

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138216/FO/2023

Date registered valid: 10 November 2023

Proposal: Change of use from a six bed House in Multiple Occupation (Class C4) to an eight bed House in Multiple Occupation (Sui Generis), with the provision of lightwells to the front and rear.

Address: 23 Egerton Crescent, Manchester, M20 4PN

Ward(s): Withington Ward

Applicant: Mr Chris Connor, MCMB Property Company Limited

Agent (if any): Mr Ian Grainger, Blu Room Architecture

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 19 December 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 24 November 2023

Standard consultations:

Printed: 21 November 2023

Expired: 12 December 2023

Neighbour notifications

Printed: 21 November 2023

Expired: 12 December 2023

Site notice

Posted: 24 November 2023

Expired: 15 December 2023

Press advert

Published: 28 November 2023

Expired: 12 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to an end terraced, two storey residential property, situated at the corner of Egerton Crescent and Parsonage Road. The property incorporates a gable roof and basement area currently used for storage.

To the front, the property includes a narrow yard area that wraps around the side of the building, leading to a rear yard area, some of which is used for off road parking.



View of property frontage

The property is largely enclosed by combination of brick wall and hedgerow to the front and side and timber fencing to the rear. Pedestrian access is served via a gated entrance off Egerton Crescent and vehicular access to the rear yard gained via a set of metal gates from Parsonage Road.



View of property rear

The property is presently occupied as a small HMO (Class C4) and comprises 1 bedroom to the ground floor, 4 bedrooms to the first floor and 1 bedroom within the roof space (6 in total).

Listed building: Not applicable

Conservation area: Withington Conservation Area 1983

Tree Preservation Order: No

Description of area

The application site is situated within a largely residential area which comprises mainly of two and three storey, terraced and semi-detached Victorian, properties of various tenures.

A short distance to the west, spanning north to south along Wilmslow Road lies Withington district centre – a neighbourhood shopping centre containing a variety of small-scale retail, food/drink, residential and other commercial uses.

The site also lies within Withington Conservation Area, which consists primarily of a linear shopping centre along Wilmslow Road and neighbouring residential roads containing characterful period properties which branch off.

The conservation area was designated in 1983, with the boundary composed mainly of property boundaries rather than streets and includes Tatton View in the south and Withington Library to the north.

Description of development

Planning permission is sought for the conversion of the existing building from a small HMO comprising 6 occupants (Class C4) to a large HMO (sui generis) to accommodate 8 occupants.

This would involve the conversion of the basement area currently used for storage for use as habitable living accommodation and would entail internal reconfiguration to allow communal living space at basement level in place of existing ground floor provision and the addition of 2

further bedrooms to the ground floor. To facilitate natural light to the basement area, lightwells are proposed to the front and rear of the building.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Local Ward Members - *Councillor Gavin White* considers the proposal overdevelopment of this site and terraced house. To increase a 6 bed HMO to an 8 bed HMO would potentially lead to associated issues of noise, poor waste management, parking issues and a general impact and loss of residential amenity in the area which has a number of families and older residents living nearby. It is also questioned whether the proposed extension would result in habitable rooms being too close to neighbouring properties.

Councillor Chris Wills writes on behalf of himself and *Councillor Becky Chambers*.

It is considered that application property, whilst not in the highest area of student density in the ward, is one of a significant number of student properties in the area, which otherwise has a lot of homes occupied by families with young children, and retired people. The proposed development would therefore exacerbate issues of over-saturation and over-occupancy, as well as noise and waste management issues associated with HMOs in the area, contrary to policy H11 of the Core Strategy.

Withington Civic Society - The Society strongly objects to the enlarged HMO.

Reference is made to planning appeal decision referenced APP/B4215/W17/3189101 in which the Inspector states:

‘Areas that have a high concentration of HMOs, including student accommodation, often experience a conflict between the lifestyles of students and local residents. The generally transient nature of the occupants of HMOs results in them often failing to integrate into the local community and makes it difficult to provide community services and facilities. This is exacerbated by the often-seasonal nature of student occupation, with fluctuations in service needs as a result of students often vacating the properties outside term times. As a result, an over concentration of HMOs creates an imbalance in the housing provision in the local community which can have a harmful effect on the sustainability of the community’.

Further, the Inspector commented in Planning appeal decision referenced APP/B4215/A/10/2139091 that:

‘In Withington ward in which the appeal is located, the number of HMO’s in the area has now reached the tipping point beyond which maintaining a sustainable community attractive to permanent residents would be difficult’.

The proposal, in combination with other HMOs in the area, would significantly harm the mix and balance of housing provision in the area, contrary to Policy H11 and fails to accord with the objectives of the National Planning Policy Framework, which states that local planning authorities should provide a wide choice of high-quality homes.

It is also noted that the property falls within the area listed as E00026863 in the 2021 Census where 42.5% of the people aged 16 and over are full time students. Whilst some may be school students, the overwhelming and vast majority are students living in the community. The application, if granted, would introduce new HMO accommodation and therefore exacerbate the existing and acknowledged problems within the area.

There are also severe reservations about the proposed waste storage and collection. There appears to be no access to the outside from the proposed basement kitchen. There must be a further concern about fire escape routes throughout the building but particularly from the basement.

Environmental Health – A condition requiring the submission of a detailed waste management strategy, as well as a condition defining construction/fit-out hours of working is advised, should the application be recommended for approval.

Highway Services - In comparison to the former use, the level of trips generated is not anticipated to be dissimilar. It is noted that the level of trips is likely to be different as a HMO compared to a family home.

There are 4 car parking spaces located within the site's curtilage, equating to a provision of 50%. Vehicular access to the site is gained from Parsonage Road. It is noted that an existing vehicular crossover is present in this location in order to facilitate this access. Highways note that the development is located within close proximity to a school and parking restrictions are in place along Parsonage Road. Limited on-street parking is in place around the site and areas with no restrictions are noted to have on-street parking in place.

Secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

A refuse storage area is noted within the site with collection from Parsonage Road, as per the existing arrangements.

A Construction Management Plan should be provided by the applicant prior to any construction works beginning.

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 H11 (Houses in Multiple Occupation) - states that changes of use from a C3 dwelling house to a C4 HMO will not be permitted where there is a high concentration of residential properties within a short distance of the application site falling within one or more of the following categories:

- Exempt from paying Council tax because they are entirely occupied by full time students.
- Recorded on Private Sector Housing's database as a licensed HMO.
- Any other property which can be demonstrated to fall within the C4 or sui generis HMO use class.

In cases where the concentration of such properties is significant but less high, the Council will examine property type and resident mix in more detail when considering an application for a change of use.

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

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

National Planning Policy Framework

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

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

Planning History

None.

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.

The increase in habitable floorspace and associated occupancy arising from the proposed basement conversion 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 is considered to conflict with policies DM1, SP1 and H11 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise.

The principal issue is outlined further below.

Residential Amenity

Policies DM1 and SP1 of the Core Strategy indicate that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents.

Paragraph 135(f) of the NPPF also states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

In this case, the Council has concerns with regard to the over-intensive use of the property as a result of the proposed increased occupancy.

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 unrelated occupants.

HMO accommodation can often cause problems in residential neighbourhoods, due to the levels of activity associated with unrelated people living together, as opposed to traditional family occupancy, which normally involves the manifestation of different patterns of behaviour and less frequent levels of activity.

A collective group of individuals with different lifestyles and different patterns of behaviour can result in an increased frequency of comings and goings, with associated noise and disturbance. This in turn can have an adverse impact upon the living conditions of neighbouring residential occupiers, to the detriment of their amenity.

The principal effects include, noise nuisance, negative impacts upon the physical environment and streetscape due to inadequate management of refuse storage and pressure upon local parking provision. In this case, an increase of 2 occupants is considered to tip the threshold of acceptability.

The lack of off-road car parking provision also forms a potentially harmful factor.

Whilst there is provision in the rear yard for around 3 informal parking spaces, no further provision is proposed for the increase in occupancy.

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

Policy DM1 in particular states, that for all development, regard should be made to parking provision.

The increased occupancy of the property would undoubtedly lead to increased competition for on-street parking spaces on adjacent roads in an area that already suffers with on-street parking demand, due to the levels of occupancy in the area and lack of off-street provision, together parking demands associated with visitors of the nearby district centre and St. Paul's C of E Primary School situated a short distance to the south along St. Paul's Road.

The proposed use by definition could quite feasibly generate demand for 8 car parking spaces. This in turn would cause competition for on-street parking spaces along nearby roads, which in turn would be harmful to residential amenity.

Overall, taking into account the existing characteristics of the immediate area, it is maintained that proposed increase in occupancy would cause harm to the living conditions of neighbouring occupiers with respect to general disturbance, waste management and increased parking pressure in the area.

The application was originally a terraced, family dwellinghouse. The proposed occupation by 8 unrelated people with independent lifestyles and patterns of behaviour, which could include late night activity, due the likely student demographic that the host property would cater for, would in turn lead to the over-intensive use of the property, undermining the living conditions of nearby residential occupiers. The proposal would therefore conflict with the aforementioned policy and guidance.

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 increase in occupancy would result in an over intensive use of the host property. The consequential increase in the levels of activity, noise, disturbance and demand for parking would have a harmful impact upon the amenity of neighbouring residential occupiers, contrary to policies H11, DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Withington Civic Society

Flat 5, 19 Egerton Crescent, Manchester, M20 4PN
Flat 4, 19 Egerton Crescent, Manchester, M20 4PN
Flat 3, 19 Egerton Crescent, Manchester, M20 4PN
Flat 2, 19 Egerton Crescent, Manchester, M20 4PN
Flat 1, 19 Egerton Crescent, Manchester, M20 4PN
Flat 1, 19A Egerton Crescent, Manchester, M20 4PN
Flat 2, 19A Egerton Crescent, Manchester, M20 4PN
17A Egerton Crescent, Manchester, M20 4PN
19A Egerton Crescent, Manchester, M20 4PN
Flat 2, 17 Egerton Crescent, Manchester, M20 4PN
Flat 3, 11 Parsonage Road, Manchester, M20 4PB
20 Parsonage Road, Manchester, M20 4PE
14 Parsonage Road, Manchester, M20 4PE
Flat 3, 12 Parsonage Road, Manchester, M20 4PQ
Flat 1, 17 Egerton Crescent, Manchester, M20 4PN
Flat 2, 12 Parsonage Road, Manchester, M20 4PQ
Flat 1, 12 Parsonage Road, Manchester, M20 4PQ
Flat 4, 11 Parsonage Road, Manchester, M20 4PB
Flat 2, 11 Parsonage Road, Manchester, M20 4PB
Flat 1, 11 Parsonage Road, Manchester, M20 4PB
10 Parsonage Road, Manchester, M20 4PQ
18 Parsonage Road, Manchester, M20 4PE
16 Parsonage Road, Manchester, M20 4PE
Flat 3, 17 Egerton Crescent, Manchester, M20 4PN
9 Parsonage Road, Manchester, M20 4PB
15 Parsonage Road, Manchester, M20 4PW
13 Parsonage Road, Manchester, M20 4PW

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
Conservation Area - Withington Conservation Area 1983
Area Team Boundary - Name: SOUTH AREA