

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140070/FO/2024

Date registered valid: 30 July 2024

Proposal: Creation of ground floor management suite, and change of use of first floor from offices (Class E) to a create 1 apartment (Class Sui Generis).

Address: Chancellors Court, Moseley Road, Manchester, M14 6ZU

Ward(s): Fallowfield Ward

Applicant: Mr Augustus Clode Red Brick I (GP) Ltd & Red Brick I Nominee Ltd

Agent (if any): Mr Jimmy Lennon, MHA Architects

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 October 2024

Application details

Type of application: Full Application Consent

Development type: Minor Office

Date of site visit: 19 August 2024

Standard consultations:

Printed: 7 August 2024 Expired: 29 August 2024

Neighbour notifications

Printed: 7 August 2024 Expired: 29 August 2024

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/area

The application property relates to an existing vacant retail unit (ground and first floors) within Chancellor's Court, which is a purpose-built student accommodation development with managed rental tenancies.

The existing building is 3 storeys with a mix of red and buff brick walls, pitched tiled roof and white PVC framed windows. The corner addressing the Mosely Road / Balmoral Road Junction includes a faceted 'circular' feature bay at first and second floor levels, with a single-storey projecting glazed feature at ground floor level. To the front of the application site (unit) is a small fenced forecourt which is hard landscaped with block paving and gravel.

The site is located approximately 3.5 miles South of Manchester City Centre, in the Fallowfield area. This area is characterised by a high student population, and is home to the University of Manchester Fallowfield Campus. The application property is surrounded by other PBSA, Armitage Sports Centre due north east, terraced housing to the east and south and Fallowfield District Centre due west.



Figure.1 Application property viewed from Balmoral Road



Figure.2 Application property viewed from Mosely Road

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant seeks consent for the change of use of an existing two storey office (Class E) to a create 1 x 2-bedroom apartment at first floor (Class Sui Generis) and creation of a ground floor management suite (Class E).

No external alterations are proposed to the property. Replacement advertisement is referenced in the Design & Access Statement which would require separate Advertisement Consent.

The site originally comprised a retail unit at ground floor and residential apartment at first floor, though was converted into a two storey retail unit under plan ref 056872/FO/CENTL1/99. This application seeks to reinstate residential at first floor level, which requires planning permission.

Consultations & Notification Responses

Local responses

None

Consultee responses

Highway Services – No objections.

Environmental Health – No objections, subject to conditions relating to waste management and residential sound insulation and overheating.

Relevant Planning History

At the application site –

046838/FO/CENTL2/94 – Erection of 71 flats including a management office in six 3/4 storey blocks following demolition of existing buildings. Approved 20.04.1995.

056872/FO/CENTL1/99 – Conversion of first floor flat into offices and formation of new entrance on Mosley Road. Approved 23.09.1999. *Implemented*.

060899/AO/NORTH2/00 – Internally illuminated free standing individual letter name sign. Withdrawn 20.02.2001.

112175/AOH/2016/N2 – Retention of 3 non illuminated banner signs affixed to railings fronting Moseley Road and Ladybarn Lane. Withdrawn 18.07.2016.

History of negotiations

No negotiations were entered into with the agent, given that the scheme was considered policy compliant.

Local Planning Policies

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The PfE Plan and its policies are now a material planning consideration in the determination of planning applications. The PfE Plan and its policies must therefore be given full weight in the planning balance.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary

Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Places for Everyone** policies for this application are as follows:

JP-S1 – Sustainable Development
JP-P1 – Sustainable Places

The relevant **Core Strategy** policies for this application are as follows:

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
EC 2 – Existing Employment Space
H 1 – Overall Housing Provision (partially superseded by PfE)
H 6 – South Manchester
T 2 – Accessible areas of opportunity and need
EN 1 – Design Principles and Strategic Character Areas
EN 19 – Waste

The relevant saved **UDP** policies for this application are:

DC5 – Flat Conversions
DC14 – Shop Fronts and Related Signs
DC26 – Development and Noise

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

National Planning Policy Framework

The NPPF (2023) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places

Issues

Principle of development:

The retention of a ground floor retail unit (Class E) creation of a 2-bedroom flat (Sui Generis) at first floor level in this instance, having regard to the former planning history of the site, context within an existing PBSA and scale, is considered an acceptable scheme, by means of achieving the regeneration objective and the meets the above policies in this particular case. It is therefore considered that the principle of use is acceptable.

Impact on residential amenity:

The upper floor of the application property was previously in use as office space (Class E), and so this proposal would undoubtedly lead to an increase in activity at the site, through the creation of a new 2-bedroom apartment (Sui Generis). It is acknowledged that this upper floor space formerly constituted as an apartment pre-1999, before conversion to office space. As such, this re-establishment of a residential apartment at this location is therefore not considered to significantly impact upon the amenity of surrounding residents of the PBSA.

The proposed apartment (2 bedroom, 4 persons as shown on the submitted floor plan) would have a gross internal floor area of approx. 84sqm, this is considered compliant with Manchester's Emerging Space Standards and NDSS.

The scheme does not involve any elevational alterations. The impact of the development, on surrounding occupiers, would therefore be no different to the existing situation in relation to overlooking and loss of privacy. It is not therefore considered that the proposal would result in any adverse privacy implications, for existing or future occupiers and, overall, the proposals are not considered to have a detrimental impact on the residential amenity of existing residents in this area. As the scheme relates to the creation of a flat at first floor, if any additional windows are required in the future, consent would be required for their installation.

Impact on visual amenity and the streetscene:

No external alterations are proposed, therefore it is considered that the proposal would not detract from the character and appearance of the streetscene or adversely affect the appearance of the existing property or visual amenity within the area and is therefore considered to be acceptable.

Highways:

Highway Services have reviewed the proposal and makes the following commentary:

The proposal is to refurbish the ground floor (circa 94sqm) to become a management suite to serve the local rented student accommodation. The suite will provide 1no.meeting/waiting room, 1no. office, 1no. reception and 1no. parcel cupboard.

The first floor will become a 2-bed 4person apartment (circa 86sqm) for student rental.

In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

No car parking spaces are proposed as part of the application. However, it is noted that there is a private courtyard car park available for residents of Chancellor's Court.

The agent has clarified via email (dated 25/09/2024) that the PBSA affords 70 private car parking spaces and 3 large secure bike stores on site. The proposed staff parking will be located next to Lowery House, where the office is located, with 7 allocated spaces.

It is noted that deliveries to the site are expected to be only office deliveries for consumables and tenants of the PBSA will receive deliveries directly. Deliveries will be made via the private courtyard within the Chancellors Court. Based on the further information received from the applicant a brief Service Management Strategy is no longer required.

As such, the proposed development would not pedestrian and harm highway safety, therefore is considered acceptable in this regard.

Other matters:

Waste Management

The application is accompanied by a Waste Management Strategy and adequate bin storage facilities are provided within the curtilage of the property. These proposals are considered to be acceptable. Given the observations from Environmental Health, it is recommended that a condition be attached based on the submitted waste management strategy and proforma.

Accessibility

It is noted in the submitted Design & Access that the door threshold has an existing c.50mm step which will be rendered flush by minor alteration as part of the project to allow wheelchair user access. The main entrance door is sufficiently wide to accommodate wheelchair users. This is welcomed and will provide level access into the proposed management suite.

Noise

There will be some potential for noise disturbance, to occupiers of the proposed residential accommodation, from Moseley Road, and adjoining commercial use at ground floor. As such, an acoustic insulation condition is considered to be appropriate, as recommended by Environmental Health.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan, Place for Everyone and other material considerations. In this instance no negotiations took place and the application has been determined with the attachment of appropriate conditions.

Condition(s) to be attached to decision for approval

1. 3 Year Time Limit

The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. Specified drawings and documents

The development hereby approved shall be carried out in accordance with the documents labelled:

- 'Proposed Elevations', numbered '0-008 REV P1', stamped as received by the City Council as Local Planning Authority on the 21/05/2024.
- 'Proposed Elevations', numbered '0-008 REV P1', stamped as received by the City Council as Local Planning Authority on the 21/05/2024.
- 'Proposed First Floor Plan', numbered '0-007 REV P2', stamped as received by the City Council as Local Planning Authority on the 21/05/2024.
- 'Proposed Ground Floor Plan', numbered '0-006 REV P2', stamped as received by the City Council as Local Planning Authority on the 21/05/2024.
- 'Proposed Block Plan', numbered '0-003 REV P1', stamped as received by the City Council as Local Planning Authority on the 21/05/2024.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

3. Residential sound insulation AND overheating

- a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Moseley Road and the ground floor Management Suite shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. Any necessary scheme to address overheating shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved:

- Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 15 times)
- Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

- b) Prior to first occupation of the first floor residential unit, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance and to reduce the potential for overheating, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4. Refuse management

The development hereby approved shall only be implemented in accordance with the waste management details shown in the submitted Waste Management Strategy and accompanying waste management pro forma, received by the City Council as Local Planning Authority on 30 July 2024. The approved waste scheme shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat 15 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 14 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 5 Rylands House, Chancellors Court, Moseley Road, Manchester, M14 6ZU
Room 2 Flat 15, Lowry House Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 13 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Room 5 Flat 9, Rylands House Chancellors Court, Moseley Road, Manchester, M14 6ZU
11A Balmoral Road, Manchester, M14 6WG
7 Balmoral Road, Manchester, M14 6WG
17 Balmoral Road, Manchester, M14 6WG
Flat 7 Rylands House, Chancellors Court, Moseley Road, Manchester, M14 6ZU
Flat 9 Rylands House, Chancellors Court, Moseley Road, Manchester, M14 6ZU
Flat 4 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 8 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
3 Balmoral Road, Manchester, M14 6WG
Flat 6 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 2 Rylands House, Chancellors Court, Moseley Road, Manchester, M14 6ZU
Flat 8 Rylands House, Chancellors Court, Moseley Road, Manchester, M14 6ZU
11B Balmoral Road, Manchester, M14 6WG
5 Balmoral Road, Manchester, M14 6WG
1 Balmoral Road, Manchester, M14 6WG
Flat 1 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 16 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 10 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
9 Balmoral Road, Manchester, M14 6WG
Flat 7 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Top Flat, 23 Balmoral Road, Manchester, M14 6WG
21 Balmoral Road, Manchester, M14 6WG
Flat 2 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 11 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
15 Balmoral Road, Manchester, M14 6WG
13A Balmoral Road, Manchester, M14 6WG
23A Balmoral Road, Manchester, M14 6WG
Flat 3 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 4 Rylands House, Chancellors Court, Moseley Road, Manchester, M14 6ZU
Flat 6 Rylands House, Chancellors Court, Moseley Road, Manchester, M14 6ZU
Flat 3 Rylands House, Chancellors Court, Moseley Road, Manchester, M14 6ZU
Room 3 Flat 8, Rylands House Chancellors Court, Moseley Road, Manchester, M14 6ZU
Flat 9 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 12 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 5 Lowry House, Chancellors Court, Moseley Road, Manchester, M14 6ZT
Flat 1 Rylands House, Chancellors Court, Moseley Road, Manchester, M14 6ZU
19 Balmoral Road, Manchester, M14 6WG

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

Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Moseley Road/Ladybarn Lane)

Area Team Boundary - Name: SOUTH AREA