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Our Ref: 04C202142/NL/JS/LS

Your Ref: PP-11720564

31 January 2023

Mr Carl Glennon
Planning Officer
Development Management North Manchester City Council
Floor 6 Town Hall Extension
PO Box 532
Manchester
M60 2LA

Dear Carl,

APPLICATION FOR THE VARIATION OF CONDITIONS 2, 3, 4, 5, 6, 8, 10 AND 14 (UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990) OF PLANNING PERMISSION 126006/FO/2020 TO AMEND THE APPROVED PLANS CONDITIONS

On behalf of our client, Kaam Limited ('the Applicant'), and further to our recent discussions, please find enclosed an application (PP-11720564) for a minor material amendment (Section 73) to planning permission ref: 126006/FO/2020, granted on 23 June 2020 for the following development:

"Change of use to provide 8 apartments (Class C3) within upper floors (4 x 1 bed and 4 x 2 bed) including the insertion of additional floor within the fabric of the existing building, elevational alterations (including the raising of the side and rear elevations to allow the formation of a continuous flat roof) and refuse and cycle storage at ground floor.

At: 7 Rainforth Street, Manchester M13 0RP.

This Section 73 application is accompanied by the following:

- This covering letter;
- Planning application form;
- Acoustic Planning Report prepared by Lighthouse Acoustics, dated November 2022;
- Daytime Bat Survey, prepared by Rachel Hacking Ecology, dated November 2022; and
- Updated Planning Drawings prepared by CreateItStudios:
    - Existing and Proposed Floor Plans, (ref: A1265(02)AP007)
    - Existing and Proposed Street Elevations, (ref: A1265(01)AP006)
    - Proposed Site Plan and Basement Plan, (ref: A1265(02)AP001, Rev P2);
    - Proposed Ground and First Floor Plans, (ref: A1265(02)AP002, Rev P2);

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- Proposed Second and Third Floor Plans, (ref: A1265(02)AP003, Rev P2);
- Proposed West and North Elevations, (ref: A1265(02)AP004, Rev P2); and
- Proposed East and South Elevation, (ref: A1265(02)AP005, Rev P2).

The Proposal

This Section 73 planning application seeks to vary the wording of is Condition 2, 3, 4, 5, 6, 8, 10 and 14 of application 126006/FO/2020 to include the following changes:

- to reduce the overall no. of residential units from 8 no. of units to 6 no.;
- to reduce the elevation from 5 storeys to 4 storeys;
- to reduce the off-site parking provision from 8 no. of parking spaces to 6 no. of parking spaces; and
- to amend the description of development to reflect 6 no. of units.

To reflect the changes from 8 no. of units to 6 no. of units, and reduction in off-site parking, the following changes are proposed to is Condition 2, 3, 4, 5, 6, 8, 10 and 14 as set out in the existing consent (ref: 126006/FO/2020). The requested superseded wording is indicated by strikethrough red text, and the proposed wording is indicated in blue text.

Condition 2

"The development hereby approved shall be carried out in accordance with the following drawings and documents stamped as received by the City Council as local planning authority on 23 January 2020, 31 January 2020, 6 March 2020, 27 May 2020, 9 June 2020 and 11 June 2020:

Planning application forms

~~*Existing & proposed floor plans Ref: F11/EA/01 Rev R*~~

~~*Section Ref: F11/EA/02 Rev A*~~

~~*Elevation as proposed (streetscene) Ref: F11/EA/03 Rev D*~~

~~*Location plan Ref: F11/EA/05 Proposed elevations (Side and front) Ref: F11/EA/12 Rev C*~~

~~*Proposed elevations (Rear and side) Ref: F11/EA/13 Rev D*~~

Existing and Proposed Floor Plans, (ref: A1265(02)AP007)

Existing and Proposed Street Elevations, (ref: A1265(01)AP006)

Proposed Site Plan and Basement Plan, (ref: A1265(02)AP001, Rev P2)

Proposed Ground and First Floor Plans, (ref: A1265(02)AP002, Rev P2)

Proposed Second and Third Floor Plans, (ref: A1265(02)AP003, Rev P2)

Proposed West and North Elevations, (ref: A1265(02)AP004, Rev P2)

Proposed East and South Elevation, (ref: A1265(02)AP005, Rev P2)

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Existing elevations (Side and front) Ref: F11/EA/14 Rev A

Existing elevations (Rear and side) Ref: F11/EA/15 Rev B

~~Existing and proposed front elevations Ref: F11/EA/16~~

Bin Store details Ref: F11/EA/17 Rev. C

Windows distances Ref: Ref: F11/EA/18 Rev A

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester."

<u>Condition 3</u>

"The planning permission hereby granted relates to the formation of ~~4~~ 3 x two bedroom apartments and ~~4~~ 3 x one bedroom apartments on floors 1 to ~~4~~ 3(inclusive) as set out on the approved drawings.

Reason - For the avoidance of doubt and in the interests of residential amenity, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester."

<u>Condition 4</u>

"Notwithstanding the details of the approved drawings referenced:

~~Existing & proposed floor plans Ref: F11/EA/01 Rev R~~

~~Elevation as proposed (street scene) Ref: F11/EA/03 Rev D~~

~~Proposed elevations (Side and front) Ref: F11/EA/12 Rev C~~

~~Proposed elevations (Rear and side) Ref: F11/EA/13 Rev D~~

~~Existing and proposed front elevations Ref: F11/EA/16~~

Existing and Proposed Floor Plans, (ref: A1265(02)AP007)

Existing and Proposed Street Elevations, (ref: A1265(01)AP006)

Proposed Site Plan and Basement Plan, (ref: A1265(02)AP001, Rev P2)

Proposed Ground and First Floor Plans, (ref: A1265(02)AP002, Rev P2)

Proposed Second and Third Floor Plans, (ref: A1265(02)AP003, Rev P2)

Proposed West and North Elevations, (ref: A1265(02)AP004, Rev P2)

Proposed East and South Elevation, (ref: A1265(02)AP005, Rev P2)

Bin Store details Ref: F11/EA/17 Rev. C

the planning permission hereby granted does not confer consent for the undertaking of retail use (Class A1) in the ground floor and basement of the building.

Reason - For the avoidance of doubt and in the interests of residential amenity, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester."

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Condition 5

"The development hereby approve shall be implemented in accordance with the materials and specification detailed on drawings referenced: Proposed elevations F11/EA/12 Rev C and Proposed elevations F11/EA/13 Rev D relating to 1st to 3rd ~~4th~~ floor external elevations, including the formation of brick sills and lintels. Any required reinstatement works to external elevations shall be implemented using matching brick, mortar and roofing materials and maintained in situ thereafter.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1, EN1 and DM1 of the Core Strategy for City of Manchester"

Condition 6

"Before the occupation of the development, details materials and specifications of the ground floor and basement elevations, as shown on drawings referenced:

Proposed West and North Elevations, (ref: A1265(02)AP004, Rev P2)

Proposed East and South Elevation, (ref: A1265(02)AP005, Rev P2)

~~*Proposed elevations F11/EA/12 Rev C and Proposed elevations F11/EA/13 Rev D*~~,

shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented before the occupation of the development and maintained in situ thereafter.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1, EN1 and DM1 of the Core Strategy for City of Manchester."

Condition 8

"Before the occupation of the approved development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority, detailing the arrangements for the provision of ~~8~~ 6 off-site car parking for use by residents of the authorised apartments. The arrangements for off-site car parking shall be made available to residents prior to the occupation of any of the authorised apartments and shall be maintained in situ thereafter.

Reason - To ensure that the development is supported with satisfactory car parking provision and in the interests of residential amenity and pedestrian and highway safety pursuant to policies SP1. T1 and DM1 of the Core Strategy for the City of Manchester."

Condition 10

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"Before the occupation of any of the authorised apartments, the development shall be fully implemented in accordance with the submitted waste management plan comprising the details within the Waste Proforma dated 23 January 2020 and ~~Existing and Proposed Plans F11/EA/01 Rev. R~~

Proposed West and North Elevations, (ref: A1265(02)AP004, Rev P2)

Proposed East and South Elevation, (ref: A1265(02)AP005, Rev P2)

and Bin store details Ref: F11/EA/17 Rev C.

The approved waste management arrangements shall be maintained in situ thereafter.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester."

Condition 14

"Before first occupation of the development thereby approved, all bedroom, and living rooms windows to the side elevations (west elevation and east elevation) as shown on plan references:

• Proposed Floor Plans;

~~Existing & proposed floor plans Ref: F11/EA/01 Rev R~~

Proposed Ground and First Floor Plans, (ref: A1265(02)AP002, Rev P2)

Proposed Second and Third Floor Plans, (ref: A1265(02)AP003, Rev P2)

• Elevations

~~Proposed elevations (Side and front) Ref: F11/EA/12 Rev C~~

~~Proposed elevations (Rear and side) Ref: F11/EA/13 Rev D~~

Proposed West and North Elevations, (ref: A1265(02)AP004, Rev P2)

Proposed East and South Elevation, (ref: A1265(02)AP005, Rev P2)

shall be opaque glazing to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent, up to 1.7 metres above the floor of the room in which the window is installed, and be non opening , unless the parts of the window

which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking, pursuant to the Manchester Core Strategy Development Plan Document, policies DM1 and SP1."

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In addition, a new description of development is proposed:

"Change of use to provide 6 apartments (Class C3) within upper floors (3 x 1 bed and-3 x 2 bed) including elevational alterations (including the raising of the side and rear elevations to allow the formation of a continuous pitched roof) and refuse and cycle storage at ground floor."

Planning History

Following the grant of planning permission in June 2020, the Applicant has been focused on moving forward the delivery of the consented scheme. However, as they have progressed through the development process, a number of design challenges and opportunities have been identified. Therefore, the Applicant is seeking to reduce the number of permitted residential dwellings from 8 to 6, as well as the number of parking spaces.

Planning Appraisal

This Section 73 application seeks to amend the overall quantum of development consented in June 2020, under application ref: 126006/FO/2020, from 8 no. of dwellings (4 x 1 bed and 4 x 2 bed) to 6 no. of dwellings (3 x 1 bed and 3 x 2 bed). The site will be developed for 6 no. of dwellings which falls within the same use class as the consented development (Use Class C3). To match the reduction in the number of units provided across the scheme, the off-site parking provision is also proposed to be reduced from 8 no. to 6 no of off-site parking, as per Condition 8 sets out. A full policy schedule is attached at **Appendix I**.

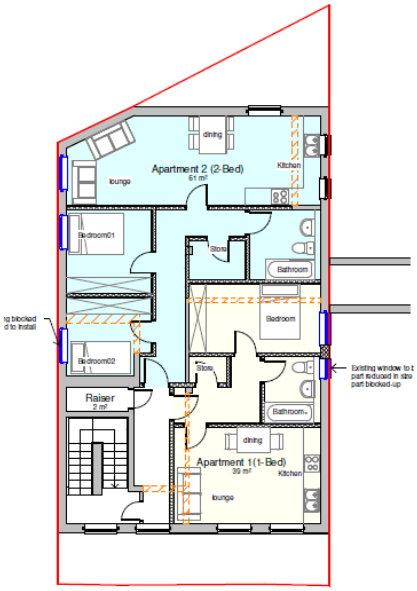

Figure 1. Proposed floor plan as part of this s73.

Figure 2. Existing proposed floor plan as part of the consented scheme (ref:126006/FO/2020)

The amendments are required as the Applicant considered a scheme comprising of 6 no. of units viable. In terms of housing delivery for MCC, the scheme will still contribute towards Policy H6 of the Core Strategy, by providing 6 no. of residential units which are deliverable and achievable in the short term. In addition, all 6 proposed units meet the requirements of the Nationally Described Space Standards ('NDSS'), as set out in Table 1 below.

Table 1. NDSS against the proposed development (m2).

Number of Bedrooms	Number of bed spaces (persons)	NDSS	Proposed
1 Bed	1 Person	39	39
2Bed	2 Persons	61	61

Principle of Development

As the principle of development remains the same as the existing consent, it is considered that the proposed reduced quantum of development is acceptable. The proposals contribute positively towards Core Strategy Policy SP1, H1 and H6 as they provide much needed housing on a brownfield site, as considered appropriate in the existing consent. The proposed development meets the requirements of Paragraph 11, 68 and 117 of the NPPF, in that it provides a deliverable scheme, on a brownfield site that is readily available. The reduction of units avoids significant structural changes, resulting in a more sustainable development. As such, it is proposed that Condition 2, 3, 8 and the description of development of the consented approval will need to be amended to reflect the change in scheme.

Accessibility and Parking

A reduction of parking spaces from 8 no. of parking spaces to 6 no. of parking spaces is considered acceptable as the overall percentage of off-site parking provision remains at 100%. As a result of this, it is recommended Condition 8 is amended to reflect 6 off-site car parking spaces. Delivering the 8 no. of parking spaces offsite would overcompensate parking for this scheme and be contrary to policy T2. In accordance with Policy T1, the scheme would support carbon free modes of transport and the use of surrounding active and public transport by limiting the schemes overall parking provision and reducing the need to travel via car.

Updated Technical Assessments

As part of this Section 73 application, an acoustic planning report and daytime bat survey have been prepared to assess the effects of the proposed development on existing noise levels and effects on bat habitat.

A detailed sound assessment has been undertaken by Lighthouse Acoustics in order to establish existing environmental sound levels at the proposed development. The report states that the Council's acoustic requirements for the proposed development have been met and that acoustic specifications/ ventilation elements have been provided in order to achieve the requirements as set out by the Council.

The assessment undertaken and submitted in support of this proposed changes to the scheme meets the requirements of local and national planning policy, specifically Policy DM 1, Policy C10 of the MCC Core Strategy and Paragraph 185 of the NPPF.

With regards to bat activity, a Daytime Bat Survey was undertaken at the site in November 2022, to search for and assess the potential for bat roost within the existing buildings on site. An internal and external survey was carried out at the site and it was concluded that the property is considered to offer negligible bat roost suitability.

The surveys undertaken in support of the proposed scheme changes meets the requirements of local and national planning policy, specifically Policy EN 15, of the MCC Core Strategy and Paragraph 174 (b) and 179 (b) of the NPPF.

Summary

In summary, the proposal presents a deliverable and achievable development, which is reflective of national and local planning policy housing ambitions and contributes positively towards housing numbers in South Manchester. Each unit meet the space requirements as set out in the NDSS. Whilst the application will result in the loss of two units it is considered the design amendments and new floor layout will result in a more pleasant residential building for future occupants.

The proposals are seeking to reduce the number of off-site parking to match the reduction in housing provision which is considered to have positive effects on promoting the use of alternative transport modes other than the car.

The application documentation has been submitted via the Planning Portal (Ref: PP-11720564). The correct application fee of £266.20 (including £32.20 service charge) has been paid to the

Planning Portal via BACS. I trust that the above details are sufficient to validate the application to allow you to progress it towards determination at your earliest convenience. Should you have any queries, please do not hesitate to contact me.

Yours Sincerely,

Larna Smith
Planner
+44 07539 252 711
larna.smith@avisonyoung.com
For and on behalf of Avison Young (UK) Limited

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Appendix I Policy Schedule

Policy Reference	Appraisal
National Planning Policy Framework (July 2021)	
Presumption in favour of sustainable development	
Central to the NPPF is the presumption in favour of sustainable development. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and the application of the policy for decision makers:	
"Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that: *a) All plans should promote a sustainable pattern of development that seeks to meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban area) and adapt to its effects;"*	The proposals seek to reduce the scheme from 8 no. dwellings to 6 no. of dwellings. It is considered that the proposals contribute positively towards Paragraph 11 of the NPPF as it regenerates a vacant, derelict and brownfield site.
Paragraph 38 of the NPPF confirms local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.	This reduces the need to look elsewhere in the borough for housing sites and prioritises brownfield development.

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Promoting healthy and safe communities

The NPPF sets an aim to achieve healthy, inclusive and safe places which encourage social interaction, is considered safe and accessible and enables and supports healthy lifestyles. Paragraph 92 states that: *Planning decisions should aim to achieve healthy, inclusive and safe places which:* *a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;* *b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and* *c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*	The proposals will contribute positively to the streetscape and the local surrounding community as it restores a derelict site and replaces it with additional housing which will be designed to a high standard.

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Promoting Sustainable Transport	
The NPPF sets out that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. In line with NPPF policy, the location and design of the scheme maximises opportunities for the use of sustainable transport modes. The location of the site is within walking distance of Bus stops, national rail and Metrolink stations and maximises the opportunity for users, employees and visitors to utilise existing sustainable transport infrastructure.	The scheme has proposed a reduction in off-site parking provision from 8 no. of parking spaces to 6 no. of parking spaces to match the units provided across the site**.** This is in line with the NPPF in that it reduces the opportunity for occupiers to travel by car and to take advantage of existing public transport along Alexandra Road South.
Making effective use of land	
Paragraph 117 sets out that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 123 (c) states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).	The proposal makes efficient use of the land as the site comprises of a derelict building and is considered brownfield development.

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Manchester Core Strategy (Adopted July 2012)

The relevant planning policies from Manchester's Core Strategy (adopted July 2012) include the following: **Policy SP1 (Spatial Principles)** states that the key spatial principles will guide the strategic development of Manchester up to 2027. Emphasis is placed on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a district environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas. New development should maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of public transport. The Policy also lists the Core Development Principles, which states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, including creating well designed places that enhance or create character.	The proposal contributes positively towards providing high quality housing in an accessible location in South Manchester. The site is located adjacent to Alexandra Road South which has sufficient access to the Manchester City Centre and surrounding District Centres. The proposals will bring back to life a derelict site which will enhance the streetscape and create character within the neighbourhood.
Policy H1 (Overall Housing Provision) states that approximately 60,000 new dwellings will be provided for in Manchester between March 2009 and March 2027, equating to an average of 3,333 units per year. Within the Inner Areas in North, East and Central Manchester, the type, size and tenure of the housing mix will be assessed on a site by site basis and be influenced by local housing need and economic viability. 90% of residential development will be on previously developed land. New developments should take advantage of existing buildings where appropriate through refurbishment or rebuilding works. Central Manchester is expected to accommodate approximately 8,200 dwellings (net) within the Core Strategy period.	The proposal contributes 6 no. of residential dwellings towards Manchester's housing targets before 2027. The development is proposed on a site which is considered previously developed land and considered acceptable.
Policy H6 (South Manchester) states that South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.	The proposal contributes positively to the housing provision in South Manchester.

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Policy T1 (Sustainable Transport) states to deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport, the Council will support proposals that will improve choice by developing alternatives to the car, that promote regeneration and economic vitality, that improve access to transport services and facilities, improve pedestrian routes and pedestrian movement and development further Manchester's cycle network.	The scheme has proposed a reduction in off-site parking provision from 8 no. of parking spaces to 6 no. of parking spaces to match the units provided across the site**.** This is in line with Policy T1 in that it reduces the opportunity for occupiers to travel by car and to take advantage of existing public transport along Alexandra Road South.
Policy DM1 (Development Management) states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document: • Appropriate siting, layout, scale, form, massing, materials and details. • Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area. • Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise. • Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes. • Community safety and crime prevention. • Design for health. • Adequacy of internal accommodation and external amenity space. • Refuse storage and collection.	The overall siting, layout, scale, form, materials and details does not differentiate from the existing consent, however the proposed scheme will only be of 4 storeys as opposed to 5 storeys.