

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128662/FO/2020

Date registered valid: 20 November 2020

Proposal: Change of Use from dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4)

Address: 73 Furness Road, Manchester, M14 6LX

Ward(s): Fallowfield Ward

Applicant: Mr Anil Aggarwal C/o Agent

Agent (if any): Mr F Rafiq, Inspire Planning Solutions Ltd, Building 6/7, Europa Business Park, Bird Hall Lane, Stockport, SK3 0XA

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

Recommendation: REFUSE

Date of recommendation: 12 January 2021

Application details

Type of application: Full Application Consent

Development type: Change of use

Standard consultations:

Printed: 24 November 2020

Expired: 15 December 2020

Neighbour notifications

Printed: 24 November 2020

Expired: 15 December 2020

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

The application relates to a two storey end terraced property at the junction of Furness Road and Albion Road. The property has a two storey outrigger. There is a single storey rear extension extending the full depth of the rear yard on the rear of the outrigger. There is a shallow garden and a ground floor bay window at the front of the property.

In June 2019, reference 123255/FO/2019, planning permission was refused for the change of use from a single family residence (Class C3) to a six bed House of Multiple Occupation (Class C4). The reasons for refusing consent related to the overconcentration of such uses in the area and the loss of a family dwelling.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site is located within Fallowfield Brow, a predominantly residential area, popular with students due to its proximity to the Higher Education Campuses. Facing the site and adjoining to the east are residential properties on Furness Road. To the west across Albion Road are the front elevations of residential properties and to the rear separated by an alley are residential properties on Landcross Road.

Description of development

Permission is sought to change the use of the property from a dwelling Class C3 to a small HMO Class C4. The submitted drawings show, on the ground floor, two bedrooms a kitchen and a dining room, on the first floor three bedrooms and a bathroom and in the roof void a single bedroom with an en-suite.

In support of the application the applicant refers to the difficulty of letting a family home in an area where there is a high concentration of HMO's. Copies of appeal decisions where the Similar changes of use have been allowed have also been provided.

Consultations & Notification Responses

Local Residents

No representations received

South East Fallowfield Residents Group.

This current application is a repeat albeit with an accompanying planning statement suggesting that there is a need for accommodation for young professionals and, due to the pandemic, for the homeless; whilst this may be a laudable intent the neighbourhood is already inundated with HMOs many of which are unlet.

Any suggestion that HMO tenants other than students would rebalance the housing generally is preposterous; the area needs long term family residents who will bring stability in the locality and make real contributions to the community, short term HMO lets by their very nature do not attract people with the commitment to settle long term.

As a Residents' group they were comforted when the City Council adopted the Article 4 Direction to hopefully protect against the loss of even further family homes but this application flies totally in the face of the intent.

Fallowfield and Withington Community Guardians

The Community Guardians wrote to the Council in April 2019 to object to the same application to convert 73 Furness Road from a C3 family house to a C4 HMO. The application was refused. They once again strongly object to this repeat application and wish the Council to refer to all their reasons below as their views remain the same.

They note that in a planning statement submitted with the application that there is mention of the need for accommodation for young professionals and the homeless due to the pandemic. In a neighbourhood already oversupplied with HMOs to the extent that some are unlet, our key concern is the retention of family housing. To suggest that tenants other than students renting an HMO would re-balance the housing offer is in their view irrelevant. They want housing retained which is attractive to families and suitable as long term homes. HMOs do not attract people to settle locally

Many members of the group are long term residents and have seen the area change drastically over the last two decades. Landlords have bought up many of the family homes in large areas of south Manchester to accommodate the rising numbers of University students for both University of Manchester and MMU. Many students choose to live off campus and as a result thousands of students now live in our residential streets. Small family homes have been extended to accommodate as many students as possible. Individuals living together do not function like a family. They often cook separately and create excess waste leading to messy bins and untidy amenity space. Students often socialise at completely different hours. It is also their experience to note that when streets become excessively dominated by HMOs, they become attractive to burglars and other criminals. There has been very recent media coverage on BBC & ITV news, local newspapers about burglars who target streets with a very high density of students. Permanent residents often feel isolated in streets which become dominated

by students. Allowing a change of use would further isolate remaining long-term residents and be harmful to the area.

Community Guardians and other residents groups in the area were delighted when Manchester City Council adopted Article 4 Direction to help protect against the loss of further family homes. Every additional home lost to an HMO further tips the balance. These small family homes are ideal for first time home-owners with the added bonus of Platt Fields Park very close by. It is essential that all family homes are kept and that more HMOs are returned to C3 use for a sustainable neighbourhood.

Some of our residents live on streets which have seen the conversion of an HMO back into a family home. Each house regained as a family house has felt a huge victory and has made a difference to the residents that live here long term. Every family home is valued.

Residents belonging to groups such as CGs, SEFRG & Withington Civic Society in south Manchester feel that the balance of HMOs has tipped too far and that there is an urgent need for more family homes. There are thousands of students in Fallowfield accommodated in University halls, private halls and HMOs. It is imperative to encourage the return of houses in this area to family homes to help create a much more balanced and sustainable neighbourhood of choice, planning policy SP1.

Environmental Health

No objection subject to a condition in respect of refuse storage.

Highways

The surrounding highway network is subject to significant demands for on-street car parking, with limited capacity to support any further increase in vehicles requiring parking on-street. The proposed development has the capability to generate up to 6 vehicles which require car parking with no on-site spaces offered. This area is already heavily parked and therefore Highways have concerns that a potential 6 additional vehicles cannot be accommodated and may create potential highway safety issues.

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 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

Concentration

The property is located within Fallowfield Brow an area of tightly knit terraced properties with easy access to the higher education campuses as such the area is popular with students and consequently many properties have been converted to multi occupancy. This impacts on the 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.

Of the 73 properties on Furness Road, 43 are Licensed HMO's the nearest HMO on the same side is no.57 to the east, whilst on the north side of Furness Road the nearest property is no.68 and the nearest HMO no 62. Directly facing the site across Furness Road is the gable of 39 Albion Road which is a HMO. Of the six properties on Albion Road that face the gable of the application site four are HMO's. The two properties immediately to the rear on Landcross Road are HMO's.

Thus it appears that within this area where approximately 70 % of properties are HMO's there is a small cluster of family homes. It is such clusters of properties that enable families to live in these areas and thus maintain sustainable communities. The loss of one of the properties will only increase the pressure for the remaining family homes to be converted into HMO's.

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. This proposal affects a small end terraced property that would, it is considered, be an ideal starter home or a home for a small or young family and 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 H1, H6 and H11.

Refuse

The area relies on Communal bins strategically placed around the area. The would therefore be no need for a refuse condition.

Parking

This is a sustainable location within easy walking distance of bus routes on Wilmslow Road and Wilbraham Road, it is adjacent to Fallowfield District Shopping Centre and there is a major 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.

Other Considerations.

The applicant has supplied a number of appeal decisions where the Inspectorate has allowed appeals when then have considered that the creation of one more HMO will tip the balance as the area is already over subscribed with HMO's. However, the Council can point to appeal decisions where in similar circumstances the appeal has been dismissed. Further each case should be considered on its merits having regard to the particular circumstances of the property.

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

Highway Services
Environmental Health
South East Fallowfield Residents Association

72 Landcross Road, Manchester, M14 6NB
38 Albion Road, Manchester, M14 6LU
71 Furness Road, Manchester, M14 6LX
69 Furness Road, Manchester, M14 6LX
42 Albion Road, Manchester, M14 6LU
39 Albion Road, Manchester, M14 6LU
36 Albion Road, Manchester, M14 6LU
34 Albion Road, Manchester, M14 6LU
28 Albion Road, Manchester, M14 6LU
74 Landcross Road, Manchester, M14 6NB
68 Furness Road, Manchester, M14 6LX
40 Albion Road, Manchester, M14 6LU
32 Albion Road, Manchester, M14 6LU
30 Albion Road, Manchester, M14 6LU

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
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Fallowfield Central)
Area Team Boundary - Name: SOUTH