

12 May 2023

Planning Department
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

F.A.O Jennifer Atkinson

Dear Jennifer,

Oldham Road – Application for Non Material Amendments to Planning Permission Ref: 125686/FO/2019 as amended by 130490/NMC/2021

This covering letter has been prepared in support of a planning application under Section 96a of the Town and Country Planning Act 1990 (as amended) in order to make a Non-Material Amendment (“NMA”) to Planning Permission 125686/FO/2019, as amended by 130490/NMC/2021 and 136806/NMC/2023 in relation to Condition 2.

The applicant is Mulbury Homes (Oldham) Ltd. (‘the Applicant’).

The proposed amendments are the result of further design development on landscaping treatments and highways works, which is considered to result in an improved scheme from the previous approved iteration.

The proposed description of development is as follows:

Non-Material Amendment to planning permission 125686/FO/2019 to change wording of condition 2 (Approved Drawings), 12 (Landscaping) and 31 (Highways) to agree minor changes to landscaping scheme, and highways works.

Details of the proposed amended plans is included at Appendix A.

1 Planning History

Planning Permission 125686/FO/2019 was granted on 22 December 2020 for the following:

Erection of a 12-storey residential building (Use Class C3) comprising 144 residential units, with ground floor commercial use (Use Class A1, A2, A3, B1, and /or D1 (excluding Places of Worship)) (144 sqm) or ancillary residents lounge, disabled car parking, with highways, landscaping and other associated works following demolition of existing buildings.

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1.1 Previous Amendment Applications

A previous Section 96a Application was approved 25 May 2021 (Ref. 130490/NMC/2021) to change wording of condition 10 (Materials) to agree a materials programme. The detail required to discharge this condition in full has since been submitted for discharge (Ref. CDN/22/0677) and was approved 09 November 2022.

A second Section 96a application was approved 04 May 2023 (Ref. 136806/NMC/2023) to agree elevational alterations.

2 Proposed Amendments

The amendments are proposed following detailed design development, review of programme for the separate package of s278 works, and further consultation with Highway and Planning Officers at LPA. The amendments are illustrated on the submitted plans and other supporting documents listed at the end of this letter.

These proposed amendments were initially presented to the Local Planning Authority via a phone call with Jennifer Atkinson on 02 May 2023, followed up by email correspondence on 30 May 2023 confirming there was no objection to the proposed amendments.

The amendments outlined below are therefore now considered to be agreed in principle. In addition, as they do not materially alter the scale, quality or proposed use of the Proposed Development, it is considered (and has been agreed with the LPA) that they can be progressed via a Section 96a application.

2.1 Soft landscaping

The original consent includes hard and soft landscaping treatments, as shown on approved drawings 137-LYR-XX-00-DWG-L-1001, 137-LYR-XX-00-DWG-L-5001, 137-LYR-XX-00-DWG-L-5002, 137-LYR-XX-01-DWG-L-1002 and 137-LYR-XX-10-DWG-L-1003, with final details to be agreed via Condition 12.

Following review, it is proposed that the areas of soft landscaping be omitted, with hard landscaped surface pavement to replace this (as shown in drawing Ref. D464-RDG-00-ZZ-DR-C-0406). The soft landscaped areas are considered to have potential to be spots where litter collects, and would have minimal benefits in regard to greening or biodiversity due to the limited space available for planting.

Street trees along Oldham Road will be retained and delivered through the scheme of the s278 works.

It is therefore proposed that Condition 12 be amended as follows, to reflect the amended landscaping proposals:

- a) ~~Notwithstanding drawings 137-LYR-XX-00-DWG-L-1001, 137-LYR-XX-00-DWG-L-5001, 137-LYR-XX-00-DWG-L-5002, 137-LYR-XX-01-DWG-L-1002 and 137-LYR-XX-10-DWG-L-1003 stamped as received by the City Council, as Local Planning Authority, on the 23 December 2019, Hard and soft Landscaping shall be undertaken in line with drawings D464-RDG-00-ZZ-DR-C-0406_P03; D464-RDG-00-ZZ-DR-C-0410_P04; D464-RDG-00-ZZ-DR-C-0201_P03-stamped as received by the City Council, as Local Planning Authority, on 12 May 2023, prior to the first occupation of this development, details of hard and soft landscaping treatments (including street trees and appropriate samples of hard landscaping materials) shall be submitted to and approved in writing by the City Council as local planning authority.~~

- b) *The approved scheme shall be implemented prior to the first occupation of the development. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.*

2.2 S278 works

The original consent includes highway works and details of footpaths reinstatement and public realm, and final details of this is requested via Condition 31:

The area of the Site immediately adjacent to Oldham Road comprises public realm and highways works to be delivered through a separate package of s278 works, covering a wider area of the New Cross neighbourhood. Please see this area identified by revision bubble on the drawings submitted in support of this application. These works are to be completed under a MCC Highways contract and anticipated to be completed later in 2023.

The rest of the landscaping details to [name the roads] are due to complete in June 2023, with occupation anticipated later in the month. In order to prevent the remaining highways works prohibiting occupation of the Site, it is proposed that the Condition 31 be amended to reflect only the landscaping works under the Applicant's jurisdiction, and the wording of Condition 31 be amended as follows:

*Prior to the first use of the development hereby approved, a scheme of highway works and details of footpaths reinstatement/public realm, **for the area shown in drawing Ref D464-RDG-00-ZZ-DR-C-0406_P03, stamped as received by the City Council, as Local Planning Authority, on 12 May 2023**, shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include the following:*

- *Footway improvement and reinstatement works around the perimeter of the application site;*
- *Installation of street trees; and*
- *Installation of cycle stands.*

The approved scheme shall be implemented and be in place prior to the first occupation of the residential element of the development hereby approved and thereafter retained and maintained in situ for as long as the development remains in use.

3 Planning Policy Assessment

3.1 National Planning Policy Framework (2021)

Since the original application was submitted, a revised NPPF was adopted in 2021. The revised NPPF continues to set out the Government's planning policies for England and how these are to be applied

within a local setting. It requires planning policies to meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.

The presumption in favour of sustainable development – the golden thread running through plan-making and decision taking (para. 11) – remains at the heart of the NPPF. Sustainable development is about positive growth, which supports economic, environmental and social progress for existing and future generations. Paragraph 130 of the 2021 NPPF states that: *“local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme”*

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life by supporting existing and future generations’ health, social and cultural wellbeing. The NPPF also places emphasis on the importance of pre-application engagement with the Local Planning Authority and local community, which will help to resolve any issues and deliver more positive outcomes.

The revised scheme remains in full accordance with the key tenets of the NPPF. The approved proposals, as amended by this application, will provide high quality residential accommodation at a highly sustainable site in Manchester, supporting delivery of the widely recognised requirement for housing supply across the city region.

3.2 Local Planning Policy – Local Development Plan

The key Development Plan documents remain the 2012 Manchester Core Strategy and Saved Policies of the Manchester Unitary Development Plan (UDP). There has been no change in local planning policy since the Planning Permission was granted. The Manchester Core Strategy was adopted in July 2012 and is the key, overarching Development Plan Document for Manchester. Overall, it is considered that the nature of the proposed non-material amendments to the approved scheme means that it remains in full accordance with the key spatial principles of the Core Strategy.

4 Summary

The application comprises this covering letter and the following documentation:

- Completed Application Form;
- Site Location Plan prepared by Tim Groom Architects;
- S278 Drawings prepared by Ridge:
 - S278 General Arrangement (Ref. D464-RDG-00-ZZ-DR-C-0406_P03)
 - S278 Highway Works Setting Out (Ref. D464-RDG-00-ZZ-DR-C-0410_P04)
 - Works Kerbing & Surfacing GA (Ref: D464-RDG-00-ZZ-DR-C-0201_P03)
 - s 278 Kerbing (Ref. D464-RDG-00-ZZ-DR-C-0403_P03)
 - s 278 Surfacing (Ref. D464-RDG-00-ZZ-DR-C-0404_P02)
 - s278 Signing & Lining (Ref. D464-RDG-00-ZZ-DR-C-0405_P03)

The Application has the Planning Portal reference: PP-12060868 and the application fee of £234 will be paid online.

On the basis of the information submitted, we seek your agreement that the proposed amendments are acceptable and can be dealt with as a minor-material amendment.

I would be grateful for written confirmation of receipt and registration of this application. If there are any points of clarification required, please do not hesitate to contact my colleague Eithne FitzGerald (eithnefitzgerald@deloitte.co.uk / 0161 455 6963) if you have any questions or require any further information.

Yours sincerely

A handwritten signature in black ink that reads "Deloitte LLP". The script is cursive and fluid, with the letters connected. The "D" is large and loops around the "e". The "LLP" is written in a slightly more upright, but still cursive, style.

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