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Jennifer Connor
Planning Department
Manchester City Council
Town Hall Extension
Albert Square
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17th November 2022

LF 22-270
VIA PLANNING PORTAL

Dear Jennifer,

MINOR MATERIAL AMENDMENT (S.73) APPLICATION. LPA REF. 132708/FO/2022
THE CAR PARK TO THE REAR OF THE CHORLTON IRISH CLUB

We write on behalf of our client, Southway Housing Trust, to submit a minor material amendment application ('S.73 application) at the above address. The description of development is:

"S.73 application to amend the wording of planning condition 24 to ensure the wording satisfies the requirements of Homes England and future mortgage lenders"

We set out below the background to this application, and the proposed changes sought.

a. Background to the application

Since the planning application to redevelop the car park to the rear of Chorlton Irish Club was recommended to be approved at Manchester City Council's planning committee in September 2022, it has been highlighted by Southway Housing Trust's solicitors, Trowers & Hamlin, that condition 24, concerning the delivery of affordable housing, is unworkable.

As it currently stands, the condition does not include the exemptions that will satisfy Homes England in order to receive their capital funding (upon which the delivery of the scheme is dependent). Further, the condition will not satisfy future mortgage lenders and therefore allow occupation by future residents under the shared ownership model.

You are aware of this matter, since we have raised it with you across September – October this year. Following discussions via email, which has included seeking advice from Manchester City Council's legal team, we are now in a position to submit this S73 application in order to vary the wording of condition 24.

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions. In this case, we are seeking to amend the wording of condition 24.

b. The wording of condition 24

The current wording

The current wording of condition 24 is as follows:

24) Prior to the commencement of the development, a scheme for the provision of affordable housing as part of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme, or any amended scheme in relation to the tenure mix subsequently approved in writing by the City Council as local planning authority, and shall meet the definition of affordable housing in Annex 2 of the NPPF (or any future guidance that replaces it). The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of a minimum 20% of the dwelling houses;*
- ii. the timing of the construction of the affordable housing;*
- iii. a strategy to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

The affordable housing scheme shall be implemented as part of the development and thereafter retained in perpetuity.

The proposed wording

The proposed wording of condition 24 is as follows:

(red text indicates editing, strikethrough indicates text to be deleted).

24. Prior to the commencement of the development, a scheme for the provision of affordable housing as part of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. ~~The affordable housing shall be provided in accordance with the approved scheme, or any amended scheme in relation to the tenure mix subsequently approved in writing by the City Council as local planning authority, and shall meet the definition of affordable housing in Annex 2 of the NPPF (or any future guidance that replaces it).~~ The scheme shall include:

i. the numbers, type, tenure (such tenures being consistent with the definition of affordable housing in Annex 2 of the NPPF or any definition of affordable housing that replaces it) and location on the site of the affordable housing provision to be made which shall consist of a minimum 20% of the dwelling houses;

~~ii. the timing of the construction of the affordable housing;~~

ii. a strategy to ensure confirmation that the affordable dwellings will be made available on affordable housing terms that such provision is affordable for both first and subsequent occupiers of the affordable housing dwellings (subject to such exclusions and exemptions as may be approved by the City Council); and

iii. the eligibility occupancy criteria to be used for determining the identity of occupiers of who may occupy the affordable housing dwellings (which shall not be required to include any local connection criteria in the case of shared ownership housing) and the means by which such occupancy criteria shall be enforced.

iv. The **approved** affordable housing scheme shall be implemented as part of the development and thereafter **observed** ~~retained in perpetuity~~ **subject to the exclusions and exemptions set out in the approved affordable housing scheme.**

c. Conclusion

The application has been submitted via the Planning Portal with this cover letter. We trust that these documents are sufficient to validate the application, however, should you have any questions or require any further information, please do not hesitate to contact me via my mobile phone (07825 517 718) or email (lfurber@iceniprojects.com).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lucy Furber', with a horizontal line drawn underneath it.

Lucy Furber
SENIOR PLANNER