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Dear Jennifer

Application for the Approval of a Minor-Material Amendment to 137399/FO/2023: Full Planning Permission for a PBSA and Life Sciences Development at Upper Brook Street, Manchester

On behalf of our client, McLaren Property (UBS 1) Ltd ('the Applicant'), please find enclosed an application made under Section 73 of the Town and Country Planning Act 1990 to make a minor-material amendment to Condition 30 of planning permission 137399/FO/2023 at land between Upper Brook Street, Kincardine Road, and Cottenham Street ('the Site'). The permission was granted on 29th November 2024 for the following description of development:

> *Erection of a 6 to 9 storey building for Sci-Tech use (Use Class E (g)(ii)) and 265sqm of a cafe/bar (Use Class E (b)), and a 9 to 23 storey building for Purpose Built Student Accommodation (PBSA) (Use Sui Generis), comprising 737 bedrooms and 293sqm of community use (Use Class F2 (b)) and 80sqm of commercial floorspace (Use Class E), alongside new public realm, access, parking, and associated works following demolition of existing buildings.*

The proposed amendments to Condition 30 have been discussed with planning officers at Manchester City Council (MCC) and it has been agreed that these would be considered as a minor-material amendment to the planning permission.

The Proposed Amendment

This application has been prepared as the Applicant is intending to amend Condition 30 of the approved application in order to allow for the approved student accommodation element of the development to be occupied by students outside of term time. Condition 30 currently states:

> *The student accommodation element of the development hereby approved shall be used as purpose built student accommodation (PBSA) (Sui Generis) during term time only (except that non-term time PBSA use by students is permitted when provided under the provisions of an individual PBSA tenancy which is principally for term time use) and for no other purpose of The Town and*

Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) (including serviced apartments/apart hotels, or similar uses (other than the PBSA use specifically permitted by this condition) where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights).

The original planning application under 137399/FO/2023 was submitted without any occupational restriction on the operation of the PBSA, i.e. based on a PBSA use for 52 weeks a year. This was fully assessed with the supporting documents (including the Environmental Impact Assessment), which all concluded that the impacts of the year round PBSA use could be adequately mitigated and were acceptable.

Condition 30 was included by planning officers prior to the application being heard at committee to reflect other PBSA schemes across Manchester, and provides a restriction on the occupational timings for when the PBSA on can be used, resulting in the building only being used during university semesters, not year-round, unless students have individual tenancy agreements in place permitting this. This was reluctantly agreed by the Applicant in order to move to the determination of the planning application.

Following the grant of planning permission, the Applicant has now started demolition on site, appointed a main works contractor, and is readying for the construction of the PBSA building. Discussions with funding partners have revealed, however, that the restrictions imposed by Condition 30 are problematic and could jeopardise the delivery of the project.

It is on that basis that the Applicant is now seeking to amend the wording of Condition 30 to enable the student accommodation to be used flexibly throughout the year, including during non-term periods pursuant to the following restriction on any short-terms lets:

- A maximum 35% of the total PBSA beds being used for student accommodation use in the summer months, which will be subject to a separate short-term lettings with higher education providers; and
- A minimum of one weeks letting.

The amendment of Condition 30 will not alter the description of development or the primary purpose of the PBSA building, but rather allow for improved operational efficiency, ensure its deliverability, and respond to genuine student demand outside traditional academic terms.

The proposed amendments to Condition 30 sought through this planning application are set out below, with the changes **in bold**:

The student accommodation element of the development hereby approved shall be used as purpose built student accommodation (PBSA) (Sui Generis) during term time only ***except for:***

i) ***when*** *non-term time PBSA use by students is permitted when provided under the provisions of an individual PBSA tenancy which is principally for term time use; or*

ii) ***a maximum of 35% of the PBSA beds being used outside of term time under separate short-term letting agreements for students attending higher education providers, with a minimum term of one week.***

The student accommodation element of the development hereby approved shall be used *for no other purpose of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) (including serviced apartments/apart hotels, or similar uses (other than the PBSA use specifically permitted by this condition) where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights).*

As noted within the 'Accommodation Management Plan' supporting this application, there is an established demand for short-term student accommodation during the summer months in Manchester. This includes students attending summer schools, undertaking internships or placements, or transitioning between tenancies. This application's intention is not to allow general short-term visitor accommodation or serviced apartment use, but to ensure the building can respond flexibly to academic demand and ensure the necessary funding can be secured to deliver the scheme. As previously noted, the original planning application was submitted and assessed on the basis of a year-round PBSA use, with no restrictions on occupation, with the supporting documents concluding that this acceptable.

Assessment

Planning Practice Guidance is clear that an application made under Section 73 of the Town and Country Planning Act 1990 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 under Section 73, but the change must only relate to conditions and not to the operative part of the permission. The proposed change is limited in scope and does not affect any other aspect of the approved development beyond the matters addressed in this letter.

It has been agreed with officers at the Council that the proposed amendment may require additional information to demonstrate that the proposed amendment would not impact any of the conclusions of the approved Environmental Statement and that summertime operations would be appropriately managed by the operator.

<u>Environmental Impact Assessment</u>

As part of the full planning application, a voluntary Environmental Impact Assessment (EIA) was undertaken in relation to those environmental effects which, in the (scoping) opinion of MCC, would warrant full assessments as part of the EIA process. The purpose of the EIA was to ensure that the appropriate information regarding the likely significant effects of the development was available for consideration by the Council, consultees and the public. The EIA process also identified ways in which the development could be modified, or likely significant adverse effects mitigated, so to reduce or remove likely significant effects.

To accompany this Section 73 application, a supporting statement has been prepared by Avison Young to consider the proposed changes to the condition, and assess whether this amendment would result in a change to the outcomes of the approved Environmental Statement.

The approved Environmental Statement was undertaken in the absence of the restrictions of operation as set out under Condition 30, i.e. based on a PBSA use for 52-weeks a year, meaning that the assessments measured the impacts of the development across the year including over the summer months as a worst case scenario. As set out within the Avison Young letter, it is not considered that the proposed changes will have an impact on assessments undertaken of Townscape, Views and Built Heritage, Wind, Daylight, Sunlight and Overshadowing, Climate Change, Socio Economics, and Transport. The letter additionally identifies cumulative schemes brought forward since 2023 within 1km of the site to consider the implications of the proposed changes. In relation to the assessments, it is not considered that these will be impacted by the proposed changes.

It is concluded that the proposed changes to the approved scheme (i.e. the amendments to Condition 30) would not give rise to any new, additional or different likely significant effects to those already considered within the approved 2023 Environmental Statement. In view of this, Avison Young consider that the Environmental Statement remains valid and there is no need for any further information to be prepared in relation to the proposed development.

Accommodation Management Plan

As agreed with officers, a specific 'Accommodation Management Plan' for the site has been prepared by Homes for Students, which details how the site will be managed in respect of the short-term let of up to 35% of the rooms outside of term-time. Details of site management include;

- On Site Staffing & Out of Hours Support: Short-term residents at the site will benefit form an on-site management team, plus a dedicated General Manager will be present at the site from Monday to Friday during office hours. The General Manager will be supported by a resident Services Assistant, Maintenance Operative and Cleaning staff. In the evenings and at weekends a security service will be employed to be on site. A 24/7 Helpdesk is also available for residents.
- Noise and Antisocial Behaviour: Residents must sign a Short Term Let Agreement with behavioural expectations. On arrival, they receive an induction covering rules, local expectations, and contact procedures.
- Community Liaison: The on-site team will actively seek to engage with local tenants and residents' associations and community organisations to discuss and address any issues including but not limited to any disturbance, littering, emergencies and any other operational issues.
- Car Parking: This is a car-free development. Residents are prohibited from bringing vehicles to site. Breaches (e.g., obstructive parking) are treated as serious violations of tenancy agreements. Secure cycle storage is provided to encourage active travel. Drop-off/loading bays are available for short-term use.
- Management: The on-site team handles all day-to-day operations with support from senior off-site management. Anti-social behaviour is taken seriously, with formal escalation paths that may lead to eviction.
- Security: Security includes 24/7 monitored CCTV, electronic access control, and restricted lift/floor access. This aims to prevent unauthorised entry and ensure resident and public safety.
- Inspection and Cleanliness: Residents are responsible for maintaining their own rooms. On departure, rooms are inspected and cleaned. Charges apply for damage or poor hygiene. Communal areas are maintained by staff.
- Repairs: An on-site maintenance operative handles minor repairs and safety checks. External contractors support statutory testing (e.g., fire alarms, water systems). Long-term investment is planned via a sinking fund.
- Health and Safety: Trained staff oversee health and safety protocols including fire strategy, first aid, and emergency planning. Regular audits and compliance checks (fire, water, electrical) are scheduled.
- Minimum Operational Standards: The Short-Term Let accommodation at Upper Brook Street will operate in full compliance with relevant planning, fire safety, and health regulations. The property will follow the best practices outlined by the Short-Term Accommodation Association (STAA), ensure compliance with Manchester City Council's planning policies.
- Neighbourhood and Community: Several measures will be put in place to ensure consideration is given to surrounding residents, these include the use of CCTV cameras and resident engagement interactions.
- Check-in & Check-out Process: Experience from other short-term let properties shows that guest arrivals are spread throughout the booking period rather than concentrated on a single move-in weekend. With a mix of long-stay and short-stay residents, arrivals and departures will occur sporadically across the months of July to August. To ensure a smooth check-in process, guests will be encouraged to provide their estimated arrival time in advance. A streamlined online check-in system will be in place, allowing guests to confirm their booking details, receive key collection instructions, and access site information before arrival.
- Servicing, Waste and Deliveries: Servicing is restricted to office hours. Residents take waste to a

managed bin area. Waste will be picked up by the local authority or a private contractor and split into general (including food) and mixed recyclable waste.

- Short Term Let Agreement: Each resident will sign up to a Short Term Let Tenancy Agreement which bounds them to rules and codes of conduct during their stay at the residences. Where residents breach the agreement, there will be escalating levels of enforcement which will include fines, written and final warnings and ultimately evictions with no refunds given.
- Complaints: Each complaint is logged and given a timescale to respond to and for implementation of an agreed action plan.

The management plan prepared for the short-term let of the site provides a comprehensive strategy of the measures which will be put in place to manage residents at the site outside of the traditional university term-times. The measures outlined within this document conform with development management policies contained within Manchester City Council's Development Plan, specifically policies within the Core Strategy (2012) including policies DM1 (Development Management) and H12 (Purpose Built Student Accommodation).

In addition, given the approved planning application documents under permission ref: 137399/FO/2023 were all based on an assessment of a PBSA use for 52-weeks a year (prior to the imposition of Condition 30) there will be no additional impacts on the environment or local community that have not already been considered and appropriately mitigated. Indeed, removing the current restriction imposed by Condition 30, as drafted, would result in an increased number of operational jobs and GVA associated with the Proposed Development's PBSA element – taking it back up to towards the numbers originally reported in the 2023 Environmental Statement.

Summary

It has been demonstrated that the use of up to 35% of the PBSA rooms by students on short-term leases outside of term-time can be robustly managed and will not give rise to any additional material impacts in terms of traffic, noise, amenity or servicing compared to the consented term-time use. The amendment is therefore minor-material and fully compliant with planning policy objectives.

Within this application, the Applicant proposes to allow for use of the student accommodation scheme to be partially utilised within the summer in order to respond to Manchester's growing demand for short-term accommodation associated with students attending higher institution provider programmes, and to assist in securing funding for the overall development.

In summary, it is considered that the proposed amendments are minor-material, and the amendments would have no additional material impacts over and above the consented proposals. The amendments to Condition 30 are required to enable the development site to come forward. I trust that the enclosed information will enable you to validate the submission as soon as possible. If you have any queries or require any further details, please do not hesitate to contact me.

Yours sincerely,

[redacted]

Neil Lucas
Director

[redacted]

AshtonHale Ltd

Enc. UBS- EIA Statement of Conformity