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Manchester City Council
Planning Department
PO Box 532
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18 April 2024
EP ref: 24-204

Dear Sir or Madam

Re: Planning Portal reference: PP-12988166
Land off Oldham Street and Spear Street, Manchester, M4 1LF

Please find enclosed an application under Section 96A of the Town and Country Planning Act 1990 (as amended) for a non-material amendment to planning permission 131730/JO/2021 at the above site.

An application under Section 73 of the Act (ref. 139580/JO/2024) is currently pending determination, and we would request that should this Non-Material Amendment be approved, any future decision notice takes into account the changes proposed through this application.

Non-Material Amendment

This application seeks to amend the timescales for submission and approval of details required by various conditions due to delays associated with preparation of the necessary information. The Council has previously suggested that this matter can be dealt with via a non-material amendment, and we understand that this approach has also been accepted on other sites (e.g. 138871/NMC/2023, 136658/NMC/2023, 136217/NMC/2023, 134743/NMC/2022).

For context, the residential accommodation was first occupied in March 2023.

Condition 7

The above condition requires an acoustic verification report to be submitted within 6 months of the first occupation of the residential accommodation.

It is proposed for the timescales to be varied in order to allow the details to be submitted and the condition discharged. We therefore propose the second part of the condition be revised as follows:

> "…Upon completion of the development and within 18 months of the first occupation of the residential accommodation, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that above criteria is met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the noise criteria. This report shall be submitted to and approved in writing by the City Council as local planning authority within 6 months of the first occupation of the residential accommodation along with a timescale that confirms when any necessary changes will be implemented."

Condition 16

The condition first requires details of the materials to be used for the footpaths to be submitted and approved by the LPA. Whilst there is no deadline in relation to when the details must be submitted, the condition goes on to state that any of the approved works shall be implemented in full within six months of any part of the development first being occupied.

The works are currently pending S278 approval from the Highways Authority, therefore it has not been possible to submit and implement any approved works within six months of occupation.

In order to allow the details to be submitted and the condition discharged within approved timescales, we propose the condition be amended to state:

> "Details of the high quality materials to be used for the footpaths of Oldham Street, Warwick Street, Bradley Street and Houldsworth Street and for the areas between the pavement and the line of the proposed building shall be submitted to and approved in writing by the City Council as the local planning authority. These works shall include dropped kerbs and tactile paving adjacent priority junctions. Any works approved shall be implemented in full within six months, or as otherwise agreed in writing by the local planning authority, of the details being approved."

Condition 18

The condition requires the submission and approval of a revised Travel Plan within six months of the first use of the development.

We propose that the condition be amended as follows, to allow for details to be discharged within the relevant timeframe:

> "The approved Travel Plan prepared by WYG Transport dated January 2019 shall be implemented in full at all times when the development hereby approved is in use.
>
> Within 18 months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) (a commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time) shall be submitted to and approved 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"

Conclusion

The revised timescales proposed for the above conditions would allow sufficient time for relevant information to be submitted to the LPA and discharged within approved timescales.

There would be no material change to the operations of the approved scheme or to the description of the development. The changes proposed do not alter the principle or character of the consented scheme, nor do they alter the footprint or height of the approved scheme. There would be no change to the assessment of the scheme against planning policy.

In accordance with the above, the application complies with S.96a of the Town and Country Planning Act 1990 and we respectfully request that the Non-Material Amendment is approved without delay.

Should you have any queries or require any further information then please contact our office at your earliest opportunity and prior to determining the application.

Yours sincerely
Emery Planning

Caroline Payne

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Director

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