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FAO: David Lawless, Planning Officer

Dear David,

Section 73 (Minor Material Amendment) of the Town and Country Planning Act 1990

Application to Vary Condition 2 of Planning Permission Reference 142287/VO/2025 of former Co-operative Department Store and above vacant office units, Wythenshawe Civic Centre, The Birtles, M22 5RF

Planning Portal Reference: PP-14406009

Lambert Smith Hampton (LSH) writes on behalf of our client, Manchester City Council's Development & Investment Estate Service to submit an application under Section 73 of the Town and Country Act 1990 which seeks to Vary Condition 2 of application reference: **142287/VO/2025** which granted planning permission on 13th June 2025 for the following:

'*Change of use of first and second floor to from Use Class E (Commercial, Business and Service) to F1 (Community Hub) together with associated elevational alterations*'

These purpose of this minor material amendment is a result of minimal design changes at the Former Co-operative Department Store and above vacant office units, Wythenshawe Civic Centre (the Site).

Variation of Condition 2

Whilst the wording of Condition 2 is proposed to remain unchanged, this application seeks to update some of the approved drawings which are outlined under Condition 2. The reasoning for updating some of the approved drawings is to improve connectivity, functionality and improve vertical connection between floors.

As part of this Section 73 application, the following minor material amendments are proposed (as highlighted within the accompanying design and access statement):

- Updates to the proposed Ground floor plan through the sliding entrance door to improve accessibility and F&B unit to be fit out by tenant;

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- Updates to the proposed first floor plan including the removal of the platform lift which will be replaced with passenger lifts that travels to all floor levels to improve vertical connectivity between the entrance and second floor amenities, minor amendments to general arrangement of the W/C area, relocation of the changing place and minor amendments to the partition position;
- Updates to the proposed second floor plan including the removal of the platform lift which will be replaced with passenger lifts that travels to all floor levels to improve vertical connectivity between the entrance and floor amenities, a new lift enclosure extension situated on lower roof level to provide connectivity between floors, minor changes to the position of M&E equipment, new secondary means of escape from the roof through AOV located in staircase 2 landing, minor amendments to the back of house arrangement and minor amendments to partition positions;
- Updates to the proposed roof plan including new lift enclosure to improve vertical connectivity between the floor and entrance and corridor extension on the lower roof level, minor alteration to the roof walkways, minor alterations to the position of M&E equipment, new secondary means of escape from the roof through roof AOV, 3 new AOV on the upper roof level and further detail added to the solar panel layout; and
- Updates to the New Birtles, Hale Top and Rear Elevation including new lift enclosure on the lower roof level.

Consideration of Minor Material Amendment (MMA)

Guidance from the Ministry of Housing, Communities and Local Government states that Section 73 applications (MMA) can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions, but the change must only relate to conditions and not to the operative part of the permission[1].

In the context of the overall scheme, it is considered that the proposed changes constitute a minor material amendment for the following reasons:

1. Changes proposed relate to a condition;
2. The changes proposed will not extend the time limit within which a development must be started or an application for approval of reserved matters must be made; and
3. The changes proposed will not change the description of the development.

Application Submission

The application was submitted via the Planning Portal [Ref: **PP-14406009**] and is accompanied by the following:

1. Completed application form;
2. Design and Access Statement;
3. Updated drawings; and
4. Site Location Plan

[1] https://www.gov.uk/guidance/flexible-options-for-planning-permissions

The submitted plans will supersede those previous controlled under Condition 2 of 142287/VO/2025, as outlined below:

Drawing Title	**Previously approved drawing number under planning application reference: 142287/VO/2025**	**Updated drawing number as provided under this Section 73 application.**
Proposed Ground Floor Plan	45848-AE-01-00-D-A-3100-S3-P12	45848-AE-01-00-D-A-3100-S3-P13
Proposed First Floor Plan	45848-AE-01-01-D-A-3101-S3-P12	45848-AE-01-01-D-A-3101-S3-P13
Proposed Second Floor Plan	45848-AE-01-02-D-A-3102-S3-P12	45848-AE-01-02-D-A-3102-S3-P13
Proposed Roof Plan	45848-AE-01-RF-D-A-3103-S3-P07	45848-AE-01-RF-D-A-3103-S3-P08
Proposed Elevation 01 - The Birtles	45848-AE-01-XX-D-A-3200-S3-P07	45848-AE-01-XX-D-A-3104-S3-P08
Proposed Elevation 02 - Hale Top	45848-AE-01-XX-D-A-3201-S3-P07	45848-AE-01-XX-D-A-3105-S3-P09
Proposed Elevation 03 - Rear	45848-AE-01-XX-D-A-3202-S3-P07	45848-AE-01-XX-D-A-3106-S3-P08
Proposed Elevation 04 - Side	45848-AE-01-XX-D-A-3203-S3-P04	45848-AE-01-XX-D-A-3107-S3-P08

The fee of £2,000 (including planning portal service charge) has been paid internally to Manchester City Council. This application was previously submitted as a Non material amendment where the applicant had previously paid a fee of £298. Therefore, the residual payment is £1,702.

As highlighted within the officer's report for the main application, the scheme is one of the key elements of the centre's regeneration and there is a need for these types of spaces due to the lack of current spaces for local bands, theatre groups, amateur drama groups, visual artists and dance groups to practice. The scheme accords with the wider Wythenshawe Town Centre Development Framework and is therefore in line with Policy C7 of the Manchester Core Strategy (Wythenshawe District Centres – Baguley (West Wythenshawe), Northenden and Wythenshawe Town Centre) of the Manchester Core Strategy (2012-2027). The amendments proposed in this Section 73 application will not impact the conclusions made in the main application. Furthermore, this application responds to the importance of making these spaces accessible to all needs and accords with comments from an accessibility consultant.

Conclusion

We trust that the information provided is sufficient to ensure the timely validation of this Section 73 planning application. LSH wants to work with the Council to secure a positive outcome for this application in an expeditious manner. The Section 73 application are not contentious given the previous changes to the building that have been approved and therefore we trust that an expedient decision can be made to ensure the contractors can commit to these changes.

Should you have any questions, please do not hesitate to contact me, or my colleague Melanie Chan.

Yours sincerely,

[redacted]

Chris Hartley
Senior Planner
Planning, Regeneration + Infrastructure

[redacted]

CC Katherine Dybeck Kier Construction
Anne Lucas ([redacted]) Manchester City Council