

1 June 2023

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

FAO Angela Leckie

Dear Angela,

Mayfield, Baring Street, Manchester - Application for Non-Material Amendments to Planning Permission 132255/JO/2021

As set out in this letter, Mayfield Development Partnership LP, have submitted an application under Section 96A of the Town and Country Planning Act 1990 to make a Non-Material Amendment ("NMA") to Planning Permission 132255/JO/2021.

Background

Planning Permission 132255/JO/2021 was granted on 29 July 2022 for the following description of development:

"S73 application to vary conditions 2 (Approved Dwgs), 3 (Highways Works), 5 (Wayfinding), 6a (UXB), 7 (Contam), 8 (Archaeology), 9 (Coach drop off), 10 (Programme and Phasing), 11 (Park Levels), 12 (Japanese Knotweed), 13 (Remediation EA), 16 (SUDS 1), 18 (Local Economic and Social Benefit Plan), 21 (Phase A CMP), 22 (Phase A Hydrological Modelling), 23 (Bat Licence), 65 (a and b) (Materials Phases F, G, H and I), 66 (Phase F Medlock re-sectioning), 67 (Phase F Landscape and Ecology Management Plan), 71 (Phase F Circularity Management), 72 (Phase F Bird Nesting), 73 (Phase F Lighting), 74a-h (Phase F Landscape Programme and Details), 75 (Phase F Lighting Levels), 77(a and b) (Phase H Circularity Management), 78 (Phase H Lighting), 79 (a-h) (Phase H Landscape Programme and Details), 80 (Phase H Lighting Levels), 81 (Phase H Glare), 82 (Phase I Circularity Management), 83(a-i) (Phase I Landscape Programme and Details), 84 (Phase I Lighting), 85 (Phase I Glare), 86 (Safeguarding Bat Roost) attached to application ref no 124972 /FO/2019 and to discharge conditions 8 (Archaeology) and 19 (Flood Evacuation) (approval for Public Park, 9 storey office development above basement with mezzanine and plant level and 11 storey Multi-Storey Car Park with associated landscaping; highways and infrastructure works alongside

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enabling works) to agree changes to the final design of the park, including changes to park levels, flood compensation areas, tree planting, drainage, remediation and phasing of the development, to reflect the information discharged against 124972/FO/2019 between October 2020 and October 2021 and to add new conditions to allow for the timely submission of further details where areas are being retained on a temporary basis, such as Freight Island (Phase X) and to allow for the submission of detailed information relating to an Art Strategy for the Park.”

This description of development was approved on 29 July 2022 as part of design variations to Mayfield Park, which was physically completed in September 2022 and formed part of the same Planning Permission (132255/JO/2021). This Variation of Condition application followed the approval of 124972/FO/2019 in February 2020 and conditions discharged between October 2020 and October 2021, as referenced in the current description of development set out above. As noted in the description of development, this permission also approved the delivery of an office building (Poulton) and a multi-storey car park.

Proposed Amendments

Since the completion of Mayfield Park, the building designs associated with this Permission and an adjacent Permission for a further office building (125248/FO/2019) have been modified to deliver enhanced placemaking outcomes, and significantly improved sustainability credentials in terms of embodied and operation carbon.

This application under Section 96A of the 1990 Town and Country Planning Act (TCP Act) is therefore being submitted to extend the presence of active ground floor commercial uses proposed for the Poulton office scheme (Phase C) to the multistorey car park (Phase E). This is in order to create active frontages to the adjoining public realm (Approved Phasing Plan MAY101-WSL-EXT-GIL-DR-7060-0129), the principle of which has already been tested as part of the current extant planning permission.

Against this context, this application seeks to amend the wording of the proposal description on the permission and planning conditions relating to the multi-storey car park element of the permission.

The revised description of development proposed is set out below, with changes marked in **red**:

“Phased creation of circa 2.4 ha (6 acres) of public park, including hard and soft landscaping and new bridges across the River Medlock; erection of 9 storey office (Use Class E) development above basement with mezzanine and plant level together with ground floor commercial (Use Class E / Sui Generis (bar)) uses, rooftop amenity spaces and terrace levels, associated public realm and riverside walkway; erection of a multi-storey car park, cycle hub and associated ground and basement floor commercial (Use Class E / Sui Generis (bar)) uses with associated back of house facilities and landscaping; highways and infrastructure works including the creation of new junction from London Road to provide access to the multi-storey car park (MSCP) (Use Class Sui Generis); alongside works to Baring Street, Bond Street Nether Street, Buxton Street, Berry Street and Travis Street (to be delivered and implemented prior to the MSCP becoming operational)) alongside enabling works comprising phased demolition and site clearance, earthworks including re-profiling and construction of retaining walls.”

Amendments to conditions are also proposed in order to ensure that there is a mechanism to control the implementation of new ground floor uses, as set out below:

Condition 43 – Acoustic Insulation (Plant)

The wording of Condition 43, as amended in red, is as follows:

*“Prior to the occupation of **each relevant phase of development (Phase C or Phase E)** (as detailed in condition 3 above) scheme for the acoustic insulation of any externally mounted ancillary equipment associated with the offices, **retail or restaurant uses**, to ensure that it achieves a background noise level of 5dB below the existing background (La90) at the nearest noise sensitive location, 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 equipment. The approved noise insulation scheme shall be completed before each of the approved uses commence **in each relevant phase**.*

*Prior to occupation **of each relevant phase** a verification report shall be submitted to and approved in writing by the City Council as Local Planning Authority. This is required to validate that the work undertaken throughout **each phase of 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 above noise criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.”*

Condition 44 – Acoustic Insulation (Noise Transfer)

The wording of Condition 44, as amended in red, is as follows:

*“Before **each relevant phase of development (Phase C or Phase E (as detailed in condition 3 above))** commences a scheme for acoustically insulating any Use Class E (Café and Restaurant); (Drinking Establishment); against noise from adjacent roads and any noise transfer from the Use Class E uses to the offices uses, shall be submitted to and approved in writing by the City Council as local planning authority. Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively. The approved noise insulation scheme shall be completed before each of the approved uses commence. Prior to occupation a verification report shall be submitted to and approved in writing by the City Council as Local Planning Authority. This is required 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 above noise criteria has been met **in each relevant phase**. 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.”*

Condition 45 – Waste Management

The wording of Condition 45, as amended in red, is as follows:

*“The ground floor **commercial units within each relevant phase of development (Phase C or Phase E (as detailed in condition 3 above))** shall not be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse for each unit 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 each relevant phase of** the development and shall remain in situ whilst the use or development is in operation.”*

Condition 46 – Opening Hours

The wording of Condition 46, as amended in red, is as follows:

*“Before each ground floor use within each **relevant phase (Phase C or Phase E (as detailed in condition 3 above))** hereby approved commences, details of the proposed opening hours shall be submitted to and approved in writing by the City Council as local planning authority. The units **in each relevant phase** shall not be operated outside the hours approved in discharge of this condition.”*

Condition 47 – Ventilation / Extraction

The wording of Condition 47, as amended in red, is as follows:

*“Before each Class A3 or A4 **(now Use Class E / Sui Generis) use commences in each relevant Phase (Phase C or Phase E (as detailed in condition 3 above))** final details of the method of extraction of any fumes, vapours, and odours from any kitchen within the communal facilities shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of those uses **in each relevant phase**. The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development **in each relevant phase** is in operation.*

Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (withdrawn but still available via an internet search). It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document (particularly Annex B) or other relevant guidance. Details should also be provided in relation to replacement air. The applicant will therefore need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval.”

Condition 51 – Delivery hours

The wording of Condition 51, as amended in red, is as follows:

*“Any Deliveries, servicing and collections associated with the management of the building and ancillary uses associated with **each relevant Phase (Phase C or Phase E (as detailed in condition 3 above))** including waste collections shall not take place outside the following hours:*

07:30 to 20:00 Monday to Saturday

10:00 to 18:00 Sundays and Bank Holidays”

Condition 61 – Amplified Sound

The wording of Condition 61, as amended in red, is as follows:

*“No amplified sound or any music shall be produced or played in any part of the site outside of **each relevant phase of development (Phase C or Phase E (as detailed in condition 3 above))** building other than in accordance with a scheme detailing the levels at which any music shall be played and the hours during which it shall be played, which has been submitted to and approved in writing by the City Council as local planning authority in relation **to each relevant phase of development.**”*

Condition 62 – Commercial Uses

The wording of Condition 62, as amended in red, is as follows:

*The commercial units, within **each relevant phase (Phase C or Phase E (as detailed in condition 3 above))** can be occupied as Class E (Shop), (Café and Restaurant), (Financial Services), (Drinking Establishment). The first use of each commercial unit to be implemented shall thereafter be the permitted use of that unit and any further change of use may be the subject of the requirement of a new application for planning permission or subject to the requirements of the Town and Country Planning (General Permitted Development) Order 2015.*

Condition 63 – Management of Patrons

The wording of Condition 63, as amended in red, is as follows:

*“In the event that any of the commercial units are occupied **each relevant phase (Phase C or Phase E (as detailed in condition 3 above)) as Use Class E(b)**, prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority **for each relevant phase.** These details are as follows:*

Management of patrons and control of external areas. For the avoidance of doubt this shall include:

**An Operating Schedule for the premises (prevention of crime and disorder, prevention of public nuisance, Management of smokers)*

**Details of a Dispersal Procedure*

** Mechanism for ensuring windows and doors remain closed after 9pm*

*The approved scheme shall be implemented upon first use of the premises **in each relevant phase of development** and thereafter retained and maintained.”*

EIA Process

As part of this Application, the Applicant requests confirmation that the amendments to the development approved at Mayfield, Manchester City Centre (Appendix A - "the Site"), is not of the scale or type to necessitate the need for an Environmental Impact Assessment ('EIA') and therefore does not fall under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations"), guidance or associated case law to require an EIA to be undertaken to accompany the planning application.

The amendments proposed to the Approved Development as set out in this letter is not of a type or scale which would necessitate its categorisation within Schedule 1 of the EIA Regulations and does not fall into Schedule 2 of the EIA Regulations due to the scale and nature of the changes relating to extended uses only. Given the Approved Development was subject to an EIA, any future design changes would be subject to the same Regulations and would be tested whether they apply based on the extent of those changes at that time.

The Submission

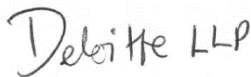
The application comprises this Covering Letter and the following documentation:

- Application Forms and Notices prepared by Deloitte;
- Site Location Plan (0343-SEW-ZZ-ZZ-DR-Z-0001200) prepared by SEW;
- Phasing Plan (MAY101-WSL-EXT-GIL-DR-7060-0129) prepared by Gillespies; and
- Decision Notice for Planning Permission Reference: 132255/JO/2021.

Alongside the submission documents set out above, the Applicant has provided an application payment of £234 via the Planning Portal (PP-12192462) to allow the Local Planning Authority to process the Application.

We trust you have all the information required to make a decision on the proposed amendments but please don't hesitate to contact me or my colleague Michael Percival (mipercival@deloitte.co.uk / +44 161 455 6672).

Yours sincerely



Deloitte LLP