

Steven McCoombe

Planning
Manchester City Council
Town Hall Extension
Albert Square
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M60 2LA

20 March 2024

Submitted via Planning Portal (ref: PP-12909763)

Dear Steve

Application for the Approval of a Non-Material Amendment to 135278/FO/2022: Full Planning Permission for a Student Accommodation Development at St Gabriel's, Oxford Place

On behalf of our client, McLaren Property Limited ('the Applicant'), please find enclosed an application made under Section 96A of the Town and Country Planning Act 1990 to make a non-material amendment to Condition 3 of planning permission 135278/FO/2022 at St Gabriel's, Oxford Place, Manchester ('the Site'), which relates to the approval of materials. The permission was granted on 17th March 2023 for the following description of development:

'Erection of part 4 storey, part 5 storey buildings, together with the refurbishment and restoration of existing buildings to form student accommodation (sui generis) together with associated landscaping, cycle parking, car parking and associated works following demolition of certain existing buildings.'

The Proposed Amendment

As discussed in our recent meeting on-site with you and Jennifer Atkinson, we are in discussions with officers to discharge the material samples for the development as required by condition 3 of the planning permission as part of the construction process. Currently condition 3 requires the approval of the materials for the new buildings and refurbished buildings at the same time.

Following discussions with yourself, and in recognition of the construction programme for the new build and refurbished elements of the scheme, this Section 96a application seeks to make changes to the wording of conditions 3 as approved under 135278/FO/2022 to allow the separate approval of the materials for each element of works. You have confirmed via pre-application discussions and email that this is acceptable.

For clarity, the condition is set out below, with the proposed non-material amendments highlighted in red.

3) *a) Prior to the commencement of above ground development (excluding demolition), all materials to be used on all external elevations of the new buildings hereby approved, shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include*

the submission of samples (including a panel) and specifications of all materials to be used on all external elevations of the **new buildings** along with jointing and fixing details, vents, details of the drips to be used to prevent staining in, ventilation and a strategy for quality control management.

The approved materials shall then be implemented as part of the development.

b) Prior to the commencement of works to the external elevations of the refurbished buildings (excluding demolition), all materials to be used on all external elevations of the buildings to be refurbished, as hereby approved, shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved materials shall then be implemented as part of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as Local Planning Authority, in the interests of the visual amenity of the area within which the site is located, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Assessment

Planning Practice Guidance¹ is clear that there is no statutory definition of "non-material" and it is dependent on the context of the overall scheme. The summary table at Annex A² states that the Local Planning Authority, when considering if the amendment is material, "must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted".

The proposed amendments will not require the reassessment of any additional information or environmental impacts, therefore, as agreed officers, the "effect of the change" is not considered to be material and it is on this basis that AshtonHale have submitted this application for non-material amendments.

Summary

In summary, the "effect of the change" of the proposed amendments is non-material, and the amendments proposed have been prior agreed with MCC. The amendments to the wording of condition 3 are required to enable the development site to come forward and contribute to MCC's supply of student accommodation in the quickest timescale.

I trust that the enclosed information will enable you to validate the submission as soon as possible. If you have any queries or require any further details, please contact me.

Yours sincerely,



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AshtonHale Ltd

¹ Paragraph: 002 Reference ID: 17a-002-20140306, Revision date: 06 03 2014

² Accessible via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864175/Annex_flexible_options.pdf