



Our ref: JWID4781

9th of September 2024

Planning Growth and Development
Manchester City Council
Manchester
M60 2LA

SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PORTAL REF: PP-13181300

SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 2 (APPROVED PLANS AND REPORTS), CONDITION 3 (CONSTRUCTION MANAGEMENT PLAN), CONDITION 4 (MATERIALS), CONDITION 5 (GEOENVIRONMENTAL), CONDITION 6 (SURFACE WATER DRAINAGE), CONDITION 7 (SUDS), CONDITION 9 (HARD AND SOFT LANDSCAPING), CONDITION 11 (SURFACING), CONDITION 12 (EVC), CONDITION 13 (CYCLE PARKING), CONDITION 14 (AQA), CONDITION 15 (CRIME IMPACT ASSESSMENT), CONDITION 16 (ENERGY STATEMENT), CONDITION 17 (NOISE), CONDITION 18 (PLANT), CONDITION 19 (HGV ROUTING), CONDITION 20 (WASTE MANAGEMENT SCHEME), CONDITION 21 (BIN STORES), CONDITION 22 (DELIVERIES), CONDITION 23 (LIGHTING), CONDITION 24 (LIGHT SPILLAGE), CONDITION 25 (BOUNDARY TREATMENTS), CONDITION 26 (ECOLOGY), CONDITION 27 (BIODIVERSITY ENHANCEMENT SCHEME) AND CONDITION 28 (LOCAL BENEFIT PROPOSAL) OF PLANNING PERMISSION 133759/FO/2022 TO ALLOW FOR A PHASED APPROACH TO THE CONSENTED DEVELOPMENT WITH MINOR CHANGES TO THE LAYOUT AND LOCATION OF UNIT 1 AND ITS ASSOCIATED WORKS.

**ORIGINAL PLANNING APPLICATION TO BE VARIED REF 133759/FO/2022
DESCRIPTION OF DEVELOPMENT:**

“DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A TWO WAREHOUSE UNITS WITH ANCILLARY OFFICE SPACE (SUI GENERIS USE), WITH ASSOCIATED ACCESS, PARKING, SERVICE YARD AND LANDSCAPING, INCLUDING WORKS TO ROADWAY TO THE EXISTING ADJACENT WAREHOUSE UNIT FROM WITHIN FROM NEW SMITHFIELD MARKET AT THE LAND TO THE NORTH OF LAWTON STREET, NEW SMITHFIELD MARKET, MANCHESTER”

This planning statement has been prepared on behalf of E&E Barton Estates Limited to support a Section 73 application to vary the conditions to allow for a phased approach and minor alterations to Unit 1 and its associated works within the consented development (Ref.133759/FO/2022) at the land to the north of Lawton Street, New Smithfield Market, Manchester. The original Ref. 133759/FO/2022 was approved on September 5, 2022.

Informal Pre-Application discussions were undertaken with Sue Wills (Manchester City Planning Department), and it was agreed the changes could be made via an S73 application.

The reasoning behind the S73 application is that the applicant requires minor changes to the scale and layout of Unit 1 of the consented development whilst also separating the development into two phases to the site, with Phase 1 comprising Unit 1 and its associated works and Phase 2 comprising Unit 2.

The need for the change is due to the proposed occupier of Unit 1 being altered. The new occupier intends to operate a similar business—supplying fruit and veg—but more in line with the traditional warehouse/storage facility. This has resulted in the minor amendments being required to Unit 1, as the new occupier requires a slightly smaller unit with a simpler internal layout and a revised operational flow.

Regarding the phasing, Unit 1 is also to be brought to site immediately, whereas Unit 2 will be constructed later. Therefore, the phasing of the overall development is required to discharge the relevant conditions in relation to Phase 1 of the development, allowing this to occur before Phase 2 is brought forward.

Regarding the changes to Unit 1, as part of the revised scheme, the floor area will be reduced by 41 sqm from 4,141 sqm to 4,100 sqm. Unit 1 will also be located marginally further south within the overall site. This is shown on the Ref 23131-C4P-80-S01XX-D-A-8003_P07 site plan, which includes annotations of the amendments prepared.

As part of the previously consented scheme, car parking and servicing were segregated on either side of the unit building, with the northern parcel being used for car parking and the southern parcel for servicing. However, as part of the revised proposals, it is proposed that both parcels are used as combined car parks and service areas.

As a result of the changes, during pre-application discussions, it was confirmed that a Highways Technical Note would be produced to support the application. As a result of this, Eddisons Transport Consultants have provided a Transport Note, which accompanies the submission (Ref. 4446.TN02).

The Transport Note concludes the following in relation to the proposed changes to Unit 1:

- The vehicular access into the site from the wider Smithfield Market and local highway network will remain as per the previously consented scheme;
- Although changes are proposed to the car park and servicing arrangements within the site, safe and efficient access for all users can be provided to and from the site;
- The proposed parking provision is in accordance with the previously consented scheme and will ensure that sufficient parking is provided for all users; and
- The proposed change in floorspace will not result in any material changes to the traffic impact of the proposals when compared to the consented proposals.

Based on the above, it can be concluded that the proposed changes to the development will not result in any material changes to the traffic and transportation elements when compared to what was previously granted permission by Manchester City Council, and there are no highway reasons as to why the Section 73 application should not be allowed.

All proposed amendments to Unit 1 are deemed minor in nature and will not result in any other material considerations that weren't covered within the original scheme.

The assessment of The Eddisons Technical Note confirms that no material impacts will arise from the proposed changes.

As a result of the changes to Unit 1 and the introduction of phases to the scheme, the wording of the majority of conditions attached to the Ref. 133759/FO/2022 application will have to be varied to accommodate the changes. Condition 2 provides the list of approved plans and technical reports.

The list of conditions to be varied as part of this application are provided below:

- Condition 2 (Approved Plans and Reports);
- Condition 3 (Construction Management Plan);
- Condition 4 (Materials);
- Condition 5 (Geoenvironmental);
- Condition 6 (Surface Water Drainage);
- Condition 7 (SUDS);
- Condition 9 (Hard And Soft Landscaping);
- Condition 10 (Arboriculture);
- Condition 11 (Surfacing);
- Condition 12 (EVC);
- Condition 13 (Cycle Parking);
- Condition 14 (AQA);
- Condition 15 (Crime Impact Assessment);
- Condition 16 (Energy Statement);
- Condition 17 (Noise);
- Condition 18 (Plant);
- Condition 19 (HGV Routing);
- Condition 20 (Waste Management Scheme);
- Condition 21 (Bin Stores),
- Condition 22 (Deliveries);
- Condition 23 (Lighting),
- Condition 24 (Light Spillage);
- Condition 25 (Boundary Treatments);
- Condition 26 (Ecology);
- Condition 27 (Biodiversity Enhancement Scheme); And
- Condition 28 (Local Benefit Proposal).

The list of following plans have been provided within the application also:

- Location Plan Ref 23131-C4P-80-S01XX-D-A-8001_P03
- Site Phasing Plan Ref 23131-C4P-11-S01XX-D-A-1104-P02
- Phase 1 Site Plan with annotations Ref 23131-C4P-80-S01XX-D-A-8003_P07
- Phase 1 Site Plan Ref 23131-C4P-80-S01XX-D-A-8002_S2_P05
- Phase 1 Drainage Plan Ref 180-XOS-XX-XX-DR-C-5570
- Unit 1 Proposed Surfaces and Boundary Treatments Ref 23131-C4P-15-S01XX-D-A-1501-P01
- Unit 1 GA Roof plan Ref 23131-C4P-80-B0100-D-A-8004_P03
- Unit 1 GA elevations Ref 23131-C4P-80-B01ZZ-D-A-8005_P03
- Unit 1 GA Building Plan Ref 23131-C4P-80-B0100-D-A-8003_P04
- Unit 1 Site Sections Plan Ref 23131-C4P-14-S01XX-D-A-1404_P02
- Unit 1 Site Enabling Works Plan Ref 23131-C4P-00-S01XX-D-A-0005_P03
- Unit 1 Construction Phase Logistic Site Plan Ref 23131-C4P-11-S01XX-D-A-1105_P02
- Unit 1 Material Schedule Ref 23131-C4P-90-XXX-XX-L-A-9003-P02
- Unit 1 Landscape Masterplan Ref 23131-C4P-15-S01XX-D-A-1502_P02
- Lighting Plan details to be provided.
- Ducting Plan details to be provided.
- CMP details to be provided.
- Transport Note Ref 4446.TN01

The conditions schedule provided within the Ref. 133759/FO/2022 application decision notice should be revised to reflect amendments to the wording of individual conditions as set out in Ref.N001 Amended schedule of conditions report (amendments proposed are in red).

It should also be stated that we have submitted the following documents in line with Condition 4 (Materials), Condition 6 (Drainage), Condition 9 (Hard and Soft Landscaping), Condition 12(b) (EVC) and Condition 27 (Biodiversity Enhancement Scheme) for Phase 1 of the development, where appropriate further details will be submitted during the determination process to address other conditions.

Condition 4 (Materials)

The Unit 1 Material Schedule Ref 23131-C4P-90-XXX-XX-L-A-9003 is considered sufficient to discharge Condition 4 for Phase 1, as it provides sufficient information of all materials to be used on external elevations of Unit 1 of the development. if further details are required then this can be provided.

Condition 6 (Surface Water Drainage)

The Phase 1 Drainage Plan Ref 180-XOS-XX-XX-DR-C-5570 is considered sufficient to discharge Condition 6 for Phase 1, as it provides the details of the surface water drainage works to be implemented on site.

Condition 9 (Hard And Soft Landscaping)

A hard and soft landscaping plan has been provided for Phase 1 (Ref 23131-C4P-15-S01XX-D-A-1502_P03), which is considered sufficient to discharge the condition for Phase 1.

Condition 27 (Biodiversity Enhancement Scheme)

The Ref 23131-C4P-15-S01XX-D-A-1502_P03 plan for hard and soft landscaping provides significant detail on the planting on site, providing biodiversity enhancements. The applicant also proposes 2 bird and 2 bat boxes on the elevation of Unit 1.

Yours sincerely

Jeremy Williams

**Jeremy Williams BA (Hons) MA, MRTPI
Director**