

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141888/FO/2025
Date registered valid: 22 January 2025
Proposal: Change of use from dwellinghouse (Class C3) to House in Multiple Occupation (Class C4)
Address: 29 Montana Square, Manchester, M11 1LQ
Ward(s): Clayton & Openshaw Ward

Applicant: Mr Carl Morris
Agent (if any):
Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 18 March 2025

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 25 February 2025

Standard consultations:

Printed: 29 January 2025 Expired: 19 February 2025

Neighbour notifications

Printed: 29 January 2025 Expired: 19 February 2025

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area



Fig.1 – Views of 29 Montana Square

This planning application property is in a residential area comprising of two storey housing of varying styles. The property is situated at the western end of a terrace of two storey pitched roof houses. Houses in the parade incorporate shallow front gardens separated from the back of footpath by low walls. To the rear the property incorporates a two storey outrigger adjoined by a

single storey extension, which projects into wall enclosed yard area. An alleyway and an embankment separate the site from an operational railway line.

Internally, the house comprises:

- i. Ground floor – Living room, dining room and kitchen
- ii. First floor – Two bedrooms and a bathroom.

Description of development

The proposed development involves the conversion of the application property into a four bedroom, Class C4 houses in multiple occupation (HMO) without external alterations. The proposed internal layout would comprise:

- i. Ground floor – Two bedrooms and a kitchen/diner
- ii. First floor – Two bedrooms and a bathroom.

Fig.2 – Existing and proposed internal layout

Consultations & Notification Responses

Local residents – One email of objection has been received and expresses concern that the development will add to an over proliferation of HMO uses in the area.

Highway Services – The following comments have been received:

- i. It is not anticipated that levels of traffic generation would unduly impact upon highway capacity.
- ii. However, it is noted that property on Montana Square is not supported with in-curtilage car parking and the development may increase demand for on-street car parking.
- iii. The site is in a sustainable location with nearby access to bus and rail services.
- iv. It is recommended that secure and sheltered cycle storage should be provided within the site.
- v. Waste management appears to be retained as existing, i.e., the rear yard has capacity for bin storage.

Environmental Health – No objection but recommend a condition to ensure appropriate waste and recycling bin storage and collection.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended most recently in December 2024. It represents key up to date national policy and is an important material consideration in determining the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'. The purpose of the planning system is to achieve sustainable development. The NPPF states that, to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy that ensures sufficient and appropriate development and supports growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework are relevant.

Section 5 Delivering a sufficient supply of homes - States 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; the needs of groups with specific housing requirements are addressed (paragraph 61). This should be reflected in the consideration of the size, type and tenure of housing needed for different groups in the community (paragraph 63). The development would result in the loss of house capable of family occupation. As such accommodation is required in response to an identified need within the city and its loss would be contrary to Section 5.

Section 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 96). In this case, the development would potentially produce a high intensity of transient occupation leading to increased noise, activity and disturbance. The development would thereby be harmful to the amenity and well-being of neighbouring residents. The development would thereby fail to accord with Section 8.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. The following aspects of PPG have been considered:

- i. Consultation and pre-decision matters;
- ii. Health and well-being;
- iii. Noise.

The development would not accord with points (ii) and (iii) for the reasons set out in this report.

The Places for Everyone Plan is a Joint Development Plan Document - Provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The following policies are relevant:

Policy JP-P6 (Health) - States that development should maximise its positive contribution to health and wellbeing, whilst avoiding any potential negative impacts of new development. It is considered that the development would result in an overly intensive use of the site. It would also generate levels of activity, noise and disturbance that would be harmful to the character and amenities of the area. Policy JP-P6 would not be accorded with.

JP-S1 (Sustainable development) – In this case, the development would utilise an existing building without further extensions and limited external alterations, thereby minimising the environmental impact. However, potentially adverse social impacts would be related to attributable to the operation of the proposed HMO use. This includes excessive activity, noise and disturbance attributable to the development and the associated harm caused to the character of the area through the transient occupation of the application property. Policy JP-S1 would not be accorded with.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

The proposed development would not contribute positively to the formation of a sustainable community due to the associated loss of family accommodation and the characteristics of proposed occupation. The levels of activity associated with an intensification of occupation would also be detrimental to the health and well-being of neighbouring residents. On this basis, policy SP1 would not be accorded with.

Policy H1 (Overall Housing Provision) - Discusses the need to manage the supply and availability of housing in the city. It also the need to ensure that housing supply contributes to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population. The development would conflict with policy H1 by reducing the supply of family housing in the city.

Policy H 6 (East Manchester) - Discusses the delivery of new residential development in East Manchester, including the Openshaw area. Amongst other things, policy H6 discusses the need to prioritises that delivery of family housing. As the proposed development would result in the loss of house with the potential for family occupation. Its conversion to a Class C4 house in multiple occupation (HMO) would thereby be contrary to the objectives of policy H6.

Policy H 11 Houses in Multiple Occupation - In addition to Manchester's Article 4 Direction that prevents change of use from Class C3 (Dwelling houses) to C4 (small-scale HMOs) reference is also made to policy H11. It states that 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 Class C4 uses will only be acceptable where it can be demonstrated that there is no reasonable demand for the existing use. In this case, the application has not been accompanied with evidence to demonstrate that the existing Class C3 use is no longer viable. Reference has been made to an estate agent web site, which suggests that there is significant demand for family houses in Openshaw as terraced houses represent the most significant property type sold in the area in 2024 (<https://www.rightmove.co.uk/house-prices/openshaw.html> [Access 17 March 2025]). Reference made referenced social housing allocations information provided by Manchester Move, which is an organisation that advertises ready to rent homes provided by approximately 18 not-for-profit landlords via its website. It indicates that there is storing demand in the city comprising of two bedrooms, i.e. the appeal property type (<https://homes.manchestermove.co.uk/choice/content.aspx?pageid=13> [Access 17 March 2025]). In these circumstances, the development would result in the justified loss of a family house, which would be contrary to policy H11.

Policy T 1 (Sustainable Transport) – Seeks, amongst other things, to encourage modal shift away from car travel to public transport, cycling and walking. Would reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties. In this case, it is acknowledged that the site is in a sustainable location with access to public transport and local services. The site also has the capacity to accommodate cycle storage. However, the development would lead to the occupation of the property by up to four individuals; each with potential access to private cars. The resulting level of car ownership would potentially exceed that of a family home. Given the prevalence of on-street car parking it considered that the introduction of additional vehicles would be detrimental to pedestrian and highways safety. The development would thereby be contrary to policy T1.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- i. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- ii. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- iii. Community safety and crime prevention;
- iv. Design for health;
- v. Adequacy of internal accommodation and external amenity space;
- vi. Refuse storage and collection.

In this case, potential harm would be related to the discussed additional levels of noise, activity and disturbance associated with the shared occupation of the property. There would also be potential for additional traffic generation in an area with notable on street car parking. The provision of cycle storage has not been identified. Given these concerns, it is not considered that policy DM1 would be accorded with.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires the local planning authority demonstrates how it has engaged with the applicant prior to the determination of the planning application. In this case, the application has been determined within the statutory timescale. In this instance the principle of the application proposals is contrary to the adopted development plan and are not considered to improve the economic, social or environmental conditions of the area. It is not considered, in this instance, that amendments could be made that would make them acceptable. The applicant's agent was informed of these concerns prior to the determination of the application.

Principle of the development – The City Council recognises the valuable contribution that well managed HMOs can make to the provision of affordable housing but stresses the importance of careful siting to avoid negative impacts on residential amenity. It is acknowledged that the intensity of use associated with unrelated households living together, different lifestyles and different patterns of behaviour can cause frequent comings and goings with associated noise and disturbance. It is considered that 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. It is believed that this cyclical change in occupation has a negative impact on the character and appearance of the area.

The applicant has not provided a supporting statement to justify the proposed change of use, i.e., evidence has not been submitted to demonstrate that the continued use as Class C3 house is no longer viable due to the condition of the property or a lack of demand for such accommodation in the local area. In the absence of such analysis, occupation as family-type house (Class C3) appears to be sustainable and appropriate due to its contribution to the local housing market. The proposed change of use is therefore considered to be unacceptable.

Residential amenity – The neighbouring area predominantly comprises Class C3 housing with characteristic levels of activity, including traffic generation. As discussed, the development would increase the intensity of occupation and the potential to generated additional noise, activity and disturbance that may be harmful to residential amenity. Such circumstances may have an adverse impact on the character of the area and undermine its attractiveness as a location for families to establish homes and links to the local community. The potential resulting harm to residential amenity and the character of the area would be unacceptable.

Highways issues – Montana Square incorporate some lay by parking, but residents are predominantly reliant upon parking on the highway. As the property would be occupied by

individual rather than a single house, it is considered that the development would be the potential to generate more significant demand of car parking.

Waste management – It is anticipated that waste and recycling generation would be comparable to occupation by a large family. However, the applicant has not demonstrated that the required number of bins could be accommodated in the retained rear yard.

Cycle storage - The applicant has not demonstrated that cycle storage would be delivered as part of the development.

Conclusion – The Council maintains that the development would remove an opportunity to provide a much needed contribution to the supply of family accommodation in the city. Increased intensity of the potential occupation of the property would add to levels of noise and activity in and around the site and thereby be harmful to residential amenity and the formation of sustainable communities. The development would therefore be contrary to policies SP1, H1, H6, H11 and DM1 of the Core Strategy for the City of Manchester, policies JP-P6 and JP-S1 contained within Sustainable Development Joint Development Plan Document - Places for Everyone and the guidance with the National Planning Policy Framework.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 application has been determined within the statutory timescale. In this instance the principle of the application proposals is contrary to the adopted development plan and are not considered to improve the economic, social or environmental conditions of the area. It is not considered, in

this instance, that amendments could be made that would make them acceptable. The applicant was informed of these concerns prior to the determination of the application.

Reasons for recommendation to refuse

1) The proposed development would result in the loss of quality residential accommodation, which would reduce the supply and availability of family housing within the local area. The development would thereby fail to positively respond to an identified housing need and thereby undermine the formation of cohesive and sustainable neighbourhoods where people would choose to live. The development would thereby be contrary to policies DM1, H1, H6 and SP1, of the Core Strategy for the City of Manchester, policies JP-P6 and JP-S1 contained within Sustainable Development Joint Development Plan Document - Places for Everyone and the guidance with the National Planning Policy Framework.

2) The proposed development and its operation as a house in multiple occupation (HMO)) would result in the overly intensive use and potentially transient occupation of the application property. It would also result in a consequential increase in the levels of activity, noise and disturbance and potentially generate additional traffic and demand for on-street car parking. The proposed use as an HMO would have a detrimental impact upon the amenity of neighbouring residents, character of the area and the delivery of a sustainable community, which would be contrary to policies DM1, H11, SP1 and T1 of the Core Strategy for the City of Manchester, and policies JP-P6 and JP-S1 contained within Sustainable Development Joint Development Plan Document - Places for Everyone and the guidance with the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

25 Montana Square, Manchester, M11 1LQ
23 Montana Square, Manchester, M11 1LQ
27 Montana Square, Manchester, M11 1LQ
17 Limebrook Close, Manchester, M11 1LN
15 Limebrook Close, Manchester, M11 1LN
13 Limebrook Close, Manchester, M11 1LN
14 Montana Square, Manchester, M11 1LQ
12 Montana Square, Manchester, M11 1LQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA