Paul Butler Associates
Planning, Development & Heritage Consultants

10th August 2021

Tony Mitchell
Planning
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

21.1600/a

Dear Tony

Submission of Non-Material Amendment Application under Section 96A of the Town and Country Planning Act 1990
1 Alpha Place, Manchester, M15 4PP

On behalf of our client, 365 Rooms Manchester Ltd, I am pleased to submit this application under Section 96A of the Town and Country Planning Act 1990 which seeks approval for non-material amendments to planning permission 120113/FO/2018. Planning permission 120113/FO/2018 was approved on 24 September 2018 and granted approval for *'Erection of a seven storey apart-hotel (use class C1), comprising 59 rooms on the upper floors, with reception area and ancillary residents' lounge and breakfast area on the ground floor'.*

Works to implement this planning permission are to commence shortly and prior to 24 September 2021 in order that the planning permission remains extant and can be delivered. To facilitate this it is necessary to seek changes to the wording or 'trigger' of a number of pre-commencement conditions of planning permission 120113/FO/2018, such that a lawful start can be made.

This application seeks to vary the wording of conditions 5 (Local Labour Agreement), condition 6 (Construction Management Plan), condition 7 (Materials Schedule) and condition 10 (TV reception survey). This letter sets out the current wording of each condition, the requirement for the change, and the proposed wording of each condition (changes are identified by bold text). It also considers any implications of the changes to the conditions via the non-material amendment application process and confirms that this is appropriate.

Condition 5 - Local Labour Agreement

Current wording:

> 5) (a) Prior to the commencement of development, details of a local labour agreement, that shall demonstrate a commitment to the recruitment of local labour for the construction phase of the development, shall be submitted to and approved in writing by the City Council, as local planning authority.
>
> (b) The document approved under part (a) above shall be fully implemented as part of the construction phase of the development.

(c) Prior to the use of the development first commencing, details of a local labour agreement that shall demonstrate a commitment to the recruitment of local labour for the operational phase of the development shall be submitted to and approved in writing by the City Council, as local planning authority.

(d) The document approved under part (c) above shall be fully implemented as part of the operational phase of the development.

(e) Within one month of the completion of construction works, details of the results of the scheme approved under part (a) shall be submitted to the City Council as local planning authority for consideration.

(f) Within six months of the use of the development first commencing, details of the results of the scheme approved under part (c) shall be submitted to the City Council as local planning authority for consideration.

Reason - To safeguard local employment opportunities, pursuant to policy EC1 of the Core Strategy for Manchester.

Reason for change:

A main contractor for the scheme has not yet been appointed although this process is currently underway. The main contractor will be responsible for satisfying the requirements of this condition. To provide flexibility such that the development can be implemented the wording of this condition is proposed to be changed such that a Local Labour Agreement can be provided within 6 months of the commencement of the development.

Proposed amended wording:

5) (a) **Within 6 months of** commencement of development**,** details of a local labour agreement, that shall demonstrate a commitment to the recruitment of local labour for the construction phase of the development, shall be submitted to and approved in writing by the City Council, as local planning authority.

(b) The document approved under part (a) above shall be fully implemented as part of the construction phase of the development.

(c) Prior to the use of the development first commencing, details of a local labour agreement that shall demonstrate a commitment to the recruitment of local labour for the operational phase of the development shall be submitted to and approved in writing by the City Council, as local planning authority.

(d) The document approved under part (c) above shall be fully implemented as part of the operational phase of the development.

(e) Within one month of the completion of construction works, details of the results of the scheme approved under part (a) shall be submitted to the City Council as local planning authority for consideration.

(f) Within six months of the use of the development first commencing, details of the results of the scheme approved under part (c) shall be submitted to the City Council as local planning authority for consideration.

Reason - To safeguard local employment opportunities, pursuant to policy EC1 of the Core Strategy for Manchester.

Condition 6 - Construction Management Plan

Current wording:

6) Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority which for the avoidance of doubt should include:
*Display of an emergency contact number;
*Details of Wheel Washing;
*Dust suppression measures;
*Compound locations where relevant;
*Location, removal and recycling of waste;
*Routing strategy and swept path analysis;
*Parking of construction vehicles and staff;
*Sheeting over of construction vehicles;

Development shall be carried out in accordance with the approved construction management plan.

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

Reason for change:

As noted previously a main contractor for the scheme has not yet been appointed although this process is currently underway. The main contractor will be responsible for satisfying the requirements of this condition. To provide flexibility such that the development can be implemented the wording of this condition is proposed to be changed such that a phased approach to the discharge of this condition can take place. This will allow for the submission of a specific Construction Management Plan to support works to make a lawful start on the planning permission, followed thereafter by a fully detailed Construction Management Plan which can be provided by the main contractor.

Proposed amended wording:

6) Prior to the commencement of the development **(or phase thereof)** a detailed construction management plan outlining working practices during development **(or phase thereof)** shall be submitted to and approved in writing by the local planning authority which for the avoidance of doubt should

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

Development shall be carried out in accordance with the approved construction management plan.

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

Condition 7 - Materials Schedule

7) a) Prior to the commencement of development, a programme for the issue of samples and specifications of all material to be used on all external elevations of the development and drawings to illustrate details of full sized sample panels that will be produced shall be submitted to and approved in writing by the City Council, as local planning authority.

b) Samples and specifications of all materials to be used on all external elevations of the development, which shall include jointing and fixing details, details of the drips to be used to prevent staining and a strategy for quality control management, shall then be submitted to and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above. The development 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.

Reason for change:

Providing a programme for the issue of samples and specifications of all materials to be used on all external elevations of the development and drawings to illustrate details of full sized sample panels requires input from the main contractor, who are yet to be appointed. Notwithstanding this it is not considered necessary for this condition to be pre-commencement and the proposed change to prior to above ground works provides a sufficient mechanism for the Council to control this process.

Proposed amended wording:

7) a) Prior to **above ground works**, a programme for the issue of samples and specifications of all material to be used on all external elevations of the development and drawings to

illustrate details of full sized sample panels that will be produced shall be submitted to and approved in writing by the City Council, as local planning authority.

b) Samples and specifications of all materials to be used on all external elevations of the development, which shall include jointing and fixing details, details of the drips to be used to prevent staining and a strategy for quality control management, shall then be submitted to and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above. The development 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.

Condition 10 - TV Reception Survey

Current condition wording:

10) Before the development commences, studies containing the following 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.

a) Measure the existing television signal reception within the potential impact areas identified in the TV Reception Survey Report by SCS dated 10 May 2018 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 (a) 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 (a) above. The measures identified must be carried out either before the building 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 Section 5 of the National Planning Policy Framework.

Reason for change:

It is not necessary for this condition which relates to impact on TV reception to be pre-commencement. The proposed change to the wording to prior to above ground works will continue to ensure that matters relating to any TV reception impacts can be appropriately identified and mitigated if required.

Proposed amended wording:

> 10) **Prior to above ground works**, studies containing the following 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.
>
> a) Measure the existing television signal reception within the potential impact areas identified in the TV Reception Survey Report by SCS dated 10 May 2018 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 (a) 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 (a) above. The measures identified must be carried out either before the building 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 Section 5 of the National Planning Policy Framework.

Assessment

National Planning Practice Guidance advises that care should be taken when considering using pre-commencement conditions, advising that they should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.

The proposed changes to the wording of the identified pre-commencement conditions does not alter the approved development and therefore clearly constitute non-material amendments which can be agreed under provisions of Section 96A of the Town and Country Planning Act. The

approach of amending the wording of conditions via the non-material amendment route is appropriate (as confirmed by Section 96A paragraph 3(b) of the Town and Country Planning Act 1990), whilst a review of the Council's Public Access website confirms the approach of amendment the 'trigger' of conditions is not unusual.

The proposed alterations to conditions only affects the wording and 'trigger' of conditions, such that the previously approved development can be lawfully commenced before the 24 September 2021 deadline, and implemented thereafter. The implementation of the development will deliver a series of positive planning and regeneration benefits, which were highlighted in the main application submission, not least the redevelopment of a long-term vacant brownfield site in a central City Centre location and the provision of economic benefits during implementation and operation stages. On this basis we respectfully request that this Non-Material Amendment application is approved.

Submission Information

The application is supported by this application covering letter and the completed application forms and certificates which have been submitted via the Planning Portal website. The application fee (amounting to £234) will be paid during submission of the application via the Planning Portal. We look forward to working with the Council to progress the application through to determination, and thereafter to facilitate the delivery of this development.

Yours sincerely



Ralph Taylor BSc MPLAN MRTPI
Principal Planner