Planning

Growth & Development

Delegated officer report for planning application

Application no.	139206/FO/2024
Date registered valid:	7 February 2024
Proposal:	Change of use from C3 dwelling to four bedroom C4 HMO dwelling.
Address:	43 Courier Street, Manchester, M18 8SY
Ward(s):	Gorton & Abbey Hey Ward
Applicant:	Mr Afzal Mahummad
Agent (if any):	Mr Ahmed Choudhry, NADA Architects
Case officer:	Ian Jarvis Tel: 0161 234 4079 Email: ian.jarvis@manchester.gov.uk
Recommendation:	REFUSE
Date of recommendation:	13 March 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Standard consultations:
Printed: 14 February 2024 Expired: 6 March 2024

Neighbour notifications
Printed: 14 February 2024 Expired: 6 March 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

This application relates to a vacant two-storey semi-detached residential property in a mostly residential area. Courier Street is a cul-de-sac, with two rows of terraced properties, and four semi-detached properties, at the end of the cul-de-sac, including the application site.

The premises currently comprise of a three-bedroom Class C3 family house and it is proposed to convert the property into a Class C4 four bedroom HMO, with an existing ground floor living room being converted into a bedrooms, to add to the existing three bedrooms on the first floor. No external changes are proposed.

One car parking space is available, at the front of the property and the site has an ample sized garden area. The applicant states that the premises would be occupied by young professionals only.

Consultations & Notification Responses

Local residents - 5 objections have been received, from local residents, for the following reasons:

- This is a family built home, and should be left as such.
- The area already has too many HMOs. The aim should be to attract families to the area and for them to enjoy the open spaces that are available in the area.
- Another HMO, means more cars, more congestion and pollution. Currently there is only space for one vehicle to park but if there are a number of tenants with vehicles this would cause problems for residents, including accessing private driveways and blocking of the turning circle

on the cul-de-sac. This could also cause issues for any emergency services accessing the properties if required.
- Additional occupancy, of the premises, means additional noise and waste, which would be detrimental to surrounding residents.
- It is believed that work had already been completed and a number of tenants already occupying the property, with works taking place at the premises over recent months.

Highway Services - Makes the following comments:

PARKING AND ACCESS:
Vehicular access to the site is gained from Courier Street. There is 1 car parking space located within the site's curtilage. However, upon review there are no dropped kerbs present in this location to facilitate this access. Highways are concerned that parking associated with the development may contribute to the level of vehicles parked on-street. If dropped kerbs are not provided, then dropped kerbs will be required off Courier Street to accommodate the parking space.

CYCLE PARKING:
Should the application be approved, Highways request that at least 4no. (100%) on-site secure and sheltered cycle storage is provided as part of the proposals.

REFUSE AND SERVICING: As per the Design & Access Statement, it is noted that there are bin storage spaces within the garden of the property. The applicant should confirm the location of the communal bins on the site plan? The applicant should confirm that servicing will continue in alignment with existing operations along Courier Street.

Strategic Area and Citywide Support Manager - Recommend that conditions are attached, to any permission, in relation to construction works, refuse and air quality.

Abbey Hey Residents Association - Object to the application of the conversion of a family house to an HMO. They state that the area has a large number of HMOs, and it is family housing that is needed and sought after. If 4 individuals have a car each that means more parking problems in an already congested street. As an organisation they want to see families enjoying the facilities locally available including parks, the village green, schools etc which the organisation works to maintain and enhance. It is a purpose built family home and should be maintained as such.

Issues

National Planning Policy Framework (December 2023) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that planning policies and decisions should ensure that developments:
a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. paragraph 126).

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. 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.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-
- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy H1 'Overall Housing Provision' states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors, in particular, the need to diversify housing stock in mono tenure areas by increasing the availability of family housing. High density developments (over 75 units per hectare) are appropriate in both the City Centre and parts of the Regional Centre given the accessible location. 90% of residential development will be on previously developed land. The re-use of vacant housing, including the renewal of areas characterised by poor quality housing, will be prioritised. New developments should take advantage of existing buildings where appropriate through refurbishment or rebuilding works. If this is not possible, development schemes should contribute to renewal of adjacent areas which contain vacant or derelict buildings.

Policy H1 goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. Schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours. .

Policy H4 relates to sites in East Manchester and states that, over the lifetime of the Core Strategy, East Manchester will accommodate around 30% of new residential development. Priority will be given to family housing and other high value,
high quality development where this can be sustained. High density housing will be permitted within the parts of East Manchester that fall within the Regional Centre which are adjacent to the City Centre. These neighbourhoods include Ancoats, New Islington, Holt Town and Chancellor's Place; to the west of Alan Turing Way, and within Eastlands, Newton Heath, Openshaw and Gorton district centres as part of mixed-use schemes.

Policy H11 relates to Houses in Multiple Occupation and states that a change 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 areas of high concentration, extensions to HMOs (as defined in the Housing Act 2004) would not be permitted where this could reasonably be expected to lead to an increase in the level of occupation.

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. The approach above will also be used for change of use to a HMO which is classified as 'sui generis'.

Notwithstanding the policy requirements set out above, 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

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses).

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-
- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved Development Control policy DC26, of the Unitary Development Plan, relates to development and noise and states that the council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the city. In giving effect to this intention, the council will consider both:
a. the effect of new development proposals which are likely to be generators of noise; and
b. the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

Manchester Residential Quality Guidance 2016 sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016). The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses. In relation to one bedroom, one person, units the minimum standard of accommodation is set at 37 square metres.

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 - In the case of this application, the principle of the proposed change of use is not considered acceptable as it is in conflict with the policies and associated guidance indicated above.

It is considered that the proposed change of use to a house in multiple occupation (Class C4) 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.

Houses in multiple occupancy also 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 use 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, H4 and H11 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Loss of Family Accommodation - The site lies within a residential area of predominantly family housing

Policy H11 of the Core Strategy 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.

This is endorsed by Policy H4 which states that in East Manchester, priority will be given to family housing and other high value, high quality development where this can be sustained.

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 though a range of accommodation. This would allow for more balanced and cohesive neighbourhoods that provide for stronger and safer communities.

The loss of a family house in this area would conflict with this aspiration, undermine the regeneration 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.

To permit the conversion of the property to form a house in multiple occupation clearly contravenes City Council policy aspirations and would serve to contribute to the imbalance of the housing mix in the area and deviate from the long-term housing objectives of the City Council which focuses on diversity and choice in the housing market, as well as the protection of residential amenity.

In addition, the site is located within East Manchester where Policy H4 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012 gives priority to family housing and other high value, high quality development. The explanation to this policy refers to the Housing Need and Demand Assessment 2010 (HNDA), which shows that there is a need for 3-4 bedroom family housing in East Manchester.

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. It is considered that a

collective group of individuals with different lifestyles and different patterns of behaviour, as opposed to traditional family occupancy, can result in more 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 residential amenity.

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

In this case, the lack of sufficient off-road car parking provision forms a particularly harmful factor and this has been raised as a concern by Highway Services. It is accepted that the site is in a fairly good accessible location, but this does not preclude the potential for car ownership for up to 4 separate individuals.

It is therefore considered that the increased occupancy of the property would undoubtedly lead to increased competition for on-street parking spaces, in an area which already experiences on-street parking difficulties, in part caused by its close proximity to major sites that generate significant numbers of visitors.

As a result, the lack of off-road car parking provision would have a detrimental impact upon highway users and neighbouring occupiers due to likely parking demand and increased on-street parking. It is further considered that the sites location, at the end of a cul-de-sac, where vehicles need a clear turning area, makes this a particularly unsuitable spot for additional on-street parking, beyond what would normally be expected for a single property. It is therefore maintained that the parking provision is unacceptable.

It is considered that the potential introduction of a number of cars associated with the property 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 and is not therefore considered satisfactory.

Notwithstanding the comments of residents, regarding the suggestion that the change of use has already occurred, the site has been visited, by planning and compliance officer, and there is no evidence to show that this has occurred.

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, and invited the withdrawal of the application, but the applicant did not take up this option. 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 H4, 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.

2) The proposal would result in an over intensive use of the property resulting in the creation of low quality/substandard living accommodation for the occupants of the development, including the lack of adequate parking arrangements which would create the demand for on street car parking, within the local area. In addition, the proposal would result in a significant intensification of occupation, waste generation and comings and goings at the site which would increase level of noise, disturbance and activity for proposed and existing residents. The proposal would therefore have an unacceptable detrimental impact upon the residential amenity of neighbouring residential occupiers and would therefore be contrary to the provisions of policies SP1, H11, T2 and DM1 of the Manchester Core Strategy, saved policy DC26 of the Unitary Development Plan for the City of Manchester and guidance in the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

41 Courier Street, Manchester, M18 8SY
24 Burstead Street, Manchester, M18 8ST
21 Burstead Street, Manchester, M18 8ST
47 Courier Street, Manchester, M18 8SY
22 Burstead Street, Manchester, M18 8ST
16 Burstead Street, Manchester, M18 8ST
38 Courier Street, Manchester, M18 8SY
40 Courier Street, Manchester, M18 8SY
23 Burstead Street, Manchester, M18 8ST
20 Burstead Street, Manchester, M18 8ST
19 Burstead Street, Manchester, M18 8ST
17 Burstead Street, Manchester, M18 8ST
45 Courier Street, Manchester, M18 8SY
15 Wycombe Avenue, Manchester, M18 8SS
18 Burstead Street, Manchester, M18 8ST

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
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA