

DATED 29th November 2024

THE COUNCIL OF THE CITY OF MANCHESTER

– and –

WILLIAMS MOTOR CO (HOLDINGS) LIMITED

– and –

BMW FINANCIAL SERVICES (GB) LIMITED

AGREEMENT

**pursuant to section 106 of the Town and
Country Planning Act 1990 (as amended)
relating to Land Between Upper Brook Street, Kincardine Road And Grosvenor Street
Manchester**

City Solicitor
P O Box 532
Town Hall
Albert Square
Manchester M60 2LA
L/AAD/PLA001/84038

THIS AGREEMENT is made the 29th day of NOVEMBER 2024

BETWEEN:

- (1) **THE COUNCIL OF THE CITY OF MANCHESTER** of Town Hall, Albert Square, Manchester, M60 2LA (the “**Council**”)
- (2) **WILLIAMS MOTOR CO (HOLDINGS) LIMITED** (incorporated in England and Wales with company number 00597708) whose registered office is at 2 Vincent Way, Raikes Lane, Bolton BL3 2NB (the “**Owner**”);
- (3) **BMW FINANCIAL SERVICES (GB) LIMITED** (incorporated in England and Wales with company number 01288537) whose registered office is at Summit One, Summit Avenue, Farnborough GU14 0FB (the “**Mortgagee**”)

BACKGROUND

- A. The Council is the local planning authority for the purposes of the Act in relation to the Site and is the authority by whom the obligations hereby created are enforceable. The Development will be carried out on the Site. The Site is situated within the Administrative Boundaries of Manchester and this planning obligation is enforceable by the Council.
- B. The Council is also the freehold owner of the Site registered at the Land Registry with title absolute under title numbers GM834724 and GM834725 together with but subject to all matters contained or referred to in the title registers thereunder. It is agreed by the parties that the Owner's covenants hereinafter contained shall not bind the Council and their interest in the Site.
- C. The Owner is the leasehold owner of the parts of the Site registered at the Land Registry with title absolute under title numbers GM339981 and GM410931 together with but subject to all matters contained or referred to in the title registers thereunder.
- D. The Mortgagee is interested in the Site by virtue of the Legal Charge.
- E. The Application was submitted to the Council for planning permission to carry out the Development in the manner set out in the plans, specifications and particulars forming part of the Application.
- F. The Council as local planning authority is satisfied that the Development is such as may be approved by the Council under the Act and is minded to grant planning permission for the Development in accordance with the Application but having considered the Local Plan and the Regulations is desirous of the Owner entering into this Agreement without which planning permission would not be granted.
- G. The Owner has agreed to enter into this Agreement in support of the Application so as to create planning obligations in favour of the Council pursuant to section 106 of the Act and to be bound by and observe and perform the covenants hereinafter contained.

- H The Council has recognised the difficulty faced by lower income groups in Full Time Higher Education at a Manchester Higher Education Institution in sourcing affordable accommodation within the Administrative Boundaries of Manchester and the planning purpose of this Agreement is to provide Discounted Student Accommodation within the Administrative Boundaries of Manchester. The Council is satisfied that the obligations in this Agreement are,
- a necessary to make the Development acceptable in planning terms (including where appropriate, obligations necessary to mitigate the adverse impacts of the Development in accordance with the development plan for the area and other material considerations),
 - b directly related to the Development, and
 - c fairly and reasonably related in scale and kind to the Development
- I The Owner has agreed to enter into this Agreement in support of the Application so as to create planning obligations in favour of the Council pursuant to section 106 of the Act and to be bound by and observe and perform the covenants hereinafter contained

AGREED TERMS

DEFINITIONS AND INTERPRETATION

1.1 The definitions and rules of interpretation set out in this Clause apply to this Agreement

“Act” the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008,

“Administrative Boundaries of Manchester” all the wards that together comprise the city of Manchester,

“Agreement” shall mean this agreement,

“Application” the application to which the Council gave the reference 137401/FO/2023 for the demolition of existing buildings and erection of three ground floor + 12/14/29 storey buildings to be used for Purpose Built Student Accommodation (Use Sui Generis), comprising 983 bedrooms in total and 506sqm of ground floor ancillary uses (café/commercial and convenience store - Use Classes E (a)/(b)/(c)), three buildings comprising ground floor + 5/7/9 storeys for Science and Innovation uses (Use Class E (g)(i) & (ii)) and 834sqm ground floor community uses (retail/ cafés and medical facility (Use Classes E (a)/(b) and (e)), and the provision of new public realm, two new public squares, new access and parking, and associated works

“Architects” means Simpson Haugh of 4 Riverside, Commercial St, Manchester M15 4RQ and Hawkins Brown of 3rd Floor, Hilton House, 26-28 Hilton Street, Manchester M1 2EH,

“Best Endeavours” means that it is agreed by the parties hereto that the party under such an obligation will be bound to attempt to fulfil the relevant obligation by the expenditure of such effort

and/or sums of money and the engagement of such professional or other advisers as in all the circumstances may be reasonable to expect in the case of the Owner of a competent commercial developer and landowner in the context of the Development,

“Commencement of Development” the date upon which the Development shall begin by the carrying out of a material operation in accordance with the provisions of section 56(4) of the Act PROVIDED THAT any works of or associated with site clearance, remediation works, environmental or archaeological investigations, site and soil surveys, erections of contractors work compound, erection of site office, erection of fencing to site boundaries, marking of site boundaries and laying out of access roads and services shall for the purposes of the agreement be deemed not to be material operations and **“Commence”**, **“Commencement”** and **“Commenced”** shall be construed accordingly

“Core Strategy” means the Manchester Core Strategy (adopted 11th July 2012) which is the key document in the Council's Local Development Framework and details the Council's vision for the development of Manchester during the period 2012 to 2027,

“Development” the development undertaken on the Site pursuant to the Planning Permission as specified in the Application,

“Discounted Student Accommodation” means accommodation that is made available to Eligible Students at a rent level set in accordance with the Discounted Student Accommodation Statement,

“Discounted Student Accommodation Statement” the written statement detailing the provision of the Discounted Student Accommodation at Schedule 5 (as may be varied in accordance with the terms for variations at Schedule 5),

“Discounted Student Accommodation Unit” means a Student Accommodation Unit that is also Discounted Student Accommodation and **“Discounted Student Accommodation Units”** shall be construed accordingly

“Eligible Student” means a student enrolled in a Full Time Higher Education Course at a Manchester Higher Education Institution in receipt of the full amount of Maintenance Loan or such other student as the Council and the Owner agree in writing in accordance with paragraph (vi) of the Discounted Student Accommodation Statement, or in the event the Maintenance Loan ceases to be available such other affordability criteria as the Council and the Owner agree in writing,

“Expert” a solicitor or barrister with a minimum of ten (10) years post-qualification experience,

“Full Time Higher Education Course” means a full time course at level 4 or higher of the national qualification frameworks for England of a duration of at least 24 weeks in a single academic year running from 1 September to 31 August and consisting of 3 terms across 2 semesters,

“Interest” interest at 4% (four per cent) above the base lending rate of the Bank of England from time to time

“Legal Charge” a registered charge registered against title numbers GM339981 and GM410931 dated 23 March 2018,

“Local Plan” includes the Core Strategy adopted by Manchester City Council on 11 July 2012, the extant Unitary Development Plan policies and all other relevant strategic planning documents adopted by Manchester City Council,

“Maintenance Loan” a part means tested loan provided by the Government to students under the provisions of the Education (Student Support) Regulations 2011 to assist with living costs while studying and any successor loan scheme,

“Management Fee” shall mean 15% of the planning application fee which equates to £29,221 05 (twenty nine thousand two hundred and twenty one pounds and five pence) to be used for the purpose of monitoring and reporting on the delivery of this Agreement and the planning obligations contained herein,

“Manchester Higher Education Institution” means a university or college or equivalent institution offering a Full Time Higher Education Course in the Administrative Boundaries of Manchester,

“Market Rent” means as defined by RICS (or such successor or replacement organisation) and is the estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and willing lessee on appropriate lease terms in an arm’s length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion,

“Market Student Accommodation” means accommodation that is made available to rent to students at Market Rent,

“Market Student Accommodation Unit” means a Student Accommodation Unit that is also Market Student Accommodation and **“Market Student Accommodation Units”** shall be construed accordingly,

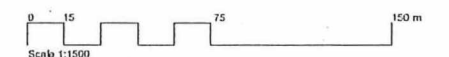
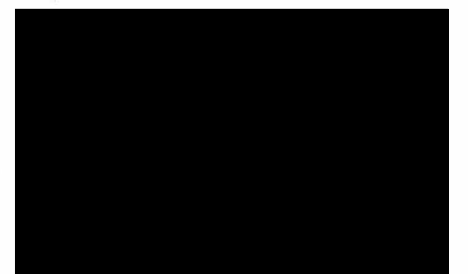
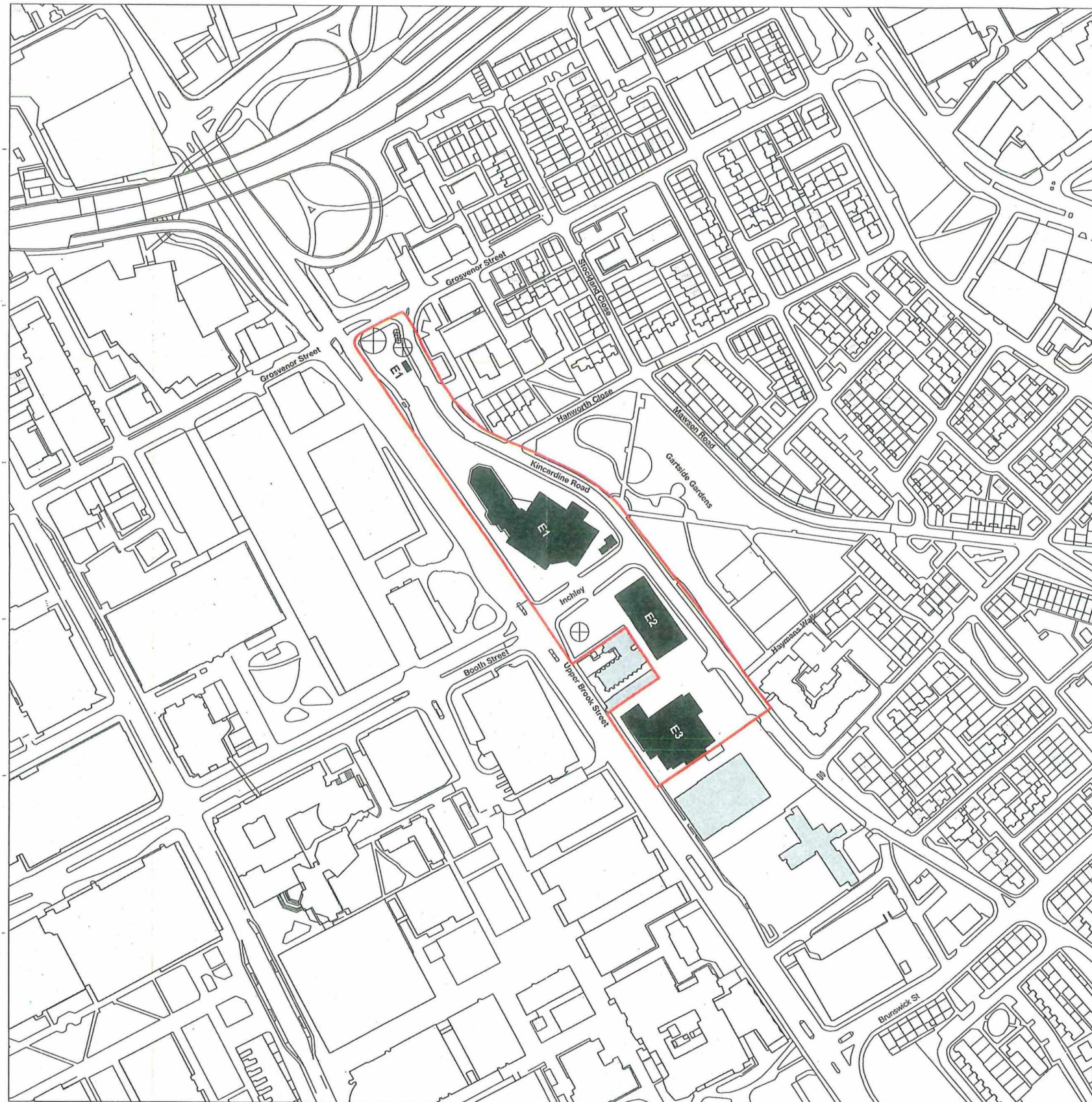
“Occupation” means occupation of any part of the Development for the purposes permitted by the Planning Permission but does not include use by personnel whilst engaged in construction, fitting out or decoration of the Dwellings or occupation for marketing or display or occupation in relation to security operations and **“Occupy”** and **“Occupied”** shall be construed accordingly,

“Plan” the plan attached to this Agreement,

“Planning Permission” the planning permission granted pursuant to the Application substantially in the form as appended at Schedule 2 and as may be amended by any non-material amendment,

“Regulations” the Community Infrastructure Levy Regulations 2010,

“RICS” the Royal Institution of Chartered Surveyors,



Rev	Description	Date
P1	Issued for Planning	23.06.23

Copyright Hawkins\Brown Architects
No implied licence exists. This drawing should not be used to calculate areas for the purposes of valuation. Do not scale this drawing. All dimensions to be checked on the site by the contractor and such dimensions to be their responsibility. All work must comply with relevant British Standards and Building Regulations requirements. Drawing errors and omissions to be reported to the architect. To be read in conjunction with Architect's specification and other consultant information.

Key
— Application Boundary



Scale @ A1
1 : 1500

Date
June 2023

Job Number
220077

Project
Upper Brook Street
Manchester
M1 2EH

Drawn By
SA

Checked By
LB

Status
S2

Drawing No.
UBS-HBA-SW-XX-DR-A-080001

Rev
P1

Purpose of Issue
For Planning

Drawing
Existing - Site Location Plan



26-28 Hilton Street
Manchester M1 2EH
mail@hawkinsbrown.com
hawkinsbrown.com

Hawkins\Brown

“Site” the property described in Schedule 1 and shown for the purposes of identification only edged red on the Plan,

“Student Accommodation Unit” a unit of sleeping accommodation to be constructed on the Site as part of the Development pursuant to the Planning Permission and **“Student Accommodation Units”** shall be construed accordingly,

~~**“Waste Management Strategy”** means the strategy for managing waste at the Development annexed to this Agreement at Annex 1 as may be amended or replaced by the Owner from time to time provided that such amendments or replacement are first approved by the Council in writing,~~

“Working Day” means any day except Saturday Sunday or a bank holiday and reference to “Working Days” shall be construed accordingly

1 2 The Clause headings do not affect this interpretation

1 3 Unless otherwise indicated, references to Clauses and Schedules are to Clauses of and Schedules to this Agreement and references in a Schedule to a Part or Paragraph are to a Part or Paragraph of that Schedule

1 4 References to any statute or statutory provision include reference to

1 4 1 all Acts of Parliament and all other legislation having legal effect in the United Kingdom as directly or indirectly amended, consolidated, extended, replaced or re-enacted by any subsequent legislation, and

1 4 2 any orders, regulations, instruments or other subordinate legislation made under that statute or statutory provision

1 5 Except for the provisions of Clause 9 references to the Site include any part of it

1 6 References to any party in this Agreement include the successors in title of that party In addition, references to the Council include any successor local planning authority exercising planning powers under the Act and any successor local highway authority exercising powers under the Highways Act 1980

1 7 **“Including”** means **“including, without limitation”**

1 8 Any covenant by the Owner or the Council not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing

1 9 If any provision is held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remainder of this Agreement is to be unaffected

1 10 Words importing the singular meaning where the context so admits include the plural meaning and vice versa

1 11 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner

2 PLANNING OBLIGATION

This Agreement is made pursuant to section 106 of the Act, section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011 and all other enabling legislation and is a planning obligation for the purposes of section 106 of the Act, with the intent that covenants hereinafter contained shall be enforceable by the Council acting under the powers contained in section 106 or such other enabling powers against the Owner

3 CONDITION PRECEDENT

3 1 This Agreement is conditional upon the grant of the Planning Permission and Commencement of Development save for the provisions of Clauses 9, 11, 15, 17 and 18 which shall have immediate effect

4 CONDITION SUBSEQUENT

If the Planning Permission for the Development has not been implemented by the carrying out of a material operation in accordance with the provisions of sections 56, 91 and 93 of the Act or is revoked or modified in whole or in part (other than in approval of an application by or on behalf of either of the Owner) or quashed or declared unlawful as a result of legal proceedings then this Agreement shall absolutely determine and become null and void but without prejudice to the rights of either party against the other in respect of any antecedent breach

5 THE OWNER'S COVENANTS

5 1 The Owner on behalf of themselves and any person deriving title to any part of the Site from the Owner hereafter hereby covenants with the Council so as to bind the Site to fully observe and perform the obligations on their part contained in this Agreement including those obligations set out in Schedule 3 and hereby agrees that the Site shall be permanently subject to the obligations, restrictions and provisions specified herein, such obligations being planning obligations for the purpose of section 106 of the Act unless and until the same are discharged pursuant to section 106A of the Act

6 THE COUNCIL'S COVENANTS

The Council hereby covenants with the Owner to observe and perform the obligations on its part in this Agreement including those obligations set out in the Schedule 4

7 DISPUTE RESOLUTION

7 1 In the event of any dispute arising in connection with any of the terms of this Agreement other than a dispute involving the construction or interpretation of the terms of this Agreement or the enforcement of any decision pursuant to this Clause, the same shall unless the Council and the Owner otherwise agree be referred to an Expert to be appointed by agreement between the Council and the Owner

7 2 If the Council and the Owner are unable to agree on the appointment of an within thirty (30) days of one party serving notice on the other calling for the appointment of an Expert, then an Expert shall be appointed on the application of either party to the President for the time being of the Royal Town Planning Institute

7 3 Any reference of a dispute to an Expert shall if the parties are agreed in writing be deemed to be a reference to an expert (and not to an arbitrator) whose decision shall be final and binding (save for manifest error) but shall otherwise be deemed to be a reference to an arbitrator pursuant to the Arbitration Act 1996 and any statutory amendment variation substitution or re-enactment thereof

7 4 Any party to this Agreement shall be entitled to submit to the Expert representations and cross-representations with such supporting evidence as they shall respectively consider necessary and the Expert shall have regard thereto in making his decision which shall be delivered in writing The reference of any dispute shall include authority to determine in what manner all the costs of the referral shall be paid

8 WAIVER

No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Agreement shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default

9 CHANGE IN OWNERSHIP & LIABILITY

9 1 The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interest in the Site occurring before all the obligations under this Agreement have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with (unless the purchase relates to the entirety of the Site) the area of the Site or unit of occupation purchased by reference to a plan

9 2 No person shall be liable for any breach, non performance and non observance of the covenants, obligations and restrictions contained in this Agreement after it shall have parted with its entire interest in the Site (or relevant part of the Site) but without prejudice to liability for any subsisting breach arising prior to parting with such interest nor shall this hinder or preclude the Council's rights as the Local Planning Authority to require that the breach, non performance or non observance be remedied after that person has parted with its interest in the Site (or relevant part of the Site)

9 3 For the avoidance of doubt, the obligations under this Agreement shall not be enforceable against occupiers of individual Student Accommodation Units

10 COUNCIL'S CONSENT OR APPROVAL

10 1 Where in this Agreement the consent, agreement or approval of the Council is required to be given by the Council, the Council confirms that such consent, agreement or approval shall not be unreasonably withheld or delayed provided that this shall not fetter the proper discretion of the Council

10 2 Where variations or modifications are expressed in this Agreement to be subject to approval or agreement in writing that need not require a deed of modification under section 106A of the Act

11 LOCAL LAND CHARGE

11 1 This Agreement is a Local Land Charge and shall be registered as such by the Council

11 2 The Council will upon receipt of a written request of the Owner's or their successors in title, at any time after the obligations set out herein have been fulfilled in their entirety, issue written confirmation thereon and thereafter cancel all related entries and relevant notices in the register of local land charges

11 3 The costs of registration and cancellation pursuant to clauses 11 2 above shall be met by the Owner if requested by the Council

12 NON-PROHIBITION ON DEVELOPMENT

Nothing in this Agreement shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission granted (whether or not on appeal)) after the date of this Agreement

13 THE CONTRACTS ACT

Save as provided in respect of the successors in title to the Site or any successor to the relevant statutory functions of the Council this Agreement shall not be enforceable by any third party pursuant to the Contracts (Rights of Third Parties) Act 1999 and no third party shall acquire any benefit rights or claims whatsoever pursuant thereto

14 COMMUNICATION

14 1 Any notice or document to be served on or sent pursuant to this Agreement shall either be delivered personally or sent by recorded delivery service,

14 1 1 to the Council and addressed to the City Solicitor at the Council's address first above written,

14 1 2 to the Owner and Mortgagee respectively at their last known addresses

15 FEES

15 1 The Owner shall pay forthwith to the Council its legal fees reasonably and properly incurred in preparation of this agreement

15 2 Receipt by the Council of the payment of such sum shall not create any lawyer-client type contractual relationship between the Council and the Owner nor absolve the Owner from any liability or obligation imposed upon them by the terms of this Agreement or by statute or at common law

15 3 The Owner shall on the date hereof pay to the Council the Management Fee

16 INTEREST

If any payment due under this Agreement is paid late Interest will be payable from the date payment is due to the date that payment is received

17 JURISDICTION

This Agreement is governed by and interpreted in accordance with the law of England

18 COMPLETION

The provisions of this Agreement (other than this clause which shall be of immediate effect) shall be of no effect until this Agreement has been dated

19. WARRANTY AS TO TITLE

The Owner hereby warrants to the Council that the title details recited in this Agreement are complete and accurate in every respect and no other person has an interest in the Site and hereby indemnifies the Council in respect of any loss that arises should there be any breach of this warranty

20 MORTGAGEE

20 1 The Mortgagee consents to this Agreement being entered into with the intention that its interest in the Site in the form of the Legal Charge will be bound by the terms of this Agreement as if this Agreement had been executed and registered as a local land charge before the execution of the Legal Charge

20 2 Notwithstanding clause 20 1, the Mortgagee will not incur any liability for any breach of the obligations contained in this Agreement unless and until they become a mortgagee in possession of the Site or any part of it

EXECUTED as a deed by the parties on the day and year first hereinbefore appearing

SCHEDULE 1

The Site

Land between Upper Brook Street, Kincardine Road And Grosvenor Street Manchester and shown for the purposes of identification only edged red on the Plan

SCHEDULE 2

Draft Planning Permission

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Williams Motor Co (Holdings) & Alliance
UBS Ltd
C/o Agent

Agent (if used)

Mr Neil Lucas
AshtonHale
Via Email

Part 1 – Particulars of the application/development

Proposal Full planning application for the demolition of existing buildings and erection of three ground floor + 12/14/29 storey buildings to be used for Purpose Built Student Accommodation (Use Sui Generis), comprising 983 bedrooms in total and 506sqm of ground floor ancillary uses (café/commercial and convenience store - Use Classes E (a)/(b)/(c)), three buildings comprising ground floor + 5/7/9 storeys for Science and Innovation uses (Use Class E (g)(i) & (ii)) and 834sqm ground floor community uses (retail/ cafés and medical facility (Use Classes E (a)/(b) and (e)), and the provision of new public realm, two new public squares, new access and parking, and associated works

Location Land Between Upper Brook Street, Kincardine Road And Grosvenor Street, Manchester

Date of application 4 August 2023

Application number 137401/FO/2023

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Minded to Approve** in accordance with the application and plans submitted subject to the condition(s) listed below (if any)

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter where early discussions took place regarding the siting/layout, scale, design and appearance of the development along with other matters. The proposal is considered to be acceptable and therefore determined within a timely manner.

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)

3) The following definitions are applicable in this planning permission as reference on drawing UBS-HBA-SW-ZZ-DR-A-081101 REV P2 'Illustrative Masterplan' received by the City Council, as Local Planning Authority, on the 1 November 2023

- Plots A1, A2 and A3 -PBSA Buildings with associated landscaping and public realm,
- Plots B1, B2 and B3 - Science and Innovation Buildings with associated landscaping and public realm

Reason - To allow relevant conditions to be discharged on a plot basis For the avoidance of doubt this is not a phased planning permission pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

4) No vegetation clearance shall take place during the optimum period for bird nesting (March - September inclusive) unless nesting birds have been shown to be absent, or, a method statement for the demolition including for the protection of any nesting birds is agreed in writing by the City Council, Local Planning Authority Any method statement shall then be implemented for the duration of the demolition works

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012)

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained with the Tree Impact Report received by the City Council, as Local Planning Authority, on the 1 December 2023, and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy

6) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work"

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy

7) Prior to the commencement of a plot of development (excluding demolition), a detailed construction management plan outlining working practices for that plot of development shall be submitted to and approved in writing by the Local Planning Authority

For the avoidance of doubt the construction management plans shall include

- o Display of an emergency contact number,
- o Communication strategy with residents,
- o Details of Wheel Washing,
- o Dust suppression measures,
- o Compound locations where relevant,
- o Location, removal and recycling of waste,
- o Routing strategy and swept path analysis,
- o Parking of construction vehicles and staff, and
- o Sheeting over of construction vehicles

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended

The plot of development shall be carried out in accordance with the approved construction management plans for the duration of the demolition and construction parts of the development

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012)

8) a) Prior to the commencement of a plot of the development, details of a Local Labour Proposal, in order to demonstrate commitment to recruit local labour for the duration of the construction of that plot of the development, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved document shall be implemented as part of the construction of the relevant plot of the development

In this condition a Local Labour Proposal means a document which includes

- i) the measures proposed to recruit local people including apprenticeships
- ii) mechanisms for the implementation and delivery of the Local Labour Proposal
- iii) measures to monitor and review the effectiveness of the Local labour Proposal in achieving the objective of recruiting and supporting local labour objectives

(b) Within one month prior to construction work for the relevant plot being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012)

9) Prior to the commencement of a plot of the development, all material to be used on all external elevations of the relevant plot of development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include the submission of samples (including a panel) and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, window reveals and soffits, details of the drips to be used to prevent staining in, ventilation/air brick and a strategy for quality control management

The approved materials shall then be implemented as part of the relevant plot of the development

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

10) Notwithstanding the details submitted in the Flood Risk Assessment and Drainage Strategy June 2023 WSP and Addendum Flood Risk Assessment and Drainage Strategy Addendum October 2023 WSP received by the City Council, as Local Planning Authority, on the 26 June 2023 and 2 November 2023 respectively, (a) the development shall not commence (excluding demolition works) until a scheme for the drainage of surface water from that entire development shall be submitted for approval in writing by the City Council as the Local Planning Authority. This shall include

- A finalised drainage layout showing all components, outfalls, levels, connectivity, and appropriate easements
- Maximised integration of green SuDS components (utilising infiltration or attenuation) if practicable
- Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates with the aim of reducing to the Greenfield runoff rates, as the site is located within Conurbation Core Critical Drainage Area. Existing runoff rates must be calculated from the existing drainage infrastructure where feasible
- Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connections will suffice
- Where public sewer assets are located onsite, evidence of agreement in principle from United Utilities to a proposed layout is required. An email accepting a proposed layout (including acceptance of relevant easements, abandonments, diversion plans) will suffice
- An existing and proposed impermeable areas drawing to accompany all discharge rate calculations

- Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment,
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 45% climate change in any part of a building,
- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements) Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site
- Hydraulic calculation of the proposed drainage system,
- Construction details of flow control and SuDS elements

(b) The development shall then be constructed in accordance with the approved details, within an agreed timescale

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012)

11) a) Notwithstanding the Upper Brook Street Masterplan Williams/Alliance UBS Limited Phase I Desktop Study, ROC Consulting, Reference RoCP Ltd/LD/AS/P1/4208, 17th May 2021, received by the City Council, as Local Planning Authority, on the 26 June 2023, prior to the commencement of a plot of the development (excluding demolition works), the following information shall be submitted for approval in writing by the City Council, as Local Planning Authority, to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site

(1) Additional site investigation, based on the information already submitted to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site

(2) The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken 3

(3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action

b) When a plot of the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy

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 policies DM1 and EN18 of the Core Strategy

12) If, during the development, contamination or conditions not previously identified as part of the agreed documents within condition 11 are found to be present at the site (or in the monitored vicinity) then no further operations in that part of the site shall be carried out until a strategy which details how this unsuspected circumstance shall be dealt with has been submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall then be implemented and then verified as required by condition 13

Reason - To ensure that the works to be undertaken do not contribute to, or adversely affect, unacceptable levels of water pollution from previously unidentified contamination sources pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012)

13) Prior to a plot of development hereby approved being brought into first use, and following completion of the remediation strategy approved as part of condition (11), a Completion/Verification Report shall be submitted for approval in writing by the City Council as Local Planning Authority. This shall demonstrate that the completion of works has been carried out in accordance with the approved remediation strategy and has been effective. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met

Reason - To ensure that the site has been appropriately remediated prior to the commencement of works associated with the redevelopment of the site, pursuant to policies EN17, EN18 and DM1 of the Manchester Core Strategy (2012)

14) Prior to the commencement of a plot of the development, details of the method for piling, or any other foundation design using penetrative methods shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented during the development

Reason - to ensure that piling does not harm groundwater resources, pursuant to policies SP1, EN17 and EN18 of the Manchester Core Strategy (2012)

15) Prior to the commencement of a plot of the development details for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes within the development have been submitted for approval in writing by the City Council, as Local Planning Authority. The scheme shall include

- Details of how redundant boreholes are to be decommissioned,
- How any boreholes that need to be retained, post development, for monitoring purposes, will be secured, protected and inspected

The development shall be implemented in accordance with the details and thereafter retained and maintained in situ

Reason - To ensure that any potential source receptor pathways are protected and/or appropriately decommissioned thereby ensuring that any risks to controlled water are mitigated pursuant to policies DM1, EN14 and EN18 of the Manchester Core Strategy (2012)

16) No development at each plot of the development shall take place (except for demolition of current buildings to slab/ modern ground level) until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted for approval in writing by the City Council, as Local Planning Authority. The WSI shall cover the following

1. Informed by the North West Regional Research Framework, a phased programme and methodology of investigation and recording to include

i - targeted archaeological evaluation

ii - informed by the above, more detailed targeted excavation (subject of a new WSI)

2. A programme for post investigation assessment to include

i - analysis of the site investigations records and finds

ii - production of a final report on the investigation results

3. Deposition of the final report with the Greater Manchester Historic Environment Record

4. Dissemination of the results commensurate with their significance

5. Provision for archive deposition of the report and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI

Reason: To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible pursuant to policies EN3 of the Manchester Core Strategy (2012) and saved policy DC20 of the Unitary Development Plan for the City of Manchester (1995)

17) Prior to the commencement of a plot of the development, an invasive species management strategy (excluding demolition works) including an updated survey carried out between March and October, shall be submitted for approval in writing by the City Council, as Local Planning Authority,

The agreed management strategy shall be implemented in full for the duration of the development

Reason: -In the interest of managing invasive species at the application site pursuant to policy EN14 of the Manchester Core Strategy (2012)

18) Prior to any vegetation clearance a reasonable avoidance measures method statement for hedgehog shall be submitted for approval in writing by the City Council, as Local Planning Authority,

The agreed method statement shall be implemented in full for the duration of the development

Reason -In the interest of minimising impact on hedgehogs at the application site pursuant to policy EN14 of the Manchester Core Strategy (2012)

19) Prior to the first use of a plot the development, details of the implementation, maintenance and management of the sustainable drainage scheme for that phase shall be submitted for approval in writing by the City Council, as Local Planning Authority

The scheme shall include the following

- Verification report providing photographic evidence of construction, and
- Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime

The approved scheme shall then be implemented in accordance with the details and thereafter managed and maintained for as long as the development remains in use

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012)

20) Each plot of the development shall be carried out in accordance with the Environmental Statement received by the City Council, as Local Planning Authority, on the 1 November 2023

A post construction review certificate/statement for each plot of the development shall be submitted for approval in writing, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority for that plot

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework

21) The Science and Innovation Buildings (Plots B1, B2 and B3) hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least an 'Excellent' rating Post construction review certificate(s) shall be submitted to, and approved in writing by the City Council as local planning authority, within six months of the buildings hereby approved being first occupied

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework

22)

23) Prior to the first use of a plot of the development hereby approved, full details of the specification and locations of bat and bird boxes, shall be submitted to and approved in writing by the City Council as Local Planning Authority The bat and bird boxes shall be installed prior to the completion of a plot of the development and therefore be retained and remain in situ

Reason - To ensure the creation of new habitats in order to comply with policy EN15 of the Manchester Core Strategy (2012)

24) (a) Prior to the first occupation of a plot of the development hereby approved, details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval in writing by the City Council, as Local Planning Authority. Externally mounted 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 5 dB (L_{aeq}) below the typical background (LA₉₀) level at the nearest noise sensitive location.

(b) Prior to the first use of a plot of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority. Any measures shall thereafter be retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

25) Prior to any above ground works, a scheme of acoustic insulation for the non-residential areas (gym, commercial uses, medical centre), within each plot of the development containing PBSA accommodation, shall be submitted for approval in writing by the City Council, as Local Planning Authority.

Where entertainment noise is proposed the L_{aeq} (entertainment noise) shall be controlled to 5dB 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 (L_{eq,5min}), respectively.

(b) Prior to the first use of those spaces within a relevant plot of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority. Any measures shall thereafter be retained and maintained in situ.

Reason - In order to limit the outbreak of noise from the commercial premises pursuant to policies SP1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995)

26) (a) Prior to any above ground works on a PBSA building, a scheme for acoustically insulating the proposed student accommodation (Plots A1, A2 and A3) against noise shall be submitted for approval in writing by the City Council as Local Planning Authority

There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved when providing adequate ventilation as defined by Approved Document F of the Building Regulations (whole dwelling ventilation)

Bedrooms (night time - 23 00 - 07 00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 15 times)

Living Rooms (daytime - 07 00 - 23 00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

Higher internal noise levels than those specified above may be allowed when higher rates of ventilation are required in relation to the overheating condition

Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively

The approved noise insulation and ventilation scheme shall be completed before the first occupation of the student accommodation plot C of the development

(b) Prior to the first occupation of the student accommodation within plot A1, A2 and A3, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met with windows and purge vent doors closed. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority. Any measures shall thereafter be retained and maintained in situ

Reason To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance pursuant to policies SP1, H1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995)

27) Prior to any above ground works associated with Plots B1, B2 and B3 'Science and Innovation Buildings' of the development hereby approved, details of the location of the waste storage and an accompanying waste management strategy for the relevant plot shall be submitted for approval in writing by the City Council, as Local Planning Authority

The approved scheme shall be implemented as part of the first use of the relevant plot and shall remain in situ whilst the use or development is in operation

Reason - To ensure adequate refuse arrangement are put in place for the Sci-Tech element of the scheme pursuant to policies EN19 and DM1 of the Manchester Core Strategy

28) Prior to any above ground works associated with Plots A1, A2 and A3 'PBSA Buildings' of the development hereby approved, details of the location of the waste storage and an accompanying waste management strategy for the relevant plot shall be submitted for approval in writing by the City Council, as Local Planning Authority

The approved scheme shall be implemented as part of the first use of the relevant plot and shall remain in situ whilst the use or development is in operation

Reason - To ensure adequate refuse arrangement are put in place for the PBSA element of the scheme pursuant to policies EN19 and DM1 of the Manchester Core Strategy

29) The development hereby approved shall include a building and site lighting scheme including details of illumination of external areas during the period between dusk and dawn and details of lighting being turned off when not in use Full details of such a scheme for each plot of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority before the first use of the development hereby approved

The approved scheme shall be implemented in full for each plot of the development prior to the first use of each plot and shall remain in operation for so long as the development is occupied

Reason - In the interests of amenity, crime reduction, personal safety, the safety of the tram lines and impact on the canal corridor in order to comply with the requirements of policies SP1 and DM1 of the Manchester Core Strategy (2012)

30) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority acting reasonably causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

31) The development hereby approved shall be carried out in accordance with the Crime Impact Assessment Greater Manchester Police received by the City Council, as Local Planning Authority, on the 26 June 2023

Each plot of the development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Manchester Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework

32) (a) Vehicular deliveries, servicing and collections including waste collections for the PBSA plots (A1, A2 and A3) shall not take place outside the following hours

Monday to Saturday 07 30 to 20 00

Sundays (and Bank Holidays) 10 00 to 18 00

(b) Prior to the first use of any of the Science and Innovation plots (Plots B1, B2 and B3) a detailed deliveries, servicing and collections management strategy for each plot of the development shall be submitted for approval in writing by the Local Planning Authority. The approved strategy shall be implemented in full at all times when the Science and Innovations plots hereby approved are in use

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

33) The student accommodation element of the development hereby approved shall be used as purpose built student accommodation (PBSA) (Sui Generis) during term time only (except that non-term time PBSA use by students is permitted when provided under the provisions of an individual PBSA tenancy which is principally for term time use) and for no other purpose of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) (including serviced apartments/apart hotels, or similar uses (other than the PBSA use specifically permitted by this condition) where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights)

Reason - To ensure that the accommodation is used solely for the intended purpose - student accommodation and to safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval, to safeguard the character of the area, and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework

34) The development hereby approved shall be carried out in accordance with the Interim Travel Plan (PBSA) (Ref J000370-TP01c) and Framework Travel Plan (Life

Sciences) (Ref J000370-TP02c received by the City Council, as Local Planning Authority, on the 3 August 2023

In this condition a Travel Plan means a document which includes

- i) the measures proposed to be taken to reduce dependency on the private car by those living and working at the development,
- ii) a commitment to surveying the travel patterns of residents/staff during the first three months of the first use of the building and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified Travel Plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the each plot of the development, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use

Reason - To assist promoting the use of sustainable forms of travel at the development, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012)

35) (a) Prior to the first occupation of the student accommodation (Plots A1 and A2) hereby approved, the cycle store and provision of 247 cycle stands as indicated on drawings 10450-SHP-ZZ-A-B5D8-G200-PL-M0-001-PO2 And 55 cycles at Plot A3 as indicated on drawing 10450-SHP-A3-A-B5D8-G200-PL-00-001-PO1 received by the City Council, as Local Planning Authority, on the 3 August 2023 shall be implemented and made available for the occupants of the relevant Plot of the development. The cycle store shall remain available and in use for as long as the development is occupied

(b) The number of cycle spaces shall be reviewed annually as part of the travel plan requirements of condition 34 of this planning permission (commencing from the date of this permission). The survey shall be completed within 7 days of each annual review date and the results of the survey provided to the City Council within 7 days thereafter. Any additional cycle spaces identified as part of this review shall be implemented within two months of approval of the annual agreement.

Reason - To ensure there is sufficient cycles stand provision at the in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012)

36) (a) Prior to the first occupation of the Science and Innovation Buildings (Plots B1, B2 and B3) hereby approved, the cycle store and provision of 270 cycle stands as indicated 110 cycles at Unit B1 as indicated on drawing UBS-HBA-B1-00-DR-A-080100-P1 and 70 cycles at Unit B3 as indicated on drawing UBS-HBA-B3-00-DR-A-080140-P1 as received by the City Council, as Local Planning Authority, on the 3 August 2023, and 90 cycles at Unit B2 as indicated on drawing UBS-HBA-B2-00-DR-A-080120-P2 received by the City Council as Local Planning Authority, on the 2 November 2023 shall

be implemented and made available for the occupants of the development. The cycle store shall remain available and in use for as long as the development is occupied.

(b) The number of cycle spaces shall be reviewed annually as part of the travel plan requirements of condition 34 of this planning permission (commencing from the date of this permission). The survey shall be completed within 7 days of each annual review date and the results of the survey provided to the City Council within 7 days thereafter. Any additional cycle spaces identified as part of this review shall be implemented within two months of approval of the annual agreement.

Reason - To ensure there is sufficient cycle stand provision at the in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

37)

38) Notwithstanding the TV and Radio Reception Study October 2023 (Issue 0 4) GTech Surveys, received by the City Council, as Local Planning Authority, on the 26 June 2023, within one month of the practical completion of a plot of the development, 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 study to identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out above shall be submitted for approval in writing by the City Council, as Local Planning Authority. The measures identified must be carried out either before each phase is first occupied or within one month of the study being submitted for approval in writing to the City Council as Local Planning Authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception - In the interest of residential amenity, as specified in policy DM1 of Manchester Core Strategy (2012).

39) All windows at ground level, unless shown otherwise on the approved drawings detailed in condition 3 shall be retained as a clear glazed window opening at all time and views into the premises shall not be screened or obscured in anyway.

Reason - The clear glazed window(s) is an integral and important element in design of the ground level elevations and are important in maintaining a visually interesting street-scene consistent with the use of such areas by members of the public, and so as to be consistent with saved policy DC14 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy (2012).

40) The development hereby approved shall include for full disabled access to be provided to all areas of public realm and via the main entrances and to the floors above.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Manchester Core Strategy (2012) policy DM1.

41) Prior to any above ground works relating to the PBSA Buildings (Plots A1, A2 and A3), details of the location, size and specification of the accessible bedrooms for the

PBSA (Plots A1, A2 and A3) (minimum of 5% of the PBSA accommodation) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented as part of the development and thereafter retained and maintained in situ.

Reason - In the interest of ensuring the accommodation is accessible to all pursuant to policy DM1 of the Manchester Core Strategy (2012)

42) Prior to the first use of a plot of the development hereby approved a signage strategy for the each building plot shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved strategy shall then be implemented and used to inform any future advertisement applications for the building.

A minimum of one projecting box sign would be acceptable for each commercial use (30mm thickness) and ground floor sign to commercial and community spaces should be situated behind the glass).

Reason - In the interest of visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

43) Prior to the first use of Plot B1, B2 and B3 Science and Innovation Buildings hereby approved, details of the specification, siting, scale and appearance of the solar panels to the roof (including cross sections) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented prior to the first use of the relevant Building and thereafter retained and maintained in situ.

Reason - In the interest of ensuring the solar panels are of the appropriate specification and appearance in the interest of the overall sustainability of the building and visual amenity pursuant to policies SP1, EN1, EN6 and DM1 of the Manchester Core Strategy (2012)

44) Prior to the first use of the external areas within each plot of the development, details of any external areas associated (including an Operating Schedule) shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The Operating Schedule shall contain the following details:

- a A scaled layout plan showing the proposed seating area, including layout of furniture and demarcation of the area,
- b Full details of the measures proposed to ensure that the proposed seating area is fully accessible by disabled people,
- c Details of the proposed furniture, including any barriers,
- d A detailed management strategy that includes information on how the proposed external seating area would be managed in terms of potential noise disturbance, additional movement and activity, litter and storage of furniture at night,
- e days and hours of operation

The approved plan shall be implemented upon first use of the development and thereafter retained

No amplified sound or any music shall be produced or played in any part of the site outside the building

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy

45) Prior to the first use of the roof terraces associated with Plot B1, B2 and B3 Science and Innovation Buildings, the opening hours for the roof terrace shall be submitted for approval in writing by the City Council, as Local Planning Authority

The roof terrace shall only operate in accordance with the roof terrace opening hours

There shall be no amplified sound or music used at the roof terrace

Reason - In the interest of residential amenity pursuant to policy DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995)

46) Prior to the first use of the roof terraces associated with Plots A1, A2 and A3 PBSA Buildings, the opening hours for the roof terrace shall be submitted for approval in writing by the City Council, as Local Planning Authority

The roof terrace shall only operate in accordance with the roof terrace opening hours

There shall be no amplified sound or music used at the roof terrace

Reason - In the interest of residential amenity pursuant to policy DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995)

47) Prior to the first use of the commercial units and medical centre, details of a scheme to extract fumes, vapours and odours from the relevant unit shall be submitted for approval in writing by the City Council, as Local Planning Authority (unless no kitchen extraction or cooking facilities are required) The approved scheme shall then be implemented prior to the first use of each of the relevant unit and thereafter retained and maintained in situ

Reason - To ensure appropriate fume extraction is provided for the non residential spaces pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC10 of the Unitary Development Plan for the City of Manchester (1995)

48) Prior to the first use of the commercial units and medical centre, a schedule of opening hours shall be submitted for approval in writing by the City Council, as Local Planning Authority The approved hours shall then be implemented and thereafter the uses shall operate in accordance with them

There shall be no amplified sound or any amplified music at any time within these spaces unless it can be shown as part of condition 25 that there would be no unacceptable impact on residential amenity

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy

49) Each commercial unit shall remain as one unit and shall not be sub divided or amalgamated without the benefit of planning permission being secured

Reason- In the interests of residential amenity and to ensure the future viability and vitality of the commercial units pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1, C5 and SP1 of the Manchester Core Strategy

50) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification)

- Plots A1, A2 and A3 three ground floor + 12/14/29 storey buildings to be used for Purpose Built Student Accommodation (Use Sui Generis), comprising 983 bedrooms in total and 506sqm of ground floor ancillary uses (café/commercial and convenience store Use Classes E (a)/(b)/(c))

- Plot B1, B2 and B3 three buildings comprising ground floor + 5/7/9 storeys for Science and Innovation uses (Use Class E (g)(i) & (ii)) and 834sqm ground floor community uses (retail (excluding convenience retail) cafés and medical facility (Use Classes E (a)/(b) and (e)),

Reason - In the interest of retaining the provision of office space and PBSA within the development pursuant to policies EC1, EC4 of the Manchester Core Strategy (2012) and the Oxford Road SRFG

51) Prior to the first use of each of the commercial units and medical centre in plots of the development, details of any roller shutters to the ground floor of the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. The shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first use of each of the commercial units within a plot of the development and thereafter retained and maintained in situ.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012)

52) No doors to commercial units (other than those designated as fire exits) shall open outwards onto adjacent pedestrian routes

Reason - In the interest of pedestrian safety pursuant to policy DM1 of the Manchester Core Strategy (2012)

53) Prior to the first use of the PBSA plots (A1, A2 and A3) within the development, the five disabled car parking spaces closest to those plots, as indicated on drawings 766-042-WCL-009-PO3, 766-042-WCL-010-PO3, and 766-042-WCL-011-PO3 received by the City Council, as Local Planning Authority, on the 24 November 2023 shall then be implemented, made available and remain in situ for as long as the development remains in use

Prior to the first use of the Science and Innovation plots (B1, B2 and B3) within the development, the four disabled car parking spaces closest to those plots, as indicated on drawings 766-042-WCL-009-PO3, 766-042-WCL-010-PO3, and 766-042-WCL-011-PO3 received by the City Council, as Local Planning Authority, on the 24 November 2023 shall then be implemented, made available and remain in situ for as long as the development remains in use

Reason - To ensure sufficient disabled car parking is available for disabled occupants of the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012)

54) Prior to the first occupation of the development, a detailed 30 year landscape environmental management plan (LEMP) for the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include details of how the public realm and hard and soft landscaping areas for the relevant development will be maintained including maintenance schedules and repairs. The LEMP shall then be implemented as part of the relevant phase of development and remain in for the duration of the plan

Reason - To ensure that the satisfactory landscaping scheme for the development is maintained in the interest of the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy

55) (a) The development hereby approved shall be carried out in accordance with the BNG Assessment June 2023 Penny Anderson Associate received by the City Council, as Local Planning Authority, on the 26 June 2023

(b) As part of each plot of the development, an updated version of the Biodiversity Net Gain Assessment shall be submitted to the City Council, as Local Planning Authority for approval. This will provide any updates required to the document approved under part (a) of this condition to reflect the detailed design proposals contained within that plot of the development, and any subsequent updates to the ecological assumptions required to meet a minimum overall target of 10% biodiversity net gain across the site

(c) Prior to the first use of each plot of the development agreed within part (a) of this condition, a verification report for that plot will be required to validate that the works undertaken at that stage conforms to the recommendations and required approved within part of part (b) of this planning condition including its contribution towards the minimum 10% biodiversity net gain

(d) In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the Biodiversity Net Gain Assessment. A verification report and measures shall be agreed until such a time as Construction Phases of development comply with parts (a), (b) and (c) of this planning condition

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ

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

Reason - In the interest of securing a biodiversity mitigation strategy for the Red Bank Neighbourhood pursuant to policies SP1, EN9, EN17 and DM1 of the Manchester Core Strategy (2012)

56) Notwithstanding the provisions Class O of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) any Class E office accommodation shall be retained for the purposes of Class E office accommodation within of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of Class E

Reason - To safeguard the office accommodation as part of maintaining the supply of suitable and sustainable office accommodation in this part of the City particularly accommodation suitable for small business pursuant to policies SP1 and EC1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework

57) Prior to the first use of the development a Delivery and Servicing Management Strategy for the Science and Innovation Buildings shall be submitted for approval in writing by the City Council, as Local Planning Authority. The strategy should work to ensure that servicing/delivery activities across all the buildings are co-ordinated to ensure efficient use of the proposed loading bays and service yard

The approved strategy, including any associated mitigation works, shall be implemented and be in place prior to the first occupation of the development and thereafter retained and maintained in operation

Reason - To ensure appropriate servicing management arrangements, are put in place for the development in the interest of highway and pedestrian safety pursuant to policy SP1 and DM1 of the Manchester Core Strategy (2012)

58) Prior to the first use of the development a Delivery and Servicing Management Strategy for the PBSA Buildings shall be submitted for approval in writing by the City Council, as Local Planning Authority. The strategy should work to ensure that servicing/delivery activities across all the buildings are co-ordinated to ensure efficient use of the proposed loading bays and service yard

The strategy shall include the following

- Details regarding management arrangements for the PBSA loading bay including infrequent plant maintenance movements. Such movements would also require banksman support as access will be required by reversing into the site from Kincardine Road
- Food/parcel deliveries including
 - o Designated delivery drop-off points. This could be a specific lobby area or a central location easily accessible to delivery drivers
 - o Provision of clear signage in common areas to guide delivery drivers to the drop-off point
 - o Inform all new residents on the designated drop-off point and any specific rules or guidelines they need to follow when receiving deliveries

- o Establish specific delivery hours for residents of the development where possible
- o Annual review how the drop-off process is working and encourage resident feedback
- o Set up a secure delivery holding area within the development
- o Signage to direct operatives to relevant areas,
- o Monitor Security Concerns

The approved strategy, including any associated mitigation works, shall be implemented and be in place prior to the first occupation of the development and thereafter retained and maintained in operation

Reason - To ensure appropriate servicing management arrangements, are put in place for the development in the interest of highway and pedestrian safety pursuant to policy SP1 and DM1 of the Manchester Core Strategy (2012)

59) Prior to the first occupation of PBSA buildings a Student move in/move out Operation Management Strategy shall be submitted for approval in writing by the City Council, as Local Planning Authority. The strategy should include provision of time slots and management arrangements as stipulated in the Transport Assessment received by the City Council, as Local Planning Authority, on the 3 August 2023

The approved strategy, including any associated mitigation works, shall be implemented and be in place prior to the first occupation of PBSA buildings of the development and thereafter retained and maintained in operation

Reason - To ensure appropriate servicing management arrangements for moving in and out of the development are put in place for the development in the interest of highway and pedestrian safety pursuant to policy SP1 and DM1 of the Manchester Core Strategy (2012)

60) Prior to any above ground works associated with the Science and Innovation buildings details of the siting, scale and appearance of boundary treatment shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented as part of the development and be in place prior to the first occupation of the development

The boundary treatment shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans

Reason - In the interest of visual amenity and security of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

61) Prior to any above ground works associated with the PBSA buildings details of the siting, scale and appearance of boundary treatment shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented as part of the development and be in place prior to the first occupation of the development

The boundary treatment shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or

without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans

Reason - In the interest of visual amenity and security of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

62) Notwithstanding the Chapter 11 - Wind June 2023 GIA and addendum report received by the City Council, as Local Planning Authority, on the 26 June and 2 November 2023 respectively, prior to any above ground works associated with a plot of the development, full and final details of the wind mitigation measures shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include siting, scale and appearance of any screens, siting, scale and species of any trees, hedges and planting

The approved details shall be implemented and be in place prior to the first use of a plot of the development and thereafter retained and maintained in situ for as long as the development remains in use

Reason - In order to ensure appropriate wind mitigation is put in place pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

63) Prior to the commencement of demolition at a plot of development, a detailed construction management plan outlining working practices for that plot of development shall be submitted to and approved in writing by the Local Planning Authority

For the avoidance of doubt the construction management plans shall include

- o Display of an emergency contact number,
- o Communication strategy with residents,
- o Details of Wheel Washing,
- o Dust suppression measures,
- o Compound locations where relevant,
- o Location, removal and recycling of waste,
- o Routing strategy and swept path analysis,
- o Parking of construction vehicles and staff, and
- o Sheeting over of construction vehicles

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended

The demolition at a plot of development shall be carried out in accordance with the approved construction management plans for the duration of the demolition and construction parts of the development

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012)

64) Prior to the first occupation of the PBSA buildings (Plots A1, A2 and A3), a student wellbeing strategy shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall be implemented as part of the first occupation of the development and thereafter retained

Reason - In the interest of ensure student welfare pursuant to policy DM1 of the Manchester Core Strategy (2012)

65) The development shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy June 2023 WSP and Flood Risk Assessment and Drainage Strategy Addendum October 2023 WSP received by the City Council, as Local Planning Authority, on the 26 June 2023 and 2 November 2023 respectively

Reason - To reduce the risk of flooding to the proposed development and future occupants pursuant to policy EN17 of the Manchester Core Strategy (2012)

66) Notwithstanding the flood mitigation measures outlined in the Flood Risk Assessment and Drainage Strategy June 2023 WSP and Flood Risk Assessment and Drainage Strategy Addendum October 2023 WSP received by the City Council, as Local Planning Authority, on the 26 June 2023 and 2 November 2023 respectively, full and final details of the flood mitigation measures for each plot of the development shall be submitted for approval prior to the commencement of the development. The approved measure for the development shall be implemented and a verification report confirming the measures have been implemented shall be submitted for approval in writing by the City Council, as Local Planning Authority, prior to the first occupation of the development.

The measures detailed shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To reduce the risk of flooding to the proposed development and future occupants pursuant to policy EN17 of the Manchester Core Strategy (2012)

67) Prior to the first occupation of a building within the development, a flood evacuation plan for that building shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved flood evacuation plan shall be implemented upon first occupation of that building and thereafter retained and maintained in situ.

Reason - To reduce the risk of flooding to the proposed development and future occupants pursuant to policy EN17 of the Manchester Core Strategy (2012)

68) Notwithstanding drawing 0983-RFM-XX-00-DR-L-0001 P04 received by the City Council, as Local Planning Authority, on the 1 November 2023, prior to any above ground works, details of how the landscaping between the plot boundaries shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include timescales for completing the landscaping for both ownership boundaries including any temporary arrangements and finishes should that be necessary. The approved details shall be implemented as part of the development.

Reason - to ensure there are satisfactory arrangements in place between the two ownership boundary to complete a compressive landscaping scheme including any short term temporary arrangements pursuant to policy SP1 and DM1 of the Manchester Core Strategy (2012)

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.

- 1) Under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.
- 2) The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
- 3) The developer or crane operator must contact Manchester Airports Control of Works Office at least 21 days in advent of intending to erect a crane or other tall construction equipment on the site. This is to obtain a tall equipment permit and to ascertain if any operating restrictions would be required. Any operating restriction that are subsequently imposed by Manchester Airport must be fully complied with.
- 4) You should ensure that any external wall treatments approved for planning purposes are discussed in full with Building Control to ensure they meet with the guidance contained in the Building Regulations for fire safety. Should it be necessary to change the external facade treatment due to conflicts with Building Regulations, you should also discuss the changes with the Planning team to ensure they do not materially affect your permission.

DRAFT DECISION

Date

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/appeal-planning-decision 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 or 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.

Right of challenge on planning application decision

A third party does not have a right of appeal against a decision on a planning application. Instead there is a right of challenge (a Judicial Review) which is limited to lawfulness of the procedure that we have taken in coming to that decision.

Any challenge must be based on the following and not the merit of the decision:

- Procedural irregularity
- Irrationality
- Illegality

Any application for permission to bring such a challenge (which is through the High Court) must be made within 6 weeks of the date of the decision being issued.

Appendix A



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

Standing Advice valid from 1st January 2023 until 31st December 2024

SCHEDULE 3

THE OWNER'S COVENANTS

The Owner hereby covenants with the Council as follows

- 1 To notify the Council in writing within 5 (five) Working Days of Commencement of Development
- 2 Not to allow first Occupation of the Market Student Accommodation Units until the Discounted Student Accommodation Units have been Completed and made ready for Occupation
- 3 To carry out and manage the Development in accordance with the Discounted Student Accommodation Statement
- 4 To use Best Endeavours to continue to employ the Architects as the lead architects throughout the construction period until Completion of the Development
- 5 Should either or both of the Architects not be appointed or continue to be appointed in accordance with paragraph 4 above the Owner shall immediately notify the Council of this fact and shall use Best Endeavours to appoint a replacement architect of a similar calibre and reputation as soon as reasonably practicable and shall notify the Council of the identity of the replacement architect immediately thereafter
- 6 ~~To implement the Waste Management Strategy prior to first Occupation of the Development and maintain this provision for the lifetime of the Development and~~ FOR THE AVOIDANCE OF DOUBT waste management and collection for the Development will be undertaken by a private company or, if the Council runs its own waste collection service on a commercial basis, the Council under a commercial agreement

SCHEDULE 4

THE COUNCIL'S COVENANTS

The Council hereby covenants with the Owner as follows

- 1 To issue the Planning Permission within two (2) Working Days of the date hereof

SCHEDULE 5

THE DISCOUNTED STUDENT ACCOMMODATION STATEMENT

This statement has been prepared in support of the development of Land Between Upper Brook Street, Kincardine Road And Grosvenor Street Manchester shown for the purposes of identification only edged red on the Plan, and addresses the provision of Discounted Student Accommodation

This statement may be amended by the Owner from time to time provided that such amendments are first approved by the Council in writing

This statement includes details of

- i the provisions governing the tenure and location of the Discounted Student Accommodation Units, which shall consist of not less than 22% (twenty two per cent) of the total number of Student Accommodation Units constructed on the Site,
- ii the arrangements for the management of the Discounted Student Accommodation Units,
- iii the arrangements to ensure that such provision is retained in perpetuity as Discounted Student Accommodation and is affordable for both the first and subsequent occupiers of the Discounted Student Accommodation Units, and
- iv the occupancy criteria to be used for determining the identity of occupiers of the Discounted Student Accommodation Units and the means by which such occupancy criteria shall be enforced

The following information is provided in respect of each of the criteria,

- i The initial scheme comprises of the following tenure and unit mix,

Tenure	Units
Discounted Student Accommodation Units	217

- ii The Owner shall notify the Council at the beginning of each academic year of the location of the Discounted Student Accommodation Units within the Development and each such Discounted Student Accommodation Unit shall not be used other than for *Discounted Student Accommodation during academic term times in that academic year*
- iii The Student Accommodation Units shall be of tenure blind design and for the *avoidance of doubt the Discounted Student Accommodation Units shall be of the same design, fit out and size as the equivalent Market Student Accommodation Units and the rent shall include all utility bills and use of the on-site gymnasium and amenity spaces*
- iv The Owner will be responsible to the Council under this Agreement for the management, control, future lettings and maintenance of the Discounted Student Accommodation Units. Nothing in this paragraph ii prevents or restricts the Owner from entering into operational management and maintenance arrangements with a third party (which might include a higher education institution) or entering into nomination arrangements with a higher education institution

- v Rent levels for the Discounted Student Accommodation Units will be set at a level of no more than 80% (eighty per cent) of rent level of the equivalent Market Student Accommodation Units
- vi The Owner shall use Best Endeavours to make the Discounted Student Accommodation Units available to Eligible Students and shall secure this each year as follows
 - a The Owner shall work with one or more Manchester Higher Education Institution to make the Discounted Student Accommodation Units available to Eligible Students in receipt of the full amount of the Maintenance Loan
 - b In the event the Owner is unable to allocate any number of the Discounted Student Accommodation Units to Eligible Students in receipt of the full amount of the Maintenance Loan, the Owner shall notify and provide written evidence to the Council of the steps taken to allocate those Discounted Student Accommodation Units to Eligible Students in receipt of the full amount of the Maintenance Loan
 - c If pursuant to paragraph (vi)(b) the Owner has demonstrated to the reasonable satisfaction of the Council (such satisfaction to be confirmed in writing and not to be unreasonably withheld or delayed) that it is unable to allocate any number of the Discounted Student Accommodation Units to Eligible Students in receipt of the full amount of the Maintenance Loan, the Owner shall work with one or more Manchester Higher Education Institution to make the unallocated Discounted Student Accommodation Units available to students in receipt of any amount of the means tested element of the Maintenance Loan
 - d In the event that the Owner is unable to allocate any number of the Discounted Student Accommodation Units to students under the provisions of paragraph vi(a) and (vi)(c) any unallocated Discounted Student Accommodation Units may be made available to any students whether or not in receipt of the Maintenance Loan
- vii The Owner shall provide a monitoring statement to the Council on an annual basis regarding the Discounted Student Accommodation in a form to be agreed between the parties which shall set out
 - a) the approach to letting the Discounted Student Accommodation Units,
 - b) the ongoing occupancy status of the Discounted Student Accommodation Units, and
 - c) how the Owner is meeting the requirements of The Discounted Student Accommodation Statement
- viii The Council and the Owner acknowledge and declare that the Owner may manage its Student Accommodation Units in a way that Market Student Accommodation Units may switch to Discounted Student Accommodation Units and vice versa as vacancies and nominations require PROVIDED THAT the minimum number of Discounted Student Accommodation Units is maintained at all times during academic term times

~~ANNEX 1~~

~~WASTE MANAGEMENT STRATEGY~~



THE COMMON SEAL of THE COUNCIL OF THE
CITY OF MANCHESTER was hereunto affixed in
pursuance of an Order of the Council of the said City:



[REDACTED]
AUTHORISED SIGNATORY
[REDACTED]

01126171

EXECUTED as a DEED

by WILLIAMS MOTOR CO (HOLDINGS) LIMITED

acting by a Director in the presence of:

Director

Signature of witness..... [REDACTED]

Name (in BLOCK CAPITALS)..... *John Penney*

Address.... [REDACTED]

Executed by BMW FINANCIAL SERVICES (GB) LIMITED

Acting by

M. DENNETT

Director

U. WINGFIELD

Director