

28th June 2021

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Our ref: EP494
Your ref:

Dear Sirs

**NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 119731/FO/2018
CHESHIRE CHEESE PH & VACANT LAND (FORMERLY NOS 32-38), OLDHAM ROAD, MANCHESTER,
M4 5FE**

I write on behalf of our client, Cheshire Cheese Assets Ltd, with regard to the above development and have pleasure in enclosing a non-material amendment application which seeks approval for a minor variation to the description of development of the approved scheme and to the wording of condition 28. Both of these proposed changes relate to and seek to bring the development in-line with the updated Use Classes Order 2020.

Background

Since the grant of permission 119731/FO/2018, the government published 'The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020' on the 21st of July 2020, which came into force on the 1st of September 2020.

Proposed Change to the Description of Development

The description of development, as per the decision notice, reads as follows:

"Erection of 7 storey building to form 38 apartments and ground floor retail unit (Class A1) together with associated car and cycle parking following demolition of existing building".

It is proposed to amend the description of development as follows:

*"Erection of 7 storey building to form 38 apartments and ground floor ~~retail~~ **commercial** unit (Class ~~A1~~ **E**) together with associated car and cycle parking following demolition of existing building".*

Proposed Changes to the Wording of Condition 28

Condition 28 reads as follows:

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the ground floor retail unit hereby approved shall not be used for any other purpose other than Class A1 as set out within the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument

revoking and re-enacting that Order with or without modification) other than the purpose(s) of A1.

Reason - In the interests of residential amenity, pursuant to policies DM1 and SP1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework”.

The following amendments are proposed to the wording of condition 28:

~~“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) The ground floor retail~~ **commercial** ~~unit hereby approved shall not be used for any other purpose other than Class A1 E as set out within the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of A1 E.~~

Reason - In the interests of residential amenity, pursuant to policies DM1 and SP1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework”.

As currently worded, condition 28 is not reflective of current planning legislation and is therefore overly restrictive. It is acknowledged that the final part of the condition makes for use of the unit in Class A1 ‘or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order’. Thus, the condition can now be interpreted as allowing use in Class E. However, for the purposes of simplification, we consider that it would be helpful to formally amend the condition to make this explicit.

The proposed revisions to the condition wording and description of development ensure that they align with the latest Use Classes Order provisions. The changes are minor as they simply seek to ensure that the permission is reflective and accurate in respect of the latest lawful provisions and do not therefore conflict with policies DM1 and SP1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

We trust that sufficient information is hereby provided with this application for Manchester City Council to confirm that the proposed changes are non-material in accordance with the provisions in Section 96A of the Town and Country Planning Act 1990 (as amended).

We hope that you find the details complete and that you are able to validate the submission in due course, should you have any queries or require additional information please do not hesitate to contact me.

Yours faithfully



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