

10 November 2021

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

Dear Sirs

10-12 Whitworth Street West, Manchester: Section 96A (Non-Material Amendment) Application to Planning Permission Reference 111003/FO/2016/C1, 123234/NMC/2019, 128109/NMC/2020 and 129701/NMC/2021

Please find enclosed an application submitted by Empire Property Concepts Limited for a non-material amendment to Planning Permission ref. 111003/FO/2016/C1, as sequentially amended by 123234/NMC/2019, 128109/NMC/2020, 129701/NMC/2021 in accordance with Section 96A of the Town and Country Planning Act 1990.

This application is submitted in order to allow the additional planning condition 1 attached to 129701/NMC/2021, relating to the date by which the contract would need to be signed for the construction of the project, to be updated in accordance with revised construction timescales for the project.

Planning Background

The proposed residential development at 10-12 Whitworth Street West, providing 327 new homes over a high quality 35 storey development, initially received planning permission in 11 April 2016 with a standard condition requiring commencement within 3 years of that date.

In 2019, the application was lawfully implemented; however, during that process, the LPA introduced a time limit (in October 2020) for entering into a construction contract to deliver the scheme, in order to encourage the timely regeneration of the site. That deadline was subsequently extended until 1st April 2021 because of understandable delays to the project related to the current health crisis.

At the end of February 2021, Empire Property Concepts Limited (EPCL) agreed to purchase the site from the existing landowner with the intention being to deliver the permitted scheme. This deal has now recently been confirmed. EPCL is working with CPC Project Services LLP, Russell WBHO and Jon Mathews Architects (the original architects) to bring forward the permitted development in this regard.

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As a result of the previous amendment, the timescale for the submission of a contract being awarded for the construction of the building was extended to 30 April 2022; however, EPCL now require a further six-month extension to ensure that they and their contractor can competitively price the construction of the scheme.

The revised contractor tender programme, to be reflected by this amendment application, will allow EPCL to complete the works through the PCSA period, allow for market testing, review stages and award the contract for construction. EPCL have carried out an up to date Build Cost Report to assist this process.

EPCL therefore has a clear plan to arrive at the point of awarding the construction contract and a start on site. The additional six-month extension will allow EPCL to deliver this project without the further need to alleviate time pressures associated with this process.

Against this context, the purpose of this application is therefore to seek a non-material amendment to Condition 1, in order to extend the time period for entering into a main contract by 6 months beyond the current date of 30 April 2022, as set out under 129701/NMC/2021, through to 31 October 2022. On the basis of the start during 2022, the construction will be complete by 2024.

Proposed Non-Material Amendments

Condition 1, as currently worded under permission ref. 129701/NMC/2021, as follows:

“No development shall be carried out pursuant to this permission if the contract for the construction and completion of the building hereby permitted has not been let by 30 April 2022 (and evidence provided to the reasonable satisfaction of the LPA) and any development activities on the site shall cease and no further development permitted by this planning permission shall be carried out. In this event, no later than 30 May 2022 a scheme shall be submitted to the LPA setting out how the site shall be restored, landscaped and maintained and thereafter the site shall be restored, landscaped and managed in accordance with the scheme that has been approved by the LPA.”

Via s96A of the Town and Country Planning Act, it is proposed that Condition 1 be amended to read as follows:

“No development shall be carried out pursuant to this permission if the contract for the construction and completion of the building hereby permitted has not been let **by 30 October 2022** (and evidence provided to the reasonable satisfaction of the LPA) and any development activities on the site shall cease and no further development permitted by this planning permission shall be carried out. In this event, no later than **30 November 2022** a scheme shall be submitted to the LPA setting out how the site shall be restored, landscaped and maintained and thereafter the site shall be restored, landscaped and managed in accordance with the scheme that has been approved by the LPA.”

Summary of Application

In addition to this cover letter, the application submission comprises the completed Application Forms and Certificates and a Site Location Plan to identify the Site. The application fee to Manchester City Council for £234 has been provided via the Planning Portal (PP-10355824).

On the basis of the information submitted, we seek your formal agreement that the proposed amendments to wording of conditions applied to 129701/NMC/2021, to be read in conjunction with

Application References 111003/FO/2016/C1, are acceptable and can be dealt with as a non-material amendment.

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

Yours faithfully

Deloitte LLP