Our ref: Q220358/hr
Your ref: 121380/FO/2018
Email: Helen.rodger@quod.com
Date: 17th July 2023

Jenifer Atkinson
Planning
Manchester City Council
PO Box 532
Manchester
M60 2LA

By Planning Portal: PP-12235300

Dear Ms Atkinson,

Town and Country Planning Act 1980 (as amended)
Section 73 Application Pursuant to Planning Permission Reference 121380/FO/2018
Swan House, Swan Street, Manchester M4 5DF

Please find enclosed a Section 73 (S73) application on behalf of Ridge Manchester s.a.r.l (the "Applicant") pursuant to planning permission 121380/FO/2018 (the "Consent") at Swan House, Swan Street, Manchester (the "Site").

The Consent was approved on 24th October 2019 and the development commenced in February 2021 following the discharge of pre-commencement conditions. An application for non-material amendments (NMA) was approved on 27th October 2022 to amend the approved plans listed under condition 2 of the Consent.

This S73 Application seeks to amend condition 34 to amend the reference to the landscaping plan, and condition 2 to update the approved drawings.

In addition to this cover letter, the application comprises the following submission documents:

- S73 application form
- Site Location Plan
- Letter from Arcaero dated 6th July 2023
- Approved plans (for information only)
- Proposed plans (see enclosed drawing schedule)
- Proposed Landscape Masterplan, drawing number 4714.01 Rev H (for information only)
- Information on underground services (for information only), comprising:
    - AU1183 Swan House Diversions Schedule

- Existing Cables/Tree Pits plan, drawing number AU/1183/014 rev P1
- Letter from Electricity North West date 7th April 2022
- Diversion Information Booklet
- Email from Ameon dated 31st January 2023.

The application has been submitted via the Planning Portal (reference: PP-12235300). An online payment for £234 has been made via the Planning Portal, in accordance with the Town and Country Planning (Fee for Applications, Deemed Applications, Requests and Site Visits (England) Regulations 2012 (as amended).

Proposed Amendments

Section 73 of the Town and Country Planning Act (1990) (as amended) allows amendments to a development after planning permission has been granted. The application seeks to amend conditions of planning permission reference 121380/FO/2018 through substitution of new drawings which will modify the approved scheme. The full list of amended drawings is set out within the enclosed drawing schedule.

This S73 application seeks the following amendments to the development:

- Removal of five street trees from Rochdale Road and four street trees from Mason Street, and provision of three additional street trees to arrival space on corner of Swan Street and Rochdale Road.
- Green wall height clarification
- Reduction in size of canopies along Mason Street.

Condition 2 lists the approved drawings. This application therefore seeks to amend this condition to update the relevant plans.

Condition 34 relates to the surrounding highway and footpaths and requires a scheme of '*footway improvement and reinstatement works around the perimeter of the application site, including the provision of street trees as indicated in drawings M80123_101 Rev D and M80123-102Rev A'*. As such, this application seeks to vary this condition to update the drawings, to make reference to the Proposed Landscape Masterplan, drawing number 4714.01 Rev H, in relation to the location of the trees only.

Condition 11 relates to details of full and soft landscaping details. It states that '*notwithstanding the landscaping strategy indicated'* on the above approved drawings, details of hard and soft landscaping should be submitted for approval. As such, it is not considered an amendment is required to this condition, with full details of the landscaping scheme to be submitted for approval via discharge of the planning condition in due course.

In addition, conditions 14, 16, 17, 18, 22, 24, 25, 32 and 33 are required to be updated to refer to updated drawing 10133-SHP- Z1- 00- PL- A- B5D8- G200- 0001 04 only. The amendments proposed by this application does not have any other impact on these conditions.

Key Planning Considerations

The following provides a review of the proposed changes against the key planning considerations and demonstrates that the scheme does not materially differ from the extant consent.

The need to remove the street trees from Rochdale Road and Mason Street stems from the existing services beneath these two streets, leaving it unfeasible to provide street trees in these locations.

The New Cross Public Realm Strategy (November 2017) (the "Strategy") identifies footways which are suitable for tree planting. This highlights Mason Street as suitable for tree planting, given the width of the footpath is less than 2.5m (page 51). The Strategy also identifies the location of utilities within the footway, showing these along both Mason Street and Rochdale Road, whilst page 22 specifically notes that *"the location of street trees would be determined by the location of both overhead and underground utilities".*

Indeed, it is peppered throughout the Committee Report for the Consent that street trees will be provided *"should services allow".* Notwithstanding, condition 34 does seek the provision of street trees as indicated within the plans.

Evidence is enclosed within this application which demonstrates that it is not practical or feasible to relocate these services to provide for the street trees. As such, this application seeks the removal of these trees.

Six trees are now proposed within the arrival space, on the corner of Swan Street and Rochdale Road. These trees have been chosen for their ornamental and robust value. Furthermore, the planter sizes in this location will be increased and planted with an ornamental mix of shrubs, flowering herbaceous perennials, ornamental grasses and ferns, providing seasonal year-round interest and ecological benefits. As such, the proposed amendments will continue to make a positive contribution to the street scene.

Arcaero have carried out a review of the wind conditions following the removal of these trees. It concludes that the proposed wind mitigation is sufficient to create acceptable wind microclimate within and around the site. Further information is provided within the enclosed letter.

Two additional changes are also proposed, comprising the change to the green wall height to 4.5m and reduction in the size of the canopies along Mason Street. The changes to the canopies are considered to be negligible to the design and appearance, particularly when considered in the context of the wider development. Furthermore, the change in the height of the green wall is largely in accordance with the height shown on the originally approved scheme. Indeed, it is considered the

change in the height will expose the top section of the Wi Yin side wall, thus enhancing the street scene in this location.

There are no other changes proposed which would affect any other key planning considerations of the Consent.

Summary

This S73 application seeks amendments to the Consent to remove the street trees along Mason Street and Rochdale Road, along with the replacement with six trees within the arrival space of the development. This is because of to it not being feasible or practical to locate trees in these locations due to the existing services and utilities beneath the footpath. Additional modest design amendments are also proposed which are non-material.

To address the loss of the street trees, a financial contribution of £7,000 per tree (i.e. £42,000 in total) will be provided by way of a legal agreement.

The amendments have been reviewed considering the planning policy context and other relevant planning considerations, concluding there are no material changes to these previous considerations.

I trust that the enclosed is to your satisfaction and look forward to confirmation of receipt and validation of the application at the earliest opportunity. In the meantime, should you have any queries please do not hesitate to contact me.

Yours sincerely



Helen Rodger
Associate

cc. Gary Ellison RG Group