



Paul Butler Associates

Planning, Development & Heritage Consultants

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FAO Carl Glennon
Planning
Manchester City Council
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Town Hall
Manchester
M60 2LA

24.2092

Dear Carl

**Land at Stockport Road, Swallow Street, Siddall Street and Pennington Street, Manchester
Section 96a Application for Non Material Amendment to Application 133792/JO/2022**

We are pleased to submit this application on behalf of our client Views Ltd. The proposed application seeks a non material amendment to planning permission 133792/JO/2022 which was approved on the 10 March 2023.

The amendments sought under this application principally relate to an amendment to the wording of condition 26 to allow development to commence ahead of highway works being agreed and implemented.

Under the power conferred on a local planning authority by virtue of Section 96A(3) of the Town and Country Planning Act 1990 (as amended), this includes power to (make a change to a planning permission):

- a) Impose new conditions;
- b) To remove or alter existing conditions.

This proposed application seeks to alter condition 26. Whilst not specified in the condition, we are informed that the approval of the condition is dependent on a Section 278 having been submitted and approved by the local highways authority. The applicant has now logged a s.278 agreement and is working with the highways department in this respect. However, there is no timeline attached to this process and it therefore has the potential to delay a start on site.

The highways works covered by the condition relate to the operational phase of the development and would not be impacted by development commencing on site or being constructed up to occupation phase. We therefore do not find there to be a need for the pre-commencement element of the condition (details of the highways works to be approved in writing) to take place before development commences as such operations will not exert any influence over the highways post occupation.

In essence, the commencement of development and construction work on site does not prejudice the final highway works to be implemented and this is evidenced in the fact that the implementation of the works is "pre-occupation".

It is therefore respectfully requested that the condition is amended under this section 96a Non Material Amendment application.

We have experience of this type of condition being worded as “pre-occupation” on other projects in MCC: an example being 136605/JO/2023.

The proposed revision to condition 26 is as follows:

Prior to first use of the development hereby approved, details of highways works to Stockport Road, Pennington Street, Siddall Street and Swallow Street that are required as part of the implementation of the development shall be submitted for approval in writing by the City Council as local planning authority. These details shall include details of the siting and specification of a delivery / servicing bay to Swallow Street. The development shall not be occupied until the works have been constructed in accordance with the approved details, which shall be maintained in situ at all times thereafter.

We trust that the information submitted in support of the application is sufficient to enable the positive determination of the application. However, if you require any further information please do not hesitate to get in touch. We look forward to working with you in progressing this application to determination.

Yours sincerely

Julian Austin

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Associate Director

c.c Views Ltd