

Planning

Growth & Development

Delegated Officer Report for Planning Application

Application no. 137227/FO/2023

Date registered valid: 26 June 2023

Proposal: Full planning permission for the demolition of existing structures and the erection of one residential building to a height of 71 storeys comprising 642 homes (Use Class C3) with food and drink uses (Use Class E) and / or drinking establishment (Sui Generis); and one office building (Use Class E); with basement car parking, cycle parking, landscaping and public realm, servicing and access arrangements, highways alterations and associated works.

Address: Plot D , Great Jackson Street, Manchester, M15 4NP

Ward(s): Deansgate Ward

Applicant: Renaker Build Ltd

Agent (if any): Mr. John Cooper Deloitte LLP

Case officer: Lucy Harrison
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1. Introduction

- 1.1 Planning and Highways Committee considered this application at their meeting on 29 August 2024 and resolved to be “Minded to Approve” this application subject to:

The signing of a legal agreement for a review mechanism for a financial contribution towards off site affordable housing, off-site tree planting and for off-site bio-diversity mitigation.

- 1.2 The scheme of delegation and powers conferred to the Planning and Highways Committee and to the Director of Planning, Building Control and Licensing are set out in part 2 below.

- 1.3 Since this resolution (in summary) there have been changes in planning policy at both a national, regional and local level. The changes are as follows:

- Revised National Planning Policy Framework (NPPF) published on 17 August 2026;
- Net Zero Design Guidance (March 2026) and Holcroft Moss Planning Obligations Joint Supplementary Planning Document (Holcroft Moss SPD) (adopted 8 May 2025) e issued by Greater Manchester Combined Authority (GMCA). The purposes of

these documents was to support the implementation of the adopted policies in the Places for Everyone Joint Development Plan (PfE);

- Manchester City Council published its Climate Change Action Plan 2025-30;
- Updated Flood Risk Mapping data published by the Environment Agency March 2025;
- The NPPF government guidance on Flood Risk and Coastal Change updated on 17 September 2025;
- The NPPF government guidance on Viability updated on 16 December 2025; and
- The Manchester Draft Local Plan Regulation 18 consultation issued in September 2025 with approval for a Regulation 19 consultation between 17 August 2026 and 28 September 2026.

1.4 The applicant has responded to the above changes in policy and guidance and submitted the following to the Council, which can be publicly viewed on Manchester City Council's website:

1.4.1 A Flood Risk Assessment Addendum V02 dated 4 August 2025 and Flood Sequential Test assessment dated August 2025 (both received by the LPA on 5 August 2025);

1.4.2 An Energy & Low Carbon Proforma dated 22 August 2025 (received by the LPA on 22 August 2025); and

1.4.3 A Technical Note on the Holcroft Moss SPD (dated and received 4 February 2026).

1.5 In addition, a viability assessment based on a Build to Rent (BTR) scheme (dated 25 November 2025, received by the LPA on 3 December 2025) has been submitted by the applicant and made publicly available on the City Council's website.

1.6 An independent review by Savills, for and on behalf of the City Council, of the BTR viability assessment (dated 22 January 2026, received by the LPA on 5 February 2026) has been made publicly available on the City Council's website.

1.7 Negotiations on the S106 agreement and the planning conditions have taken place and are summarised in this report below.

1.8 Four further objections have been received from an interested party since the application was presented to the Planning and Highways Committee as a result of the published draft Section 106 agreement together with objections relating to viability, affordable housing and the validity of the Holcroft Moss transport data and the ES data. The applicant has provided a response to these objections, which has been considered by officers.

1.9 A neighbour objection has been forwarded by Councillor Johns with concerns regarding traffic impact and the poor quality of the traffic report. The objections are summarised and considered below.

1.10 A revised application for the continued temporary use of the existing temporary concrete batching plant at Plot D (ref 142801/FO/2025) was approved on 19 June 2025. This assessed transport, noise and air quality impacts, taking into consideration the proposed development under consideration here.

- 1.11 More recently, the applicant voluntarily submitted an Environmental Statement Review Report (ESRR) in September 2026 reviewing whether the contents and conclusions of the ES and ES Addendum, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date considering the time elapsed since their production. The ESSR reviewed the ES and ES Addendum to determine if the changes in planning policy, together with an updated cumulative scenario since the ES was produced, would change the previous conclusions of the ES and ES Addendum.
- 1.12 The ESRR does not identify any new likely significant environmental effects when compared to the assessments and conclusions presented within the ES and ES Addendum. It further concludes that there would be no change to the likely significant environmental effects presented within the ES and ES Addendum. Therefore, it is considered that the findings of the assessments presented within the ES remain valid in light of the relevant updates to legislation, policy, guidance and baseline context on and surrounding the EIA site. It is further considered that the likely significant effects associated with the proposed development are fully understood and are fully assessed within the ES and ES Addendum. Therefore, it is considered that the ESRR does not comprise further Environmental Information or any other information as defined under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), as the information contained within the ESRR is not considered to be substantive information that is required by Regulation 18 (3) and (4) and/or Schedule 4 of the EIA Regulations. This is considered in further detail below.

2. Purpose of the Report

- 2.1 In line with the Openness of Local Government Bodies Regulation 2014/2095 and, in particular, Regulation 7 regarding the recording of decisions, the purpose of this report is to consider the following matters:
 - 2.1.1 Any further representations and consultation responses received on the applications since the Planning and Highways Committee meeting of 29 August 2024.
 - 2.1.2 Any new or changed material planning considerations arising between the Planning and Highways Committee meeting of 29 August 2024 and the completion of the S106 legal agreement in draft form and whether as a result the application should be returned to Planning and Highways Committee for further consideration before any planning permission is issued pursuant to the resolution of the original Committee.
 - 2.1.3 To demonstrate that the section 106 heads of terms before the original committee have been reflected in the finalised version of the S106 agreement published on 8 April 2026.
 - 2.1.4 Any amendments to the proposed conditions pursuant to those in the August 2024 Committee Report.
- 2.2 In producing this delegated report, officers of the City Council, as Local Planning Authority, have had regard to the tests set out in the *Kides case (R (On the application of Erine Kides) v South Cambridgeshire District Council [2002] EWCA Civ 1370)* as to circumstances when officers should refer applications back to Committee. This includes the requirements from paragraph 126 of the judgement as follows:

“126. In practical terms, therefore, where since the passing of the resolution some new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a ‘material consideration’ for the purposes of section 70(2), it must be a counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision.”

- 2.3 Officers have also had regard to the judgment in *R (oao Hardcastle) v. Buckinghamshire Council* [2023] Env LR 18 and have formed a view on whether considerations which have arisen since the ‘Minded to Approve’ resolution was passed in August 2024 fall into the ‘obviously material’ category. This issue is considered later in this report.
- 2.4 Manchester City Council’s Constitution (adopted May 2026) sets out how decisions are made. Functions relating to Town and Country Planning and Development Control are non-executive functions which Manchester City Council’s Constitution delegates to the Planning and Highways Committee (Part 3 Section C).
- 2.5 The Director of Planning, Building Control and Licensing also has the power to discharge the functions of Town and Country Planning under Part 3 section C of the Constitution, including power to determine applications for planning permission or permission in principle (Function I (1) Part 3 Section C) and the power to enter into agreement regulating development or use of land under Section 106 of the Town and Country Planning Act 1990 (Function I (8) Part 3 Section C).
- 2.6 The proposed development was considered by the Planning and Highways Committee on 29 August 2024 who resolved to be ‘Minded to Approve’ the application subject to a legal agreement for a review mechanism for a financial contribution towards off site affordable housing, off-site tree planting and for off-site bio-diversity mitigation. This “Minded to Approve” form of words is ordinarily used by the Council where the application is to be approved subject to the conditions set out in the Officer Report, but where there is a need to enter into a binding planning obligation before the planning permission can be issued.
- 2.7 Once determined on that basis by Committee, the Director has the power under section C of the Constitution to enter into Section 106 Agreements and then to determine the application and issue the permission.

3. Documents

- 3.1 The following application documents have been relied upon in the consideration of this application and are publicly available to view on Manchester City Council’s website unless otherwise stated:
 - The Planning Application submission documents:
 - Environmental Statement Volume 1;
 - Environmental Statement Volume 2;
 - Environmental Statement: Addendum;
 - Environmental Statement: Non-Technical Summary Addendum;
 - Environmental Statement Review Report;

- S106 Heads of Terms;
- Cover Letter;
- Cover Letter Addendum;
- Planning & Tall Building Statement;
- Planning & Tall Building Statement Addendum;
- Heritage Statement;
- Heritage Statement Addendum;
- Statement of Consultation;
- Design and Access Statement;
- Design and Access Statement Addendum;
- Townscape and Visual Impact Assessment;
- Noise and Vibration Assessment;
- Transport Assessment;
- Framework Travel Plan;
- Transport Note;
- Fire Statement;
- Geo-environmental Preliminary Risk Assessment;
- Flood Risk Assessment & Drainage Strategy;
- A Flood Risk Assessment Addendum;
- Flood Sequential Test assessment;
- Archaeological Assessment;
- Air Quality Assessment;
- Crime Impact Statement;
- Wind and Microclimate Assessment;
- Daylight and Sunlight Assessment;
- Ecological Survey & Assessment (including Bat Survey);
- Assessment of Biodiversity Net Gain;
- Biodiversity Net Gain Metric;
- Arboricultural Impact Assessment & Method Statement;
- Green and Blue Infrastructure Statement;
- Environmental Standards Statement;
- Financial Viability Assessment;
- Lighting Strategy;
- Ventilation Statement;
- Management Strategy;
- Construction Environmental Management Plan;
- Broadband Connectivity Assessment;
- Television Desk-Based Report;
- Technical Aerodrome Safeguarding Assessment;
- Local Labour Agreement;
- Landscape Management Report;
- Landscape Design Statement;
- Energy & Low Carbon Proforma;
- NPPF note;
- BTR Financial Viability Review; and
- Holcroft Moss SPD Technical Note.

3.2 The following policy/guidance documents have been relied upon in the consideration of this application and are publicly available to view on Manchester City Council's website unless otherwise stated:

- The Manchester Core Strategy (2012);
- The emerging Manchester Draft Local Plan;
- Saved Unitary Development Plan Policies (1995);

- Places for Everyone Joint Development Plan (2025);
- Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007)
- City Centre Strategic Plan 2015-2018
- Central Manchester Strategic Regeneration Framework – superseded
- Stronger Together: Greater Manchester Strategy 2013 (GM Strategy) (available to view on the Greater Manchester Combined Authority website: greatermanchester-ca.gov.uk)
- Manchester Residential Quality Guidance (July 2016) (available to view on the Good Homes Alliance website: kb.goodhomes.org.uk)
- Manchester Housing Strategy 2022-2032
- Residential Growth Strategy (2017) – Superseded
- Manchester Green and Blue Infrastructure Strategy 2015 and Implementation Plan Refresh 2021-25
- Great Jackson Street Development Framework May 2018
- Castlefield Conservation Area Declaration
- Our Manchester Strategy 2016-25
- Manchester: A Certain Future (available to view on the Pocacito website: pocacito.eu)
- Manchester Climate Change Board (MCCB) Zero Carbon Framework – This refers to the Manchester Climate Change Framework 2020-25 (available to view on the Manchester Climate Change Partnership and Manchester Climate Change Agency website: manchesterclimate.com)
- The Zero Carbon Framework – This refers to the update to the Manchester Climate Change Framework 2020-25 and is available to view on the Manchester Climate Change Partnership and Manchester Climate Change Agency website: manchesterclimate.com
- Climate Change and Low Emissions Implementation Plan (2016-2020) (available to view on the Greater Manchester Combined Authority website: greatermanchester-ca.gov.uk)
- The Manchester Climate Change Framework 2020-25 (available to view on the Manchester Climate Change Partnership and Manchester Climate Change Agency website: manchesterclimate.com).
- Manchester City Council Climate Change Action Plan 2025-30
- Manchester Climate Ready – The Plan 2025-2030
- Net Zero Design Guidance March 2025 (available to view on the Greater Manchester Combined Authority website: greatermanchester-ca.gov.uk).
- National Planning Policy Framework 17 August 2026 (available to view on the government website gov.uk).
- Flood Risk and Coastal Change Guidance (updated 17 September 2025) (available to view on the government website gov.uk).
- Viability Guidance (updated 16 December 2025) (available to view on the government website gov.uk).
- Holcroft Moss Planning Obligations Joint Supplementary Planning Document adopted 8 May 2025 (including Estimated Project Costs and Required Contributions document 2025).

3.3 Reference to the Central Manchester Strategic Regeneration Framework and the Southern Gateway area (Central Manchester SRF) is no longer relevant to the consideration of this application, as this has been superseded by the Great Jackson Street Development Framework.

- 3.4 Similarly, the Residential Growth Strategy (2017) (RGS) has been superseded by the Manchester Housing Strategy 2022-2032.
- 3.5 Members considered the application at Planning Committee in August 2024 against the Great Jackson Street Development Framework (endorsed by The Executive in October 2017 and updated in January 2018 following public consultation) and the Manchester Housing Strategy (2022-2032) and it is therefore considered that the superseding of the Central Manchester SRF and the RGS does not provide such new or altered material planning considerations that would have altered the Planning Officer's recommendation, led Members to make a different decision or changed the outcome of the application. It is the view of officers that these considerations are not realistically capable of causing the Council to have reached a different conclusion. In addition these considerations are referred to in this report and are therefore before the officer who makes the decision. This matter does not therefore require the application to be referred back to Planning Committee.
- 3.6 The proposals constitute EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ('EIA Regulations') and have been supported by an Environmental Statement (ES) and ES Addendum which has been subject to statutory consultation and detailed assessment. Following the submission of the ES and ES Addendum, a number of major planning applications have been submitted to the City Council, approved or been Minded to Approve by the City Council, including Viadux2 (Ref: 139715/FO/2024, Planning Committee Minded to Approve 29.5.2025); Plot 9B First Street (Ref: 141786, Approved 18.7.2025); and 2-4 Whitworth Street West (Ref: 141773/FO/2024, Planning Committee Minded to Approve 29.5.2025) proposals.
- 3.7 These planning applications were submitted to the City Council after this planning application and the production of the ES and its addendum. The ES and ES Addendum did not therefore include the planning applications listed at 3.6 within its cumulative assessment. The EIA for the planning applications at 3.6 did, however, include this planning application within their cumulative scenario.
- 3.8 The ESRR submitted voluntarily by the applicant has updated the cumulative scenario to include these planning applications. A review of each chapter in the ES has been undertaken in light of this. The ESRR concludes that there are no material changes to the baseline assessment that would impact upon the conclusions of the original ES and ES Addendum and, as set out in paragraph 1.1 above, it is considered that the ESRR does not therefore comprise further Environmental Information or any other information as defined under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) as the information contained therein is not substantive information that is required by Regulation 18 (3) and (4) and/or Schedule 4 of the EIA Regulations.
- 3.9 The City Council concurs with the findings of the applicant's conclusions in the ESRR. Officers are satisfied that, on the basis that there is no substantive change to conclusions of each chapter of the ES, this does not constitute further information under Regulation 25 of the EIA Regulations as the ES and ES Addendum contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.
- 3.10 The ESRR and continued relevance of baseline data are discussed further in Section 11 below.

- 3.11 Having taken the ES and ES Addendum materials, consultee responses, third party representations and any additional environmental information into account, officers are satisfied that the likely significant environmental effects of the proposals have been sufficiently identified and assessed, and that appropriate mitigation measures are proposed and can be effectively secured by the proposed planning conditions and/or S106 Agreement. It is considered by officers that the requirements of the EIA Regulations have been met and that sufficient information has been provided for the Council to assess the likely significant environmental effects of the proposals on the environment. It is further considered that there are no EIA related reasons that would warrant referral of the application back to Planning Committee on EIA-related grounds.

4. Objections

- 4.1 Five representations have been received since Planning and Highways Committee.
- 4.2 On 11 September 2024 Councillor Marcus Johns forwarded a representation made to him by a neighbour (who had already made representations directly to the Local Planning Authority prior to the application going to the Planning and Highways Committee), which makes observations on the submitted traffic report, giving examples of what they consider to be omissions and inconsistencies, including that the report has not considered the full impact of retail units on local traffic, use of LGVs and car pick ups.
- 4.3 The other four, received 1 August 2025, 27 February 2026, 24 April 2026 and 7 September 2026, are further objections from an interested party regarding the draft S106 agreement, affordable housing and the validity of the Holcroft Moss transport data and the ES data. The main points raised in these objections are summarised as follows:

Representation received 1 August 2025

- 4.3.1 The draft S106 agreement states that an affordable housing contribution would render the proposal unviable, but the applicant argues that their scheme is unviable irrespective of an affordable housing payment. This is illogical. Previous objections regarding the viability evidence have not been resolved.
- 4.3.2 Permitted Profit Level - The Savills report includes a non-standard disclaimer, stating that the report "*does not constitute a formal valuation, appraisal or recommendation*" and, in respect of the estimates and conclusions, "*their accuracy is in no way guaranteed*". This disclaimer should have been drawn to the attention of Members and Members should have been advised that the Council are not able to rely on the work of Savills, and that this therefore materially undercuts the weight that can be placed on its findings.
- 4.3.3 The draft S106 agreement defines a 'Permitted Profit Level' for different scenarios, including a Forward Fund, a Forward Sale and Open Market Sales. The applicant's report suggested that the minimum profit margin for private sale apartments should be 18%, but the S106 allows a profit margin of 20%, allowing the applicant to receive a higher profit. The applicant's report and the Savills report do not provide any assessment of the appropriate profit level for a forward fund, forward sale or any other structure for the development. This assessment should be provided to ensure the Viability in Planning process is transparent as required by the NPPF/PPG.

- 4.3.4 Calculation of Surplus - The suggested formula would result in a maximum of 40% of any surplus going to affordable housing (the applicant takes 20% with the remaining 80% split between them and the Council). This favours an increase in private sector profit over affordable housing and is neither reasonable nor logical. There has been no justification by the Council for this approach and it was not considered by the Committee.
- 4.3.5 This needs to be understood in the context of the Council accepting that the profit generated without affordable housing, does not meet the 18% profit on GDV, let alone the 20% set out in the S106. The appraisal concluded a profit margin of 7.21% on GDV, £24.2m, with no affordable housing. For the scheme to achieve a profit margin of 20% it would need to improve in performance by £67.2m (this is to achieve 20%, if that improvement is based on value increase). The applicant would take 50% of any surplus generated. For the scheme to generate the amount required for policy compliance (circa £33.2m), profits would need to improve by circa 400%. It should have been made clear to members how unlikely it is that a policy-compliant affordable housing contribution will be made in order for them to make any proper assessment of the planning application. They should also have been informed that the applicant would receive 50% of any surplus and a justification provided.
- 4.3.6 The profit on GDV should be at the level that Renaker state they will deliver the development, which is 7.21% not 20%. The agreement reached between parties was that the development was unviable irrespective of contributions to affordable housing.
- 4.3.7 Renaker state that they would proceed on a 7.21% profit but an affordable housing contribution would make the scheme undeliverable/unviable. On this basis, should any profit be made above 7.21%, it would be beyond that required to secure delivery of the scheme.
- 4.3.8 PPG is very clear how review mechanisms should be utilised in both plan making and decision taking. It is stated that:
- "Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project." (Para 009).*
- 4.3.9 The Council's approach is contrary to the final sentence of the PPG guidance above, as it creates a method which will be used as a tool to protect return to the developer and by its very nature weakens the Council's ability to seek policy compliance. Surrounding boroughs seem able to secure affordable housing through the s106 process, e.g. Trafford expects developers to fund the delivery of affordable housing.
- 4.3.10 Parts of Manchester City benefit from the highest residential values in the North of England, yet it is purportedly impossible to secure affordable housing

through s106 in the most valuable areas. It is very difficult to understand how so many major developments in Manchester struggle with viability. This requires further investigation by the Council and further testing of Renaker's evidence before permitting these schemes to proceed.

- 4.3.11 The applicant continually fails to deliver affordable housing in Manchester. Members were advised at last Committee that planning permission should be granted on the basis of the applicant's track record in delivering schemes in this area in similar circumstances. The full picture should have been provided to prevent members from being misled.
- 4.3.12 The applicant has benefitted from hundreds of millions of pounds of public money, in the form of loans from GMCA. A pattern has emerged of: (i) Renaker submit schemes contending that they have a very low profit margin and should not be required to deliver affordable housing; and (ii) they seek loans from GMCA on the basis that the same scheme has a sufficient profit margin to be provided with loans. Renaker's contracting arm undertakes these developments and profits routed through the contracting business may not be factored into the viability assessment. This should be interrogated to ensure the robustness of the viability appraisal.
- 4.3.13 The objector is represented by Vardags Limited, who wrote to the Chief Executive in October 2024, to set out its concerns over the loans made to Renaker by GMCA (copy attached). Noting the quote from the former CEO of the GMCA that "*We [i.e. GMCA] have not turned down a single viable scheme*". The content of this letter should be drawn to the attention of the planning committee as it is clearly material to their consideration of the application.
- 4.3.14 The issue of loans to Renaker was recently considered by the Competition Appeal Tribunal. While the tribunal were not asked to make a ruling on the viability of the Application, they did comment on the differing approach of the FVAs submitted during the planning application process and then the information that was provided for the purposes of obtaining loans from GMCA. The judgment noted that:
- "The FVAs were submitted to Manchester City Council to obtain a waiver of any requirement that 20% of the developments should be allocated for affordable housing on the basis that such a requirement would make the projects unviable. The waivers were given by Manchester City Council, as it was lawfully entitled to do so, which had the effect of improving profitability. FVAs were general and prepared for a different purpose. More specific and up to date information was relied upon for the purposes of the 2024 Renaker Loans. There were solid grounds to conclude that the developments were both viable and profitable, and this would have been reinforced by the Red Book reports."*
- 4.3.15 This highlights that "*more specific and up to date information*" has demonstrated that, for the purposes of obtaining the loans, the relevant schemes were "*both viable and profitable*". This highlights the importance of reassessing the position of the Application now, to ensure that the maximum level of affordable housing is secured.
- 4.3.16 The nearby Renaker schemes of Trinity and Contour are excellent comparables to the Application. The FVA for Trinity (November 2021) shows

that there would need to be an improvement of £44,212,185 in the appraisal to achieve Renaker's minimum profit requirement to make the scheme viable. The FVA for Contour (October 2021) shows that there would need to be an improvement of £25,993,635 in the appraisal output to achieve Renaker's minimum profit requirement to make the scheme viable.

- 4.3.17 The Application and Plots C/E - The viability submissions for this application and for Plots C/E were made at the same time that Renaker began to or was in the process of making an application to the GMCA for approximately £140m of loans in respect of Trinity and Contour. If Renaker are being consistent with their appraisal inputs for tower developments, their appraisals for the loan applications and the various FVAs will have included the same or, at the very least, similar input figures. The input figures contained in the FVAs for Plots C/E and the Application resulted in a conclusion by Renaker that both schemes were demonstrably unviable, irrespective of contributions.
- 4.3.18 Renaker originally submitted their own FVA and then appointed Roger Hannah to produce an updated FVA for both schemes. Roger Hannah concluded that both projects were now even more unviable than they had been the previous year when Renaker had carried out their own assessment. This conclusion coincided with the submission of Trinity and Contour to GMCA for loan approval. At a similar time, the Council confirmed that the Renaker development at Crown Street Phase 1 (ref:119806/FO/2018), a residential tower development, had undertaken the reappraisal payment calculation and accepted that the development had not achieved any surplus and thus no affordable housing contributions would be forthcoming.
- 4.3.19 Roger Hannah's commentary in the FVAs for this application and Plots C/E shows that market conditions have deteriorated over the past 18 months to 2 years but that Renaker are prepared to proceed in the full knowledge that the scheme is inherently risky and unviable. The deterioration of market conditions would necessarily impact both Trinity and Contour, which were already considered to be unviable in 2021. Notwithstanding this, loan applications were successfully made in 2024, for a combined sum of up to c.£140m. The loan applications could not have been approved for an unviable scheme. Therefore, it must be assumed that the viability of the schemes must have been found to have significantly improved between 2021 and 2024, in spite of the worsening marketing conditions. This calls into question the reliability of the viability evidence prepared by Roger Hannah and reviewed by Savills, on which the Council is now acting in determining these applications. If Contour and Trinity are being viably delivered and securing public loans, it is impossible to understand how the Application and Plots C/E are in such a different position.
- 4.3.20 Renaker have been granted planning consents for 8,500 apartments by the Council since 2016 (this application and Plots C/E included in that figure). If these consented schemes had delivered 20% affordable units, then 1,700 of the apartments, would have been affordable homes. Renaker's total contribution by way of commuted sums across their consents for 8,500 homes is £487,000, which is the equivalent of less than four affordable homes. The Council's approach of continuing to approve large schemes with no delivery of affordable housing seriously calls into question their ability to achieve the target of 10,000 affordable homes between 2022 – 2032.

4.3.21 Overall, there have been zero S106 affordable houses delivered between 19/20 to 23/24 out of a total delivery of 15,288 houses. The number of market homes is 20% higher than anticipated and affordable homes required to meet the identified need are not provided. In the case of Renaker, the 1,700 affordable homes anticipated by policy which have not been delivered are all still required to meet the identified need. It is not clear what measures the Council are putting in place to address this backlog. It is clear though that the housing market has become, and will continue to be, imbalanced as a result of the Council's approach.

Representation received 27 February 2026

4.3.22 The viability assessments of the BTR model by Roger Hannah and Savills still provide no evidence base or justification for setting the Permitted Profit Levels for the different funding/sale routes within the draft S106.

4.3.23 A lack of transparency remains over: (i) who set the Permitted Profit Levels; and (ii) what evidence base was used.

4.3.24 Roger Hannah state that they have “*tested against a profit level of 12% on cost as stated within the draft S106 Agreement*” – this is insufficient and they should consider whether it is an appropriate level and, if so, why.

4.3.25 It is unclear why the S106 seeks to set a permitted profit level of 20% of GDV for open market sales, when the previous Roger Hannah and Savills work (dated March 2024 and August 2024) adopted a minimum target of 18%.

4.3.26 Roger Hannah and Savills both suggest the development, as BTR, performs less well than an open market sale scheme, which raises issues of deliverability.

4.3.27 The Roger Hannah BTR assessment and review by Savills do not address the other objections raised in the representation of 1 August 2025 and there is nothing on the planning portal to show that these issues have been addressed, putting any decision at risk of judicial review.

4.3.28 Previous concerns raised on 1 August 2025 do not appear to have been addressed, in particular:

- Renaker's contracting arm undertake these developments and profits routed through the contracting business may not be factored into the viability assessment;
- Renaker contending that their schemes have a very low profit margin so should not pay affordable housing, but then seeking loans from GMCA presumably on the basis that the scheme has sufficient margin to be provided with loans; and
- The accuracy of including a 'public realm' contribution in a previous viability appraisal – a response to this issue should be made publicly available.

4.3.29 The Holfcroft Moss SPD Technical Note relies on 2022 traffic survey data in assessing the transport impacts. This data is now materially out of date and cannot be relied upon, so the surveys must be brought up to date.

- 4.3.30 Given the time elapsed since the application was submitted, the Council must consider what information remains up to date and capable of being relied upon. Outdated baseline data undermines the ability of the environmental statement (ES) to support a lawful assessment of likely significant environmental effects.
- 4.3.31 Regulation 18 (4) (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 states that an environmental statement must:
- “(b) include the information reasonable required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment”.*
- 4.3.32 The ES relying on outdated baseline data means the Council cannot make a *reasoned conclusion* required by Regulation 18 (4) (b).
- 4.3.33 The Holcroft Moss Technical Note anticipates that a financial contribution will be secured within the S106 agreement. This contradicts the findings of the financial viability reviews, which argue that the scheme cannot support any planning obligations.
- 4.3.34 The Council should clarify if an obligation has been offered and, if so, how much.
- 4.3.35 It is not clear if the scheme is complying with the Holcroft Moss SPD, a point which Members should be made aware of. This reinforces the importance of taking the application back to committee for re-consideration by members, given the changes in circumstances and the passage of time.

Representation received 24 April 2026

- 4.3.36 The previous objections have not been responded to or addressed by the Council.
- 4.3.37 The amended draft S106 now includes the Holcroft Moss Contribution and sets a permitted profit level of 12% for a BTR scheme. The Council has not explained how this additional financial contribution has been negotiated, in the context of Renaker’s argument that the development cannot viably support any planning obligations, raising questions over the reliability of the viability evidence and the potential for the development to support further planning obligations.
- 4.3.38 With regard to the permitted profit level for BTR, a lack of transparency remains over: (i) who set the Permitted Profit Levels; and (ii) what evidence base was used.

Representation received 7 September 2026

- 4.3.39 In their viability review Savills stated that “it has since been confirmed that public realm costs are not part of a S106 contribution and remain part of the general development costs”. Confirmation is requested as to: who confirmed this; when was it confirmed; in what document and whether that document is held; and whether the same confirmation was given in respect of application 137226/FO/2023.

- 4.3.40 The above question has been put twice before and not answered.
- 4.3.41 The Council's previous reviewer raised the same point in February 2022 in relation to Trinity Islands (planning application 132429/FO/2021), and its cost consultant could not verify the figure; likewise on Plot F (132199/FO/2021). Confirmation is sought as to: was further justification obtained and is this on the Planning Register? If not obtained, on what basis was the figure reported to Committee accepted? Were members told that the figure was unverified? Has the same question been asked of the applicant in respect of public realm on this present application?
- 4.3.42 On earlier schemes the Council has taken different positions in relation to whether public realm is treated as a development cost or a section 106 cost. Which treatment is correct? If the current approach of it being a development cost is correct, were the reports on the earlier schemes correct at the time; and when did the Council's approach change and what record exists of that change?
- 4.3.43 Details are requested on viability material for earlier schemes.
- 4.3.44 Has the applicant ever been asked to provide the remainder of its viability assessment as requested on 29 September 2023? If not, why not?
- 4.3.45 Previous requests for a meeting have not been answered.
- 4.3.46 Information is requested regarding the late-stage viability review undertaken for Crown Street Phase 1 (planning application 119806/FO/2018).
- 4.3.47 The draft section 106 agreement for this application sets a permitted profit level of 20%. However, none of the favourable sensitivity cases tested by Savills would reach 20%, so it is unclear how the Council expects any payments to be triggered. Paragraph 10-009 of the Planning Practice Guidance states that review mechanisms are not a tool to protect a return to the developer. On what basis is the Council satisfied that the review mechanism proposed on these applications is capable of operating, and on what evidence base was the return at which it engages set?
- 4.3.48 Information is requested with regard to the finance rates in relation to the Trinity Island and Plot F planning applications.
- 4.3.49 The affordable housing contribution foregone on the schemes mentioned above may be substantial and the Council is asked to calculate this.

5. Consultations

- 5.1 Following the submission of the Flood Risk Assessment Addendum V02 dated 4 August 2025 and Flood Sequential Test assessment dated August 2025, the following consultees were re-consulted:
- 5.1.1 Flood Risk Management Team (consultee comment 3 September 2025) – Recommends SuDS conditions.

- 5.1.2 Environment Agency (consultee comment 19 August 2025) – No further comments.
- 5.1.3 United Utilities (consultee comment 23 October 2025) – Recommends SuDS conditions and that the proposal meets planning policy requirements regarding water use.
- 5.1.4 Highways (consultee comment 9 September 2026) - Highways agree that the conclusions of the 2023 ES remain valid in terms of traffic and transport.

6. Updates to Policy/Guidance

6.1 Revised NPPF (17 August 2026) – Relevant Updates

- 6.1.1 The revised NPPF (August 2026) reflects the Government's overarching objectives to re-build the economy, deliver more homes and mitigate and adapt to climate change in order to achieve sustainable development. Decisions should “play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area” (section 1 paragraph 18). The following policies of the revised NPPF are considered to be material in planning terms and relevant to the consideration of this application.

S3: Presumption in favour of sustainable development – applies a presumption in favour of sustainable development. The proposal accords with the development plan and the NPPF and should be approved without delay.

S4: Principle of development within settlements – The benefits of approving this proposal would not be outweighed by any adverse effects (including those set out in part 2a-c) and should therefore be approved.

CC2: Mitigation of climate change – The proposal is close to Deansgate tram and train interchange and bus routes. It would improve opportunities for walking, wheeling and cycling and would provide EVC infrastructure. It is a mixed use scheme in a highly sustainable location within walking distance of the amenities and facilities within the city centre, including the school and doctor's surgery at Crown Street. The Environmental Standards Statement (ESS) demonstrates that the proposal would accord with principles that promote energy efficient buildings, integrating sustainable technologies from conception, through feasibility, design and build stages and in operation. The reuse of existing materials would be captured through demolition/construction management plan conditions for each phase. Mitigation of climate change is discussed in more detail in section 6.3 below.

CC3: Adaptation to climate change – The proposal includes sustainable drainage systems, which would be conditioned, and is in an area where the risk of flooding is minimised or can be managed as discussed in section 6.3 below. It includes tree planting and the buildings are designed to reduce the risk of overheating, which would be conditioned.

HO7: Meeting the needs for homes - The scheme would provide an efficient, high-density development, providing 642 homes in a sustainable location. It

would provide a range of accommodation sizes and help to create a sustainable, inclusive and mixed community.

HO8: Providing affordable homes - The development would not be able to support any affordable housing, however, this would be reviewed at a later date through a viability review mechanism in the S106 agreement.

HO13: Build out of residential and strategic sites – the applicant has built out a number of major housing developments within the city and the statutory default timescale of three years is considered appropriate in this instance.

E2: Meeting the need for business land and premises – This is a mixed use scheme that would provide significant floor space for commercial businesses to provide services and facilities that would support the local economy.

L2: Making effective use of land – The development would provide homes and other uses on a brownfield site in temporary use.

L3: Achieving appropriate densities – This would be a high density development in line with the SRF for the area, providing a mix of housing sizes in a sustainable location close to the Deansgate tram and train interchange and bus, walking and cycling routes. It would provide well designed buildings with improved public realm.

DP3: Key principles for well-designed places – This is a high density development that would be in keeping with the context of the area and, whilst there would be some harm to the settings of heritage assets this would not be substantial and the harm identified outweighed by the public benefits of the proposal, as set out in the committee report. The proposal would meet the seven features of well-designed places, with a range of uses, public realm and residents' amenity spaces; a range of measures to mitigate climate change and aid the transition to net zero; an improved area of public realm including tree planting, and incorporation of sustainable drainage systems; the improvement of walking and cycling routes around and within the site, and close proximity to public transport infrastructure; the proposal would help to define the arrangement of streets and other spaces within the SRF; the buildings are high density to optimise the site's potential; the amenities proposed would facilitate social interaction and help to create a healthy, safe community, with adequate lighting and increased natural surveillance; and it would create a strong sense of place by using a coherent palette of materials and creating high quality public realm.

DP4: The design process – The proposal has undergone substantial design review and pre-application engagement. Conditions are proposed to ensure the quality of the proposal is achieved, including a requirement within the S106 agreement to retain the architect for the scheme.

TR3: Locating development in sustainable locations - The applicant has stated that the ES and TA methodologies were based on the principles in the 2023 NPPF and that this has produced traffic forecasts that are higher than would be the case had a vision-led scenario, based on more sustainable outcomes, aligned to the aims and objectives of the Framework Travel Plan, been adopted. As the traffic data represents a worst-case scenario, it is considered that this represents the most robust position within which to understand and

assess traffic impact. The ES and TA show that the proposal would not have significant adverse impacts on the highway network. The Local Planning Authority concurs with this assessment. This is a highly sustainable site in the city centre of Manchester where the development and any new residents, would have access to sustainable transport options which would be encouraged and promoted through the travel plan in line with the current NPPF. The Air Quality Assessment concludes that no specific mitigation measures are required for the homes and the proposal incorporates measures to reduce air quality impacts, including: up to 20% Electric Vehicle Charging Points on a demand-led basis; 100% cycle parking spaces; improvements to pedestrian and cycle links; and Travel Plan implementation.

TR4: Street design, access and parking – The proposal would improve the street layout within the site providing improved well lit footways, accessible car and cycle parking and EVCs. A condition requiring a deliveries/servicing management strategy would be attached.

TR6: Assessing transport impacts – The proposal is supported by a Transport Statement, which is considered to be relevant and valid, which does not show severe adverse impacts on the transport network. It is supported by a framework Travel Plan, which would be conditioned.

TR8: Public rights of way – The proposal would enhance the public rights of way through the site.

HC3: Community facilities and public service infrastructure serving new development - The buildings would provide amenities including gyms, private gardens, private dining spaces and residents' lounges, and would be close to the school and doctor's surgery at Crown Street.

HC4: Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits – The proposal would provide improved public realm, as well as amenities for the communities within the buildings.

P2: Ground conditions - A Phase 1 Preliminary Risk Assessment shows the possibility of some on site contamination. A condition should ensure that adequate measures are undertaken to prevent risks from contamination and requiring a verification report following completion of site works.

P3: Living conditions and pollution – The submission addresses issues such as daylight and sunlight, air quality, noise, ground contamination. These issues have been assessed in line with the relevant regulatory regimes and are covered within the committee report. Conditions regarding ground contamination, noise, lighting and air quality are attached.

P4: Impact of development on existing activities – There are no activities in or around the site that would be negatively affected by the proposal.

P5: Maintaining public safety and security – The proposal is supported by a Crime Impact Statement and a condition requiring Secured by Design accreditation is attached. The proposal would result in improved highway safety, including a raised traffic table on Great Jackson Street.

F4: Assessing flood risk for decision-making – A flood risk assessment has been carried out for the site and this is discussed in more detail below (section 6.2).

F5: The sequential test - Embedded mitigation has been included in the design negating the need for a sequential test (see section 6.2 below).

F6: Development in areas at risk of flooding from rivers or the sea – As set out in section 6.2 below, the proposal is compatible with the risk from river or sea flooding and an exception test is not required.

F7: Ensuring development is safe from flooding – The proposal has embedded mitigation against flooding and would not increase flooding elsewhere.

F8: Sustainable drainage systems and watercourses – a condition requiring the implementation and maintenance of a sustainable drainage system is attached.

N2: Improving the natural environment – The application was submitted prior to 10% biodiversity net gain (BNG) being mandatory, however, the applicant has agreed to make an off-site contribution via the S106 agreement. Conditions are attached to ensure the protection of nesting birds and to secure ecological enhancements.

N3: Trees in new development – New trees are proposed with details of these and their maintenance subject to conditions.

HE4: Securing the conservation of heritage assets – The proposal would cause harm to the settings of heritage assets but this would be outweighed by the public benefits of the proposal.

HE5: Assessing effects on heritage assets - The submission includes a heritage statement which adequately assesses the effects of the proposal on nearby heritage assets.

HE6: Proposals affecting designated heritage assets - The proposal would cause harm to the settings of heritage assets but this would be outweighed by the public benefits of the proposal.

HE7: Decisions on non-designated heritage assets – It is considered that the proposal would not have an impact on non-designated heritage assets.

HE9: Conservation Areas – The proposal would have a negligible impact on the settings of Castlefield Conservation area and Deansgate Peter Street Conservation Area.

6.2 Environment Agency Flood Map Data 2025

- 6.2.1 In March 2025 the Environment Agency (EA) updated the Flood Map for Planning with new data, including updated flood zones, surface water risk information, and climate change impact projections. The update incorporates the latest National Flood Risk Assessment (NaFRA2) data.

- 6.2.2 The applicant submitted a Flood Risk Addendum and a Flooding Sequential Test in August 2025, which take into account the latest mapping data available.
- 6.2.3 The site is still located within Flood Zone 1 meaning that the fluvial flood risk conclusions of the original Flood Risk Assessment (FRA) remain valid.
- 6.2.4 Regarding the risk of flooding from surface water, the updated EA data indicates that there are pockets of areas within the site that are susceptible to surface water flooding, with its annual exceedance probability being 0.1% (1 in 1,000) chance of flooding each year. It is noted that the majority of the site is considered at 'very low' risk of surface water flooding, with a minor occurrence of surface water flooding on roads bordering the site which will be confined to the roads where levels are lower, i.e. Melbourne Street. There is one localised area of potential surface water flooding within the site at 'medium' risk.
- 6.2.5 Mitigation measures would be employed including:
- finished floor levels above predicted flood levels;
 - drainage network designed for 1-in-100-year storm + 45% climate change allowance;
 - reduced outflows; and
 - attenuation tanks and permeable paving to provide storage volumes.
- 6.2.6 Overall, when the post-development context is considered i.e. with the drainage system in place, the site would be at 'low' risk of surface water flooding.
- 6.2.7 The recommended SuDS condition for each phase should be amended to take into account the above flooding risks.
- 6.2.8 The applicant has submitted a Sequential Test under Paragraph 174 of the National Planning Policy Framework (2024). This has considered the current Manchester City Council Five Year Housing Land Supply Statement (2024), SHLAA, extant planning permissions and sites for sale on the open market, and has identified no reasonably available sites appropriate for the proposed development in areas with a lower risk of surface water flooding. It demonstrates therefore that there are no sequentially preferable locations that are reasonably available and suitable for the proposed development. However, under the updated NPPF guidance on Flood risk and coastal change (paragraph 27) and policy F5 of the NPPF, the submitted sequential test is no longer required for the scheme, as embedded mitigation has been included in the design as set out in paragraph 6.2.5 above.
- 6.2.9 In accordance with policy F6 of the NPPF, identifying proposed dwellings uses as "More Vulnerable" and the site's location within Flood Zone 1, as assessed within Table 3 of Annex F of the NPPF, an Exception Test is not required.

- 6.2.10 Given the above, it is considered that, subject to an updated SuDS condition for each phase, the proposal would have an acceptable impact on the proposed development and surrounding neighbours in terms of flood risk.
- 6.2.11 The proposal would achieve a calculated daily consumption of <105 litres/person/day, bettering the mandatory water efficiency standard of 125 litres/person/day as set out in Building Regulations.
- 6.2.12 Flood risk and drainage was scoped out of the Environmental Statement (ES) (June 2023). Further to the assessment against the updated EA data above, it is considered that the effects of the development would not be significant enough to warrant inclusion within the ES and this information is therefore not necessary to meet the requirements of regulation 18(3) and (4) of the EIA Regulations. It does not therefore comprise further Environmental Information or any other information as defined under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6.3 Net Zero Design Guidance March 2026

- 6.3.1 Places for Everyone was adopted in March 2024. The committee report, published in August 2024, considered this planning application against the relevant policies in PfE including JP-S2.
- 6.3.2 In March 2026, the GMCA published Design Guidance for Net Zero: Guidance for applicants on how to design to achieve Net Zero Carbon buildings together with submission guidance for Places for Everyone policies JP-S2 and JP-S3. Planning applications from this date onwards are expected to be accompanied by an energy and low carbon proforma in accordance with this guidance.
- 6.3.3 The documents provide guidance for applicants on how to design to achieve Net Zero Carbon Buildings and how to deliver heating systems which are low carbon, cost effective and affordable for residents.
- 6.3.4 The revised NPPF published on 17 August 2026 includes policy CC2: Mitigation of Climate Change part 1d. This states:
- 1. In order to contribute to climate change mitigation and the transition to net zero, development proposals should, where relevant to the proposal:*
- d. Take advantage of opportunities to reuse existing structures and materials, including by reusing non-contaminated excavated soil and hardcore within the site.*
- 6.3.5 Both the PfE guidance and the changes to the NPPF are material in planning terms and relevant to the consideration of this planning application.
- 6.3.6 The applicant submitted an Energy & Low Carbon Proforma, in line with the PfE guidance, dated 22 August 2025 which was received by the City Council, as Local Planning Authority, on the 22 August 2025. This should be read in conjunction with the ES, ES Addendum and other relevant documents including the Environmental Standards Statement (ESS) and draft Construction Management Plan. The applicant has also reviewed this within the ESRR.

- 6.3.7 The emphasis within policy CC2 of the NPPF to take advantage of opportunities to re-use existing structures and materials as part of the contribution to climate change mitigation and the transition to net zero reflects the objectives of policy JP-S2 in PfE.
- 6.3.8 The ES acknowledges that the existing structures on site (temporary concrete batching plant) would be demolished together with other on site works.
- 6.3.9 The committee report sets out clearly that in order to deliver upon the regeneration outcomes of the SRF, high density development to deliver a significant number of new homes should be promoted at the site. Whilst the emphasis of re-use of resources (including existing buildings) in the NPPF is noted, there are no buildings on the site that could be practically re-used and the structures on the site are temporary. It would not be possible to deliver the desired regeneration outcomes if the structures on the site were to be retained. On balance, it is considered that any benefits to be derived from the retention of the buildings from a sustainability perspective would not be outweighed by the significant benefits of this scheme as a whole to housing delivery along with other outcomes which are well detailed in the committee report.
- 6.3.10 The ES has evaluated a “worst case scenario” by assessing the environmental impacts of not re-using any on site material and the carbon implications of this. Notwithstanding this, the ES and the Carbon Proforma together with the draft Construction Management Plan and the Environmental Standards Statement commit to re-using as much on site material as possible.
- 6.3.11 Furthermore, within the committee report conditions 19 and 20 (now conditions 21 and 22), and the corresponding conditions for Phase 2, would ensure that the commitments to re-using materials are enshrined in the planning permission through the construction and environmental standards of the proposed development. Conditions 45 and 86 (Post evaluation on the ESS) are recommended to further ensure these commitments.
- 6.3.12 The submission of the Energy & Low Carbon Proforma, alongside the considerations given to policies JP-S2 Carbon and Energy and JP-S3 (Heat and Energy Networks) within the planning submission and the committee report, ensure that the policy objectives have been appropriately considered by the City Council. The Energy and Low Carbon Proforma confirm the scheme commits in this regard and this does not materially alter the conclusions of the scheme.
- 6.3.13 PfE Policy JP-S3 states that developments should connect to a heat/energy network where such schemes exist, unless it can be demonstrated that there are more effective alternatives for minimising carbon emissions, or where such connection is not practical or financially viable. The application site is located within a Heat and Energy Network Opportunity Area, although there are no planned heat networks within the immediate vicinity of the scheme. The proposal would utilise a full electric strategy using alternative low carbon and renewable technologies such as air source heat pumps and it is considered that these technologies offer beneficial carbon factors resulting in reduced regulated carbon emissions. It is considered therefore that the proposed energy strategy is an effective solution for minimising operational energy intensity and reducing carbon dioxide emissions, which aligns with the

requirements of PfE Policies JP-S2 – Carbon and Energy and JP-S3 – Heat and Energy Networks.

- 6.3.14 The development of this previously developed brownfield site would provide homes in a highly sustainable well-connected location, that fully aligns with the updated NPPF, Net Zero Design Guidance and the development plan as a whole.
- 6.3.15 The carbon benefits of the proposal have been clearly set out within the Committee Report and, given the above, officers are satisfied that the scheme complies with the Net Zero Design Guidance and the changes to the NPPF and does not introduce material considerations that would have led members to make a different decision or that would have changed the outcome of the application or to have changed the recommendation of officers. These matters do not therefore require the application to be referred back to Planning Committee.
- 6.3.16 It is considered that the submission of the Energy & Low Carbon Proforma dated 22 August 2025 does not introduce any new information that is significant enough to warrant inclusion within the ES and this information is therefore not necessary to meet the requirements of regulation 18(3) and (4) of the EIA Regulations. It does not therefore comprise further Environmental Information or any other information as defined under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6.4 Holcroft Moss Planning Obligations Joint Supplementary Planning Document (HMSPD) May 2025

- 6.4.1 Places for Everyone Policy JP-C8 (Transport Requirements of New Development) requires planning applications with a Transport Assessment to consider air quality impacts on Holcroft Moss. Proposals resulting in increased traffic flows on the M62 past Holcroft Moss of more than 100 vehicles per day or 20 Heavy Goods Vehicles (HGVs) per day must devise a scheme specific range of measures to reduce reliance on cars, reduce trip generation, promote ultra-low emission vehicles, and provide a contribution towards restoration measures at Holcroft Moss, within the Manchester Mosses Special Area of Conservation (SAC).
- 6.4.2 HMSPD was adopted with effect from 8 May 2025 to supplement Policy JP-C8 and constitutes a material consideration in the determination of planning applications.
- 6.4.3 The purpose of HMSPD is to provide guidance on how Policy JP-C8 should be implemented to ensure new development does not have an adverse impact on the SAC. The SPD specifies that 'qualifying developments' resulting in increased traffic flows on the M62 past Holcroft Moss of more than 100 vehicles per day or 20 (HGVs) per day, are required to make a proportionate contribution towards restoration measures at Holcroft Moss. The level of financial contributions payable by qualifying developments are set out in the statement of estimated project costs and required contributions published alongside this SPD and equate to £37 per residential unit and £7 per 100sqm in relation to employment floorspace.

- 6.4.4 The applicant's transport planning consultants (Curtins) have carried out a HMSPD sensitivity analysis (received by the LPA on 4 February 2026 and made publicly available on the City Council's website), using the same methodology undertaken as part of the Transport Assessment submitted with the application, with 2022 traffic surveys forming the baseline data. These surveys were referred to in the context of the Transport Assessment (TA) and Environmental Statement (ES) that were submitted as part of the planning application, and these surveys were valid for use at the point of submission.
- 6.4.5 The resulting daily traffic flow forecasts along the M62 (passing Holcroft Moss) are 4 HGVs and 508 AADT (for the Plot C and E proposals and the Plot D proposals collectively). The proposal is, therefore, a "qualifying development" for the purposes of Policy JP-C8 and the HMSPD and required to provide both (a) a scheme specific range of measures to reduce reliance on cars, reduce trip generation and promote ultra-low emission vehicles; and (b) a financial contribution towards restoration measures in accordance with the Holcroft Moss Habitat Mitigation Plan. With regard to part (a), officers are satisfied that the Framework Travel Plan and Demolition/Construction Environmental Management Plan requirements to be secured by planning conditions on the permission are a sufficient scheme specific package of measures for these purposes. With regard to part (b), in accordance with the terms of the HMSPD, the section 106 agreement to be entered into in connection with the proposals secures Holcroft Moss financial contributions (payable on a phased pre-commencement basis) totalling £23,899. Given the above, it is considered that the proposal complies with PfE policy JP-C8 and the HMSPD.
- 6.4.6 These financial contributions, required to be paid pursuant to Policy JP-C8 and the HMSPD, are nominal in amount in the context of the proposals as a whole and overall scheme viability and do not materially impact the conclusions of the viability assessments.
- 6.4.7 The applicant's HMSPD sensitivity analysis demonstrates that the impacts of the proposed development fall below the EIA significance threshold in the Air Quality Habitat Regulations Assessment. The submitted HMSPD assessment does not therefore introduce any new information that is significant enough to warrant inclusion within the ES and this information is therefore not necessary to meet the requirements of regulation 18(3) and (4) of the EIA Regulations. It does not therefore constitute further environmental information or any other information for the purposes of Regulation 25 of the EIA Regulations 2017.
- 6.4.8 Given the above, officers are satisfied that the Holcroft Moss matters referred to above would not have led members to make a different decision or to have changed the outcome of the application or to have changed the recommendation of officers. These matters do not therefore require the application to be referred back to Planning Committee.

6.5 Manchester Draft Local Plan

- 6.5.1 The Manchester Draft Local Plan went out to Regulation 18 consultation on 22 September 2025 and was approved by MCC's Executive for Regulation 19 consultation on the final draft. The Regulation 19 consultation will take place between 17 August 2026 and 28 September 2026. The Plan will set out a framework for how land in Manchester should be developed and will guide decisions on planning applications. However, due to its formative state, under

paragraph 49 of the NPPF it has very limited weight in the determination of this application.

6.6 Conclusion

- 6.6.1 It is considered that the policy and data changes set out above do not provide such new or altered material planning considerations that would have altered the Planning Officer's recommendation, led Members to make a different decision or changed the outcome of the application. These matters do not therefore require the application to be referred back to Planning Committee.
- 6.6.2 Furthermore, the information submitted in compliance with the above policies/data changes is not considered to be significant enough to meet the requirements of regulation 18(3) and (4) and/or Schedule 4 of the EIA Regulations 2017 and does not therefore constitute further environmental information or any other information for the purposes of Regulation 25 of the EIA Regulations 2017.

7 Daylight and Sunlight

- 7.1 With regard to Daylight and Sunlight, under policy P3 (Living conditions and pollution) of the NPPF proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers. Core Strategy policy DM1 (Development Management) requires a decision maker to have regard to effects on amenity including light. The BRE Site Layout Planning For Daylight and Sunlight guidance (2022) states that both the total amount of skylight (measured using the Vertical Sky Component (VSC) method) and its distribution within the building (measured using the No Sky Line (NSL) method) are important (para 2.2.5), as well as the obstruction of sunlight (using Annual Probable Sunlight Hours (APSH)).
- 7.2 The Committee Report sets out the impacts of the proposed scheme in terms of daylight and sunlight on the affected properties (using the VSC, NSL and APSH methods), with the following properties receiving a minor or moderate adverse impact: Hill Quays, Lumiere, Deansgate Square, City South, Deansgate Quay, Castle Wharf, Castlegate, Castle Quay, The Blade, Three60, Elizabeth Tower, School House, Plot F, Plot G, Deansgate South, Bridgewater House, and Crown Street Primary School.
- 7.3 Given the specific circumstances of each property as set out in the Committee Report and that the results should be interpreted in a City Centre context where high density development is encouraged, it is considered that the proposed scheme would result in acceptable levels of access to daylight and sunlight in line with policy P3 of the NPPF and Core Strategy policy DM1 (Development Management).
- 7.4 Conclusion
- 7.4.1 It is considered that the above points do not provide such new or altered material planning considerations that would have altered the Planning Officer's recommendation, led Members to make a different decision or changed the outcome of the application. It is the view of officers that the matters set out in this report cannot be said to be realistically capable of causing the Council to have reached a different conclusion. In addition, these considerations are referred to in this report and are therefore before the officer who makes the

decision on behalf of the Council. These matters do not therefore require the application to be referred back to Planning Committee.

8 Traffic and Transport

- 8.1 It is considered that the traffic and transport impacts of the proposal raised by the objection of 11 September 2024 have been fully considered and were dealt with in the Committee Report.
- 8.2 The ESRR prepared by the applicant has considered the changes to the NPPF and whether the cumulative assessment remains up to date.
- 8.3 The baseline scenario within the ES comprised traffic flow data from a neutral month in 2022, which reflects typical travel patterns, and 19no committed developments. The ESRR considers therefore that the baseline data within the ES remains robust, suitable and reliable.
- 8.4 It is acknowledged that there is a targeted reduction in peak hour trips to the city centre outlined within the Transport for Greater Manchester (TfGM) City Centre Transport Strategy to 2040 and that the Deansgate and Whitworth Street Active Travel Scheme became operational in 2025.
- 8.5 As part of the 2023 ES, it was noted that 2no. links (roads on the local highway network within the study area) would result in a percentage change in traffic above 30%. As all links were established to be of Low sensitivity, Rule 1 of the IEMA guidance was applied, and further detailed assessment of impacts of these 2no. links was undertaken within the ES.
- 8.6 The ESRR has considered the potential effect of the Deansgate and Whitworth Street Active Travel Scheme on the A56 Chester Road and has obtained 2026 traffic data from TfGM for a count point located on the A56 Chester Road (Link 1).
- 8.7 Table 13.2 of the ES (page 246) shows that the proposed development when operational would result in a percentage increase in daily traffic of 3.19% on Link 1, which is below the 30% threshold for assessment. The ESRR sets out that the use of 2026 traffic data show that the proposed development when operational would result in a percentage increase in daily traffic of 6.78% on Link 1, which remains below the 30% threshold for assessment, and therefore no further assessments are required. This remains substantially below the threshold at which further assessment was triggered within the ES and does not alter the sensitivity classification or significance conclusions.
- 8.8 The ES found that both the construction and operational phases would have a direct, permanent, long-term, negligible to minor adverse effect at a local level on these links assessed, which is not significant overall, and the ESRR finds that these conclusions remain valid, based on the above considerations.
- 8.9 The ESRR also acknowledged that there have been 6 additional committed developments within the study area of the ES since it was produced. The ESRR has established that these developments would give rise to a relatively low number of daily vehicular trips – noting the various developments comprise low/zero car parking. Furthermore, once distributed across the highway network, it is not considered that these additional developments would result in a material impact to the Baseline or

Cumulative Assessment. The ESRR concludes that the cumulative effects reported in the ES are still considered valid for consideration of the proposed development.

- 8.10 The Council acknowledges there has been a revised NPPF and committed developments since the application was presented to the Planning and Highways Committee.
- 8.11 In consultation with the Council's Highway Services, the changes in traffic flows are not considered to result in a material difference in EIA terms and therefore do not alter the ES conclusions. It is agreed that the traffic impacts considered by the Local Planning Authority and presented to the Planning and Highways Committee remain valid with no material changes that would lead Members to take a different view. These impacts were considered to be acceptable subject to mitigation. The application site is located in a highly sustainable part of the city centre where there is access to public transport and walking and cycling routes. The proposal would have 100% cycle parking and a Framework Travel Plan (TP) sets out a package of practical measures to reduce the transportation and traffic impact.
- 8.12 The updated review of the cumulative effects is noted and it is considered that there are no material impacts as a result of these additional developments on the overall conclusions of the ES.
- 8.13 The Council concurs with this view and considers that the traffic and transport information relied upon in the Committee Report remains up to date and relevant as discussed in section 11.12 below.

9 Viability and S106 Agreement

- 9.1 The Committee resolution required the signing of a legal agreement for a review mechanism for a financial contribution towards off-site affordable housing, off-site tree planting and for off-site bio-diversity mitigation.
- 9.2 A draft of the legal agreement was published on the City Council's website on 8 April 2026 pursuant to Art 40(3) DMPO 2015 and in accordance with the recent Court judgements of Greenfields (IOW) Ltd, R (On the Application Of) v Isle of Wight Council & Anor [2025] EWCA Civ 488 (16 April 2025) and Chidswell Action Group, R (On the Application Of) v Kirklees Council [2025] EWHC 2256 (Admin) (04 September 2025).
- 9.3 For completeness and to ensure both an open market sale scenario and a BTR scenario have been assessed, a viability assessment based on a BTR scheme has been submitted by the applicant and made publicly available through the Council's Public Access system. An independent review of the BTR scenario has been carried out by Savills on behalf of the City Council and has concluded that the delivery of affordable housing would not be viable. Appropriate provisions have been included in the S106 agreement to reflect the different funding/delivery models.
- 9.4 Core Strategy policy EN2 (Tall Buildings) requires the applicant to demonstrate that proposals for tall buildings are viable and deliverable. To clarify whether the proposal meets these requirements, the scheme would produce a profit of c9.39% on GDV, which is lower than the target profit level of 17.9% on GDV and lower than a typical developer might expect. However, the applicant is highly experienced in delivering high density, high rise accommodation, having delivered a significant number of homes, public realm and infrastructure improvements in this area. Given these

circumstances, it is considered that the project is viable and deliverable at the reduced profit level in terms of meeting the requirements of policy EN2, but would not sustain an affordable housing contribution. There is also the possibility that values would increase over time. Any increase in values would be captured by a late stage review to test actual sales and costs, as set out in the S106 agreement.

- 9.5 As set out above, objections have been received from a neighbour with regard to the draft S106 agreement.
- 9.6 In summary, in addition to the usual provisions, the draft S106 agreement secures the following planning obligations from the applicant including:
 - 9.6.1 A requirement for the submission and approval of a late stage Viability Appraisal based on actual sales and costs evidence for the review of the Council on completion of construction of 75% of the dwellings.
 - 9.6.2 A permitted profit level (depending on the method of disposal):
 - (a) for a forward fund agreed before the completion of piling works of 12% of total costs;
 - (b) for a forward fund agreed after the completion of piling works of 15% of total costs;
 - (c) for a forward sale agreed before completion of piling works of 15% of GDV;
 - (d) for a forward sale agreed after the completion of piling works of 18% of GDV;
 - (e) for a BTR scheme retained by the applicant of 12% of total costs; and
 - (f) for open market sales and all other cases of 20% of GDV;.
 - 9.6.3 The payment of Viability Payments to the Council for the provision of affordable housing within Manchester if a Viability Appraisal results in a surplus, which shall be 50% of any surplus shown by the Viability Appraisal, subject to a maximum affordable housing financial contribution of £33,200,461 Index linked with occupation restrictions applying in that event until such Viability Payments have been paid by the applicant to the Council.
 - 9.6.4 A clawback mechanism in the event that the method of disposal is build to rent including provisions for clawback payments (i.e. the difference between the market value of the relevant dwellings as open market sales less the open market values of the same dwellings within the relevant phase as Build to Rent calculated as at the date of disposal, within a period of 10 years from completion of construction for each phase) 50% to be payable by the applicant to the Council pursuant to the terms of clause 19 of the draft section 106 agreement for the provision of affordable housing within Manchester subject to a maximum affordable housing financial contribution of £33,200,461 Index linked.
 - 9.6.5 The payment of a Biodiversity Net Gain Contribution of £8,360.
 - 9.6.6 The payment of £133,000.00 Index Linked towards off-site tree planting within the Deansgate and/or Piccadilly wards.
 - 9.6.7 The payment of a Holcroft Moss financial contribution of £23,899 in accordance with the Holcroft Moss Planning Obligations SPD (2025).

- 9.6.8 The retention of the Architect throughout the construction period until practical completion.
- 9.7 Full details of the planning obligations secured in the S106 agreement are set out in the final agreed draft version uploaded to Public Access.
- 9.8 The issues raised by the objector are discussed below.
- 9.9 The FVA submitted by Roger Hannah was independently reviewed by Savills who have advised that the disclaimer in their report is a standard disclaimer that is included in a report assessing financial viability in planning. Savills are obligated by the RICS to follow a specific set of mandatory requirements when producing an FVA. These requirements are set out in Assessing Viability in Planning under the National Planning Policy Framework ("NPPF") (1st edition March 2021). It sets out the mandatory requirements that should be adhered to when FVAs are carried out, and should provide assurance to members that the report can be relied upon for decision making in the planning process.
- 9.10 With regard to permitted profit levels within the S106 agreement, the 'Developer's Return' section of the Savills report notes that the applicant has adopted a 'minimum target margin' of 18% on GDV. Savills state *"From our knowledge and experience of the development land market, it is usual for residential developers in the North West region to seek a profit margin of 15-20% on GDV"* and go on to say *"Based on current market conditions it is likely that a developer would target a higher profit margin to reflect the increased sales risk, market uncertainty as well as reflecting the complexity and height/scale of the proposal."* They consider the applicant's approach to be reasonable and they adopt the same target margin in their appraisal. Whilst the Council endeavours to use the profit levels in the FVA reports as a baseline, it is not unusual for the s106 agreement profit level to differ from the profit level adopted in the report through negotiation and to reflect up to date market circumstances, based on profit levels adopted in other s106 agreements for open market sale residential schemes, and which reflect local market evidence. A return of 20% on GDV is considered acceptable for residential schemes in central Manchester and is within the acceptable range of 15-20% in line with paragraph 10-019 -20190509 of the Planning Practice Guidance (PPG).
- 9.11 Likewise, the 12% permitted profit level for BTR schemes is reflective of normal market conditions and has been independently tested by Savills. This figure is below the acceptable range of 15-20% set out in paragraph 10-019-20190509 of the PPG, which acknowledges that other forms of development may attract lower margins.
- 9.12 The 'Permitted Profit Level' scenarios relate to market norms, have been tested with Savills based on their experience of dealing with other viability negotiations across the City and are consistent with the approach that MCC have adopted on other S106 Agreements. The profit levels are considered to be appropriate and justified.
- 9.13 The additional levels of profit introduced protect the Council against potential methods of sale, which the developer is entitled to pursue after obtaining planning consent, and which may have lower associated risk profiles than open market sales. If the sales method differs from open market sale, then this will be assessed at the late-stage review, based on actual sales and cost evidence, and the appropriate level of profit which will reflect the actual method of sale. Preferred methods of disposal may change over time as market conditions change.

- 9.14 The viability review trigger of 75% construction completion is consistent with other S106 agreements across the City and is considered to be a trigger point that gives an appropriate level of certainty.
- 9.15 The acceptable level of return for open market sales is considered as a proportion of GDV. This approach is the same at the planning stage review and the late-stage review. Therefore, if GDV increases, it is also acknowledged the acceptable level of return (as a monetary value) also increases as a proportion of the GDV. This is a standard and consistent approach for open market sale schemes.
- 9.16 In terms of the 50/50 split of the surplus, there is no national, regional or local policy or guidance that mandates what the apportionment of the surplus should be. It is a common approach for any overage/additional surplus to be split equally between the City Council and developer; this incentivises the developer to maximise value. The RICS professional standards document 'Assessing Viability in Planning Under the National Planning Policy Framework 2019' (1st edition, March 2021) paragraph 3.11.8 states *"The advantage of a formulaic approach is that the review will be more straightforward and involve only limited updating of information. It is usually based on a formula, with the LPA taking a proportion of surplus over and above the original estimates agreed by decision takers at the application stage."* At paragraph 3.11.9 *"If a full review is undertaken, fixing certain inputs and incorporating these into the s.106 agreement may streamline the FVA process at review."* At paragraph 3.11.12 *"For reviews that take place towards the end of the development programme, the review provisions could set out how any surplus revenue can be split between the developer and LPA once the threshold level of viability has been reached, to ensure that a developer remains incentivised to maximise the value from a scheme."*
- 9.17 The Council accepts the findings and conclusions of the Savills report, which states *"on balance we agree with Roger Hannah that no affordable housing can be delivered based on current market conditions"*. With regard to profit levels, Savills conclude that *"Roger Hannah have adopted a minimum target developer's profit margin of 18% on residential GDV and 15% on commercial GDV. We consider this to be a reasonable level of return, which results in a blended target margin of 17.9%"* ... *"We have also run a development appraisal including a fixed land cost (BLV) to assess the developer's profit. This results in a profit on GDV of 9.39%, below the target profit level of 17.9%"*. The City Council is confident that Savills have prepared their report in line with RICS guidance and PPG, adopting standardised inputs and a consistent market approach, utilising local market evidence to determine GDV, costs and the minimum target profit level.
- 9.18 Officers accept Savills' conclusion that the level of return is below what Savills consider to be a minimum target level of return. Officers are confident that Savills have conducted their review in line with RICS Guidance and PPG and accept their advice on acceptable levels of profit. The Council has taken a standard consistent approach on both levels of return and the share of additional surplus and have followed RICS guidance.
- 9.19 Savills are required to follow RICS Guidance and PPG to review viability for the purpose of planning. Their assessment of GDV is based on sales evidence from a range of open market sale residential schemes (not just developer specific). The construction costs within the Roger Hannah report are produced by cost consultants Edward Shipway. Savills appointed G&T as an independent cost consultant to review the costs produced by Edward Shipway, based on their knowledge of the local construction market. Savills adopt other standardised development cost inputs,

based on their knowledge of the local market, and in line with RICS Guidance and PPG.

- 9.20 In terms of profits routed through Renaker's contracting arm potentially not being factored into the FVA, it is considered that the submitted FVAs have applied the correct methodology, consistent with the PPG and these have been independently reviewed by Savills.
- 9.21 Savills and the Council are not party to any information submitted to the GMCA for the purpose of a loan application and it is not considered relevant to the consideration of this particular scheme/planning application. At the late-stage review, actual sales values and costs will be evidenced and reviewed.
- 9.22 Some of the points made by the objector appear to relate to separate schemes (Trinity and Contour) and GMCA Loan applications/agreements which the Council is not privy to. The questions and requests for information relating to other schemes are considered to be irrelevant to the consideration of this application.
- 9.23 With regard to the consideration of public realm as a development cost or a s106 contribution, the SRF for this area expects significant place-making to be provided through the development of each site, which this proposal does with the provision of high quality public realm as part of the scheme. The delivery of the public realm (and associated costs) is not a planning obligation within the s106 agreement for this development. The public realm costs for both applications are clearly stated within Savills' report and were reviewed independently by G&T (appended to Savills' report). It is clear that the public realm should be treated as a development cost and the viability review has been undertaken on this basis. The Council is satisfied with the advice from Savills and G&T on the overall costs, which are inclusive of the public realm works, and consider that the viability review is robust and has been undertaken in line with industry standards.

Conclusion

- 9.24 The details now secured in the S106 agreement meet the requirements of Reg.122 of the CIL Regs 2010 in that they are necessary to make the development acceptable in planning terms; they are directly related to the development; and they are fairly and reasonably related in scale and kind to the proposed development.
- 9.25 The S106 agreement accords with the terms of the original Committee resolution and there are no material departures from the heads of terms agreed at Committee. Furthermore, Officers consider that the detail now secured positively builds upon the heads of terms agreed at Committee and therefore would not be capable of leading Members reasonably to make a different decision.
- 9.26 Given the above, the S106 agreement should be entered into.

10 Heritage

- 10.1 For clarification, the heritage balance whereby it is considered that the public benefits of the proposal would outweigh the instances of harm relate to paragraph 4 of policy HE6 (Proposals affecting designated heritage assets) of the NPPF and PfE policy JP-P2 rather than Core Strategy Policy EN3 and Saved Unitary Development Plan Policies DC18 and DC19. Policy JP-P2 in PfE includes the following: "Development proposals affecting designated and non-designated

heritage assets and/or their settings will be considered having regard to national planning policy.” It is considered therefore that Policy JP-P2 incorporates the balancing exercise found in paragraph 4 of NPPF policy HE6. Substantial weight should be given to paragraph 4 of NPPF policy HE6 as this is the up-to-date planning policy.

- 10.2 There would be a breach of Core Strategy Policy EN3 and Saved Unitary Development Plan Policies DC18 and DC19, due to the proposal causing harm to heritage assets, as set out above. The application was also assessed against the relevant guidance in the NPPF at the time which incorporated a heritage planning balance. Subsequently with the adoption of PfE, the application has been assessed against policy JP-P2 and latterly policy HE6 (paragraph 4) of the revised NPPF.. As the earlier policies (EN3 and saved policies DC18 and DC19) remain relevant to the consideration of the planning application, due to forming part of the development plan, they do not incorporate the heritage balance. The heritage balance is clearly set out in the committee report (pages 52-53) and is in line with PfE policy JP-P2 and policy HE6 (paragraph 4) of the NPPF.
- 10.2 The heritage balance set out within the committee report (pages 50-51) cites the second public benefit as providing a viable use of an underused brownfield site. As clarified in paragraph 9.4 of this report, the proposed scheme is considered to be a viable scheme.
- 10.3 On balance, therefore, it is considered, that, notwithstanding the considerable importance and weight that must be given to preserving the setting of the listed buildings and the conservation area as required by virtue of S16, S66 and S72 of the Listed Buildings Act, the harm caused would not be substantial and would be outweighed by the public benefits of the scheme (as set out on pages 50-51 of the Committee Report) and would meet the requirements set out in paragraph 4 of NPPF policy HE6.

11 Environmental Impact Assessment and Baseline Data

- 11.1 The objection of 27.2.26 refers to the use of outdated baseline data and the objection of 11 September 2024 refers to omissions and inconsistencies in the traffic report. The applicant has voluntarily submitted the ESRR which considers whether the contents and conclusions of the ES and the 2024 ES Addendum, in particular the conclusions regarding likely significant environmental effects, are still valid and up to date considering the time that has elapsed since their production. It assesses relevant legislation, national, regional and local planning policy and industry guidance, and provides an up-to-date cumulative assessment. The matter of the traffic data is considered as part of this review.

Scope of the ES

- 11.2 The following disciplines were scoped out of the ES and it is considered that it remains appropriate for these disciplines to be scoped out as follows:

Agricultural Circumstances

- 11.2.1 The site remains entirely brownfield. The LPA is satisfied that this remains scoped out of the ES.

Archaeology

11.2.2 The archaeological conditions have not changed and there are no significant policy, guidance or legislative changes that would affect the original scoping exercise. The LPA is satisfied that this remains scoped out of the ES.

Aviation

11.2.3 There are no aviation effects different to those considered in the original scoping exercise. The LPA is satisfied that this remains scoped out of the ES.

Climate Change Vulnerability

11.2.4 There are no changes to the exposure or sensitivity of receptors which continue to be of 'low' vulnerability and therefore scoped out. The LPA is satisfied that this remains scoped out of the ES.

Ecology

11.2.5 The biodiversity level of the site is unlikely to be significantly different from that previously considered at the time of the original Scoping exercise given the ongoing use of the site as a concrete batching plant and lighting of the site. This planning application was made prior to 12th February 2024 when statutory BNG became mandatory and therefore remains exempt from statutory BNG. The LPA is satisfied that this remains scoped out of the ES.

Flood Risk and Drainage

11.2.6 Whilst there are some changes to the updated National Flood Risk Assessment (NaFRA2) data that affect the site (see section 6.2 above), the impacts are considered to be localised and not significant enough to be scoped into the ES. The LPA is satisfied that this remains scoped out of the ES.

Ground Conditions

11.2.7 The ground conditions have not changed and there are no significant policy, guidance or legislative changes that would affect the original scoping exercise. The LPA is satisfied that this remains scoped out of the ES.

Historic Environment

11.2.8 The historic environment has not changed and there are no significant policy, guidance or legislative changes that would affect the original scoping exercise. The LPA is satisfied that this remains scoped out of the ES.

Television, FM Radio and DAB Radio Reception

11.2.9 The development remains within the scoping parameters considered at the scoping stage. The LPA is satisfied that this remains scoped out of the ES.

Assessment of Future Environment and Cumulative Schemes

11.3 The ESRR has reviewed committed developments submitted with the original ES to identify any schemes that have changed status (from cumulative to baseline) and to

identify potential new cumulative schemes for inclusion in the ESRR. Several schemes have now either been approved or commenced on site.

- 11.4 The ESRR has considered whether the inclusion of these schemes in the baseline assessment would impact upon the conclusions of the ES.
- 11.5 The ESRR concludes that there are no changes to the baseline assessment that would impact upon the conclusions of the ES.
- 11.6 Based upon the information set out within the ESRR, the City Council concurs with this view and is satisfied that this does not constitute further information under Regulation 25 of the EIA Regulations as the ES and ES Addendum contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.
- 11.7 A detailed consideration of each chapter is considered below.

ES Technical Chapters

11.4 *Construction Methodology and Programme*

- 11.4.1 The original construction programme has been revised by 3 years and this has been incorporated into the review of each technical chapter of the ESRR.

11.5 *Air Quality*

- 11.5.1 The ESRR considers relevant updates to air quality policy and guidance and shows that the methodology, assessment and conclusions of the 2023 ES remain robust and consistent with current policy and guidance, and there are no material changes to the assessment of the likely significance of environmental effects.
- 11.5.2 Changes to the baseline conditions that may affect the original ES conclusions have been considered. As the DEFRA background pollutant concentrations show lower NO₂ and PM_{2.5} concentrations and only marginally higher PM₁₀, it is considered that the revised concentrations do not materially change the conclusions of the original ES and ES Addendum. The local authority monitoring data shows that NO₂ concentrations have decreased (there is currently no PM₁₀ or PM_{2.5} monitoring undertaken close to the proposed development), which would reduce off-site impacts and on-site exposure and as such, it is considered that the conclusions of the 2023 ES, which were assessed as not significant, remain valid. As air quality conditions are expected to improve further by 2030, the three year delay to the construction programme would reduce the development's impacts.
- 11.5.3 Based on the review of relevant updated legislation, policy and guidance, revised baseline data, and the latest cumulative developments, the ESRR concludes that there is no evidence to indicate that the proposed development would give rise to any new likely significant air quality environmental effects from those reported in the 2023 ES.
- 11.5.4 In addition, additional committed and active applications identified in the ESRR are unlikely to change the cumulative assessment conclusions. The ESRR states that they may influence future baseline conditions, but do not affect development-related effects, which remain not significant. All the newly

committed developments are located beyond 250 m of the proposed development, which means the cumulative construction impacts have been screened out.

11.5.5 Overall, the ESRR finds that there are no changes to the residual effects identified in the original ES and the impacts remain negligible and not significant.

11.5.6 The City Council considers that the contents and conclusions of the 2023 Environmental Statement (ES) and the 2024 ES Addendum relating to Air Quality, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date and therefore contain all the information required by Regulation 18(3) and (4) of the EIA Regulations. The change in the cumulative scenario has no material impact on the conclusions of the ES.

11.6 *Climate Change*

11.6.1 The ESRR considers relevant updates to legislation, policy and guidance and concludes that any changes, such as guidance in assessing greenhouse gas emissions (ISEP: Assessing Greenhouse Gas Emissions and Evaluating Their Significance (2026)) and whole life carbon for the built environment (RICS: Whole life carbon assessment for the built environment (2023)), would not be enough to change the conclusions reached with regards to significance.

11.6.2 The baseline for the Green House Gas (GHG) assessment presented within the original ES includes Crown Street Phase 3 (partial Plot C and E) and Plot D. Operational emissions associated with the existing buildings, arising from activities such as heating, cooling, lighting, and electricity consumption, were identified as part of the existing and future baseline. However, these emissions were not quantified in the original ES due to limited data availability. It was concluded that the emissions from existing operational energy emissions are not likely to have any significant influence on the baseline. Annual operational transport emissions for the existing baseline scenario were estimated at 663,419 kgCO₂e/year. This was estimated using vehicle distances based on standard dataset obtained from the Department for Transport, representing a worst-case scenario.

11.6.3 The future baseline scenario was assumed to be consistent with the existing baseline. There has been no change in guidance that would change the methodology for evaluating the existing and future baseline of the project. As such, the existing and future baselines would be presented the same as they are in the original ES and therefore not expected to change.

11.6.4 The applicant considers that the approach adopted in the original ES is consistent with good practice for GHG assessment as identified in the ISEP supplementary guidance and the updated specifications and methodology in RICS guidance for whole life carbon assessment would not be expected to materially alter the overarching conclusions on significance. No factors have been identified that would be expected to change the significance of effects for operational GHG emissions identified in the original ES.

11.6.5 The approach for cumulative assessment remains unchanged from the approach presented in the 2023 ES, and no factors have been identified that would be expected to change the cumulative assessment conclusions.

11.6.6 The submission of the Energy & Low Carbon Proforma and the information contained therein, alongside the considerations referred to in section 6.3 above relating to climate change do not change the likely significant environmental effects of the proposal.

11.6.7 Furthermore, as the likely significant effects are not expected to change as a result of the updated ISEP and RICS guidance, the City Council considers that the residual effects reported in the original ES remain valid.

11.6.8 Given the above, the City Council considers that the contents and conclusions of the 2023 Environmental Statement (ES) and the 2024 ES Addendum relating to Climate Change, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date and therefore contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.

11.7 *Daylight, Sunlight and Overshadowing (DSO)*

11.7.1 There have been no updates to the BRE guidance since the original ES and changes to the NPPF would not materially alter the conclusions of the ES Chapter.

11.7.2 In terms of baseline data, the following cumulative developments, of relevance to DSO, have been constructed or have begun since the original ES:
Crown Street Phase 2 (Blade and Three60 in GIA report);
Plot H, Great Jackson Street (Deansgate South in GIA report); and
Plot F, Great Jackson Street.
The effects (construction and operational) of these cumulative schemes were considered as part of the cumulative scenario within the original ES and therefore the start of construction would not alter the conclusions of the original ES.

11.7.3 Given the above, the DSO effects of the proposed development would not be materially different to those identified in the original ES and ES Addendum.

11.7.4 The additional cumulative schemes identified in the ESRR are too far away from the site to alter the conclusions of the original ES and there are no changes to the residual effects identified in the original ES.

11.7.5 Given the above, the City Council considers that the contents and conclusions of the 2023 Environmental Statement (ES) and the 2024 ES Addendum relating to Daylight, Sunlight and Overshadowing, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date and therefore contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.

11.8 *Noise and Vibration*

11.8.1 The revised NPPF does not materially change the requirements relating to noise impact and there have been no other policy or guidance updates relevant to the noise and vibration chapter since the original ES.

- 11.8.2 The ambient and background noise levels at and around the site are determined primarily by road traffic on the A57(M) and Chester Road. There have been no changes to the layouts of these roads or to the noise propagation paths from the roads to the proposed buildings or to the existing or committed buildings around the site since the noise surveys were conducted and therefore the baseline noise climate is considered to be unchanged.
- 11.8.3 Given the above, the adopted assessment methodology and significance criteria remain appropriate, and the construction, operational and cumulative effects and mitigation measures presented in the original ES Noise and Vibration chapter remain valid.
- 11.8.4 The additional cumulative schemes would not impact the cumulative assessment conclusion, due principally to the acoustically significant distance between the additional cumulative schemes and the noise sensitive receptors around the site.
- 11.8.5 Given the above, it is considered that the residual effects of the construction and operational phases would remain as described in the original ES, these effects being negligible to minor adverse, which is not significant. The City Council therefore considers that the contents and conclusions of the 2023 Environmental Statement (ES) and the 2024 ES Addendum relating to Noise and Vibration, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date and contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.

11.9 *Human Health*

- 11.9.1 The ESRR notes that changes to legislation, policy and guidance with regard to human health do not impact the conclusions of the Human Health Assessment.
- 11.9.2 Key parameters for human health such as life expectancy, street crime and deprivation have not been updated since 2023 according to the MCC Intelligence Hub and it is considered that any changes are not significant with regard to the baseline for the Human Health chapter and its findings.
- 11.9.3 The likely significant effects for each element of the other technical topics relevant to Human Health have been reviewed and are unchanged. Therefore, there are no changes to the identified likely significant effects in relation to Human Health. Furthermore, the ESRR finds that the introduction of additional cumulative schemes would not significantly impact the cumulative assessment and there are no changes to the identified residual effects.
- 11.9.4 Given the above, the City Council considers that the contents and conclusions of the 2023 Environmental Statement (ES) and the 2024 ES Addendum relating to Human Health, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date and therefore contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.

11.10 *Solar Glare*

- 11.10.1 There have been no updates to the BRE guidance since the original ES and changes to the NPPF would not materially alter the conclusions of the ES Chapter.
- 11.10.2 Whilst some schemes that have been constructed or begun construction since the original ES might be visible within the field of view at some viewpoints, they would not result in a change in baseline conditions as Solar Glare is not a comparative assessment; the fact it may occur in the baseline does not necessarily justify its occurrence as a result of the proposed development and the assessment considers the effect of the proposed development in absolute terms. Therefore, it is considered that their construction would not alter the conclusions of the original ES Chapter on solar glare.
- 11.10.3 As the additional developments that have been constructed or begun construction since the original ES may be visible within the field of view and have the potential to shade or shield the proposed elevations at some of the assessed viewpoints, the original assessment is considered to represent a worst-case scenario. The likely effects would be no greater than, and in some instances may be less than, those reported in the original ES.
- 11.10.4 Based on a common practice approach to portray the reasonable worst-case scenario, the cumulative effects are not considered in the original ES as neighbouring committed developments can block sunlight reaching the facades of the proposed development and/or obscure the proposed development from the viewpoints to be assessed.
- 11.10.5 As the original assessment is considered to represent a worst-case scenario, the residual effects would be no greater than, and in some instances may be less than, those reported in the original ES.
- 11.10.6 Given the above, the City Council considers that the contents and conclusions of the 2023 Environmental Statement (ES) and the 2024 ES Addendum relating to Solar Glare, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date and therefore contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.

11.11 *Townscape and Visual Impact*

- 11.11.1 The ESRR considers relevant updates to landscape and visual impact guidance (Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment third edition (2024)) and concludes that this guidance does not affect the assessment in any material way in relation to the methodology or conclusions of the original ES. The revised NPPF places emphasis on well-designed places, making effective use of land and conserving the historic and natural environment, and does not affect the methodology or conclusions of the ES.
- 11.11.2 There have been no substantial changes to the baseline conditions that would affect the methodology or assessment of the original ES. Although a few of the cumulative schemes have now started construction, they do not alter the prevailing character of the baseline that existed in 2023 at the time of the original ES.

- 11.11.3 There are no changes to the conclusions on significant effects with regard to the original ES or ES Addendum. This is due primarily to the prevailing nature of the surrounding character of the townscape into which the proposed development fits not having changed substantially since 2023. The component parts of the proposed development merge into the Great Jackson street framework in a consistent, almost seamless way, with subtle differentiation between the towers that improves the visual diversity, composition and townscape character.
- 11.11.4 The ESRR considers that the additional cumulative schemes that have come forward since the 2023 ES are either too small or too far away from the proposed development to materially alter the conclusions of the cumulative effects section of the original ES.
- 11.11.5 There are no changes with regard to the residual effects. The visual impact assessment has been carried out based on the assumption that all the necessary mitigation measures have been accounted for in the design process with the predicted significance of effect values the same for each representative viewpoint and Townscape Character Area as the residual effect values.
- 11.11.6 Given the above, the City Council considers that the contents and conclusions of the 2023 Environmental Statement (ES) and the 2024 ES Addendum relating to Townscape and Visual Impact, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date and therefore contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.

11.12 *Traffic and Transport*

- 11.12.1 The proposal is in line with the revised NPPF in relation to Traffic and Transport. The revised NPPF places emphasis on a vision-led approach to transport planning and the promotion of sustainable travel patterns. The proposal was assessed on the basis of a highly accessible city centre location and incorporates measures to support walking, cycling and public transport use through the Framework Travel Plan. The underlying principles of the updated policy are therefore already embedded within the assessment.
- 11.12.2 The revised NPPF also references the DfT's Connectivity Tool "to assess the connectivity of particular locations proposed for development". The application site has a very high connectivity score nationally and is in local authority bands A and B, which are the highest connectivity bands in Manchester. This confirms that the proposed development is in a sustainable location that would support sustainable patterns of movement, which is consistent with the aims and objectives of the Framework Travel Plan for the site.
- 11.12.3 Overall, the revised NPPF does not materially alter the methodology, assessment or conclusions presented in the ES in relation to Traffic and Transport.
- 11.12.4 An assessment in line with the Holcroft Moss SPD has been carried out (see section 6.4 above). The traffic forecasts in that assessment do not pass the EIA significance threshold in the Air Quality Habitat Regulations Assessment.

As such, the impacts of the proposed development are not significant in EIA terms and would not trigger the need for project-level air quality modelling or scheme-specific mitigation.

- 11.12.5 The 'Guidelines for the Environmental Assessment of Traffic and Movement', published by IEMA in 2023, supersedes the 1993 IEMA Guidelines for the Environmental Assessment of Road Traffic used within the 2023 ES. The new guidance provides an updated approach and methodology to that included within previous IEMA guidance; however, it is not considered that the application of the new guidance would materially alter the methodology of the assessment undertaken, or those conclusions and effects presented.
- 11.12.6 Given the above, the findings established within the 2023 ES are considered to be robust and in line with the new guidance.
- 11.12.7 It is considered that the baseline traffic data used in the 2023 ES remains robust, as the data are from a neutral month in 2022, which reflects typical travel patterns following the Covid 19 pandemic. It is acknowledged that daily traffic flows vary, with consideration given to the targeted reduction in peak hour trips to the city centre outlined within the Transport for Greater Manchester (TfGM) City Centre Transport Strategy to 2040 and the Deansgate and Whitworth Street Active Travel Scheme. The original ES baseline scenario comprised the 2022 traffic flows and 19no. committed developments and is considered to remain robust, suitable and reliable.
- 11.12.8 As part of the ES, it was noted that 2no. links (roads on the local highway network within the study area) would have a percentage change of above 30% and therefore as per Rule 1 of the IEMA guidance, further assessment was undertaken. It was established that both the construction and operational phase is likely to have a direct, permanent, long-term, negligible to minor adverse effect at a local level on these links, which is not significant overall.
- 11.12.9 The ESRR has considered the potential effect of the Deansgate and Whitworth Street Active Travel Scheme on the A56 Chester Road and has obtained 2026 traffic data from TfGM for a count point located on the A56 Chester Road (Link 1).
- 11.12.10 Table 13.2 of the ES (page 246) shows that the proposed development when operational would result in a percentage increase in daily traffic of 3.19% on Link 1, which is below the 30% threshold for assessment. The ESRR sets out that the use of 2026 traffic data show that the proposed development when operational would result in a percentage increase in daily traffic of 6.78% on Link 1, which remains below the 30% threshold for assessment, and therefore no further assessments are required. This remains substantially below the threshold at which further assessment was triggered within the ES and does not alter the sensitivity classification or significance conclusions.
- 11.12.11 The ES found that both the construction and operational phases would have a direct, permanent, long-term, negligible to minor adverse effect at a local level on these links assessed, which is not significant overall, and the ESRR finds that these conclusions remain valid, based on the above considerations. In consultation with the Council's Highway Services, the City Council considers that the changes in traffic flows are not considered to result in a material difference in EIA terms and therefore do not alter the ES conclusions.

- 11.12.9 Additional committed developments within the study area have been considered and it is considered that these developments would give rise to a relatively low number of daily vehicular trips, given that the various developments comprise low/zero car parking. Furthermore, once distributed across the highway network, it is not considered that these additional developments would result in a material impact to the baseline or cumulative assessment. On this basis, the cumulative effects reported in the 2023 ES are still considered valid for consideration of the proposed development.
- 11.12.10 As per the ES, it is considered that the residual effects of the construction and operational phases would remain neutral to minor adverse, which is not significant. As no changes are expected, the residual effects reported in the ES remain valid.
- 11.12.11 Given the above, the City Council considers that the contents and conclusions of the ES and the ES Addendum relating to Traffic and Transport, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date and therefore contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.

11.13 *Wind Microclimate*

- 11.13.1 There have been no updates to, or new, legislation, policy or guidance relevant to the assessment of wind microclimate since the 2023 ES and changes to the NPPF would not materially alter the conclusions of the ES Chapter.
- 11.13.2 Changes to the surrounding context since the 2023 ES wind microclimate assessment have been tested in a 2026 assessment of the proposed site and surrounding context. A comparison of the results for the 2023 and 2026 scenarios shows negligible changes in wind conditions on the proposed site.
- 11.13.3 There have been some small changes to the status of the cumulative developments identified within the surroundings in the 2023 ES Chapter. A number of the previously identified cumulative schemes have now been assessed as part of the existing surrounding context. One exception which has now received resolution to grant planning permission is the Viadux Phase 2 development. A review has been carried out of the potential effects of the introduction of the Viadux Phase 2 development, and finds that, as it is significantly far enough away from the site to the north-east, any strong prevailing winds on the site will not be affected. Therefore, the introduction of the Viadux Phase 2 development would not have a material impact on the wind conditions on the proposed site.
- 11.13.4 The residual effects of the proposed development in relation to wind microclimate remain as identified within the 2023 ES.
- 11.13.5 Given the above, the City Council considers that the contents and conclusions of the 2023 Environmental Statement (ES) and the 2024 ES Addendum relating to Wind Microclimate, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date and therefore contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.

11.14 *Socio-Economic*

- 11.14.1 It is considered that changes to legislation, policy and guidance with regard to socio-economic impacts would not have a material impact on the environmental effects identified in the 2023 ES.
- 11.14.2 Several baseline sources used in the 2023 ES socio-economic assessments such as data on employment levels and productivity from the Office for National Statistics (ONS) and economic activity data from the Annual Population Survey (APS) have been superseded by more recent data releases, and a number of previously assessed cumulative schemes now form part of the baseline. Having reviewed the updated information, the baseline conditions are considered to remain broadly the same as in the 2023 ES. The likely changes in the baseline are not of a scale or nature to affect the conclusions of the assessment for the receptors identified in the 2023 ES.
- 11.14.3 As there have been no design changes affecting floorspace or use classes, and the baseline data remains similar, the socio-economic effects identified in the 2023 ES are expected to remain consistent and the conclusions of the 2023 ES therefore remain valid and robust in terms of likely significant effects.
- 11.14.4 There are some changes to the list of cumulative schemes considered, with some schemes now forming the existing baseline and new cumulative schemes. Within the context of the updated baseline and considering the scale of development in Manchester, the cumulative effects identified in the 2023 ES are still considered appropriate.
- 11.14.5 The 2023 ES did not identify any significant adverse effects, and the ESRR concludes that the significance of effects remains valid and robust. No new or materially different mitigation or monitoring measures are required. All residual effects therefore remain as stated in the 2023 ES.
- 11.14.6 Given the above, the City Council considers that the contents and conclusions of the 2023 Environmental Statement (ES) and the 2024 ES Addendum relating to Socio-Economics, in particular the conclusions regarding likely significant environmental effects, remain valid and up to date and therefore contain all the information required by Regulation 18(3) and (4) of the EIA Regulations.

Conclusion

- 11.15 The ESRR does not identify any new likely significant environmental effects when compared to the assessments and conclusions presented within the ES and ES Addendum. There would be no change to the likely significant environmental effects presented within the ES and ES Addendum. Therefore, the City Council considers that the findings of the assessments presented within the ES and ES Addendum remain valid in light of the relevant updates to legislation, policy, guidance and baseline context on and surrounding the EIA site. It is therefore considered that the likely significant effects associated with the proposed development are entirely understood and are fully assessed within the ES and ES Addendum, supplemented by ESRR.

11.16 Given the above, the City Council considers that the ES and ES Addendum contain all the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account the examination of the environmental information and current knowledge and methods of assessment, in line with regulation 18(4)(b) and regulation 26(1)(b) of the EIA Regulations, and that that reasoned conclusion is up to date, in line with regulation 26(2) of the EIA Regulations.

11.17 Given the above, it is considered that there are no new or altered material planning considerations that would have altered the Planning Officer's recommendation, led Members to make a different decision or changed the outcome of the application. These matters do not therefore require the application to be referred back to Planning Committee.

12 Statement under Regulation 29 of the EIA Regulations

12.1 The City Council has taken the environmental information (as defined in the EIA regulations) into consideration in the determination of this application. During the EIA process it was considered that the development could give rise to significant effects as set out in the submitted Environmental Statement (ES) and ES Addendum, the report to the Planning and Highways Committee and the Delegated Report. It is considered that any significant environmental effects can be mitigated to overcome potential adverse impacts of the development as outlined below.

Air Quality

12.2 The site is in an Air Quality Management Area (AQMA) and an Air Quality Assessment has assessed the impact on air quality at construction and operational stages. The construction process would produce dust and increased emissions. Any adverse impacts would be temporary and could be controlled using mitigation measures included within best practice guidance and a construction management plan. A condition requiring a Demolition Management Plan is recommended for both phases (conditions 21 and 53) as is a Construction Management Plan (CMP) condition (conditions 22 and 54) to ensure that mitigation measures are carried out.

12.3 In terms of the operational development, the Air Quality Assessment concludes that no specific mitigation measures are required for the homes. Car usage could have an impact on air quality and the proposal incorporates measures to reduce air quality impacts, including: up to 20% Electric Vehicle Charging Points on a demand-led basis; 100% cycle parking spaces; improvements to pedestrian and cycle links; and Travel Plan implementation. Conditions are recommended to ensure these measures are carried out for each phase (conditions 34, 71 (air quality); 39, 79 (cycle parking); 82 (EVCs – v Phase 2 only); and 41, 81 (travel plan).

Climate Change

12.4 The likely Green House Gas (GHG) emissions of the proposal have been considered in terms of:

- Whole life embodied carbon emissions;
- Operational carbon emissions;
- Operational transport emissions;
- The global climate as the relevant environmental receptor.

- 12.5 The whole life embodied carbon emissions estimated to be generated by the homes and the commercial space part of the proposed development are likely to be minor adverse (not significant), and negligible (not significant) for the office part of the development.
- 12.6 The effect from operational energy emissions for the domestic and non-domestic parts of the proposed development are considered likely to be minor adverse (not significant).
- 12.7 Based on the magnitude of carbon emissions from transport and it being the highest contributor (76%) to the overall carbon emissions from the proposed development, the operational transport carbon emissions are expected to be major-moderate adverse (significant).
- 12.8 To reduce the whole life embodied emissions, the emphasis will be on minimising the use of energy intensive materials, using local suppliers where possible, reducing traffic and improving vehicle efficiency.
- 12.9 Mitigation of the operational transport emissions should include encouraging the use of public transport through measures proposed in the Travel Plan and the installation of EV charging infrastructure, both of which are conditioned, in order to achieve a negligible or moderate-minor (non-significant) residual effect for the emission categories assessed. The following conditions are attached to mitigate the impacts on climate change for each phase: 21, 53 (DMP), 22, 54 (CMP); 45, 86 (ESS); 82 (EVCs – Phase 2 only); 39, 79 (cycle parking); 41, 81 (travel plan); 42, 83 (highway works); and 24, 56 (landscape).

Daylight, Sunlight and Overshadowing

- 12.10 The application was accompanied by a daylight and sunlight analysis, which found that the overall impacts of the development in terms of daylight, sunlight and overshadowing on surrounding and future developments would be negligible to moderate adverse, which is considered to be not significant in EIA terms and no mitigation measures are required.

Noise and Vibration

- 12.11 Noise levels as a result of construction work during the construction period are expected to lead to negligible to moderate adverse impacts if no mitigation measures are in place. Construction impact should be minimised by the mitigation methods described in BS 5228. Low noise and vibration construction methods should be used wherever practicable and appropriate acoustic screening should be implemented where necessary and practicable. If the identified mitigation methods are employed, the impact of the construction work during the construction period is expected to be negligible to minor adverse (not significant). The impact of construction vibration on existing sensitive receptors is expected to be negligible (not significant).
- 12.12 During the operational development there is expected to be long-term potential environmental noise from building services plant. This should be controlled through careful design and specification of building services plant and by provision of acoustic screens and attenuators where required to meet the noise emissions criteria at each noise sensitive receptor at and around the site. Limits have been set for all non-emergency plant at 5dB below the typical background for each façade of the blocks. Limits for emergency plant have been set at 10dB above the typical background.

Conditions ensuring mitigation measures are employed to achieve acceptable noise conditions from plant are attached. With these mitigation measures a negligible impact (not significant) should be achieved.

- 12.13 The minimum required sound insulation performance of the curtain wall to the dwellings of the proposed development has been identified. Compliance with the performance criteria should ensure that the impact of environmental noise levels at the site on the occupants of the proposed development is negligible (not significant). The acoustic report has shown that the internal noise criteria should be achieved with the recommended glazing specifications. All apartments should be provided with MVHR with summer bypass and the level two overheating assessment has shown that vents only need to be open for one hour per day in July and August and can be closed at night. A detailed acoustic mitigation scheme will need to be submitted once the detailed design of the façade has been confirmed to show compliance with the acoustic report. This is conditioned.
- 12.14 External noise criteria have been specified for the allowable levels of activity noise egress from the proposed amenity spaces and commercial units. Compliance with the criteria should lead to negligible noise effects at sensitive receptors. Any additional mitigation measures to the base build for all the non-residential uses will need to be agreed prior to fit out. Acoustic reports will be required for each non-residential use and these should include structure-borne noise transfer as well as noise break out. These requirements are conditioned.
- 12.15 An assessment of road traffic flows shows that the impact of increases in noise levels due to changes in traffic flows will be negligible.
- 12.16 The following conditions are attached to ensure that the noise and vibration impacts of the proposed development are mitigated for each phase:
- restricting the residential use class to control potentially noisy uses (conditions 7 and 8);
 - restricting the commercial use classes to control potentially noisy uses (condition 9);
 - controlling the break-out of noise from non-residential uses (conditions 30 and 66);
 - specifying a noise insulation and ventilation scheme for the residential accommodation (condition 67 – Phase 2 only);
 - controlling the noise impacts from plant equipment (conditions 31 and 68);
 - controlling the testing of emergency plant (conditions 32 and 69);
 - controlling the use of external areas associated with the development (conditions 33 and 70);
 - controlling servicing hours (conditions 36 and 74); and
 - controlling opening hours of the commercial unit (condition 75).
- 12.17 Post completion reports should be undertaken to verify that the development achieves the appropriate noise environment and this forms part of the conditions of the planning permission.

Human Health

- 12.18 The provision of good quality residential units in such a sustainable location is likely to have moderate positive effects for healthy housing. Employment arising through the construction and operational phases is likely to provide minor beneficial effects. Minor adverse effects were identified for the cumulative effects of the proposed

development with other developments nearby due to the increased demand for healthcare facilities – GPs and dentists. For potential townscape and visual effects, mitigation measures have been embedded into the location and design of the proposed development such that impacts on townscape character and viewpoints were found to be negligible or beneficial. The proposed development improves the visual diversity, composition, and townscape character.

- 12.19 Air quality and noise is mostly associated with road traffic. There will be some noise from the building services plant but this was found to be not significant with mitigation which is conditioned. During construction, there is a potential for nuisance noise and dust but this is temporary and will be controlled through good practice measures. Overall, the location of the site in an area with excellent accessibility to public transport, and with varied access to pedestrian and cycle networks for employment, services, and facilities in the city centre, will encourage active travel with likely positive effects in the local area. Changes to daylight or sunlight, and the wind microclimate can adversely affect health and well-being with regard to a healthy environment but effects are found to be primarily negligible. No significant adverse residual effects are identified and therefore, no further mitigation measures are required.

Solar Glare

- 12.20 A Solar Glare Impact Assessment has assessed the impact of glare from the facades of the proposal on 17 locations which are sensitive for road users. The assessment is based on a worst-case scenario, which includes assuming clear skies and high reflectivity glazing. The impact on 15 of the locations was found to be minor adverse and not significant. Two locations (Melbourne Street junction with Great Jackson Street and Mancunian Way westbound) are considered to experience moderate adverse effects overall. Given the potential impacts, the following mitigation measures have been incorporated into the detailed design façade:

- Anodised aluminium panels with a non-specular finish (a finish that reduces the reflectivity of the surface) to break up reflections; and
- Ventilation panels to break up reflections.

- 12.21 An additional study was undertaken to ensure that the reflections that do occur are low intensity and below the threshold for glare. Visible Light Reflectance (VLR) is the measurable amount of visible light that is reflected out by glazing. Glazing with a low VLR means that most of the daylight is passing through the window rather than being reflected. The maximum Visible Light Reflectance (VLR) for the glazing on the eastern elevation of the top floor of the Phase 1 office building shall not exceed 16 per cent and the VLR for the glazing on the lowest 26 floors of the eastern elevation of the Phase 2 residential tower is 14%. Glazing below these VLR thresholds would not result in glare and therefore would not impact the visibility of drivers at the two locations where significant effects have been reported, the impact at these two locations would be reduced to minor adverse and not significant. This VLR glazing requirement is conditioned (conditions 44 and 85).

Townscape and Visual Impact

- 12.22 The Townscape and Visual Impact assessment has examined the impact of the proposed development on the townscape character of the areas surrounding the application site. From this assessment, it is considered that the proposal would not have a significant adverse impact on any important townscape views and would

create a positive landmark and maintain a strong sense of place. It would be a high quality architectural statement and enhance the skyline and have a positive effect on the townscape.

- 12.23 Mitigating the effects of the construction phase should involve high quality hoardings that should be used to limit unsightly visual impacts during the construction phase at street level. These should secure and protect the proposed development site and prevent views of an unsightly construction site.
- 12.24 Mitigation measures for the operational phase are embedded within the design of the building. These mitigation measures deal with the proposed development's relationship to the site's heritage, the establishment of a sense of place derived from a unitized approach to the design of the scheme and the use of materials and features which sit comfortably with the surrounding neighbourhood. Conditions requiring details of the materials to be used in the elevations of the buildings (conditions 23 and 55), as well as details of hard and soft landscape (conditions 24 and 56) are attached to ensure a high quality development is achieved as set out in the planning application documents.

Traffic and Transport

- 12.25 The Transport Assessment concludes that the proposal would not have a significant impact on traffic and network capacity. The site is close to bus routes and bus stops, Oxford Rd and Deansgate Railway Stations and Metrolink services at Deansgate-Castlefield. There are good pedestrian and cycle links and the proposal would introduce further pedestrian and cycle linkages. The scheme would introduce services and amenities in addition to the services and amenities that are nearby.
- 12.26 The proposal would provide 100% cycle parking. Other improvements to the pedestrian/cyclist environment include:
- Upgraded footways;
 - Tactile paving and dropped kerbs at all crossings.
 - 5.5m carriageway on Great Jackson Street to encourage low speeds;
 - Traffic calming measures (including a speed hump and other measures) on Melbourne Street slip road to encourage low speeds;
 - Shared use (cyclists and pedestrians) along the southern footway on Melbourne Street; and
 - New signalised pedestrian crossing on Great Jackson Street.
- 12.27 A Framework Travel Plan (TP) sets out a package of practical measures to reduce the transportation and traffic impact, including the appointment of a Travel Plan coordinator, the provision of information about public transport, walking and cycling and car sharing clubs. The TP would encourage people to choose alternative modes over single occupancy car use and where possible reduce the need to travel.
- 12.28 Conditions are attached requiring a scheme of highway works based on Stage 1 and Stage 2 road safety audits (conditions 42 and 83); a Travel Plan (conditions 41 and 81); Electric Vehicle Charging points (EVCs) (condition 82); a deliveries and servicing management strategy for each phase (conditions 43 and 84); residential waste management (conditions 72 - Phase 2 only); commercial waste management (conditions 35 and 37); a dilapidation survey (condition 15); a Demolition Management Plan (conditions 21 and 53) and a Construction Management Plan (conditions 22 and 54).

Wind Microclimate

- 12.29 A wind microclimate study has assessed the different scenarios that the phasing of the development could result in. The scheme has been designed using specialist wind engineering advice and incorporates wind mitigation measures as an integral part of the architectural and landscaping design, including the following:
- 50% porous screening – 2.5m tall (residential building screen at ground-podium level); and
 - 50% porous screening – 7.625m tall (wind baffle extension to the office block building).
- 12.30 The following sensitive receptors have been identified and assessed: all pedestrian circulation routes, building entrances, waiting areas (e.g., bus stops and pick-up/drop off points) and leisure open areas in the surrounding vicinity and within the site.
- 12.31 In terms of the pedestrian safety assessment, impacts from wind on all receptors is negligible and therefore not significant.
- 12.32 In terms of pedestrian comfort, impacts from wind on all receptors relating to the Plot D development are negligible and therefore not significant.
- 12.33 The above results are conservative as the CFD wind simulations have not included any landscaping across the private terraces, the inclusion of which could mitigate wind effects.
- 12.34 From the assessment of Deansgate Square roof terrace, it is expected that the wind conditions across the roof terrace at Deansgate Square would remain similar to the ones predicted at the time of the planning application for Deansgate Square.
- 12.35 Given the above, whilst there would be some impact on the pedestrian environment in terms of safety and comfort, it is considered that, with appropriate mitigation these would be acceptable and not significant. Conditions requiring final details of the measures required for wind mitigation relating to each phase are attached (conditions 26 and 58).

Socio-Economics

- 12.36 The proposal would deliver 642 new purpose-built homes within a high-density development, directly supporting the delivery of housing development targets established within the Manchester Places for Everyone Plan and the Manchester Core Strategy. Within the construction phase, the proposed development would generate, on average, 460 full-time equivalent (FTE) jobs within the construction sector each year over the course of the 8.25 years construction period (combined with the development on Part Of Plot C And Plot E under planning application 137226/FO/2023. Within the context of the size of Manchester's existing construction workforce this would have a temporary, moderately beneficial effect which is considered to be significant in EIA terms.
- 12.37 During the operational phase, the proposed development would generate minor adverse impacts in respect to the additional demand for healthcare facilities, however this is not considered to be significant in EIA terms.

- 12.38 The homes would be a mix of sizes that could attract a range of occupants and help to foster a mixed community. Public realm and private residential amenity spaces and facilities would be provided and would have a minor beneficial impact (not significant) with regards to satisfying additional demand for the use of leisure facilities and open/amenity space.
- 12.39 The proposed development is assessed as generating a permanent and negligible effect in relation to the remaining socio-economic impacts, including changes in employment and contributions to the local economy. A reduction in crime as a result of Secured by Design (SBD) standards being applied to construction should be achieved and the achievement of SBD certification is conditioned for each phase (conditions 38 and 78). Conditions regarding a Local Labour Proposal for construction (conditions 19 and 51), a Local Labour Proposal for the end uses (conditions 20 and 52) and a S106 agreement for a late stage review of viability for a contribution towards affordable housing are also attached.

Monitoring

- 12.40 It is considered that no monitoring is required, other than the acoustic conditions requiring verification reports to verify that the appropriate noise levels are achieved, the requirement for Secured by Design certification, verification of highway works and verification that the environmental standards conditions have been complied with.

13 Engagement with Third Parties

- 13.1 The objection of 24 April 2026 states that its objections have not been responded to or taken into account by Manchester City Council when determining the applications. This assertion is noted, however, there is no legal obligation for the Council to correspond directly with third-party objectors. It is for the Council, as decision-taker, to summarise and proportionately respond to all material objections within its delegated reports or committee reports. All representations received have been carefully considered in the preparation of this report.

11 14 Conditions

- 14.1 There have been amendments to some conditions following the Committee resolution, negotiations with the applicant and the submission of the further information set out above. A list of the conditions now proposed is set out in Appendix 1 of this report. The main changes are summarised as follows:

14.1.1 Condition 2 has been amended to include the Flood Risk documents and the Energy & Low Carbon Proforma submitted since the Committee resolution in line with the Policy changes outlined above. The wording “(including for the avoidance of doubt the measures summarised in chapter 16)” has been added after “Environmental Statement Volume 1 Addendum Deloitte April 2024”, for the avoidance of doubt.

14.1.2 A condition has been added (Condition 8) to ensure the residential accommodation is retained for use by families:

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the residential use hereby approved shall not be used for any purpose other than the

purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt, this does not preclude two unrelated people or couples (or a couple and unrelated person) sharing a dwelling.

Reason - In the interests of residential amenity, 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.

14.1.3 Condition 16 (formerly 15) and the corresponding conditions for each phase have been amended to bring them in line with the LPA's standard wording:

16) a) Prior to the commencement of development within Phase 1, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The Preliminary Risk Assessment shall conform to the current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks, which in the written opinion of the Local Planning Authority require further investigation, development within Phase 1 shall not commence until a scheme for the investigation and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the Local Planning Authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out before development within Phase 1 commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the Local Planning Authority. The development within Phase 1 shall then be carried out in accordance with the approved Site Investigation Report and/or Remediation Strategy.

b) Prior to the first use/occupation of the development within Phase 1, a Completion/Verification Report shall be submitted to and approved in writing by the Local Planning Authority, to validate that the development conforms with the approved Site Investigation Report and/or Remediation Strategy.

c) In the event of any non-conformity with the approved Site Investigation Report and/or Remediation Strategy, then any further measures that are required to remediate the land shall be carried out. Any required measures/remediation and validation shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, prior to first use/occupation of the development within Phase 1.

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.

- 14.1.4 Condition 27 (SuDS) (previously 25) and the corresponding condition relating to Phase 2, have been amended in line with the Flood Risk Addendum and UU's and the Lead Local Flood Authority's advice to ensure that the site is made safe from fluvial and surface water flooding for its entire lifespan, including future climate change risk:

27) Prior to the commencement of development within Phase 1, details of surface water drainage works in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national standards, shall be submitted to and approved in writing by the City Council as local planning authority. The details shall include the following information:

- a) A finalised drainage layout showing all components, outfalls, levels (including proposed ground and finished floor levels in AOD) and connectivity.*
- b) Progression through the drainage hierarchy must be evidence based and supported by site investigation including assessments of ground conditions and infiltration testing in accordance with BRE365. Proposals of attenuation should achieve half drain time within 24 hours.*
- c) 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 connection will suffice.*
- d) Where a public sewer diversion or abandonment is required, an agreement in principle from United Utilities is required. An email of acceptance will suffice.*
- e) Maximised integration of green SuDS components (utilising infiltration or attenuation) if practicable.*
- f) Details of surface water attenuation to align with the Manchester, Trafford and Salford Strategic Flood Risk Assessment. For brownfield sites a minimum of 50% betterment is required for reduction in runoff rate compared to the existing rates with the aim of reducing to the Greenfield runoff rates.*
- g) An existing and proposed impermeable areas drawing to accompany all discharge rate calculations.*
- h) Hydraulic calculations of the proposed drainage system, including all design parameters. Calculations must include Critical Storm Events for the 1 in 2, 1 in 30 and 1 in 100 + 45% Climate Change. Results must demonstrate no surcharge for the 1 in 2, no flooding in the 1 in 30 and no flooding of buildings for the 1 in 100 + 45% Climate Change.*
- i) A blockage risk assessment must be undertaken as part of the drainage strategy to support proposed flows less than 5 l/s.*

j) *An assessment of surface water pollution risk in-line with CIRIA C753 and, where required, evidence of pollution control measures (preferably through SuDS) to treat surface water prior to discharge.*

k) *A plan indicating surface water overland flow routes for extreme events to ensure flows are diverted away from existing and proposed buildings (including basements). Please confirm the proposed surface water flood risk mitigation measures on this plan (raises finished floor levels).*

l) *Construction details of flow control and SuDS elements.*

m) *A plan indicating easements. SuDS features should be appropriately positioned, including a 2.5m easement from attenuation tanks to the existing highway and a 5m easement from any dwellings, guaranteeing accessibility for future maintenance and contingency for asset failure. This practice is in accordance with SuDS Manual (C753). Where minimum easements cannot be met, evidence is required from the structural engineer that the building foundations are appropriately designed to protect the building and tank. Details of the provision of suitable access for future maintenance are also required.*

n) *Mitigation measures to manage the risk of sewer surcharge where applicable;*

o) *Where an application is part of a larger site which already has planning permission it is essential that the new proposal does not compromise the drainage scheme already approved.*

The approved details shall be implemented before first occupation of Phase 1.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to national policies within the NPPF and local policies EN8 and EN14 of the Core Strategy.

14.1.5 Condition 30 (previously 28) and the corresponding condition relating to phase 2 have been amended to bring them in line with the LPA's standard wording:

30) a) *The non-residential premises hereby approved within Phase 1 shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented in full before the use(s) commences or as otherwise agreed in writing by the City Council as local planning authority.*

Where entertainment noise is proposed the LAeq (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 (Leq,5min), respectively.

b) *Prior to the first use/occupation of the non-residential premises within Phase 1 of the development, a Completion/Verification Report shall be submitted to and approved in writing by the Local Planning Authority to validate that the work*

undertaken conforms to the recommendations and requirements of the approved acoustic consultant's report.

c) In the event of any non-conformity with the approved acoustic consultant's report, then any further measures that are required to achieve the required noise criteria shall be carried out. Any required measures and validation shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, prior to first use/occupation of the non-residential premises within Phase 1 of the development.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

14.1.6 Condition 31 (previously 29) and the corresponding condition relating to phase 2 have been amended to bring them in line with the LPA's standard wording:

31 a) Prior to any above ground works within Phase 1 (excluding demolition and site clearance), either a scheme that demonstrates that any plant equipment will achieve a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band at the nearest noise sensitive location, or a scheme showing a method to acoustically treat/insulate any plant equipment so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band at the nearest noise sensitive location, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

b) Prior to first occupation of Phase 1, a verification report, which will include post-completion testing, shall be submitted to and approved in writing by the Local Planning Authority to validate that the plant equipment achieves a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band at the nearest noise sensitive location.

c) In the event of non-conformity with a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band, then any measures/changes required to achieve conformity shall be carried out. Any required measures/changes and verification shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, before the uses within Phase 1 can commence.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the UDP.

14.1.7 Condition 42 has been amended to bring it in line with the LPA's standard wording:

42) Prior to the commencement of above ground works within Phase 1, the following relating to that phase shall be submitted to and approved in writing by the City Council as Local Planning Authority:

a) A Stage 1 and 2 Road Safety Audit (RSA);

b) A scheme of highway works based on the above RSA.

c) The highway works approved under part b) of this condition above shall be implemented in full in accordance with the approved details prior to any part of Phase 1 of the development first being occupied and shall be retained thereafter.

d) Prior to any part of Phase 1 of the development first being occupied, a Completion/Verification Report, which shall include photographic evidence and highway approval/completion notices (where relevant) shall be submitted to and approved in writing by the Local Planning Authority.

e) In the event of non-conformity, where the highway works have not been carried out and/or have not been carried out to relevant standards, then any measures/changes required to achieve conformity shall be carried out. Any required measures/changes and verification shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, before first occupation of Phase 1 of the development.

Reason -To ensure provision of an adequate pedestrian and vehicular environment in the vicinity of the application site in the interests of pedestrian and highway safety pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

14.1.8 Condition 43 has been added and condition 84 (formerly 81) has been amended to require a deliveries and servicing strategy for the whole building:

43) Prior to the first occupation of Phase 1 of the development hereby approved, a Delivery and Servicing Management Strategy for the development shall be submitted to and agreed in writing by the City Council as local planning authority.

The strategy shall work to ensure that servicing/delivery/activities across all buildings are co-ordinated to ensure efficient use of the proposed loading bays and shall include full details of any highway works (including any traffic regulation orders or other traffic measures) required.

The approved strategy, including any associated mitigation works, shall be implemented in full prior to first occupation of Phase 1 of the development and shall be retained and maintained in operation thereafter.

Reason - In the interests of public and highway safety and the protection of residential amenity, pursuant to Policy DM1 of the Core Strategy for the City of Manchester.

14.1.9 An Environmental Standards condition has been added for each phase (Condition 45 repeated for Phase 2 at condition 85 with the relevant Phase number amended):

44) a) Phase 1 of the development hereby approved shall be carried out in accordance with the Environmental Standards Statement by Element Sustainability dated May 2024 and the Element Sustainability Technical Note - Energy & Low Carbon Proforma dated 22.08.2025.

b) A post construction review certificate/statement shall be submitted for approval in writing by the City Council, as Local Planning Authority, within 3 months of first occupation of Phase 1 of the development hereby approved.

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, Places for Everyone policies JP-S2 (Carbon and Energy) and JP-S3 (Heat and Energy Networks), the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

14.1.10 Condition 67 (previously 64) has been amended to bring it in line with the LPA's standard wording:

66 a. Prior to the commencement of development within Phase 2, a scheme for acoustically insulating the proposed residential accommodation against external and internal noise sources, including noise from the Mancunian Way, Chester Road and Great Jackson Street, together with details of the performance of any glazing, shall be submitted to and approved in writing by the Local Planning Authority.

The noise insulation and ventilation scheme shall take the potential for overheating 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 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

The development shall then be carried out in accordance with the approved noise insulation and ventilation scheme.

b) Prior to the first use/occupation of the development within Phase 2, a Completion/Verification Report shall be submitted to and approved in writing by the Local Planning Authority to validate that the work undertaken conforms to the recommendations and requirements of the approved noise insulation and ventilation scheme.

c) In the event of any non-conformity with the approved noise insulation and ventilation scheme, then any further measures that are required to achieve the required noise criteria shall be carried out. Any required measures and validation shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, prior to first use/occupation of Phase 2 of the development.

Reason - To secure a reduction in noise from external sources and 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).

14.1.11 Condition 76 (formerly 73) has been amended to bring it in line with the LPA's standard wording:

75) Prior to first use of any commercial uses hereby approved within Phase 2 of the development that involve the preparation of hot food a scheme for the extraction of any fumes, vapours and odours from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use commences and shall remain operational thereafter.

Reason - In order to ensure the efficient dispersal of cooking odours from the premises in the interests of the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to the character and appearance of the host building and the surrounding area in accordance with policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.

14.1.12 Condition 83 has been amended to bring it in line with the LPA's standard wording:

83) Prior to the commencement of above ground works within Phase 2, the following relating to that Phase shall be submitted to and approved in writing by the City Council as Local Planning Authority:

a) A Stage 1 and 2 Road Safety Audit (RSA);

b) A scheme of highway works based on the above RSA, which shall include the following:

- i) Proposed drop off/loading bays;*
- ii) Proposed parking bays;*
- iii) Proposed street tree planting;*
- iv) Details of the materials, including natural stone or other high quality materials to be used for the reinstatement of the pavements adjacent to the site and for the areas between the pavement and the line of the proposed buildings;*
- v) Reinstatement of redundant access points as continuous footway;*
- vi) Provision of tactile paving and dropped kerbs at junctions serving the site;*
- vii) Physical delineation of the extent of the adopted highway within the site (for example, through the use of brass studs within the ground).*

c) The highway works approved under part b) of this condition above shall be implemented in full in accordance with the approved details prior to any part of Phase 2 of the development first being occupied and shall be retained thereafter.

d) Prior to any part of Phase 2 of the development first being occupied, a Completion/Verification Report, which shall include photographic evidence and highway approval/completion notices (where relevant) shall be submitted to and approved in writing by the Local Planning Authority.

e) In the event of non-conformity, where the highway works have not been carried out and/or have not been carried out to relevant standards, then any measures/changes required to achieve conformity shall be carried out. Any required measures/changes and verification shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, before first occupation of Phase 2 of the development.

Reason -To ensure provision of an adequate pedestrian and vehicular environment in the vicinity of the application site in the interests of pedestrian and highway safety pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

- 14.2 In addition, any references to the superseded NPPF in the condition reasons have been amended to reflect the revised NPPF.
- 14.3 The amendments to conditions are non-material in nature and are limited to those essential to make the conditions effective or enforceable, to address inconsequential typographical errors, to address the revised NPPF, and to ensure the scheme considered by Planning Committee is achieved.

Conclusion

- 14.4 It is considered that the amended/additional conditions meet the requirements of NPPF policy DM3: Determining development proposals and DM6: Use of planning conditions and obligations, and the changes are minor in nature.

15 Overall Conclusion

- 15.1 MCC Officers are well aware of the policy changes that have occurred since the August 2024 resolution and the implications of those changes for this application.
- 15.2 It is considered that there are no new or changed material planning considerations arising from the neighbour representation, consultation responses, update application documents, national or local policy changes/updates or otherwise that have occurred since Members resolved to grant planning permission at the original Planning Committee in August 2024 that could be said to be realistically capable of causing the City Council to reach a different conclusion. In particular none of those considerations (alone or in combination) could realistically be said to have led Members to make a different decision or to have changed the outcome of the application or to have changed the Officer's recommendation. It is considered that the same decision would be reached by Members and these matters do not require the application to be referred back to Planning Committee. In addition these considerations are referred to in this report and are therefore before the officer who makes the decision.
- 15.3 It is considered that there are no material amendments to planning conditions that would require consideration by Planning Committee, with amendments being limited to those necessary to make the conditions more precise and effective.
- 15.4 It is considered that the S106 agreement accords with the terms of the original Committee resolution and that there are no material amendments to the terms of the agreement that would require consideration by Planning Committee.

16 Other Legislative Requirements

16.1 Equality Act 2010

16.1.1 Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

16.1.2 Officers are satisfied that the impacts of the proposals have been appropriately considered within the assessment of the application, including matters relating to accessibility, inclusive design, and the reasonable needs of all sections of the community. It is considered that the proposals would not result in any unlawful discrimination or adverse equality impacts that would weigh against the recommendation set out in this report.

17.2 Human Rights Act 1998 considerations

17.2.1 This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

17.2.2 Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

18 Recommendation: I, Julie Roscoe, in accordance with the decision of the Planning Committee on 29 August 2024, the delegations given to me through that decision and the delegations given to me in the Council's constitution, and taking into account the matters set out in this report, hereby determine:

(1) that the s.106 Agreement (appended to this report) be entered into, and

(2) upon completion of the s.106 Agreement, that the Planning Permission be issued subject to the conditions set out below in this report.

Signed:



Dated: 10 September 2026

19 Condition(s) to be attached to decision for approval

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:
Context - Site Location Plan 10419-Z1-SHP-G000-PL-GRD-B5D801 P 01
Context - Existing Site Plan 10419-Z1-SHP-G000-PL-GRD-B5D802 P 01
Context - Proposed Site Plan 10419-Z1-SHP-G000-PL-GRD-B5D803 P 01
Phasing Plan - Ground Level 10419-Z1-SHP-G000-PL-GRD-B5D804 P 01 showing Phase 1 and Phase 2
Phasing Plan - Basement Level 10419-Z1-SHP-G000-PL-B1-B5D801 P 01 showing Phase 1 and Phase 2
Site Context Elevation - Existing - North Elevation 10419-Z1-SHP-G000-EL-XX-B5D801 P 01
Site Context Elevation - Existing - East Elevation 10419-Z1-SHP-G000-EL-XX-B5D802 P 01
Site Context Elevation - Existing - South Elevation 10419-Z1-SHP-G000-EL-XX-B5D803 P 01
Site Context Elevation - Existing - West Elevation 10419-Z1-SHP-G000-EL-XX-B5D804 P 01
Site Context Elevation - Proposed - North Elevation 10419-Z1-SHP-G000-EL-XX-B5D805 P 02
Site Context Elevation - Proposed - East Elevation 10419-Z1-SHP-G000-EL-XX-B5D806 P 02
Site Context Elevation - Proposed - South Elevation 10419-Z1-SHP-G000-EL-XX-B5D807 P 02
Site Context Elevation - Proposed - West Elevation 10419-Z1-SHP-G000-EL-XX-B5D808 P 02
Z1 Site - Building Plans Matrix - Page 1 10419-Z1-SHP-F900-PL-XX-B5D801 P 01
Z1 Site - Building Plans Matrix - Page 2 10419-Z1-SHP-F900-PL-XX-B5D802 P 01
Z2 Podium - General Arrangement Plan - Ground Level 10419-Z2-SHP-G200-PL-GRD-B5D801 P 01
Z2 Podium - General Arrangement Plan - Level 01 10419-Z2-SHP-G200-PL-01-B5D801 P 01
Z2 Podium - General Arrangement Plan - Level 02 10419-Z2-SHP-G200-PL-02-B5D801 P 01
Z2 Podium - General Arrangement Plan - Level 03 10419-Z2-SHP-G200-PL-03-B5D801 P 01
TD Tower - General Arrangement Plan - Typical Plan 1 10419-TD-SHP-G200-PL-XX-B5D801 P 01
TD Tower - General Arrangement Plan - Typical Plan 2 10419-TD-SHP-G200-PL-XX-B5D802 P 01

TD Tower - General Arrangement Plan - Typical Plan 3 10419-TD-SHP-G200-PL-XX-B5D803 P 01
 TD Tower - General Arrangement Plan - Level 66 10419-TD-SHP-G200-PL-66-B5D801 P 01
 TD Tower - General Arrangement Plan - Level 67 10419-TD-SHP-G200-PL-67-B5D801 P 01
 TD Tower - General Arrangement Plan - Level 68 10419-TD-SHP-G200-PL-68-B5D801 P 01
 TD Tower - General Arrangement Plan - Level 69 10419-TD-SHP-G200-PL-69-B5D801 P 01
 TD Tower - General Arrangement Plan - Level 70 10419-TD-SHP-G200-PL-70-B5D801 P 02
 TD Tower - General Arrangement Plan - Roof 10419-TD-SHP-G200-PL-RF-B5D801 P 01
 OB Office Block - General Arrangement Plan - Ground Level 10419-OB-SHP-G200-PL-GRD-B5D801 P 01
 OB Office Block - General Arrangement Plan - Level 01 10419-OB-SHP-G200-PL-01-B5D801 P 01
 OB Office Block - General Arrangement Plan - Level 02 10419-OB-SHP-G200-PL-02-B5D801 P 01
 OB Office Block - General Arrangement Plan - Roof 10419-OB-SHP-G200-PL-RF-B5D801 P 01
 Z2 Podium - General Arrangement Elevation - North and South 10419-Z2-SHP-G200-EL-XX-B5D801 P 02
 Z2 Podium - General Arrangement Elevation - East and West 10419-Z2-SHP-G200-EL-XX-B5D802 P 02
 OB Office Block - General Arrangement Elevations 10419-OB-SHP-G200-EL-XX-B5D801 P 02
 TD Tower - External Wall Detail - Typical Detail 1 10419-TD-SHP-G251-DE-XX-B5D801 P 01
 TD Tower - External Wall Detail - Typical Detail 2 10419-TD-SHP-G251-DE-XX-B5D802 P 01
 Z2 Podium - External Wall Detail - Typical Detail 1 10419-Z2-SHP-G251-DE-XX-B5D801 P 01
 Z2 Podium - External Wall Detail - Typical Detail 2 10419-Z2-SHP-G251-DE-XX-B5D802 P 02
 OB Office Block - External Wall Detail - Typical Detail 1 10419-OB-SHP-G251-DE-XX-B5D801 P 01
 OB Office Block - External Wall Detail - Typical Detail 2 10419-OB-SHP-G251-DE-XX-B5D802 P 01
 PR-TPM-G710-PL-GRD-4175 101 X1 Ground Floor: Landscape General Arrangement;
 Environmental Statement Volume 1 Deloitte June 2023
 Environmental Statement Volume 1 Addendum Deloitte April 2024 (including for the avoidance of doubt the measures summarised in chapter 16)
 Environmental Statement Non-Technical Summary Deloitte June 2023
 Environmental Statement Non-Technical Summary Addendum Deloitte April 2024
 Environmental Statement Volume 2 - Appendix 9.1
 (Environmental Noise Study) Fisher Acoustics June 2023
 Environmental Statement Volume 2 - Appendix 5.2 (Phasing and Logistics Plan) Renaker June 2023
 Environmental Statement Volume 2 - Appendix 6.1 (Air Quality Figures) Enzygo June 2023

Environmental Statement Volume 2 - Appendix 6.2 (Road Traffic Impact Assessment) Enzygo June 2023

Environmental Statement Volume 2 - Appendix 6.3 (Construction Phase Dust Risk Assessment) Enzygo June 2023

Environmental Statement Volume 2 - Appendix 6.4 (Construction Phase Road Traffic Impact Assessment) Enzygo June 2023

Environmental Statement Volume 2 - Appendix 6.5 (Operational Phase Road Traffic Impact Sensitivity Analysis) Enzygo June 2023

Environmental Statement Volume 2 - Appendix 6.6 (EIA Qualifications) Enzygo June 2023

Environmental Statement Volume 2 - Appendix 8.1 (Drawings of Baseline and Proposed Scenario) GIA June 2023

Environmental Statement Volume 2 - Appendix 8.2 (Daylight and Sunlight Results for Baseline and Proposed Scenario) GIA June 2023

Environmental Statement Volume 2 - Appendix 8.3 (Overshadowing Results and Drawings) GIA June 2023

Environmental Statement Volume 2 - Appendix 11.1 (Solar Glare Assessment) GIA June 2023

Environmental Statement Volume 2 - Appendix 11.2 (Solar Glare Intensity Summary Note) GIA June 2023

Environmental Statement Volume 2 - Appendix 12.1 (Maps) Chris Burnett Associates June 2023

Environmental Statement Volume 2 - Appendix 12.2 (Viewpoint and Townscape Photographs including AVR images) Chris Burnett Associates June 2023

Environmental Statement Volume 2 - Appendix 12.2A (TVIA Night Time Images) Chris Burnett Associates April 2024

Environmental Statement Volume 2 - Appendix 12.3 (Visualisation Methodology) Chris Burnett Associates June 2023

Environmental Statement Volume 2 - Appendix 12.4 (AVR Methodology) Chris Burnett Associates June 2023

Environmental Statement Volume 2 - Appendix 13.1 (Transport Statement) Curtins June 2023

Environmental Statement Volume 2 - Appendix 13.2 (Framework Travel Plan) Curtins April 2024

Environmental Statement Volume 2 - Appendix 14.1 (Wind Microclimate Study) WSP June 2023

Environmental Statement Volume 2 - Appendix 2.1 (Screening and Scoping Report) Deloitte June 2023

Environmental Statement Volume 2 - Appendix 2.2 (Committed Developments) Deloitte June 2023

Environmental Statement Volume 2 - Appendix 5.1 (Planning Programme) Renaker June 2023

Environmental Statement Volume 2 - Appendix 8.4 (Daylight and Sunlight Addendum) GIA April 2024

Statement of Consultation Deloitte June 2023

Design and Access Statement SHP June 2023

Design and Access Statement Addendum SHP April 2024

Planning Statement Deloitte June 2023

Planning and Tall Building Statement Addendum Deloitte April 2024

Landscaping Management Plan TPM Landscape October 2023

Landscape Design Statement TPM Landscape October 2023

Green and Blue Infrastructure Statement Deloitte June 2023

Lighting Strategy FutureServ June 2023

Arboricultural Impact Assessment Report (AIA) Godwins June 2023

Archaeological Desktop Study University of Salford June 2023
 Broadband Connectivity Assessment Pager Power June 2023
 TV Reception Survey Pager Power June 2023
 Safety Assessment (Manchester Airport) Pager Power June 2023
 Crime Impact Statement (CIS) GMP June 2023
 Geo-Environmental Preliminary Risk Assessment WSP June 2023
 Ecology Survey ERAP June 2023
 Bat Survey ERAP October 2023
 Local Labour Agreement Renaker June 2023
 Development Management Strategy Zenith June 2023
 Servicing Strategy (included within Transport Statement) Curtins June 2023
 Site Waste Management Strategy (included within the DAS) SHP June 2023
 Ventilation Statement FutureServ June 2023
 Flood Risk Assessment and Drainage Strategy Curtins June 2023
 Flood Risk Assessment Addendum revision V01 by Curtins dated 04 August 2025
 Flood Sequential Test by Deloitte dated August 2025
 Fire Statement (residential only) Tenos June 2023
 Fire Statement Form received by the Local Planning Authority on 5 January 2024
 Fire Strategy Report Ref. TS220375-R04-ISSUE03 by Tenos received by the Local Planning Authority on 5 January 2024
 Heritage Statement Stephen Levrant Heritage Architecture April 2024
 Biodiversity Net Gain Assessment ERAP May 2024
 Biodiversity Net Gain Assessment Metric ERAP June 2024
 Broadband Connectivity Assessment Addendum Pager Power May 2024
 Environmental Standards Statement Element Sustainability May 2024
 Financial Viability Assessment Roger Hannah April 2024
 Element Sustainability Technical Note - Energy & Low Carbon Proforma dated 22.08.2025
 Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

- 3) The development hereby approved shall be phased in accordance with the following drawing numbers:
 10419-Z1-SHP-G000-PL-GRD-B5D804 Phasing Plan Ground Level showing Phase 1 and Phase 2; and
 10419-Z1-SHP-G000-PL-B1-B5D801 P01 Phasing Plan Basement Level showing Phase 1 and Phase 2.
 Reason - For the avoidance of doubt, pursuant to Policy DM1 of the Core Strategy, as the development is proposed to be carried out in a phased manner.
- 4) The development hereby approved shall include for full disabled access to be provided to the public realm and via the main entrances to the buildings and to the floors above.
 Reason - To ensure that satisfactory disabled access is provided pursuant to the provisions of Core Strategy policy DM1 and policies JP-H3 and JP-P1 of the Places for Everyone Joint Development Plan.
- 5) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1 March and 30 September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and agreed in writing by the City Council as local planning authority.

Reason - In order to provide protection to nesting birds, pursuant to Policy EN15 of the Core Strategy.

- 6) Prior to the occupation of the development hereby approved an external signage strategy for the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved signage strategy shall then be implemented and used to inform any future advertisement applications for the development.

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

- 7) The residential use hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses 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) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - 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 pursuant to Core Strategy policies SP1 and DM1 and to ensure the permanent retention of the accommodation for normal residential purposes.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the residential use hereby approved shall not be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt, this does not preclude two unrelated people or couples (or a couple and unrelated person) sharing a dwelling.

Reason - In the interests of residential amenity, 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.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the commercial space within Phase 2 of the development shall only be used for Use Classes Eb and / or Use Class Sui Generis (p) and (q) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification) and for no other purposes within those Use Classes.

Reason - To safeguard the amenities of the neighbourhood pursuant to Core Strategy policies SP1 and DM1.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-

enacting that Order with or without modification) the commercial space within Phase 1 of the development shall only be used for Use Class Egi.

Reason - To safeguard the amenities of the neighbourhood pursuant to Core Strategy policies SP1 and DM1.

- 11) The commercial unit hereby approved within Phase 2 of the development shall remain as one unit and shall not be sub-divided 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 unit pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

- 12) The window(s) to the ground floor commercial units hereby approved shall be retained as clear glazed window openings at all times and views into the premises shall not be screened or obscured in any way.

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 Core Strategy.

- 13) Foul and surface water shall be drained on separate systems.

Reason - To secure proper drainage and to manage the risk of flooding and pollution, pursuant to the National Planning Policy Framework and Policy EN14 of the Core Strategy.

- 14) Piling or any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the City Council as local planning authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the proposed piling does not harm groundwater resources in accordance with policies EN17 and DM1 of the Manchester Core Strategy (2012) and the NPPF.

- 15) a) Prior to the commencement of the development hereby approved, a full condition survey of the carriageways/footways on construction vehicle routes surrounding the site shall be undertaken and submitted to the City Council as Local Planning Authority.

b) When all construction/fit-out works are complete, the same carriageways/footways shall be re-surveyed and the results submitted to the City Council as Local Planning Authority for assessment. Should any damage have occurred to the carriageways/footways, they shall be repaired and reinstated by the applicant in accordance with a scheme that shall first be submitted to and approved in writing by the City Council as Local Planning Authority.

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

- 16) a) Prior to the commencement of development within Phase 1, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The Preliminary Risk Assessment shall conform to the current guidance document (Planning Guidance in Relation to Ground Contamination). In the event of the Preliminary Risk Assessment identifying risks, which in the written

opinion of the Local Planning Authority require further investigation, development within Phase 1 shall not commence until a scheme for the investigation and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the Local Planning Authority. The measures for investigating the site identified in the Site Investigation Proposal shall be carried out before development within Phase 1 commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the Local Planning Authority. The development within Phase 1 shall then be carried out in accordance with the approved Site Investigation Report and/or Remediation Strategy.

b) Prior to the first use/occupation of the development within Phase 1, a Completion/Verification Report shall be submitted to and approved in writing by the Local Planning Authority, to validate that the development conforms with the approved Site Investigation Report and/or Remediation Strategy.

c) In the event of any non-conformity with the approved Site Investigation Report and/or Remediation Strategy, then any further measures that are required to remediate the land shall be carried out. Any required measures/remediation and validation shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, prior to first use/occupation of the development within Phase 1.

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.

- 17) Within Phase 1 of the development hereby approved, no infiltration of surface water drainage into the ground where adverse concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the City Council as local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development of Phase 1 shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with policies EN17 and DM1 of the Manchester Core Strategy (2012) and the NPPF.

- 18) No works shall take place within Phase 1 of the development hereby approved until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the City Council as local planning authority. The WSI shall cover the following:
- a. A phased programme and methodology of investigation and recording that includes: - archaeological evaluation trenching; - pending the results of the above, a targeted open-area excavation.
 - b. A programme for post-investigation assessment to include production of a final report on the results of the investigations and their significance.
 - c. Deposition of the final report with the Greater Manchester Historic Environment Record.
 - d. Dissemination of the results of the archaeological investigations commensurate with their significance.
 - e. Provision for archive deposition of the report and records of the site investigation.
- Reason - To investigate the archaeological interest of the site and record and preserve any remains of archaeological interest, pursuant to saved policy DC20.1 of

the Unitary Development Plan for the City of Manchester, policy EN3 of the Core Strategy and guidance in the National Planning Policy Framework.

- 19) a) Prior to the commencement of development within Phase 1, details of a Local Labour Proposal in order to demonstrate a commitment to recruit local labour for the duration of the construction of the development shall be submitted to and approved in writing by the City Council as local planning authority. The approved document shall be implemented as part of the construction phase of Phase 1 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; and
 - 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 within Phase 1 being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) of limb (a) of this condition shall be submitted to and approved in writing by the City Council as local planning authority.
- Reason - To safeguard local employment opportunities, pursuant to policies EC1 of the Core Strategy for Manchester.
- 20) (a) Three months prior to the first occupation of Phase 1 of the development, a Local Labour Proposal Framework that outlines the approach to local recruitment for the end use(s), shall be submitted to and approved in writing by the City Council as local planning authority. The approved document shall be implemented as part of the occupation of the development. In this condition a Local Labour Proposal Framework 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 Framework;
 - iii) measures to monitor and review the effectiveness of the Local labour Proposal Framework in achieving the objective of recruiting and supporting local labour objectives
- (b) Within 6 months of the first occupation of Phase 1 of the development, a Local Labour Proposal Framework which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) of limb (a) of this condition shall be submitted to and approved in writing by the City Council as local planning authority. Any Local Labour Proposal approved by the City Council as local planning authority shall be implemented in full at all times whilst the end use(s) are in operation.
- Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).
- 21) Prior to the commencement of demolition within Phase 1, a detailed demolition management plan for that phase outlining working practices during demolition shall be submitted to and approved in writing by the City Council as local planning authority which for the avoidance of doubt shall include:
- *Display of an emergency contact number;
 - *Details of Wheel Washing;
 - *Dust suppression measures;
 - *Compound locations where relevant;
 - *Location, removal and recycling of waste;
 - *Types and frequency of vehicular demands;
 - *Routing strategy and swept path analysis;
 - *Parking of construction vehicles and staff; and

*Sheeting over of construction vehicles.

The demolition for that phase shall be carried out in accordance with the approved demolition management plan.

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.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, CC5 and DM1 of the Manchester Core Strategy.

- 22) Prior to the commencement of development (not including for the purposes of this condition any demolition within Phase 1), a detailed construction management plan for that phase outlining working practices during development shall be submitted to and approved in writing by the City Council as local planning authority which for the avoidance of doubt shall include:

*Display of an emergency contact number;

*Details of Wheel Washing;

*Dust suppression measures;

*Compound locations where relevant;

*Location, removal and recycling of waste;

*Types and frequency of vehicular demands;

*Routing strategy and swept path analysis;

*Parking of construction vehicles and staff; and

*Sheeting over of construction vehicles.

The development of that phase shall be carried out in accordance with the approved construction management plan.

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.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, CC5 and DM1 of the Manchester Core Strategy.

- 23) Prior to the commencement of development within Phase 1, the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:
- i. samples and specifications of all materials to be used on all external elevations including sample panel (see limb ii and iii);
 - ii. drawings to illustrate details of full sized sample panels that will be produced; and
 - iii. production and approval of full sized sample panels and for a strategy for quality control management.

The panels to be produced shall include jointing and fixing details between all component materials and any component panels, details of any external ventilation requirements, details of the drips to be used to prevent staining and details of the glazing and frames. The development of that phase shall be carried out in accordance with the approved details.

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.

- 24) Prior to the above ground works of the development within Phase 1, a programme for the submission of final details of the public and private realm works relating to that phase shall be submitted to and approved in writing by the City Council as Local

Planning Authority. The programme shall include submission and implementation timeframes for the following details:

- (i) Details of the proposed hard landscape materials;
- (ii) Details of the materials, including natural stone or other high quality materials to be used for the reinstatement of the pavements and for the areas between the pavement and the line of the proposed building;
- (iii) Details of the proposed soft landscape including proposed size, species and planting specification including tree pits and design;
- (iv) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include bat boxes and bricks, bird boxes and appropriate planting;
- (v) Details of boundary treatments, which shall ensure adequate visibility for child pedestrians where adjacent to the adopted highway;
- (vi) Details of the proposed street furniture including seating, bins and lighting; and
- (vii) Details of any external steps and handrails.

b. The above details shall be submitted to and approved in writing by the City Council as Local Planning Authority and fully implemented in accordance with the approved programme . 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 - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, DM1, EN1, EN9 and EN15 of the Core Strategy and the NPPF.

- 25) Prior to the first occupation of Phase 1 of the development, a detailed landscape management plan for that phase shall be submitted to and approved 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 in that phase will be maintained including maintenance schedules and repairs. The management plan shall then be implemented as part of that phase of the development and remain in place for as long as the development remains in use.

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.

- 26) a. Prior to the commencement of development within Phase 1, final details of the measures required for wind mitigation relating to that phase shall be submitted to and approved in writing by the City Council as Local Planning Authority.
b. The approved details shall then be fully implemented prior to first occupation of that phase of the development.

Reason - To ensure that the environs in and around the site are suitable for their intended uses, in the interests of amenity and safety, pursuant to policy DM1 of the Core Strategy.

- 27) Prior to the commencement of development within Phase 1, details of surface water drainage works in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national standards, shall be submitted to and approved in writing by the City Council as local planning authority. The details shall include the following information:
a) A finalised drainage layout showing all components, outfalls, levels (including proposed ground and finished floor levels in AOD) and connectivity.

- b) Progression through the drainage hierarchy must be evidence based and supported by site investigation including assessments of ground conditions and infiltration testing in accordance with BRE365. Proposals of attenuation should achieve half drain time within 24 hours.
- c) 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 connection will suffice.
- d) Where a public sewer diversion or abandonment is required, an agreement in principle from United Utilities is required. An email of acceptance will suffice.
- e) Maximised integration of green SuDS components (utilising infiltration or attenuation) if practicable.
- f) Details of surface water attenuation to align with the Manchester, Trafford and Salford Strategic Flood Risk Assessment. For brownfield sites a minimum of 50% betterment is required for reduction in runoff rate compared to the existing rates with the aim of reducing to the Greenfield runoff rates.
- g) An existing and proposed impermeable areas drawing to accompany all discharge rate calculations.
- h) Hydraulic calculations of the proposed drainage system, including all design parameters. Calculations must include Critical Storm Events for the 1 in 2, 1 in 30 and 1 in 100 + 45% Climate Change. Results must demonstrate no surcharge for the 1 in 2, no flooding in the 1 in 30 and no flooding of buildings for the 1 in 100 + 45% Climate Change.
- i) A blockage risk assessment must be undertaken as part of the drainage strategy to support proposed flows less than 5 l/s.
- j) An assessment of surface water pollution risk in-line with CIRIA C753 and, where required, evidence of pollution control measures (preferably through SuDS) to treat surface water prior to discharge.
- k) A plan indicating surface water overland flow routes for extreme events to ensure flows are diverted away from existing and proposed buildings (including basements). Please confirm the proposed surface water flood risk mitigation measures on this plan (raises finished floor levels).
- l) Construction details of flow control and SuDS elements.
- m) A plan indicating easements. SuDS features should be appropriately positioned, including a 2.5m easement from attenuation tanks to the existing highway and a 5m easement from any dwellings, guaranteeing accessibility for future maintenance and contingency for asset failure. This practice is in accordance with SuDS Manual (C753). Where minimum easements cannot be met, evidence is required from the structural engineer that the building foundations are appropriately designed to protect the building and tank. Details of the provision of suitable access for future maintenance are also required.
- n) Mitigation measures to manage the risk of sewer surcharge where applicable;
- o) Where an application is part of a larger site which already has planning permission it is essential that the new proposal does not compromise the drainage scheme already approved. The approved details shall be implemented before first occupation of Phase 1.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to national policies within the NPPF and local policies EN8 and EN14 of the Core Strategy.

- 28) No development within Phase 1 shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented before first occupation of Phase 1 and

thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a. A Verification report providing photographic evidence of constructed flow control and SuDS components as per approved design drawings;
- b. As built construction drawings or confirmation that they align with the original design construction drawings;
- c. a 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.

Reason - To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to national policies within the NPPF and NPPG and Core Strategy policies EN8 and EN14.

- 29) Prior to the commencement of development within Phase 1, studies with regard to television reception in the area containing the site shall be submitted to and approved in writing by the City Council as local planning authority. The studies shall

a) Measure the existing television signal reception within the potential impact areas identified in the Television Desk-Based Report by Pager Power dated March 2023 before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications and shall include an assessment of the survey results obtained.

b) Assess the impact of the development on television signal reception within the potential impact area identified in part (a) of this condition above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, 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. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in part (a) of this condition above. The approved measures must be carried out either before the building in that phase is first occupied or within one month of the study being submitted 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, pursuant to Policy DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

- 30) a) The non-residential premises hereby approved within Phase 1 shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented in full before the use(s) commences or as otherwise agreed in writing by the City Council as local planning authority. Where entertainment noise is proposed the LAeq (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 (Leq,5min), respectively.

b) Prior to the first use/occupation of the non-residential premises within Phase 1 of the development, a Completion/Verification Report shall be submitted to and approved in writing by the Local Planning Authority to validate that the work undertaken conforms to the recommendations and requirements of the approved acoustic consultant's report.

c) In the event of any non-conformity with the approved acoustic consultant's report, then any further measures that are required to achieve the required noise criteria shall be carried out. Any required measures and validation shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, prior to first use/occupation of the non-residential premises within Phase 1 of the development.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

31) a) Prior to any above ground works within Phase 1 (excluding demolition and site clearance), either a scheme that demonstrates that any plant equipment will achieve a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band at the nearest noise sensitive location, or a scheme showing a method to acoustically treat/insulate any plant equipment so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band at the nearest noise sensitive location, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

b) Prior to first occupation of Phase 1, a verification report, which will include post-completion testing, shall be submitted to and approved in writing by the Local Planning Authority to validate that the plant equipment achieves a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band at the nearest noise sensitive location.

c) In the event of non-conformity with a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band, then any measures/changes required to achieve conformity shall be carried out. Any required measures/changes and verification shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, before the uses within Phase 1 can commence.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the UDP.

32) The testing of the emergency plant hereby approved within Phase 1 shall be restricted to the following hours and to total no more than 6 hours a year:

Monday to Friday 09:00 to 18:00

Saturday, Sunday and Bank Holiday - No testing to be undertaken.

Testing shall be undertaken no more than once every two months for no more than 30 minutes at a time.

Reason - In the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy.

33) No part of the site outside the building within Phase 1 shall be used other than in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority.

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.

- 34) a) Prior to commencement of Phase 1 of the development, an air quality impact and exposure assessment together with any mitigation measures to safeguard local air quality shall be submitted to and approved in writing by the City Council as local planning authority.
b) Prior to occupation of Phase 1 the development, the mitigation measures agreed in part a) of this condition shall be fully implemented and verified as such in writing by the City Council as Local Planning Authority and shall remain in situ whilst Phase 1 of the development is in operation.
Reason - To secure a reduction in air pollution from traffic or other sources and to protect existing and future residents from air pollution, pursuant to Core Strategy Policies EN16 and DM1.
- 35) The approved scheme for the storage and disposal of refuse for the uses within Phase 1 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.
Reason - In the interests of amenity and public health, pursuant to policies EN19 and DM1 of the Core Strategy for the City of Manchester.
- 36) During the operational phase of Phase 1, no loading or unloading shall be carried out on the site outside the hours of:
07:30 to 20:00, Monday to Saturday,
10:00 to 18:00, Sunday/Bank Holiday.
Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.
- 37) a. External lighting within Phase 1 shall be designed and installed so as to control glare and overspill onto nearby residential properties in accordance with a scheme to be submitted to and approved in writing by the City Council as Local Planning Authority prior to installation of the lighting.
b. Prior to occupation of Phase 1 of the development a verification report to validate that the relevant works undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report shall be submitted to and approved in writing by the City Council as local planning authority. The report shall include post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria and timescales for implementation. The measures to ensure compliance shall be carried out in accordance with the approved timescales.
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 Core Strategy.
- 38) Development within Phase 1 hereby approved shall be carried out only in accordance with the recommendations of the Crime Impact Statement Version B: 03/04/23 Reference: 2023/0042/CIS/01 by Greater Manchester Police, as relevant to that phase. No building within Phase 1 shall be occupied or used until the City Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation relating to that phase.
Reason - To reduce the risk of crime pursuant to Policy DM1 of the Adopted Core Strategy for the City of Manchester.
- 39) No part of Phase 1 of the development shall be occupied unless and until space and facilities for bicycle parking have been provided in accordance with the approved

details. The approved spaces and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode, pursuant to policy T1 of the City of Manchester Core Strategy.

- 40) No part of Phase 1 of the development shall be occupied unless and until car parking spaces suitable for use by disabled persons have been provided in accordance with the approved drawings and documents. These parking spaces shall be retained and permanently reserved for use by disabled persons.

Reason - To ensure that adequate provision is made for parking for disabled persons, pursuant to policies CC10 and DM1 of the City of Manchester Core Strategy.

- 41) a) Before first occupation of Phase 1 of the development, a Travel Plan, including details of how the plan will be funded, implemented and monitored for effectiveness, shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site's Framework Travel Plan. Additionally, the Travel Plan shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the approved strategy and its implementation in the Framework Travel Plan remain effective.

b) Within six months of first occupation of Phase 1, the results of the monitoring and review processes shall be submitted in writing to the City Council as Local Planning Authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented. The Travel Plan approved above shall be fully implemented, prior to first occupation of the development, and shall be kept in operation at all times thereafter.

Reason - In accordance with the provisions contained within planning policy guidance and in order to promote a choice of means of transport, pursuant to policies T2 and EN16 of the Core Strategy.

- 42) Prior to the commencement of above ground works within Phase 1, the following relating to that phase shall be submitted to and approved in writing by the City Council as Local Planning Authority:

a) A Stage 1 and 2 Road Safety Audit (RSA);

b) A scheme of highway works based on the above RSA.

c) The highway works approved under part b) of this condition above shall be implemented in full in accordance with the approved details prior to any part of Phase 1 of the development first being occupied and shall be retained thereafter.

d) Prior to any part of Phase 1 of the development first being occupied, a Completion/Verification Report, which shall include photographic evidence and highway approval/completion notices (where relevant) shall be submitted to and approved in writing by the Local Planning Authority.

e) In the event of non-conformity, where the highway works have not been carried out and/or have not been carried out to relevant standards, then any measures/changes required to achieve conformity shall be carried out. Any required measures/changes and verification shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, before first occupation of Phase 1 of the development.

Reason -To ensure provision of an adequate pedestrian and vehicular environment in the vicinity of the application site in the interests of pedestrian and highway safety pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

- 43) Prior to the first occupation of Phase 1 of the development hereby approved, a Delivery and Servicing Management Strategy for the development shall be submitted to and agreed in writing by the City Council as local planning authority. The strategy shall work to ensure that servicing/delivery/activities across all buildings are co-ordinated to ensure efficient use of the proposed loading bays and shall include full details of any highway works (including any traffic regulation orders or other traffic measures) required. The approved strategy, including any associated mitigation works, shall be implemented in full prior to first occupation of Phase 1 of the development and shall be retained and maintained in operation thereafter. Reason - In the interests of public and highway safety and the protection of residential amenity, pursuant to Policy DM1 of the Core Strategy for the City of Manchester.
- 44) The Visible Light Reflectance (VLR) for glazing on the eastern elevation of the top floor of the Phase 1 office building shall not exceed 16 per cent. Reason - In the interests of highway safety, pursuant to policy DM1 of the Core Strategy.
- 45) a) Phase 1 of the development hereby approved shall be carried out in accordance with the Environmental Standards Statement by Element Sustainability dated May 2024 and the Element Sustainability Technical Note - Energy & Low Carbon Proforma dated 22.08.2025.
b) A post construction review certificate/statement shall be submitted for approval in writing by the City Council, as Local Planning Authority, within 3 months of first occupation of Phase 1 of the development hereby approved. Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, EN4, EN6 and DM1 of the Core Strategy, Places for Everyone policies JP-S2 (Carbon and Energy) and JP-S3 (Heat and Energy Networks), the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.
- 46) No externally mounted telecommunications equipment shall be mounted on any part of the development within Phase 1, including the roofs. Reason - In the interest of visual amenity pursuant to policy DM1 of the Core Strategy.
- 47) The Phase 1 development shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'Very Good'. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before the development is first occupied. Reason - In order to minimise the environmental impact of the development pursuant to policies EN4, EN5, EN6 and EN7 of the City of Manchester Core Strategy, and the principles contained within The Guide to Development in Manchester 2 SPD.
- 48) a) Prior to the commencement of development within Phase 2, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to Phase 2 shall be submitted to and approved in writing by the Local Planning Authority. The Preliminary Risk Assessment shall conform to the current guidance document (Planning Guidance in Relation to Ground Contamination). In the event of the Preliminary Risk Assessment identifying risks, which in the written opinion of the Local Planning Authority require further investigation, development

within Phase 2 shall not commence until a scheme for the investigation and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the Local Planning Authority. The measures for investigating the site identified in the Site Investigation Proposal shall be carried out before development within Phase 2 commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the Local Planning Authority. The development within Phase 2 shall then be carried out in accordance with the approved Site Investigation Report and/or Remediation Strategy.

b) Prior to the first use/occupation of the development within Phase 2, a Completion/Verification Report shall be submitted to and approved in writing by the Local Planning Authority, to validate that the development conforms with the approved Site Investigation Report and/or Remediation Strategy.

c) In the event of any non-conformity with the approved Site Investigation Report and/or Remediation Strategy, then any further measures that are required to remediate the land shall be carried out. Any required measures/remediation and validation shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, prior to first use/occupation of the development within Phase 2.

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.

- 49) Within Phase 2 of the development hereby approved, no infiltration of surface water drainage into the ground where adverse concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the City Council as local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development of Phase 2 shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with policies EN17 and DM1 of the Manchester Core Strategy (2012) and the NPPF.

- 50) No development works shall take place within Phase 2 of the development hereby approved until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the City Council as local planning authority. The WSI shall cover the following:
- a. A phased programme and methodology of investigation and recording that includes: - archaeological evaluation trenching; - pending the results of the above, a targeted open-area excavation.
 - b. A programme for post-investigation assessment to include production of a final report on the results of the investigations and their significance.
 - c. Deposition of the final report with the Greater Manchester Historic Environment Record.
 - d. Dissemination of the results of the archaeological investigations commensurate with their significance.
 - e. Provision for archive deposition of the report and records of the site investigation.

Reason - To investigate the archaeological interest of the site and record and preserve any remains of archaeological interest, pursuant to saved policy DC20.1 of

the Unitary Development Plan for the City of Manchester, policy EN3 of the Core Strategy and guidance in the National Planning Policy Framework.

- 51) a) Prior to the commencement of development within Phase 2, details of a Local Labour Proposal in order to demonstrate a commitment to recruit local labour for the construction elements of the development shall be submitted to and approved in writing by the City Council as local planning authority. The approved document shall be implemented as part of the construction phase of Phase 2 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; and
 - 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 within Phase 2 being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) of limb (a) of this condition shall be submitted to and approved in writing by the City Council as local planning authority.
- Reason - To safeguard local employment opportunities, pursuant to policies EC1 of the Core Strategy for Manchester.
- 52) (a) Three months prior to the first occupation of Phase 2 of the development, a Local Labour Proposal Framework that outlines the approach to local recruitment for the end use(s), shall be submitted to and approved in writing by the City Council as local planning authority. The approved document shall be implemented as part of the occupation of the development. In this condition a Local Labour Proposal Framework 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 Framework;
 - iii) measures to monitor and review the effectiveness of the Local labour Proposal Framework in achieving the objective of recruiting and supporting local labour objectives
- (b). Within 6 months of the first occupation of Phase 2 of the development, a Local Labour Proposal Framework which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) of limb (a) of this condition shall be submitted to and approved in writing by the City Council as local planning authority. Any Local Labour Proposal approved by the City Council as local planning authority shall be implemented in full at all times whilst the end use are in operation.
- Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).
- 53) Prior to the commencement of demolition within Phase 2, a detailed demolition management plan for that phase outlining working practices during demolition shall be submitted to and approved in writing by the City Council as local planning authority which for the avoidance of doubt shall include:
- *Display of an emergency contact number;
 - *Details of Wheel Washing;
 - *Dust suppression measures;
 - *Compound locations where relevant;
 - *Location, removal and recycling of waste;
 - *Types and frequency of vehicular demands;
 - *Routing strategy and swept path analysis;
 - *Parking of construction vehicles and staff; and
 - *Sheeting over of construction vehicles.

The demolition for the phase shall be carried out in accordance with the approved demolition management plan.

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.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, CC5 and DM1 of the Manchester Core Strategy.

- 54) Prior to the commencement of development within Phase 2 (not including for the purposes of this condition any demolition within Phase 2), a detailed construction management plan for that phase outlining working practices during development shall be submitted to and approved in writing by the City Council as Local Planning Authority which for the avoidance of doubt shall include:

- *Display of an emergency contact number;
- *Details of Wheel Washing;
- *Dust suppression measures;
- *Compound locations where relevant;
- *Location, removal and recycling of waste;
- *Types and frequency of vehicular demands;
- *Routing strategy and swept path analysis;
- *Parking of construction vehicles and staff; and
- *Sheeting over of construction vehicles.

The development of that phase shall be carried out in accordance with the approved construction management plan.

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.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, CC5 and DM1 of the Manchester Core Strategy.

- 55) Prior to the commencement of development within Phase 2, the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:
- i. samples and specifications of all materials to be used on all external elevations including sample panel (see limb ii and iii);
 - ii. drawings to illustrate details of full sized sample panels that will be produced; and
 - iii. production and approval of full sized sample panels and for a strategy for quality control management.

The panels to be produced shall include jointing and fixing details between all component materials and any component panels, details of any external ventilation requirements, details of the drips to be used to prevent staining and details of the glazing and frames.

The development of that phase shall be carried out in accordance with the approved details.

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.

- 56) Prior to any above ground works within Phase 2, a programme for the submission of final details of the public and private realm works relating to that phase shall be submitted to and approved in writing by the City Council as local planning authority.

The programme shall include submission and implementation timeframes for the following details:

- (i) Details of the proposed hard landscape materials;
- (ii) Details of the materials, including natural stone or other high quality materials to be used for the reinstatement of the pavements and for the areas between the pavement and the line of the proposed building;
- (iii) Details of the proposed soft landscape including proposed size, species and planting specification including tree pits and design;
- (iv) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include bat boxes and bricks, bird boxes and appropriate planting;
- (v) Details of boundary treatments, which shall ensure adequate visibility for child pedestrians where adjacent to the adopted highway;
- (vi) Details of the proposed street furniture including seating, bins and lighting; and
- (vii) Details of any external steps and handrails.

b. The above details shall then be submitted to and approved in writing by the City Council as local planning authority and fully implemented in accordance with the approved programme .

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 - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, DM1, EN1, EN9 and EN15 of the Core Strategy and the NPPF.

- 57) Prior to the first occupation of Phase 2 of the development, a detailed landscape management plan for that phase shall be submitted to and approved 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 in that phase will be maintained including maintenance schedules and repairs. The management plan shall then be implemented as part of that phase of the development and remain in place for as long as the development remains in use.

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.

- 58) a. Prior to the commencement of development within Phase 2, final details of the measures required for wind mitigation relating to that phase shall be submitted to and approved in writing by the City Council as Local Planning Authority.
b. The approved details shall then be fully implemented prior to first occupation of that phase of the development.

Reason - To ensure that the environs in and around the site are suitable for their intended uses, in the interests of amenity and safety, pursuant to policy DM1 of the Core Strategy.

- 59) Prior to the commencement of development within Phase 2, details of surface water drainage works in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national standards, shall be submitted to and approved in writing by the City Council as local planning authority. The details shall include the following information:

- a) A finalised drainage layout showing all components, outfalls, levels (including proposed ground and finished floor levels in AOD) and connectivity.
 - b) Progression through the drainage hierarchy must be evidence based and supported by site investigation including assessments of ground conditions and infiltration testing in accordance with BRE365. Proposals of attenuation should achieve half drain time within 24 hours.
 - c) 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 connection will suffice.
 - d) Where a public sewer diversion or abandonment is required, an agreement in principle from United Utilities is required. An email of acceptance will suffice.
 - e) Maximised integration of green SuDS components (utilising infiltration or attenuation) if practicable.
 - f) Details of surface water attenuation to align with the Manchester, Trafford and Salford Strategic Flood Risk Assessment. For brownfield sites a minimum of 50% betterment is required for reduction in runoff rate compared to the existing rates with the aim of reducing to the Greenfield runoff rates.
 - g) An existing and proposed impermeable areas drawing to accompany all discharge rate calculations.
 - h) Hydraulic calculations of the proposed drainage system, including all design parameters. Calculations must include Critical Storm Events for the 1 in 2, 1 in 30 and 1 in 100 + 45% Climate Change. Results must demonstrate no surcharge for the 1 in 2, no flooding in the 1 in 30 and no flooding of buildings for the 1 in 100 + 45% Climate Change.
 - i) A blockage risk assessment must be undertaken as part of the drainage strategy to support proposed flows less than 5 l/s.
 - j) An assessment of surface water pollution risk in-line with CIRIA C753 and, where required, evidence of pollution control measures (preferably through SuDS) to treat surface water prior to discharge.
 - k) A plan indicating surface water overland flow routes for extreme events to ensure flows are diverted away from existing and proposed buildings (including basements). Please confirm the proposed surface water flood risk mitigation measures on this plan (raises finished floor levels).
 - l) Construction details of flow control and SuDS elements.
 - m) A plan indicating easements. SuDS features should be appropriately positioned, including a 2.5m easement from attenuation tanks to the existing highway and a 5m easement from any dwellings, guaranteeing accessibility for future maintenance and contingency for asset failure. This practice is in accordance with SuDS Manual (C753). Where minimum easements cannot be met, evidence is required from the structural engineer that the building foundations are appropriately designed to protect the building and tank. Details of the provision of suitable access for future maintenance are also required.
 - n) mitigation measures to manage the risk of sewer surcharge where applicable;
 - o) Where an application is part of a larger site which already has planning permission it is essential that the new proposal does not compromise the drainage scheme already approved.
- The approved details shall be implemented before first occupation of Phase 2.
Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to national policies within the NPPF and local policies EN8 and EN14 of the Core Strategy.

- 60) No development within Phase 2 shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been

submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented before first occupation of Phase 2 and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a. A Verification report providing photographic evidence of constructed flow control and SuDS components as per approved design drawings;
- b. As built construction drawings or confirmation that they align with the original design construction drawings;
- c. A 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.

Reason - To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to national policies within the NPPF and NPPG and the Manchester Core Strategy policies EN8 and EN14.

- 61) No construction within Phase 2 shall commence on site until a Radar Mitigation Scheme (RMS)(1), (including a timetable for its implementation during construction), that has been agreed with the Operator(2) has been submitted to and approved in writing by the City Council as local planning authority.
- (1)'Radar Mitigation Scheme' or 'Scheme' means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the M10 Primary and Secondary Surveillance radar and air traffic management operations of the Operator.
- (2)'Operator' means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).
- Reason - In the interests of aircraft safety and the operations of NATS En-route PLC, pursuant to Policy DM2 of the Core Strategy for the City of Manchester.
- 62) No development in Phase 2 shall be carried out above 30 metres above ground level unless and until the Radar Mitigation Scheme (RMS)(1) approved by the Operator(2) has been fully implemented and the development shall thereafter be operated fully in accordance with the approved details.
- (1)'Radar Mitigation Scheme' or 'Scheme' means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the M10 Primary and Secondary Surveillance radar and air traffic management operations of the Operator.
- (2)'Operator' means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).
- Reason - In the interests of aviation safety, pursuant to policy DM2 of the Core Strategy for the City of Manchester.
- 63) No development shall take place within Phase 2 unless and until a revised aeronautical assessment including an Instrument Flight Procedure Surfaces (IFP) assessment has been undertaken to analyse the impact upon operations for Manchester Airport and aircraft operating around Manchester Airport. The

assessment shall be submitted to and approved in writing by the City Council as Local Planning Authority before development commences.

Reason - In the interests of flight safety to ensure the development does not endanger the safe and efficient movement of aircraft or the operation of Manchester Airport through infringement of IFP, pursuant to Policy DM2 of the Core Strategy for the City of Manchester.

- 64) Prior to the commencement of development within Phase 2, studies with regard to television reception in the area containing the site shall be submitted to and approved in writing by the City Council as local planning authority. The studies shall include:
- a) Measure the existing television signal reception within the potential impact areas identified in the Television Desk-Based Report by Pager Power dated March 2023 before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications and shall include an assessment of the survey results obtained.
 - b) Assess the impact of the development on television signal reception within the potential impact area identified in part (a) of this condition within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, 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. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in part (a) of this condition above. The approved measures must be carried out either before the building in that phase is first occupied or within one month of the study being submitted 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, pursuant to Policy DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.
- 65) Prior to the commencement of above ground works within Phase 2 a detailed strategy for the provision of accessible and adaptable dwellings (in line with M4(2)) shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented as part of the development and retained thereafter.
- Reason - To ensure and appropriate level of accessible new homes within the development pursuant to policy DM1 of the Manchester Core Strategy (2012).
- 66) a) The non-residential premises hereby approved within Phase 2 shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority. Where entertainment noise is proposed the LAeq (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 (Leq,5min), respectively.

b) Prior to the first use/occupation of the non-residential premises within Phase 2 of the development, a Completion/Verification Report shall be submitted to and approved in writing by the Local Planning Authority to validate that the work undertaken conforms to the recommendations and requirements of the approved acoustic consultant's report.

c) In the event of any non-conformity with the approved acoustic consultant's report, then any further measures that are required to achieve the required noise criteria shall be carried out. Any required measures and validation shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, prior to first use/occupation of the non-residential premises within Phase 2 of the development.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

- 67) a. Prior to the commencement of development within Phase 2, a scheme for acoustically insulating the proposed residential accommodation against external and internal noise sources, including noise from the Mancunian Way, Chester Road and Great Jackson Street, together with details of the performance of any glazing, shall be submitted to and approved in writing by the Local Planning Authority. The noise insulation and ventilation scheme shall take the potential for overheating 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 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 LAmax,F by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq.

The development shall then be carried out in accordance with the approved noise insulation and ventilation scheme.

b) Prior to the first use/occupation of the development within Phase 2, a Completion/Verification Report shall be submitted to and approved in writing by the Local Planning Authority to validate that the work undertaken conforms to the recommendations and requirements of the approved noise insulation and ventilation scheme.

c) In the event of any non-conformity with the approved noise insulation and ventilation scheme, then any further measures that are required to achieve the required noise criteria shall be carried out. Any required measures and validation shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, prior to first use/occupation of Phase 2 of the development.

Reason - To secure a reduction in noise from external sources and in order to protect future residents from noise disturbance pursuant to policies SP1, H1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

- 68) a) Prior to any above ground works within Phase 2 (excluding demolition and site clearance), either a scheme that demonstrates that any plant equipment will achieve a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band at the nearest noise sensitive location, or a scheme showing a method to acoustically treat/insulate any plant equipment so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band at the nearest noise sensitive location, shall be submitted to and approved in writing by the Local

Planning Authority. The development shall then be carried out in accordance with the approved details.

b) Prior to first occupation of Phase 2, a verification report, which will include post-completion testing, shall be submitted to and approved in writing by the Local Planning Authority to validate that the plant equipment achieves a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band at the nearest noise sensitive location.

c) In the event of non-conformity with a rating level of 5dB (LAeq) below the typical background (LA90) level in each octave band, then any measures/changes required to achieve conformity shall be carried out. Any required measures/changes and verification shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, before the uses within Phase 2 can commence.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the UDP.

- 69) The testing of the emergency plant hereby approved within Phase 2 shall be restricted to the following hours and to total no more than 6 hours a year:

Monday to Friday 09:00 to 18:00

Saturday, Sunday and Bank Holiday - No testing to be undertaken.

Testing shall be undertaken no more than once every two months for no more than 30 minutes at a time.

Reason - In the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy.

- 70) No part of the site outside the building within Phase 2 shall be used other than in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority. 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.

- 71) a) Prior to commencement of Phase 2 of the development, an air quality impact and exposure assessment together with any mitigation measures to safeguard local air quality shall be submitted to and approved in writing by the City Council as local planning authority.
b) Prior to occupation of Phase 2 the development, the mitigation measures agreed in part a) of this condition shall be fully implemented and verified as such in writing by the City Council as local planning authority and shall remain in situ whilst Phase 1 of the development is in operation.

Reason - To secure a reduction in air pollution from traffic or other sources and to protect existing and future residents from air pollution, pursuant to Core Strategy Policies EN16 and DM1.

- 72) a) Prior to the commencement of any above ground works within Phase 1 of the development, a scheme for the storage and disposal of refuse for the residential uses within Phase 2 shall be submitted to and approved in writing by the City Council as local planning authority.

b) The details of the scheme approved in part a) of this condition above shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policies EN19 and DM1 of the Core Strategy for the City of Manchester.

- 73) a) Before use of the commercial unit within Phase 2 of the development commences, a scheme for the storage and disposal of refuse for that unit shall be submitted to and approved in writing by the City Council as local planning authority.
b) The details of the scheme approved in part a) of this condition above shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.
Reason - In the interests of amenity and public health, pursuant to policies EN19 and DM1 of the Core Strategy for the City of Manchester.
- 74) During the operational phase of Phase 2, no loading or unloading shall be carried out on the site outside the hours of:
07:30 to 20:00, Monday to Saturday,
10:00 to 18:00, Sunday/Bank Holiday.
Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.
- 75) The commercial unit within Phase 2 shall not be occupied unless and until the opening hours of the proposed use have been agreed in writing by the City Council as local planning authority. That use thereafter shall not open outside the approved hours.
Reason - In the interests of residential amenity in accordance with saved policy DC 26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.
- 76) Prior to first use of any commercial uses hereby approved within Phase 2 of the development that involve the preparation of hot food, a scheme for the extraction of any fumes, vapours and odours from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use commences and shall remain operational thereafter.
Reason - In order to ensure the efficient dispersal of cooking odours from the premises in the interests of the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to the character and appearance of the host building and the surrounding area in accordance with policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.
- 77) a. External lighting within Phase 2 shall be designed and installed so as to control glare and overspill onto nearby residential properties in accordance with a scheme to be submitted to and approved in writing by the City Council as Local Planning Authority prior to installation of the lighting.
b. Prior to occupation of Phase 2 of the development a verification report to validate that the relevant works undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report shall be submitted to and approved in writing by the City Council as local planning authority. The report shall include post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria and timescales for implementation. The measures to ensure compliance shall be carried out in accordance with the approved timescales.
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 Core Strategy.

- 78) Development within Phase 2 hereby approved shall be carried out only in accordance with the recommendations of the Crime Impact Statement Version B: 03/04/23 Reference: 2023/0042/CIS/01 by Greater Manchester Police, as relevant to that phase. No building within Phase 2 shall be occupied or used until the City Council as Local Planning Authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation relating to that phase.
Reason - To reduce the risk of crime pursuant to Policy DM1 of the Adopted Core Strategy for the City of Manchester.
- 79) No part of Phase 2 of the development shall be occupied unless and until space and facilities for bicycle parking have been provided in accordance with the approved details. The approved spaces and facilities shall then be retained and permanently reserved for bicycle parking.
Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode, pursuant to policy T1 of the City of Manchester Core Strategy.
- 80) No part of Phase 2 of the development shall be occupied unless and until car parking spaces suitable for use by disabled persons have been provided in accordance with the approved drawings and documents. These parking spaces shall be retained and permanently reserved for use by disabled persons.
Reason - To ensure that adequate provision is made for parking for disabled persons, pursuant to policies CC10 and DM1 of the City of Manchester Core Strategy.
- 81) a) Before first occupation of Phase 2 of the development, a Travel Plan, including details of how the plan will be funded, implemented and monitored for effectiveness, shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site's Framework Travel Plan. Additionally, the Travel Plan shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation in the Framework Travel Plan remain effective.
b) Within six months of first occupation of Phase 2, the results of the monitoring and review processes shall be submitted in writing to the City Council, as Local Planning Authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented. The Travel Plan approved above shall be fully implemented, prior to first occupation of the development, and shall be kept in operation at all times thereafter.
Reason - In accordance with the provisions contained within planning policy guidance and in order to promote a choice of means of transport, pursuant to policies T2 and EN16 of the Core Strategy.
- 82) Prior to the first occupation of the residential element within Phase 2, an electric vehicle car parking strategy for the provision electric car charging to the car parking spaces shall be submitted for approval in writing by the City Council as Local Planning Authority. The scheme shall include the following details:
(a) Layout and location of electric vehicle charging points;
(b) Provision for 20% of the spaces to be fitted with a 7kw fast charging point;
(c) Provision that the remaining car parking spaces would be fitted with appropriate infrastructure to be adapted at a future date should demand be shown as part of the travel plan review required by this permission. Any additional charging points identified as part of that review shall be implemented within two months of approval of the annual review.

The electric vehicle car parking strategy shall be implemented prior to the first occupation of Phase 2 and retained and maintained in situ for as long as the development remains in use.

Reason - In the interest of minimise the impact on local air quality conditions pursuant to policy EN16 of the Manchester Core Strategy (2012).

- 83) Prior to the commencement of above ground works within Phase 2, the following relating to that Phase shall be submitted to and approved in writing by the City Council as Local Planning Authority:
- a) A Stage 1 and 2 Road Safety Audit (RSA);
 - b) A scheme of highway works based on the above RSA, which shall include the following:
 - i) Proposed drop off/loading bays;
 - ii) Proposed parking bays;
 - iii) Proposed street tree planting;
 - iv) Details of the materials, including natural stone or other high quality materials to be used for the reinstatement of the pavements adjacent to the site and for the areas between the pavement and the line of the proposed buildings;
 - v) Reinstatement of redundant access points as continuous footway;
 - vi) Provision of tactile paving and dropped kerbs at junctions serving the site;
 - vii) Physical delineation of the extent of the adopted highway within the site (for example, through the use of brass studs within the ground).
 - c) The highway works approved under part b) of this condition above shall be implemented in full in accordance with the approved details prior to any part of Phase 2 of the development first being occupied and shall be retained thereafter.
 - d) Prior to any part of Phase 2 of the development first being occupied, a Completion/Verification Report, which shall include photographic evidence and highway approval/completion notices (where relevant) shall be submitted to and approved in writing by the Local Planning Authority.
 - e) In the event of non-conformity, where the highway works have not been carried out and/or have not been carried out to relevant standards, then any measures/changes required to achieve conformity shall be carried out. Any required measures/changes and verification shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, before first occupation of Phase 2 of the development.

Reason -To ensure provision of an adequate pedestrian and vehicular environment in the vicinity of the application site in the interests of pedestrian and highway safety pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

- 84) Prior to the first occupation of Phase 2 of the development hereby approved, a Delivery and Servicing Management Strategy for the development shall be submitted to and agreed in writing by the City Council as local planning authority. The strategy shall work to ensure that servicing/delivery/activities across all buildings are co-ordinated to ensure efficient use of the proposed loading bays and shall include full details of any highway works (including any traffic regulation orders or other traffic measures) required. The approved strategy, including any associated mitigation works, shall be implemented in full prior to first occupation of Phase 2 of the development and shall be retained and maintained in operation thereafter.
- Reason - In the interests of public and highway safety and the protection of residential amenity, pursuant to Policy DM1 of the Core Strategy for the City of Manchester.

- 85) The Visible Light Reflectance (VLR) for glazing on lowest 26 floors of the eastern elevation of the Phase 2 tower shall not exceed 14 per cent.
Reason - In the interests of highway safety, pursuant to policy DM1 of the Core Strategy.
- 86) a) Phase 2 of the development hereby approved shall be carried out in accordance with the Environmental Standards Statement by Element Sustainability dated May 2024 and the Element Sustainability Technical Note - Energy & Low Carbon Proforma dated 22.08.2025.
b) A post construction review certificate/statement shall be submitted for approval in writing by the City Council, as Local Planning Authority, within 3 months of first occupation of Phase 2 of the development hereby approved.
Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, EN4, EN6 and DM1 of the Core Strategy, Places for Everyone policies JP-S2 (Carbon and Energy) and JP-S3 (Heat and Energy Networks), the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.
- 87) No externally mounted telecommunications equipment shall be mounted on any part of the development within Phase 2, including the roofs.
Reason - In the interest of visual amenity pursuant to policy DM1 of the Core Strategy.

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

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

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

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

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information

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

Construction Working Hours

To safeguard the amenities of the occupiers of nearby residential and commercial properties during the construction/demolition phases, construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by Manchester City Council

Environmental Health:

- o Monday - Friday: 07:30 to 18:00;
- o Saturday: 08:30 - 14:00;
- o Sunday / Bank holidays: No work.

The applicant should refer to:

<https://secure.manchester.gov.uk/info/100006/environmental-problems/2956/noise/9>

and

IAQM/EPUK Construction Guidance at:

<http://iaqm.co.uk/guidance/>

Materials

Any materials approved for planning purposes should be discussed in full with Building Control. This is to ensure they meet the guidance contained in the Building Regulations for fire safety. Should it be necessary to change the external facade treatment due to conflicts with the Building Regulations you should discuss these with the Planning Service as soon as possible as this could materially affect your permission.

Cranes and Airspace

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see:

<https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification>

Obstacle Lighting

The applicant's attention is drawn to the advice on the potential need to provide obstacle lighting on tall buildings. Further advice can be found here: <https://www.caa.co.uk/commercial-industry/airspace/event-and-obstacle-notification/lighting-and-marking-of-obstacles/>

Bats

The applicant is reminded that under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found 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.

S278 Agreement

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

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

The minimum standard S278 technical approval timescale is between 4-6months and, if Traffic Regulation Orders (TROs) are included, up to 12 months. Works on the highway must not start until technical approval has been given by the S278 Engineer and the relevant highways permits granted.

Off-site Highways Works Condition Discharge

Applications for off-site highways works condition discharge may only be submitted following securement of cash bond or surety provision of the total costs of the associated highways works as provided by the statutory approvals team. Evidence of this should be provided with the condition discharge documents. The process for permission to work on the highway can be found using the following link:

Licensing - Permission to work on the highways - Section 278 agreements | Manchester City Council

Network Resilience

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

14 Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 137226/FO/2023 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

15 Further to the Committee resolution of 29 August 2024, the following residents, businesses and other third parties in the area were consulted/notified on the application:

MCC Flood Risk Management
Environment Agency
United Utilities Water PLC

16 Representations were received from the following third parties (since Planning Committee on 29.08.2024:

MCC Flood Risk Management
Environment Agency
United Utilities Water PLC

Great Jackson St Estates Limited

Deansgate Square

Appendix 1 – Draft S106 Agreement

DATED

2026

THE COUNCIL OF THE CITY OF MANCHESTER

- and –

WQ DEVELOPMENTS LIMITED

AGREEMENT

**pursuant to section 106 of the Town and
Country Planning Act 1990 (as amended)
relating to Land known as Plot D, Great Jackson Street
Manchester, M15 4NP**

City Solicitor
P O Box 532
Town Hall
Albert Square
Manchester, M60 2LA

THIS AGREEMENT is made the

day of

2026

BETWEEN:

- (1) **THE COUNCIL OF THE CITY OF MANCHESTER** of Town Hall, Albert Square, Manchester, M60 2LA (the “**Council**”); and
- (2) **WQ DEVELOPMENTS LIMITED** (incorporated in England with company number 09766196) whose registered office is at 1st Floor NQ Building, 47 Bengal Street, Manchester M4 6BB (the “**Owner**”).

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.
- B The Owner is the leasehold owner of the Site registered at the Land Registry with title absolute under title number GM514485 together with but subject to all matters contained or referred to in the title register thereunder. The Council is the owner of the freehold of the Site but is not entering into the Planning Obligations (as defined herein).
- C The Owner proposes to carry out the Development on the Site which is situated within the Administrative Boundaries of Manchester and 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.
- D 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 the Planning Permission would not be granted.
- E 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.
- F The Council has determined that the Development in order to comply with the Core Strategy should provide a payment of £33,200,461 (thirty three million two hundred thousand four hundred and sixty one pounds) Index Linked being the Maximum Contribution towards the provision of Affordable Housing within the Administrative Boundaries of Manchester (the “**Affordable Housing Contribution**”).
- G In addition the Council has determined that there is a requirement to pay a sum towards the cost of environmental improvements within the Administrative Boundaries of Manchester and Owner has agreed to pay to the Council the Biodiversity Net Gain Contribution (as defined herein) in the manner hereinafter detailed. In addition the Council has determined that there is a requirement to pay a sum to compensate for the loss of trees at the Site and the Owner has agreed to pay to the Council the Off-Site contribution in the manner hereinafter detailed. There is also a requirement to pay a contribution for the purposes of benefitting Holcroft Moss as more particularly detailed herein,
- H The Owner has stated that there are viability issues affecting the development of the Site and has submitted to the Council documentation in support of this contention. The Council has accepted that at the date of this Agreement payment of the Affordable Housing Contribution would render the Development unviable. The Owner has agreed to enter into the planning obligations contained herein requiring them to submit the Viability Appraisal and pay any Viability Payment found to be due in accordance with the provisions contained in this Agreement.

- I The planning purpose of this Agreement is to improve the amenity of land in the locality of the Site with benefit for the occupiers of the Development and to mitigate the adverse impacts of the Development in accordance with the development plan for the area and other material considerations. In particular the Council has recognised the difficulty faced by lower income groups in buying homes within the Administrative Boundaries of Manchester and the planning purpose of this Agreement is to increase the provision of affordable housing within the Administrative Boundaries of Manchester. The Owner intends to make provision for Affordable Housing in the manner hereinafter appearing. 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
- and in any event will provide a planning benefit.

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;

“Affordable Housing” shall have the same meaning given to it in policy H8 of the Core Strategy and in the NPPF Annex 2 Glossary as may be amended or any replacement of the same;

“Affordable Housing Contribution” the sum of £33,200,461 (thirty three million two hundred thousand four hundred and sixty one pounds) Index Linked;

“Agreement” shall mean this agreement;

“Application” the application to which the Council gave the reference 137227/FO/2023 for the demolition of existing structures and the erection of one residential building to a height of 71 storeys comprising 642 homes (Use Class C3) with food and drink uses (Use Class E) and/or drinking establishment (Sui Generis); and one office building (Use Class E); with basement car parking, cycle parking, landscaping and public realm, servicing and access arrangements, highways alterations and associated works;

“Architect” SimpsonHaugh and Partners of Riverside, 4 Commercial Street, Manchester, M15 4RQ;

“Benchmark Land Value” means £1,650,000 (one million six hundred and fifty thousand pounds) Index Linked;

“Best Endeavours” means that it is agreed by the parties hereto that the party under obligation will not thereby be required to take proceedings (including any appeal) in any court public inquiry or other hearing (unless specified to the contrary) but subject thereto and to other terms of this agreement such party 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 in the context of the Development and of a competent landowner in the context of the Development and in the case of the Council, of a competent local planning authority acting reasonably in the context of its statutory functions;

“Biodiversity Net Gain Contribution” means the sum of £8,360 (eight thousand three hundred and sixty pounds) Index Linked payable towards the funding of environmental improvements, green infrastructure and biodiversity improvements in the Administrative Boundaries of Manchester;

“Build to Rent” is purpose-built housing that is typically 100% rented out providing tenants with the option of longer tenancy agreements of six or more months, and will be professionally managed in single ownership and management control;

“Calculation Date” means when Completion of Construction of 75% (to the nearest Dwelling) of the Dwellings has occurred;

“Chartered Surveyor” a professional expert who is a chartered member of the Royal Institution of Chartered Surveyors with a minimum of ten (10) years post-qualification experience;

“Clawback” means fifty percent (50%) of the amount the actual price achieved for the Dwellings as Open Market Sales exceeds the Open Market Value of the same Dwelling(s) as Build to Rent calculated as at the date of Disposal of those Dwellings as Open Market Sales and will be based on the guidelines set out in RICS Guidance or any replacement, update or amendment of the same PROVIDED THAT the Permitted Profit Level on the Build to Rent scheme has been achieved and that the Affordable Housing Contribution has not been paid;

“Clawback Period” means a period of ten years from Completion of Construction of all of the Dwellings constructed as part of the Development and if the Council, acting reasonably, considers that the Completion of Construction of all of the Dwellings that form part of the Development has occurred but it has not received the notice confirming completion in accordance with the provisions of this Agreement shall mean the date that the Council acting reasonably notifies in writing to the Owner that the said Completion of Construction of all of the Dwellings that form part of the Development is to be deemed to have taken place for the purposes of this Agreement;

“Clawback Valuation” means the valuation of the Clawback in accordance with clause 19.1;

“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;

“Commercial Unit” means any commercial (Use Class E) unit and/or drinking establishment (Sui Generis) to be constructed on the Site as part of the Development pursuant to the Planning Permission;

“Completion of Construction” the date upon which a valid certificate of completion shall have been issued in respect of the relevant Phase of Development for the purposes of the Building Act 1984 and the Building Regulations 2010 or any amendment or replacement of the same and **“Completed”** and **“Completion”** shall be construed accordingly;

“Completion of Piling Work” the date on which all piling works required for a Phase of the Development in order to create a strong and stable foundation for the building being constructed on that Phase have been completed and notified to the Council in accordance with the provisions of this Agreement provided that should the Council believe the Completion of Piling Work for that Phase of the Development has occurred but it has not received that notification then the Council, acting reasonably, may give written notice to the Owners notifying them that Completion of Piling

Work of that Phase of the Development is deemed to have taken place on the date of the written notice sent by the Council;

“Construction Period” means the period from the carrying out of the first Material Operation to the Practical Completion of the Development;

“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;

“Costs” means the costs to be taken into account for the purpose of the Viability Appraisal as defined in paragraph 012 (reference: 10-012-20180724) of the section of the National Planning Practice Guidance (‘NPPG’) headed “Viability” as revised on 16 December 2025 as the same may be amended or any replacement thereof. In addition, the Council will accept in the calculation of Costs:

- (a) the actual costs Reasonably and Properly Incurred in relation to the Development prior to and up until the time of submission of the Viability Appraisal; and
- (b) the estimated costs that remain to be Reasonably and Properly Incurred in completing the Development and such details shall be included in the Viability Appraisal;

“Development” the development undertaken on the Site pursuant to the Planning Permission as specified in the Application and “Developed” shall be construed accordingly;

“Deficit” the amount in pounds sterling by which a Viability Appraisal shows the Gross Margin is less than the relevant Permitted Profit Level;

“Disposal” means:

- (a) a transfer by sale; or
- (b) the grant of a Long Lease;

by the Owner of a Dwelling and **“Disposed”**, **“Disposed Of”**, **“Dispose”** and **“Disposals”** shall be construed accordingly

“Dwelling” a unit of accommodation to be constructed on the Site as part of the Development pursuant to the Planning Permission and **“Dwellings”** and **“units”** shall be construed accordingly;

“Expert” a professional expert in town planning, who is a Chartered Member of the Royal Town Planning Institute with a minimum of ten (10) years post-qualification experience;

“Forward Fund” the committed sale and purchase of the whole of the completed Development or of a completed Phase of the Development (with or without incremental payments) on agreed terms where the parties agree to sign a sale and purchase agreement, either for the shares of the relevant company owning the Development (or Phase of the Development) or for the Development (or Phase of the Development) itself, and with transfer of ownership occurring prior to or following the Completion of Construction;

“Forward Sale” the committed sale and purchase of the whole of the completed Development or of a completed Phase of the Development on agreed terms at a future date as evidenced by binding legal documents which is conditional on the Completion of Construction of the Development or Phase of the Development and with the majority of the purchase price falling due upon or following the Completion of Construction;

“GDV” means gross development value as defined in the RICS Guidance being the aggregate market value of the Development assessed on the special assumption that the Development is complete on the date of valuation in the

market conditions prevailing on that date together with the value of any grant funding/public subsidy received in respect of the Development;

“Gross Margin” means the GDV less the Costs including the Benchmark Land Value or in the case of a Build to Rent scheme means the NDV less the Costs including the Benchmark Land Value;

“Holcroft Moss” is a designated Site of Special Scientific Interest and Special Area of Conservation and is a wetland of international importance and is detailed on the plan appended as Appendix 4;

“Holcroft Moss Contribution” means the sum of £23,899 (twenty three thousand eight hundred and ninety nine pounds) Index Linked for the purposes detailed in the Holcroft Moss Planning Obligations Joint SPD payable in accordance with the provisions contained in Paragraph 1.3 of Schedule 3;

“Holcroft Moss Planning Obligations Joint SPD” means the supplementary planning document adopted on 8 May 2025 by the nine districts that have adopted the Places for Everyone joint development plan part of the purpose of which is to secure contributions from developers to compensate for loss or damage to Holcroft Moss created by a development and to mitigate the impact of a development on Holcroft Moss and in particular contributions are required to assist in the delivery of long term ecological resilience works involving hydrological restoration measures to benefit Holcroft Moss;

“Index Linked” adjusted on an annual basis or pro rata per diem from the date of this Agreement to the relevant date of payment in accordance with the Retail Price Index and “Index Linking” shall be construed accordingly;

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

“Let” means any Dwelling let by way of lease for a term of less than 99 years or an assured periodic tenancy or any other form of tenancy for a term of less than 99 years and **“Lets”** shall be construed accordingly;

“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;

“Long Lease” means a lease of a Dwelling for not less than ninety-five (95) years granted at a premium without reservation of a rack rental;

“Management Fee” shall mean 15% of the planning application fee which equates to £18,871.05 (eighteen thousand eight hundred and seventy one pounds and five pence) for the purpose of monitoring and reporting on the delivery of this Agreement and the Planning Obligations contained herein;

“Material Operation” means material operation comprised in the Development as defined by Section 56(2) and (4) of the Act and “Material Operations” shall be construed accordingly;

“Maximum Contribution” the sum of £33,200,461 (thirty-three million two hundred thousand four hundred and sixty-one pounds) Index Linked;

“Method of Disposal” whether the units are being sold on an Open Market Sales basis or subject to a Pre-Sale and/or have been sold or are held as Build to Rent;

“NDV” means the GDV deducting operational cost expenditure (‘OPEX’), and purchaser’s costs in the case of a Build to Rent Method of Disposal;

“NPPF” the National Planning Policy Framework issued in 7th February 2025 being the framework setting out the Government’s planning policies for England and how these are expected to be applied as may be amended or any replacement of the same;

“National Planning Practice Guidance” the web based resource revised in respect of its section on viability on 16 December 2025 as the same may be further revised or amended or any replacement of the same which resource is provided by the government of the United Kingdom and brings together in one place planning guidance on various planning related topics and **“NPPG”** 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;

“Off-Site Contribution” the sum of £133,000.00 (one hundred and thirty-three thousand pounds) Index Linked towards off-site tree planting within the Deansgate and/or Piccadilly wards;

“Off-Site Contribution Appraisal” an appraisal by the Council to take place on the Calculation Date to determine whether an additional Off-Site Contribution is required to compensate for the loss of trees on the Site should the compensatory provision of trees being provided within the vicinity of the Site be less than the Owner has indicated will be provided and shall equate to a further Off-Site Contribution in the sum of £7,000 per tree Index Linked in respect of each tree that has not been provided in accordance with the indication of the Owner up to a maximum of an additional Off-Site Contribution of £70,000 (seventy thousand pounds) Index Linked;

“Open Market Sales” means the marketing and sale of individual Dwellings within the Development disposed of at Open Market Value (and “Open Market Sale” shall be construed accordingly)

“Open Market Value” means the market value as defined in the RICS Valuation – Global Standards (the “Document”), Incorporating the IVSC International Valuation Standards, published in 2019 by the Royal Institution of Chartered Surveyors (RICS) effective on 31 January 2020 and set out on pages 55 to 56 of the section headed VPS4 in Part 4 of the Document or any replacement, update or amendment of the same from time to time save in respect of any Dwellings that are Let or any part of the Development that has a non-residential use or any other part of the Land not forming part of the Development where the Council will (acting reasonably) accept the Market Value as determined by the application of an investment valuation method using an appropriate capitalisation factor to the market rental income for each let unit and **“MV”** shall be construed accordingly;

“Permitted Profit Level” means:

- (a) In the case of a Forward Fund agreed before the Completion of Piling Work 12% of total Costs;
- (b) In the case of a Forward Fund agreed after the Completion of Piling Work 15% of total Costs
- (c) In the case of a Forward Sale agreed before the Completion of Piling Work 15% of GDV
- (d) In the case of a Forward Sale agreed after the Completion of Piling Work 18% of GDV
- (e) In the case of a Build to Rent scheme retained by the Owners 12% of total Costs
- (f) In the case of Open Market Sales and all other cases 20% of GDV;

“Phase” means any of Phase 1 or Phase 2 and “Phases” shall be construed accordingly;

“Phase 1” means that part of the Site shown coloured blue on the Phasing Plans;

“Phase 2” means that part of the Site shown coloured pink on the Phasing Plans;

“Phasing Plans” the plans numbered 10419-Z1-SHP-G000-PL-B1-B5D801 P01 and 10419-Z1-SHP-G000-PL-B1-B5D804 P01 at Schedule 6;

“Places for Everyone” means the long term joint development plan of nine districts within Greater Manchester adopted by the Council on 21 March 2024;

“Plan” the plan numbered 10419-Z1-SHP-G000-PL-GRD-B5D801 P01 at Schedule 1;

“Planning Obligations” shall mean the obligations of the Owner specified in the Schedules;

“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;

“Practical Completion” means the issue of a certificate of practical completion by the Owner’s architect or other certifying officer as the case may be under the relevant building contract entered into in respect of the Development or Phase or part or parts thereof;

“Pre-Sale” means a Forward Sale or Forward Fund of the whole or of a Phase or Phases of the completed Development prior to a Calculation Date;

“Reasonably and Properly Incurred” shall mean in respect of costs incurred in developing the Site and the adjacent land and in respect of Sales Incentives only those costs that a competent and reputable developer of land would reasonably expect to incur;

“Regulations” the Community Infrastructure Levy Regulations 2010;

“Retail Price Index” twelve (12) month percentage change in the All Items Retail Price Index published by the Office for National Statistics Centre and in the Monthly Digest of Statistics (or contained in any official publication substituted therefor) or such other index as may from time to time be published in substitution therefor;

“RICS” the Royal Institution of Chartered Surveyors;

“RICS Guidance” means the RICS guidance note entitled “Assessing viability in planning under the National Planning Policy Framework 2019 for England” 1st Edition, March 2021 or any replacement, update or amendment of the same;

“Sales Incentives” means costs Reasonably and Properly Incurred by the Owner in order to incentivise the purchase of a Dwelling by a person intending to Occupy the Dwelling;

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

“Surplus” the amount in pounds sterling by which a Viability Appraisal shows the Gross Margin is greater than the relevant Permitted Profit Level;

“Viability Appraisal” a written appraisal of in the form set out in Schedule 5 to assess the Gross Margin in relation to the residential aspect of the Development required to be provided on the Calculation Date in accordance with the provisions of Schedule 3 of this Agreement. Further guidance on the format to follow can be found in the RICS Guidance;

“Viability Assessment Fee” the sum of up to the sum of £15,000 (fifteen thousand pounds) plus VAT to each cover the cost of the Council’s review of the Viability Appraisal in order to determine whether and the extent to which the Development can support a requirement to provide a Viability Payment;

“Viability Payment” a payment required to be made by the Owner to the Council if the Viability Appraisal shows a Surplus and will be 50% of the Surplus PROVIDED THAT the Viability Payment as well as any Clawback shall not exceed the Maximum Contribution. The Viability Payment will be payable in accordance with the timescales set out in paragraph 6.5 of Schedule 3. **“VIABILITY Payments”** shall be construed accordingly;

“Viability Payment Deadline” means the twenty eighth (28th) Working Day next following the later of:

In respect of the Viability Appraisal at the Calculation Date:

- (a) the day on which the Council states pursuant to Paragraph 6.2.1 of Schedule 3 that the Viability Appraisal is agreed ;

- (b) the day on which the Viability Appraisal is agreed in writing between the Owner and the Council pursuant to Paragraph 6.3 of Schedule 3 and;
- (c) the day on which the written determination of the Chartered Surveyor is issued pursuant to Clause 7 of the Agreement and paragraph 6.3 of Schedule 3;

as the case may be;

“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

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, 18 and 20 and Paragraphs 1 and 2 of Schedule 3 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 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

The Owner on behalf of themselves and any person deriving title to any part of the Site from the Owner hereafter hereby covenant with the Council so as to bind the Site to fully observe and perform the obligations on his 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.

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 or in relation to the reappraisal of viability to a Chartered Surveyor 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 Expert or Chartered Surveyor within thirty (30) days of one party serving notice on the other calling for the appointment of an Expert or Chartered Surveyor, then an Expert or Chartered Surveyor shall be appointed on the application of either party to the President for the time being of the Royal Town Planning Institute or the Royal Institution of Chartered Surveyors as applicable.
- 7.3 Any reference of a dispute to an Expert or Chartered Surveyor shall if the parties are agreed in writing be deemed to be a reference to an expert or chartered surveyor (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 or Chartered Surveyor representations and cross-representations with such supporting evidence as they shall respectively consider necessary and the Expert or Chartered Surveyor 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 written notice within 5 Working Days 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 its entire interest in the part of the Site in which the breach occurs 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.
- 9.3 For the avoidance of doubt save in respect of Paragraphs 1.1 to 1.3 of Schedule 3 which apply to all the Owners each Owner shall be bound to comply with the obligations contained in Schedule 3 that are applicable to any Phase in respect of which it is the Owner or one of the Owners of the part of the Site upon which that Phase is located. Without prejudice to its being bound to comply with the obligations that are applicable to any such Phase an Owner shall not be bound to comply with those obligations in respect of any part of the Site upon which a Phase is located that is not a part of the Site in respect of which it is the Owner or one of the Owners.
- 9.4 This Agreement shall not be enforceable against:
- 9.4.1 any owner, occupier, or tenant of any individual Dwelling or the successors in title of any such person or their mortgagee or any person deriving title from any such person;
- 9.4.2 or against any statutory undertakers in relation to any part of the Development acquired by them for electricity sub-stations, gas governor stations or pumping stations;
- 9.4.3 any tenant, owner, occupier, mortgagee, and/or chargee of a Commercial Unit and their successors in title;
- 9.4.4 any mortgagee or chargee unless they themselves caused the breach of the Agreement whilst mortgagee in possession, in which case they will be bound by the obligations in relation to any parts of the Site over which they have a legal charge but not further or otherwise as if they were a person deriving title in the Site from the Owners. This provision does not apply to their successors in title.

10 COUNCIL'S CONSENT OR APPROVAL

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.

11 LOCAL LAND CHARGE AND LAND REGISTRY ENTRY

- 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 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 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 at their registered office;

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 Owners 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.
- 15.4 When submitting a Viability Appraisal the Owner shall pay to the Council the related Viability Assessment Fee within 10 Working Days of his receipt from the Council of an invoice detailing the amount.

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. 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 who has not been disclosed to the Council prior to the date hereof.

18. JURISDICTION

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

19. CLAWBACK

- 19.1 Where for any Phase, the Method of Disposal is Build to Rent as notified by the Owners to the Council pursuant to paragraph 6.1.1 of Schedule 3 and at any time during the relevant Clawback Period any one or more Dwellings in that Phase are not retained in single ownership by the Owners as Build to Rent and are the subject of any Open Market Sales the Owners who as defined in Clause 1.6 includes their successors in title will within twenty eight (28) Working Days of any such Open Market Sale provide a valuation of the Clawback (if any) of the Dwellings in that relevant Phase that were the subject of the Open Market Sales (the "Clawback Valuation") to the Council.
- 19.2 Within forty (40) Working Days of its receipt of the Clawback Valuation the Council shall give written notice to the Owner of the relevant Phase either:-
- 19.2.1 stating that it accepts the Clawback Valuation; or
- 19.2.2 correcting or challenging any of the amounts or conclusions included in the Clawback Valuation and giving details of the disputed amounts or conclusions.
- 19.3 In the event that the Council shall have served a notice on the Owner of the relevant Phase pursuant to clause 19.2.2 the Owner of the relevant Phase and the Council shall use reasonable endeavours to reach agreement in respect of the Clawback Valuation but if the Owner of the relevant Phase and the Council shall have failed to agree the Clawback Valuation within twenty-eight (28) Working Days of the notice served by the Council pursuant to clause 19.2.2, then the matter in dispute shall be referred to the Chartered Surveyor, in accordance with the provisions of Clause 7 with the Chartered Surveyor being requested that he/she should as soon as practicable issue a written determination as to the matter in dispute and a written determination of the correct Clawback Valuation, which both Parties agree will be final and binding upon them (save in respect of manifest error).
- 19.4 In the event that the Clawback Valuation agreed by the Council pursuant to clause 19.2.1 or 19.3 or determined by the Chartered Surveyor pursuant to clause 19.4 confirms that the Permitted Profit Level has been achieved and that Clawback is payable then the Owner of the relevant Phase will pay the Clawback to the Council which the Council shall use to provide Affordable Housing within the Administrative Boundaries of Manchester.
- 19.5 The Owner of the relevant Phase will pay the Council the Clawback on or prior to the twenty eighth (28th) Working Day next following the later of the date the Clawback Valuation is either agreed by the Council pursuant to clause 19.2.1 or 19.3 or it is determined by the Chartered Surveyor pursuant to clause 19.3.
- 19.6 Each time the Council is required to assess the Clawback Valuation under this clause 19, the Owner of the relevant Phase covenants to pay the Council's reasonable costs of such calculation and such costs will be notified to the Owner of the relevant Phase and payment will fall due on the twenty eighth (28th) Working Day of notification of such costs.
- 19.7 Any payment made under this clause 19 when aggregated together with any Viability Payment will not exceed in total the Affordable Housing Contribution.
- 19.8 The Owner of the relevant Phase and the Council's reasonable costs of assessing the Clawback Valuation under this clause will be treated as Costs in the preparation of a Viability Appraisal.
- 19.9 Upon payment of the Clawback (or determination that no Clawback is payable), the relevant Phase and Dwellings therein that were the subject of the Clawback Valuation will no longer be bound by this clause 19.

20. 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.

21. COUNCIL POWERS

Nothing herein contained or implied shall prejudice or affect the rights, powers, duties and obligations of the Council in exercise of its functions as a local authority and the rights, powers, duties and obligations of the Council under all public and private statutes, byelaws, orders and regulations may be fully and effectually exercised in relation to the Site or any part thereof and any works executed thereon as if this Agreement had not been executed by the Council and in particular nothing in this Agreement shall restrict the Council and any other authority from exercising powers of compulsory purchase in respect of any part of the Site.

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

SCHEDULE 1

The Site and Plan

Land known as Plot D, Great Jackson Street, Manchester, M15 4NP and shown for the purposes of identification only edged red on the Plan.

SCHEDULE 2

Draft Planning Permission

SCHEDULE 3

OWNER'S GENERAL COVENANTS

The Owner hereby covenants with the Council as follows:

1.
 - 1.1 To pay to the Council the Off-Site Contribution Index Linked on or prior to the Commencement of Development or prior to the felling of the first tree located on the Site in connection with the implementation of the Planning Permission, whichever is the sooner.
 - 1.2 Following the Off-Site Contribution Appraisal by the Council to pay to the Council within 10 Working Days of its receipt of a request for payment any further Index Linked Off-Site Contribution adjudged to be payable.
- 1.3 To pay to the Council the Holcroft Moss Contribution on or prior to Commencement of Development of each Phase in the following proportions:
 - 1.3.1 £145 (one hundred and forty five pounds) in respect of Phase 1;
 - 1.3.2 £23,754 (twenty three thousand seven hundred and forty five pounds) in respect of Phase 2
- 2 To pay to the Council the Biodiversity Net Gain Contribution Index Linked on or prior to the Commencement of Development.
- 3 To obtain valid certificates of Completion of Construction immediately upon Completion of 75% of the Dwellings (to the nearest Dwelling) in Phase 2 and to forward copies of the certificates to the Council as soon as reasonably practicable following the issuing of the certificates.
- 4 To obtain valid certificates of Completion of Construction immediately upon Completion of each Phase and to forward copies of the certificates to the Council as soon as reasonably practicable following the issue of the certificates.
- 5 To notify the Council in writing;
 - 5.1 within five (5) Working Days of Commencement of Development that development has Commenced;
 - 5.2 within five (5) Working Days of Completion of Construction of Phase 1;
 - 5.3 within five (5) Working Days of Completion of Construction of 75% of the Dwellings (to the nearest Dwelling) Completed in Phase 2;
 - 5.4 within five (5) Working Days of the date of Completion of the Piling Work for each Phase.

VIABILITY APPRAISAL AT CALCULATION DATE AND VIABILITY PAYMENT

- 6.1 The Owner will within ten (10) Working Days of the Calculation Date
 - 6.1.1 confirm the Method of Disposal and the relevant Permitted Profit Level to the Council in writing; and
 - 6.1.2 provide a copy of a Viability Appraisal in order that the Council may instruct a Chartered Surveyor to review the Viability Appraisal and advise the Council on its contents and conclusion and to provide evidence of the date Commencement occurred and evidence of the date any contract relating to a Pre-Sale was signed and dated;
 - 6.1.3 Provided that where the Development is undertaken as Build to Rent via a Forward Fund then the steps at Paragraph 6.1.1 to Paragraph 6.1.2 (inclusive) above can be undertaken by the relevant Owner at any

time prior to and up to the Calculation Date where a contract for sale has been entered into in respect of the building to be constructed and a contract for construction of the building has also been entered into.

6.2 Within forty (40) Working Days of its receipt of the Viability Appraisal the Council shall give written notice to the Owner either:-

6.2.1 stating that it accepts the Viability Appraisal or

6.2.2 correcting or challenging any of the amounts or conclusions included in the Viability Appraisal and giving details of the disputed amounts or conclusions.

6.3 In the event that the Council shall have served a notice on the Owner pursuant to paragraph 6.2.2 of this Schedule the Owner and the Council shall use Best Endeavours to reach agreement in respect of the Viability Appraisal but if the Owner and the Council shall have failed to agree the Viability Appraisal within twenty-eight (28) Working Days of the notice served by the Council pursuant to Paragraph 6.2.2 of this Schedule, then the matter in dispute shall be referred to the Chartered Surveyor, in accordance with the provisions of Clause 7 with the Chartered Surveyor being requested that he/she/they should as soon as practicable issue a written determination as to the matter in dispute and a written determination of the correct Viability Appraisal, which both parties agree will be final and binding upon them (save in respect of manifest error).

6.4 The Viability Appraisal not by way of limitation shall include and confirm the GDV the NDV as applicable, the Costs, the Gross Margin, and the Viability Payment, if any.

6.5 The Viability Payment

6.5.1 In the event that the Viability Appraisal is agreed by the Council or determined pursuant to Paragraph 6.3 of this Schedule and the information contained therein shows that in accordance with the provisions of this Agreement an Viability Payment is due then on or before the Viability Payment Deadline to pay to the Council the Viability Payment (if any) PROVIDED ALWAYS that the Viability Payment and the aggregate of any Clawback received by the Council shall be capped so that they do not exceed the Maximum Contribution;

6.5.2 In the event that the information contained in the Viability Appraisal (as agreed by the Council or determined pursuant to Paragraph 6.3 of this Schedule) shows that an Viability Payment is not due then it is agreed by the Council that the Viability Payment shall not be payable although the Viability Assessment Fee shall still be due.

6.5.3 If a Viability Payment is due then from the Viability Payment Deadline to cease further Occupation nor permit or allow further Occupation of the Dwellings until payment of the Viability Payment has been received by the Council.

RETENTION OF ARCHITECT

7.1 The Owner shall use Best Endeavours to continue to employ the Architect as the lead architect throughout, the Construction Period and until Practical Completion of the Development **PROVIDED THAT** the Architect remains willing and able to fulfil such roles in relation to the Development and that such employment is capable of being secured on reasonable commercial terms.

7.2 Should the Architect not be appointed or continue to be appointed in accordance with Paragraph 7.1 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 reasonable practicably and shall thereafter notify the Council of the identity of the replacement architect immediately thereafter.

RETENTION AS BUILD TO RENT

8. Where the Method of Disposal is Build to Rent the Owners covenant that they shall deliver the relevant Build to Rent Dwellings comprising the residential part of the Development for the private rental market as a Build to Rent scheme and the residential part of the Development shall be retained as Build to Rent Dwellings for the Clawback Period Provided that if any part of the residential part of the Development is then Disposed Of as Open Market Sales during the Clawback Period this will trigger the clawback provisions set out in clause 19 of this Agreement, and the Owners further covenant to comply with all the provisions of that clause 19 and upon payment of the Clawback to the Council (or determination that no Clawback is due) this covenant will no longer apply to the relevant Dwellings Disposed of in breach of this covenant. For the avoidance of doubt, any payment of Clawback agreed by the Council and the Owners or determined to be due in accordance with the provisions of clause 19 will when received by the Council in respect of any Dwelling to which the payment of Clawback relates remedy the breach of the obligation to retain the Dwelling as a Build to Rent Dwelling contained in this paragraph, as well as releasing the Dwelling from that obligation thereafter. For the further avoidance of doubt this provision does not prevent the Owners of the Site as at the date of this Agreement or any successors in title from transferring the Site during the Clawback Period to successors in title all of whom will be bound by the covenants contained in this Paragraph 8.

SCHEDULE 4

COUNCIL'S COVENANTS

The Council hereby covenants with the Owner as follows:

1. To use the Off-Site Contribution for the purpose for which it was paid and not otherwise.
2. To use the Biodiversity Net Gain Contribution for the purpose for which it was paid and not otherwise.
3. To use any Viability Payment towards the provision of Affordable Housing within the Administrative Boundaries of Manchester and for no other purpose.
4. At the written request of the Owner to provide written confirmation of the discharge of the obligations contained in this Agreement when satisfied that such obligations have been performed within twenty (20) Working Days of receipt of the request and to provide details of the quantum of payments received by the Council in respect of any Clawback and/or Viability Payment.
5. The Council shall provide written details of any expenditure incurred by the Council using the Biodiversity Net Gain Contribution, the Off-Site Contribution or any Viability Payment within twenty (20) Working Days of a written request to do so from the party/person who made the payment to the Council.
6. To repay to the paying party such sum or sums remaining from the Off-Site Contribution, Biodiversity Net Gain Contribution and the Viability Payment as have not been expended in accordance with Paragraph 1, Paragraph 2 and Paragraph 3 of this Schedule (excluding any such sums in respect of which though not yet expended the Council has contractually committed to expend) within ten (10) years of the date of receipt by the Council.
7. To issue the Planning Permission within two (2) Working Days of the date hereof.

SCHEDULE 5

VIABILITY TEMPLATE

Land known as Plot D, Great Jackson Street, Manchester, M15 4NP

Gross Development Value (GDV) £

Net Development Value (NDV) £

Permitted Profit Level for a Forward Fund agreed before the Completion of the Piling Works based upon 12% of Costs;	£
Permitted Profit Level for a Forward Fund agreed after the Completion of the Piling Works 15% of total Costs	£
Permitted Profit Level for a Forward Sale agreed before the Completion of the Piling Work 15% of GDV	£
Permitted Profit Level for a Forward Sale agreed after the Completion of the Piling Works 18% of GDV	£
Permitted Profit Level for a Build to Rent scheme retained by the Owners 12% of total Costs	£
Permitted Profit Level for Open Market Sales and all other cases 20% of GDV	£
Costs	£
Schedule of abnormals TBA	£
Contingency on build costs and abnormals TBA	£
Professional fees on build costs and abnormals TBA	£
Sales and marketing costs TBA	£
Section 106 payments TBA	£
Finance cost of TBA	£
Interest cost on deposits - TBA	£
Tax relief - TBA	£

Benchmark Land Value	£1,650,000 Index Linked
Agreed Stamp Duty - TBA	
Agreed Site Legal and Agents Fees of Agreed Land Value	
Commercial letting agent and legal fees	
Investment sales agent & legal fees	
TOTAL COSTS (Costs)	
Gross Margin equals GDV – Costs including Benchmark Land Value or in a Build to Rent Scenario equals NDV – Costs including Benchmark Land Value	
Gross Margin minus Permitted Profit Level	
VIABILITY PAYMENT – equating to 50% of Gross Margin minus Permitted Profit Level	

NB –The sum of any Viability Payment shall not exceed the Maximum Contribution
The Headings in the Viability Template are not exhaustive.

SCHEDULE 6

Phasing Plans

SCHEDULE 7

Holcroft Moss Plans

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:

AUTHORISED SIGNATORY

Executed as a Deed by **WQ DEVELOPMENTS LIMITED**
acting by, a director in the
presence of:

.....

Director

Witness signature

Name (Capitals)

Address

Occupation