

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 135493/NMC/2022

**Date registered valid:** 16 November 2022

**Proposal:** Non-material amendment to planning permission reference 134763/FO/2022 to allow the originally approved (reference 051932/OO/SOUTH1/97) hours of use of 0700 - 2200 hrs (Monday to Saturday) to be in operation

**Address:** Adamson House , Towers Business Park, Wilmslow Road, Manchester, M20 2YY

**Ward(s):** Didsbury East Ward

**Applicant:** KW Towers Ltd C/o Agent

**Agent (if any):** Miss Laura Pennington CBRE Limited 10th Floor, One St Peters Square, Manchester, M2 3DE

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

**Recommendation:** Approve

**Date of recommendation:** 07.12.2022

## **Application details**

**Type of application:** Non-Material Change Application

**Development type:** Notifications

**Date of site visit:** 06.10.2022 as part of consideration of application reference 134763/FU/2022

### **Standard consultations:**

No consultations have been printed and sent.

### **Neighbour notifications**

No neighbour notifications have been printed and sent.

### **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:** Didsbury St James Conservation Area 1970

**Tree Preservation Order:** Not applicable

### **Description of area**

The area comprising a majority of the application building and surrounding site is in use as a B1 office park (The Towers) that is located on Wilmslow Road, next to the Grade II\* listed building Kingston House and is within Didsbury St James Conservation Area.

Adamson House is one of the office buildings on the site and is located to the north west of 'Kingston House' and approximately 62 metres to the east of residential properties on Kingston Road separated by other office buildings on the site and intervening landscaping and car parking associated with the business park.

### **Description of development**

Permission was granted under planning approval reference 134763/FU/2022 for the change the use of part of first floor from medical consulting rooms to office accommodation (Class E-e) to office uses (Class E-g(i)). As part of the application opening hours were indicated and were subject to condition number 3 of that permission : "The premises subject of this application shall not be open outside the following hours:-  
0900 -1700 hrs Monday to Friday"

The area of the office building subject of this application was previously permitted to change to medical consulting rooms under planning permission reference 121385/FO/2018, which also contained a restrictive condition limiting the use of the floor space specifically to medical consulting rooms within the then use class D1.

## **Consultations & Notification Responses**

None undertaken.

## **Materiality**

Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

The current application seeks a non-material amendment to the permission to allow for the opening hours of the first floor of the building to operate the same hours as originally granted when the business park was given permission and that are in place for the rest of this building, under application reference 051932/00/SOUTH1/97. Those hours being 7.00 a.m. to 10.00 p.m. Mondays to Saturdays.

The proposals relate to one element of a building already in use under previously approved hours in 1997. Whilst these hours are greater than those established under the change of use approval, they would reflect the lawful hours of the remainder of the business park and would ensure opening hours are consistent throughout the estate. It is not considered that the hours are excessive and the positioning of the building together with the fact it relates to the first floor of a building already operating under these hours it is not considered that the proposals would give rise to cumulative harm to residential amenity.

## **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

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

1) The proposed amendments relate to amendments to changes to the opening hours of floor 1 of the building to reflect those hours originally granted consent on the development and to reflect the other hours operating within the building.

2) Following an assessment of the details submitted, the City Council can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes are minor in nature and would not have any impact on the residential amenity of nearby properties or on the visual amenity of the wider local area.

3) The premises subject of this application shall not be open outside the following hours:-  
0700 - 2200 hrs (Monday to Saturday)

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.

## **Appendix 1 – List of consultees & neighbours notified**

## **Appendix 2 – Planning constraints**

Article 4 Direction - South Manchester 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 90M

Conservation Area - Didsbury St James Conservation Area 1970

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH AREA