

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132339/LP/2021

Date registered valid: 26 November 2021

Proposal: Certificate of Proposed lawful development for increase in the number of bedrooms in previously approved apartments

Address: Apex House, 266 Moseley Road, Manchester, M19 2LH

Ward(s): Burnage Ward

Applicant: Tom Nawn HS Property Group Use Space, 31 Ardwick Green North, Manchester, M12 6HS

Agent (if any): Mr Jason Cartwright P4BA 15 Memorial Road, Worsley, Manchester, M28 3AQ

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15 December 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: N/A

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: No

Tree Preservation Order: No

Description of area

The application site is prominently located at the south-east junction of Moseley Road and Kingsway and is opposite the recently completed Beech Tree Court development. The application building is set back from the pavement and takes access from a rear on-site car parking area to the east of the site via Fortuna Grove. The area to the east and south of the site is predominantly residential. The application building has red/orange elevational composition with a flat roof predominantly over 3-storeys and 'L-shaped' configuration.

Description of development

The residential use was permitted under the following implemented prior approval:

121229/P3OPA/2018 - Notification for Prior Approval for a proposed change of use of a building from office (Class B1a) to a 21 apartments (Class C3) (approved on 8 November 2018).

Related elevational alterations to the application building were approved under planning permission (approved on 22 February 2019):

122259/FO/2018 - Elevational alterations involving changes to window and door openings and application of external render and lighting to the exterior of the building in connection with its authorised conversion into residential use.

Description of development

The applicant seeks to retain 21 previously authorised apartments within the building. However, the internal layout would be amended to form:

1 x one bed, 4 x two bed and 2 x three bed apartments at ground floor, 5 x two bed and 2 x three bed apartments at first and second floor.

The application seek to establish these changes would be lawful.

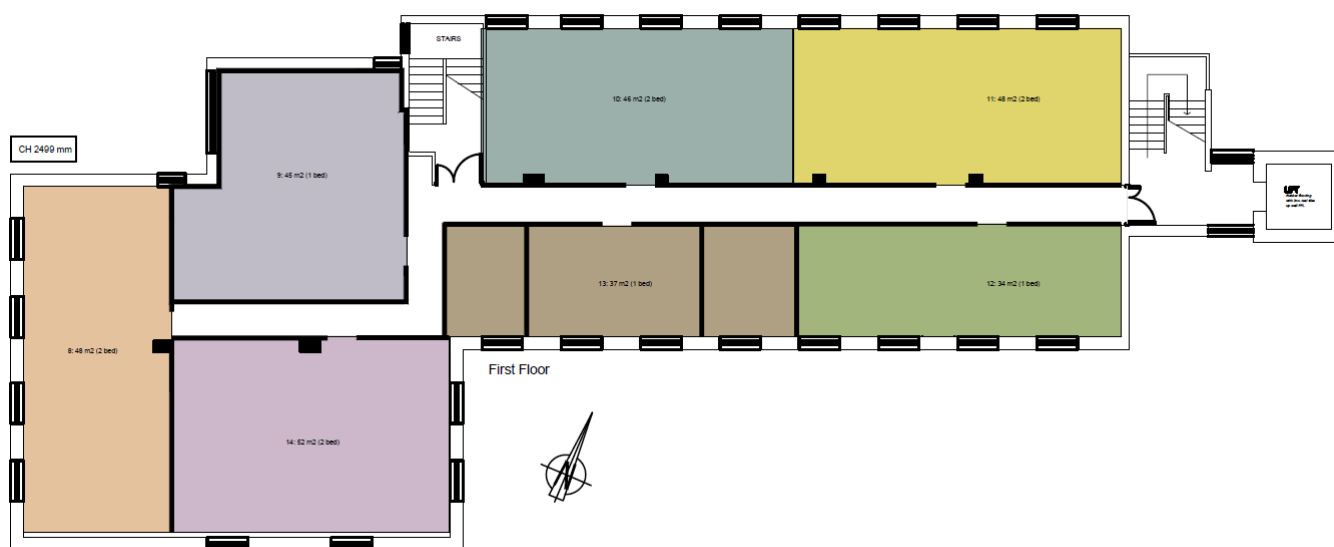


Fig 1 – Typical layout approved under ref: 121229/P3OPA/2018



Fig 2 – Proposed layout in relation to ref: 132339/LP/2021

Consultations & Notification Responses

None required.

Issues

Lawfulness of the development – The prior approval granted under application ref: 121229/P3OPA related to the formation of 21 apartments but did not specify the number of bedrooms to be formed and subsequently maintained. As such the usual requirement for meeting the Council's space requirements cannot be applied.

The alterations to the internal layout are considered to be lawful on the basis that:

- i. The building would remain in use as 21 apartments;
- ii. A Class C3 use would be maintained.

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

N/A

Condition(s) to be attached to decision for approval

1) Approved on the basis that the proposed occupation of Apex House, 266 Moseley Road, Manchester, M19 2LH as detailed on the submitted document and drawings stamped as received by the City Council on 26 November 2021 and referenced:

- i. Forms relating to an application for a Lawful Development Certificate
- ii. Location plan with a red edge ref: 01 21046;
- iii. Drawings ref:

Existing ground floor plan ref: 02 21046

Existing first floor plan ref: 03 21046

Existing second floor plan ref: 04 21046
Existing third floor plan 05 21046
Proposed ground floor plan ref: 06 21046
Proposed first floor plan ref: 07 21046
Proposed second floor plan ref: 08 21046
Proposed third floor plan (indicating no changes to the existing roof)

constitutes a Class C3 use as defined by Town and Country Planning (Use Classes) Order 1987 (as amended). for occupation as 21 self-contained apartments.

Appendix 1 – List of consultees & neighbours notified

N/A

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 (Middle) -
Area Team Boundary - Name: NORTH2