

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133187/FO/2022

Date registered valid: 11 March 2022

Proposal: Change of Use from two houses to a guest house (Use Class C1) for short-term letting

Address: 10 And 12 Bankwell Street, Manchester, M15 5LN

Ward(s): Hulme Ward

Applicant: Ms Lea Luketic, Luketic Ltd, 10 Bankwell Street, Manchester, M15 5LN

Agent (if any): Stephen Lamb, 11 Princes Road, Stockport, SK4 3NQ

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

Recommendation: Refuse

Date of recommendation: 06.05.2022

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 1 April 2022

Standard consultations:

Printed: 15 March 2022 Expired: 5 April 2022

Neighbour notifications

Printed: 15 March 2022 Expired: 5 April 2022

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 pair of modern two storey semi detached houses forming part of a City Block used in the redevelopment of Hulme. The properties were built with an integral garage and a short drive and small front garden. There are gardens to the rear that back onto a communal car park for those properties in the block without dedicated parking. The integral garages have been converted into additional living accommodation. Refuse bins are stored in the front gardens.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This site forms part of a larger residential development carried out under the auspices of the regeneration of Hulme, however, the site itself was formerly part of the Loreto College playing fields. The adjacent property to the west is a terrace of four two storey houses adjoining a three storey block of flats on the corner of Chorlton Road. To the east is a three storey block of flats. To the rear, south of the site is the car park for the City Block which caters for the properties within the block which lack an in curtilage parking space.

Facing the site across Bankwell Street is a terrace of four two storey houses with no in curtilage parking and a three storey block of flats. These properties form part of a separate City Block.

There are single yellow lines on the north side of Bankwell street, whilst outside the application site there are H bars protecting the drives and marked parking bays on the street which form part of the Hulme residents parking scheme, which limits non permit holders to a maximum of three hours within certain times.



Description of development

Consent is sought to retain the use of the properties as a short stay guest house with a residents managers flat. The submitted drawings show that you cannot move between the buildings without going outside. On the ground floor would be a 3.2 by 4 metre plus shower

room managers accommodation, a lounge/Breakfast room, a lounge three en suite bedrooms and a shower room accessed off one of the lounges. The first floor would accommodate 6 bedrooms, two en suite bedrooms and two communal bathrooms.

The two existing parking spaces will be retained. Refuse storage will remain as it present beneath a canopy in front of what was the car port.

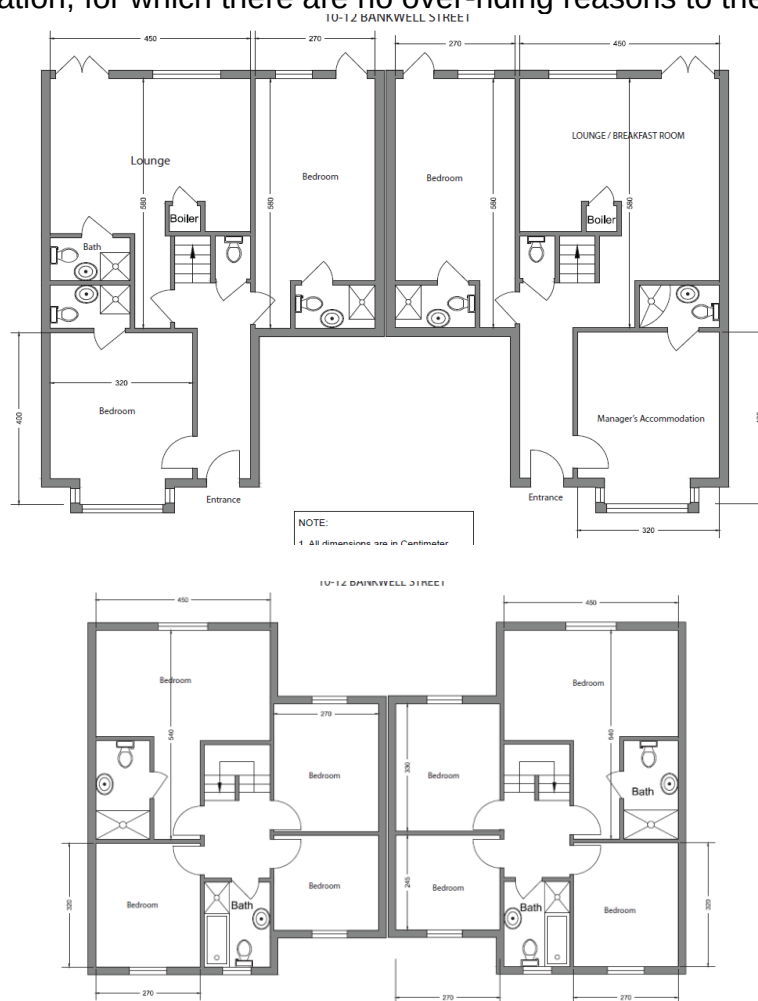
In support of the application the agent concludes in the planning statement.

“The use of these two properties provides much needed visitor accommodation close to the City Centre, as recognised by the specific Unitary Development Plan policy for this type of accommodation. Being in a highly sustainable location, visitors will not need to rely on the private car and the accommodation is advertised to encourage non-car users.

The presence of an on-site manager provides 24/7 security and surveillance which will deal with any issues arising and ensure the neighbourly operation of the guest house. As such the activity in and around the property will be controlled and will not be out of keeping with the character of the area.

The economic benefits of the proposal to the City will outweigh the loss of two dwellings, given the healthy housing land supply situation.

The proposals accord with the Council’s specific Development Control criteria, which acknowledges the need for the accommodation and provides a Development Plan presumption in favour of the application, for which there are no over-riding reasons to the contrary.”



Consultations & Notification Responses

Local Residents

Four letters have been received objecting to the proposed development. The issues raised are summarised below.

- There is inadequate parking for the development.
- It is a residential area which is not suited to the noise and extra people passing through the area.
- The nearby on street parking is for a limited period or for permit holders and would not therefore be available to guests.
- The car park to the rear has designated spaces for each leaseholder.
- The development would set a precedent for others to rent out accommodation.
- The conversion of the property goes against the principle of building a strong community.
- Since the use began the area has been plagued with anti social behaviour from the guests staying there.
- Children feel unsafe as guests hang around outside the property smoking and dealing in drugs.

Anti Social Behaviour Team

Have received complaints from residents about the behaviour of guests staying at the application site.

Cadent

Have supplied details of their services in the area. This has been passed to the applicant.

Highways

- The site is considered to be adequately accessible by sustainable modes and is in close proximity to public transport facilities. It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns.
- In relation to car parking, we note that two existing on-site car parking spaces will be available. Highways have concerns that the demand for on-street parking will increase on Bankwell Street. It is noted car parking will not be advertised to prospective clients to deter users from bringing cars. Highways recommends continual monitoring of parking demands that maybe generated on the highway network by the change of use.
- Sustainable travel to and from the site should be fully endorsed for both staff and visitors to the site. To encourage sustainable travel, it is recommended that consideration is given to the provision of secure on-site cycle parking facilities.
- Pedestrian access arrangements are acceptable from a highway perspective.
- It is acceptable for refuse to be serviced in-line with surrounding operations. Bins will be stored within the sites curtilage and presented to the highway on waste collection days.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, H1 and DM1. The applicant refers to policy CC4 however, this is a City Centre policy which does not cover the Hulme area.

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

Policy H1 – prioritises family housing in the south of the City unless the development meets a particular need.

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

Unitary Development Plan.

The relevant saved UDP policy is DC4 which says:

DC4.1 In determining planning applications for developments involving the use of the premises for bed and breakfast accommodation (Class C1), the Council will have regard to:

- a. the general location of the proposed development;
- b. the effect on the amenity of neighbouring residents;
- c. the standard of the accommodation for the intended occupiers of the premises;
- d. adequate private outdoor amenity space;
- e. the availability of adequate, safe and convenient arrangements for car parking and servicing;
- f. the ease of access for all, including disabled people;
- g. the desirability of avoiding an over-concentration of special needs or housing in any one area of the City; and
- h. the desirability of broadly maintaining the existing character of a residential street or group of adjoining streets.

DC4.2 The Council will normally accept the principle of developments of this kind in residential areas, in commercial areas, and on main road frontages, subject to other relevant policies of the Plan.

DC4.3 Notwithstanding policy DC4.2, the Council will require any developments in this category to provide:

- a. accommodation to the Council's current approved standards for developments of this kind;
- b. adequate usable external amenity space;
- c. satisfactory refuse storage and collection facilities;
- d. satisfactory communal facilities for residents.

DC4.4 In determining applications of this kind, the Council will normally seek to limit the use within Class C1 to bed and breakfast establishments only, except where satisfactory off-street car parking can be provided in accordance with the Council's current guidelines for hotels and guest houses, and where the Council is satisfied that these more commercial activities will not adversely affect local amenity.

Reasons: There appears to be a growing need for short-term, inexpensive accommodation of this kind, and the Council accepts that they can in most circumstances appropriately be located within residential areas, subject to being satisfied about the overall standard of the development proposed. The proposal to limit, in certain circumstances, the effect of Use Class C1 (Hotels and Hostels) is designed to protect residential areas from larger-scale commercial activities.

Issues

Principle

Saved UDP policy DC4 says that, subject to other considerations guest houses are in principle appropriate uses in residential areas. However, whilst policy C4 remains extant the Core Strategy contains more recent policies relating to the loss of residential accommodation which are more up to date. The issues are addressed in more detail in the following sections.

Use

The properties the subject of this application lie outside of the City Centre and there policy CC4 to which the applicant refers are not relevant. The use of this pair of properties as a guest house therefore has to be considered in the context of saved UDP policy DC4 which says that in principle such uses are acceptable in residential areas subject to a number of caveats.

a. the general location of the proposed development; the property is located on a side street rather than a main road and therefore any additional activity would have a greater impact on the adjoining residential properties.

b. the effect on the amenity of neighbouring residents; As a side street the additional comings and goings and the demands for parking will have a greater impact on the surrounding residential properties.

c. the standard of the accommodation for the intended occupiers of the premises; this is addressed elsewhere in the report

d. adequate private outdoor amenity space; the properties have their own private amenity space at the rear.

e. the availability of adequate, safe and convenient arrangements for car parking and servicing; this is addressed in more detail later in the report

f. the ease of access for all, including disabled people; There are no lifts with the properties and whilst they should have been constructed to DFA 2 standards the en-suite bathrooms are not accessible and the rooms are quite possibly on the small side.

g. the desirability of avoiding an over-concentration of special needs or housing in any one area of the City; no details are available relating to the concentration of special needs housing in the area, however, it is known from an earlier appeal that a number of properties within the area were converted to HMO's prior to the adoption of the Article 4 Direction removing the permitted change from C3 to C4 in October 2011.

and

h. the desirability of broadly maintaining the existing character of a residential street or group of adjoining streets. Outwardly the properties retain the appearance of private dwellings with no signage or other features to distinguish the properties as a guest house.

Whilst saved UDP policy DC4 says that in principle the uses can be acceptable in residential areas Core Strategy policy H1 talks of the need to increase the availability of family housing. This proposal results in the loss of two family houses and as such it is considered that the proposal would conflict with this policy.

On balance it is therefore considered that the use as a guest house is not an appropriate use for the properties.

Standard of accommodation

The submitted drawings show three ground floor bedrooms all with en-suite showers and a general shower room accessed off a lounge. None of these en-suites or the shower room could be considered accessible despite the more generous size of the rooms as a whole. Whilst this would not necessarily impact on the standard of accommodation on offer it would be restrictive as to potential guests.

Managers Accommodation

The managers accommodation has a floor area of 12.8 square metres plus a bay window and a small shower room the Council's space standards for a one bed one person flat with a shower is 37 square metres. It is therefore considered that the proposed managers accommodation is substandard.

Loss of family accommodation

This application relates to a pair of houses operating as a single guest house, despite there being no internal links between the properties. The Core Strategy identifies a shortage of family housing in the south of the City and this proposal would result in the removal of two four bed

houses from the available stock. These are not overly large or particularly old properties nor are they located in an area that would be unattractive to families and as such it is considered that there is no reason to justify them being converted to other quasi residential uses.

It is considered that the use of the properties as a guest house would conflict with Core Strategy policies SP1 and H1

Loss of garages

Condition 6 attached to planning permission reference 066945/FO/South1/03 for the development of the site prohibited the conversion of integral garages into additional living accommodation, the reason relating the impact that the loss of the garages would have on demand for on street parking and consequently pedestrian and highway safety. The garage conversion at the property has been carried out without consent. The applicants response to this being that an appeal decision in July 2001 which relates to the conversion of the garages of 18 properties into additional living accommodation on properties being used as HMO's was allowed and that this sets a significant precedent and that in allowing this application the original condition would be over ridden.

Since the appeal was allowed there has been a material change in circumstance in that there is now a residents parking scheme in place in the area. As such the Council considers that the loss of the garages to living space would have a significant impact on the availability of parking for the occupiers of the properties.

Parking

At present the guest house is served by two parking spaces. The parking Court to the rear is by permit and for residents whose properties were not provided with their own in curtilage spaces when the development was constructed. In front of the property there are parking restrictions on the north side of the street and there is a residents parking scheme in place in front of the properties. Thus there are limited opportunities for guests who arrive by car to park nearby. The applicant indicates that this is a sustainable local on the edge of the City Centre with good access to public transport as well as being within walking distance of many destinations. Whilst it is accepted that this is a sustainable location concern is expressed that the lack of parking could impact on the amenity of residents and their enjoyment of their properties.

Refuse storage

The supporting statement states that refuse would be stored under the awning at the front of the property. At the time of the site visit the bins were stored in the front garden as well. It is not clear from the submission if refuse is collected by the local authority or private contractors

Residential Amenity

The guest house would have 9 guest bedrooms plus the managers accommodation. It is not therefore inconceivable that there could be up to 19 people in the premises at any one time, added cleaning staff to this and it is considered that the use as a guest house would generate a significant amount of additional comings and goings over that generated by the two houses and it is considered that this would impact on the amenity of residents. This concern is supported by the representations received and by the comments from complaints to the Council.

Whilst the applicant indicates that guests would be encouraged not to use cars, taxis would be a popular means of arriving at the property and given the number of rooms and the short stay

nature of the accommodation this could generate significant amounts of traffic that would impact on residents amenity.

Concern s also expressed that whilst guests are encouraged not to use their own cars the two spaces would be inadequate to meet demand. And that could lead to inconsiderate parking which would impact on the amenity of residents.

Impact on the character of the area

Outwardly the buildings retain the appearance of residential homes and are not readily identifiable as a guest house.

Advertisements

Currently there are no signs to indicate the use and this helps retain the essential residential character of the street. Should consent be granted it is conceivable that signage would be added to the property, detracting from the area's character.

Conclusion.

On balance it is considered that the use of these two residential properties on a residential side street would be contrary to the City Council's policies and cannot therefore be supported.

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

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

1) The creation of 10 and 12 Bankwell Street into a guest house (Use Class C1) for short-term letting would result in the loss of two family houses, thereby reducing the availability of family housing, and undermine the formation of sustainable communities. The proposal would therefore be contrary to the provision of policies SP1, H1, H5, and DM1 of the Manchester Core Strategy (2012), the Guide to Development in Manchester Supplementary Planning Document (2007) and the National Planning Policy Framework (2019).

2) The use of these two dwelling houses as a guest house (Use Class C1) for short-term letting would by reason of the additional comings and goings and general activity associated with such uses have a detrimental impact on the amenity of local residents. The proposed development is therefore contrary to the provisions of Core Strategy policy DM1 and saved Unitary Development Plan policy DC4.

3) The proposed on site managers flat fails to meet the space requirements for residential accommodation and therefore provide sub standard accommodation. The proposed development is therefore contrary to the provisions of Core Strategy policy DM1 and the guidance contained in the Manchester Residential Quality Guidance.

4) The conversion of the garages into additional living accommodation contrary to the provisions of Condition 6 attached to planning permission reference 066945/FO/SOUTH1/03 would result in increased demand for on street parking to the detriment of pedestrian and highway safety contrary to the provisions of Core Strategy policy DM1 and saved Unitary Development Plan policy DC4

Appendix 1 – List of consultees & neighbours notified

Highway Services

153 Chorlton Road, Manchester, M15 4JG
22 Drayton Street, Manchester, M15 5LL
5 Mackworth Street, Manchester, M15 5LP
11 Mackworth Street, Manchester, M15 5LP
24 Drayton Street, Manchester, M15 5LL
20 Drayton Street, Manchester, M15 5LL
18 Drayton Street, Manchester, M15 5LL
12 Bankwell Street, Manchester, M15 5LN
8 Bankwell Street, Manchester, M15 5LN
2 Bankwell Street, Manchester, M15 5LN
9 Bankwell Street, Manchester, M15 5LN
7 Bankwell Street, Manchester, M15 5LN
3 Bankwell Street, Manchester, M15 5LN
1 Bankwell Street, Manchester, M15 5LN
5 Bankwell Street, Manchester, M15 5LN
7 Mackworth Street, Manchester, M15 5LP
4 Bankwell Street, Manchester, M15 5LN
6 Bankwell Street, Manchester, M15 5LN
17 Mackworth Street, Manchester, M15 5LP
15 Mackworth Street, Manchester, M15 5LP
1 Mackworth Street, Manchester, M15 5LP
149 Chorlton Road, Manchester, M15 4JG
147 Chorlton Road, Manchester, M15 4JG
145 Chorlton Road, Manchester, M15 4JG
157C Chorlton Road, Manchester, M15 4JG
143G Chorlton Road, Manchester, M15 4JG
9 Mackworth Street, Manchester, M15 5LP
3 Mackworth Street, Manchester, M15 5LP
157E Chorlton Road, Manchester, M15 4JG
143B Chorlton Road, Manchester, M15 4JG
141E Chorlton Road, Manchester, M15 4JG
141B Chorlton Road, Manchester, M15 4JG
16 Drayton Street, Manchester, M15 5LL
24 Bankwell Street, Manchester, M15 5LN
16 Bankwell Street, Manchester, M15 5LN
25 Bankwell Street, Manchester, M15 5LN
19 Bankwell Street, Manchester, M15 5LN
157G Chorlton Road, Manchester, M15 4JG
143D Chorlton Road, Manchester, M15 4JG
155 Chorlton Road, Manchester, M15 4JG
143 Chorlton Road, Manchester, M15 4JG
20 Bankwell Street, Manchester, M15 5LN
157B Chorlton Road, Manchester, M15 4JG
157A Chorlton Road, Manchester, M15 4JG
157F Chorlton Road, Manchester, M15 4JG
157D Chorlton Road, Manchester, M15 4JG
143A Chorlton Road, Manchester, M15 4JG
143C Chorlton Road, Manchester, M15 4JG
143E Chorlton Road, Manchester, M15 4JG
143F Chorlton Road, Manchester, M15 4JG

141D Chorlton Road, Manchester, M15 4JG
141C Chorlton Road, Manchester, M15 4JG
141A Chorlton Road, Manchester, M15 4JG
157 Chorlton Road, Manchester, M15 4JG
151 Chorlton Road, Manchester, M15 4JG
141 Chorlton Road, Manchester, M15 4JG
22 Bankwell Street, Manchester, M15 5LN
18 Bankwell Street, Manchester, M15 5LN
14 Bankwell Street, Manchester, M15 5LN
23 Bankwell Street, Manchester, M15 5LN
21 Bankwell Street, Manchester, M15 5LN
17 Bankwell Street, Manchester, M15 5LN
15 Bankwell Street, Manchester, M15 5LN
11 Bankwell Street, Manchester, M15 5LN

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: SOUTH