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Our ref **EKPS/200807/KD**

Submitted electronically via the Planning Portal

12 December 2023

Dear David,

Planning Permission for the Creation of a 163 space Car Park (28700/FO/2020): Non-Material Amendment Application to Vary Planning Condition no. 10

On behalf of our client, THG ('the Applicant'), please find enclosed a non-material amendment application to vary the wording of planning condition no. 10 of the above planning permission, which is submitted under Section 96A of the Town and Country Planning Act. The application has been submitted via the Planning Portal (Ref. PP-12666635).

Background

Planning permission ref. 28700/FO/2020 was granted on 24 February 2021 for the following development on at Sunbank Lane, Manchester, WA15 8XN:

> *"Creation of a 163 space overspill car park, with associated access, landscaping and boundary treatment, to be used in connection with the The Hut Group office complex on Sunbank Lane."*

THG are now seeking to discharge the relevant pre-commencement conditions and begin works on site, however it has also been noted that Condition 10 of the permission requires the following:

> *"10) Prior to the commencement of the development hereby approved, the Precautionary Measures Method Statement for Amphibians (Preliminary Ecological Appraisal and associated drawings prepared by Pennine Ecological, stamped as received on 19 February 2021) shall be implemented in full and thereafter maintained in accordance with the approved method statement."*

On review of the approved Precautionary Measures Method Statement for Amphibians referenced in this condition it has been noted that the methodology suggests that following vegetation clearance, the site should be left for 7 days with consecutive overnight temperatures greater than 6 degrees, which may not be possible in January.

Pennine Ecological has confirmed that that this was only included in the methodology as the works were originally envisaged to take place the following Spring (2021) – when amphibians are active. However, given the works will now be undertaken in the winter months, it has been agreed with GMEU that there would be no requirement for the overnight temperatures to be above 6 degrees for 7 consecutive nights, although the 7-night pause should still take place, and alternatively two additional site checks will take place within this 7-day period.

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As such, the Precautionary Measures Method Statement for Amphibians has been updated and we are seeking to update the wording of condition 10 as follows [proposed changes highlighted in bold]:

> *"10) Prior to the commencement of the development hereby approved, the Precautionary Measures Method Statement for Amphibians Addendum (**TG Report No.13544_R02_NB– prepared by Tyler Grange and dated 11 December 2023**) shall be implemented in full and thereafter maintained in accordance with the approved method statement."*

Submitted Documentation

This Section 96A application comprises the following documents:

- Completed Application Forms, Certificates and fee[1]; and
- Phasing Plan (drawing ref: SK250723SML).

Basis of Determination

Section 96A of the Act allows a local planning authority ("LPA") in England to make a change to any planning permission where they are satisfied that the change is not material. Specific powers (at S.96A(3)) are also provided to remove or alter the wording of existing conditions.

S.96a(2) states that in deciding whether a change is material, an LPA 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.

Whilst there is no definition of what constitutes a non-material amendment, National Planning Practice Guidance ("PPG") recognises that it will be in the context of the overall scheme.

Evaluation of Proposed Changes

It is considered that the proposed change to the condition wording falls clearly within the provisions of a non-material amendment. This is because the change proposed does not alter the nature of the condition requirement but seeks to make a minor change to the method statement secured by that condition.

The condition and updated method statement have been agreed in advance of this application with GMEU and will still ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 (or as subsequently amended), and policy EN15 of the Manchester Core Strategy.

We look forward to receiving confirmation that this application has been approved but if you have any queries or require any additional information in the meantime, please do not hesitate to contact me by 'phone (**0161 513 4284**) or by email (katie@euankellie.co.uk) should any matters arising from the application require clarification.

Yours sincerely,

K Daniels

Katie Daniels
Director
katie@euankellie.co.uk

[1] The required fee of £293 (+ £64 service charge) has been paid via the Planning Portal.