15th August 2024
L240815 - SAV Cover Letter Section 73

Planning Department
Manchester City Council
PO Box 532
Manchester
M60 2LA

Katie Parfett
E: Katie.parfett@savills.com
DL: +44 (0) 161 277 7292

Belvedere
12 Booth Street
Manchester M2 4AW
T: +44 (0) 161 236 8644
savills.com

SUBMITTED VIA PLANNING PORTAL REF: PP-13321900

Dear Emily,

SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) APPLICATION TO DEVELOP LAND IN ACCORDANCE WITH PLANNING PERMISSION: 139242/FO/2024, WITHOUT COMPLIANCE WITH CONDITION 2 (LIST OF APPROVED PLANS)
35 KING STREET, MANCHESTER, M2 7AT
WATCHES OF SWITZERLAND COMPANY LIMITED

Introduction

We write on behalf of our client, Watches of Switzerland Company Ltd, to apply for permission to develop the land in accordance with Planning Permission: 139242/FO/2024 (the '**2024 Permission'**) , but without compliance with Condition 2 (approved plans). In effect, this application seeks approval for the same form of development permitted by the 2024 Permission, with some minor amendments to the approved design of the scheme.

The amendments sought are minor, and solely relate to the terrace at second floor level.

Pre-application discussions have taken place with Emily Booth to agree the scope of the changes.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, the documents which comprise the application include the following:

- This covering letter;
- The completed application forms;
- Planning Permission: 139242/FO/2024;
- Design and Access Statement, prepared by Johnson Pinney Architects;
- Architectural Method Statement, prepared by Johnson Pinney Architects;
- Heritage Statement Addendum, prepared by Donald Insall Associates;
- The following plans, submitted to vary Condition 2:
    - Ref: Ref: 1368.P.01.102 Rev E – 'Proposed Second Floor Plan';
    - Ref: 1368.P.01.103 Rev C – 'Proposed Roof Plan';
    - Ref: 1368.P.01.302 Rev C – Proposed Rear Elevation;
    - Ref: 1368.P.01.202 Rev C – 'Proposed – Second Floor Reflected Ceiling Plan';
    - Ref: 1368.P.01.502 Rev C – 'Proposed – Second Floor Finishes Plan';
    - Ref: 1368.P.00.502 Rev D – 'Demolition – Second Floor Plan';
    - Ref: 1368.P.00.512 Rev C – 'Demolition – Second Floor Reflected Ceiling Plan';

The application has been submitted electronically via the Planning Portal (**PP-13321900**). A payment of £215.00, being the requisite application fee, has also been made electronically.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Registered office: 33 Margaret Street, London, W1G 0JD

The Application Site

The application site comprises 35 King Street in Manchester City Centre, which is located on the pedestrianised retail area of King Street. The Site comprises a vacant building, which was most recently occupied by Jack Wills, who were in occupation until 2020.

Relevant Planning History

On 1st July 2024, planning permission was granted for 'external alterations to the property including the rooftop terrace and use of the existing ancillary terrace for occasional events (Class E)' (ref: 139242/FO/2024) (the '**2024 Permission**').

Listed Building Consent was granted concurrently.

Condition 2 of the 2024 Permission sets out the list of approved plans.

Flexible Options for Planning Permissions

An application under section 73 of the Town and Country Planning Act 1990 (as amended) provides applicants with the ability to vary or amend conditions associated with an existing planning permission. Such applications are made to enable changes to a permission which are considered to be wider in scope than a non-material amendment.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the Original Permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the Original Permission.

A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.

The Proposed Development

This application seeks planning permission to develop the land, in accordance with the 2024 Permission, but without compliance with Condition 2, which contains the list of approved plans. The application seeks permission to amend that list of plans, by including an updated set of drawings which includes a number of minor amendments to the proposed scheme.

Full detail of the proposed changes to the scheme are illustrated on the drawings submitted as part of this application. This shows that the scale and / or nature of the development is **not substantially** different to the one that has been approved[1]. The updated Design and Access Statement prepared by Johnson Pinney Architects also provides a comprehensive summary and comparison between the approved and proposed drawings.

To summarise, the approved design for the second floor previously included a proposed new roof terrace spanning the width of the rear roof with access from new proposed doors on the north west side of the building. Due to changes requested by the client, the new proposal uses only the footprint of the existing decked portion of the roof (the north east portion) for the new terrace. This will include new timber floor finishes and frameless glass balustrade. The existing glass canopy is proposed to be cut back and existing door opening widened as previously proposed, but with the location swapped to the opposite side (east) of the rear façade.

[1] Paragraph: 017 Reference ID: 17a-017-20140306 of the Planning Practice Guidance specifies that a minor material amendment is one where the amendments' scale and/or nature results in a development which is not substantially different from the one which has been approved.

The effect of the application and the proposed minor material amendment will be to introduce new drawings as follows:

- Ref: 1368.P.01.102 Rev E – 'Proposed Second Floor Plan';
- Ref: 1368.P.01.103 Rev C – 'Proposed Roof Plan';
- Ref: 1368.P.01.302 Rev C – Proposed Rear Elevation;
- Ref: 1368.P.01.202 Rev C – 'Proposed – Second Floor Reflected Ceiling Plan';
- Ref: 1368.P.01.502 Rev C – 'Proposed – Second Floor Finishes Plan';
- Ref: 1368.P.00.502 Rev D – 'Demolition – Second Floor Plan';
- Ref: 1368.P.00.512 Rev C – 'Demolition – Second Floor Reflected Ceiling Plan';

The previous revisions of these drawings will be superseded.

Given the minor nature of the proposed changes, there will be no material impact on the overall appearance of the approved development or the application site. The same type of development will be proposed just with minor changes to the approved terrace. The development is therefore not substantially different to the one that is already approved. Critically, the proposed changes do not raise any impacts above and beyond those assessed and considered to be acceptable as part of the grant of the 2024 Permission.

There are no new land use, environmental, social or economic considerations to take into account as part of this application; it is simply an amendment of a development that is already approved at this site. All other matters relating to the proposed land use, built form and function of the site will remain as per the provisions of the 2024 Permission. All relevant supporting information supplied in support of the 2024 Permission remains relevant and is therefore acceptable.

Summary and Conclusion

The application seeks for permission to develop the land in accordance with Planning Permission: 139242/FO/2024, but without compliance with Condition 2 (approved plans).

The proposed changes are minor and do not conflict with any comments from third parties raised in respect of the original developments. It follows that the proposal can be treated as a minor material amendment and should be approved.

We trust that the details included above and in the enclosed supporting information provide you with sufficient information to deal with the application positively and expeditiously. Should you require any clarification or additional information, please do not hesitate to contact Katie Parfett or Matthew Sobic at these offices.

Yours Sincerely,

Savills

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