

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130686/P20A/2021

Date registered valid: 11 August 2021

Proposal: Prior approval application for the installation of 4 no. self contained flats to the roof of the existing building

Address: Poplar Court, 156 Moss Lane East, Manchester, M16 7DH

Ward(s): Moss Side Ward

Applicant: Mr Raymond Boyle Irish Anglo Properties (Hulme) Ltd 6 Poplar Court, Moss Lane East, Manchester, M16 7DH

Agent (if any): Mr Michael Dunn Space Architecture and Design Ltd Lake House, Blackmoorfoot Road, Huddersfield, HD7 5TR

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 05.10.2021

Application details

Type of application: Prior approval - new dwellings to flats

Development type: Minor Dwellings

Standard consultations:

Printed: 8 September 2021

Expired: 29 September 2021

Neighbour notifications

Printed: 8 September 2021

Expired: 29 September 2021

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to a modern part three, part four, part five storey block of flats. The building is situated on the south side of Moss Lane East and is of brick and timber cladding construction. The building is built around a large poplar tree. At the rear of the site is an enclosed car park and refuse storey.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is adjoined to the East by a modern terrace of four and three storey houses. Facing the site across Moss Lane East is Alexandra House and a terrace of modern three storey houses. To the east across Pepperhill Street is an area of open space and to the south across Quinney Crescent are the front elevation of flats on Quinney Crescent and the gable elevation of a terrace of houses on Sewerby Street.

Description of development

The application seeks to determine if prior approval is required for the addition of a single floor comprising four flats on top of the three storey part of the existing building. The extension would be constructed in timber cladding to match the existing. Windows to the flats would be in the north elevation overlooking Moss Lane East, with the exception of the most easterly flat which would also have a side window facing towards Pepperhill Street. Six additional parking spaces would be provided within the curtilage of the site as would a communal refuse storage area.

Consultations & Notification Responses

Local residents

No representations received.

Highways

- A high level of on street car parking was observed on Quinney Crescent with most vehicles parked with 2 wheels on the footway.
- It is expected that the trips generated by 4 additional apartments will not impact local highway safety or operation.
- The Agent advises that there are 25 on site car parking spaces representing a 73% allocation and that the car park will be reconfigured so that 30 on site spaces are provided - this is a 79% allocation. The Agent also advises that the existing car park has circa 72% occupancy. Due to the availability of public transport and the Development's proximity to Hulme District Centre and Manchester City Centre the proposed car parking allocation is acceptable in principle.
- It is noted that due to the high level of car parking on Quinney Crescent, sight lines from the Development car park may be impacted. To ensure sight lines are kept clear it is recommended that the Applicant funds some additional TROs. This will be via a S278 agreement with the Highway Authority.
- No detail is provided other than bins are stored in the car park. It is expected that arrangements for waste storage/collection are as existing and will not be impacted by the addition of 4 additional apartments.
- It is noted that some cycle parking is proposed but limited detail has been provided with the application.
- It is recommended that dropped kerbs and tactile paving is installed across the vehicle access points,
- It is unclear if there is a travel plan for the development.
- A Construction Management Plan should be provided
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Flood Risk Management

The applicant should design and construct a drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

Issues

In order to qualify for prior approval the application needs to meet the criteria set out in Class A Part 20 of the GPDO (As amended)

-Class A says development is permitted for “consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats” This application relates to a part three, part four part five storey development and the proposed extension sits on the three storey element and is not therefore above the topmost floor consequently Prior approval is required.

In terms of the other criteria referred to in Class A

- Was the current use of the building as dwellinghouses only granted by virtue of permitted development rights under Schedule 1, part 3, Class M, N, q P, PA or Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)?
No Planning permission was granted for a new build flat development in October 2003 reference 067922/FO/2003/S1

- Above ground level, is the current building less than 3 storeys in height?
No

- Was the current building constructed between 1 July 1948 and 5 March 2018?

Yes

- Will the proposed additional storeys only be constructed on the principal part of the building (i.e. the main part of the building excluding any front, side or rear extension of a lower height, whether this forms part of the original building or a subsequent addition)?

Yes

- Would the floor to ceiling height measured internally, of any proposed additional storey exceed:

3 metres; or the floor to ceiling height, measured internally, of any existing storey of the principal part of the existing building.

No

- Will all the proposed new dwelling houses be flats (i.e. separate and self-contained premises constructed for use for the purposes of a dwelling house), have gross internal floor areas of at least 37 square metres and comply with the nationally described space standard?

Yes, each of the flats has a floor area of 64.5 square metres.

- Would the proposed extended building's:

height exceed 30 metres (as measured from ground level to the highest part of the roof, not including plant); or roof be more than 7 metres higher than the highest part of the existing roof (not including plant, in each case))

No

- Will any proposed engineering operations reasonably necessary to construct the additional storeys and new dwelling houses include:

- provision of visible support structures on or attached to the exterior of the building upon completion of the development or

- anything other than work within the existing curtilage of the building to strengthen existing walls; strengthen existing foundations; or install or replace water, drainage, electricity, gas or other services;

No

- Will any work for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwelling houses include:

- Installation of plant where none currently exists; or

- Increasing the height of any installed plant (i.e. as measured before and after from the lowest surface of the roof on the principal part of the building)

No

- Will any work for the construction of appropriate and safe access to and egress from the new and existing dwelling houses (including means of escape from fire, via additional external doors or external staircases) extend beyond the curtilage of the existing building?

No

- Will any work for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwelling houses:

- extend beyond the curtilage of the existing building;

- be situated on land forward of a wall forming the principal elevation of the existing building; or

- be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building

No, refuse will be store within the curtilage of the site on the Quinney Crescent elevation

- Is any part of the land or site on which the building is located:

- article 2(3) land;
- a site of special scientific interest
- a listed building or land within its curtilage;
- a scheduled monument or land within its curtilage;
- a safety hazard area;
- a military explosives storage area; or
- within 3 kilometres of the perimeter of an aerodrome

No

- Following the development, will every dwelling house in the building remain in use within Use Class C3 and for no other purpose, unless that purpose is ancillary to the primary use as a dwelling house?

Yes

-The applicant has indicated that there will be no highway impacts from the proposed development. This is supported by Highways in general although they are concerned about the parking of cars on Qiney Crescent obstructing the access points and recommend a TRO through a s278 agreement.

-The applicant has indicated that there will be no air traffic or defence implications from the development.

-There will be no contamination risks as all the works are at the third floor level.

-A flood risk assessment has been provided and raises no issues,

-The closest buildings to the site adjoin to the west, these are of a similar height and therefore there will be no overbearing impact. A side window facing these houses has been deleted from the scheme. The other nearby residential properties are across Moss Lane East. It is not anticipated that there would be any significant overlooking or loss of privacy.

-There are no protected views.

-The building does not meet the 18 metre high threshold for a fire safety report. The building is approximately 14 metres from ground level to the top of the plant rooms.

-A list of other properties within the development have been provided.

Conclusion

The proposed development fails to meet the criteria set out in Class A of part 20 of Schedule 2 of the GPDO (As amended)

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: Refuse
Article 35 Declaration

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

1) Having considered the following documents;
Application form received 4 August 2021
21.004(2-)003 revision A received 20 September 2021
21.004(2-)004 received 1 June 2021
Poplar Court parking arrangement received 24 September 2021
Amenity Proximities received 24 September 2021
List of other premises and flats in the property received 4 August 2021
Transport Commentary received 21 September 2021

It is considered that the proposed development fails to meet the requirements of Part 20, Class A of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 as the proposed flats would not be on the topmost existing residential storey.

Appendix 1 – List of consultees & neighbours notified

Highway Services
MCC Flood Risk Management
Environment Agency

154 Moss Lane East, Manchester, M16 7DH
152 Moss Lane East, Manchester, M16 7DH
150 Moss Lane East, Manchester, M16 7DH
148 Moss Lane East, Manchester, M16 7DH
146 Moss Lane East, Manchester, M16 7DH
144 Moss Lane East, Manchester, M16 7DH
Flat 1, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 2, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 3, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 4, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 5, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 6, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 7, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 8, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 9, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 10, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 11, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 12, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 13, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 14, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
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Flat 26, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 27, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 28, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 29, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 30, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 31, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 32, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 33, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH
Flat 34, Poplar Court, 156 Moss Lane East, Manchester, M16 7DH

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
Flood Zones Type 2 (low to medium risk) -

Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH