

Our Ref: 2022-020
Your Ref: PP-12639197

Planning and Regeneration
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

Origin, 6th Floor, 70 Spring Gardens,
Manchester, M2 2BQ

T: 0161 498 1050

E: info@njlconsulting.co.uk

www.njlconsulting.co.uk

22nd December 2023

By email only

Dear Sir/Madam,

Re: 58 Mosley Street, Manchester, M2 3HZ
Non-Material Amendment to planning permission 135988/FO/2023

We write on behalf of our client, M&G, with an application under S96a of the Town and Country Planning Act to amend Planning Permission ref. 135988/FO/2023. The proposed non-material amendment seeks to substitute plans referenced in Condition 2 of the aforementioned consent. This is in addition to the amendments to the wording of Conditions 10 and 12 , and the removal of Condition 21, to correct inaccuracies and remove reference to measures which are unsuitable for the development. This letter and enclosures set out and assesses the proposed change.

The application is supported by the following documents:

Table 1: Application documents

Document	Reference
NABERS – Additional Photovoltaic requirement	2698-CWC-XX-RP-N-0004
Proposed GA Plan – Level 09	7002-JMA-ZZ-09-DR-A-00-0002 Rev P05
PV Panels Study	7002-JMA-ZZ-09-DR-A-27-1002 Rev P05
Proposed Elevations 01	7002-JMA-ZZ-ZZ-DR-A-00-2003 Rev P07
Proposed Elevations 02	7002-JMA-ZZ-ZZ-DR-A-00-2004 Rev P07

This supporting cover letter, documents and requisite application form has been submitted via the Planning Portal under reference PP-12639197 and the requisite application fee paid online.

Background

Planning permission was granted on 6th November 2023 ref.135988/FO/2023 This related to the following works:

'Refurbishment of existing office building to comprise elevational alterations, a single storey rooftop extension with external roof terrace (Use Class E), installation of photovoltaic panels and works to extend the pavement of Booth Street and install street furniture.'

It is the intention for the development to aim for NABERS 5* rating, however at the time of submission, the accreditation and assessment process was at an early stage in the NABERS assessment process. As this is now better understood post-determination, an amendment is required to the approved plans attached to Condition 2. Furthermore, upon review of the conditions it became clear that the amendment to the wording of Conditions 10 and 12, and the removal of Condition 21, is required to correct inaccuracies and remove reference to measures which are unsuitable for the development.

The proposed NMA comprises two main work streams:

1. Amending approved plans to achieve NABERS 5* rating; and
2. Amending conditions to remove reference to unsuitable measures and inaccuracies.

These are discussed in further detail below.

Drawings to be Amended to Reflect the NABERS 5* Rating

This NMA seeks to amend the approved roof plan to provide additional solar panels. This will allow the development to take the recommended 25% margin level required to achieve a 5* NABERS in the next stage of the assessment, as set out in Condition 4. As previously mentioned, at the time of submission, the accreditation and assessment process was at an early stage in the NABERS process. This is now better understood post-determination and following an independent NABERS review. Please refer 'NABERS – Additional Photovoltaic Requirement' report prepared by Crookes Walker for full justification. This change requires an amendment to 4 no. plans attached to Condition 2 of the permission. For avoidance of doubt, the following plans have been updated to reflect the aforementioned change:

Table 2: Approved plans noted in Condition 2 to be amended

Approved Plan	Proposed Plan
Proposed GA Plan – Level 09 (ref. 7002-JMA-ZZ-09-DR-A-00-0002 Rev P03)	Proposed GA Plan – Level 09 (ref. 7002-JMA-ZZ-09-DR-A-00-0002 Rev P05)
PV Panels Study (ref. 7002-JMA-ZZ-09-DR-A-27-1002 Rev P04)	PV Panels Study (ref. 7002-JMA-ZZ-09-DR-A-27-1002 Rev P05)

Proposed Elevations 01 (ref. 7002-JMA-ZZ-ZZ-DR-A-00-2003 Rev P06)	Proposed Elevations 01 (ref. 7002-JMA-ZZ-ZZ-DR-A-00-2003 Rev P07)
Proposed Elevations 02 (ref. 7002-JMA-ZZ-ZZ-DR-A-00-2004 Rev P06)	Proposed Elevations 02 (ref. 7002-JMA-ZZ-ZZ-DR-A-00-2004 Rev P07)

The additional Photovoltaic Panels will be located on a mezzanine structure (mounted on metal deck roof above open plant) and will be orientated and tilted as per confirmation from the PV specialist. The additional Photovoltaic Panels will be minimally visible from street level and beyond and are not considered to cause any adverse visual harm to the conservation area.

Conditions Requiring Amendment

The following section sets out the conditions which require amending and propose alternative wording. As above, the wording of Conditions 10 and 12 require an amendment to correct inaccuracies and remove reference to measures which are unsuitable for the development.

Condition 10 (Cycle Parking)

Condition 10 inaccurately references Condition 7 with regard to travel plan requirements. This NMA seeks to correct the administrative error by referencing Condition 9, which is the travel plan condition attached to the planning permission.

Condition 12 (Biodiversity Measures)

Condition 12 requires a programme of biodiversity measures including appropriate rainwater harvesting to be implemented. This NMA seeks to omit the reference to rainwater harvesting as it is inappropriate for the nature of the approved development. For avoidance of doubt, the reasons as to why rainwater harvesting is inappropriate to implement are summarised below (inter alia):

- No plant space within the basement to locate a rainwater harvesting tank, filtration system, and pumps;
- The collation of the existing rainwater pipes at the basement due to the restricted head height would not be possible and would impact on current ceiling heights and M&E high level services coordination;
- The current domestic water infrastructure is largely being retaining, introducing rainwater harvesting would require a new rainwater pipework distribution system to serve WC's; and
- The demand for rainwater harvesting given the building's use as an office is minimal, with only WC's being able to utilise the water.

The proposed changes are highlighted in **red** within the table below.

Table 3: Proposed condition wording

Condition	Wording	Proposed Wording
10	(a) Prior to the first use of the development hereby approved, the 52 cycle spaces, as indicated on drawing referenced 7002-JMA-ZZ-B1-DR-A-000002 Rev P01 and described within the email from NJL Consulting dated 4 May 2023 shall be implemented and retained and maintained in situ for as long as the development remains in use. (b) Within six months of the first use of the extended building subject of this application, the number of cycle spaces shall be reviewed as part of the travel plan requirements of Condition 7. Prior to occupation each new tenant shall agree to the travel plan and review and agree the number of cycle spaces to be provided. The survey shall be completed within 7 days of each review date and the results of the survey shall be submitted to and approved in writing by the City Council within 2 months thereafter. If a tenant occupies any part of the building within 9 months of a previous tenant, there is no requirement to resurvey the cycle spaces. Any additional cycle spaces identified as part of each review process shall be implemented within two months of the approval of the survey results by the City Council as local planning authority.	(a) Prior to the first use of the development hereby approved, the 52 cycle spaces, as indicated on drawing referenced 7002-JMA-ZZ-B1-DR-A-000002 Rev P01 and described within the email from NJL Consulting dated 4 May 2023 shall be implemented and retained and maintained in situ for as long as the development remains in use. (b) Within six months of the first use of the extended building subject of this application, the number of cycle spaces shall be reviewed as part of the travel plan requirements of Condition 9. Prior to occupation each new tenant shall agree to the travel plan and review and agree the number of cycle spaces to be provided. The survey shall be completed within 7 days of each review date and the results of the survey shall be submitted to and approved in writing by the City Council within 2 months thereafter. If a tenant occupies any part of the building within 9 months of a previous tenant, there is no requirement to resurvey the cycle spaces. Any additional cycle spaces identified as part of each review process shall be implemented within two months of the approval of the survey results by the City Council as local planning authority.
12	Prior to the commencement of any works to the existing roof, a programme detailing final details of the measures to create potential opportunities to enhance and create new biodiversity within the development shall be submitted to and approved in writing by the City Council as Local Planning Authority. The measures to be assessed within the programme shall include: (a) bat boxes and bricks and bird boxes, (b) appropriate planting and rainwater harvesting. All above measures (a) & b) shall be incorporated unless there are justified reasons not to include them. The programme shall include full details of the measures to be provided, a full justification	Prior to the commencement of any works to the existing roof, a programme detailing final details of the measures to create potential opportunities to enhance and create new biodiversity within the development shall be submitted to and approved in writing by the City Council as Local Planning Authority. The measures to be assessed within the programme shall include: (a) bat boxes and bricks and bird boxes, (b) appropriate planting ~~and~~ rainwater harvesting. All above measures (a) & b) shall be incorporated unless there are justified reasons not to include them. The programme shall include full details of the measures to be provided, a full justification

	for those that won't be provided and an implementation timeframe. The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied.	for those that won't be provided and an implementation timeframe. The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied.
--	--	--

Removal of Condition 21

Condition 21 states;

'All new ground floor glazing hereby approved shall include at least one pane of laminated glass rated as P4A under EN 356 or higher specification.'

As detailed above, this NMA seeks to remove Condition 21 (Floor Glazing) as it is technically unfeasible for the approved development and the existing office building this relates to. This is because the existing system is a 16.8 mm single glazed bespoke system, which achieves P2A rating. To achieve a P4A rating on the replacement glazed sections this would require an increase to the thickness of the glass due to additional interlayers being required. This is not possible within an existing system, with existing gaskets and glazing beads that have been developed for a 16.8mm glass. The existing system therefore cannot incorporate a thicker glass to achieve P4A as required by the Condition.

Materiality of Changes

As detailed within the supporting documentation, all changes are considered to be non-material amendments, that will not have a material impact on the original planning permission. There will be no resultant impact on the surrounding highways, heritage assets and conservation area or drainage network, and the changes improve the proposals at the site. The Photovoltaic Panels will be minimally visible from street level and beyond and are not considered to cause any visual harm to the surrounding area. Therefore, all amendments are accepted to be non-material, so can be assessed under Section 96A of the Town and Country Planning Act (1990).

Summary and Closing

This non-material amendment application has been made on behalf of M&G and seeks to substitute plans referenced in Condition 2 of Planning Permission ref. 135988/FO/2023, alongside the amendment to the wording of Conditions 10 and 12, and the removal of Condition 21. Overall, the proposed change will result in a non-material amendment under Section 96A of the Town and Country Planning Act (1990) to the plans listed in **table 2** to increase the number of PVs panels, all of which will be minimally visible from street level and are not considered to cause any visual harm to the conservation area and beyond. As confirmed, the changes will not affect the highways, heritage assets or drainage layouts and will not have any material impact upon the character or layout of the scheme.

In view of the above, we consider the above changes qualify as a non-material amendment to the approved scheme. We trust you have sufficient information to validate this application and allocate it to an officer. If you require anything further, please do not hesitate to contact me.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'EBates', with a stylized flourish at the end.

Emily Bates

Graduate Planner

For and on behalf of NJL Consulting