

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129334/FO/2021

Date registered valid: 22 March 2021

Proposal: Change of use from residential dwelling (C3 Use) to House in Multiple Occupation (HMO) (C4 Use)

Address: 96 Mauldeth Road West, Manchester, M20 1AB

Ward(s): Old Moat Ward

Applicant: Greg Mooney, C/o 96 Mauldeth Road West, Manchester, M20 1AB

Agent (if any): Amanda Olley, Summit Planning Associates Ltd, The Studio, 4th Floor, No. 1 St Ann Street, Manchester, M2 7LG

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

Recommendation: Refuse

Date of recommendation: 17.05.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 24 March 2021 Expired: 14 April 2021

Neighbour notifications

Printed: 11 May 2021 Expired: 1 June 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 parade property, with accommodation in the roof void. Originally a commercial property with associated living accommodation prior approval, reference 106181/P3JPA/2014/S1, was granted in September 2014 for the use of the premises as a dwelling house within Class C3. There is a yard at the rear of the property and a deep open forecourt at the front. Refuse containers are stored on the forecourt at the front of the property.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located within a parade of 8 units forming part of a small local centre on the northeast side of Mauldeth Road West at its junction with Yew Tree Road. There are commercial properties with living accommodation above to either side. There are two storey semi detached dwellings facing the site across Mauldeth Road West and to the rear separated by an alley are the rear gardens of residential properties on Delacourt Road.

Description of development

Consent is sought to change the use of the property from a dwelling class C3 to a small HMO class C4, which is required as a result of the City Council adopting an Article 4 Direction. The submitted drawings show two bedrooms on the ground floor, together with a reception room, kitchen and a wc, the first floor would contain three bedrooms, a shower and a shower/wc. In the roof void would be a single bedroom with en-suite. There are no changes proposed to the refuse storage arrangements which are on the forecourt of the premises.

In support of the application the applicant indicated that the property has not been used as a family home, but rather has a home office by the owner who took in lodgers.

Consultations & Notification Responses

Local residents/businesses

No representations received

Environmental Health

Have requested a condition requiring the approval of a scheme for the storage of refuse.

Policies

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 H6 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 not 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.

Concentration

The property is located within the Old Moat Ward which is popular with students due to its proximity to the higher education campuses and consequently many properties have been converted to multi occupancy. Figure 9.6 attached to policy H11 identifies the site as being in an area where there is a high concentration of HMO's. High concentrations impact on an area in terms of the transient nature of residents and long periods when properties are empty between terms. This makes the provision of services difficult and leads to unsustainable communities. Further the transient nature of the residents means that they have no affinity for the area which often looks down at heel.

On balance it is considered that the proposed development would add to the overconcentration of HMO's in the area and exacerbate to negative impact this has.

Loss of a family dwelling

Core Strategy policies H1 and H6 and the supporting text to the housing policies identifies a shortage of family housing in the south of the City. Whilst this application relates to a converted commercial property, it is located within a small parade in what is otherwise a popular residential area. That the property has not been used as a family house is immaterial as it falls within Class C3. As a family dwelling the property would have good access to local facilities, including shops, healthcare, schools, parks and public transport.

This proposal affects a well located property that it is considered, could be an ideal starter home and that the proposed development would result in its loss to the family housing market, as such the proposal development would be contrary to the provisions of policies Hi, H6 and H11.

Refuse

The storage of refuse was not a consideration as part of the prior approval application for the use of the property as a dwelling. Thus, the storage of refuse on the forecourt is established, albeit in an unsatisfactory manner, which detracts from the character of the area. If the principle of the development was considered acceptable a better scheme involving either the creation of a bin store or using the rear yard would be possible.

Parking

This is a sustainable location within easy walking distance of bus routes on Wilmslow Road, it is close to Withington District Centres and there is a public park on the doorstep. On balance it is considered that the lack of parking could not form the basis of a reason for refusing planning permission.

Conclusion.

It is considered that the proposed development would have a negative impact on the sustainability of the area and is therefore contrary to Councils policies and the Guidance contained in the NPPF.

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 proposal for the change of use from a dwelling Class C3 to a small House in Multiple occupation Class C4 would lead to an over intensification in the level of occupation, and would have a detrimental impact on the sustainability and character of an area in which there is a high concentration of houses in multiple occupation. The proposal would, therefore, be contrary to the provisions of Core Strategy policies SP1, H11 and DM1.

2) The proposed change of use to a house in multiple occupation would lead to the loss of a family dwellinghouse and negatively impact on the supply of family accommodation in the area, which would in turn undermine the aim of achieving an appropriate balance of housing provision in the locality. The proposal is therefore contrary to the provisions of policies H1, H6, H11, DM1 and SP1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

63 Mauldeth Road West, Manchester, M20 1AA
9 Delacourt Road, Manchester, M14 6BU
3 Delacourt Road, Manchester, M14 6BU
61 Mauldeth Road West, Manchester, M20 1AA
98A Mauldeth Road West, Manchester, M20 1AB
Store Rear Of 100, Mauldeth Road West, Manchester, M20 1AB
94A Mauldeth Road West, Manchester, M20 1AB
92 Mauldeth Road West, Manchester, M20 1AB
94 Mauldeth Road West, Manchester, M20 1AB
57 Mauldeth Road West, Manchester, M20 1AA
Fusion Dental Practice, 98 Mauldeth Road West, Manchester, M20 1AB
100 Mauldeth Road West, Manchester, M20 1AB
59 Mauldeth Road West, Manchester, M20 1AA
55 Mauldeth Road West, Manchester, M20 1AA
7 Delacourt Road, Manchester, M14 6BU
5 Delacourt Road, Manchester, M14 6BU
1 Delacourt Road, Manchester, M14 6BU

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
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH