
Planning Statement Turley
Received 24 November 2023

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) (a) Notwithstanding the details submitted with the application, prior to the commencement of development the following shall be submitted for approval in writing by the City Council, as Local Planning Authority
A programme for the issue of samples and specifications of all materials to be used on all external elevations of the development The programme shall include timings for the submission of samples and specifications of all materials to be used on all external elevations of the development to include jointing and fixing details, details of the drips to be used to prevent staining, details of the glazing and a strategy for quality control management
(b) All samples and specifications shall then be submitted to and approved in writing by the City Council as local planning authority in accordance with the programme as agreed for part a) of this condition
The development shall be carried out in accordance with the approved materials

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

4) The alterations to 44 - 468 Moss Lane East shall not be undertaken before a contract for the carrying out of the building works have been made and evidence of that contract has been supplied to the City Council as Local Planning Authority

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following external alterations to the existing building pursuant to policy EN3 of the Manchester Core Strategy and saved DC19 of the Unitary Development Plan for the City of Manchester, and the National Planning Policy Framework

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

DRAFT DECISION

Date:

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/appeal-planning-decision 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.

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

CS Moss Lane East Ltd
Level 10
Tower 12
18-22 Bridge Street
Manchester
M3 3BZ

Agent (if used)

Steven Healey
Turley
1 New York Street
Manchester
M1 4HD

Part 1 – Particulars of the application/development

Proposal Erection of part nine, part eight, part seven storeys building for use as purpose built student accommodation and conversion of 466-468 to purpose built student accommodation use with link, associated landscaping, access and cycle parking following demolition of 470 - 472 Moss Lane East

Location 466 - 472 Moss Lane East, Manchester, M14 4PJ

Date of application 24 November 2022

Application number 135544/FO/2022

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 proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and listed building application

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) Prior to the commencement of above ground development (excluding demolition), all materials to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority This shall include the submission of samples (including a panel) and specifications of

all materials to be used on all external elevations of the development along with jointing and fixing details, vents, details of the drips to be used to prevent staining in, ventilation and a strategy for quality control management
The approved materials shall then be implemented as part of the development

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 Manchester Core Strategy

3) The development hereby approved shall be carried out in accordance with the following drawings and documents received by the City Council as Local Planning Authority on 17 November 2022.
Application Form Turley
Covering Letter Turley
Design and Access Statement Carson Sall
Air Quality Assessment Hydrock
Archaeological Desk-Based Study Nexus
BREEAM Pre-Assessment Report Ridge
Broadband Connectivity Assessment GTech Surveys Limited
Contaminated Land Report ROC Consulting
Crime Impact Statement Greater Manchester Police
Daylight & Sunlight Impact on Neighbouring Properties GIA
Ecology Report Middlemarch
Energy/ Ventilation Strategy Futureserv
Environmental Standards Statement Ridge
Flood Risk Assessment and Drainage Strategy ROC Consulting
Fire Statement OFR Consultants
Noise Impact Assessment Report Hann Tucker Associates
Television and Radio Reception Impact Assessment GTech Surveys Limited
Transport Statement RSK
Travel Plan RSK
Location Plan Existing CS-1094_MLE-001-SI Carson Sall
Existing Site Plan CS-1094_MLE-003-EX Carson Sall
Contextual North & South Existing
GA Elevation
CS-1094_MLE-006-EL Carson Sall
Demolition Site Plan CS-1094_MLE-004-EX Carson Sall
Proposed Site Plan CS-1094_MLE-005 Carson Sall
GA-Basement Floor Plan CS-1094_MLE-099-GA Carson Sall
GA-1st Floor Plan CS-1094_MLE-101 Carson Sall
GA-2nd Floor Plan CS-1094_MLE-102 Carson Sall
GA-3rd -6th Floor Plan CS-1094_MLE-103 Carson Sall
GA-7th Floor Plan CS-1094_MLE-107 Carson Sall
GA-8th Floor Plan CS-1094_MLE-108 Carson Sall
GA-Roof Plan CS-1094_MLE-109 Carson Sall
Proposed Section AA CS-1094_MLE-200 Carson Sall
Proposed Section BB CS-1094_MLE-201 Carson Sall
Proposed Section CC CS-1094_MLE-202 Carson Sall
Proposed Partial Section AA CS-1094_MLE-203 Carson Sall
Proposed North Elevation CS-1094_MLE-300 Carson Sall
Proposed North Elevation (Courtyard) CS-1094_MLE-301 Carson Sall
Proposed East Elevation CS-1094_MLE-302 Carson Sall
Proposed South Elevation CS-1094_MLE-303 Carson Sall

Proposed West Elevation CS-1094_MLE-304 Carson Sall
Contextual Elevation East and West CS-1094_MLE-305 Carson Sall
Contextual Elevation North and South CS-1094_MLE-306 Carson Sall
Biodiversity Metric Calculator
23 November 2023
Planning Statement Turley
Received 24 November 2023
Heritage Statement Turley
Received 27 March 2023
Daylight and Sunlight Addendum GIA
Redacted Tenancy Schedule
Received 02 May 2023
Technical Note SCP
Received 04 May 2023
GA-Ground Floor Plan CS-1094_MLE-100 Rev 01 Carson Sall
Received 07 June 2023

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

4) a) Prior to the commencement of demolition, a Demolition Management Plan outlining working practices during demolition development shall be submitted to and approved in writing by the City Council as Local Planning Authority
For the avoidance of doubt, the Demolition Management Plan should include
-Measures to control noise and vibrations,
-Dust suppression measures,
-Compound locations where relevant,
-Location, removal and recycling of waste,
- Details of an emergency contact telephone number,
-Parking of construction vehicles, and
-Sheeting over of demolition vehicles
The development shall only be carried out in accordance with the approved Demolition Management Plan
b) Prior to the commencement of development (excluding demolition), a Construction Management Plan outlining working practices during development shall be submitted to and approved in writing to the City Council as Local Planning Authority
For the avoidance of doubt, the Construction Management Plan should include
-Measures to control noise and vibrations,
-Dust suppression measures,
-Compound locations where relevant;
-Location, removal and recycling of waste,
-Detail of an emergency contact telephone number,
-Parking of construction vehicles, and
-Sheeting over of construction vehicles
The development shall only be carried out in accordance with the approved Construction Management Plan
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

Reason In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, pursuant to policies SP1, EN19 and DM1 of the Core Strategy

for the City of Manchester

5) The development hereby approved shall be carried out in accordance with details contained with the Environmental Standards Statement produced by Ridge received by the City Council as Local Planning Authority on 17 November 2022 A post construction review certificate/statement shall besubmitted for approval within 3 months post final construction of the development hereby approved

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework

6) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least a 'Excellent' rating Post construction review certificate(s) shall be submitted to and approved in writing by the City Council as Local Planning Authority within 12 months of occupation of the development

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework

7) a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority
New developments shall have refuse storage space for segregated waste collection and recycling Internal and external storage areas are required
b) 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 residential amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy

8) The development hereby approved shall be implemented in accordance with the submitted Phase I Desk Study (Ref 4453-ROC-ZZ-XX-RP-ES-P1DTS) prepared by ROC Consulting, dated 04 November 2022, received by the City Council as Local Planning Authority on 17 November 2022 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 (excluding demolition) 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 (excluding demolition) 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

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 Manchester Core Strategy

9) When the development commences (excluding demolition), the development shall be carried out in accordance with a 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 No occupation of the development shall take place until the completion/verification report is submitted to and approved 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 SP1 of the Manchester Core Strategy

10) The development hereby approved shall be implemented in general accordance with the physical security specifications outlined within the
submitted Crime Impact Statement (Ref 2012/0607/CIS/01) dated 13
August 2022, received by the City Council as Local Planning Authority on 17
November 2022

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework

11) No development shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority
In order to avoid/discharge the above drainage condition the following additional information has to be provided
o A finalised drainage layout showing all components, outfalls, levels and connectivity,
o Maximised integration of green SuDS components (utilising infiltration or attenuation) if practicable,
o 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 reducing to the Greenfield runoff rates, as the site is located within Conurbation Core Critical Drainage Area,
o An existing and proposed impermeable areas drawing to accompany all discharge rate calculations
o A blockage risk assessment is undertaken as part of the drainage strategy to support proposed flows less than 5 l/s If the risk cannot be adequately managed,

a higher minimum discharge rate should be considered / agreed with relevant parties
o Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment,
o 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 45% climate change,
o Assessment of overland flow routes for extreme events 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 A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site
o Progression through the drainage hierarchy shall be evidence based and supported by site investigation Results of ground investigation carried out under Building Research Establishment Digest 365 Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices Proposal of the attenuation that is achieving half emptying time within 24 hours If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes (as follows) is required
o Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account An email of acceptance of proposed flows and/or new connection will suffice
o Hydraulic calculation of the proposed drainage system,
o 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 This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14

12) 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
o Verification report providing photographic evidence of construction as per design drawings,
o As built construction drawings if different from design construction drawings,
o 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

13) Notwithstanding details submitted, the development hereby approved shall not be occupied until there has been submitted to and approved in writing by the City Council as Local Planning authority a plan indicating the positions, design, materials

and type of any new boundary treatment to be erected The boundary treatment shall be completed before the development hereby approved is occupied and shall thereafter be retained

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 in order to comply with policies SP1, EN3 and DM1 of the Manchester Core Strategy

14)) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Moss Lane East, Parkfield Street and Heald Place shall be submitted to and approved in writing by the City Council as local planning authority There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises such as the nearby car wash
The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied
Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary The following noise criteria shall be required to be achieved
Bedrooms (night time - 23 00 - 07 00) 30 dB LAeq (individual noise events shall not exceed 45 dB LAmax,F by more than 15 times)
Living Rooms (daytime - 07 00 - 23 00) 35 dB LAeq
Gardens and terraces (daytime) 55 dB LAeq

Reason To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance and to reduce the potential for overheating

15) a) Any externally mounted ancillary plant, equipment and servicing to be installed shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location Prior to its installation, the scheme, including any necessary mitigation, shall be 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 site
b) Prior to any externally mounted ancillary plant, equipment and servicing to be installed becoming operational, an approved verification report shall be submitted to and approved in writing by the City Council as Local Planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report The report shall also undertake post completion testing to confirm that the noise criteria have 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

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy

16) The premises shall be acoustically insulated and treated to limit the breakin/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 The scheme shall be implemented in full before the use commences
b) Prior to occupation of the building hereby approved a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report The report shall also undertake post completion testing to confirm that acceptable criteria have 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

Reason - To safeguard the amenity of nearby residential properties, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and Policies DM1 and SP1 of the Manchester Core Strategy

17) The development hereby approved shall only be implemented in accordance with the methodology and mitigation measures detailed within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement produced by LAC, received by the City Council as Local Planning Authority on 17 November 2022

Reason - In order avoid damage to trees adjacent to the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy

18) a) Prior to the commencement of the development, details of a Local Benefit Proposal, in order to demonstrate commitment to recruit local labour for the duration of the construction of the development, shall be submitted for approval in writing by the City Council, as Local Planning Authority The approved document shall be implemented as part of the construction of the development
In this condition a Local Benefit Proposal means a document which includes
i) the measures proposed to recruit local people including apprenticeships;
ii) mechanisms for the implementation and delivery of the Local Benefit Proposal,
iii) measures to monitor and review the effectiveness of the Local Benefit Proposal in achieving the objective of recruiting and supporting local labour objectives
(b) Within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy

19) Prior to the first occupation of the development hereby approved, a 'moving in and out' management strategy shall be submitted for approval in writing by the City Council, as Local Planning Authority The approved details shall then be implemented as part of the development and thereafter retained and maintained

Reason - In the interest of managing the impact of the development on the car parking area and local highway network during moving in and out periods of activity pursuant to policies T2 and DM1 of the Manchester Core Strategy

20) Prior to the first operation of the development hereby approved, an external signage strategy for the entire building shall be submitted for approval in writing by the City Council, as Local Planning Authority

The approved strategy shall then be implemented and used to inform any future advertisement applications for the building

Reason - In the interest of visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy

21) The development hereby approved shall include a scheme for the illumination of external areas during the period between dusk and dawn Full details of such a scheme shall be submitted to and agreed in writing by the City Council as Local Planning Authority The approved scheme shall be implemented in full prior to the first occupation and shall remain in operation for so long as the development is occupied

Reason - In the interests of amenity, crime reduction and the personal safety of those using and ensure that lighting is installed which is sensitive to the bat environment the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Manchester Core Strategy

22) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 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 Manchester Core Strategy

23) No part of the development hereby approved shall be occupied until the space and facilities for bicycle parking have been provided in accordance with the details shown on drawings Proposed Basement Plan (099), received by the City Council as Local Planning Authority on 17 November 2022
The approved space and facilities shall then be retained and permanently reserved for bicycle parking
In the event that Travel Plan monitoring identifies the need for increased cycle storage provision, the area identified on the approved drawing for a future expansion zone shall be implemented

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 mode of transport in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy

24) Notwithstanding the details contained within the Framework Travel Plan submitted, a detailed Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority prior to first occupancy of the units hereby approved In this condition a Travel Plan means a document which includes
(1) The measures proposed to be taken to reduce dependency on the private car by those attending or employed in the development,
(2) A commitment to surveying the travel patterns of staff and customers during the first three months of the development and thereafter from time to time,
(3) Mechanisms for the implementation of the measures to reduce dependency on

the private car, and
(4) Measures for the delivery of specified travel plan services, and measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car
Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (2) above shall be submitted to the City Council as local planning authority for approval
Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use

Reason - To reduce dependency on the car travel and to promote alternative means of transport, pursuant to policies DM1 and SP1 of the Manchester Core Strategy

25) Within one month of the practical completion of the development hereby approved 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, a study to identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out above for that phase shall be submitted for approval in writing by the City Council, as Local Planning Authority The measures identified must be carried out within one month of the study being approved in writing to the City Council as Local Planning Authority

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 - In the interest of residential amenity, pursuant to policy DM1 of Manchester Core Strategy

26) The development hereby approved shall be used as purpose-built student accommodation only (sui generis) and for no other purpose (including 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)

Reason - To ensure that the accommodation is used solely for the intended purpose - student accommodation and 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, to safeguard the character of the area, and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework

27) Prior to occupation of the development hereby approved, full details of all necessary off-site highway works to be implemented, shall be submitted to and approved in writing by the City Council as Local Planning Authority and be implemented in accordance with a timescale to be agreed by the City Council as Local Planning Authority Such works should include
Footway reinstatement,
Extension of double yellow line restrictions

Reason - In the interests of highway safety, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy

28) A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development The content of the LEMP shall include the following
a) Description and evaluation of features to be managed
b) Ecological trends and constraints on site that might influence management
c) Aims and objectives of management
d) Appropriate management options for achieving aims and objectives
e) Prescriptions for management actions
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
g) Details of the body or organization responsible for implementation of the plan
h) Ongoing monitoring and remedial measures
The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme The approved plan will be implemented in accordance with the approved details

Reason - Pursuant to biodiversity enhancement of the site, in accordance with policy EN15 of the Core Strategy and the National Planning Policy Framework

29) The following works demolition of 470, Moss Lane East as identified in Dusk Emergence And Dawn Re-Entry Bat Surveys report by Middlemarch dated September 2022 (ref RT-MME-158448), shall not in any circumstances commence unless the local planning authority has been provided with either
a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 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 prevent any habitat disturbance to bats in accordance with policy EN15 of the Core Strategy and the National Planning Policy Framework

30) No removal of or works to any hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures for active birds' nests immediately before the vegetation is cleared or works commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site Any such written confirmation should be submitted to the local planning authority

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Core Strategy

31) The flat roofs of the development hereby approved shall not be used for any

other purpose other than as a means of escape in emergency or for maintenance of the building

Reason - To safeguard the amenities of the adjoining premises for overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy

32) Prior to the commencement of the development, a strategy for the provision of up to three accessible parking spaces on Moss Lane shall be submitted to and approved in writing by the City Council The strategy shall set out a timescale for implementation of accessible spaces and a review mechanism for demand The development shall be built out in accordance with the agreed details

Reason -To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012)

33) Prior to first occupation, a management, community benefit and engagement plan shall be submitted to and approved in writing by the Local Planning Authority The plan shall include, but not be limited, the following
o The appointment of a designated person to manage communications and engagement with the local community
o Details for on-site management to allow 24/7 contact between the local community should issues arise
o Details of the formal complaints procedure and how issues will be managed
o Details of operational security measures
o A strategy for proactive engagement with the local community including dedicated drop-in sessions to discuss local issues
o A strategy for contributing to local environmental improvements and initiatives
o A litter picking strategy covering the vicinity of the site

Reason - In the interest of managing the impact of the development pursuant to policy DM1 of the Manchester Core Strategy

34)

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

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions.
Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

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 effect your permission.

DRAFT DECISION

Date:

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/appeal-planning-decision 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.

SCHEDULE 3

THE OWNER'S COVENANTS

The Owner hereby covenants with the Council as follows

1) To notify the Council in writing within 5 (five) Working Days of Commencement of Development

2) To carry out and manage the Development in accordance with the Discounted Student Accommodation Statement

3) To use Reasonable Endeavours to continue to employ the Architect as the lead architect throughout the construction period until Completion of the Development PROVIDED THAT the Architect remains willing and able to fulfil such role in relation to the Development and that such employment is capable of being secured on reasonable commercial terms

4) Should the Architect not be appointed or continue to be appointed in accordance with paragraph 3 above the Owner shall immediately notify the Council of this fact and shall use Reasonable Endeavours to appoint a replacement architect of a similar calibre and reputation as soon as reasonably practicable and shall notify the Council of the identity of the replacement architect immediately thereafter

SCHEDULE 4

THE COUNCIL'S COVENANTS

The Council hereby covenants with the Owner as follows

1 To issue the Planning Permission within two (2) Working Days of the date hereof,

2 At the written request of the Owner to provide written confirmation of the discharge of the obligations contained in this Agreement when satisfied that such obligations have been performed within 20 Working Days of receipt of request

SCHEDULE 5

THE DISCOUNTED STUDENT ACCOMMODATION STATEMENT

This statement has been prepared in support of Development of the Site and addresses the provision of Discounted Student Accommodation

This statement may be amended by the Owner from time to time provided that such amendments are first approved by the Council in writing

1 This statement includes details of

1 1 the provisions governing the tenure and location of the Discounted Student Accommodation Units, which shall consist of not less than 20% (twenty per cent) of the total number of Student Accommodation Units constructed on the Site,

1 2 the arrangements for the management of the Discounted Student Accommodation Units,

1 3 the arrangements to ensure that such provision is retained in perpetuity as Discounted Student Accommodation and is affordable for both the first and subsequent occupiers of the Discounted Student Accommodation Units, and

1 4 the occupancy criteria to be used for determining the identity of occupiers of the Discounted Student Accommodation Units and the means by which such occupancy criteria shall be enforced

2 The following information is provided in respect of each of the criteria;

2.1 The scheme comprises Student Accommodation Units of the following tenure,

Tenure	Units
Market Student Accommodation Units	209
Discounted Student Accommodation Units	52

2 2 The Owner shall notify the Council at the beginning of each academic year the location of the Discounted Student Accommodation Units within the Development

2 3 The Student Accommodation Units shall be of tenure blind design and FOR THE AVOIDANCE OF DOUBT the Student Accommodation Units provided as Discounted Student Accommodation shall be of the same design, fit out and size as the Student Accommodation Units provided as Market Student Accommodation and the rent shall include all utility bills and use of the on-site gymnasium and amenity spaces

2.4 The Owner will be responsible to the Council under this Agreement for the management, control, future lettings and maintenance of the Discounted Student Accommodation Units Nothing in this paragraph ii prevents or restricts the Owner from entering into operational management and maintenance arrangements with a third party (which might include a higher education institution) or enter into nomination arrangements with a higher education institution

2 5 From the date of Completion of Construction, the Discounted Student Accommodation Units shall not be used other than for Discounted Student Accommodation (subject to paragraphs 5 and 6 of this Schedule 5)

3 In terms of affordability the following applies,

3 1 Rent levels for the Discounted Student Accommodation Units will be set at a level of no more than 80% (eighty per cent) of rent level of the equivalent Market Student Accommodation Units

3 2 The Discounted Student Accommodation Units shall be available to Eligible Students

4 The Owner shall provide a monitoring statement to the Council on an annual basis regarding the Discounted Student Accommodation Units in a form to be agreed between the parties which shall set out

a) the approach to letting the Discounted Student Accommodation Units,
b) the ongoing occupancy status of the Discounted Student Accommodation Units, and
c) how the Owner is meeting the requirements of the Discounted Student Accommodation Statement

5 The Owner may manage the Student Accommodation Units in a way that Market Student Accommodation Units may switch to Discounted Student Accommodation Units and vice versa as vacancies and nominations require PROVIDED THAT the minimum number of Discounted Student Accommodation Units is maintained at all times

6 Notwithstanding the requirements of this Schedule 5, the Owner shall be permitted to rent all Student Accommodation Units at an open market rent in the period outside of any Academic Year

01122155

THE COMMON SEAL of **THE COUNCIL OF THE CITY OF MANCHESTER** was hereunto affixed in pursuance of an Order of the Council of the said City:

[redacted]

Authorised Signatory

EXECUTED AS A DEED by **TJ & ZJ AHMED PROPERTIES LTD** acting by a director

DIRECTOR

Signature: [redacted]

Name: (in block capitals) TAHIR AHMED

IN THE PRESENCE OF

Signature: [redacted]

Name (in block capitals) CLARE-ELIZABETH BITAKARAMIRE

Address AMLSOLICITORS
The Halfway House, 2 Middleton Road
Manchester M8 5DS
www.amlsolicitors.com

Occupation CONVEYANCING SECRETARY

EXECUTED AS A DEED by

as attorney for and on behalf of

LLOYDS BANK PLC

EXECUTED AS A DEED
BY SENIOR CASE HANDLER
as authorised signatory for
Lloyds Bank plc
in the presence of (signature of witness)
A D Kumar
ANILAL DEVI KUMAR
Wobaston Rd, Wolverhampton WV9 5HZ
Per Pro [redacted]
KATHARINE BUSBY

IN THE PRESENCE OF

Signature: .....

Name (in block capitals) .....

Address .....

.....

Occupation .....