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Manchester City Council
Planning Department
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By Planning Portal
30 November 2017 let.001..AH.27650001
PP-06510429

Dear Sir/Madam

141 KENYON LANE, MOSTON, MANCHESTER

On behalf of our client, Kayber Court Investments Limited, we submit a planning application under Section 73 of the Town and Country Planning Act to vary condition 7 and 10 of planning permission ref. 084337/FO/2007/N1 (approved 18 January 2008) which was for the following development:

"Erection of part 3, part 4 storey building to comprise 22 no. x 2 bedroom apartments including ancillary landscaping and car parking".

The development was largely constructed in 2008 before the developer went into administration. Further refurbishment work started in August 2017 to complete the development. It has come to the new owner's attention that the property has not been built out fully in accordance with the approved plans (ref. 084337/FO/2007/N1). This application therefore seeks to retrospectively amend the planning permission so that the building, as currently built, is fully lawful.

As such, this application retrospectively seeks to substitute the approved recon stone lintels with a brick solider course and to replace the approved rear balconies with Juliet balconies (as built out). Both changes have already been implemented during the construction. This application seeks to regularise these amendments.

Along with this covering letter, this application is supported by:

- Signed application forms and certificates, prepared by Indigo Planning;
- Plans (prepared by Willacy Horsewood Architects), including:
    - Proposed Site Plan (Ref. 845-01 rev G);
    - Proposed Ground/First Floor Plans (Ref. 845-03 rev F);
    - Proposed Second/Third Floor/Roof Plans (Ref. 845-04 rev E); and
    - Proposed Elevations (Ref. 845-05 rev E).

The planning application fee of £195 has been paid separately by the applicant.

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The site

The site is within a residential area of Moston, Manchester. It is bound to the north, east and west by existing residential development and to the south by Kenyon Lane.

The site is highly accessible with excellent public transport links to and from the centre of Manchester and is in close proximity to Oldham Road and the M60.

Access to the apartment block is gained from the existing access point off Kenyon Lane. Access to the car parking area will be gained by travelling beneath the apartment block to the rear of the development. The approved scheme provides 100% parking (22 spaces). Two of which are reserved for disabled use.

Planning History

Historically, the site was in use as Moston Sports and Social Club and car park, which was vacant for several years in the early 2000's. In June 2004, an outline application for erection of three storey residential apartment block was approved (Ref: 070992/OO/2004/N1).

In January 2008, a full planning application was approved for the erection of part 3, part 4 storey building to comprise 22 no. x 2 bedroom apartments including ancillary landscaping and car parking (Ref: 084337/FO/2007/N1).

In April 2008, an application for the variation of condition 2 of Ref: 084337/FO/2007/N1 was approved which allowed a lower level of sustainable rating to that previously approved (Ref: 086197/JO/2008/N1).

The proposal

This S73 application seeks to:

1. Amend the approved materials (which were subject to written approval under condition 7 of planning application ref: 084337/FO/2007/N1) to change the materials of the external elevations from recon stone lintels to brick solider course; and

2. Amend condition 10 of planning application ref: 084337/FO/2007/N1 to include updated plans showing the Juliet balconies instead of balconies.

Condition 7 wording

"No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council *as local planning authority".*

Amend condition wording to the following:

"The external elevations of the development shall be built with a brick solider course. Thereafter, the approved scheme shall be retained in accordance with the *approved details".*

The approved materials to be used on all external elevations are recon stone lintels. The building has been built out with a brick solider course. This application seeks to regularise this amendment.

Condition 10 wording

*"The development hereby appro*ved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: 845-01F and O3E received 11 January 2008, 04D,05 D received on 31/08/07 and 07 received on *11 September 2007".*

Amend condition wording to the following:

*"*The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: **845-01E (Proposed Site Plan), 845-03F (Ground Floor and First Floor Plans), 845-04E (Proposed Second and Third Floor Plans and Roof Plan) and 845-*05D (Proposed Elevations)".***

This condition is amended to provide plans detailing the materials (brick solider course) as built out and Juliet balconies.

Minor material amendment

Due to the limited nature of the proposed changes to the approved application Ref: 084337/FO/2007/N1, the submission of this planning application under Section 73 of the Town and Country Planning Act 1990 (a minor material amendment) is justified.

As the principle of the development has already been agreed, we only focus on policies which are relevant to this S73 application. The proposal will finally bring the site, which has long lain empty, into residential use allowing the original approval to be implemented in order to help meet Manchester's housing needs.

Relevant Planning Policy

Manchester City Council Core Strategy (2012)

Policy H1 relates to the overall housing provision in Manchester which states approximately 60,000 new dwellings will be provided for in Manchester between 2009 and 2027. Policy H3 highlights that North Manchester will accommodate around 20% of new residential development. Approval of this S73 application will mean the residential units will be lawful and can be sold to occupiers, thus bringing the approved 22 residential units into use and contributing towards the required

housing provision.

Policy H1 requires all proposals to make provision for appropriate useable amenity space, including in high density development (which could be in the form of balconies). The approved scheme did featured balconies; however, the approved balconies were not implemented. This S73 application retrospectively proposes to replace the balconies with Juliet balconies (which have already been implemented). Although the scheme will not offer the same level of external amenity space as the approved balconies would, Juliet balconies are a common feature in many modern apartment buildings within Manchester. The approved balconies were not large, with the site having a dedicated outdoor amenity area for all occupiers.

Whilst the Juliet balconies do not add any additional external space to the apartment, the Juliet balconies will offer the same level of brightness and light to travel into the apartments, to the same extent a balcony would. The Juliet balconies will not lead to a loss of sunlight, daylight, outlook or privacy.

The site benefits from a significant area (482 m^2) of external amenity space to the north (rear) of the apartments. This will be a useable area of external amenity space for all residents to enjoy. The area of external amenity space is sufficient for to meet the level of amenity required by Core Strategy Policy H1.

Summary

We look forward to receiving confirmation that this application has been validated. However, if in the meantime, you require any further information, please don't hesitate to contact me.

Yours faithfully



Emer Cunningham

Enc: As listed