

06 July 2023

Planning Department
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

Dear Sir/ Madam,

39 Deansgate, Manchester - Application for Non-Material Amendments to Planning Permission 131314/FO/2021

This covering letter has been prepared in support of a planning application under Section 96(a) of the Town and Country Planning Act 1990 (as amended) in order to make Non-Material Amendments ("NMA") to Planning Permission 131314/FO/2021 ("this Application").

The applicant is Candour Solar Propco Ltd ('the Applicant').

The Site

The Site, spanning 0.12 hectares, is bound by St. Mary's Gate to the north, 12-14 St. Mary's Gate to the east, Barton Arcade to the south, and Deansgate to the west ("the Site"). The Site is currently occupied by Speakers House, a 9-storey office building.

Background

Planning Permission for 39 Deansgate was granted on 21 January 2022 under planning permission reference 131314/FO/2021 ("the Original Permission"). The Applicant was Kames Property Income Fund who following the grant of the Original Permission, transferred the ownership of the Site to the Applicant, who will be delivering the approved scheme.

The Original Permission approves the demolition of the existing building, and the construction of a new office building with ground floor commercial units, a new electricity sub-station, basement cycle parking, rooftop plant enclosure, and associated works. The description of development for the Original Permission is as follows:

"Erection of a 17 storey building comprising office use (Use Class E(g)(i)) and flexible ground floor commercial units (Use Classes E(a), (b), (c) and sui generis 'drinking establishment'), new electricity sub-

station, basement cycle parking and rooftop plant enclosure, together with access, servicing and associated works following demolition of the existing building.”

The Applicant is seeking to make an NMA application to the Original Permission to enable the scheme to be brought forward in accordance with their proposed phasing plan. This will allow an initial phase of works (“Phase 1”) to be carried out ahead of the main contract work (“Phase 2”) coming forward. This phasing will support the delivery of the consented scheme;.

The anticipated timeframes for undertaking Phase 1 are to begin in January 2024, and Phase 2 in the first quarter of 2026.

Phase 1 of development will take place in the area shaded in green and red on the submitted phasing plan (Ref: 6145-SRA-XX-00-DR-A-02806-P01).

Phase 1 will comprise:

- Partial demolition of a section of the existing circular service ramp, whilst retaining and safeguarding the existing substation it encloses, noting that the existing substation currently serves a local network of buildings beyond the proposed site boundary (Please see drawing refs: 6145-SRA-XX-00-DR-A-02820-P01 and 6145-SRA-XX-00-DR-A-02860-P01). An area of approximately 40 sq m of the ramp in total would be demolished, this comprises the lower section leading into the Service Yard accessed from Exchange Street. It should be noted that the section demolished will be propped temporarily until the full demolition of the ramp to take place as part of the subsequent Phase 2 works.
- Following partial demolition of the ramp, a new concrete base will be constructed to accommodate a new HV Substation that can be commissioned independently prior to disconnecting and demolishing the existing substation. This would comprise a base of approximately 2 metre x 4 metre (350mm thick) – final size is to be informed by site survey works. The ground above this will then be made good until such time works to construct the new substation can begin.

These works would form part of the future development proposals and are therefore considered a positive measure towards delivery of the full scheme. The existing substation would be removed once the new HV Substation is constructed and commissioned as part of Phase 2.

The proposed works will be carried out in accordance with drawing references: 6145-SRA-XX-00-DR-A-02820-P01 and 6145-SRA-XX-00-DR-A-02860-P01).

The Applicant will appoint a principal contractor to carry out the proposed works. The principal contractor will be responsible for ensuring that works are carried out in a safe manner, and in accordance with the Construction Management Plan (to be approved in writing by MCC via the discharge of Condition 7).

Proposed Non-Material Amendment

On this basis, it is proposed to apply under S.96A of the Town and Country Planning Act to introduce a phasing condition that refers to a submitted phasing plan, identifying Phase 1 (as described above), and a subsequent Phase 2 for the remainder of the works comprising the permitted scheme. Please see the phasing plan submitted in support of this application (Ref: 6145-SRA-XX-00-DR-A-02806-P01).

It was agreed in principle with the Manchester City Council ('MCC') that these proposed changes could be dealt with via s96A application during pre-application discussions.

The Description of Development approved by the Original Permission (Ref: 131314/FO/2021) currently makes reference to the demolition works; however, a non-material amendment to the description is requested in order to provide greater clarity.

Additionally, changes to wordings of certain pre-commencement conditions are proposed in order to amend time triggers, such that those conditions can be discharged, as relevant to each phase of development and initially in respect of the Phase 1 works.

As a clarification, the Applicant is not proposing to make any physical changes to the consented scheme or alter the way in which it would operate. The proposed amendments would simply allow the Applicant to bring the consented scheme forward in accordance with their proposed phasing plan.

Amendment to the Approved Description of Development

To reflect the proposed phasing of works, it is proposed that the approved Description of Development on the Original Permission (Ref: 131314/FO/2021) be amended to include reference to demolition works.

The proposed revisions to the Description of Development are follows, with changes shown in green text:

"Demolition of the building and structures on the site and Erection of a 17 storey building comprising office use (Use Class E(g)(i)) and flexible ground floor commercial units (Use Classes E(a),(b),(c) and sui generis 'drinking establishment'), new electricity sub-station, basement cycle parking and rooftop plant enclosure, together with access, servicing and associated works following demolition of the existing building."

Update to the Approved Conditions Wording

Condition 2

It is proposed to amend Condition 2 to update the list of approved documents to include the proposed phasing plan and additional detailed drawings as required for the Initial Works.

The original wording for Condition 2 is as follows:

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

[See Decision Notice (Ref: 131314/FO/2021) for full set of approved drawings and documents]."

The proposed condition wording for Condition 2 is as follows, with changes shown in green text:

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

[See Decision Notice (Ref: 131314/FO/2021) for full set of approved drawings and documents]

as superseded as relevant to each phase through the following plans [Ref: 6145-SRA-XX-00-DR-A-02806-P01, 6145-SRA-XX-00-DR-A-02820-P01 and 6145-SRA-XX-00-DR-A-02860-P01].”

Pre-Commencement Conditions

It is proposed to amend the wording of 10 no. pre-commencement conditions, so that the conditions reflect the proposed Phasing Plan.

The 10 no. Pre-commencement conditions subject to the proposed wording amendments are:

- Condition 3 – Samples
- Condition 7 – Construction Management Plan
- Condition 9 – Acoustic Treatment
- Condition 10 – Ancillary Plant, Equipment, and Servicing
- Condition 11 – Waste Management
- Condition 13 – Ground Condition
- Condition 14 – Drainage
- Condition 16 – Local Labour Agreement
- Condition 17 – Carriageways/Footways Survey
- Condition 24 – Landscaping

A full schedule of proposed condition wording changes is appended in this Covering Letter as Appendix A.

Planning Policy and Guidance

The Planning Policy Framework relevant to this Application has not changed since the approval of the Original Permission on 21st January 2022. The key Development Plan documents remain the 2012 Manchester Core Strategy and Saved Policies of the 2006 Manchester Unitary Development Plan.

The National Planning Policy Framework (NPPF) forms a Material Consideration in the determination of this Application. The National Planning Policy Framework (NPPF) was updated on 20 July 2021, and there have been no changes to the Framework or Planning Practice Guidance which would affect consideration of this Application.

Full consideration of the 39 Deansgate development against the planning policy framework is considered within the original planning statement approved by the Original Permission (Ref: 131314/FO/2021).

Summary

The amendments proposed in this Application will result in a development that is not materially changed from the consented scheme (ref: 131314/FO/2021). The amendments have been considered in principle

by the Local Planning Authority as non-material amendments to the Original Permission. It should be noted that the proposed amendments will allow the Applicant to bring forward the development of the Site, in accordance with their proposed phased schedule of works; seeking to begin Phase 1 in January 2024 with Phase 2 to follow in first quarter of 2026.

In summary, the Applicant seeks to:

- a) Amend the Description of Development approved by the Original Permission to include reference to “demolition” works.
- b) Amend Condition 2 of the Original Permission to introduce reference to phasing plan (ref: 6145-SRA-XX-00-DR-A-02806-P01), which would enable the consented scheme to be carried out under two phases: (1) “Phase 1” and (2) “Phase 2”.
- c) Amend the trigger points associated pre-commencement conditions 3, 7, 9, 10, 11, 13, 14, 16, 17, and 24, so that they can be discharged on a phased basis.

These proposed amendments are discussed in detail in this Covering Letter.

The non-material amendments do not alter the conclusions with regard to the permitted scheme that it is in accordance with the Development Plan when taken as a whole and it is considered there are no material considerations which would justify refusal of the Application. We therefore respectfully request that this Application be supported by the Planning Authority.

Application Submission

This Application comprises this Covering Letter and the following documentation:

- Application Form and Notices prepared by Deloitte;
- Initial Works Phasing Plan (Ref: 6145-SRA-XX-00-DR-A-02806-P01);
- Initial Works Plan (Ref: 6145-SRA-XX-00-DR-A-02820-P01 and); and,
- Initial Works Sections (Ref: 6145-SRA-XX-00-DR-A-02860-P01)

The Application has the Planning Portal reference: PP-12235038 and the application fee of £234 in addition to the prerequisite Planning Portal service charge will be paid online.

On the basis of the information submitted, we seek your agreement that the proposed amendments are acceptable and can be dealt with as a non-material amendment.

We would be grateful if you could notify us of validation of the Application and please do not hesitate to contact my colleagues Rachel Brown (rachebrown@deloitte.co.uk / 0161 455 6306) or Eithne Fitzgerald (eithnefitzgerald@deloitte.co.uk / 0161 455 6963).

Yours sincerely

A handwritten signature in black ink that reads "Deloitte LLP". The signature is written in a cursive, flowing style.

For Deloitte LLP

Encl.

Appendix A – Proposed amendments to approved condition wording

Appendix A – Proposed amendments to approved condition wording

Appendix A – Proposed amendments to approved condition

The S.96A amendment application would propose the inclusion of the phasing plan on Condition 2 (list of drawings and documents),

The S.96A amendment application would propose an amendment to the description of development:

From:

“Erection of a 17 storey building comprising office use (Use Class E(g)(i)) and flexible ground floor commercial units (Use Classes E(a),(b),(c) and sui generis 'drinking establishment'), new electricity sub-station, basement cycle parking and rooftop plant enclosure, together with access, servicing and associated works following demolition of the existing building.”

To:

“Demolition of the building and structures on the site and the erection of a 17 storey building comprising office use (Use Class E(g)(i)) and flexible ground floor commercial units (Use Classes E(a),(b),(c) and sui generis 'drinking establishment'), new electricity sub-station, basement cycle parking and rooftop plant enclosure, together with access, servicing and associated works.”

The proposed wording of planning conditions, as amended, is set out within the table below and additional wording is highlighted in **blue text** below:

	Original Condition	Proposed Amendment
1	The development must be begun not later than the expiration of three years beginning with the date of this permission.	<i>No change required.</i>
2	The development hereby approved shall be carried out in accordance with the following drawings and documents: <i>[See decision notice for full set of approved drawings and documents]</i>	The development hereby approved shall be carried out in accordance with the following drawings and documents: <i>[See decision notice for full set of approved drawings and documents]</i> as superseded as relevant to each phase through the following plans [Ref: 6145-SRA-XX-00-DR-A-02806-P01, 6145-SRA-XX-00-DR-A-02820-P01 and 6145-SRA-XX-00-DR-A-02860-P01]. <i>To include phasing plan, and additional detail drawings as required for implementation works.</i>

	Original Condition	Proposed Amendment
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 and drawings to illustrate details of the full sized sample panels that will be produced. 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.	(a) Notwithstanding the details submitted with the application, prior to the commencement of a phase of the development as detailed on plan Ref: 6145-SRA-XX-00-DR-A-02806-P01, 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 in that phase of the development and drawings to illustrate details of the full sized sample panels that will be produced. The programme shall include timings for the submission of samples and specifications of all materials to be used on all external elevations of that phase 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.
4	No demolition shall occur until a detailed bird nest survey, undertaken by a suitably experienced ecologist, has been carried out immediately prior to the demolition and written confirmation has been provided that no active bird nests are present, unless the species present is feral pigeon, in which case a general license issued by Natural England authorising destruction of feral nests could be provided. All of the required information/evidence as above shall be submitted to and approved in writing by the City Council as Local Planning Authority prior to the demolition of the existing building commencing.	<i>Survey to be completed prior to demolition of ramp and all relevant information submitted via condition discharge application.</i>
5	Deliveries, servicing and collections, including waste collections, shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday 10.00 to 18.00 on Sundays and Bank Holidays	<i>No change required.</i>

	Original Condition	Proposed Amendment
6	Before any unit within the development requiring fume extraction is first brought into use, a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. An odour impact assessment is required together with suitable mitigation measures, information regarding the proposed cleaning/maintenance regime for the fume extraction equipment, and details in relation to replacement air. Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eaves level and/or any openable windows/ventilation intakes of nearby properties. Any scheme should make reference to risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems', dated September 2018. The scheme shall be implemented in accordance with the approved details prior to first occupancy and shall remain operational thereafter.	<i>No change required.</i>
7	Prior to the commencement of the development, a detailed construction/fit-out management plan outlining working practices during development shall be submitted to and approved in writing by the City Council as Local Planning Authority. For the avoidance of doubt this should include; – Hours of site opening/operation – Display of an emergency contact number; – Details of Wheel Washing; – 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); – Phasing and quantification/classification of vehicular activity – Types and frequency of vehicular demands - Routing strategy and swept path analysis; Parking for construction vehicles and staff; – Sheeting over of construction vehicles;	<i>A CMP for Phase 1 of works would need to be submitted - further information regarding Condition 7 would be required for the main phase</i> Prior to the commencement of a phase of the development as detailed on plan Ref: 6145-SRA-XX-00-DR-A-02806-P01, a detailed construction/fit-out management plan outlining working practices during that phase of the development shall be submitted to and approved in writing by the City Council as Local Planning Authority. For the avoidance of doubt this should include; – Hours of site opening/operation – Display of an emergency contact number; – Details of Wheel Washing; – 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);

	Original Condition	Proposed Amendment
	– 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; – Details of how access to adjacent premises would be managed to ensure clear and safe routes into buildings are maintained at all times – Community consultation strategy, including details of stakeholder and neighbour consultation prior to and during the development along with the complaints procedure. The development shall be carried out in accordance with the approved construction management plan	– Phasing and quantification/classification of vehicular activity – Types and frequency of vehicular demands - Routing strategy and swept path analysis; Parking for construction vehicles and staff; – 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; – Details of how access to adjacent premises would be managed to ensure clear and safe routes into buildings are maintained at all times – Community consultation strategy, including details of stakeholder and neighbour consultation prior to and during the development along with the complaints procedure. That phase of the development shall be carried out in accordance with the approved construction management plan
8	a) No commercial unit within the ground floor shall become operational until the opening hours for each unit have been submitted to and approved in writing by the City Council as Local Planning Authority. Each commercial unit shall operate in accordance with the approved hours b) The proposed office floors are permitted to be used 00.00 to 00.00 (24 hours a day) c) The external roof terrace shall not be used outside of the hours of: 07:00 and 23:00 Monday to Friday 10:00 and 22:00 on Saturdays, Sundays and Bank Holidays	<i>No change required.</i>

	Original Condition	Proposed Amendment
	The roof terrace shall be used solely in association with the office use within the building only and for no other purpose, and shall have no sound or amplified sound played within it and shall not contain any external speakers.	
9	a) 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 before the development commences. The scheme shall be implemented in full before the use commences. 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. Where any Class E(a), (b), (c) or Sui Generis (Drinking Establishment) use is proposed, before development commences on this use, 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. The scheme proposed shall normally include measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels. Any scheme approved in discharge of this condition shall be implemented in full before the use commences. b) Upon completion of the development and before the development becomes operational, a verification report will be required to validate that the work undertaken throughout the development conforms to the	a) 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 before the development commences on the phase of the development named "Phase 2" on plan Ref: 6145-SRA-XX-00-DR-A-02806-P01. The scheme shall be implemented in full before the use commences. 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. Where any Class E(a), (b), (c) or Sui Generis (Drinking Establishment) use is proposed, before this use commences, 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. The scheme proposed shall normally include measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels. Any scheme approved in discharge of this condition shall be implemented in full before the use commences.

	Original Condition	Proposed Amendment
	recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the above criteria is met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the noise criteria. The report and any necessary measures shall be approved in writing by the City Council as Local Planning Authority and the development shall be implemented in full in accordance with the approved details before the new use becomes operational.	b) Before the development is occupied, 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 the above criteria is met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the noise criteria. The report and any necessary measures shall be approved in writing by the City Council as Local Planning Authority and the development shall be implemented in full in accordance with the approved details before the new use becomes operational.
10	a) Any externally mounted ancillary plant, equipment and servicing 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. Before development commences on this element of the scheme, the scheme 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) Upon completion of the development and before any of the external plant is first operational, a verification report will be required to validate that the work undertaken confirms to the above noise criteria. The report shall give the results of post-completion testing to confirm that the proposed noise limits are being achieved once the plant and any mitigation measures have been installed. Any instances of nonconformity with the above criteria shall be detailed along with any measures required to ensure compliance. The report and any necessary measures shall be approved in writing by the City Council as Local Planning Authority and the development shall be implemented in full in accordance with the approved details before the plant is first brought into use.	a) Any externally mounted ancillary plant, equipment and servicing 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. Before development commences in the phase of the development named "Phase 2" on plan "Ref: 6145-SRA-XX-00-DR-A-02806-P01", the scheme 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) Upon completion of the development and before any of the external plant is first operational, a verification report will be required to validate that the work undertaken confirms to the above noise criteria. The report shall give the results of post-completion testing to confirm that the proposed noise limits are being achieved once the plant and any mitigation measures have been installed. Any instances of nonconformity with the above criteria shall be detailed along with any measures required to ensure compliance. The report and any necessary measures shall be approved in writing by the City Council as Local Planning Authority and the development shall be implemented in full in accordance with the approved details before the plant is first brought into use.

	Original Condition	Proposed Amendment
11	No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse for the different parts of the development (i.e. both the commercial and office space) 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. The scheme shall include: – Estimated volumes and types of waste produced by the development, – Details of internal and external stores for both waste and recycling, including any plans and designs, – Location of the proposed collection point and details of the route the collection vehicle will take, – Details of how waste will be transferred between stores and to the collection location, – Details of number and capacity of bins proposed and collection frequency.	No development shall commence on the phase of the development named “Phase 2” on plan Ref: 6145-SRA-XX-00-DR-A-02806-P01, until a scheme for the storage (including segregated waste recycling) and disposal of refuse for the different parts of the development (i.e. both the commercial and office space) for that phase 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. The scheme shall include: – Estimated volumes and types of waste produced by the development, – Details of internal and external stores for both waste and recycling, including any plans and designs, – Location of the proposed collection point and details of the route the collection vehicle will take, – Details of how waste will be transferred between stores and to the collection location, – Details of number and capacity of bins proposed and collection frequency.
12	In terms of air quality, the development shall be carried out in accordance with the following report: Air Quality Assessment prepared by BWB (ref. MCA2017, dated August 2021)	<i>No change required.</i>
13	a) 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	a) Prior to the commencement of a phase of the development as detailed on plan Ref: 6145-SRA-XX-00-DR-A-02806-P01, until 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 that phase 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 in the relevant phase which in the written opinion of the Local Planning Authority require further investigation, the development of that phase shall not commence until a scheme for the investigation of that phase and the identification of remediation measures for that phase (the Site

	Original Condition	Proposed Amendment
	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.	Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority. The measures for investigating the relevant phase identified in the Site Investigation Proposal shall be carried out, before the development of that phase commences and a report prepared outlining what measures, if any, are required to remediate the land in that phase (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) Prior to the commencement of a phase of the development as detailed on plan Ref: 6145-SRA-XX-00-DR-A-02806-P01, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report for that phase 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.
14	No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, the hierarchy of drainage options in the National Planning Practice Guidance, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the City Council as Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.	No development shall take place on the phase of the development named "Phase 2" on plan Ref: 6145-SRA-XX-00-DR-A-02806-P01, until a surface water drainage scheme for the site, based on sustainable drainage principles, the hierarchy of drainage options in the National Planning Practice Guidance, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the City Council as Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable

	Original Condition	Proposed Amendment
	In the event of the surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s. Foul and surface water shall be drained on separate systems. The drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed.	Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of the surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s. Foul and surface water shall be drained on separate systems. The drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
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 in writing by the City Council as 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; – As built construction drawings (if different from design construction drawings). – A management and maintenance plan for the lifetime of the development which shall include the arrangement for adoption by an appropriate public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.	<i>No change required.</i>
16	a) Prior to the commencement of the development, details of a local labour agreement in order to demonstrate commitment to recruit local labour for both the construction and 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 construction and occupation phases of the development. b) 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.	(a) No development shall commence on the phase of the development named “Phase 2” on plan Ref: 6145-SRA-XX-00-DR-A-02806-P01, until details of a local labour agreement in order to demonstrate commitment to recruit local labour for both the construction and operational elements for that phase of the development shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved agreements shall be implemented as part of the construction and occupation phases of the development.

Original Condition		Proposed Amendment
		(b) 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.
17	a) 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. b) 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.	a) Before development commences on a phase of the development as detailed on plan Ref: 6145-SRA-XX-00-DR-A-02806-P01, 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, for that phase of the development. (a) When all construction/fit-out works are complete for that phase of the development, 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.
18	a) Before first occupation of any part 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 Travel Plan shall also include details of the cycle hire scheme at the hotel and how that will be monitored as part of the Travel Plan process. b) Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered under part a) shall be submitted to and approved in writing by	<i>No change required.</i>

Original Condition		Proposed Amendment
	the Local Planning Authority. The Travel Plan shall be kept in operation at all times thereafter.	
19	The cycle parking areas shown on the approved plans shall be made available at all times whilst the site is occupied.	<i>No change required.</i>
20	Within 3 months of first occupation of the building, written evidence shall be provided to the City Council as local planning authority that the development has been built in accordance with the recommendations contained within the submitted Crime Impact Statement, ref. 2019/0797/CIS/01, Version C, dated 06/08/21, and that a secured by design accreditation has been awarded for the development.	<i>No change required.</i>
21	The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'Excellent'. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority within 6 months of Practical Completion of the building hereby approved.	<i>No change required.</i>
22	No externally mounted telecommunications equipment, except that relating to the servicing of the building hereby approved, shall be mounted on any part of the building, including the roof.	<i>No change required.</i>
23	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, a new television signal survey shall be submitted to the City Council as Local Planning Authority that shall identify any measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the Television and Radio Reception Impact Assessment by GTech Surveys Limited, received by the Local Planning Authority on 11 August 2021. 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.	<i>No change required.</i>
24	a) Prior to the commencement of development, a programme for the submission of final details of the landscaping, ecological enhancements and public realm works shall be submitted to and approved in writing by the City Council as Local Planning Authority. The programme shall	a) Prior to the commencement of the phase of development named "Phase 2" on plan Ref: 6145-SRA-XX-00-DR-A-02806-P01 , a programme for the submission of final details of the landscaping, ecological enhancements and public realm works shall be submitted

	Original Condition	Proposed Amendment
	include submission and implementation timeframes for the following details: a. The proposed hard landscape materials, including the materials to be used for the footpaths surrounding the site and for the areas between the pavement and the line of the proposed building; b. Any external lighting; c. The ecological enhancements to be installed at the building to enhance and create new biodiversity within the development; d. The landscaping proposed for the roof terrace e. A strategy for the planting of street trees within the pavement adjacent to the site, or a mechanism for funding the provision of off-site street trees, including details of overall numbers, size, species and planting specification, constraints to further planting and details of ongoing maintenance. The approved scheme for part (v) shall be implemented not later than 12 months from the date the proposed building is first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, b) The above details 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)	to 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. The proposed hard landscape materials, including the materials to be used for the footpaths surrounding the site and for the areas between the pavement and the line of the proposed building; b. Any external lighting; c. The ecological enhancements to be installed at the building to enhance and create new biodiversity within the development; d. The landscaping proposed for the roof terrace e. A strategy for the planting of street trees within the pavement adjacent to the site, or a mechanism for funding the provision of off-site street trees, including details of overall numbers, size, species and planting specification, constraints to further planting and details of ongoing maintenance. The approved scheme for part (v) shall be implemented not later than 12 months from the date the proposed building is first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, b) The above details 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)
25	Prior to any part of the building first being brought into use, a servicing management strategy that details the scheme proposed for the servicing of the office floors and commercial units shall be submitted to and approved in writing	<i>No change required.</i>

Original Condition		Proposed Amendment
	by the City Council as Local Planning Authority. The strategy shall give details including the duration, time and frequency of servicing, size of vehicles required and the proposal for parking and manoeuvring of vehicles around the site. The development shall be carried out in accordance with the approved details.	
26	The lowest 3 floors of windows on the southern elevation of the building hereby approved that directly face into the lightwell that lies between Barton Arcade and the application site boundary shall be obscurely glazed in accordance with the agent's email of 11 January 2022 and associated attachments, and shall remain so in perpetuity.	<i>No change required.</i>