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Robert Griffin
Planning Control
Manchester City Council
PO Box 532
Town Hall
Manchester

Ref: LF/JK/5051MA/L015

Date: 16th February 2024

Dear Rob,

Application for a S73 minor-material amendment to vary Condition 2 (approved plans) in respect of planning permission 138832/FO/2023 for the erection of a two storey teaching and school accommodation building (Use Class F1) for a temporary period of two years at Newall Green Academy, Wythenshawe, M23 2SX.

Introduction

On behalf of our client, Morgan Sindall Construction (on behalf of the Department for Education), please find enclosed a minor-material amendment application under Section 73 of the Town and Country Planning Act 1990 (as amended), in respect of planning permission 138832/FO/2023 at Newall Green Academy, Wythenshawe, M23 2SX.

The planning application has been submitted via the Planning Portal (ref: PP-12812663) and comprises the following:

- Application forms and ownership certificates
- Cover Letter (this Letter)
- Plans Pack by Arcadis, including:
 - Temp External Works General Arrangement Plan – Second Year Temp (ref: FS0998-IBI-A-14-XX-D-L-7025-P04)
 - Ground Floor GA Plan – Temporary Building Phase 2 (ref: FS0998-IBI-A-2-T-D-A-0201-P10)
 - First Floor GA Plan – Temporary Building Phase 2 (ref: FS0998-IBI-A-2-T-D-A-0202-P10)
 - Roof Plan – Temporary Building Phase 2 (ref: FS0998-IBI-A-2-T-D-A-0203-P3)
 - GA Sections – Temporary Building Phase 2 (ref: FS0998-IBI-A-2-T-D-A-0204-P3)
 - GA Elevations – Temporary Building Phase 2 (ref: FS0998-IBI-A-2-T-D-A-0205-P3)
- Arboricultural Implications Assessment by Syntegra (ref: 23-10490-Rev D)
- Arboricultural Method Statement by Syntegra (ref: 23-10490-Rev D)
- Biodiversity Impact Calculation Report by Syntegra (ref: 22-9204-Rev C)

Legislation and Guidance

Section 73 of the Town and Country Planning Act (TCPA) 1990 allows applications to be made for permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

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Section 73 of the Town and Country Planning Act 1990 states that:

“the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”*

Therefore, in determining a S73 application, the LPA must consider only the question of the conditions subject to which planning permission should be granted.

National Planning Practice Guidance advises that:

“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Pre-application discussions will be useful to judge the appropriateness of this route in advance of an application being submitted.”

(Paragraph: 017 Reference ID: 17a-017-20140306)

Background

A full planning application (ref: 138832/FO/2023) was granted planning permission on 12 February 2024 for the following:

“Erection of a two storey teaching and school accommodation building (Use Class F1) for a temporary period of two years”.

Application Proposal

This application seeks to make a minor material amendment to planning permission to secure changes to the layout and minor design changes, currently approved and secured under condition 3 of planning permission 139932/FO/2023, which requires the development to be carried out in accordance with the approved plans/drawings.

The full summary of changes are visually represented in the updated plans, and summarised below:

- 1) Minor reposition of temporary building location;
- 2) Reduced hoarding around the building;
- 3) One ramp to the building now proposed from the north;
- 4) Accommodation to be flush to the ground now rather than raised;
- 5) New windows on Elevation 3;
- 6) Replacement of DC/ICT classroom with assembly hall on first floor; and
- 7) Reduction in grass area to south of the building.

The changes are reflected in the amended plans submitted alongside this letter. Please note, the amendments have been discussed and agreed in principle with the LPA case officer prior to submission of this application. It was agreed with the LPA that a Section 73 application was the appropriate method to deal with the changes.

For ease of reference, please see the new plans proposed to supersede those set out in Condition 2 of planning permission 138832/FO/2023 in the table below:

Amended Plan/document reference	Plan/document title	Previous Plan/document reference
FS0998-IBI-A-14-XX-D-L-7025-P04	Temp External Works General Arrangement Plan – Second Year Temp	FS0998-IBI-A-14-XX-D-L-7025-P02
FS0998-IBI-A-2-T-D-A-0201-P10	Ground Floor GA Plan – Temporary Building Phase 2	XXXXX-IBI-A-2-T00-D-A-0001-P1
FS0998-IBI-A-2-T-D-A-0202-P10	First Floor GA Plan – Temporary Building Phase 2	XXXXX-IBI-A-2-T01-D-A-0002-P1
FS0998-IBI-A-2-T-D-A-0203-P3	Roof Plan – Temporary Building Phase 2	N/A
FS0998-IBI-A-2-T-D-A-0204-P3	GA Sections – Temporary Building Phase 2	FS0998-IBI-A-2-T-D-A-0204-P2
FS0998-IBI-A-2-T-D-A-0205-P3	GA Elevations – Temporary Building Phase 2	FS0998-IBI-A-2-T-D-A-0205-P2
23-10490-Rev D	Arboricultural Implications Assessment	23-10490-Rev C
23-10490-Rev D	Arboricultural Method Statement	23-10490-Rev C
22-9204-Rev E	Biodiversity Impact calculation Report	22-9204-Rev D

Planning Assessment

The principle of development on this site has already been established by planning consent 138832/FO/2023. The amendments relate to minor external elevation changes and minor changes to the layout of the scheme and levels. The changes will impact the overall appearance of the proposed building and site to an insignificant extent and overall will not alter the principle of development. The proposed changes have been discussed and agreed with the LPA Case Officer, who has deemed the changes would constitute a minor material amendment.

The previously approved tree and ecology reports have been updated and resubmitted simply to reflect the slightly amended site layout.

Conclusion

In summary, the application for a Minor Material Amendment under Section 73 of the Town and Country Planning Act 1990 (as amended) seeks to secure the final design of elevations and the site layout for the second school accommodation building at Newall Green Academy, Wythenshawe. A justification as to why consent is sought for this minor amendment has been provided and we would request that permission be granted accordingly.

I trust the enclosed information is sufficient to allow validation of the application. However, should you have any queries or require additional information, please do not hesitate to contact me.

Yours sincerely,

Lee Fulcher
Principal Planner
DPP