MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138928/FO/2023
Date registered valid:	15 January 2024
Proposal:	Change of use from dwellinghouse (Class C3) to a 4 bedroom House in Multiple Occupation (Class C4),
Address:	13 Northcote Avenue, Manchester, M22 9AJ
Ward(s):	Sharston Ward
Applicant:	Mr Matthew Gardner
Agent (if any):	
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	11 March 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: March 2024

Standard consultations:
Printed: 17 January 2024 Expired: 7 February 2024

Neighbour notifications
Printed: 17 January 2024 Expired: 7 February 2024

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 property that is the subject of this change of use application is a mid- terraced three storey residential property. It is of brick and tile construction with a small garden to the frontage which is enclosed by a low wall and railing boundary treatment. There is a garden to the rear of the property which is accessed through the property or via the area to the parking court at the rear. The property is located on a modern housing estate within the Sharston ward of the City.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
The area comprises of properties constructed at the same time as the host property with a Social registered landlord sheltered housing unit in the form of Fletcher court to the south of the site on Woodhouse Road and the Addy young peoples' centre beyond that.

Description of development
The proposal is for the change of use of a single family dwellinghouse into a 4 bedroom House in Multiple Occupation. There are no physical changes proposed to the property.

Consultations & Notification Responses
Local residents were informed- no representations have been received.

Environmental Health- no objections- the number of bins existing are all that are required for the number of occupants.

Highways- no objections subject to the attachment of conditions relating to 100% cycle parking provision.

Issues
Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.
The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.
The relevant Core Strategy policies for this application are as follows:

SP1 - Spatial Principles
DM1 - Development Management 1
T2 - 'Accessible area of opportunity and need'
H7 - Wythenshawe
H11 - Houses in Multiple Occupation
The relevant UDP policies for this application are:
DC26 - Development and Noise
The Guide to Development in Manchester SPD

National Policy
National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.
Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors

The Principle of Use -In terms of the threshold figure referred to in policy H11 of the Core Strategy Development Plan Document, the application site lies within an area where the 10% threshold for HMO's would not be exceeded by any approval of this application. Where the threshold is under the 10% figure policy H11 advises that there will be a presumption against change of use 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. 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.
Two of the Core Strategy Spatial Objectives for housing and economy seek to achieve balanced sustainable communities and to provide high quality housing. This includes avoiding over concentrations of accommodation types which could have a detrimental impact on the amenity of residents.
The area around Northcote Road does not accommodate a high concentration of HMO's and any approval of this application would therefore not be detrimental to the balance of tenure in the area.
This objective does however need to be weighed against other policy considerations including the HMO threshold, loss of a family house, residential amenity, car parking, the provision of waste and recycling facilities and the character of the area.

HMO Threshold - As already stated in terms of the threshold figure referred to in policy H11, the application site lies within an area where the 10% threshold for HMO's would not be exceeded by any approval of this application. The application therefore meets the criteria for being under the 10% threshold and is acceptable in terms of this policy consideration.

Loss of a family house - Core Strategy policy H7 states that:
The Council expects that Wythenshawe will accommodate only around 3% of new residential development over the lifetime of the Core Strategy. New high quality, high density development will be encouraged within the district centres of Northenden, Baguley and Wythenshawe and upon small infill sites where it contributes to the stock of affordable housing and where it complements Wythenshawe's garden city character. There is also the potential for additional family housing for sale.

Policy H11 of Manchester's Local Development Framework; Core Strategy Development Plan Document 2012 (Core Strategy), indicates that in locations where the lack of family housing has threatened the sustainability of the community to the extent where regeneration activity with the intention of increasing family housing has taken place, there will be a presumption against changes of use resulting in the loss of a dwelling suitable for a family. Being at least a 4 bedroomed property with a private rear garden and a parking space, the proposal site would be one such dwelling.

In the accompanying text further explanation states that;
The Housing Needs Assessment 2007 showed that Wythenshawe has a predominance of family housing. Despite this, the Housing Need and Demand study (2010) has identified a shortage of family housing in addition to that for single people and first-time buyers. However, Wythenshawe has only a small amount of land available for development (SHLAA 2010). Therefore, there is still a demand for family housing and the principal of losing a single family house is one that is not supported.

Residential Amenity - The use as a single dwelling house would accommodate one household whose family could be expected to share a lifestyle. The level of activity resulting from a group of up to 6 unconnected people is likely to result in more frequent comings and goings with associated noise and disturbance and differing patterns of behaviour. This in turn can have a detrimental impact upon the amenity of other nearby residential occupiers particularly where the residential profile differs markedly.

Car Parking - There is no in curtilage parking brought forward with the proposal, there is a parking court to the rear of which one of the spaces is allocated to the property. The properties further along Northcote Drive in the form of the semi-detached houses have front in curtilage parking however the terraced properties such as number 13 Northcote Avenue all share rear courtyard parking areas. Therefore, it is likely that the occupiers would appeal to young professional who may also have access to a car and would likely want to park close to the site, this in turn will add to existing on street parking issues.

Waste- The waste would be retained as per the current provision for a single family dwellinghouse and is considered acceptable.

Conclusion - Considering all the issues in detail it is considered that the conversion of a property for use as a house in multiple occupation would result in the loss of a family house in an area where there is insufficient parking available for the number of unrelated occupants who can be accommodated in the property and potential disturbance to residential amenity from general comings and goings associated with an intensely populated property, would have a detrimental impact on the amenity and character of the area.

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 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 attempted to work 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 conversion of the property into a 4 bed shared house (HMO) would result in an over intensive use of the property, with a consequential increase in the levels of activity, noise and disturbance levels, and demand for parking. This in turn would have a detrimental impact upon the amenity of neighbouring residential occupiers, contrary to policies H11, DM1 and SP1 of the Manchester Core Strategy.

2) The proposed change of use would result in the loss of a family sized dwellinghouse which would reduce the standard and availability of such housing in the area, undermining the provisions of policies H7, H11 and SP1 of the Manchester Core Strategy, which seek to provide an appropriate mix and balance of housing provision in the locality, in order maintain a sustainable neighbourhood and cohesive housing market.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

DanHu Hair Studio, 16 Northcote Avenue, Manchester, M22 9AJ
11 Northcote Avenue, Manchester, M22 9AJ
9 Northcote Avenue, Manchester, M22 9AJ
7 Northcote Avenue, Manchester, M22 9AJ
5 Northcote Avenue, Manchester, M22 9AJ
17 Northcote Avenue, Manchester, M22 9AJ
16 Northcote Avenue, Manchester, M22 9AJ
12 Northcote Avenue, Manchester, M22 9AJ
10 Northcote Avenue, Manchester, M22 9AJ
8 Northcote Avenue, Manchester, M22 9AJ
6 Northcote Avenue, Manchester, M22 9AJ
15 Northcote Avenue, Manchester, M22 9AJ
44 Garth Road, Manchester, M22 9TN
38 Garth Road, Manchester, M22 9TN
19 Northcote Avenue, Manchester, M22 9AJ
2 Grindleton Avenue, Manchester, M22 9AR
42 Garth Road, Manchester, M22 9TN
40 Garth Road, Manchester, M22 9TN

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 45M
Area Team Boundary - Name: SOUTH AREA