

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136705/JO/2023

Date registered valid: 11 April 2023

Proposal: Variation of condition number 8 (hours of operation) from planning approval reference 118061/FO/2017 to allow the Gymnasium to operate 24 hours a day 7 days a week

Address: JD Gym Wythenshawe, Southmoor Road, Manchester, M23 9DS

Ward(s): Brooklands Ward

Applicant: JD Sports Gyms Limited

Agent (if any): Mr Brad Wiseman, Savills (UK) Limited

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 24.05.2023

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 18.05.2023

Standard consultations:

Printed: 25 April 2023 Expired: 16 May 2023

Neighbour notifications

Printed: 25 April 2023 Expired: 16 May 2023

Site notice

Posted: 25 April 2023 Expired: 16 May 2023

Press advert

Published: 2 May 2023 Expired: 23 May 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site relates to a substantial single storey building formerly used as a Habitat retail store and associated storage and offices with associated car parking to the north of the building. The existing building is a 6.3m to eaves retail warehouse, originally built in the 1950/60's but substantially refurbished in 1970/80's, with some brickwork to door head height and some brickwork full height.

The use of the premises was confirmed through the issuing of a certificate of lawful use (ref 100996/LE/2012/S2). Further applications for land to the rear of the site have been granted consent for B2/B8 use 112130/FO/2016/S2.

The immediate surrounding area is characterised by predominantly commercial units, notably warehouses and industrial premises within Roundthorn Industrial Estate located to the south and south west of the site. Baguely District Centre is located to the north and east of the site on Altrincham Road. To the north, beyond Altrincham Road is Manchester Health Academy and associated sport pitches. The wider area, to the east is predominately residential in nature with the closest properties being approximately 85m to the east separated from the site by Southmoor Road and the Metrolink line serving Wythenshawe and the Airport.

Planning approval was granted in 2018 for the change of use of the building on site to form a Gymnasium and associated car parking and boundary treatment. The proposals also incorporated cycle parking and lighting (application reference 118061/FO/2017).

Description of development

The application proposals are the removal of the operating hours condition from the original approval to allow the Gymnasium to operate 24 hours a day 7 days a week.

Consultations & Notification Responses

A site notice was posted and nearby properties were notified of the proposals, no responses were received.

MCC Highway Services - From a highway perspective we have no objection to the revision to the hours of operation.

MCC Environmental Health - A noise impact assessment for the night-time hours has not been submitted but have reviewed the original report for both music breakout and plant. The premises is 85m away from the nearest residential properties and the predicted plant noise was about 26dB(A) at the residential and the background would be higher than this at the quietest time of the night and the predicted music breakout would likely to be below background also (they did include measurements from 6am which is part of the night-time period). There are no objections to the application.

Policy

The development plan for the City of Manchester comprises the adopted Manchester Core Strategy 2012 and saved policies contained within the Unitary Development Plan.

The relevant policies for this current application are:

Core Strategy Policy DM1 (Development Management)

Saved UDP policies:

Policy WW2

Policy DC26.1

Policy DC26.4

The National Planning Policy Framework

Chapter 6 - Building a strong, competitive economy

Chapter 8 - Promoting healthy and safe communities

Issues

Principal of the proposal – The principle of the use of the unit as a gymnasium has been established through the granting of the original consent which has been implemented and been in operation for a number of years. Given the proposals seek to extend the operating hours of the use further consideration of noise impacts on residential amenity are required.

Residential amenity - The application proposals are located alongside the local road and Metrolink network and separated from residential uses by these networks and neighbouring commercial and industrial uses. The nearest residential properties are located to the east approximately 85 meters across Southmoor Road and the Wythenshawe/Airport Metrolink line.

Given the distances and the nature of the immediate environment it is not considered that the proposals would give rise to unacceptable impacts on residential amenity. The adjacent industrial estate has a number of industrial and commercial uses that have operated for a considered length of time

Highways - Highway Services raise no objections to the proposal on highway safety or capacity grounds.

Other matters – Relevant conditions were discharged from the original consent and this is to be reflected in the decision notice together with the amendment limiting the use to a gymnasium to refer to class E following the subsuming of Class D2 into Class E in 2020.

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 application has been determined in a positive and proactive manner. In this instance no issues have arisen and the application has been determined within statutory timescales.

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

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

Proposed elevation drawings: North, East, South and West Fascia drawings prepared by Briggs Hillier as received by the City Council as local planning authority on the 5th February 2018
Proposed site layout plan reference NN539-PL-103 prepared by PZ VI Architects as received by the City Council as local planning authority on the 2 November 2017
Ground and Mezzanine Floor Plan reference 004 prepared by Briggs Hillier as received by the City Council as local planning authority on the 5th February 2018
Proposed Typical Paladin Fence Elevation drawing reference NN539-PL-105 prepared by PZ VI Architects as received by the City Council as local planning authority on the 5th February 2018
Gymnasium Car Park in Wythenshawe Manchester Lighting scheme and drawing reference 504596-00 prepared by Thorlux Lighting as received by the City Council as local planning authority on the 5th February 2018
Waste Management Strategy
Air Quality Assessment prepared by Redmore Environmental dated 31st January 2018 reference 2070r2
Waste Management Strategy and proposed bin store and elevations drawing reference NN539-PL-104 prepared by PZ VI Architects both as received by the City Council as local planning authority on the 5th February 2018
Transport statement including details of cycle parking reference NN539-E-02-JWA/da dated 29th January 2018 as prepared by PZ VI Architects and Autopa Bowerham cycle shelter all as received by the City Council as local planning authority on the 5th February 2018
Retail Statement prepared by HOW dated January 2018 as received by the City Council as local planning authority on the 5th February 2018

Drawings and documents associated with Condition Discharge application CDN/18/0371 discharged on the 29th June 2018

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.

2) The approved scheme for the storage and disposal of refuse as detailed within condition 1 of this approval 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 amenity and public health pursuant to policy Dm1 of the Core Strategy.

3) The approved bicycling parking spaces and facilities shall be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

4) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby buildings pursuant to policies SP1 and DM1 of the Core Strategy.

5) The car parking indicated on the approved plans shall be made available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policy DM1 of the Core Strategy.

6) The premises shall be used as a Gymnasium as detailed within the application documents and details and for no other purpose within use class E unless express consent has been given by the City Council as local planning authority.

Reason - As the use of the premises for other purposes within the E use class could have implications in terms of highway safety and residential amenity pursuant to policy DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Strategic Development Team
Greater Manchester Police

Titan Containers Self Storage, Southmoor Road, Manchester, M23 9LR
Ground Floor, Southmoor House, Southmoor Road, Manchester, M23 9LR
Second Floor, Southmoor House, Southmoor Road, Manchester, M23 9LR
Third Floor, Southmoor House, Southmoor Road, Manchester, M23 9LR
10 Roundthorn Road, Manchester, M23 1FJ
8 Borth Walk, Manchester, M23 1EJ
4 Borth Walk, Manchester, M23 1EJ
25 Roundthorn Road, Manchester, M23 1FL
33 Roundthorn Road, Manchester, M23 1FL
10 Borth Walk, Manchester, M23 1EJ
4 Ditton Walk, Manchester, M23 1FN
31 Roundthorn Road, Manchester, M23 1FL
21 Roundthorn Road, Manchester, M23 1FL
22 Southmoor Road, Manchester, M23 9TB
24 Southmoor Road, Manchester, M23 9TB
20 Southmoor Road, Manchester, M23 9TB
GETTING PERSONAL LIMITED, First Floor, Southmoor House, Southmoor Road, Manchester, M23 9XD
Rotalac Plastics Ltd, Southmoor Road, Manchester, M23 9DS
Unit 2, Dallimore Road, Manchester, M23 9JA
Unit 1, Dallimore Road, Manchester, M23 9JA
Maginus Software Solutions, Floats Road, Manchester, M23 9PL
Sacred Heart Rc Church, Floatshall Road, Manchester, M23 1HP
The Presbytery, Sacred Heart Rc Church, Floatshall Road, Manchester, M23 1HP
29 Roundthorn Road, Manchester, M23 1FL
23 Roundthorn Road, Manchester, M23 1FL
139 Floatshall Road, Manchester, M23 1HD
137 Floatshall Road, Manchester, M23 1HD
135 Floatshall Road, Manchester, M23 1HD
133 Floatshall Road, Manchester, M23 1HD
27 Roundthorn Road, Manchester, M23 1FL
19 Roundthorn Road, Manchester, M23 1FJ
12 Roundthorn Road, Manchester, M23 1FJ
9 Kinmel Walk, Manchester, M23 1EL
7 Kinmel Walk, Manchester, M23 1EL
5 Kinmel Walk, Manchester, M23 1EL
3 Kinmel Walk, Manchester, M23 1EL
11 Kinmel Walk, Manchester, M23 1EL
1 Kinmel Walk, Manchester, M23 1EL
6 Borth Walk, Manchester, M23 1EJ
2 Borth Walk, Manchester, M23 1EJ
12 Borth Walk, Manchester, M23 1EJ

Appendix 2 – Planning constraints

Article 4 Direction - Wythenshawe PD Restriction - Class B1(c) To C3
Article 4 Direction - Wythenshawe PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 45M
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA