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Dear Sir or Madam

**SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) APPLICATION FOR NON-MATERIAL AMENDMENTS TO PLANNING PERMISSIONS: 122835/P3OPA/2019 AND 122836/P3OPA/2019**
**58-60 AND 64-66 KING STREET, MANCHESTER, M2 4LY**
**APPLICATION BY GLASGOW CITY COUNCIL AS ADMINISTRATING AUTHORITY FOR STRATHCLYDE PENSION FUND C/O DTZ INVESTORS**

**PLANNING PORTAL REFERENCES - PP-10203048 AND PP-10203060**

**Introduction**

We write on behalf of our client, Glasgow City Council as administrating authority for Strathclyde Pension Fund c/o DTZ Investors, to apply for a non-material amendment (**'NMA'**) to the developments approved as part of Planning Permissions: 122835/P30PA/2019 and 122836/P30PA/2019. Two applications have been submitted for a non-material amendment to each application, but both applications are covered by this covering letter and the enclosed information.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, the documents which comprise the application include the following:

- This covering letter;
- The completed application forms;
- Supporting Letter from Cogent;
- Planning Permission: 122835/P3OPA/2019;
- Planning Permission: 122836/P3OPA/2019;
- NMA Decision Notice: 129049/NMC/2021; and
- NMA Decision Notice: 129050/NMA/2021.

As the applications have been submitted electronically via the Planning Portal (PP- 10203048 and PP-10203060), electronic payments have been made for the application fees of £259.00 for each application.

The scope of the applications and agreement to the submission of these further NMA applications has been agreed in advance with James Hughes and Anthony Mitchell at Manchester City Council, who have confirmed that the LPA can support a further application under Section 96A of the Town and Country Planning Act 1990 (as amended) for the request proposed under these applications.

**Relevant Planning History**

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East..

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On 23 April 2019, notices of Prior Approval were granted at 58-60 and 64-66 King Street for the change of use of upper floors from office (Class B1a) to residential (Class C3) under Class O of the GDPO (Refs: 122835/P3OPA/2019 and 122836/P3OPA/2019) (the '**2019 Permissions'**).

Condition 1 on the 2019 Permissions states as follows:

> *"The development shall be completed within the expiration of three years from the date of this approval."*

The 2019 Permissions were therefore due to expire on 23rd April 2022.

On 2 February 2021, Non Material Amendments ('**NMA'**s) were granted to allow the re-wording of Condition 1 of the 2019 Permissions, to allow extra time to complete the development due to the effects of Covid 19 (Refs: 129050/NMC/2021 and 12049/NMA/2021) (the '**2021 NMAs'**).

Condition 1 on the 2021 NMAs states as follows:

> *"The development shall be completed before 24 October 2022"*

**Changes to the Approved Development**

As noted above, as it stands the development approved by the 2019 Permissions needs to be completed by 24th October 2022. The application seeks a non-material amendment to the development approved by the 2019 Permission and associated 2021 NMAs.

Due to the continuing effects of Covid19, the project team has experienced further delays to the programme to implement the Prior Approvals for 58-60 and 64-66 King Street. The applicant has confirmed that the design is now close to being finalised, ready for issue to Tender. Whilst the applicant has every intention of completing the development proposals by 24 October 2022, there remains the possibility that the works required to achieve this will slightly over run the current expiration date.

With the above in mind, this application seeks approval of a NMA to increase the time period of the development from 24 October 2022, to **24 April 2023** (an increase of six months).

Included as part of this submission is a supporting letter from the Project Manager, Cogent, which sets out further detail in respect of the timings of the programme and the reasoning behind the delays so far.

Covid19 has inevitably impacted upon the ability of the applicant to commence works. The key setbacks include:

1. The inability of the applicant to appoint consultants during the first 'lockdown' imposed in England between March and June 2020 by virtue of the fact that consultants were unable to attend site to undertake survey work.
2. A subsequent back-log in consultants being able to undertake survey work to inform the design process;
3. Delays in the ability for the Investment Managers signing off on the investment strategy due to uncertainty in the property markets.
4. Further delays arising as consequence of the second and third national lockdowns in November and January respectively;
5. Requirement for the applicant to publicise the works on the Public Contracts Scotland Portal which has extended the tender period.

In addition, the pandemic is also impacting resourcing in the construction industry and its ability to source materials, equipment and sub-contractors. Therefore, whilst the applicant and its project team are aiming for completion in October 2022 the delays experienced to date, along with the potential future delays arising from

issues within the construction industry are challenging and therefore flexibility is sought to enable the completion of the already supported development.

The applicant appreciates that Manchester City Council is also being affected by the Covid19 pandemic, which has impacted upon the Council's ability to respond to matters and deal with applications within a 'typical' (i.e. pre-Covid19) timeframe. Delays have been experienced as part of pre-application discussions, which arose as a direct consequence of Covid19, and as part of the current application which is pending consideration for the conversion of the upper floors at 62 King Street (Ref: 129851/LO/2021). This further highlights the importance of allowing flexibility for both the applicant and the Local Planning Authority ('**LPA**').

The LPA has the ability to use NMA's to amend conditions on planning permissions, including time-limits, and therefore the request would again fall within the terms of Section 96(A) of the Town and County Planning Act 1990 (as amended) and the pragmatism and flexibility that Government has requested in terms of planning decision-making during this period. This position has been agreed and demonstrated by virtue of the LPA approving the 2021 NMAs.

Given the nature of the proposed change, which simply seeks to extend the time-frame for completion of the development, there will be no material impact on the overall appearance of the development or application site.

The proposed changes do not raise any impacts above and beyond those assessed as part of the original application.

The scope of the changes has been agreed in advance with James Hughes and Anthony Mitchell. During discussions it was confirmed that the LPA is agreeable to accepting these subsequent NMAs as a result of the continuing effects of Covid 19.

The effect of the application and the proposed non-material amendments will be to re-word Condition 1 of the 2019 Permissions and the associated 2021 NMAs as follows:

> *'The development shall be completed by 24 April 2023.'*

**Summary and Conclusion**

The application seeks a further amendment to the developments approved as part of Planning Permissions: 122835/P30PA/2019 and 122836/P30PA/2019.

The proposed changes do not change the appearance or function of the proposed development and do not conflict with any comments from third parties raised in respect of the original developments. The application simply seeks to further increase the time period for the 'completion' of the development by six months to allow for greater flexibility in light of the Covid19 pandemic. It follows that the proposals can be treated as non-material amendments and the applications should be approved.

We trust that the details included above provide you with sufficient information to register and consider the application. We will endeavour to contact you within the next few days to establish your timetable for decision making.

In the meantime, should you require any clarification or additional information, please do not hesitate to contact either Katie Parfett or Matthew Sobic at these offices.

Yours faithfully



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