

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 130814/FO/2021

**Date registered valid:** 28 June 2021

**Proposal:** Change of use from single dwelling to form 4 no. (1 bedroom) self contained flats

**Address:** 452 Moss Lane East, Manchester, M14 4PW

**Ward(s):** Moss Side Ward

**Applicant:** Mr Bakht Khan, 34 Parry Road, Manchester, M12 5QD

**Agent (if any):** Philip Lambert, Philip Lambert Architecture, 3 Eastbourne Grove, BL1 5TR

**Case officer:** Dave Morris  
Tel: 0161 600 7924  
Email: [dave.morris@manchester.gov.uk](mailto:dave.morris@manchester.gov.uk)

**Recommendation:** Refuse

**Date of recommendation:** 10.08.2021

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Dwellings

**Standard consultations:**

Printed: 5 July 2021      Expired: 26 July 2021

**Neighbour notifications**

Printed: 5 July 2021      Expired: 26 July 2021

**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 two storey mid terraced property. There is a two storey outrigger at the rear and a bay window at ground floor level at the front. There is a small front garden and a yard to the rear. The property is currently in use as an 8 bed HMO.



There is no off street parking

In October 2017 planning permission was refused for the change of use from dwelling (Class C3) to a large House in Multiple Occupation (sui generis). Reference 117107/FO/2017. The subsequent appeal was dismissed.

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

### **Description of area**

The property is located in a residential area close to Wilmslow Road which at this point contains a range of commercial uses. Facing the site is Whitworth Park. Either side are residential properties one of which appears to be a hotel. To the rear is the gable elevation of a house on Roberts Avenue.

### **Description of development**

Consent is sought to convert the property into four one bedrooms self contained flats, one on each of the basement, ground, first and roof levels. All the flats are accessed via the front door and the ground floor and basement flats would have access to the rear garden. Part of the front garden would be excavated to form a sunken terrace. A refuse store would also be provided in the front garden.

No off street parking would be provided.

### **Consultations & Notification Responses**

Ward Members

Councillor Emily Rowles – The City cannot continue to lose family houses in Moss Side, particularly ones of this size given the desperate need for family accommodation.

There are a wide variety of good quality, well managed, purpose built blocks of flats in the area for rent, sale and shared ownership. This conversion wouldn't help meet the housing needs of the local community, and in fact takes a much needed asset away.

Platt Claremont Residents Association

Object to the proposed development. The issues raised are summarised below.

- This application is a classic example of exactly how this strategy might fail if this proposal is accepted. It is well recognised that a significant number of families are much too large for the small terraced housing that form the majority of homes here. There are very few larger houses yet many large families grew up here and wish to remain close to their relatives. Many also choose to live in the area because of its excellent location close to hospitals, universities, walking distance to the City Centre and proximity to shops and cultural facilities that reflect their cultures . There is Plenty of purpose built student accommodation in the area that are professionally managed. Council policy is that any more student accommodation should be nearer to the City Centre.

-There are also plenty of purpose built flats in the area that will suit singles and couples..

-One of the acknowledged needs of children growing up is outdoor garden space -

this is one of extremely few houses in Moss Side with a good size garden front and rear (the majority of our streets are small terraces with tiny back yards.)

-4 flats will necessitate many bins - which will be left in the front. This will look hideous and will degrade the neighbourhood.

-Some landlords in the area refuse families as tenants, preferring single people or young professionals. This results in further difficulties for families looking for homes and results in homelessness and severe overcrowding. This is a serious failing and exacerbated the shortage of family housing.

#### Moss Side Branch GM Tenants Association

Object to the proposed development. The issues raised are summarised below.

- There is a need for family housing in this area and this would result in the loss of a family house.

-The proximity of this part of Moss Side to the universities means that the area has already suffered significant loss of family housing due to HMO use. The inability of families to move into and settle in the area, due to landlord behaviour, is starting to have a devastating impact on the local community.

-The applicant has described the local area as "a residential area with a mix of students and young adults." This description omits that there is also a mix of families, who make up the majority of households in the neighbouring streets of Playfair Street, Roberts Avenue, Gateshead Close and beyond. It is a mixed community, and not one of imbalance that the applicant has described. There are also families living in the larger Victorian houses similar to 452 Moss Lane East on Moss Lane East itself and on adjoining Parkfield Street.

-Due to landlords refusing to let to families and catering only for young singles, many of the streets in this part of Moss Side have slid towards having an increasingly transient population which impacts on community cohesion and neighbourhood sustainability. Smaller flats with no outdoor private amenity space will not attract occupants who want to stay for several years and this will impact community cohesion.

-Recent local regeneration initiatives to improve the availability of housing that meets the needs of families has included adding 4 bedroom houses to Moss Side, such as in the Maine Place and The Depot, and Bowes St development. Large families exist, therefore large houses are needed in a neighbourhood consisting mostly of 2 or 3 bedroom houses.

-As a single dwellinghouse, occupants enjoy access to a private back yard. Once divided into flats, the occupants of only two of the flats will have access to the back garden, thus it goes from being a house that provides private amenity space to one that doesn't. The park is not a substitute as this is public. Therefore a flat conversion would result in a drop in the standard of living that this house currently provides.

-Bins and waste: Four self contained flats will each be entitled to their own set of bins. The waste pro forma states that 13 X 140 litre bins plus four smaller bins for food waste will be required. The lightwell will take up room in the front garden and will require access. Therefore much of the remaining front garden will be nothing more than a bin store. This would make the outdoor amenity space unpleasant for occupiers to relax in. It will also have a negative effect on the look of the street which in turn will also be unfair on the hotel next door, a local business that keeps its frontage immaculate.

-Parking: Moss Lane East is part of an area designated for residents only parking with the first stage of the consultation process already having taken place.

Local residents

No representations received.

Highways

- Trip levels are not expected to be greater for the proposed use.
- The site has good accessibility to public transport.
- The lack of parking raises strong concerns as there are already high demands for what on street parking available
- Secure cycle parking should be provided.
- Refuse storage should be within the curtilage of the site.

Environmental Health

Details required of the waste disposal arrangements

## **Policy**

Core Strategy

The relevant Core Strategy policies are SP1, H1, H6, H11 and DM1

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

Policy H1 Identifies the need for family housing in the south of the City.

Policy H5 prioritises housing that meets identified shortfalls, including family housing.

Policy H11 says that there will be a presumption against changing family houses into HMO's in areas where there is a shortage of family housing.

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

## **Issues**

Principle

The proposed development involves the conversion of a C3 dwelling into a small HMO class C4 and therefore involves the loss of a family dwelling. That the property is no occupied by a family is not material to the consideration of this application. The principle of the proposed development is therefore considered to be unacceptable.

Loss of a family dwelling

Core Strategy policies H1 and H5 and the supporting text to the housing policies identifies a shortage of family housing in the south of the City. As a family dwelling the property would have good access to local facilities, including shops, healthcare, schools, parks and public transport.

Further its retention as a dwellinghouse would help to maintain the diversity of accommodation available in the area that is important in ensuring that communities remain sustainable. The proposed development would therefore be contrary to policies H1 and H5.

### Refuse

The provision of the refuse storage in the front garden is not necessarily unacceptable subject to there being a suitable enclosure and adequate bins. This issue could be addressed by condition if consent were granted.

### Parking

The proposed development makes no provision for off street parking, the normal requirement being one space per dwelling. Whilst this is a sustainable location with good access to local facilities and public transport there is a parking issue in the area as highlighted by Highways. It is therefore considered that the lack of parking could form the basis of a reason for refusing consent.

### Residential amenity

This type of small self contained accommodation which lacks the flexibility of larger flats, tends to attract transient populations who do not put down roots in an area and integrate into the local community. Often the accommodation is used by students resulting in them being vacant for large parts of the year during holidays making it difficult to provide services and for local businesses to survive.

The lack of affinity for an area is often reflected in the appearance of the property and consideration for the long term residents and appearance of the area. The proposed development would also conflict with Core Strategy policy DM1

### Conclusion

The conversion of the property into self contained flats would have a negative impact on the area and be contrary to the Council's policies.

### **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 of 452 Moss Lane East into four, one bed self contained flats would result in the loss of family accommodation, 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 proposal would result in an overly intensive use of the property resulting in additional comings and goings and increase the demand for car parking in the area. The proposed development would therefore be contrary to the provision of policies SP1, H1, H5, and DM1 of the Manchester Core Strategy (2012), saved policy DC5 of the Unitary Development Plan for the City of Manchester (1995), the Manchester Residential Quality Guidance (2017), the Guide to Development in Manchester (2007).

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Environmental Health

44 Roberts Avenue, Manchester, M14 4DA  
456 Moss Lane East, Manchester, M14 4PW  
454 Moss Lane East, Manchester, M14 4PW  
450 Moss Lane East, Manchester, M14 4PW  
448 Moss Lane East, Manchester, M14 4PW

## **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