

SUPPORTING PLANNING STATEMENT

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**96 MAULDETH ROAD WEST
WITHINGTON
MANCHESTER
M20 1AB**

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1158.3.GM.AJO.Fn

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1. INTRODUCTION & BACKGROUND

- 1.1 Summit Planning Associates has been appointed by the Applicant to prepare a planning application submission for the proposed change of use from residential dwelling (C3 Use) to a House in Multiple Occupation (HMO) (C4 Use); at 96 Mauldeth Road West, Withington, Manchester, M20 1AB. For planning purposes, the application proposal falls within the administrative area of Manchester City Council.
- 1.2 The application is for the change of use of the premises only. No external works, or material changes to the external appearance of the premises are proposed.
- 1.3 The application site is a mid-parade property, located on the north side of Mauldeth Road West, at its eastern end, approximately 11 miles south of Manchester City Centre. It is located within a parade of properties that include a predominant mix of commercial premises to residential premises. This predominant mix of commercial premises includes; multiple takeaway premises; a hair salon; a beauty salon; barber shop; an off-licence; an off-licence, grocers and newsagent; a bakery; a carpet shop; a betting shop; a halal butcher; and an autoparts store.
- 1.4 Beyond the parade of largely commercial premises, within which the application sits, the remaining surrounding area is predominantly residential and characterised by more traditional pairs of semi-detached, brick properties, which flank both the northern and southern sides of Mauldeth Road West. This is a character that is also maintained on nearby spur roads. The residential properties located within the commercial parade do not follow the traditional form of semi-detached pairs of dwellinghouses.
- 1.5 The application premises has been occupied by the owner of the premises and lodgers. Only one of the bedrooms is en-suite, which has been occupied by the owner with remaining communal toilet and shower facilities provided for the lodgers. All residents currently share kitchen, lounge and utility facilities, on the ground floor.

- 1.6 The owner of the premises also currently runs their business from the home and some of the ground floor space is used as associated office workspace for this purpose. The existing garden outbuilding is also currently used in association with the property owners business. This has been the situation with the premises since April 2015. However, the owner of the premises, is currently in the process of looking for more formal premises for their business and going forward, will no longer be working from home.
- 1.7 The property itself and the commercial parade within which it sits is set quite well back from the main road, allowing for some off-street parking in front of the premises. There is also largely unrestricted on-street parking available along this part of Mauldeth Road West. Currently, the application premises is serviced by X3 240l wheelie bins and X1 140l wheelie bin.
- 1.8 The refuse bins for the current premises are stored outside the front of the premises, allowing for easy manoeuvring by waste operatives on collection days. This is also the situation reflected at the other residential premises within the parade.

RELEVANT PLANNING HISTORY

- 1.9 **Application Ref. 106181/P3JPA/2014/S1**, seeking prior approval for the proposed change of use from offices (Class B1) to 2 no. flats (Class C3), was **APPROVED** on 3rd September 2014.

APPLICATION PROPOSAL

- 1.10 As explained at para. 1.1, the application proposal is for the proposed change of use from a residential dwelling (C3 Use) to a House in Multiple Occupation (HMO) (C4 Use). No external works, or material changes to the external appearance of the premises are proposed.
- 1.11 The following plans and documents are submitted in support of the application submission;
- i) Drawing No. 1158.1.GM.AJO.Fn – Site Location Plan;

- ii) Drawing No. 96MRW-001 – Existing GA Floor Plans-1;
- iii) Drawing No. 96MRW-002 – Existing GA Floor Plans-2;
- iv) Drawing No. 96MRW-003 – Proposed GA Floor Plans-1;
- v) Drawing No. 96MRW-004 – Proposed GA Floor Plans-2
- vi) Document Ref. 1158.2.GM.AJO.Fn – Photomontage of Existing Elevations;
and
- vii) Document Ref. 1158.3.GM.AJO.Fn – Supporting Planning Statement.

2. PLANNING POLICY CONSIDERATIONS

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination under the Planning Acts, should be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.2 In this instance the Development Plan currently comprises of the policy guidance set out in the National Planning Policy Framework (NPPF), supported by the National Planning Practice Guidance (NPPG); the adopted policies of the Manchester Core Strategy DPD 2012-2027 (adopted July 2012); and the saved policies of the Unitary Development Plan (adopted July 1995). Within this policy framework, the guidance and policies relevant to the consideration of the application proposal are set out below.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (UPDATED AND REVISED FEBURARY 2019)

- 2.3 Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF comprises part of the development plan for authority areas and must be taken into account in both the preparation of local and neighbourhood plans and in planning decisions.
- 2.4 At the heart of the NPPF remains the principle that the planning system is to contribute to the achievement of sustainable development. Insofar as decision-taking is concerned, this continues to mean;
- 1) approving development proposals that accord with an up-to-date development plan without delay; or
 - 2) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

2.5 Insofar as decision-making is concerned, paragraph 38 of the NPPF also confirms that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers, permissions in principle and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2.6 Paragraph 59 also confirms that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

MANCHESTER CORE STRATEGY DPD 2012-2027 (ADOPTED JULY 2012)

2.7 **Policy H1: Overall Housing Provision**, sets out that approximately 60,000 new dwellings will be provided for in Manchester between March 2009 and March 2027. It further sets out that new housing will be predominantly in the North, East, City Centre and Central Manchester. Outside of the Inner Areas, the emphasis will be on increasing the availability of family housing therefore lower densities may be appropriate.

2.8 **Policy H6: South Manchester**, sets out that south Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. Outside of the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

2.9 **Policy H11: Houses in Multiple Occupation**, states that a change of use from a C3 dwellinghouse to a C4 HMO will not be permitted where there is a high

concentration of residential properties within a short distance of the application site falling within one or more of the following categories:

- i) Exempt from paying Council tax because they are entirely occupied by full-time students;
- ii) Recorded on Private Sector Housing's database as a licensed HMO; and
- iii) Any other property which can be demonstrated to fall within the C4 or sui generis HMO use class.

2.10 Policy H11 further confirms that in cases where the concentration of such properties is significant but less high, the Council will examine property type and resident mix in more detail when considering an application for a change of use.

3. PLANNING CONSIDERATIONS

- 3.1 As was stated at para. 2.1 applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 Section 2 of this Supporting Planning Statement has identified the adopted policy framework that is relevant to the consideration of the proposal. The starting point is the adopted policies of the Manchester Core Strategy DPD (adopted July 2012).
- 3.3 The main issues for consideration in the determination of this planning application are;
- i) The Principle of Development; and
 - ii) Impact on the amenity of the area.

Principle of Development

- 3.4 As set out in the introduction section of this Supporting Planning Statement, the application site is an existing residential property, located within a parade of properties that include a predominant mix of commercial premises and some residential premises. Beyond this well-established commercial/ retail parade the remaining surrounding area is predominantly residential, comprising of mainly traditional two-storey, semi-detached terraces.
- 3.5 The application premises has been occupied by the owner and lodgers. It is not occupied as single-family accommodation and to our knowledge, it never has been.
- 3.6 As set out at para. 1.9, the premises historically comprised of office accommodation (former B1 Use), and prior approval was given by the Council for the change of use of the office premises to 2 flats in September 2014. This further supports that the premises has never been in family occupation and further more provides support that the Council themselves previously conceded the change of use to flatted accommodation.

PRINCIPLE OF DEVELOPMENT

- 3.7 Insofar as the current application proposal is concerned, the LPA is asked to consider the change of use of the premises from a residential dwelling (C3 Use) to a House in Multiple Occupation (HMO) (C4 Use). In considering the principle of this change of use, adopted policy H11 (Houses in Multiple Occupation) of the Manchester Core Strategy DPD 2012-2027 (Adopted July 2012) is a material consideration.
- 3.8 Policy H11 states that a change of use from a C3 dwellinghouse to a C4 HMO will not be permitted where there is a high concentration of residential properties within a short distance of the application site falling within one or more of the following categories:
- i) Exempt from paying Council tax because they are entirely occupied by full-time students;
 - ii) Recorded on Private Sector Housing's database as a licensed HMO; and
 - iii) Any other property which can be demonstrated to fall within the C4 or sui generis HMO use class.
- 3.9 Policy H11 itself does not define what a 'short distance' is but does also confirm that in cases where the concentration of such properties is significant but less high, the Council will examine property type and resident mix in more detail when considering an application for a change of use.
- 3.10 As stated above, the application site is an existing residential property, located within a predominantly commercial parade of properties that includes some residential premises. This essentially includes for nos. 64-108 (even nos. only) Mauldeth Road West, where the majority of premises are commercial/ retail uses, providing a range of convenience goods and services to the wider residential area. Beyond this well-established commercial/ retail parade the remaining surrounding area is predominantly residential, comprising of mainly traditional two-storey, semi-detached terraces.
- 3.11 It is also confirmed above that the application premises has itself previously been in a commercial use at ground floor and has been occupied by the owner and

lodgers. It is not currently occupied as single-family accommodation and never has been. As such, in the first instance, it is of relevance and a material consideration to understand that the application proposal does not involve the loss of an existing residential unit that is occupied by a family unit and as such there will be no loss of this. Furthermore, the application property is not located within the wider, more predominant and traditional housing stock.

3.12 In addition to the above, the Applicant has carried out a check of all properties within a 100m distance from the application site to check for any properties that may already be in occupation as a HMO, whether a C4 HMO or a Sui Generis HMO.

3.13 This has included the following properties;

- Nos, 45-79 Mauldeth Road West (odd nos. only);
- Nos, 110-126 Mauldeth Road West (even nos. only);
- Nos, 1-4 Pickens Avenue;
- Nos, 251-261 Yew Tree Road (odd nos. only);
- Nos, 266-276 Yew Tree Road (even nos. only);
- Nos, 1-35 Delacourt Road (all inclusive); and
- Nos, 2-8 Mouldsworth Ave (even nos. only).

3.14 Manchester City Council currently has in place an Article 4 Direction that has removed the Permitted Development right of changing use from a C3 residential property to a C4 HMO property with the need for the express consent of the Local Planning Authority, across the whole Authority area. This Article 4 Direction came into force in October 2011 and at the time of this application has been in place for 9¹/₂ years.

3.15 The property check that has been carried out has revealed that currently no HMO licences are granted for any of the properties in the area checked and only one C4 HMO property seems to exist at 268 Yew Tree Road. Certainly, no additional planning permissions for change of use from C3 to C4 have been approved since the Article 4 Direction came into force, 9¹/₂ years ago and more importantly, the

Council's on-line planning application system reveals no applications for such a change of use that have been refused either. This would suggest that this area itself is not one prone to change of use for HMO accommodation, as even though an HMO licence is only required for 5 or more occupiers, planning permission is required once a property is to be occupied by 3 or more occupants from more than two separate households.

3.16 A general check of the Manchester Student Homes website also confirms that very few accredited student properties are available in the immediately surrounding area. The greater concentration of student occupied properties, which would therefore be exempt from Council Tax payment tend to be located much closer to the city centre in a much more Fallowfield centric location.

3.17 As such, our findings indicate that within a 100m distance of the application property (in all directions), there is no significant number of properties that are;

- i) Exempt from paying Council tax because they are entirely occupied by full-time students;
- ii) Recorded on Private Sector Housing's database as a licensed HMO; or
- iii) Within a C4 or Sui Generis HMO use class.

3.18 Given the above and the already forementioned location of the application premises itself and the fact that it has never been in actual family occupation, it is not the case that the application proposal would result in the loss of an existing family-occupied property; or result in an over-concentration of HMO accommodation in the immediately surrounding area; or adversely affect the established character of traditional family housing in the wider area.

3.19 This means that the application proposal is not contrary to adopted policy H11 of the Manchester Core Strategy DPD 2012-2027 (Adopted July 2012) and can be considered acceptable in principle.

IMPACT ON THE AMENITY OF THE AREA

- 3.20 As confirmed at para. 1.2 the application is for the change of use of the premises only. No external works, or material changes to the external appearance of the premises are proposed.
- 3.21 As such, the consideration of impacts upon the amenity of the surrounding area arise from the proposed intensification of the use of the premises for up to two additional bedrooms and the question therefore arises, as to whether the increase of up to 2 additional bedrooms could give rise to an unacceptable impact on the amenity of both existing and neighbouring occupiers as a result of increased activity.
- 3.22 Insofar as occupiers of the existing premises is concerned, there is no reason to believe that the proposal will give rise to an unacceptable impact on the level of residential amenity that they can reasonably expect to enjoy. The addition of 2 additional bedrooms does not result in a reduction in the size of the existing bedrooms and the additional rooms are of a comparable size to those already existing, providing additional occupiers with the same useable space as is currently provided.
- 3.23 There are also no internal changes required to the communal circulation space which is already generous and functional in its layout.
- 3.24 The available communal spaces comprise of a good size kitchen area for food preparation and cooking; and associated communal living space to allow for the social mixing of occupiers on a basis akin to what can happen currently. There also remains a separate utility facility, available to occupiers for clothes washing.
- 3.25 Given the spacious internal layout of the premises, there are limited opportunities for undue conflict to arise amongst occupiers and the general comings and going of future occupiers is not considered to be materially different to that of the existing premises.
- 3.26 In terms of refuse management, it is not anticipated that the application premises will require a greatly enhanced associated provision of refuse collection. This has

been set out in the submitted Waste Management Strategy Proforma, which confirms that the only enhanced requirement would be to increase the size of the general refuse wheelie bin from 140litres to 240 litres. All other wheelie bins are already 240litres.

- 3.27 Currently, the wheelie bins are located to the front of the premises, as is the case with a number of other premises on the commercial/ retail parade. This allows for greater ease of putting the refuse out for collection on the allocated collection days. However, the current location of this is outside the windows of the two proposed additional bedrooms.
- 3.28 In the first instance, it is proposed that this would continue to the arrangement, however, arrangements can also be made for the wheelie bins to be stored to the rear of the premises and a tenant management plan put in place to ensure that they are brought to the front of the premises on collection day and then returned to the rear after collection has taken place. If this would be the preference of the LPA, then this matter can be controlled by an appropriately worded condition.
- 3.29 Overall, it is considered that the premises is of an appropriate size and layout to allow for the increased occupation without being of detriment to existing occupiers.
- 3.30 In terms of neighbouring occupiers, there is also no reason to believe that the proposal will give rise to an unacceptable impact on the level of amenity that they can reasonably expect to enjoy.
- 3.31 As explained, the application premises is located in a predominantly commercial/ retail parade, which already comes with an associated level of activity and within which some existing residential uses are intermingled and co-exist with no significant problems or disturbance.
- 3.32 There will be no change in the boundary treatments that exist between the application property and neighbouring properties and therefore no increased potential for instances of enhanced noise to detrimentally affect the neighbouring occupiers by the general comings and goings of the additional occupiers.

- 3.33 Overall, the change in use of the premises will not result in such an intensity of occupation of the application premises that would adversely affect the character of the area, including the amenity of its neighbouring occupiers.

4. SUMMARY & CONCLUSIONS

- 4.1 The application is for the change of use of the premises only. No external works, or material changes to the external appearance of the premises are proposed.
- 4.2 Overall, the application proposal largely accords with the requirements of adopted policy H11 of the Manchester Core Strategy DPD 2012-2027 (Adopted July 2012) insofar as within a 100m distance of the property (in all directions), there is no significant number of properties that are; exempt from paying Council tax because they are entirely occupied by full-time students; recorded on Private Sector Housing's database as a licensed HMO; or within a C4 or Sui Generis HMO use.
- 4.3 Furthermore, it is not the case that the application proposal would result in the loss of an existing family-occupied property; or result in an over-concentration of HMO accommodation in the immediately surrounding area; or adversely affect the established character of traditional family housing in the wider area.
- 4.4 Insofar as amenity is concerned, the premises includes appropriate internal space to provide the additional bedroom accommodation without compromising the space of the existing premises. Given the spacious internal layout of the premises, there are also limited opportunities for undue conflict to arise amongst occupiers and the general comings and goings of 2 additional occupant bedrooms is not considered to be materially different to that of the existing premises.
- 4.5 Insofar as the waste management strategy is concerned, it is proposed in the first instance that this remains as is currently the case for the existing premises. However, arrangements can also be made for the wheelie bins to be stored to the rear of the premises and a tenant management plan can be put in place to ensure that they are brought to the front of the premises on collection day and then returned to the rear after collection has taken place. If this would be the preference of the LPA, then this matter can be controlled by an appropriately worded condition.

- 4.6 Insofar as neighbouring occupiers are concerned, there is also no reason to believe that the proposal will give rise to an unacceptable impact on the level of amenity that they can reasonably expect to enjoy.
- 4.7 As explained, the application premises is located in a predominantly commercial/retail parade, which already comes with an associated level of activity and within which some existing residential uses are intermingled and co-exist with no significant problems or disturbance.
- 4.8 Overall, the detailed consideration of the application proposal concludes that the development proposal is compliant with adopted development plan policy and that there are no significant barriers to the granting of planning permission.
- 4.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination under the Planning Acts, should be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.10 At the heart of the NPPF (Feb 2019) remains the principle that the planning system is to contribute to the achievement of sustainable development. Insofar as decision-taking is concerned, this continues to mean;
- 1) approving development proposals that accord with an up-to-date development plan without delay; or
 - 2) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 4.11 A balanced assessment of all material considerations as they apply to the application proposal demonstrates that it broadly accords with adopted development plan policy and there are no fundamental and overriding reasons to withhold planning permission in this instance.

