AshtonHale

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

Submitted via Planning Portal (ref: PP-14434745)

23 October 2025

Dear Angela

Section 96a Application for Non-Material Amendments to Planning Permission 139778/FO/2024: Full Planning Permission for an Office-Led Development at Lever Street, Manchester

On behalf of our client, Soller Nine Limited ('the Applicant'), please find enclosed an application made under Section 96a of the Town and Country Planning Act (as amended) for non-material amendments to the wording of planning conditions contain within permission 139778/FO/2024 at land bounded by Lever Street, Great Ancoats Street, Little Lever Street and Houldsworth Street, Manchester ('the Site'). Permission was granted on 24th January 2025 for the following description of development:

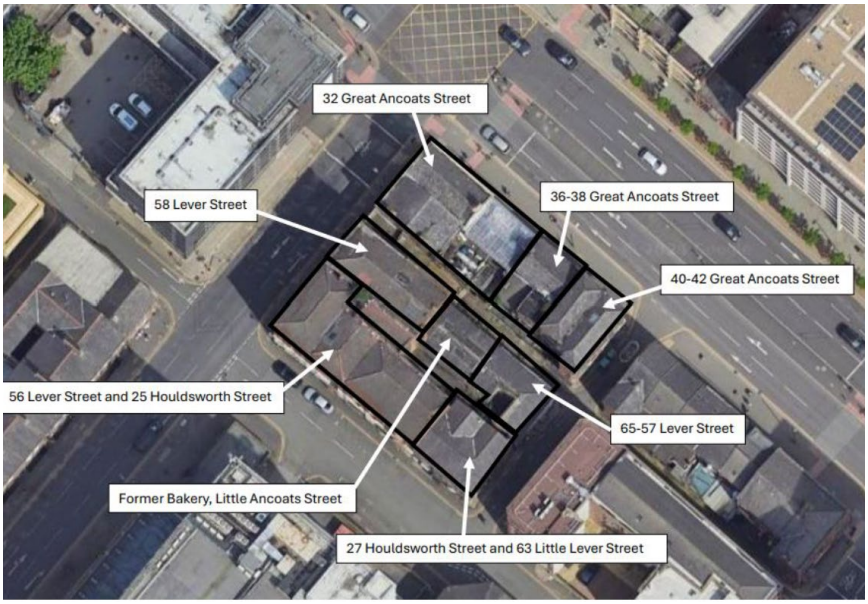
> *Part retention, part demolition of existing buildings on site with retained fabric to form part of 18 storey building plus plant level comprising office space (Use Class E) above ground floor reception area and ancillary uses, 2 basement levels and associated landscaping.*

The decision notice included at Condition 3, Part (b) a mechanism to account for situations where urgent demolition of existing buildings is required in advance of a main works contract for public safety reasons. Despite that, the other conditions that relate to demolition works were not worded in a way that would allow for such a phased demolition and the partial approval of such conditions should MCC accept that urgent demolition is required.

Following discussions with you we are, therefore, submitted this application for non-material amendments (NMA) to vary the wording of Conditions 4, 5, 6, 13, 15, 20 and 48 to make clear what needs to be approved prior to any agreed urgent demolition works commencing under Condition 3b.

Background

The planning application ref: 139778/FO/2024 referred to the following collection of buildings in the Northern Quarter:



The planning consent allowed for the partial demolition of the site with the retention of certain key buildings and facades.

The structural report by aktII that was submitted and approved as part of the planning application (and re-provided as part of this condition application, identified a number of buildings that were considered at that time as being high risk of imminent collapse. These included buildings at 56 Lever Street and 25 Houldsworth Street, and 58 Lever Street, and sadly there was a partial collapse in May 2024.

In light of this, Part (b) of Condition 3 was included in the decision notice to account for situations where urgent demolition of existing buildings was required in advance of a main works contract for public safety reasons.

Since the grant of planning permission in January 2025, certain buildings on the site have deteriorated further and it is now the Applicant's view (backed up by robust evidence) that these buildings pose an imminent health and safety risk to the general public. A separate planning application has now been submitted pursuant to Condition 3(b) seeking the urgent demolition of buildings 65 & 67 Little Lever Street, 25 & 27 Holdsworth Street, and 56 & 58 Lever Street in the interests of health and safety. For the avoidance of doubt, no other buildings forming part of the wider site and planning permission are being sought for demolition at this time under Condition 3b.

This Application for Non-Material Amendments

Part (b) of Condition 3 was included in the decision notice to account for situations where urgent demolition of existing buildings was required in advance of a main works contract for public safety reasons. Despite that, the other conditions that relate to demolition works were not worded in a way that would allow for such a phased demolition and the partial approval of such conditions should MCC accept that urgent demolition is required.

Following discussions with you we are, therefore, submitted this application for non-material amendments (NMA) to the vary the wording of the following pre-demolition conditions to allow them to be discharged in-part to allow any urgent works agreed under Condition 3b:

- Condition 4 (Pre-Installation of Scaffolding or Supporting Structure) – approval of methodology and specification for works.
- Condition 5 (Pre-Demolition) – approval of details of a façade retention strategy and temporary enabling works, including a structural survey

- Condition 6 (Pre-Demolition) – approval of final details of interface details for 32 Great Ancoats St, and full recording and details of reinstatement of 56/58 Lever St.
- Condition 13 (Pre-Demolition) – approval of Demolition Method Statement / Management Plan
- Condition 15 (Pre-Commencement) – approval of Surface Water Drainage Scheme
- Condition 20 (Pre-Demolition) – approval of Programme of Archaeological Works
- Condition 48 (Pre-Commencement) – details of relevant bat licence.

This NMA application seeks the following amendments to the wording of those planning conditions (with our suggested changes in ***bold italics***):

Condition 4

4) Before the installation of any scaffolding or supporting structure relating to the retained façade, a methodology and specification for any associated scaffolding and support structure for the facade including its location, means of affixing to the building, location of any associated fixings to the building, details of how the building fabric would be protected from potential damage as a result of the erection of the scaffolding and details of making good to the building fabric following removal shall be submitted to and approved in writing by the City Council as local planning authority. No development shall commence unless and until the above details have been agreed.

For the avoidance of doubt, should urgent demolition be approved under Condition 3b of this permission then details relevant to those works only should then be provided before the approved urgent demolition is commenced. Details relating to any other demolition works should be submitted and approved prior to those works being undertaken.

Condition 5

5) Prior to any demolition commencing ***(except for any demolition works approved under Condition 3b)****, the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:*

> *(a) A Facade Retention Strategy and Methodology which needs to be based on a comprehensive structural survey of the building to ensure the facade retention is fully designed to ensure full retention and support of the retained elements of the proposals. A quality control / risk management strategy should be included to ensure a robust approach to protecting the heritage asset during the works.*
>
> *The above shall include details of supports, fixings, restraint and building protection including monitoring, risk mitigation measures and vibration control.; and*
>
> *(b) Details of any associated temporary enabling works that impact on the asset to include the removal of any vegetation which could cause structural issues.*

All of the above should be prepared with input from a conservation accredited engineer.

Condition 6

6) Notwithstanding the details as set out in condition 2 above no demolition (excluding works to the screen wall and single storey 'outbuildings' ***or any demolition works approved under Condition 3b****) shall commence unless and until final details (including where appropriate specification and method statement) of the following has been submitted to and approved in writing by the City Council as Local Planning Authority:*

(a) Interface details between new and retained elements including the new party wall to 32 Great Ancoats Street; and

(b) Based on the full recording of 56 Lever Street and 58 Lever Street / 25 Houldsworth Street details of the key features of the facade that will need reinstating.

Condition 13

13) No demolition of the existing building fabric on the site shall commence unless and until a Demolition Method Statement/ Management Plan (including a structural method statement for the retained elements and a boundary treatment to the site during and following demolition) has been submitted to and approved in writing by the City Council as Local Planning Authority.

For the avoidance of doubt, should urgent demolition be approved under Condition 3b of this permission then details relevant to those works only should be provided before the approved urgent demolition is commenced. Details relating to any other demolition works should then be submitted and approved prior to those works being commenced.

This should include a quality control / risk management strategy to ensure a robust approach to protecting the heritage asset during the works and also include the following details:

**Details of building protection;*

**How materials will be recorded, removed and carefully stored and protected for re-use (including for the North Wall and screen wall to the highway);*

**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;*

**Communication strategy with residents and businesses which shall include details of how there will be engagement, consult and notify residents during the works;*

**Parking of construction vehicles and staff; and*

** Sheeting over of construction vehicles.*

The approved Method Statement shall be adhered to throughout the Demolition period. For the avoidance of the doubt the demolition of the buildings would not constitute commencement of development.

Condition 15

15) Prior to the commencement of the development hereby approved ***(except for any demolition works approved under Condition 3b),*** *a surface water drainage scheme in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include:*

**Progression through the drainage hierarchy must be evidence based and supported by site investigation including assessments of ground conditions and infiltration testing in accordance with BRE365. Proposals of attenuation should achieve half drain time within 24 hours.*

**Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.*

**Maximised integration of green SuDS components (utilising infiltration or attenuation) if practicable.*

**Details of surface water attenuation to align with the Manchester, Trafford and Salford Strategic Flood Risk Assessment. For brownfield sites a minimum of 50% betterment is required for reduction in runoff rate compared to the existing rates with the aim of reducing to the Greenfield runoff rates.*

**A finalised drainage layout showing all components, outfalls, levels and connectivity.*

**An existing and proposed impermeable areas drawing to accompany all discharge rate calculations.*

**Hydraulic calculations of the proposed drainage system, including all design parameters. Calculations must Include Critical Storm Events for the 1 in 2, 1 in 30 and 1 in 100 + 45% Climate Change. Results must demonstrate no surcharge for the 1 in 2, no flooding in the 1 in 30 and no flooding of buildings for the 1 in 100 + 45% Climate Change.*

**A blockage risk assessment must be undertaken as part of the drainage strategy to support proposed flows less than 5 l/s.*

**A plan indicating surface water overland flow routes for extreme events to ensure flows are diverted away from existing and proposed buildings (including basements).*

**Construction details of flow control and SuDS elements.*

**A plan indicating easements. SuDS features (including attenuation tanks) should be appropriately positioned, including a 2.5m easement from the existing highway and a 5m easement from any dwellings, guaranteeing accessibility for future maintenance and contingency for asset failure. This practice is in accordance with SuDS Manual (C753).*

**CCTV survey of existing drainage system to understand condition, capacity, connectivity.*

**Finished floor levels and proposed ground levels plan.*

**The development shall be constructed and completed in accordance with the approved details prior to the first occupation/use of the development.*

<u>Condition 20</u>

20) No demolition, (in respect to the historic building investigation only), relating to the historic building investigation shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works in accordance with a Project Design that has been submitted to and approved in writing by the local planning authority.

For the avoidance of doubt, should urgent demolition be approved under Condition 3b of this permission then details relevant to those works only should be provided before the approved urgent demolition is commenced. Details relating to any other demolition works should then be submitted and approved prior to those works being commenced.

The Project Design shall cover the following:

1. A phased programme and methodology of investigation and recording to include:

a. an historic building investigation (Level 3) of all standing historic buildings or structures that are to be removed or altered (including the building's facades) during the course of the development

b. archaeological evaluation trenching (to take place following the demolition of the extant buildings to slab level only, and prior to any remediation or development works)

c. pending the results of the above, targeted open-area excavation

2. A programme for post-investigation assessment to include:

a. production of a final report on the results of the investigations and their significance

3. Deposition of the final report with the Greater Manchester Historic Environment Record

4. Dissemination of the results of the archaeological investigations commensurate with their significance, including provision for the installation of permanent information panels

5. Provision for archive deposition of the report and records of the site investigation

6. Nomination of a competent person or persons / organisation to undertake the works set out within the approved Project Design

Condition 48

48) Work shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

A licence issued by Natural England pursuant to Regulation 55 of the Conservation for Habitats and Species Regulations 2019, authorising the specified development to go ahead;

Or

Evidence that the site is registered on an appropriate bat 'low impact' licence (CL21)

Or

A statement in writing from the relevant licencing body or the LPA to the effect that it does not consider that the development will require a licence.

For the avoidance of doubt, should urgent demolition be approved under Condition 3b of this permission then details relevant to those works only should be provided before the approved urgent demolition is commenced. Details relating to any other works should then be submitted and approved prior to those works being commenced.

Assessment

Planning Practice Guidance[1] is clear that there is no statutory definition of "non-material" and it is dependent on the context of the overall scheme. The summary table at Annex A[2] states that the Local Planning Authority, when considering if the amendment is material, *"must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted"*.

The proposed amendments relate to the wording of conditions and seek to correct an oversight at the time planning permission was granted. The amendments will not require the reassessment of any additional information or environmental impacts, therefore, as agreed, the "effect of the change" is not considered to be material and it is on this basis that AshtonHale have submitted this application as non-material amendments to the current planning permission.

I trust the above is in order and I look forward to receiving confirmation that the application has been validated. Should you require any additional information in order to progress the application, please contact me.

Yours sincerely,



Neil Lucas
Director



AshtonHale Ltd

[1] Paragraph: 002 Reference ID: 17a-002-20140306, Revision date: 06 03 2014

[2] Accessible via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864175/Annex_flexible_options.pdf