MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137096/FO/2023
Date registered valid:	31 May 2023
Proposal:	Conversion of basement into a self-contained one-bedroom flat, provision of light-wells to the front and rear and associated elevational alterations
Address:	57 Albany Road, Manchester, M21 0BH
Ward(s):	Chorlton Ward
Applicant:	Mr Owais Ahmed Siddiqi
Agent (if any):	Mr Nadir Khan, NK Architects
Case officer:	Joshua Lee Tel: 0161 219 2851 Email: joshua.lee@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**31/08/2023**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 14/06/2023

Standard consultations:

Highway Services: Printed: 7 June 2023 Received: 23 June 2023

Environmental Health: Printed: 7 June 2023 Received: 26 June 2023

Chorlton Voice Residents Assoc: Printed: 7 June 2023 Expired: 28 June 2023

Neighbour notifications

Printed: 7 June 2023 Expired: 03 July 2023

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

Proposal relates to a large semi-detached 3 storey property on Albany Road. The property currently is in use as 3no separate dwellings. The property features an existing 2 storey outrigger to the rear. The property features no car parking and small landscaping to the front and rear with refuse storage to the front. The property is the last on the row in this 3-storey design and borders an adopted highways alleyway with secured gate. The applicant has served a Certificate B to the owner of the building.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable



Figure 1. Street Scene



Figure 2. Rear Elevation



Figure 3. Proposed Access.



Figure 4. Shared garden

Description of area

The property is in a mixed residential/commercial/industrial area of the Chorlton Ward of Manchester. Directly opposite the property is the Albany Road Trading Estate, a small trading estate with multiple business occupants. To the rear of the property is residential. At the southern end of Albany Road on the junction with Wilbraham Road, is a Morrisons supermarket and Chorlton Metrolink station.



Description of development

Conversion of basement into a self-contained one-bedroom flat, provision of light-wells to the front and rear and associated elevational alterations.

The applicant is proposing the conversion of an existing basement into residential accommodation.

Most of the works are internal with minimal elevational changes.

The main internal change is the lowering of the basement floor by 500m with the existing wall to be underpinned with a new foundation. This would create an internal ceiling height of 2400mm.

Other internal changes include the reconfiguring of the internal walls to create new rooms.

The proposal adds a front light well to the property below the existing ground floor bay window. There is an existing window which is currently bricked up which the applicant proposes to reinstate. The front light well would be 2600mm from ground level to basement height and sit approx. 455mm from the front elevation.

The proposal adds a rear light well to the property. The rear light well would be 2600mm from ground level to basement height and sit approx. 800mm from the rear elevation.

The proposed access to the property is a side entrance from a highway adopted alleyway access by a secure gate (090507/VO/2009/S1)

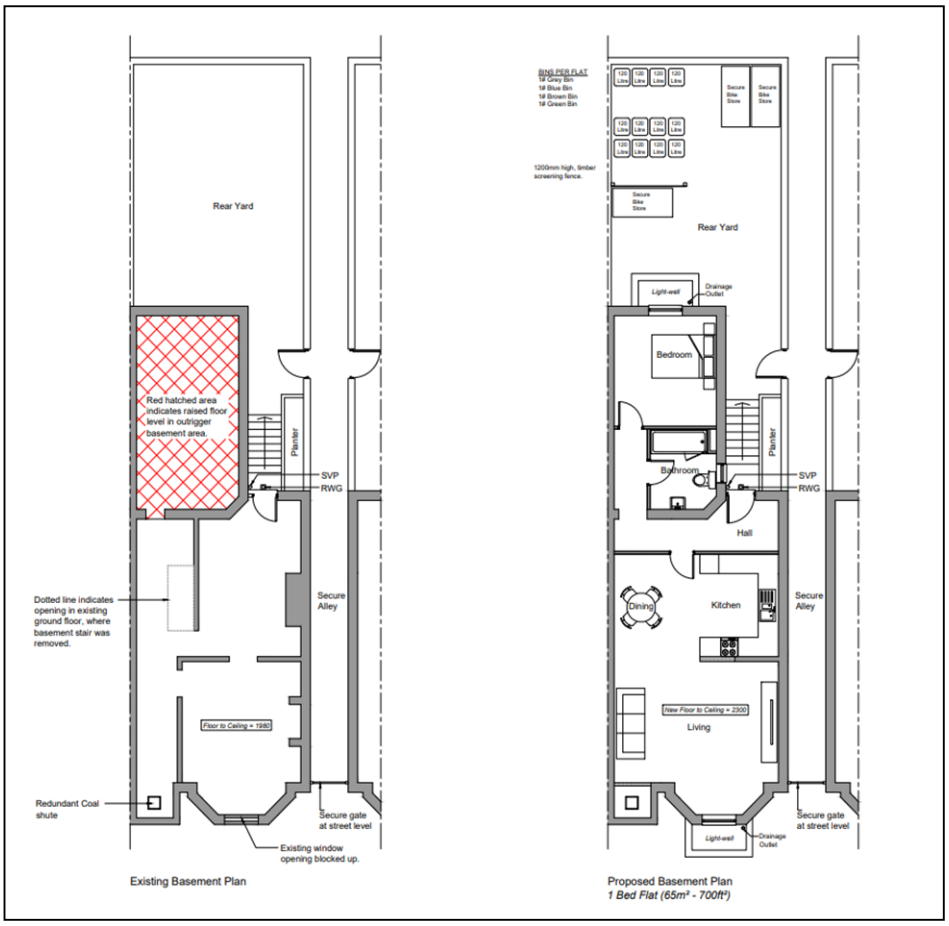


Figure 5. Existing and Proposed Floor Plans

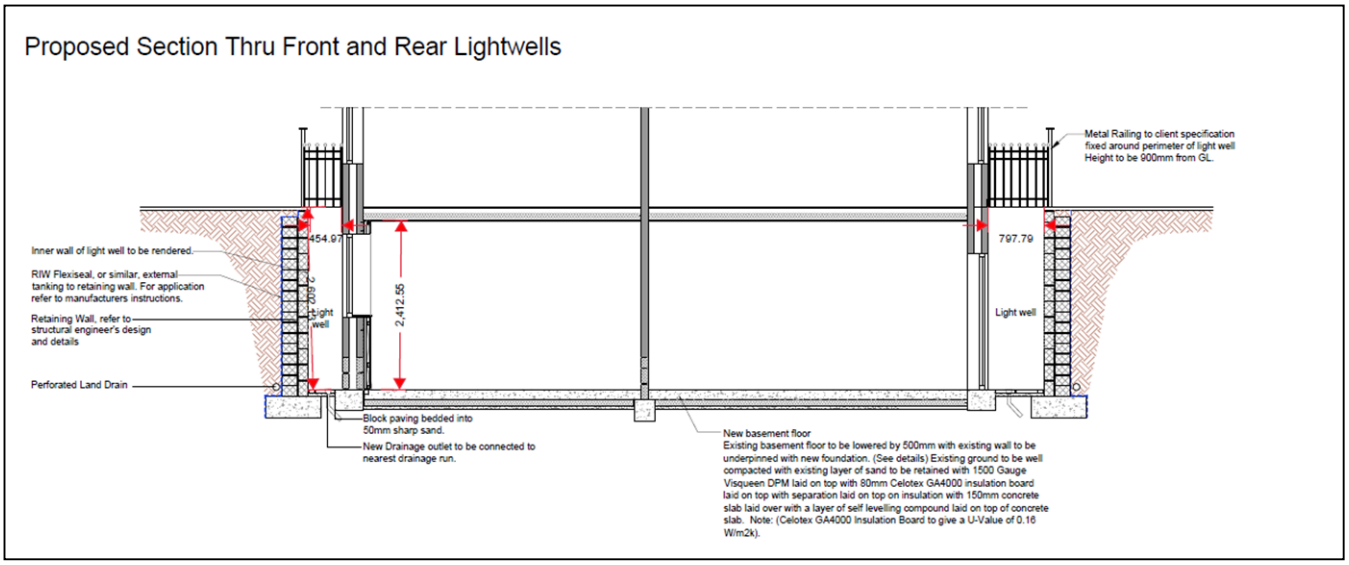


Figure 6. Lightwell cross section



Figure 7. Existing and Proposed Elevations

Planning History

090507/VO/2009/S1

CITY COUNCIL DEVELOPMENT Installation of 2.4-metre-high railings and metal gates to alleyways

Decision: Approved 19/08/2009

F07944

Conversion of dwellinghouse into 3 self-contained flats.

Approved: 01/03/1978

Consultations & Notification Responses

Consultations

Manchester City Council Highway Services

As per Appendix 1, Manchester Highway Services were notified of the proposal.

Highways services are generally accepting of the proposal.

Manchester City Council Environmental Health

As per Appendix 1, Manchester Environmental Health were notified of the proposal.

Manchester Environmental Health are generally accepting of the proposal.

Notifications

Residents

As per Appendix 1, Occupiers of properties surrounding the application site were notified of the proposal.

1no objection was received from a neighbouring resident. They highlighted the following issues

- Heavily congested road and lack of parking for residents and the exacerbation of the problem caused by this proposed development
- Concern on the side access to the property from the secured alleyway
- Concern around the planned cycle and bin storage on shared land

There was also an informative note from the owner of the building that the applicant will be required to ascertain permission from the ownership company to undertake works to shared areas. The applicant has provided a Certificate B confirming they have notified the owner as required.

These issues have been taken into consideration and balances with the development management policies below.

Residents Associations

As per Appendix 1, Chorlton Voice residents association were notified of the proposal.

No comments, objections, or representations in respect of this application was received.

Negotiations

Issues have arisen in the consultation phase.

The main access/egress to the proposed basement dwelling is through a secure side access.

To ensure the security of the area and potential resident security the city council wouldn't accept the side access.

The applicant provided a scheme with a front access with a sunken entrance in addition to the rear access which the city council do not support as the sunken entrance would create a safety risk for potential occupants and is counter to the council's approach to new basement access.

The officer recommended that entrance to the new dwelling be through shared access on the ground floor as seen on other schemes of this type. The applicant stated this was unavailable.

The officer and applicant tried to negotiate an acceptable scheme however the applicant would prefer to continue assessment of the revised plans with entrance to the front.

Updated proposed development.

The updated proposed development retains the rear access of the property as a secondary access and adds a basement level front access with sunken steps.

The new front access would create a 1690 x 800mm (1.35sqm) entrance well with a right-angled access steps measuring 777mm in width.

The plans keep the changes to the rear and rear access.

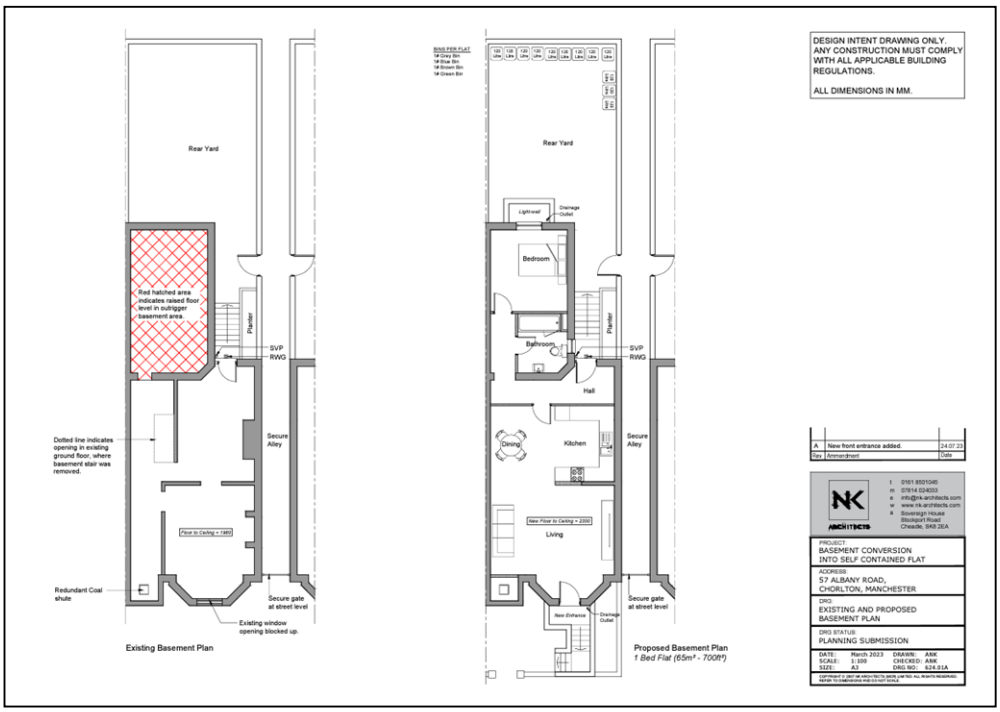


Figure 8. Updated floor plans



Figure 9. Updated elevations

Consultations & Notification Responses to updated proposed development.

Following the previous consultation and negotiation of a new scheme layout these plans were resubmitted to the same consultees for 21 days.

Greater Manchester Police have also been consulted to provide comment on the access arrangements.

Consultations

Manchester City Council Highway Services

As per Appendix 1, Manchester Highway Services were notified of the updated proposal.

Highways services are generally accepting of the updated proposal.

They have added an extra comment regarding basement excavations. Structural drawings and calculations for the temporary and permanent support works must be submitted for checking (for a fee) to MCC Bridges/Structures Section.

Manchester City Council Environmental Health

As per Appendix 1, Manchester Environmental Health were notified of the proposal.

Manchester Environmental Health had no further comments to make on the updated scheme.

Greater Manchester Police Design for Security

Greater Manchester Police were consulted on the updated proposal.

The Design for Security team had concerns on the basement access to flats and apartments preferring access from ground level. They suggested conditions which could be attached to negate some concerns raised.

Notifications

Residents

As per Appendix 1, Occupiers of properties surrounding the application site were notified of the updated proposal.

1no neighbour objected to the updated proposal with comments concerning.

- Leasehold/management concerns on stakeholder engagement
- Concerns on structural alterations to basement
- Concerns that work begun on the basement causing safety issues including a fire.

These issues have been taken into consideration and balances with the development management policies below.

Residents Associations

As per Appendix 1, Chorlton Voice residents association were notified of the proposal.

No comments, objections, or representations in respect of this application was received.

Policies & Principle

Summary of relevant policy

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The following policies are considered relevant in the consideration of this application.

- The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key document in the Manchester Local Plan. It sets the out the long-term strategic policies for Manchester's future development and forms the framework that planning applications are assessed against. The following Core Strategy Policies are considered relevant to this proposal:
    - DM 1 - Development Management
    - SP 1 - Spatial Principles
- Extant Unitary Development Plan Policies (UDP) - The Core Strategy replaced much of the UDP, but some UDP Development Control policies are extant (remain). The following extant policy are still considered relevant to this proposal.
    - Policy DC5 Flat Conversions
    - Policy DC26 for Development and Noise
- The National Planning Policy Framework (The NPPF) - The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, and 20 July 2021. This sets out the government's planning policies for England and how these are expected to be applied. The following sections are considered relevant to this proposal:
    - Section 4 – Decision-making
    - Section 5 – Delivering a sufficient supply of homes
    - Section 12 – Achieving well-designed places

Principle of development

In this instance the principle of the proposal is considered unacceptable, as there are factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposed development is deemed to oppose relevant policy of the Manchester Core Strategy, Extant UDP and the NPPF as assessed in the following sections of this report.

The Manchester Core Strategy Development Plan (2012-2027)

The proposal has been assessed against the following policies of the Core Strategy:

DM 1 – Development Management

All new developments should follow the ‘Development Principles’ and accord with the design guidance set out in the Supplementary Planning Documents.

All development should have regard to the following specific issues:

Appropriate siting, layout, scale, form, massing, materials, and detail

Conversion of basement into a self-contained one-bedroom flat, provision of a light-well to the front and rear and associated elevational alterations.

Most of the works are internal to the property. The external works include installing a lightwell and new front and rear access.

The proposed lightwell to the rear would be the only source of natural light to the property causing harm to the future occupants.

The proposal creates 1 no. new access and egress to the property and maintains an existing rear access.

The proposal creates a new entry to the building through a front sunken basement entrance.

The proposal creates a small entrance well and narrow steps. This access creates unnecessary risk for potential tenants and is counter to the council’s approach to basement access.

The proposal also repurposes an entry to the building through a rear sunken entrance which would be accessed from a secure alleyway with a gating pack installed in 2009.

Overall, it is considered that the proposed development does not have appropriate siting, layout, scale, form, massing, materials, and detail and is therefore in opposition to the development management principle.

Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development. Development should have regard to the character of the surrounding area.

The proposal creates a new entry to the building through a front sunken basement entrance. This alters the character of the building by adding a sunken access to the front and alters the character of the street scene.

GMP Design for Security have raised some concerns with the basement access to flats and apartments preferring access from ground level. Whilst there comments are generally unsupportive it is considered that appropriately worded conditions could be used to deal with the matters that they raise, if the proposals were able to be supported.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

The proposal features only 1no lightwell, with the front lightwell being used as a new access with provision for a door only.

It is considered that the lack of natural light to the residential accommodation would cause harm to future occupants of the proposed dwelling, given the relative low ceiling heights depth of rooms and lack of windows.

Given that the proposed development is resultant in 1no. additional residential dwelling, the number of vehicular trips associated with site is expected to be minimal. It is therefore accepted that the adjacent highway network can facilitate such additional operational capacity demands.
It is also of note the external rear space is a shared amenity space used by other dwellings within the property and is shown as the bin store. Given the proposed basement conversion would have one window and door located within the rear elevation, future occupiers would be potentially impacted by activity associated with the use of this space and associated noise and comings and goings. It is considered that as the rear elevation would provide the only window to the basement this would give rise to loss of privacy both real and perceived and impacts on the amenity associated with the use of this external area.

Adequacy of internal accommodation and external amenity space.

As indicated above the proposal features 1no. lightwell with window and no other form of natural lighting creating harm to potential occupants and an inadequate standard of accommodation. Given the relative ceiling heights and depth of the building the provision of one bedroom window is not considered to be acceptable given the size of the proposed flat and would provide a poor standard of accommodation.

Refuse storage and collection.

The applicant has provided a waste management strategy and a waste management site plan for consideration.

Designated refuse storage within the curtilage of the site is provided with kerbside collection to continue as existing.

The waste management strategy for the proposal has been approved by Environmental Health.

The proposal is in accordance with this development management principle.

Vehicular access and car parking

No on-site parking provision is proposed, which is in alignment with the majority of surrounding residential properties in the vicinity of the site. Given the accessible site location, additional parking demand associated with the addition of 1no. dwellings is anticipated to be minimal.

Submitted plans show provision of 3no. sheltered cycle stands within the rear yard area, accessed from the existing alleyways to the side and rear of the property. The proposed cycle parking will cater for both the proposed basement flat and the 2no. flats currently accommodated at the property. This level of cycle parking provision is welcomed.

The property sits close to Chorlton Metrolink station as well as multiple bus services helping reduce the need for vehicle parking.

The proposal is in opposition with this development management principle.

Effects relating to biodiversity, landscape, archaeological or built heritage

The proposal site does not sit in a Conservation Area.

On balance the proposal has negligible effect on local biodiversity, landscape, archaeological or built heritage.

Green Infrastructure including open space, both public and private

The proposal has negligible impact on green infrastructure and balances development with existing green space.

Flood risk and drainage.

The site does not sit in a flood risk area and therefore no flood statement or assessment was required.

SP 1 - Spatial Principles

The policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should ‘make a positive contribution to neighbourhoods of choice’.

This policy has been considered within Policy DM 1 of the Core Strategy and the proposal is considered to be contrary to this policy for the reasons set out above.

H 1 – Overall Housing Provision

This policy outlines the overall strategy for housing provision in Manchester and development targets to achieve the strategic objective to provide for a significant increase in high quality housing provision at sustainable locations throughout the City, to both address demographic needs and to support economic growth.

This policy has been considered within Policy DM 1 of the Core Strategy and the proposal is considered to be contrary to this policy for the reasons set out above.

Extant Unitary Development Policies (UDP)

The Core Strategy replaced much of the UDP, but some UDP policies are extant (remain) and are relevant to this proposal.

Policy DC5 Flat Conversions

This policy outlines the considerations for conversion of premises to flats and includes amongst other things, the standard of accommodation for the intended occupiers of the premises. As set out in preceding sections of this report the proposals are not considered to provide for adequate standard of accommodation due to the lack of natural daylight that would be afforded to future occupiers.

Policy DC26. Development and Noise

This policy outlines the key issues to reduce the impact of noise on people living and working in, or visiting, the City.

As set out above the relationship of the proposed dwelling to communal external amenity space and bin store is considered to give rise to unacceptable impacts on future occupiers by reason of general noise and activity associated with the use of this space.

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 polices 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.

Conclusion

The proposal is considered unacceptable in this location most notably due to the inadequacy of internal accommodation and the impact arising from the communal use of the external amenity space and its relationship to the proposed dwelling. For the above reasons, the proposal will have a detrimental impact and is therefore contrary to policies DM 1, SP 1, H 1, H 6 and EN 1 of

the Manchester Core Strategy, saved policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester, and Section 12 of the National Planning Policy Framework.

Recommendation: Refuse

Article 35 Declaration

Officers have collaborated with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Issues have arisen during the consideration of this application and the officer negotiated with the applicant and consultees but were unable to reach a satisfactory conclusion.

Reasons for recommendation to refuse.

1. **Inadequacy of internal accommodation**

   The application proposals fail to provide adequate levels of natural light, given the limited numbers of windows serving the proposed property which would give rise to a poor standard of living accommodation for future occupiers and an inadequate residential accommodation contrary to policies DM1, SP1, H1, H6 and EN1 of the Manchester Core Strategy and Section 12 of the National Planning Policy Framework.

2. **Impact on external amenity space**

   The relationship of the proposed residential accommodation to the rear shared communal space and bin store area that would be in use by other dwellings within the property would give rise to unacceptable impacts on future occupiers of the proposed basement by reason of the comings and goings and other activity contrary to policies DM 1, and SP1 of the Manchester Core Strategy, saved policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester, and Section 12 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice
Greater Manchester Police, Design for Security

Flat 1, 57 Albany Road, Manchester, M21 0BH
63 Albany Road, Manchester, M21 0BH
61 Albany Road, Manchester, M21 0BH
59 Albany Road, Manchester, M21 0BH
53 Albany Road, Manchester, M21 0BH
58 Keppel Road, Manchester, M21 0BW
Flat 2, 55 Albany Road, Manchester, M21 0BH
Flat 1, 55 Albany Road, Manchester, M21 0BH
52 Keppel Road, Manchester, M21 0BW
4B Albany Road, Manchester, M21 0AW
Flat 4, 54 Keppel Road, Manchester, M21 0BW
Flat 3, 57 Albany Road, Manchester, M21 0BH
Flat 3, 54 Keppel Road, Manchester, M21 0BW
Flat 2, 54 Keppel Road, Manchester, M21 0BW
Flat 1, 54 Keppel Road, Manchester, M21 0BW
Flat 3, 56 Keppel Road, Manchester, M21 0BW
Flat 2, 56 Keppel Road, Manchester, M21 0BW
Flat 1, 56 Keppel Road, Manchester, M21 0BW
Flat 2, 57 Albany Road, Manchester, M21 0BH

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
Area Team Boundary - Name: SOUTH AREA