Our Ref: 24005/02
Your Ref: 137589/JO/2023
Date: November 2024
Email: info@rwplanning.co.uk

Ms Jennifer Atkinson
Development Management
Manchester City Council
PO Box 532
Manchester
M60 2LA
(By Planning Portal)

Dear Jennifer,

Swan House, Swan Street, Manchester M4 5GS
Application under Section 96a of the Town and Country Planning Act 1990 (as amended)

On behalf of Ridge Manchester s.a.r.l. ('the Applicant'), please see enclosed an application for a Non-Material Amendment under Section 96a of the Town and Country Planning Act 1990 (as amended) ('the Act') at Swan House, Swan Street, Manchester, M4 5GS. This application is pursuant to planning permission 137589/JO/2023 ('the Operative Consent') and seeks consent for use of part of the approved ground floor to be used as a gym exclusively by residents of Swan House.

Planning consent was granted in October 2019 for a part 31, part 13 and part 5 storey building for residential and commercial uses with associated works (121380/FO/2018). Since approval, the consent has been subject to a number of discharge of conditions and other amendment applications. This includes the current Operative Permission which was approved in June 2024 under Section 73 of the Act.

The approved development currently includes 2no. retail units at ground floor, one within each of the two main towers. However, the applicant has experienced issues with letting the space and as such, they are seeking to repurpose the retail space within Tower 2 as a gym for use by residents.

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This application consists of the following:

- Completed Application Form;
- Proposed Ground Flood Plan;
- Proposed Mezzanine Floor Plan;
- Noise Assessment;
- The required application fee of £293; and
- This Covering Letter.

The application has been submitted online via Planning Portal.

Non-Material Amendment Guidance

Planning Practice Guidance (PPG) States that *"new issues may arise after planning permission has been granted, which require modification of the approved proposals*" (Paragraph: 001 Reference ID: 17a-001-20140306).

Where amendments are proposed which are less than substantial, it may be possible to pursue these either as a Non-Material Amendment (S96a) or a Minor-Material Amendment (S73). In relation to S96a applications, PPG goes on to state that *"there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application"* (Paragraph: 002 Reference ID: 17a-002-20140306).

When considering a S96a application, the local planning authority must have regard to the effect of the changes proposed, together with any previous changes made under section 96a. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification.

Proposed Amendments

The proposed amendments seek to amend the wording of Condition 2 of application 137589/JO/2023 to supersede the approved plans for the ground floor and mezzanine floor levels. A full schedule of the approved plans is set out within **Appendix A**.

The amendments to the plans principally show the repurposing of the space as a gym, although it is also proposed to include an internal access to the space from the entrance area within Tower 2. This will support ease of access for residents and prevent them from having to exit the building in order to re-enter. It is proposed that the gym will be available on an unrestricted basis, although it will be exclusively for use by residents and members of the public will not have access.

For the avoidance of doubt, there is no mezzanine floor approved within the Tower 2 retail space and one is not proposed as part of the proposed amendments. The purpose of the amended plan therefore, is to demonstrate that the space is of double height.

In order to ensure that the use of the space as a gym will not have a detrimental impact on the living conditions of the residents above (i.e. through the dropping of weights), a Noise Assessment has been undertaken by HannTucker, which is submitted in support of this application.

The Noise Assessment finds that subject to satisfactory mitigation measures, the space will be able to function without detriment. Mitigation measures include the installation of noise attenuation as well as promoting considerate use of the space (i.e. placing weights down carefully and not dropping them). Furthermore, the operator of the building would reserve the right to manage use (including opening times) as necessary in the unlikely event that any complaints are received.

On this basis, the proposed amendments will be consistent with previous assessments undertaken, and will not give rise to any material considerations in relation to noise and vibration. It is noted that HannTucker have undertaken pre-application discussions with the Council's Environmental Health Officer who has confirmed that they have no objection to the proposed amendments.

The proposed amendments will not give rise to any other considerations which would be considered material in nature. Furthermore, it will deliver an active frontage to a space

which is currently unoccupied, assisting with the vitality of the wider street scene in the area.

Summary

This application seeks a Non-Material Amendment to the wording Condition 2 of the Operative Consent at Swan House to supersede 2no. of the approved floor plans. The proposed amendments are sought to allow for the use of the approved retail space in Tower 2 to be used as a gym exclusively for residents.

It has been demonstrated through this Cover Letter, and the supporting Noise Assessment, that the proposed amendments will not give rise to any considerations which would be considered material in nature. Therefore, this application is suitable to be dealt with under S96a of the Act. It is noted that this has been agreed with Officers at MCC in advance of the submission of this application.

We trust the above is acceptable and I look forward to receiving confirmation validation in due course. Please do not hesitate to contact us if you require any further information.

Yours Sincerely

RW Planning

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Appendix A – Schedule of Approved Drawings

Approved Plan 137589/JO/2023	Proposed Amendment
10133-SHP-Z0-XX-XP-A-B5D8-G100-001 Rev 00	
10133-SHP-Z0-XX-XP-A-B5D8-G100-002 Rev 00	
10133-SHP-Z0-XX-XP-A-B5D8-G100-0003 Rev 00	
10133-SHP-Z0-EN-XE-A-B5D8-G100-0001 Rev 00	
10133-SHP-Z0-ES-XE-A-B5D8-G100-0001 Rev 00	
10133-SHP-Z0-EE-XE-A-B5D8-G100-0001 Rev 00	
10133-SHP-Z0-EW-XE-A-B5D8-G100-0001 Rev 00	
10133-SHP-Z0-EN-XE-A-B5D8-G100-0002 Rev 00	
10133-SHP-Z0-ES-XE-A-B5D8-G100-0002 Rev 00	
10133-SHP-Z0-EE-XE-A-B5D8-G100-0002 Rev 00	
10133-SHP-Z0-EW-XE-A-B5D8-G100-0002 Rev 00	
32073-Z1-00-PL-A-B5D8-G200-0001 Rev 06	*2406-LHA-Z1-00-DR-A-PL-001 P01*
32073-Z1-M0-PL-A-B5D8-G200-0001 Rev 07	*2406-LHA-Z1-M0-DR-A-PL-002 P01*
10133-SHP-Z1-01-PL-A-B5D8-G200-0001 Rev 01	
10133-SHP-Z1-02-PL-A-B5D8-G200-001 Rev 01	
10133-SHP-Z1-03-PL-A-B5D8-G200-001 Rev 02	
10133-SHP-Z1-05-PL-A-B5D8-G200-0001 Rev 01	
10133-SHP-Z1-06-PL-A-B5D8-G200-0001 Rev 01	
10133-SHP-Z1-07-PL-A-B5D8-G200-0001 Rev 01	
10133-SHP-Z1-09-PL-A-B5D8-G200-0001 Rev 01	
10133-SHP-Z1-11-PL-A-B5D8-G200-0001 Rev 01	
10133-SHP-Z1-13-PL-A-B5D8-G200-0001 Rev 02	
10133-SHP-Z1-14-PL-A-B5D8-G200-0001 Rev 04	
10133-SHP-Z1-15-PL-A-B5D8-G200-0001 Rev 00	
10133-SHP-Z1-17-PL-A-B5D8-G200-0001 Rev 01	
10133-SHP-Z1-23-PL-A-B5D8-G200-0001 Rev 01	
10133-SHP-Z1-27-PL-A-B5D8-G200-0001 Rev 01	
10133-SHP- Z1- RF- PL- A- B5D8- G200- 0001 Rev 02	
32073-SHP-Z1-A-G248-SK-00-001 Rev P02	
10133-SHP-Z1-01-PL-A-B5D8-G200-0002 Rev 01	

10133-SHP-Z1-02-PL-A-B5D8-G200-0002 Rev 01	
10133-SHP-Z1-03-PL-A-B5D8-G200-0002 Rev 02	
10133-SHP-Z1-06-PL-A-B5D8-G200-0002 Rev 02	
10133-SHP-Z1-14-PL-A-B5D8-G200-0002 Rev 00	
10133-SHP-Z1-AA-SC-A-B5D8-G200-0001 Rev 02	
10133-SHP-Z1-BB-SC-A-B5D8-G200-0001 Rev 02	
10133-SHP-Z1-CC-SC-A-B5D8-G200-0001 Rev 02	
10133-SHP-Z1-DD-SC-A-B5D8-G200-0001 Rev 02	
10133-SHP-Z1-XX-3D-A-B5D8-G200-0001 Rev 01	
10133-SHP-Z1-XX-3D-A-B5D8-G200-0002 Rev 01	
10133-SHP-Z1-XX-3D-A-B5D8-G200-0003 Rev 01	
10133-SHP-Z1-TY-DE-A-B5D8-G251-0001 Rev 01	
10133-SHP-Z1-TY-DE-A-B5D8-G251-0002 Rev 01	
10133-SHP-Z1-TY-DE-A-B5D8-G251-0003 Rev 02	
10133-SHP-Z1-TY-DE-A-B5D8-G251-0004 Rev 01	
10133-SHP-Z1-TY-DE-A-B5D8-G251-0005 Rev 01	
10133-SHP- Z1- TY- DE-A- B5D8- G251- 0007 Rev 00	
10133-SHP-Z1-TY-PL-A-B5D8-F200-1211 Rev 02	
10133-SHP-Z1-TY-PL-A-B5D8-F200-1221 Rev 02	
10133-SHP-Z1-TY-PL-A-B5D8-F200-2411 Rev 02	
10133-SHP-Z1-TY-PL-A-B5D8-F200-2421 Rev 02	
10133-SHP-Z1-TY-PL-A-B5D8-F200-3611 Rev 02	
10133-SHP-Z1-TY-PL-A-B5D8-F200-3621 Rev 02	
10133-SHP-Z1-XX-PL-A-B5D8-Z100-001 Rev 01	
32073-Z1-EE-EL-A-B5D8-G200-0001 Rev 07	
32073-Z1-ES-EL-A-B5D8-G200-0001 Rev 07	
32073-Z1-EW-EL-A-B5D8-G200-0001 Rev 08	
32073-Z1-EN-EL-AB5D8-G200-0001 Rev 10	
4714.01 Revision i and 32073-DEP-Z0-L-G200-PL-00-0051 - C04 stamped as received by the City Council, as Local Planning Authority, on the 14 June 2024	
10133-SHP-Z1-RP-B5D8-DAS 0001 Rev 01	
32073-SHP-RPCP20 Rev P01	