

Our Ref: 24005/01
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').

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 Site has been partially occupied since May 2024, however, due to current delays being experienced with the Building Safety Regulator (BSR) it is not yet able to be fully occupied. This application therefore, seeks to amend the wording of Conditions 31 and 36 of the Operative Consent in order allow the information required by the Conditions to be brought forward at a point in which the building would be at a higher rate of occupation.

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Both of the Conditions currently require discharge of conditions applications to be submitted within six months of the first occupation of the Site, however, it is proposed to amend this to within 3 months of the residential occupancy of the Site reaching 50%. This will ensure that the information submitted is a robust representation of the operation of the Site.

This application consists of the following:

- Completed Application Form;
- 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

It is proposed to amend the wording of Condition 31 as follows:

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The development hereby approved shall be carried out in accordance with the Travel plan framework stamped as received by the City Council, as Local Planning Authority, on the 27 September 2018.

In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those living at the development;*
- ii) a commitment to surveying the travel patterns of residents/staff during the first three months of the first use of the building and thereafter from time to time*
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car*
- iv) measures for the delivery of specified travel plan services*
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car*

Within ~~three months of occupation of the residential element of the building reaching 50%~~ ~~six months of the first occupation of the building within each phase~~, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

It is proposed to amend the wording of Condition 36 as follows:

*Within ~~6~~ **three** months of **50% of** the residential element of the development hereby approved being ~~first~~ occupied, details of a car parking review detailing the demands/uptake of car parking at the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This review shall set out the demands for car parking at the development including a strategy for the provision of further off site car parking should this been deemed necessary.*

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In the event of a strategy is approved for the implementation of additional off site car parking, this strategy shall be implemented within a timescale to be agreed in writing with the City Council, as Local Planning Authority.

For the avoidance of doubt, the proposed amendments relate only to the wording of the conditions, and the trigger point for the submission of further details. The proposed amendments do not seek to alter or introduce any built development at the Site, nor does it seek to remove the requirement for any information to be submitted to the Council for consideration.

The proposed amendments will provide the Applicant with the flexibility to bring forward discharge of conditions applications at a point where the occupation of the Site is more advanced, which is currently being constrained by delays with the BSR. As a result of this, the survey work undertaken at the proposed timescale will be more robust and representative of the long-term operation of the Site.

The proposed amendments to conditions 31 and 36 will not result in a material impact upon the character and appearance, or operation of the wider scheme, or the reasons for the conditions. Therefore, they are appropriate to be dealt with via a Non-Material Amendment. It is noted that this has been agreed in principle with the Council ahead of the submission of this Application.

Summary

This Application seeks a Non-Material Amendment to the wording Conditions 31 and 36 of the Operative Consent at Swan House. The proposed amendments are sought to allow for the information required under each condition to be submitted at 50% of the occupation of the Site, rather than at six months following first occupation as currently approved.

It has been demonstrated through this Cover Letter, that the proposed amendments to Conditions 31 and 36, are Non-Material in the context of the consented development and will result in no changes to the completed development. Furthermore, the amendments sought do not change the spirit of the consent, or the reasons for the imposition of the conditions. Therefore, this application is suitable to be dealt with under S96a of the Act.

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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