ADDLESHAW GODDARD

ANGEL SQUARE, MANCHESTER

Note of advice for Noma (GP) Limited

Background

On 26 January 2023, Manchester City Council (**Council**) approved a planning application submitted by Noma (GP) Limited under reference 135551/FO/2022 (**Planning Permission**) in relation to Angel Square, Manchester M60 0AG (**Property**). The Planning Permission authorises:

"Improvements to Angel Square public realm, works to include: replacement of existing hard and soft landscaping; erection of structure for community use (Use Class F2); installation of new drainage scheme; installation of services, installation of lighting columns, wayfinding signage and other street furniture; provision of cycle parking; and, associated works" (**Development**).

The Planning Permission was subsequently amended by a non-material amendment under reference 139033/NMC/2024, granted on 14 February 2024 *"to vary the wording of Conditions 2 (SPL), 5 (Trees Retained), 6 (Drainage), 12 (Landscaping), 14 (Lighting), 21 (Trees), and 22 (Structure)"* (**NMA**).

The Planning Permission (as amended by the NMA) is subject to a condition requiring the Development to begin no later than 26 January 2026 (three years from the date of the Planning Permission).

Advice Sought

We have been asked to advise on whether the proposed surface water drainage works and the provision of two manholes at the Property will be sufficient to implement the Planning Permission, or whether more extensive works, such as ground-bearing raft foundations, will be required.

Summary of advice

The proposed drainage and manhole works are generally considered to constitute a material operation. This is supported by case law and is a position widely accepted by planning authorities and inspectors. However, it is essential to ensure that all conditions requiring discharge prior to the commencement of development are fully discharged. Additionally, all works must be carried out in strict compliance with

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the conditions of the Planning Permission (as amended by the NMA) and any plans or details approved by the Council to ensure lawful implementation.

Please ensure you read this note in full, as the detailed analysis and reasoning are set out below.

IN DETAIL

1 Material Operation

1.1 To lawfully implement a planning permission, the developer must:

(a) Ensure all planning conditions requiring compliance prior to the commencement of development have been complied with; and

(b) Carry out a "material operation", as defined in section 56(4) of the Town and Country Planning Act 1990 (**TCPA**).

1.2 The TCPA defines a "material operation," and it is clear that any works must be more than *de minimis* to qualify. However, the extent of works required to constitute a material operation remains unclear and is a matter of fact for each local planning authority to determine.

1.3 Examples of material operations include:

(a) Any work of construction in the course of the erection of a building.

(b) Any work of demolition of a building.

(c) The digging of a trench which is to contain the foundations, or part of the foundations, of a building.

(d) The laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench.

(e) Any operation in the course of laying out or constructing a road or part of a road.

2 Pre-Commencement Conditions

2.1 The Planning Permission (as amended by the NMA) is subject to the following conditions, which require discharge prior to the commencement of the Development (**Pre-Commencement Conditions**):

(a) Condition 6(a): Notwithstanding the Drainage Strategy (0052681-BHEXX-XX-RP-C-0001 P03) stamped as received by the Council on 17 January 2024, the development shall not commence until a scheme for the drainage of surface water from that phase of the new development has been submitted to and approved in writing by the Council. The condition also outlines the details that must be included in any such scheme.

(b) Condition 8: The development shall not commence until a detailed construction management plan outlining working practices during construction has been submitted

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to and approved in writing by the Council. The condition also outlines the details that must be included in any such management plan.

2.2 The Planning Permission (as amended by the NMA) also includes conditions with triggers relating to specific works (e.g., vegetation clearance, removal of existing trees, installation of the community structure).

2.3 From our review of the planning conditions tracker provided by Deloitte, we understand that none of the conditions attached to the Planning Permission (as amended by the NMA) have been discharged to date.

3 Proposed Works and Implementation of the Planning Permission

3.1 We are advised that the works proposed to be undertaken at the Property include:

a) Construction of 6.76m of surface water drainage, plus an additional 2.17m to the right of Manhole 1.1 and an additional 1.18m to the left of Manhole 1.2 of surface water drainage; and

b) Provision of two manholes;

together being the '**Proposed Works'** and shown at the plan appended at Appendix 1.

3.2 Having reviewed the Proposed Works, these would be sufficient to constitute a material operation and, therefore, would be sufficient to implement the Planning Permission. This is supported by case law (*Spackman v SSE & another [1977])* and is a position widely accepted by planning authorities and inspectors.

3.3 However, while the Proposed Works would be sufficient to implement the Planning Permission, it is crucial that:

(a) All Pre-Commencement Conditions are fully discharged before any works take place at the Property.

(b) The Proposed Works are carried out in strict accordance with the plans and details approved as part of the Planning Permission (as amended by the NMA).

3.4 The Planning Permission (as amended by the NMA) also contains conditions with triggers relating to specific works (e.g., vegetation clearance, removal of existing trees, installation of the community use structure). If any such triggers are likely to be affected by the Proposed Works, these conditions must also be fully discharged before the commencement of any such works. Additionally, the details approved by the Council must be strictly adhered to when undertaking the Proposed Works and the Development.

Addleshaw Goddard LLP

If you would like to discuss this note further please contact:

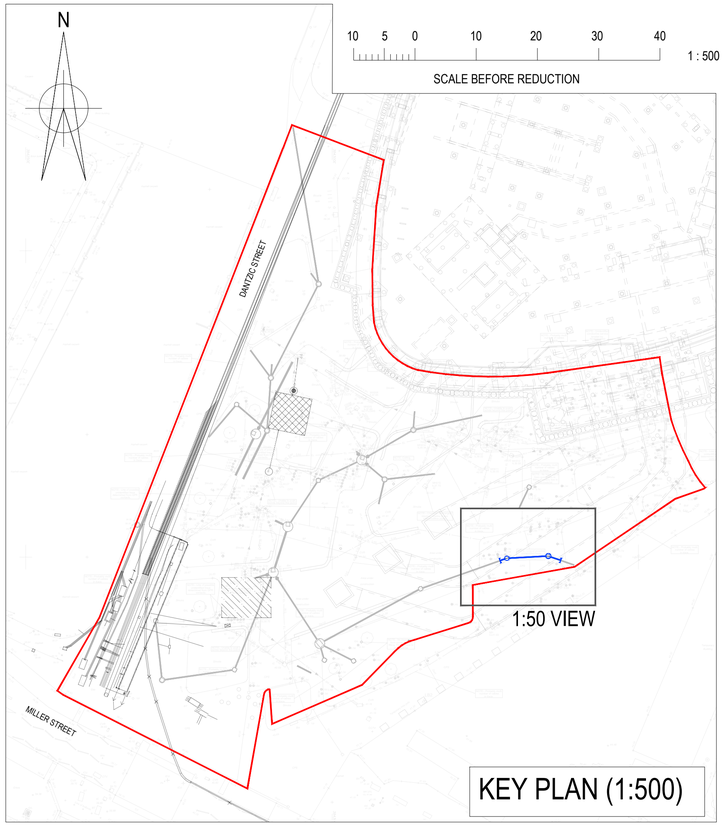
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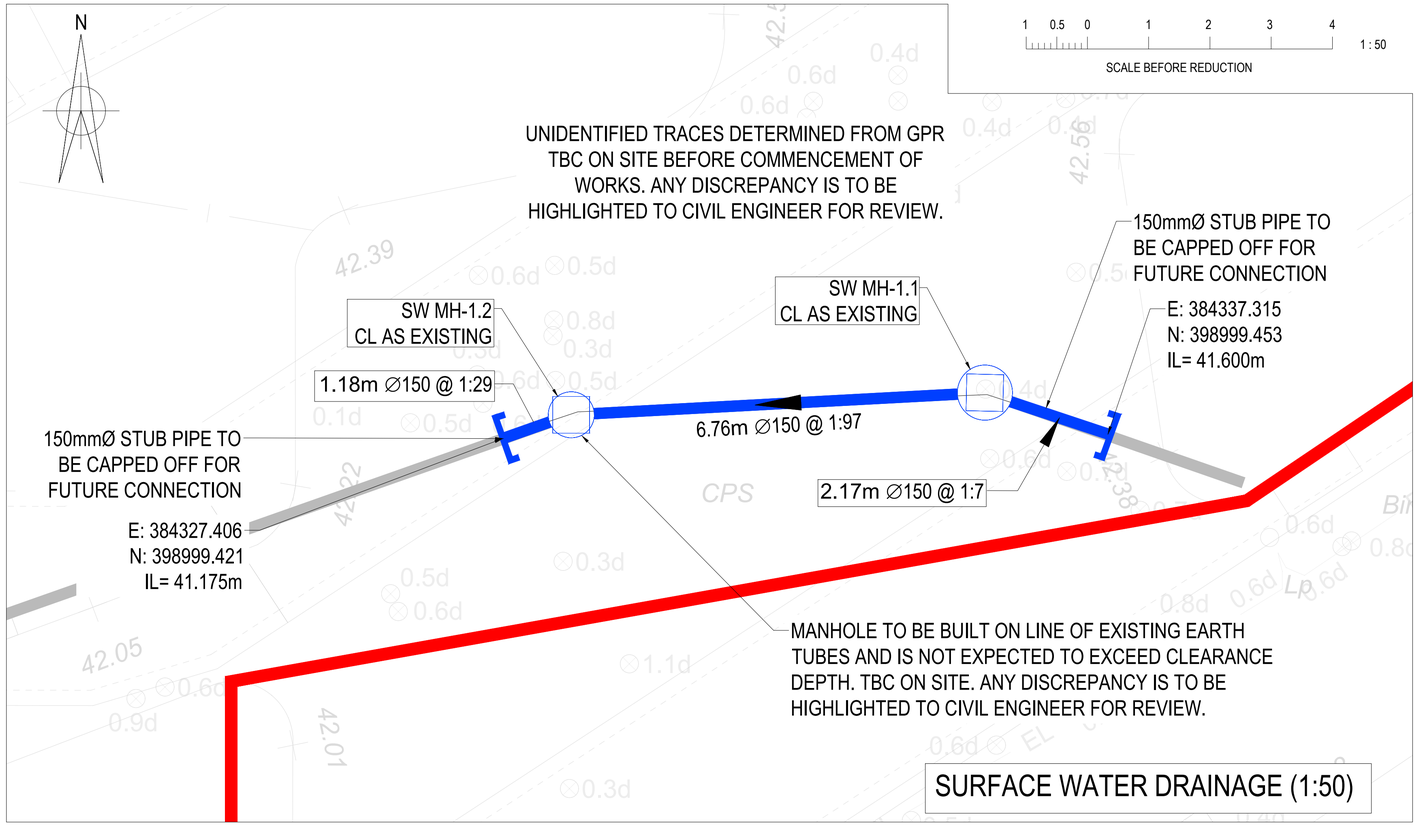
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Appendix 1

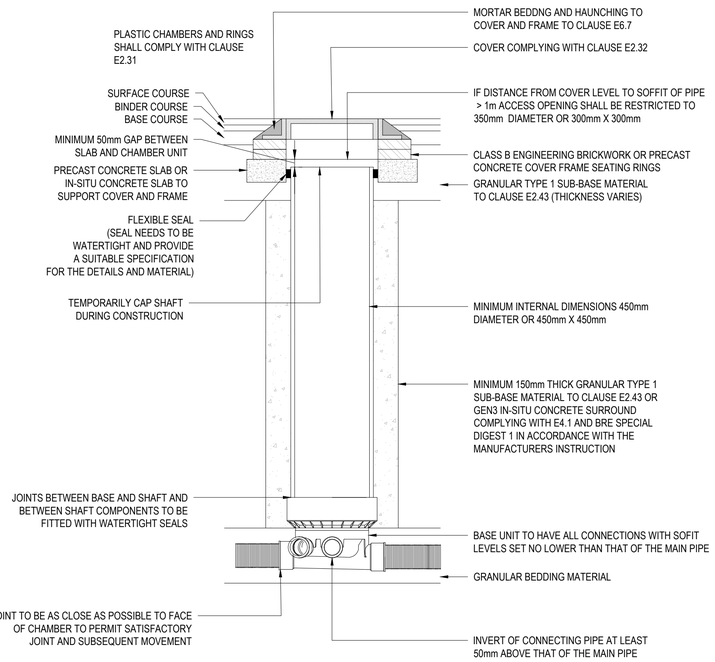
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KEY PLAN (1:500)



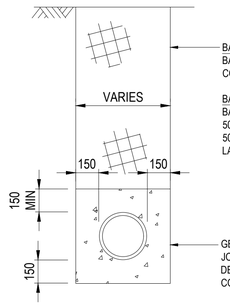
SURFACE WATER DRAINAGE (1:50)



NOTE: WHERE THE ACCESS CHAMBER IS IN THE HIGHWAY (INCLUDING ANY FOOTWAY), THE HIGHWAY AUTHORITY CAN HAVE SPECIFIC REQUIREMENTS

TYPICAL INSPECTION CHAMBER DETAIL - TYPE D (FLEXIBLE MATERIAL DETAIL) - NTS

DEPTH FROM COVER LEVEL TO SOFFIT OF PIPE UP TO 3 m
FLEXIBLE MATERIAL CONSTRUCTION FOR USE IN AREAS SUBJECT TO VEHICLE LOADING



CONCRETE (CLASS Z)

<1200mm DEPTH TO SOFFIT IN ROADS AND PAVEMENTS

ALL JOINTS IN CLASS Z BEDDING SHOULD BE SURROUNDED BY COMPRESSIBLE FILLER BOARD (THICKNESS 18mm) TO ENSURE THE PIPE REMAINS FLEXIBLE.

FOR BEDDING DETAILS AND SPECIFICATIONS FOR PLASTIC PIPES AND PRODUCTS REFER TO MANUFACTURER REQUIREMENTS MAKING CONSIDERING FOR:
- LOADING
- LOCATION
- GROUND CONDITIONS
- TYPES OF LIQUIDS BEING CONVEYED (CHEMICALS AND TEMPERATURE)
- ANY OTHER SITE SPECIFIC REQUIREMENTS

LEGEND
- SITE BOUNDARY
- PROPOSED SURFACE WATER DRAINAGE AND MANHOLE TO BE CONSTRUCTED AT FUTURE DATE
- PROPOSED SURFACE WATER DRAINAGE AND MANHOLE TO BE CONSTRUCTED AT MEANINGFUL START

MANHOLE SCHEDULE - PH-SW-PR

MANHOLE REF.	EASTING [m]	NORTHING [m]	COVER LEVEL [m]	INVERT LEVEL [m]	DEPTH TO INVERT [m]	MANHOLE TYPE	INNER DIAMETER [mm]	CLEAR OPENING DIMENSIONS [mm]	COVER TYPE	COVER GRADE	INCOMING PIPE INVERT LEVEL [mm]	OUTGOING PIPE INVERT LEVEL [m]	COMMENTS
SW MH-1.1	384335.273	399000.169	42.34	41.28	1.06	TYPE D	600 DIA.	600 x 600	RE	B125	41.285 (150Ø)	41.285 (150Ø)	COVER LEVELS MAY NEED TO BE ADJUSTED IN THE FUTURE TO SUIT PROPOSED LEVELS
SW MH-1.2	384328.520	398999.808	42.32	41.22	1.10	TYPE D	450 DIA.	450 x 450	ST	C250	41.215 (150Ø)	41.215 (150Ø)	COVER LEVELS MAY NEED TO BE ADJUSTED IN THE FUTURE TO SUIT PROPOSED LEVELS

ANNOTATIONS
ST - SOLID TOP DUCTILE IRON
RE - RECESSED

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DO NOT SCALE THIS DRAWING.

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IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING

CONSTRUCTION.
- WORKS WITHIN POTENTIAL CONFINED SPACE CONDITIONS
- WORKS IN PROXIMITY TO LIVE SERVICES
- WORKS INTERFACE WITH THE PUBLIC ON MILLER STREET

MAINTENANCE/CLEANING/OPERATION.
- WORKS WITHIN POTENTIAL CONFINED SPACE CONDITIONS
- WORKS IN PROXIMITY TO LIVE SERVICES
- WORKS INTERFACE WITH THE PUBLIC ON MILLER STREET

DECOMMISSIONING/DEMOLITION.
- WORKS WITHIN POTENTIAL CONFINED SPACE CONDITIONS
- WORKS IN PROXIMITY TO LIVE SERVICES
- WORKS INTERFACE WITH THE PUBLIC ON MILLER STREET

NOTES:

1. ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE.
2. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS, DETAILS AND SPECIFICATIONS.
3. THIS DESIGN HAS BEEN BASE ON THE FOLLOWING DRAWINGS AND INFORMATION:
   - ARCHITECT'S PLAN 2962-PLA-XX-XX-DR-L-3000 RECEIVED FROM PLANIT ON 13/07/2023
   - TOPOGRAPHICAL SURVEY RECEIVED 13/07/2022
   - 1 ANGEL SQUARE AS BUILT DRAINAGE DRAWING C300 PRODUCED BY BURO HAPPOLD DATED 31/08/2011
   - PHASE 1B / 2 SERVICES AS-BUILT INFORMATION RECIEVED FROM BAM ON 26/06/2023
4. PRIOR TO THE COMMENCEMENT OF WORK THE LOCATION, SIZE AND DEPTH OF ALL EXISTING DRAINAGE AND SERVICES SHALL BE ESTABLISHED BY THE CONTRACTOR. ANY DISCREPANCY FROM THE INFORMATION SHOWN ON THESE DRAWINGS SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE ENGINEER.
5. THE CONTRACTOR SHALL ALLOW FOR THE PROTECTION, TEMPORARY AND PERMANENT SUPPORT AND DIVERSION WORKS AS NECESSARY, TO ALL EXISTING SERVICES TO THE SATISFACTION OF PUBLIC UTIITIES.
6. COVER LEVELS MAY NEED TO BE ADJUSTED IN THE FUTURE TO SUIT PROPOSED LEVELS

Rev	Description	Date	Iss'd	Rev'd	App'd
C01	ISSUED FOR CONSTRUCTION	07.07.2025	LP	PT	PT

STAGE 5
Project Stage

CONSTRUCTION
Status of Drawing

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Web: www.burohappold.com

Client *MEPC*
Architect *PLANIT-IE*
Project **ANGEL SQUARE PUBLIC REALM**
Drg Title ANGEL SQUARE PUBLIC REALM GENERAL ARRANGEMENT MEANINGFUL START

Job No. 0052681
Scale@A1 AS SHOWN
Drawn/Designed By. LP
Checked By. PT
Approved By. PT
Drawing No. AS-BHE-XX-XX-DR-C-3150
Revision C01

Use Pigeon P:\005268\1 ROMA Angel Square Public Realm\08 Cities - Infra\01_Sheets\BHE-XX-XX-DR-C-3150.dwg