

Manchester City Council
Planning Services
Manchester
M60 2LA

FAO Steven McCoombe
Ref: 137425/FO/2023

17 June 2024

Dear Steven

Section 73, Town and Country Planning Act (1990) (TCPA) as amended.
577-579 Wilbraham Road – M21 9AF

On behalf of our client please find enclosed an application submitted under Section 73 of the TCPA (1990) for the variation of planning condition 03 attached to planning permission **137425/FO/2023**, as granted on 26 July 2023.

The description of this S73 application can be summarised as follows:

“Variation of planning condition 03 (list of approved plans) attached to planning permission 137425/FO/2023”.

This application has been submitted electronically via the Planning Portal along with the following documents:

- Planning application forms (signed and dated)
- Cover Letter prepared by JH. A
- S73 Architectural Pack prepared by JH.A:
 - AP.01 - Location Plan
 - AL.01 – Proposed Ground Floor Plan
 - AL.02 – Proposed First Floor Plan
 - AL.03 – Proposed Second Floor Plan
 - AV.01 – Barlow Moor Road Elevation
 - AV.02 – Proposed Rear Elevation
 - AV.03 – Wilbraham Road Elevation
 - AX.01 – Proposed Section AA
 - AX.02 – Proposed Section EE
 - Design and Access Statement

A payment has been made via BACS to the Planning Portal in the total amount of £293.00 which is the requisite statutory planning application fee in this instance.

Background

Planning permission was granted by Manchester City Council on 26 July 2023 for an extension of GF Bank and FF / SF apartment building, at 577-579 Wilbraham Road, Chorlton-cum-Hardy Manchester. The description of the development as shown on the decision notice is: *Erection of a three storey rear extension and elevational alterations to the Barlow Moor Road and Wilbraham Road frontages, in connection with the creation of two retail units (Class E) on the ground floor with six self-contained flats above (Class C3)*

Proposed Amendments

This application seeks to vary planning condition 03 (list of approved plans) attached to **137425/FO/2023** in order to accommodate minor changes to the layout following a detailed design review / review with Manchester City Council highways and further review with adjacent property.

The High Court case of *Armstrong v Secretary of State for LUHCA* [2023] EWHC 176 (Admin) confirms that a S73 application can be used to make a material amendment by varying or removing conditions associated with a planning permission. The judgement confirms that there is no statutory limit on the degree of change permission to conditions under S73, but the change must only relate to conditions and not to the operative part of the permission.

The proposed amendments do not change the operative part of the permission and as such an application to vary the existing condition under S73 is appropriate in this instance. The principle of this approach was discussed and agreed with the case officer via email.

The proposed changes are shown in the updated drawing pack and summarised as follows:

Ground Floor

Overall footprint of rear extension reduced by 600mm.

- Justification – Rear road access increased following discussions with neighbours.
- Result – Wider access to rear of neighbouring property

Removal of proposed 1500mm access ramp to shopfront

- Justification – Discussion with MCC highways to coordinate with new Bee line cycleway.
- Result – Retain / update existing entrance access to improve overall quality.

Retain existing HSBC safe.

- Justification – Retention of banks heritage.
- Result – Safe to be used as a unique feature in the future of 'Four Banks'

First Floor

Update to canopy at front entrance including removal of Bay window details.

- Justification – Front elevation to be less impactful visually with canopy setting back by 1500mm vs approved planning application.
- Result – Retention of Barlow Moor Road elevation with perception of 'Four banks'

Overall footprint of rear extension reduced by 600mm.

- Justification – Rear road access increased following discussions with neighbours.
- Result – Wider access to rear of neighbouring property / APT 3 reduced in overall footprint but still acceptable to Manchester living space standards. APT 3 balcony infilled to create additional space.

Second Floor

Overall footprint of rear extension reduced by 600mm.

- Justification – Rear road access increased following discussions with neighbours.
- Result – Wider access to rear of neighbouring property / APT 6 reduced in overall footprint but still acceptable to Manchester living space standards. APT 6 balcony removed but void retained for overall aesthetic / massing of rear elevation to avoid tricky roof detail.

Removal of extension above 'safe' on GF

- Justification – Following discussions with adjacent neighbour to remove shadowing.
- Result – Less overall mass to rear of property.

Elevation A

Removal of proposed 1500mm access ramp to shopfront

- Justification – Discussion with MCC highways to coordinate with new Bee line cycleway.
- Result – Retain / update existing entrance access to improve overall quality.

Building line to left of plan reduced by 600mm.

- Justification – Rear road access increased following discussions with neighbours.
- Result – Wider access to rear of neighbouring property / APT 3 reduced in overall footprint but still acceptable to Manchester living space standards. APT 3 balcony infilled to create additional space.

Roof line of extension moved to mirror existing.

- Justification – Overall harmony and symmetry introduced to elevation.
- Result – internal access for APT 6 head height improved occupant.

Update to brick detailing at FF / SF

- Justification – To enhance overall detailing of building.
- Result – A clear distinction between new and old and an improved overall aesthetic

Update to render finish at GF.

- Justification – Brick quality determined on site with test removal of existing render.
- Result – A stronger heritage and harmony with surrounding 'Four Banks'.

Elevation B

Removal of proposed 1500mm access ramp to shopfront

- Justification – Discussion with MCC highways to coordinate with new Bee line cycleway / reduce massing on Barlow Moor Elevation with a decreased overhang therefore less impactful visually with canopy setting back by 1500mm vs approved planning application.
- Result – Upgrade existing entrance access to improve overall quality / Standing seam canopy to tie into new/old detail gap on Elevation A / Retention of Barlow Moor Road elevation with perception of 'Four banks'.

Elevation C

Removal of extension above 'safe' on GF

- Justification – Following discussions with adjacent neighbour to remove shadowing.
- Result – Less overall mass to rear of property.
- The Design and Access Statement has been updated to reflect the above changes.

Schedule of Amended Drawings

For ease of reference, the schedule below sets out the previously approved drawing references listed under planning condition 03 and the updated drawings which form part of this S73 application. Please note that not all of the previous drawings were included as approved drawings in planning condition 03, however they were



submitted and consulted on as part of application **137425/FO/2023** and accepted by the Planning Officer and Technical Consultees.

Should this S73 application be approved, it is requested that all updated plans are listed as approved drawings on the decision notice for the avoidance of doubt.

Planning Conditions

The following list of pre-commencement conditions attached to **137425/FO/2023** have all been discharged under application ref: CDN/24/0235 approved on 11 June 2024 which means that the development can now lawfully commence:

Condition 2 (materials)
Condition 4 (CMP)
Condition 5 (air quality)
Condition 7a (external plant)
Condition 8a (noise/overheating)
Condition 16 (ES)

Should this section 73 application be approved, it is requested that these pre-commencement conditions are not reinstated on the decision notice, but instead new conditions are added which require the development to comply with the approved documents.

Yours sincerely,

Josh Greenfield