LICHFIELDS

Ship Canal House
98 King Street
Manchester M2 4WU

0161 837 6130
manchester@lichfields.uk
lichfields.uk

Ms J Atkinson
Principal Planning Manager
Planning Building Control and Licensing
Growth and Development
Manchester City Council
Town Hall
Albert Square
Manchester
M2 5DB

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Our ref: 66476/02/SPM/HR/32863469v1
Your ref: PP-13624409

Dear Jennifer

Land at Cornbrook, Manchester – Section 73 Application to vary planning permission (ref. 139133/FO/2024)

On behalf of FG Vivere Manchester Ltd [the Applicant], Lichfields is pleased to submit an application made under Section 73 of the Town and Country Planning Act 1990 [the 1990 Act] to amend the wording of a number of conditions attached to the full planning permission (ref. 139133/FO/2024) [the Planning Permission] at Land at Cornbrook [the Site]. This includes changing references to approved plans in 19 conditions to reflect updates to those drawings and changes to the associated revision.

This application also seeks to vary the triggers of three pre-commencement conditions to 'prior to the commencement of above-ground works' to allow the Applicant to undertake site wide remediation works in accordance with the project programme.

A full schedule of conditions detailing the proposed amendment to each condition is submitted as part of this application.

The Planning Permission was granted on 26 September 2024. An application for a non-material amendment to the Planning Permission (ref. 142148/NMC/2025) was approved on 19th February 2025. This application changed the description of development of the Planning Permission to the following:

"Erection of mixed-use building incorporating residential apartments (Use Class C3a), apart-hotel studios (Use Class C1), amenity space, and café (Use Class E(b)), together with infrastructure, landscaping, and other associated works."

This application has been submitted via the Planning Portal (ref. PP-13624409) on 15 April 2025 and comprises the following documents:

- Completed Application Forms;
- Plans and Drawings prepared by Leach Rhodes Walker set out in Planning Drawing List (ref. 8353-LRW-XX-XX-SH-A-00-412_P03)

Nathaniel Lichfield & Partners Limited (trading as "Lichfields") is registered in England, no. 2778116
Registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG

- Proposed Schedule of Conditions;
- Fire Safety Note (ref. FS 001.2);
- Construction Environmental Management Plan prepared by Domis dated 10 April 2025;
- Wind Microclimate Technical Note prepared by GIA (ref. JW/19889);
- Highways Technical Note prepared by SK Transport (ref. 250408/SK22387/TN04(-00));
- Daylight & Sunlight Note prepared by GIA (ref. REF/19889);
- Letter of Comfort from Renaissance dated 9 April 2025;
- Letter of Comfort from Oxford Archaeology dated 9 April 2025;
- Letter of Comfort from Redmore dated 10 April 2025;
- Letter of Comfort from Jameson Acoustics dated 15 April 2025;
- Cornbrook Management Plan prepared by Artal;
- Letter of Comfort from Futureserv dated 8 April 2025; and,
- Letter of Comfort from Urban Green dated 9 April 2025.

The requisite application fee of £2,000 has been paid online via the Planning Portal.

Proposed Amendments

As the Applicant has progressed the construction drawings for the scheme ahead of commencing development on site it has become apparent that, due to changes in legislation, amendments to the approved development are required to ensure that the scheme can be delivered. The amendments are required to provide an additional fire-fighting staircase, in accordance with the requirements of the Building Regulations 2010 Approved Document B: Fire Safety (Published April 2024). Consequential changes to the proposed floorplans of the development are required to accommodate this additional lift. Due to the increased costs arising from these changes, amendments to the scheme are also required to ensure that the scheme is viable and deliverable. The Applicant remains committed to delivering the scheme on the site at the earliest possible opportunity.

In summary, the following changes to the approved documents are sought:

- The addition of 2 stair cores for a separate means of escape from the apart hotel in accordance with Building Safety requirements.
- The additional of a typical residential floor, increasing the number of residential apartments by 13 (to 237 in total). The floor-to-floor heights of the typical aparthotel and residential floors have been reduced (by 75 mm and 150mm respectively) to minimize the impact of introducing the additional floor level. This has led to an overall building height increase of c.1.75m.
- The removal of the basement level and introduction of a mezzanine level at ground floor to accommodate the plant room and cycle stores previously located in the basement.
- Relocation of condenser compound from the Level 3 roof to the car park because of inadequate space in the former compound and to mitigate the impact of noise on the apart-hotel studios above

the former compound. Store for 7 bins relocated to the internal refuse store as a result of the relocation of the compound. Store for 3 bins retained externally.

- Increase in the size of the generator compound and associated changes to the acoustic attenuation required due to M&E specification. The increase in size has resulted in the loss of 1 car parking space.
- Minor changes to internal layouts due to design development and fire safety requirements, including the removal of the flexible commercial unit (Use Class E) from the ground floor.
- Replacement of the sawtooth roof with sawtooth parapets/upstands and a flat roof between to allow for the installation of PV panels. 2m wide returns are provided to maintain the appearance of the sawtooth roof.
- New external door and louvers added to the north elevation at ground level. The external door leads to the EV bike and electric wheelchair charging room which is introduced to satisfy the updated Building Safety Fire Safety Design Guidance (BS 9991:2024). Additional louvres are added to the residential refuse store for ventilation. The canopy design has been amended to include a louvred roof rather than solid roof.
- The approved landscaping scheme has been amended to remove and reposition trees due to the location of below-ground utilities and accessibility constraints. Additional landscaping has been provided to screen the generator and condenser compounds.

A s.73 Comparison Document is submitted as part of this application. This document provides details of all proposed design changes. Further details of the proposed amendments are set out in the plans and drawings submitted as part of this application.

As a result of the above proposed amendments there is a requirement to amend some of the approved drawings. This application therefore seeks to updated drawing references identified in conditions 2, 12, 14, 16, 17, 18, 19, 23, 24, 25, 26, 33, 35, 36, 53 and 54.

This application also seeks to vary the trigger of pre-commencement Conditions 5 (Drainage Scheme), 8 (Materials) and 9 (Local Benefit Proposal) from 'prior to the commencement of development' to 'prior to the commencement of above-ground works'. This amendment is sought to enable the Applicant to undertake site wide remediation and piling works prior to the discharge of these conditions. This will ensure that the proposed development can be delivered on Site at the earliest possible opportunity. The proposed amendments do not seek to vary the requirements of the conditions other than the trigger by which they need to be discharged.

An application to discharge Conditions 3 (Piling) and 6a (Remediation) attached to the Planning Permission was approved 14 April 2025 (ref. CDN/25/0214). Condition 7 (CEMP) requires the submission of a revised CEMP. The revised CEMP has been submitted as part of this application. This application seeks to amend the wording of these conditions to compliance for completeness.

For completeness, a schedule of conditions is submitted as part of this application. This schedule sets out the proposed amendments to each condition.

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Assessment

This section provides an assessment of the acceptability of the proposed amendments, giving due consideration to fire safety, the principle of development, design, scale and visual amenity, as well as other relevant technical considerations.

During the determination of the Planning Permission, it was considered that the proposed development was in accordance with the Manchester Core Strategy [MCS], Places for Everyone Joint Development Plan [PfE], the National Planning Policy Framework [the Framework] and the aspirations of the Cornbrook Hub Strategic Regeneration Framework [the SRF]. The proposed amendments to the scheme do not impact on the acceptability of the scheme against local or national planning policies.

Fire Safety

The proposed amendments are introduced as a result of a requirement to provide two additional staircases to provide separate means of escape from the aparthotel. This amendment is in accordance with the fire escape strategy and compliance with the Building Regulations 2010 Approved Document B: Fire Safety (Published April 2024). The proposed amendments ensure that the building is complaint with fire safety regulations.

A Fire Safety Note (ref. FS 001.2) is submitted as part of this application. The proposed development will provide two firefighting shafts; each incorporating a firefighting stair with wet rising main and firefighting lift. Section 7 of the Fire Safety Note sets out the elements of the fire safety design which require alternative solutions to the guidance due to the constraints of the building.

Principle of Development

The Planning Permission granted permission for the redevelopment of the Site for a mixed-use development comprising residential apartments, aparthotel studios, a café and flexible commercial space. The Planning Permission established the principle of development for these uses on the Site. The revised scheme will retain the approved residential, aparthotel, community spaces and café uses and not introduce any new uses. The amended scheme will still provide high-quality homes and apart-hotel accommodation in Manchester and deliver the much-needed public realm improvements in the vicinity of the Site. The proposed amendments therefore have no impact on the principle of development, which is already established.

Design

The proposed amendment does not seek to introduce any changes to the approved materials. The approved red brick slips and Corten steel cladding are retained, providing a development that is in keeping with surrounding historic built form. The general approach to fenestration and glazing is retained at ground level to maintain active frontages.

The general design of the scheme is retained as approved, including the deep window reveals with soldier courses, decorative brick patterns and decorative anodised screens. The active ground floor and public realm improvements approved under the Planning Permission will be retained. As a result of the internal reconfiguration of the development there are however some minor changes to the location of some apertures.

The full sawtooth roof is proposed to be replaced with sawtooth parapets/upstands, with a flat roof between, to allow for the installation of PV panels. Two-meter-wide returns to the parapets are provided to maintain the appearance of the sawtooth-roof. Together, the proposed amendments to the exterior of the development will not be readily discernible from the approved scheme.

Landscaping and perforated metal screens have been added to the proposed condenser compound and amended generator compound to mitigate the visual impact of the amended compounds. Visuals of the proposed compounds are submitted as part of this application to demonstrate the visual appearance of the compounds.

Scale

The development will retain the same footprint as previously approved. The proposed amendment introduces an additional typical residential storey, providing a 25-storey building. The additional floor is required to offset the spatial and financial costs of providing an additional stair core. The floor-to-floor building heights of the typical aparthotel and residential floor levels have been reduced (by 75mm and 150mm respectively) to minimise the impact of introducing the additional storey. The overall height of the development will be increased by circa 1.75m. This increase in height will not be readily discernible in the context of the street scene. This increase in height is not considered to have a significant impact on the amenity of surrounding residents in comparison to the approved scheme. The proposed building height us considered entirely appropriate at this prominent gateway location into the city centre. The impact of the amendments on daylight/sunlight is considered in the subsequent section of this letter.

Highways

There are no changes to the external aspects of the development, which remain as approved under the Planning Permission. The previously approved basement floor has been removed, and a mezzanine has been added at ground floor. The approved scheme provided 112 cycle storage spaces at basement level and an additional 22 cycle storage spaces at ground floor, totalling 134 spaces. The amended scheme provides 128 cycle storages spaces at mezzanine level. This is based on 50% provision for apartments (119 spaces) and 10% provision for apart-hotel studios (9 spaces). Additionally, 12 visitor and 4 staff cycle storage spaces will be provided to the north of the building, as per the approved development.

An assessment of historic take-up for cycle storage schemes in Manchester is provided at Appendix G of the approved Transport Statement and Travel Plan (ref. 240122/SK22387/TS01(-03)). This assessment confirms that 50% cycle provision is more than adequate in the context of take-up across the city.

The proposed increase in size to the generator compound, due to noise mitigation requirements, has resulted in the loss of one parking space. The proposed development is in a highly sustainable location, within walking distance of the regional centre, and adjacent to the Cornbrook Metrolink tram stop and cycle lanes. The proposed development will retain cycle parking for residents, visitors and staff. 13 spaces would remain, including two accessible spaces for the apart-hotel and two accessible spaces for the residential apartments. This residual level of car parking reflects the highly accessible location of the Site and is appropriate in this context.

A Highways Technical Note prepared by SK Transport (ref. 250408/SK22387/TN04(-00)) [HTN] is submitted as part of this application. The HTN confirms that the amendments to the scheme will not result in a significant difference to the conclusions set out in the Transport Statement. The HTN states that the development will continue to have no impact on highway operation and road safety, as well as still providing sufficient cycle and car parking provision to accord with local parking policy.

Daylight / Sunlight

A Daylight and Sunlight Note prepared by GIA (ref. REF/19889) [DSN] is submitted as part of this application. The DSN concludes that the overall increase in building height by 1.75m would not materially alter the impacts of the development and the conclusions of GIA's original report dated 26 January 2024 and supporting addendum dated 16 May 2024. It was this report that formed the basis of the judgement made by the LPA when they approved the Planning Permission. The proposed amendments are not considered to give rise to any daylight or sunlight issues.

Wind and Microclimate

A Wind Microclimate Technical Note [WMN] (ref. JW/19889) is submitted as part of this application. The WMN assesses the impact of the amended landscaping scheme on wind conditions on and around the Site. The WMN finds that the conclusions of the approved Wind and Microclimate Report remain valid with the updated landscape scheme. The WMN states that ground level wind conditions will be suitable for the intended use, and that conditions around the site will not be significantly impacted by the changes. The proposed amendments are therefore considered acceptable with respect to wind and microclimate.

Construction Environmental Management Plan

Condition 7 attached to the Planning Permission requires the submission of a revised Construction Environmental Management Plan [CEMP] prior to the commencement of development. A revised CEMP prepared by Domis is submitted as part of this application. The revised CEMP fulfils the requirements of the condition. In light of the revised CEMP, we consider that Condition 7 can be discharged. The wording of Condition 7 has therefore been amended to change the condition to a compliance trigger.

Other Considerations

The proposed amendments to the Planning Permission are not considered to have any impact on any other technical considerations. Technical notes from Jameson Acoustics (noise), Renaissance (contamination and drainage), Oxford Archaeology (archaeology), Redmore (air quality), Urban Green (BNG and ecology), Artal (management strategy) are submitted as part of this application.

These technical notes confirm that the proposed amendments do not alter the conclusions of the reports prepared as part of the original planning application. The proposed amendments are therefore considered acceptable in respect of these technical matters.

A Viability Assessment Addendum prepared by Tim Claxton was submitted as part of the planning application and independently assessed on behalf of Manchester City Council. The addendum confirms that when assessed against an appropriately 'risk adjusted return' the scheme as a whole cannot be

considered capable of generating sufficient surplus to fund planning contributions. The Section 106 Agreement for the proposed development includes a requirement for the viability position of the proposed development to be reviewed. The impact of the proposed amendments on the viability of the scheme will also be assessed as part of this requirement.

Concluding Remarks

This application is made under Section 73 of the Town and Country Planning Act 1990 and proposes to vary a number of conditions attached to the planning permission at Land at Cornbrook Road (ref. 139133/FO/2024). These amendments are required to ensure that the building accords with the requirements of the Building Regulations 2010 Approved Document B: Fire Safety (published April 2024). FG Vivere Manchester Ltd remain committed to delivering the scheme at the earliest opportunity.

We trust that the information provided is sufficient to enable you to validate the application and progress it towards determination at the earliest opportunity. Please do not hesitate to contact me, or my colleague Dominic Holding, should you require any additional information.

Yours faithfully

H Russell

Harry Russell
Planner
BA (Hons) MSc MRTPI