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

24th April 2025

Dear Sir / Madam

Application Submitted Under Section 96A of the Town and Country Planning Act 1990 for a Non Material Amendment to Planning Application Ref: 140587/FO/2024 for the *"Temporary permission for three years for the installation of padel courts, multi-use courts, and boule/pétanque courts; the erection of canopies; the installation of containers to include ancillary food and beverage use, portaloos, and reception area; and the inclusion of car and cycle parking, outdoor seating area, refuse area, lighting, and associated infrastructure"* at Land At Peary Street, Manchester,

I act on behalf of Social Sports Society and I am instructed to submit to your authority an application under Section 96A of the Town and Country Planning Act 1990 in relation to the above site.

The application has been submitted and paid for via the Planning Portal (Ref: PP-13964900).

Proposed Amendment

Since receiving the above permission, the applicant has determined that the approved scheme is no longer viable to implement in its current form. This application for a non-material amendment (NMA) therefore seeks approval to amend the description of development, removing references to certain elements of the scheme while retaining its core purpose as an inclusive leisure space.

A NMA is required in the first instance, ahead of any subsequent S73 application, because a S73 application cannot be inconsistent with the description of the development contained in the operative part of the existing planning permission.

This is now the orthodoxy post-*Finney*, where the Court of Appeal made clear that:

"[s.73's] purpose is to give the developer "relief" against one or more conditions. On receipt of such an application section 73(2) says that the planning authority must

"consider only the question of conditions". It must not, therefore, consider the description of the development to which the conditions are attached. The natural inference from that imperative is that the planning authority cannot use section 73 to change the description of the development."

The applicant will also be seeking an extension to the temporary permission period and therefore proposes the removal of the reference to a three-year timeframe from the description of development. A more specific time period would be proposed as part of a subsequent S73 application.

An indicative site plan, which may be subject to minor revisions is included with this submission to provide clarity on the applicant's intentions. A finalised version of this plan would be submitted as part of a future Section 73 (S73) application and would form the approved site plan.

As noted, following this NMA, the applicant intends to submit an S73 application to amend the approved plans, confirm the revised temporary permission period, and vary relevant conditions, prior to discharging the remaining conditions.

The existing permission has the following description of development:

"Temporary permission for three years for the installation of padel courts, multi-use courts, and boule/pétanque courts; the erection of canopies; the installation of containers to include ancillary food and beverage use, portaloos, and reception area; and the inclusion of car and cycle parking, outdoor seating area, refuse area, lighting, and associated infrastructure."

This NMA application seeks to amend the description of development to:

"Temporary permission for the installation of padel courts; the erection of canopies; the installation of containers to include ancillary food and beverage use, toilets, changing facilities, and reception area; and the inclusion of car and cycle parking, outdoor seating / recreation area, refuse area, lighting, and associated infrastructure."

Should you have any queries regarding the above or any other matter relating to this application please contact me on tom@jmsplanning.com or 07568 115450.

Yours sincerely



Tom Leigh
JMS Planning & Development