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Development Management
Manchester City Council
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Our Ref: 0458
Your Ref: PP-15083164

Submitted via the Planning Portal

Date: 31st July 2026

Dear Steve,

Birtles House, Unit 1 Market Place, Civic Centre, Wythenshawe, Manchester, M22 5RE – Section 73 Application.

Further to our recent discussions, this covering letter has been prepared by Asteer Planning LLP ("Asteer") on behalf of our client Muse Places ("Muse") and Wythenshawe Community Housing Group ("WCHG") ("the Applicants"), in support of an application made under Section 73 of the Town and Country Planning Act (1990) to vary Condition 2 of permission 144669/FO/2025 at Birtles House, Unit 1 Market Place, Civic Centre, Wythenshawe, Manchester, M22 5RE ("the Site").

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the following documents, in addition to this Covering Letter, are submitted as part of this application:

- The completed application form and notices;
- Proposed Site Plan (18702-FCB-ZZ-ZZ-D-A-0401 P02) prepared by FCBS;
- Proposed Plan - Apartment Block - Ground Floor (18702-FCB-AB-GF-D-A-0411 P02) prepared by FCBS;
- Proposed Plan - Apartment Block - Roof (18702-FCB-AB-RF-D-A-0417 P02) prepared by FCBS;
- Proposed Section - Apartment Block (18702-FCB-AB-ZZ-D-A-0611 P02) prepared by FCBS;
- Proposed Elevation - Apartment Block - North (18702-FCB-AB-ZZ-D-A-0711 P02) prepared by FCBS;
- Proposed Elevation - Apartment Block - South (18702-FCB-AB-ZZ-D-A-0712 P02) prepared by FCBS;
- Proposed Elevation - Apartment Block - East (18702-FCB-AB-ZZ-D-A-0713 P02) prepared by FCBS;
- Proposed Elevation - Apartment Block - West (18702-FCB-AB-ZZ-D-A-0714 P02) prepared by FCBS;
- Proposed Generator (18702-FCB-AB-ZZ-D-A-0751 P02) prepared by FCBS;

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- Proposed Bay Studies - Roof & Typical Condition (18702-FCB-ZZ-ZZ-D-A-0802 P02) prepared by FCBS;
- Landscape General Arrangement (18702-PLA-XX-XX-D-L-0001 P07) prepared by Planit;
- Planting Plan (18702-PLA-XX-XX-D-L-2002 P05) prepared by Planit; and
- Levels GA (18702-PLA-XX-XX-D-L-3000 P04) prepared by Planit.

Background

On the 23rd February 2026, full planning permission was granted for the:

> "*Erection of residential apartments (Use Class C3) with retail uses at ground floor (Use Class E), associated landscaping, servicing, car and cycle parking and other associated works including generator following demolition of the existing buildings.*"

The permission was granted pursuant to 37 conditions. Condition 2 of which states:

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

18702-FCB-ZZ-ZZ-D-A-0001 P01 (Site Location Plan), 18702-FCB-ZZ-ZZ-D-A-0401 P01 (Proposed Site Plan), 18702-FCB-AB-GF-D-A-0411 P01 (Proposed Plan - Apartment Block - Ground Floor), 18702-FCB-AB-RF-D-A-0417 P01 (Proposed Plan - Apartment Block - Roof), 18702-FCB-AB-ZZ-D-A-0412 P01 (Proposed Plan - Apartment Block - Level 01-03), 18702-FCB-AB-ZZ-D-A-0415 P01 (Proposed Plan - Apartment Block - Level 04-05), 18702-FCB-AB-ZZ-D-A-0611 P01 (Proposed Section - Apartment Block), 18702-FCB-AB-ZZ-D-A-0711 P01 (Proposed Elevation - Apartment Block - North), 18702-FCB-AB-ZZ-D-A-0712 P01 (Proposed Elevation - Apartment Block - South), 18702-FCB-AB-ZZ-D-A-0713 P01 (Proposed Elevation - Apartment Block - East), 18702-FCB-AB-ZZ-D-A-0714 P01 (Proposed Elevation - Apartment Block - West), 18702-FCB-AB-ZZ-D-A-0751 P01 (Proposed Generator), 18702-FCB-ZZ-ZZ-D-A-0802 P01 (Proposed Bay Studies – Roof & Typical Condition), 18702-FCB-ZZ-ZZ-D-A-0801 P01 (Proposed Bay Studies - Ground and Typical Condition), 18700-FCB-ZZ-ZZ-D-A-0010 P01 (Illustrative Masterplan), 18702-PLA-XX-XX-L-L (Planting Schedule), 18702-PLA-XX-XX-D-L-0001 P01 (Landscape General Arrangement), 18702-PLA-XX-XX-D-L-2001 P01 (Planting Plan), 18702-PLA-XX-XX-D-L-3000 P01 (Levels GA), 18702-FCB-ZZ-ZZ-D-A-0111 P01 (Demolition Plan), 13162_001C (Topographic Survey) and 18702-FCB-XX-XX-T-A-9403 (Design and Access Statement), received by the City Council as Local Planning Authority on 2 December 2025."

Additionally, Conditions 8, 15 and 35 are of relevance as they relate to the ground floor commercial units.

The Proposed Amendments

This application seeks the variation of Condition 2 to amend the approved documents and plans (associated with 144669/FO/2025) to allow the revision of the ground floor layout, alterations to generator building and associated landscaping changes, and addition of roof parapet guarding.

Furthermore, it is proposed that conditions 8, 15 and 35 are rationalised to refer to "*the ground floor commercial unit*" singular rather plural.

<u>Layout</u>
As shown on the accompanying ground floor general arrangement plan (ref. 18702-FCB-AB-GF-D-A-0411 P02) the following changes are proposed to the ground floor layout:

- Reduction of retail units and floorspace (from 3no. units at 260m² total floorspace to 1no. unit at 90m² total floorspace);
- Addition of 1no. 2 bed 3 person apartment (62m²);
- Addition of 2 no. 1 bed 2 person apartment (51m²); and
- Redistribution of utility rooms and cycle store to the east of the building adjacent to the Birtles to accommodate the revised ground floor layout

Appearance
As shown on the accompanying elevation plans (as detailed in Table 2) the following minor material amendments are proposed to the appearance of the building:

- Building height increase of 900mm to extend the parapet in order to provide a safer arrangements for facilities management working at height; and
- Minor changes to elevations fronting on to the Birtles to facilitate internal layout amendments including the removal of 2 no doors, with overhead signage, and replacement with windows. In the interest of safety and security certain windows will now have fritted glazing fitted.

Landscape
An updated landscape general arrangement (ref. 18702-PLA-XX-XX-D-L-0001 P07) has been submitted to reflect the changes made to the ground floor layout and the extension of the generator building. This includes:

- Relocation of two trees at the western boundary to accommodate extension of generator (westwards);
- Path to provide north-south connection on western boundary; and
- Minor re-arrangement of ornamental planting.

Housing Mix
The addition of 3no. residential units will have a minor impact on the housing mix however, as detailed in the table below this is still considered to accord with policy.

Table 1: Approved and Revised Housing Mix

Approved Apartment Type	Amount / Mix (%)	Revised Apartment Type	Amount / Mix (%)
1no. Bed (2 person)	26 / 32%	1no. Bed (2 person)	28 / 33%
2no. Bed (3 person)	55 / 68%	2no. Bed (3 person)	56 / 67%
Total	81 / 100%	Total	84 / 100%

Rationale for the Amendments

Affordable Housing
The proposed development will result in a slight uplift in the number of affordable residential apartments from 81 to 84 no. This will further assist in addressing an identified need for affordable housing in the City. The apartments will be managed in line with the operational statement submitted with the original planning application.

Retail Units
The proposed development will increase activity at this end of the Birtles by introducing new residents into the town centre. Based on the high number of retail units in the vicinity, some of which are vacant, it is considered that a reduced commercial provision at the Site, from 3 down to 1 unit, would not impact on the vibrancy and vitality of the town centre, nor would it detrimentally impact on the streetscene from the Birtles. Indeed, due to the re-orientation of the

retained retail unit there will be minimal impact on the Birtles elevation or active ground floor activation in the immediate area.

Overall, the proposals will continue to deliver significant regeneration benefits locally and provide much needed new affordable homes.

Amended Plans

In addition to the above, **Table 2** below details the originally approved document / plan in relation to the permission 144669/FO/2025, the revised document / plan in relation to this Section 73 application, and the summary of change.

Table 2: Approved and Revised Documents / Plans

Approved Document / Plan Reference (144669/FO/2025)	Proposed Updated Document / Plan	Summary of Change
Plans		
Proposed Site Plan 18702-FCB-ZZ-ZZ-D-A-0401 P01 FCBS	Proposed Site Plan 18702-FCB-ZZ-ZZ-D-A-0401 P02 FCBS	Overview of the alterations to the ground floor layout, re-shaping of generator building and re-design landscaping.
Proposed Plan - Apartment Block - Ground Floor 18702-FCB-AB-GF-D-A-0411 P01 FCBS	Proposed Plan - Apartment Block - Ground Floor 18702-FCB-AB-GF-D-A-0411 P02 FCBS	Details of the alterations to the ground floor layout, re-shaping of generator building and re-design landscaping.
Proposed Plan - Apartment Block - Roof 18702-FCB-AB-RF-D-A-0417 P01 FCBS	Proposed Plan - Apartment Block - Roof 18702-FCB-AB-RF-D-A-0417 P02 FCBS	Identifies the revised height of the roof parapet as guarding.
Proposed Section - Apartment Block 18702-FCB-AB-ZZ-D-A-0611 P01 FCBS	Proposed Section - Apartment Block 18702-FCB-AB-ZZ-D-A-0611 P02 FCBS	Details the revised height of the roof parapet as guarding.
Proposed Elevation - Apartment Block - North 18702-FCB-AB-ZZ-D-A-0711 P01 FCBS	Proposed Elevation - Apartment Block - North 18702-FCB-AB-ZZ-D-A-0711 P02 FCBS	Details the revised height of the roof parapet as guarding.
Proposed Elevation - Apartment Block - South 18702-FCB-AB-ZZ-D-A-0712 P01 FCBS	Proposed Elevation - Apartment Block - South 18702-FCB-AB-ZZ-D-A-0712 P02 FCBS	Details the revised height of the roof parapet as guarding and addition of ground floor apartments.
Proposed Elevation - Apartment Block - East 18702-FCB-AB-ZZ-D-A-0713 P01 FCBS	Proposed Elevation - Apartment Block - East 18702-FCB-AB-ZZ-D-A-0713 P02 FCBS	Details the revised height of the roof parapet as guarding and change in ground floor use (reduction in retail use, openings retained).

Proposed Elevation - Apartment Block - West 18702-FCB-AB-ZZ-D-A-0714 P01 FCBS	Proposed Elevation - Apartment Block - West 18702-FCB-AB-ZZ-D-A-0714 P02 FCBS	Details the revised height of the roof parapet as guarding and re-organisation of ground floor services (access and plant rooms).
Proposed Generator 18702-FCB-AB-ZZ-D-A-0751 P01 FCBS	Proposed Generator 18702-FCB-AB-ZZ-D-A-0751 P02 FCBS	Details of the re-shaping of generator building (to retain adjacent pedestrian access).
Proposed Bay Studies - Roof & Typical Condition 18702-FCB-ZZ-ZZ-D-A-0802 P01 FCBS	Proposed Bay Studies - Roof & Typical Condition 18702-FCB-ZZ-ZZ-D-A-0802 P02 FCBS	Details the revised height of the roof parapet as guarding.
Landscape General Arrangement 18702-PLA-XX-XX-D-L-0001 P01 Planit	Landscape General Arrangement 18702-PLA-XX-XX-D-L-0001 P07 Planit	Details the alterations to the landscape general arrangement as set out above.
Planting Plan 18702-PLA-XX-XX-D-L-2001 P01 Planit	Planting Plan 18702-PLA-XX-XX-D-L-2002 P05 Planit	Details the revised planting plan as a result of the amended landscaping.
Levels GA 18702-PLA-XX-XX-D-L-3000 P01 Planit	Levels GA 18702-PLA-XX-XX-D-L-3000 P04 Planit	Details the revised levels as a result of the generator extension and landscaping amendments.

Section 73 Justification

This application is made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended), to enable the development of land without compliance with conditions attached to the existing planning permission.

Section 73 cannot be used if there is any variation conflict with the operative part of the original permission. The amendments relate to updated plans (listed at **Table 2**) secured under Condition 2. The resulting development is not fundamentally different from that previously approved. The addition of 3no. residential units does not cause detriment to the approved mix with a minor increase of 1% to 1no. beds and 1% decrease to 2no. beds and maintains compliance with Core Strategy Policy H7 and H8 . The reduction in ground flood retail floorspace does not result in a detrimental impact on passive surveillance and active frontage. The revised floor space will align with local demand, ensuring minimal vacancy rates are present in Wythenshawe's Town Centre and maintains compliance with Core Strategy Policy C7.

A high-quality regeneration is proposed with an area still dedicated to retail use with the reduced risk of vacancy due to the reduced unit offering. The proposal therefore falls squarely within the lawful scope of Section 73 and represents a proportionate refinement of the approved scheme.

Summary

The proposed changes detailed within this application do not pose any variation to the operative part of the original permission (ref: 144669/FO/2025) and provide necessary amendments to enable the development.

We therefore consider that the application is acceptable and should be approved. We kindly request that the application is approved at the earliest opportunity. Should there be any queries regarding the above, or any request for further information, please do not hesitate to contact me.

With kind regards,





For and on behalf of Asteer Planning LLP