

Steven McCoombe

Planning
Manchester City Council
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08 September 2023

Submitted via Planning Portal (ref: PP-12444319)

Dear Steve

Application for the Approval of a Minor-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 73 of the Town and Country Planning Act 1990 to make a minor-material amendment to Condition 2 of planning permission 135278/FO/2022 at St Gabriel's, Oxford Place, Manchester ('the Site'), which lists the approved plans. 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 meeting with Dave Roscoe on 22nd August 2023, a series of minor changes to the scheme have either come about due to inaccuracies in the original survey information or changes due to further detailed design work post planning approval.

The majority of the changes proposed were agreed to be non-material and have been submitted separately to you via an application made under Section 96a of the Town and Country Planning Act 1990 (Planning Portal ref: PP-12443789).

It was agreed with Dave Roscoe that one of the proposed amendments - the inclusion of new roof plant to the roofs of the new buildings - could be considered as a minor material change, and is the subject of this planning application under Section 73 of the Town and Country Planning Act 1990

The proposed amendment relates to the inclusion of additional plant on the rooftops of the two new building elements of the scheme. These will include:

- 2 no. DX condensers located on the 4th floor roof of Building 03
- 2 no. DX condensers located on the 4th floor roof of Building 04;
- 1 no. smoke extract fan located on the 3rd floor roof;
- 1 no. smoke extract fan located on the 4th floor roof of Building 03 only;
- 1 no. natural smoke extract shaft located on the 3rd floor roof; and
- 1 no. natural smoke extract shaft located on the 4th floor roof of Building 03 only.

This application is supported by the following information:

1. The covering letter prepared by AshtonHale;
2. An updated set of plans prepared by SimpsonHaugh Architects, with a revised drawing schedule attached to this letter at **Appendix I**; and
3. A Key Views Study prepared by SimpsonHaugh Architects to demonstrate the visibility of the proposed amendment; and
4. A note prepared by Apex Acoustics to demonstrate that there would be no additional noise impacts associated with the proposed amendment.

It is our view that the proposed amendment would not affect, or necessitate an update, to the conclusions of any of the other supporting documents that were considered and approved under the current planning permission (ref: 135278/FO/2022).

Assessment

Since the granting of planning permission for the development earlier this year the Applicant has continued to work up the detailed design of the proposals, secure the necessary non-planning approvals, and intends to start works on site imminently. It is as part of this next level of design work that the need to make some minor amendments to the consented scheme.

Planning Practice Guidance¹ is clear that an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under section 73, but the change must only relate to conditions and not to the operative part of the permission.

As set out above, it has been agreed with Dave Roscoe that the proposed amendment may require additional information to demonstrate it would not give rise to any visual or noise impacts and, therefore, it is on this basis that AshtonHale have submitted this application for a minor-material amendment.

The proposed amendment is required to ensure compliance with with relevant building regulations following the approval of planning permission, and relates solely to new plant on the roofs of the two new build elements of the scheme. The amendments will not impact on any other part of the approved development.

¹ Paragraph: 013 Reference ID: 17a-013-20230726, Revision date: 26 07 2023

In order to demonstrate that the inclusion of this new roof plant will not result in any further impacts in respect of street-level views and noise over and above the consented scheme, additional information has been provided as part of this application.

The submitted Key Views Study includes a series of views taken from Oxford Place, which were used as part of the original planning application to assess the impact of the proposed development on the street scene and from the conservation area. The indicative Vu-City view provided clearly shows that the proposed inclusion of new roof plant will have no more than a negligible impact on the appearance of the scheme in these key views. Whilst the new plant is shown in orange in the document for the purpose of illustrating its location in the view, it would be neutral in tone with final details to be approved via the existing relevant condition on the planning consent.

The submitted Apex Acoustics note sets out the existing noise levels that have been secured via condition 29 of the planning permission. It concludes that the resulting noise level from the proposed new mechanical plant would be comfortably below this limit at all existing receptors (including Melrose Apartments to the north and the student accommodation to the west and south) as well as noise sensitive residential facades within the St Gabriels development itself. This would also be the case during routine emergency testing. There would be no additional acoustic implications associated with the natural shafts.

It is our view that the proposed amendments would not affect, or necessitate an update, to the conclusions of any of the other supporting documents that were considered and approved under the current planning permission. In addition, there are no changes to the Development Plan or material planning circumstances since the grant of that consent that would need to be considered in determining this application.

Summary

In summary, it is considered that the "effect of the change" of the proposed amendments is minor-material, and the amendments proposed have been prior agreed with MCC subject to providing additional material to demonstrate they would have no additional material impacts over and above the consented proposals. The amendments to the approved plans 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 do not hesitate to contact me.

Yours sincerely,



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Director

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AshtonHale Ltd

Enc.

Appendix 1: Proposed Amendments

Appendix 2: Schedule of Revised Drawings

Appendix I: Schedule of Revised Drawings