MANCHESTER CITY COUNCIL

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Legal & General Assurance (Pensions Management) Ltd
C/o Agent

Agent (if used)

Katie Parfett
Savills (UK) Limited
Belvedere
12 Booth Street
Manchester
M2 4AW

Part 1 – Particulars of the application/development

Proposal: Application for physical works to the Pavilion and surrounding Public Realm

Location: Land At Piccadilly Gardens , Manchester, M1 1AF

Date of application: 7 February 2022

Application number: 132578/FO/2021

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

In assessing the merits of an application for planning permission officers seek to work with the applicant in a positive and pro-active manner to seeking solutions to problems arising in relation to dealing with the 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) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Location Plan (Drawing (90)001, undated) - Received 23 December 2021
- Existing and Proposed Site Plan (Drawing (90)003, undated) - Received 19 April 2022

- Existing and Proposed Roof Plan (Drawing (90)002 Revision A dated 19 April 2022) - Received 19 April 2022
- Existing and Proposed Elevations (Drawing (90)400, undated) - Received 19 April 2022
- Demolition Plan (Drawing (10)200 Revision A dated 19 April 2022) - Received 19 April 2022
- Isoline Lux Plot Layout (Drawing 201860-00-(63)1001 dated 16 December 2021) - Received 23 December 2021

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) No development that is hereby approved shall commence unless and until a schedule of materials (including samples and specifications of all materials including lighting details and the metal artwork installation to be used/applied on/to all external elevations of the development) have been submitted to and approved in writing by the City Council as local planning authority.

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) No development that is hereby approved shall commence unless and until a one square metre concrete sample panel is sourced and the proposed cutting techniques to be used on the concrete to the Piccadilly Gardens pavilion structure are used on the concrete sample panel. Upon completion of the cutting techniques, the sample panel shall be made available for the City Council as local planning authority for review. In addition, a method statement, photographic record and video record shall be kept during the cutting.

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

5) Notwithstanding the details shown in the approved documents and detailed in condition 2 of this decision, full and final details of the following shall be submitted and approved in writing prior to any works to those elements commencing on site:

a) full details of the proposed soffit lighting, including product details and data sheet and fixing details
b) Method statement as to the cleaning techniques to be used (including any cleaning products) and photographic evidence of an approximately one square metre section of concrete cleaned prior to the cleaning of the rest of the concrete
c) Full details of the proposed sculpture and lighting solution/s to the pavilion wall/s, including product details and data sheet, detail of etched pattern to existing concrete and resin inserts to existing formwork tie holes.
d) Full details and method of the making good of any concrete edges upon the completion of the removal of concrete as approved.

Reason: To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of visual amenity of the area within which the site, in accordance with policies SP1 and DM1 of Manchester's Core Strategy.

6) No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by the Manchester City Council. The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for: -

- the retention of 24hr unhindered access to the trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational.
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
- the erection and maintenance of security hoarding or scaffolding if applicable; please note it is possible that this may require an electrical isolation of the Metrolink overhead wires
- measures to control the emission of dust and dirt during construction.
- Details of any phasing and quantification / classification of vehicular activity associated with the planned development, including commentary on types of vehicle and frequency of vehicular demands along swept-path assessment where relevant.
- Routing of pedestrians during the demolition and construction phase of the scheme

Reason: In interest of highway safety, the safe operation of the Metrolink tram system and amenity, in accordance with saved Manchester Unitary Development Plan policy DC26.1, Manchester Core Strategy policies DM1 and SP1.

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

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

8) a) Before the use hereby approved commences, external lighting shall be designed and installed in accordance with a scheme approved in writing by the City Council as local planning authority so as to control glare and overspill onto nearby residential properties.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met (including consideration to overspill/glare to operators of trams using the Metrolink network proximate to the site). Any instances of non-conformity with the

recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties and in the interests of highway safety and the safety of the Metrolink light rail system, in accordance with Manchester Core Strategy policies SP1 and DM1.

9) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the 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 agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

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 policy EN18 of the Manchester Core Strategy.

Informatives

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

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

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

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

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

Mining Information
The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Recommendation that any public realm designs and materials are agreed with MCC's Capital Programmes and Property team prior to site works beginning. Recommendation that the applicant consults with MCC's street lighting team to discuss proposals.

It is requested that the luminance is not greater than the 600cd/m2 maximum as stated by the Institute of Lighting Engineers. If the proposed artwork sculpture projects 0/35m overthe adopted highway than a Projection over License will be required. This is obtainable via
Contact Manchester on 0161 234 5004 and is to be funded at the applicants expense. Due to the proximity of the Metrolink and the bus station it is requested that the lighting remains static.

S278 Agreement

All works to the highway, including any Traffic Regulation Orders (TROs), shall be undertaken via a Section 278 Agreement under the Highways Act with MCC Highways. This should be progressed prior to any works beginning, with the full costs of the Agreement being funded by the applicant. The applicant is advised to follow the link below, in order to commence the process:

https://www.manchester.gov.uk/directory_record/287709/permission_to_work_on_the_highways_-_section_278_agreements/category/355/highways_and_pavements

To ensure future events held in Piccadilly Gardens are managed effectively, it is recommended that consideration is made as to how the proposed development may impact on the safe management of events held within Piccadilly Gardens. If appropriate, an event management plan should be considered.

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with MCC Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. The applicant should be aware that they must seek and implement ecological advice should they find or suspect that the proposals will impact on protected species.

o Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March - August) unless suitable checks for active bird nests have been undertaken.
o Planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application.

Date: 27 April 2022

Signed:

Julie Roscoe
Director of Planning, Building Control & Licensing

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority of the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A

The Coal Authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

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

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

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

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

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