

08 September 2022

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

Dear Angela

**Mayfield, Phase 1, Plot M: Section 96A (Non-Material Amendment) Application to Planning Permission
Reference 125248/FO/2019**

Please find enclosed an application submitted by the applicant, Mayfield Development (General Partner) Ltd. for a non-material amendment to Planning Permission ref. 125248/FO/2019 in accordance with Section 96A of the Town and Country Planning Act 1990.

This application is submitted in order to amend the wording of Conditions 3a, 13, 14, 17, and 30 attached to 125248/FO/2019, which relates to Plot M. The permission approved the following description of development:

“Erection of 13 storey building (including ground and mezzanine) comprising office space (Use Class B1) above flexible uses at ground and mezzanine levels (Class A1 (Shop), A2 (Financial and Professional Services), A3 (Café and Restaurant), A4 (Drinking Establishment) /D1 (Art Gallery, Museum and Conference & Training Centre)/D2 (Cinema)/ Theatre (Sui Generis)) with rooftop amenity spaces and external terrace levels, internal ancillary storage spaces for waste, cycles, rooftop plant, back of house functions and associated landscaping works.”

The wording amendments relate to altering the trigger point for submission of various conditions. This has been discussed and agreed in advance of submission with the Local Planning Authority.

Proposed Non-Material Amendments

Condition 3a (Schedule of external building materials)

Condition 3a, as per permission ref. 125248/FO/2019, is worded follows:

“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: Samples and specifications of all materials to be used on all external elevations and drawings to illustrate details of full sized sample panels that will be produced. The panel to be

produced shall include jointing and fixing details between all component materials and any component panels , details of the drips to be used to prevent staining and details of the glazing and frames, a programme for the production of the full sized sample panels and a strategy for quality control management; and (b) The sample panels and quality control management strategy shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme and dwgs as agreed above."

Via s96A of the Town and Country Planning Act, it is proposed that Condition 3a be amended to read as follows:

*"3) (a) Notwithstanding the details submitted with the application, **prior to the commencement of above ground works**, the following shall be submitted for approval in writing by the City Council, as Local Planning Authority: Samples and specifications of all materials to be used on all external elevations and drawings to illustrate details of full sized sample panels that will be produced. The panel to be produced shall include jointing and fixing details between all component materials and any component panels , details of the drips to be used to prevent staining and details of the glazing and frames, a programme for the production of the full sized sample panels and a strategy for quality control management; and (b) The sample panels and quality control management strategy shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme and dwgs as agreed above."*

This will ensure that the works to enable the site to come forward can take place and the details of materials samples for approval can be submitted at a later date.

Condition 13 - circularity for external materials

Condition 13, as per permission ref. 125248/FO/2019, is worded follows:

13) Prior to commencement of development a Strategy for the how the circularity in all features of material sourcing, design, construction and stewardship will be secured and monitored shall be submitted to an approved in writing by the City Council as Local Planning Authority, with reference to the in line with the Principle of Ambition set out on Page 20 of the Phase 1 Sustainability Statement (Application 1) 27 September 2019. the performance of the Strategy, lessons learnt, constraints and any proposed mitigating measures for improving performance on futures phases and overcoming constraints shall be submitted to the City Council.

Via s96A of the Town and Country Planning Act, it is proposed that Condition 13 be amended to read as follows:

*13) **Prior to the commencement of above ground works** a Strategy for the how the circularity in all features of material sourcing, design, construction and stewardship will be secured and monitored shall be submitted to an approved in writing by the City Council as Local Planning Authority, with reference to the in line with the Principle of Ambition set out on Page 20 of the Phase 1 Sustainability Statement (Application 1) 27 September 2019. the performance of the Strategy, lessons learnt, constraints and any proposed mitigating measures for improving performance on futures phases and overcoming constraints shall be submitted to the City Council.*

In line with the material samples to be approved, this will ensure that the works to enable the site to come forward can take place and the details of material and their approach to circularity can be submitted at a later date.

Condition 14 - Local Benefit Strategy

Condition 14, as per permission ref. 125248/FO/2019, is worded follows:

14) Prior to commencement of development a Local Economic and Social Benefit Strategy for Mayfield (Construction Phase) shall be submitted and agreed in writing by Manchester City Council. This will include a requirement to report back to the City quarterly during the construction phase on outputs and outcomes.

Via s96A of the Town and Country Planning Act, it is proposed that Condition 13 be amended to read as follows:

*14) **Prior to the commencement of above ground works** a Local Economic and Social Benefit Strategy for Mayfield (Construction Phase) shall be submitted and agreed in writing by Manchester City Council. This will include a requirement to report back to the City quarterly during the construction phase on outputs and outcomes.*

As the site remediation has taken place as part of the overarching permission for phase 1, the amendment of the working of the condition is proposed to ensure that the local economic and benefit strategy can be driven by the appointed contractor.

Condition 17 - Acoustic insulation

Condition 17, as per permission ref. 125248/FO/2019, is worded follows:

17) Before the development commences a scheme for acoustically insulating any B1 (Office) A3 (Café and Restaurant); A4 (Drinking Establishment); D1 (Art Gallery, Museum and Conference & Training Centre)/D2 (Cinema)/ Theatre (Sui Generis)) - tailor to Office 1 and Office 2 uses against noise from adjacent roads and any noise transfer from the A3 / A4 uses to the offices above, 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. 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.

Via s96A of the Town and Country Planning Act, it is proposed that Condition 13 be amended to read as follows:

*17) **Before above ground works commence**, a scheme for acoustically insulating any B1 (Office) A3 (Café and Restaurant); A4 (Drinking Establishment); D1 (Art Gallery, Museum and Conference & Training Centre)/D2 (Cinema)/ Theatre (Sui Generis)) - tailor to Office 1 and Office 2 uses against noise from adjacent roads and any noise transfer from the A3 / A4 uses to the offices above, 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. 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.

This revised wording is proposed so that the specification of building materials, which are also to be provided by Condition 3a and Condition 13, can reflect the requirements for acoustic attenuation as set out in the condition wording.

This will allow further enabling works for the site to take place and for this technical detail to be resolved at a later date.

Condition 30 - landscaping materials schedule

Condition 30, as per permission ref. 132255/JO/2021, is currently worded follows:

“30) Prior to the commencement of development a programmes for submission of final details of the public realm works and highway works as shown in dwg numbered 0368-SEW-ZZ-00-DR-L-001100 Rev P01 shall be submitted and approved in writing by the City Council as Local Planning Authority. The programme shall include an implementation timeframe and details of when the following details will be submitted:

(a) Final details of the any required wind mitigation measures as set out in the Mayfield Phase 1: EIA Volume 1 dated September 2019 by Deloitte Real Estate;

(b) Details of (a) all hard (to include use of natural stone or other high quality materials) landscaping;

(c) Details of all soft landscaping works, (excluding tree planting) with species choice to be agreed in consultation with Greater Manchester Ecology Unit;

(d) Details of the proposed tree species within the public realm including proposed size, species and planting specification including tree pits and design and details of on going maintenance; The proposed choice of planting shall be informed through input from a qualified ecologist and arboriculturalist to ensure that the planting is suitable for its proposed microclimate (including the impact of the massing, height and materials on adjacent buildings) and ground conditions and evidence that species choice will create seasonal interest and be adaptable to disease and future climate change scenarios;

(e) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include, the choice of planting species within the public realm, bat boxes and bricks and bird boxes;

(f) Location and design of all street furniture including seating, bins, bollards, handrails, recycling bins, play and exercise equipment, boundary treatments, planters and cycle parking provision: all to include features which fully consider and promote inclusive access (which includes older and disabled people);

(g) Lighting around the site;

(h) Details of temporary landscaping and boundaries to adjacent plots in line with the phasing within Temporary Treatment Plans within section 6.12 of the Masterplan Design and Access Statement by Studio Egret West; and

(i) Details of how the design has minimised any potential hazards to the use of the public realm for the safe use of disabled people to include details of: designated routes for pedestrians; cyclists and vehicles; management of cyclists ; kerb edges; crossing and controlled crossing design and location; location of drop kerbs (including level areas between grass and hardstanding); location of rumble strips; location of raised crossings; design and location of any pop up power supplies; location of onsite vehicle parking and drop off points; management of mortar cycle parking; provision of clear routes to ensure unrestricted access for all; and shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

The approved scheme 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,"

Via s96A of the Town and Country Planning Act, it is proposed that Condition 30 be amended to read as follows:

“30) Prior to the commencement of above ground works, a programme for submission of final details of the public realm works and highway works as shown in dwg numbered 0368-SEW-ZZ-00-DR-L-001100 Rev P01 shall be submitted and approved in writing by the City Council as Local Planning Authority. The programme shall include an implementation timeframe and details of when the following details will be submitted:

(a) Final details of the any required wind mitigation measures as set out in the Mayfield Phase 1: EIA Volume 1 dated September 2019 by Deloitte Real Estate;

(b) Details of (a) all hard (to include use of natural stone or other high quality materials) landscaping;

(c) Details of all soft landscaping works, (excluding tree planting) with species choice to be agreed in consultation with Greater Manchester Ecology Unit;

(d) Details of the proposed tree species within the public realm including proposed size, species and planting specification including tree pits and design and details of on going maintenance; The proposed choice of planting shall be informed through input from a qualified ecologist and arboriculturalist to ensure that the planting is suitable for its proposed microclimate (including the impact of the massing, height and materials on adjacent buildings) and ground conditions and evidence that species choice will create seasonal interest and be adaptable to disease and future climate change scenarios;

(e) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include, the choice of planting species within the public realm, bat boxes and bricks and bird boxes;

(f) Location and design of all street furniture including seating, bins, bollards, handrails, recycling bins, play and exercise equipment, boundary treatments, planters and cycle parking provision: all to include features which fully consider and promote inclusive access (which includes older and disabled people);

(g) Lighting around the site;

(h) Details of temporary landscaping and boundaries to adjacent plots in line with the phasing within Temporary Treatment Plans within section 6.12 of the Masterplan Design and Access Statement by Studio Egret West; and

(i) Details of how the design has minimised any potential hazards to the use of the public realm for the safe use of disabled people to include details of: designated routes for pedestrians; cyclists and vehicles; management of cyclists ; kerb edges; crossing and controlled crossing design and location; location of drop kerbs (including level areas between grass and hardstanding); location of rumble strips; location of raised crossings; design and location of any pop up power supplies; location of onsite vehicle parking and drop off points; management of mortar cycle parking; provision of clear routes to ensure unrestricted access for all; and shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

The approved scheme 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,”

This will allow for a detailed programme to be submitted once the enabling works have taken place and there is an appointed contractor on board to deliver Plot M.

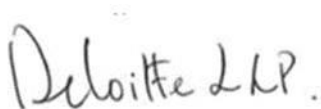
Summary of Application

In addition to this cover letter, the application submission comprises the completed Application Forms and Certificates and a Site Location Plan to identify the Site. The application fee to Manchester City Council for £234 has been provided via the Planning Portal (PP-11504237).

Based on the information submitted, we seek your formal agreement that the proposed amendments to wording of conditions 3a, 13, 14, 17, and 30 attached to 125248/FO/2019 are acceptable and can be dealt with as a non-material amendment.

I would be grateful for written confirmation of receipt and registration of this application. If there are any points of clarification required, please do not hesitate to contact me or my colleague Michael Percival (0161 455 6672 / mipercival@deloitte.co.uk).

Yours sincerely

A handwritten signature in dark ink that reads "Deloitte LLP." The signature is written in a cursive, slightly stylized font.

Deloitte LLP