

5 April 2023

Delivered via Planning Portal

Angela Leckie
Manchester City Council
Town Hall
PO Box 488
Manchester
M60 2JT

Dear Angela

**APPLICATION UNDER SECTION 96A OF TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REFERENCE 127317/FO/2020 – THE
CASTINGS, HEYROD STREET, MANCHESTER, M1 2WW**

Further to our discussions, I am pleased to enclose an application for the approval of a non-material amendment (Section 96A) to the above planning permission submitted on behalf of Midgard limited (“the applicant”).

The application has been submitted via Planning Portal (ref. PP-11983303) and comprises electronic copies of the following documents:

- Completed Application Forms
- This Covering Letter

Raingardens on Longacre Street

- Landscape General Arrangement - Level 00, prepared by re-form (dwg ref. CAS-RFM-XX-L0-DR-L-19-0022 P02)

MVHR Air Bricks at 1st Floor Level

- Level 01 Soffit Vent Locations, prepared by Axis Architects (dwg ref. CAS AXIS BU1 01 DR A SK-015)
- Longacre St Elevation, prepared by Axis Architects (dwg ref. CAS AXIS BU1 XX DR A 11-0203 C02)
- Heyrod St Elevation, prepared by Axis Architects (dwg ref. CAS AXIS BU1 XX DR A 11-0202 C02)
- Image of metal airbrick (to demonstrate “Farmstead” colour only) (215x150mm)

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- Image of metal airbrick (to demonstrate size) (215x65mm)

Changes to Some Ground Floor Doors

- Longacre St Elevation, prepared by Axis Architects (dwg ref. CAS AXIS BU1 XX DR A 11-0203 C02)
- Heyrod St Elevation, prepared by Axis Architects (dwg ref. CAS AXIS BU1 XX DR A 11-0202 C02)

A full list of the proposed plans and the relevant superseded plans can be found at **Appendix 1**. All other plans remain as approved.

The requisite fee of £234.00 has been paid via the Planning Portal.

BACKGROUND

As Manchester City Council is aware, planning permission was granted for the redevelopment of the land at Heyrod Street, including the demolition of the existing building and the construction of residential apartments with ground floor commercial space (LPA ref. 127317/FO/2020). The full wording of the approved development is as follows:

“Erection of a part 25 part 21, part 14, part 7 storey building for 352 apartments comprising 39 Studios, 77x 1 bed, 227 x 2 bed and 9 x 3 bed (Use Class C3) with ground floor commercial space within 4 units (494m²) for Class A1 (Shop), A2 (Financial and Professional Services) A3 (Café and Restaurant), A4 (Drinking Establishment), A5 (Hot Food Take Away), B1 (Office) and D1-D2 uses, ancillary indoor and outdoor amenity space (including 1st and 21st floor external areas) car parking for 20 vehicles, cycle parking and associated hard and soft landscaping works, following demolition of existing buildings.”

This permission relates to the redevelopment of land at Heyrod Street, which comprises Plot D of the Portugal Street East (“PSE”) Strategic Regeneration Framework (“SRF”) area located within Manchester City Centre. The development aims offer a high-specification residential led ‘build-to-rent’ scheme, complemented by ground floor commercial space and internal and external amenity space.

Furthermore, the applicant has secured the discharge of a number of conditions attached to the consented scheme (LPA ref. 127317/FO/2020). Please see below for a summary of submitted applications:

Condition	Application Number	Date of Decision Notice
3a	CDN/21/0379	15 th October 2021
3b	CDN/21/0379	15 th October 2021
3c	CDN/22/0658	Partial Discharge – 22 nd December 2022
4	CDN/21/0242	19 th August 2021
5	CDN/21/0522	16 th September 2021
6	CDN/21/0522	16 th September 2021
8a	CDN/21/0242	19 th August 2021
	CDN/21/0558	13 th October 2021

	CDN/21/0864	16 th December 2021
9	CDN/21/0242	19 th August 2021
10	CDN/21/0379	15 th October 2021
11	CDN/21/0242	19 th August 2021
	CDN/22/0606	02 nd December 2022
11e	CDN/21/0708	21 st December 2021
12	CDN/21/0708	21 st December 2021
16	CDN/21/0867	30 th March 2022
16a	CDN/21/0379	15 th October 2021
17	CDN/21/0379	15 th October 2021
21	CDN/21/0558	13 th October 2021
22a	CDN/21/0242	19 th August 2021
38a	CDN/21/0379	15 th October 2021
Non-Material Amendment	130258/NMC/2021	24 th May 2021
Non-Material Amendment	133355/NMC/2022	22 nd April 2022
Non-Material Amendment	134803/NMC/2022	22 nd September 2022

PROPOSED CHANGES

Since the approval of the planning application there have been a number of further detailed design considerations which require an update to the scheme. The latest proposed update is described below:

Raingardens on Longacre Street

In order to avoid existing utilities infrastructure that would pose a potential hazard if works were undertaken as currently proposed, it is proposed to increase the width of the rain gardens from 1.5m to 2m. This would provide the minimum rooting volumes required for the currently specified trees, whilst avoiding the belowground infrastructure, and retaining the number of trees proposed.

Such change would have the effect of reducing the width of the highway by c.0.5m, however due to the width of the existing parking bays which will be removed, the width of the highway would not be impacted overall. Moreover, the proposals would have no impact on the proposed drainage scheme.

This change has been agreed with MCC Highways, as per the Section 278 agreement.

MVHR Air Bricks at 1st Floor Level

The original consented drawings show the MVHR ventilation units terminating within the soffit above the windows. As shown on the VMU, on site at The Castings, soffits are generally aluminium. In this particular location, specifically Heyrod Street and Longacre Street, the soffits are brickwork supported on a masonry support system which provides a high-quality feature. As such, it is proposed to connect to a discrete airbrick in the colour "farmstead" (215x65mm) in the brick façade rather than the original consented design which is considered more obtrusive.

Changes to Some Ground Floor Doors

The original consented drawings showed double leaf doors throughout the residential and retail areas on the ground floor of the development. As part of the detailed design development of the project post planning, it was found that the unobstructed clear opening widths provided by double (equal leaf) doors did not meet the requirements of the Building Regulations, in terms of Part B Fire Safety and Part M Access to and use of buildings. Therefore, this change is required to ensure that the development meets the requirement of Building Regulations.

Amendments to Condition 17 Wording

Condition 17 of the approved permission (LPA ref. 127317/FO/2020), which relates to acoustic insulation, states:

Before the development commences a scheme for acoustically insulating the ground floor commercial to ensure that there is no unacceptable level of noise transfer from the ground floor uses to the residential accommodation above shall be submitted to and approved in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location.

The approved noise insulation scheme shall be completed before any of the approved uses commence.

Since the scheme was consented, the Council's Environmental Health team have amended their requirements. In order for the proposed development to be in line with the Council's new requirements, it is proposed the condition be amended as follows:

Before the development commences a scheme for acoustically insulating the ground floor commercial to ensure that there is no unacceptable level of noise transfer from the ground floor uses to the residential accommodation above shall be submitted to and approved in writing by the City Council as local planning authority.

~~*Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location.*~~

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

The approved noise insulation scheme shall be completed before any of the approved uses commence.

This proposed amendment would not materially change the principle of the condition and would instead align the condition with the latest requirements set out by MCC EHO. The amended wording above has been suggested by MCC EHO.

The proposed amendment is considered to be 'non-material' and can therefore be dealt with via a 'non-material amendment application' pursuant to Section 96A of the TCPA 1990. This approach and

condition wording has been agreed in principle between David Green (Midgard Ltd) and the Case Officer, Angela Leckie, via email (24 February 2023) prior to the submission of this application.

CONSIDERATION OF THE APPLICATION

In accordance with the Planning Practice Guidance, there is no statutory definition of 'non-material'¹. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

The proposal is deemed 'non material' because the changes do not alter the overall principle of the use of the site – it will still remain as a residential tower with ground floor flexible commercial space and public realm. The proposed change maintains the overall appearance originally approved and improve the development aesthetically and functionally.

CONCLUSION

We trust that this submission satisfies the Council's application validation requirements and will allow for the determination of the application. We look forward to receiving formal written notification to this effect in due course, however, should you have any queries or require any further information, please contact myself or my colleague Amy Gaskell (amy.gaskell@turley.co.uk).

Yours sincerely



Will Hannah
Assistant Planner

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Appendix 1: Superseded Plans

Drawing Title	Approved Drawing	Author	Updated Drawing
Site Location Plan	001-001	Callison-RTKL	-
Site Plan	001-002	Callison-RTKL	-
Demolition Plan	010-001	Callison-RTKL	-
Ground Floor Plan – Non-Material Amendments	CAS AXIS BU1 L00 DR A 00-2100 Rev P01	Axis Architects	-
Mezzanine Plan	011-001	Callison-RTKL	-
Level 01	011-002	Callison-RTKL	-
Level 02 to 06	011-003	Callison-RTKL	-
Level 07	011-004	Callison-RTKL	-
Level 08 to 09	011-005	Callison-RTKL	-
Level 10 to 13	011-006	Callison-RTKL	-
Level 14	011-007	Callison-RTKL	-
Level 15 to 20	011-008	Callison-RTKL	-
Level 21 to 24	011-009	Callison-RTKL	-
Plan Layout – Lv 01	012-001	Callison-RTKL	-
Plan Layout – Lv 02 to 06	012-002	Callison-RTKL	-
First Floor Plan – Non-Material Amendments	CAS AXIS BU1 L01 DR A 00-2101 Rev P00	Axis Architects	-
Plan Layout – Lv 08 to 09	012-004	Callison-RTKL	-
Plan Layout – Lv 10 to 13	012-005	Callison-RTKL	-
Plan Layout – Lv 14	012-006	Callison-RTKL	-
Plan Layout – Lv 15 to 20	012-007	Callison-RTKL	-
Plan Layout – Lv 21 to 24	012 – 008 CAS-AXIS-BU1-L21-DR-A-00-2102 Rev P00 (<i>in relation to Level 21 only</i>)	Callison-RTKL Axis Architects	-
Heyrod St – Context Elevation	020-001	Callison-RTKL	-
Longacre St – Context Elevation	020-002	Callison-RTKL	-
Heyrod St Elevation	CAS-AXIS-BU1-XX-DR-A-SK-014 P00	Axis Architects	CAS AXIS BU1 XX DR A 11-0202 C02
Longacre St Elevation	CAS-AXIS-BU1-DR-A-SK-013	Axis Architects	CAS AXIS BU1 XX DR A 11-0203 C02

South Elevation	CAS-AXIS-BU1-XX-DR-A-00-2503 Rev P02	Axis Architects	-
North Elevation	CAS-AXIS-BU1-XX-DR-A-00-2504 Rev P02	Axis Architects	-
Section A-A	030-001	Callison-RTKL	-
Section B-B	030-002	Callison-RTKL	-
Illustrative Sections – Ground Floor	0799-RFM-XX-00-DR-L-0009 PL01	Re-Form	-
Landscape General Arrangement – Ground Floor Interim Scheme	0799-RFM-XX-00-DR-L-0012 PL01	Re-Form	-
Landscape Planting Strategy	0799-RFM-XX-00-DR-L-0013 PL01	Re-Form	-
Illustrative Roof Terrace Sections – Level 01	0799-RFM-XX-00-DR-L-0014 PL01	Re-Form	-
Landscape General Arrangement – Roof Terraces Level 01 and 21	0799-RFM-XX-00-DR-L-0015 PL01	Re-Form	-
Planting Details	0799-RFM-XX-00-DR-L-8001 PL01	Re-Form	-
BAY STUDY - LV 00 TO 03 (LONGACRE ELEVATION)	190002 - CRL- ZZ- 00- DR- A- 21-004	Calliston-RTKL	-
BAY STUDY - LV 11 TO 14 (LONGACRE ELEVATION)	190002 - CRL- ZZ- ZZ- DR- A- 21-002	Calliston-RTKL	-
BAY STUDY - LV 19 TO 22 (HEYROD ELEVATION)	190002 - CRL- ZZ- ZZ- DR- A- 21-003	Calliston-RTKL	-
BAY STUDY - LV 00 TO 03 (LONGACRE ELEVATION)	190002 - CRL- ZZ- 00- DR- A- 21-004	Calliston-RTKL	-
			CAS AXIS BU1 01 DR A SK-015
Discharge Planning Condition Landscape General Arrangement – Level 00 (pursuant to Condition 11a)		Re-form	CAS-RFM-XX-L0-DR-L-19-0022 P02