AshtonHale

Planning
Manchester City Council
Town Hall Extension
Albert Square
Manchester
M60 2LA

Submitted via Planning Portal: **PP-15283553**
09 October 2026

Dear Jen

Section 96a Application for Non-Material Amendments to Planning Permission 137399/FO/2023: Full Planning Permission for a PBSA and Life Sciences Development at Upper Brook Street, Manchester.

On behalf of our client, McLaren Property (UBS 1) Ltd ('the Applicant'), please find enclosed an application made under Section 96a of the Town and Country Planning Act (as amended) for non-material amendments to the approved conditions relating to the PBSA element of the development permitted under planning permission ref: 137399/FO/2023 at land bounded by Upper Brook Street, Cottenham Street & Kincardine Road, Manchester, M13 9TD ('the Site'). Permission was granted on 29th November 2024 for the following description of development:

> *Erection of a 6 to 9 storey building for Sci-Tech use (Use Class E (g)(ii)) and 265sqm of a cafe/bar (Use Class E (b)), and a 9 to 23 storey building for Purpose Built Student Accommodation (PBSA) (Use Sui Generis), comprising 737 bedrooms and 293sqm of community use (Use Class F2 (b)) and 80sqm of commercial floorspace (Use Class E), alongside new public realm, access, parking, and associated works following demolition of existing buildings.*

The Proposed Amendments

This application proposes to amend the wording of Condition 34 of the approved application to remove reference to the requirement of a modelling assessment for the provisional removal of staggered element of the existing Toucan Crossing at Upper Brook Street. This application seeks to revise wording of this condition, with the Applicant's suggestions set out below:

> *Prior to the first occupation of the development hereby approved a scheme of highway works and details of footpaths reinstatement/public realm for the development shall be submitted for approval in writing by the City Council, as Local Planning Authority.*
>
> *This shall include the following:*
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> - *Traffic Regulation Order (TROs) lining refresh along Cottenham Street;*
> - *Provision of seven accessible bays along Kincardene Road including appropriate TRO;*

- *Exploration of the provision of a car club bay to serve the development including appropriate TRO;*
- *Footway re-instatement, tactile paving and new dropped kerbs (including creation of 2 metre footways and emergency access);*
- *Resurfacing of footways to Upper Brook Street and Kincardine Road;*
- *Measures to restrict parking to the North West and Thornburn Walk via Upper Brook Street to prohibit parking;*
- *Creation of two loading bays to Kincardine Road including a time limited TRO;*
- *Amendment to existing TRO on Kincardine Road;*
- *Creation of an uncontrolled crossing to Kincardine Road just south of Whitekirck Close and extension to Whitekirck close footways;*
- ~~*Modelling assessment for the provisional removal of staggered element of existing Toucan Crossing at Upper Brook Street and associated works if modelling supports its removal;*~~
- *Adoption strategy for the works to adopted highway.*

The approved scheme shall be implemented and be in place prior to the first occupation of the development and thereafter retained and maintained in situ.

Condition 34 currently requires detailed modelling to assess the potential removal of the staggered arrangement at the existing Toucan Crossing on Upper Brook Street, together with any associated works, where the modelling demonstrates that removal is appropriate.

Since planning permission was granted, the Applicant and its technical team have reviewed this requirement and concluded that the potential provision of a new Toucan Crossing on Upper Brook Street is not necessary to support the proposed development.

The Applicant has therefore consulted Transport for Greater Manchester ('TfGM'). TfGM has confirmed that it would not support a straight-across crossing at this location because of the width of Upper Brook Street, notwithstanding the discussions held during the application process. TfGM has also agreed that no modelling is required and that the existing crossing arrangement should be retained. This NMA application therefore seeks to amend Condition 34 accordingly.

Assessment

Planning Practice Guidance[1] is clear that there is no statutory definition of "non-material" and it is dependent on the context of the overall scheme. The summary table at Annex A[2] states that the Local Planning Authority, when considering if the amendment is material, "must have regard to the effect of

[1] Paragraph: 002 Reference ID: 17a-002-20140306, Revision date: 06 03 2014
[2] Accessible via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864175/Annex_flexible_options.pdf

the change, together with any previous changes made under this section, on the planning permission as originally granted".

The amendments will not require the reassessment of any additional information or environmental impacts, therefore, as agreed, the "effect of the change" is not considered to be material and it is on this basis that AshtonHale have submitted this application as nonmaterial amendments to the current planning permission.

I trust the above is in order and I look forward to receiving confirmation that the application has been validated. Should you require any additional information in order to progress the application, please contact me.

Yours sincerely,



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AshtonHale Ltd