MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	128096/FO/2020
Date registered valid:	25 September 2020
Proposal:	Change of use of ground floor shop and first floor flat to 4 person House in Multiple Occupation (Class C4) together with elevational alterations including a new entrance door.
Address:	67 Victoria Avenue, Manchester, M9 0RD
Ward(s):	Higher Blackley Ward
Applicant:	Mr William Buckley, 67 Victoria Avenue, Manchester, M9 0RD
Agent (if any):	Mr Tony Lang RT Design 304 Valley Mill, Cottonfields, Bolton, BL7 9DY
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	2 November 2020

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 27 October 2020

Standard consultations:
Printed: 29 September 2020 Expired: 20 October 2020

Neighbour notifications
Printed: 29 September 2020 Expired: 20 October 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 site relates to a two storey, detached building of predominantly masonry construction.

The building encompasses a vacant, ground floor retail unit with associated, roller shuttered shop front and a one bedroom flat to the first floor. To the rear is a small yard area.

The building immediately fronts an open forecourt area to Victoria Avenue.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of local shops focused around Victoria Avenue and Hill Lane, the local area in principally residential in character, comprising a combination of flats and dwellinghouses.

Immediately to the east is a parade of three retail units including a vacant pharmacy, butchers and convenience store. Neighbouring the application property to the west are terraced dwellinghouses, incorporating enclosed front garden areas.

Description of development

Planning permission is sought for the change of use of the ground floor shop and first floor flat to a 4 person House in Multiple Occupation (Class C4), together with elevational alterations including a new entrance door.

Internally, two bedrooms with en-suite bathrooms are proposed to the ground floor, with a further two bedrooms with en-suite bathrooms to the first floor. To the rear of the ground floor are communal facilities including a kitchen, dining room and WC.

To the front it is proposed to enclose part of the forecourt with a 1250mm brick wall, with gated access leading to the building entrance at the side of the building and an external bin store.

The application follows the recent withdrawal of planning application referenced 127008/FO/2020 for the change of use of the ground floor retail shop (Class A1) and first floor flat (Class C3) to 5 person House in Multiple Occupation (Class C4), together with elevational alterations including a new entrance door.

Consultations & Notification Responses

Local Residents/Occupiers – 1 letter of objection has been received from a neighbouring occupier, which raises concerns about the use of the neighbouring alleyway and anti-social behaviour.

Further concerns are raised in relation to noise as a result of increased levels of activity and a lack of off road car parking

Environmental Health – The submitted waste management strategy that accompanies the application is acceptable.

Highway Services - Highways have strong concerns that the proposed development is likely to generate a requirement for up to four vehicles to park on-street. Given that this length of Victoria Avenue is largely restricted, vehicles are likely to accumulate on Hill Lane which already experiences significant demands for parking with limited capacity to support any further increase.

Whilst it is acknowledged that the site formerly operated under retail use, the use as a HMO is likely to generate longer stay parking demands.

Flood Risk Management – The site is within Flood Zone 1 and at very low risk of surface water flooding. Whilst the change of use results in a change in Flood Risk Vulnerability Classification, it does not require any mitigation.

Greater Manchester Police (Design for Security) - Access to the proposed HMO is indicated to be down the side of the property, which is quite secluded away from any natural surveillance. Residents as well as visitors would have to pass down the side of the property to gain access to the building. Without any appropriate access control i.e (access controlled gate at the front that leads to the side) at the side of the building or any lighting we would be reluctant to support the application. Security measures including access controls and lighting are recommended in order for GMP to support the proposal.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local

Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

Policy SP1 (Spatial Principle) - refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) - states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy T2 (Accessible Areas of Opportunity and Need) - requires that adequate car parking is provided for new developments. The Council will take the circumstances of each proposal into account to establish what level of parking is appropriate.

Policy H11 (Houses in Multiple Occupation) - states that changes of use from a C3 dwelling house 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:

- 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.
- Any other property which can be demonstrated to fall within the C4 or sui generis HMO use class.

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.

In parts of Manchester which do not have a high concentration of HMO/student housing but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling which is suitable for a family. Changes to alternative uses, including C4 and HMOs with more than six occupants, will only be acceptable where it can be demonstrated that there is no reasonable demand for the existing use.

All proposals for change of use of existing properties into houses in multiple occupation, and all proposals for conversion of existing properties into flats (which might not necessarily fall within Class C4), would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 provides guidance on the decision making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Issues

Permitted Development Rights

Ordinarily the change of use from Class C3 to Class C4 would constitute permitted development in accordance with the Town and Country Planning (General Permitted Development) Order 2015.

Due to concerns regarding an oversupply of such accommodation and the impact that such accommodation was having on the character of areas throughout the city, as well as upon residential amenity, the City Council introduced an Article 4 GPDO Direction to remove permitted development rights for changes use from C3 to C4. The Direction was adopted on 11th October 2011.

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise

In the case of this application, the principle of the proposed is not considered acceptable and believed to be in conflict with the aforementioned development plan policy and associated guidance.

Houses in multiple occupancy often lead to transient occupancy whereby occupants have little vested interest in the area and can in part, alter the character of an area as a neighbourhood of choice. HMOs tend to attract people who will live in the property for a comparatively short period of time and consequently they do not have the same interest in the well-being of an area as those who are less transient such as a family. It is believed that this cyclical change in occupiers can have a negative impact upon both residential amenity often due to poor or no management and a general lack of civic pride. As such, the cumulative effects of HMOs can have an adverse impact upon the character and appearance of an area.

It is further maintained that the proposed accommodation offered would facilitate an over intensive use of the property and would lead to problems associated with increased levels of activity formed by people with different lifestyles and patterns of behaviour, increased noise, disturbance, waste storage demands and car parking requirements.

On this basis, the proposal in considered to conflict with policies DM1, SP1, H11, and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise.

The principal issue of concern is outlined further below.

Residential Amenity

Whilst the City Council has no control over who can occupy a property, it can help prevent properties from being over intensively used by restricting the number of occupants and the creation of certain types of accommodation.

HMO accommodation in particular can often cause problems in residential neighbourhoods due to the level of activity associated with unrelated people living together. A collective group of individuals with different lifestyles and different patterns of behaviour can result in frequent comings and goings with associated noise and disturbance. This in turn can have an adverse impact upon the living conditions of neighbouring residential occupiers to the detriment of their amenity.

The principal effects include noise nuisance, general disturbance due to increased comings and goings, negative impacts upon the physical environment and streetscape due to inadequate management of refuse storage and pressure upon local parking provision.

The lack of off road car parking provision forms a particularly harmful factor.

Notwithstanding the relative accessible location of the property, car ownership cannot be precluded.

Policy DM1 in particular states that for all development, regard should be made to parking provision, whilst policy T2 requires that adequate car parking is provided for new developments.

The increased occupancy of the property would lead to increased competition for on-street parking spaces, for a property that does not presently provide any meaningful off road parking provision.

The proposed use could quite feasibly generate demand for 4 car spaces and even more if any of the bedrooms were to be occupied by a couple.

The immediate area around the junction of Victoria Avenue and Hill Street already suffers a high degree of on-street parking demand due to its location next to local shops and nearby school.

In turn, it is believed that the proposed use would cause increase competition for on-street parking spaces in an area that already experiences high parking demands, to the detriment of highway users and neighbouring occupiers due to increased competition for spaces. It is therefore maintained that lack of any parking provision is unacceptable.

The potential introduction of a number of cars associated with the property coupled with an under provision of off-road parking would lead to further parking on-street parking demand and exacerbate parking problems for existing residents to the detriment of their amenity. This is indicative of the over intensive use of the property.

In addition to the above, there are concerns surrounding the impact on the physical environment due to poor waste management and general property management.

The property would facilitate waste demand by at least 4 unrelated individuals who could feasibly generate a greater level of waste than that of traditional family occupancy. This is of particular concern given the condition of the adjoining side alleyway which is unkempt and littered with waste.

On balance, whilst it is acknowledged that the application proposal would contribute to the diversity of accommodation in the area and would bring back into use a vacant property, these issues are considered to be outweighed by the harmful impacts of the proposed HMO. Namely, increased activity, intensity of use and lack of off road parking. This in turn would have a harmful impact upon amenity and the character of the area.

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 polices 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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner

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

1) The proposed use would result in an over intensive use of the property, with a consequential increase in the levels of activity, noise and disturbance levels, waste generation and demand for parking. This in turn would have a detrimental impact upon the amenity of neighbouring residential occupiers, contrary to policies H11, DM1, T2 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

231 Hill Lane, Manchester, M9 6RG
65 Victoria Avenue, Blackley, Manchester, M9 0RD
63 Victoria Avenue, Blackley, Manchester, M9 0RD
61 Victoria Avenue, Blackley, Manchester, M9 0RD
71 Victoria Avenue, Blackley, Manchester, M9 0RD
70 Victoria Avenue, Blackley, Manchester, M9 0RE
69 Victoria Avenue, Blackley, Manchester, M9 0RD
63A Victoria Avenue, Blackley, Manchester, M9 0RD
229 Hill Lane, Manchester, M9 6RG
227 Hill Lane, Manchester, M9 6RG

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1