

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139863/JO/2024

Date registered valid: 23 April 2024

Proposal: Removal of Condition 4 to remove cycle parking and Variation of condition 6 (Use restriction) to restrict use within Use Class E (g)(i) to Commercial Offices Units, attached to planning permission 138516/FO/2023.

Address: 758A Wilmslow Road, Manchester, M20 2DW

Ward(s): Didsbury West Ward

Applicant: Mr P Higginbottom, Didsbury Estates Ltd

Agent (if any): Mr Ian Smart IPS Architects

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 18 June 2024

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Standard consultations:

Printed: 7 May 2024 Expired: 29 May 2024

Neighbour notifications

Printed: 10 June 2024 Expired: 17 June 2024

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and one objection letter was received raising concerns regarding the loss of residential accommodation. However, this current application is to vary and remove conditions attached to the previously approved scheme. The previous scheme included the change of use for part of the building to commercial office space from residential use and was assessed against the development plan and due to the district centre location was considered to be acceptable.

No objections were received in relation to this current variation and removal of condition application.

The Highways Team were consulted and commented the submitted Application Form states that the applicant is seeking the condition to be removed due to the lack of ground floor space and access to the first and second floor only available via a stairway.

It is accepted in this circumstance that cycle parking within the property would be a Health and Safety issue and there are constraints and land ownership to consider on offering cycle parking at a ground floor level. Therefore, in this circumstance Highways will accept the removal of Condition 4.

Issues

The application seeks consent for the removal of Condition 4, to remove cycle parking and the variation of condition 6 (Use restriction) to restrict use within Use Class E (g)(i) to Commercial Offices Units, attached to planning permission 138516/FO/2023.

It is accepted in this circumstance that cycle parking within the property would be a Health and Safety issue and there are constraints and land ownership to consider on offering cycle parking at a ground floor level. Therefore, in this circumstance Highways will accept the removal of Condition 4. Therefore, the condition has been removed.

The application also seeks to vary the wording of conditions 6 to restrict the use within Class E of the Use Class order to Use to E(g)(i) Offices to carry out any operational or administrative functions. This is also considered to be acceptable.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the agent in a positive and proactive manner relating to the scheme and appropriate conditions to the approval have also been attached.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than 1 February 2027.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

PS1454.05, PS1454.06, PS1454.07 and the Location Plan, and the Design and Access Statement, stamped as received on the 8 November 2023 and the Waste Management Strategy, stamped as received on the 20 November 2023.

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.

3) Notwithstanding details submitted, no above ground development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of public health and visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

4) Prior to the first occupation of the development the hours of operation for the first and second floor Office premises are to be submitted for approval in writing by the City Council, as Local Planning Authority. The approved hours shall be the agreed hours for the duration of the development.

Reason- In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the premises (at 758A Wilmslow Road), shall be used for any other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than for the E(g)(i) Offices to carry out any operational or administrative functions.

Reason - To protect the community function of the district centre and to safeguard the amenity, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

737 Wilmslow Road, Manchester, M20 6WF
758 Wilmslow Road, Manchester, M20 2DW
Fress Restaurant, 762 Wilmslow Road, Manchester, M20 2DR
760 Wilmslow Road, Manchester, M20 2DP
739 Wilmslow Road, Manchester, M20 6RN
731 Wilmslow Road, Manchester, M20 6WF
Ground Floor, 727 Wilmslow Road, Manchester, M20 6WF
727 Wilmslow Road, Manchester, M20 6WF
Didsbury House, 748 - 754 Wilmslow Road, Manchester, M20 2DW
733 Wilmslow Road, Manchester, M20 6WF
750 Wilmslow Road, Manchester, M20 2DW
Flat At, Royal Oak, 729 Wilmslow Road, Manchester, M20 6WF
Royal Oak, 729 Wilmslow Road, Manchester, M20 6WF
756 Wilmslow Road, Manchester, M20 2DW
Ground Floor, 737 Wilmslow Road, Manchester, M20 6WF
2 Whitechapel Street, Manchester, M20 6UB
752 - 754 Wilmslow Road, Manchester, M20 2DW
733A Wilmslow Road, Manchester, M20 6WF
735 Wilmslow Road, Manchester, M20 6WF
Second Floor, Didsbury House, 748 - 754 Wilmslow Road, Manchester, M20 2DW
758C Wilmslow Road, Manchester, M20 2DW
First Floor, Didsbury House, 748 - 754 Wilmslow Road, Manchester, M20 2DW
758B Wilmslow Road, Manchester, M20 2DW
2A Whitechapel Street, Manchester, M20 6UB
3 Old Oak Street, Manchester, M20 6RH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA