

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139652/FO/2024

Date registered valid: 28 March 2024

Proposal: Retention of a 9 bedroom House in Multiple Occupation (sui generis) following its change of use from residential dwelling (C3 use)

Address: 18 Schuster Road, Manchester, M14 5PE

Ward(s): Rusholme Ward

Applicant: Mr R Keegan

Agent (if any): Stephen Lamb, Steve Lamb

Case officer: Steven McCoombe
Tel: 0161 234 4607
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Recommendation: Refuse

Date of recommendation: 22 May 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 12 April 2024

Standard consultations:

Printed: 9 April 2024 Expired: 30 April 2024

Neighbour notifications

Printed: 9 April 2024 Expired: 30 April 2024

Site notice

Posted: 25 April 2024 Expired: 17 May 2024

Press advert

Published: 16 April 2024 Expired: 30 April 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application property relates to a three-storey end terrace house within a block of three properties and incorporates a two-storey extension to its side and a balcony area to the rear.

The site is located within the mews-style development of two and three storey properties, situated within the Victoria Park Conservation Area. The host property occupies a cul-de-sac location and is approached via an under-croft between 4 and 20 Schuster Road.

The property includes a small rear garden area and immediately bounds the pavement to its frontage. The private road in front of the property includes a number of allocated parking spaces, including one space designated to the application property.

The site is enclosed by a combination of residential properties to the north and east and by the Consulate General Office of the People's Republic of China to the west and south, which is Grade II listed. Mature trees separate the two sites.

The application property is constructed from red rustic brick, with stone cills and banding, with grey concrete tiles to the roof.



View of appeal site

Listed building: Not applicable

Conservation area: Victoria Park Conservation Area 1972

Tree Preservation Order: No

Description of area

The application property is situated within a residential cul-de-sac, many of which are occupied as houses in multiple occupation (HMOs). The immediate surrounding area is largely residential in character, including a number of student halls of residences. Rusholme district centre which extends north to south along Wilmslow Road, is located a short distance to the west.

The property is also located within Victoria Park Conservation Area, characterised by its tree lined roads and large period properties, containing a mixture of flats, HMO's and single family dwellinghouses.

Description of development

Planning permission is sought for a change of use from a dwellinghouse (Class C3) to a 9 bedroom house in multiple occupation (sui generis). It is understood that the property has been in use as house in multiple occupation since October 2022. The application therefore seeks to regularise the use.

The submitted floorplans show 1 bedroom to the ground floor, 4 bedrooms to the first floor and 4 bedrooms to the second floor. A bin store is provided to the front of the property.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – No objection.

Highway Services - It is understood that the site has operated as a HMO since October 2022. The site is located within a private courtyard area, accessed from adopted highway.

Highways have concerns that a HMO could result in a significant increase in parking demand in comparison to the previous dwelling use. Highways therefore request further information regarding current resident car ownership and car parking management/allocation, given that a number of private spaces appear to be provided within the courtyard area.

Whilst bin store details have been provided, the applicant should confirm that bin storage will be provided within the property curtilage. It is assumed that refuse servicing will continue in alignment with existing operations, although this should be confirmed.

Planning History

124372/FH/2019

Erection of a two-storey side extension to form additional living accommodation. *Approved 1 November 2019.*

061653/FO/NORTH2/01

Residential development comprising 99 dwelling houses, 6 duplex apartments & 64 apartments in 4 blocks, following demolition of existing buildings. *Approved 20 September 2001.*

061654/CC/NORTH2/01

Conservation Area Consent for demolition of building prior to redevelopment. *Approved 26 July 2001.*

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 H5 (Central Manchester) - Central Manchester, over the lifetime of the Core Strategy, will accommodate around 14% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

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.

Place for Everyone (Joint Development Plan) - The Places for Everyone Plan is a strategic plan for nine of the 10 boroughs in Greater Manchester and forms part of the city's development plan.

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.

Section 5 refers to the need to deliver a sufficient supply of homes and states that strategic policies should be informed by a local need assessment and the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Paragraph 60 states:

‘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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community’.

Issues

Principle

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

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

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

It is considered that the proposed change of use to a house in multiple occupation (sui generis) would result in the loss of family sized accommodation, in an area where it is desirable to retain such properties, so to contribute to the Council’s housing supply.

On this basis, the proposal is considered to conflict with policies H5, 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.

Housing Balance and the loss of family accommodation

Policy H5 of the Core Strategy set out requirements for new housing development in central Manchester, giving priority to family housing and other high value quality development. This reflects the findings of the Housing Need and Demand Assessment 2010 which identifies a need for larger family housing. Whilst this study is now some years old, the demand for larger family accommodation is still evident.

The justification text for this policy promotes the need to encourage a mixed and diverse community by retaining or attracting economically active households.

There is huge demand across the city for larger homes, demonstrated by the waiting list for social housing, highlighting that demand significantly outstrips supply.

The Manchester Move website provides advice on available properties in Manchester and is used by the City Council’s Housing and Residential Growth service as a data source, reflecting the Manchester Housing Register. The latest figures extracted from the website shows an extremely high demand for social housing in Manchester with over 15,000 live applications on the Manchester Housing Register.

The table below highlights the number of households on the Manchester Housing Register, by their band and the size of property applicants need.

For example, without internal modifications to the floorplan, the application property was originally built as a 4-bedroom property. Figures show that for this type of property 1,198 applicants were waiting for a 4-bedroom property on 1 February 2024. The application property is therefore a dwellinghouse suitable for a family and the proposal in this case would see the loss of such.

Bedroom Need	Band 1	Band 2	Band 3	Band 4	Band 5	Total
1	591	2438	116	3899	154	7198
2	188	2774	44	1928	40	4974
3	83	1491	929	927	20	3450
4	144	692	251	109	2	1198
5	40	134	8	11	0	193
6	17	7	0	0	0	24
Total	1063	7536	1348	6874	216	17037

*Information correct as at 01/02/2024

Extract taken from Manchester Move website

Whilst these figures are based on the supply of social housing, there is inevitably an intrinsic relationship between the availability of family homes for sale or rent in the private sector, and the demand for housing.

An important policy objective of the City Council is to improve the quality of housing stock in the City and to deliver a more sustainable housing market. This can be achieved by increasing the amount of family housing stock on offer and by providing for choice through a range of accommodation. This would allow for more balanced and cohesive neighbourhoods that provide for stronger and safer communities.

The loss of a further family house in this area would conflict with this aspiration, undermine the policy objectives for the area and increase the threat of existing families being driven out of the area, or from being attracted to the area, due to a shortage of appropriate accommodation. Whilst the effect of the loss of a single home on the overall mix and balance of housing in the area would be limited, it would nevertheless contribute to the short fall.

Policy H11 of the Core Strategy is concerned specifically with changes of use to houses in multiple occupancy. The policy sets out different approaches for different parts of the city, depending on the extent to which HMOs are already concentrated and seeks to manage changes of use from C3 dwellinghouses to houses in multiple occupation (HMOs).

The policy states within the text that a change of use from a dwelling to a HMO will not be permitted where there is already a high concentration of properties nearby which are occupied by full time students, are recorded as licensed HMOs, or can be demonstrated to fall within a C4 or sui generis use class.

Figure 9.6 associated with Policy H11 the Core Strategy highlights areas in the city with high concentrations of HMOs and where concentrations of Council tax exempt student households combined with non-student licensed HMOs exceed 10% of total household based on 2010 data.

It can be seen that the application property is situated in an area where 40-49% of properties are Council tax exempt student households or non-student licensed HMOs.

Whilst the figures provided within the policy could now be considered out of date, figures obtained from the Council's Strategic Housing section during the course of this application, indicate that of 1 May 2024 there are 598 Council tax exempt households (student Council tax exemption) in the Rusholme ward – making up 9.9% of the total households in the ward. This figure therefore aligns with the policy H11 narrative.

The applicant has provided their own survey results on a much smaller area at Appendix G of the submitted Planning Statement. This shows a high concentration of HMO occupation in the immediate area and that only 2 properties within the host cul-de-sac/courtyard are owner occupier Class C3 dwellinghouses. The Council has no reason to dispute these findings.

The applicant maintains that the addition of a further HMO would not have any material impact on the character of the area or its sustainability, other than to reinforce the status quo and that the use of properties in this area for family occupancy are now the exception, since the character of the area has swayed to that of multiple occupancy associated with the transient student population that inhabit the area.

The applicant in support of their proposal has also provided a number of planning appeal decisions in which HMOS have been allowed, two of which relate to properties along Schuster Road.

Within these decisions, the relevant Inspectors concede that given the number of HMOs already on Schuster Road, HMO proposals conflict with Policy H11 of the Core Strategy. The same would be the case in this instance.

Rationale is provided within the submitted appeal decisions that further HMOs in the area would not undermine the character or function of the area, since the estate is already dominated by HMOs. It is concluded that in effect, one more HMO would make no difference to the sustainability or character of the neighbourhood. It is maintained that the concentration of HMOs in the area provides exceptional material circumstances which over-ride the strict application of the policy, justifying a departure.

The City Council vehemently opposes this argument. It cannot be right that HMO proposals have 'carte blanche' to overrun the area, eroding family houses in the area through the

saturation of HMO accommodation. Whilst one more HMO would have minimal impact to the character of the area, it would nevertheless result in the loss of another family sized dwelling, further changing the make-up and demographic of the area.

The City Council maintains that a threshold must be drawn, where no further HMOs are permitted in the area in line with development plan policy for which it has already been accepted in previous appeal decisions, has been contravened.

The current proposal would tip the balance of acceptability and would significantly undermine the concept of a sustainable neighbourhood. The proposal would also serve to intensify the concentration of HMO properties in the immediate area, further unbalancing the house mix, with the resultant effect that the area will continue to be less attractive to families and more permanent residents, due to a shortage of appropriate accommodation.

In light of the above, the proposed development would result in the loss of a family dwellinghouse, further eroding the balance of housing provision in the locality. The proposed change of use therefore conflicts with the development plan when considered as a whole with respect to delivering a sufficient supply of homes. It is not therefore believed there are any other considerations, either individually or in combination that outweigh the harm and associated development plan conflict.

Impact to Highway

The consultation response received from Highway Services raises concerns that a HMO could result in a significant increase in parking demand, in comparison to the previous dwelling use. Further information is requested regarding current resident car ownership and car parking management/allocation given there appear to be a number of private spaces.

Following an Officer site visit, car ownership in comparison to the size and number of properties along Schuster Road does not appear to be significant and no problems with on-street parking were specifically identified. A single space is allocated to the application property, which appears to be sufficient for the intended occupancy - particularly as car ownership for the existing student occupiers appears to be low.

The site is situated within a highly sustainable location and within a short walk of high frequency bus routes along Wilmslow Road. On this basis, the Council is satisfied that there would be no significant effects to the operation of the highway as a result of parking and competition for parking spaces.

Impact to Conservation Area

As the site is location within a designated conservation area, special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing its character or appearance should be made. In this case, as the proposal seeks a change of use with no external alterations, the City Council considers the proposal would preserve those interests.

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

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 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 H5, 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
Rusholme, Fallowfield & Moss Side Civic Society

Consul's Residence, Denison House, Denison Road, Manchester, M14 5RX
12 Schuster Road, Manchester, M14 5PE
6 Schuster Road, Manchester, M14 5PE
The Consulate For The Peoples Republic Of China, 38A Schuster Road, Manchester, M14 5PE
40 Schuster Road, Manchester, M14 5PE
36 Schuster Road, Manchester, M14 5PE
16 Schuster Road, Manchester, M14 5PE
14 Schuster Road, Manchester, M14 5PE
8 Schuster Road, Manchester, M14 5PE
38 Schuster Road, Manchester, M14 5PE
10 Schuster Road, Manchester, M14 5PE
Denison House, Denison Road, Manchester, M14 5RX

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Victoria Park Conservation Area 1972
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA