MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137602/FO/2023
Date registered valid:	21 July 2023
Proposal:	Conversion of existing basement into a 2 bedroom apartment together with installation of light wells to front and rear with associated elevational alterations to form 4 no. apartments within the building in total
Address:	3 Oak Avenue, Manchester, M21 8BB
Ward(s):	Chorlton Park Ward
Applicant:	Mr Paul Mulrennan
Agent (if any):	Mr Drew Farren, Drew Farren Designs Ltd
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	14 September 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 14.09.2023

Standard consultations:
Printed: 28 July 2023 Expired: 18 August 2023

Neighbour notifications
Printed: 28 July 2023 Expired: 18 August 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
This application relates to a part two- part three storey semi -detached house currently let in three self- contained flats. The property has an elevated ground floor and there is a currently un-used basement. There is a small front garden and a larger rear garden linked by a narrow passage at the side of the property. The front garden is enclosed by a boundary wall with stone pillars aside of a vehicular and pedestrian access off Oak Avenue. The rear garden is accessed from down the side of the property and is enclosed by a palisade fence to the boundary with the commercial properties on Barlow Moor Road. This has been softened by tree, shrub and Ivy planted along that common boundary. The remainder of the boundaries comprise of tree and shrub planting and timber fencing.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
The property is located on the north side of Oak Avenue which is a short cul- de- sac off Barlow Moor Road. At this point Barlow Moor Road is within the District centre. Adjoining the site to the east is the other half of the semi. And there are further residential properties adjoining to the west and north and facing the site across Oak Avenue.

The remainder area comprises of commercial / retail to the road frontage along Barlow Moor Road, with the side roads off Barlow Moor Road comprising primarily of residential properties, some of which are in use as single family dwellinghouses and some subdivided into flats. The property is located within the Chorlton ward of the City.

Description of development
Consent is sought to convert the basement into a two- bed self -contained flat making four flats in total. The flat would have a floor area of approximately 70 square metres. Access to the flat would be via an internal stair, this would be reached through the primary front entrance door, as with the other three flats within the building.

To facilitate the change, it is proposed to replace the single window in the bay with three windows and a new lightwell. The side elevation remains unchanged. In the rear elevation three new windows would be installed replacing two existing windows and a door. A new lightwell would be constructed across the rear of the property.

The submitted site layout shows the parking space at the front of the property for the new flat. The existing refuse store is shown adjacent to the side of the property in the passage. A new bin store for the proposed flat is to be located in the rear garden. There would be secure cycle storage within the stairwell of the proposed apartment.

The application indicates that the proposal would result in only one additional bedroom created over what would have been created, had the previously approved application to enlarge the ground floor flat into the basement creating a duplex, been implemented.

This application under consideration is a resubmission of an identical application which was allowed on appeal ref:125375/FO/2019 the consent for which expires in October 2023. The application currently under consideration would allow a further three years to implement the proposed conversion.

Consultations & Notification Responses
Local Residents were informed- 5 representations have been received, the main points of which are as follows:
There is already a parking problem on Oak Avenue, and the introduction of a further flat may well bring with it further vehicles which will place additional pressure on parking provision. This will be exacerbated further by the recently introduced bee-network cycle scheme as this will mean the loss of two residential parking spaces at the part of the road adjacent to the proposal site, this will place additional pressure on spaces within the cul-de-sac. Additionally commercial properties on Barlow Moor Road will use Oak Avenue to park up on.

There is a driveway already with this property, and therefore there is no additional parking provision brought forward with the proposal.

The other properties that are let out in flats only have three flats in them, this would set a negative precedent. Allowing more flats will lose the sense of community we work hard to maintain.

Highways- This site is in close proximity to Chorlton District Centre and is deemed to be accessible by bus routes serving Barlow Moor Road, A6010 Wilbraham Rd, and Chorlton Metrolink Stop.
It is considered that this site is set in a sustainable location close to different modes of public transport, and local services are walkable.
The applicant has confirmed that no allocated parking has previously been provided for existing residents. As such, the proposed driveway is considered acceptable and should be constructed to MCCs minimum standards (3m x 6m) in order to ensure cars do not encroach onto the adjacent footway. Any boundary treatment in the vicinity of the driveway should be permeable from a height of 600m in order to maintain appropriate levels of pedestrian and vehicle visibility.

There is internal cycle storage proposed which is considered acceptable.

Environmental Health- No objections subject to the attachment of conditions relating to residential sound insulation and waste management.

Issues

Policy

Core Strategy

The relevant Core Strategy policies are SP1, DM1 and H11

Policy SP1 sets down the spatial principles that guide development in the City including the creation of neighbourhoods of choice.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development.

Policy H11 requires new flat developments to provide a high standard of accommodation.

Unitary Development Plan

The relevant saved UDP policy is DC5 which sets down the criteria to be considered in determining applications for flat conversions

Principle

The principle of creating additional residential accommodation in an established residential property is considered acceptable. Previous approval was granted for the introduction of additional accommodation to serve as a duplex flat for the existing ground floor flat. This provided a three- bed flat, whose access and egress points mirrored that now proposed for the additional flat. Previous applications for the creation of a 4th flat within the basement have been refused, however in October 2020 planning permission was granted on appeal for the introduction of the 4th flat. The permission expires in October 2023, and this current application would keep the principle of a consent live for a further three years. The submitted scheme is the same as that previously approved, the previously submitted reasons for refusal were dismissed by the planning inspectorate, and as such the principle of the development has been deemed approvable and therefore subject to the attachment of appropriate conditions, the principle is considered acceptable.

Use of basement

In 2007 and 2019 planning permission was granted for elevational alterations to the basement to enable its use as additional accommodation for the ground floor flat and for storage for the landlord. In these cases, the additional use of the basement was not development for which planning permission is required as no new residential units were created. It was the elevational alterations which required consent. It did however introduce additional accommodation in the form of a 3rd bedroom, large kitchen, hallway, WC and independent storage for the landlord. Whilst the amount of accommodation created is a material consideration it is not considered that the increase of the residential units by 1 additional bedroom would have so detrimental an impact upon residential amenity as to merit refusal.

On balance it is considered that the creation of an additional flat on the same plans as previously approved on appeal is considered acceptable.

Scale and Design
Whilst it is acknowledged that the original construction of the property was for a single- family household, the subdivision of the property has been accepted historically in its unchallenged conversion to 3 flats. The ground floor duplex would have resulted in accommodation providing three bedrooms, this would be changed as part of this current planning application to 2 x two - bedroom flats, an increase overall of 1 bedroom. There are no extensions required to facilitate the change and the access arrangements remain the same. Beyond the minor elevational changes there is nothing external to suggest the creation of the additional flat. It is therefore considered that the additional comings ang goings of 1 additional bedroom is not likely to adversely impact on the character of the property nor the area within which it is located.

Residential amenity
It is considered that the additional comings and goings and the general activity associated with the additional flat would be no greater than the relative number of individuals occupying three flats of which one was a duplex.
A condition requiring acoustic insulation against noise transfer between rooms would be attached to any consent granted.

Parking
This a sustainable location with good access to local shops and bus services. However, the provision of one parking space would meet the Council's current requirements for parking for the additional flat, the information is slightly misleading in that it states that there are no existing spaces and that one is to be created. However, there is clearly an existing space with a dropped kerb, which presumably could be used by an existing tenant. Notwithstanding this the majority of the other properties along Oak Avenue whether in single family occupancy or subdivided into flats do not have more than one parking space in curtilage. There are however no TRO's along Oak Avenue and the property is in a sustainable location and it is not therefore considered that this could form the basis of a reason for refusing planning permission.

Crime and Disorder.
In the previously refused schemes access to the new flat was located at the rear of the property. However, this was addressed in the previously (appealed) approved scheme and current scheme with the access being taken externally from the property frontage as are the existing flats and then the staircase leads down to the basement from internal to the building.

Conclusion
On balance it is considered that the additional flat would not result in so detrimental an impact from the additional comings and goings of 1 additional bedroom overall. The appealed refusal could still be implemented if commenced prior to the end of October 2023 which would be the fallback position.

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.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application. The application has been determined in accordance with both national and local policies and in a timely manner.

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

1) 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) The development hereby approved shall be carried out in accordance with the following drawings and documents:
01A Proposed plans, elevations and location plan received 14th July 2023.
Waste Management Strategy received 14th July 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Prior to the occupation of the development hereby approved, detailed designs of the refuse storage arrangements set out in the 01A Proposed plans, elevations and location plan received 14th July 2023. and the Waste Management Strategy received 14th July 2023, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the scheme has been implemented and shall be retained thereafter for the lifetime of the development.

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

4) Prior to the occupation of the development hereby approved, the flat shall be acoustically insulated in accordance with a sound insulation scheme submitted to and approved in writing by

the local planning authority. The scheme shall include measures to prevent noise being transmitted through party walls of adjoining properties. The approved noise insulation scheme shall be completed prior to the occupation of the development and thereafter retained for the lifetime of the development.

Reason - To secure a reduction in noise from Barlow Moor Road, and in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

6 Maple Avenue, Manchester, M21 8BD
8 Oak Avenue, Manchester, M21 8BB
7 Oak Avenue, Manchester, M21 8BB
384B Barlow Moor Road, Manchester, M21 8BF
Flat 3, 4 Oak Avenue, Manchester, M21 8BB
Flat 2, 6 Oak Avenue, Manchester, M21 8BB
Flat 2, 3 Oak Avenue, Manchester, M21 8BB
4 Maple Avenue, Manchester, M21 8BD
2 Oak Avenue, Manchester, M21 8BB
Flat 3, 5 Oak Avenue, Manchester, M21 8BB
Flat 2, 5 Oak Avenue, Manchester, M21 8BB
384C Barlow Moor Road, Manchester, M21 8BF
Flat 2, 4 Oak Avenue, Manchester, M21 8BB
Flat 1, 4 Oak Avenue, Manchester, M21 8BB
Flat 1, 6 Oak Avenue, Manchester, M21 8BB
Flat 3, 3 Oak Avenue, Manchester, M21 8BB
Flat 1, 3 Oak Avenue, Manchester, M21 8BB
Flat 3, 6 Oak Avenue, Manchester, M21 8BB
Flat 1, 5 Oak Avenue, Manchester, M21 8BB
1 Oak Avenue, Manchester, M21 8BB

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) -
Area Team Boundary - Name: SOUTH AREA