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Robert Griffin
Planning Control
Manchester City Council
PO Box 532
Town Hall
Manchester

Ref:
L036/KD/LF/MA/5051MA

Date: 9th September 2025

Dear Robert,

Application for a S73 minor-material amendment to vary Conditions 2 (Approved Plans), 20 (Car Parking) and 30 (Temporary Staff Parking) in respect of planning permission 139598/JO/2024 at former Newall Green Academy, Wythenshawe, M23 2SX.

Introduction

On behalf of our client, Morgan Sindall Construction (on behalf of the Department for Education), please find enclosed a minor-material amendment application under Section 73 of the Town and Country Planning Act 1990 (as amended), in respect of planning permission 139598/JO/2024 at Newall Green Academy, Wythenshawe, M23 2SX.

The planning application has been submitted via the Planning Portal (ref: PP-14306509) and comprises the following:

- Application forms and ownership certificates
- Cover Letter (this Letter)
- Plans Pack by IBI, including:
 - General Arrangement Plan (ref: FS0998-IBI-A-14-XX-D-L-7001-C06)
 - Boundaries Plan (ref: FS0998-IBI-A-14-XX-D-L-7003-C03)
 - Hard works Plan (ref: FS0998-IBI-A-14-XX-D-L-7004-C03)
 - Green Infrastructure Plan (ref: FS0998-IBI-A-14-XX-D-L-7005-C03)
 - Vegetation to be removed/retained (ref: FS0998-IBI-A-14-XX-D-L-7007-C03)
 - Levels Plan (ref: FS0998-IBI-A-14-XX-D-L-7010-C04)
 - Site Sections (ref: FS0998-IBI-A-14-XX-D-L-7013-C03)

Legislation and Guidance

Section 73 of the Town and Country Planning Act (TCPA) 1990 allows applications to be made for permission for the development of land without complying with conditions subject to which a previous planning permission was granted. Section 73 of the Town and Country Planning Act 1990 states that:

“the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”*

Therefore, in determining a S73 application, the LPA must consider only the question of the conditions subject to which planning permission should be granted.

National Planning Practice Guidance advises that:

“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Pre-application discussions will be useful to judge the appropriateness of this route in advance of an application being submitted.”

(Paragraph: 017 Reference ID: 17a-017-20140306)

Application Proposal

This application seeks to make a minor material amendment to planning permission 139598/JO/2024 to secure minor changes to the layout and minor design changes, currently approved and secured under condition 2, 20 and 30 of planning permission 139598/JO/2024, which requires the development to be carried out in accordance with the approved plans/drawings.

The full summary of changes is visually represented in the updated plans and summarised below:

- The western entrance has been adapted to assist sightlines for entering and exiting construction traffic, and also to allow vehicles to wait off the main highway. This has resulted in an amended fence line and an additional gate proposed;
- Relocation of the cycle store in the west the site, to give greater access and egress flexibility; and
- Removal of two trees in west of the site to allow for new gate access.

The changes are reflected in the amended plans submitted alongside this letter. Please note, the amendments have been discussed and agreed in principle with the LPA prior to submission of this application. It was agreed with the LPA that a Section 73 application was the appropriate method to deal with the changes.

For ease of reference, please see the new plans proposed to supersede those set out in Conditions 2, 20 and 30 of planning permission 139598/JO/2024 in the table below:

Current Condition Wording	Proposed Condition Wording
<u>Condition 2</u> Construction Management Plan Morgan Sindall FS0998 FS0998-IBI-A-14-XX-D-L-7005 Rev P04 EXTERNAL WORKS GREEN INFRASTRUCTURE PLAN FS0998-IBI-A-14-XX-D-L-7001 Rev P10 EXTERNAL WORKS	<u>Condition 2</u> Construction Management Plan Morgan Sindall FS0998 FS0998-IBI-A-14-XX-D-L-7005-Rev-P04 FS0998-IBI-A-14-XX-D-L-7005-C03 EXTERNAL WORKS GREEN INFRASTRUCTURE PLAN

Current Condition Wording	Proposed Condition Wording
GENERAL ARRANGEMENT PLAN As received by the City Council as local planning authority on the 28th November 2023 FS0998-IBI-A-14-XX-D-L-7003 Rev P05 EXTERNAL WORKS BOUNDARIES PLAN FS0998-IBI-A-14-XX-D-L-7004 Rev P03 EXTERNAL WORKS HARDWORKS PLAN FS0998-IBI-A-14-XX-D-L-7007 Rev P03 EXTERNAL WORKS VEGETATION TO BE REMOVED/RETAINED FS0998-IBI-A-14-XX-D-L-7010 REV P03 EXTERNAL WORKS LEVELS PLAN FS0998-IBI-A-14-XX-D-L-7013 Rev P04 EXTERNAL WORKS SITE SECTIONS FS0998-IBI-A-2-00-D-A-3104 Rev P05 DEMOLITION - GROUND FLOOR PLAN FS0998-IBI-A-2-00-D-A-3101 Rev P11 GROUND FLOOR GA PLAN FS0998-IBI-A-2-00-D-A-3109 Rev P03 REFURBISHMENT & REMODELLING STRATEGY - GROUND FLOOR FS0998-IBI-A-2-00-D-A-3111 Rev P02 CIRCULATION STRATEGY - GROUND FLOOR FS0998-IBI-A-2-01-D-A-3102 Rev P11 FIRST FLOOR GA PLAN FS0998-IBI-A-2-01-D-A-3105 Rev P05 DEMOLITION - FIRST FLOOR PLAN FS0998-IBI-A-2-01-D-A-3110 Rev P03 REFURBISHMENT & REMODELLING STRATEGY -FIRST FLOOR FS0998-IBI-A-2-01-D-A-3112 Rev P02 CIRCULATION STRATEGY - 1ST FLOOR FS0998-IBI-A-2-RL-D-A-3103 Rev P10 ROOF PLAN FS0998-IBI-A-3-XX-D-A-3201 Rev P09 GA ELEVATIONS FS0998-IBI-A-4-XX-D-A-3301 Rev P04 GA SECTIONS FS0998-IBI-A-4-XX-D-A-3302 Rev P02 GA SECTIONS FS0998-HLEA-ZZ-ZZ-T-O-0003 P04 ENERGY STRATEGY All as received on the 10th November 2023 Air Quality Assessment 14 April 2023 Social Value Plan Acoustic Planning Report SRL 4 April 2023 reference FS0998-SRL-XX-XX-T-J-002-P01 Arboricultural Implications Assessment Ref 23-10490 April 2023 Arboricultural Method Statement Ref 23-10490 Rev 1 May 2023 Biodiversity Impact Calculation Report Ref: 23-10490 April 2023 Great Crested Newt eDNA Survey Ref 23-10490 April 2023	~~FS0998-IBI-A-14-XX-D-L-7001 Rev P10~~ FS0998-IBI-A-14-XX-D-L-7001-C06 EXTERNAL WORKS GENERAL ARRANGEMENT PLAN As received by the City Council as local planning authority on the 28th November 2023 ~~FS0998-IBI-A-14-XX-D-L-7003 Rev P05~~ FS0998-IBI-A-14-XX-D-L-7003-C03 EXTERNAL WORKS BOUNDARIES PLAN ~~FS0998-IBI-A-14-XX-D-L-7004 Rev P03~~ FS0998-IBI-A-14-XX-D-L-7004-C03 EXTERNAL WORKS HARDWORKS PLAN ~~FS0998-IBI-A-14-XX-D-L-7007 Rev P03~~ FS0998-IBI-A-14-XX-D-L-7007-C03 EXTERNAL WORKS VEGETATION TO BE REMOVED/RETAINED ~~FS0998-IBI-A-14-XX-D-L-7010 REV P03~~ FS0998-IBI-A-14-XX-D-L-7010-C04 EXTERNAL WORKS LEVELS PLAN ~~FS0998-IBI-A-14-XX-D-L-7013 Rev P04~~ FS0998-IBI-A-14-XX-D-L-7013-C03 EXTERNAL WORKS SITE SECTIONS FS0998-IBI-A-2-00-D-A-3104 Rev P05 DEMOLITION - GROUND FLOOR PLAN FS0998-IBI-A-2-00-D-A-3101 Rev P11 GROUND FLOOR GA PLAN FS0998-IBI-A-2-00-D-A-3109 Rev P03 REFURBISHMENT & REMODELLING STRATEGY - GROUND FLOOR FS0998-IBI-A-2-00-D-A-3111 Rev P02 CIRCULATION STRATEGY - GROUND FLOOR FS0998-IBI-A-2-01-D-A-3102 Rev P11 FIRST FLOOR GA PLAN FS0998-IBI-A-2-01-D-A-3105 Rev P05 DEMOLITION - FIRST FLOOR PLAN FS0998-IBI-A-2-01-D-A-3110 Rev P03 REFURBISHMENT & REMODELLING STRATEGY -FIRST FLOOR FS0998-IBI-A-2-01-D-A-3112 Rev P02 CIRCULATION STRATEGY - 1ST FLOOR FS0998-IBI-A-2-RL-D-A-3103 Rev P10 ROOF PLAN FS0998-IBI-A-3-XX-D-A-3201 Rev P09 GA ELEVATIONS FS0998-IBI-A-4-XX-D-A-3301 Rev P04 GA SECTIONS FS0998-IBI-A-4-XX-D-A-3302 Rev P02 GA SECTIONS FS0998-HLEA-ZZ-ZZ-T-O-0003 P04 ENERGY STRATEGY All as received on the 10th November 2023 Air Quality Assessment 14 April 2023 Social Value Plan Acoustic Planning Report SRL 4 April 2023 reference FS0998-SRL-XX-XX-T-J-002-P01 Arboricultural Implications Assessment Ref 23-10490 April 2023 Arboricultural Method Statement Ref 23-10490 Rev 1 May 2023 Biodiversity Impact Calculation Report Ref: 23-10490 April 2023

Current Condition Wording	Proposed Condition Wording
Preliminary Ecological Assessment Report Ref: 22-9204 June 2022 Phase I Geoenvironmental Desk Study ref P4436.1.0 26 May 2022 Phase II Geoenvironmental Site Investigation Report ref P4436.4.1 20 September 2022 Supplementary Ground Investigations FS0998-CCL-XX-XX-T-G-0001 All as received by the City Council as local planning authority on the 10th May 2023 Documents and drawings associated with condition discharge reference CDN/24/0277 FS0998-MSC-XX-XX-D-MC-0017-P01 Phase 3 Sectional handover as received on 22nd March 2024	Great Crested Newt eDNA Survey Ref 23-10490 April 2023 Preliminary Ecological Assessment Report Ref: 22-9204 June 2022 Phase I Geoenvironmental Desk Study ref P4436.1.0 26 May 2022 Phase II Geoenvironmental Site Investigation Report ref P4436.4.1 20 September 2022 Supplementary Ground Investigations FS0998-CCL-XX-XX-T-G-0001 All as received by the City Council as local planning authority on the 10th May 2023 Documents and drawings associated with condition discharge reference CDN/24/0277 FS0998-MSC-XX-XX-D-MC-0017-P01 Phase 3 Sectional handover as received on 22nd March 2024
<u>Condition 20</u> The car parking area indicated on the approved drawing numbered FS0998-IBI-A-14-XX-D-L-7004 Rev P03 as received by the City Council as Local Planning Authority on 10 November 2023 shall be surfaced, demarcated and made available for use by 1st December 2025. Prior to this date the car parking shown on drawing number FS0998-MSC-XX-XX-D-MC-0017-P01 must be surfaced, demarcated and made available for use prior to the first use of the development hereby approved being occupied and shall be available for use at all times whilst the development is in use	<u>Condition 20</u> The car parking area indicated on the approved drawing numbered FS0998-IBI-A-14-XX-D-L-7004-C03 ~~FS0998-IBI-A-14-XX-D-L-7004 Rev P03~~ as received by the City Council as Local Planning Authority on 10 November 2023 shall be surfaced, demarcated and made available for use by 1st December 2025. Prior to this date the car parking shown on drawing number FS0998-MSC-XX-XX-D-MC-0017-P01 must be surfaced, demarcated and made available for use prior to the first use of the development hereby approved being occupied and shall be available for use at all times whilst the development is in use
<u>Condition 30</u> Prior to the first occupation of the building hereby approved, details for the provision of temporary staff car parking to be used prior to the provision of the car parking area indicated on the approved drawing numbered FS0998-IBI-A-14-XX-D-L-7004 Rev P03 as received by the City Council as Local Planning Authority on 10 November 2023, shall be submitted to and approved in writing by the City Council as local planning authority. The submitted details shall identify the location of the car parking together with a timescale for their provision. The staff car parking shall be in place for use in accordance with the agreed details.	<u>Condition 30</u> Prior to the first occupation of the building hereby approved, details for the provision of temporary staff car parking to be used prior to the provision of the car parking area indicated on the approved drawing numbered FS0998-IBI-A-14-XX-D-L-7004-C03 ~~FS0998-IBI-A-14-XX-D-L-7004 Rev P03~~ as received by the City Council as Local Planning Authority on 10 November 2023, shall be submitted to and approved in writing by the City Council as local planning authority. The submitted details shall identify the location of the car parking together with a timescale for their provision. The staff car parking shall be in place for use in accordance with the agreed details.

Planning Assessment

The principle of development on this site has already been established by planning permissions 138832/FO/2023 and 139598/JO/2024. The amendments relate to minor changes to the layout of the scheme. The changes will have a very minor impact on the layout but overall, will not alter the principle of development. The proposed changes have been discussed and agreed with the LPA Case Officer, who has deemed the changes would constitute a minor material amendment.

Overall, it is considered that the principle of development is established.

Conclusion

In summary, the application for a Minor Material Amendment under Section 73 of the Town and Country Planning Act 1990 (as amended) seeks to secure the site layout at Newall Green Academy, Wythenshawe. Justification as to why consent is sought for this minor amendment has been provided and we would request that permission be granted accordingly.

I trust the enclosed information is sufficient to allow validation of the application. However, should you have any queries or require additional information, please do not hesitate to contact me.

Yours sincerely,

Lee Fulcher
Principal Planner
DPP