

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135094/FO/2022

Date registered valid: 20 March 2023

Proposal: Reconfiguration of the existing house in multiple occupation to create 1 additional bedroom in the basement increasing it to 8 bedrooms in total, together with provision of a bin store and cycle store.

Address: 25 Lausanne Road, Manchester, M20 3EU

Ward(s): Old Moat Ward

Applicant: Mr Lee Brocklehurst

Agent (if any):

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 June 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: May 2023

Standard consultations:

Printed: 28 March 2023 Expired: 18 April 2023

Neighbour notifications

Printed: 28 March 2023 Expired: 18 April 2023

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 application relates to a two storey mid terrace property on Lausanne Road in close proximity to Withington District Centre. The property has a low red brick boundary wall to the front with a small front private yard area. To the rear the property has a three-storey outrigger and rear yard leading onto an alleyway serving the rear of the terrace of properties. The property has been operating for a number of years as a 7 bed HMO, and secured regularisation of this through the granting of a Certificate of Lawful Development ref:135364/LE/2022

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The surrounding area is characterised as predominantly residential, outdoor open space and some commercial properties on Mauldeth Road West.

Description of development

The proposal seeks to increase the number of bedrooms from 7 to 8. This would be done through the re-configuration of the internal layout and converting the space within the basement. It is the intention to convert the remaining unused space on the lower ground floor in order to free up space on the ground floor to enable the kitchen/dining space to be at the same level. The existing living room on the lower ground floor would be converted to a bedroom with an additional new bedroom and shower room/WC on that floor also. There will be a tilt and turn glazed door in the front and rear at basement level, the door in the front exists already, the one to the rear will allow for access into the newly created rooms following the opening up of the basement.

Consultations & Notification Responses

Local Residents were informed- one letter has been received from an interested party which does not directly relate to this proposal, and states that if more high- rise developments were built throughout the City, houses would not be converted to flats. This comment is not applicable in this instance, as the property is an established house in multiple occupation being in that use for greater than 10 years. An Article 4 Direction is in place across the City which controls the changes of family dwellinghouses into houses in multiple occupation.

Environmental Agency-The Environment Agency has no objection to the proposed development, as submitted, and considers the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Flood Risk Management-Based on the response from the Environment Agency (EA), we would have no objection to development at this location and we would support their suggested condition. Due to the scale/nature of development, we recommend no drainage condition for this application.

Highways- Given that the proposed development will result in an increase of one bedroom within an existing residential unit, it is accepted that no highway concerns in terms of safety or capacity are considered likely to arise. It is noted that a bin store will be in place at the front of the site with kerbside collection from Lausanne Road. This is acceptable to Highways. A cycle store is in place at the front of the site and will provide parking for 4 cycles. This is acceptable to Highways. It should be ensured that the cycle store is secure and sheltered. Given the minimal scale of construction works involved, the level of construction vehicles is unlikely to generate any significant on-street parking demands.

Issues

The National Planning Policy Framework (February 2019) - The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- o approving development proposals that accord with an up-to-date development plan without delay; or
- o where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Core Strategy Development Plan Document - 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. Relevant policies in the Core Strategy are detailed below:

Policy SP1, Spatial Principles - 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 and protect and enhance the built and natural environment.

Policy DM1, Development Management - This policy states that all development should have regard to a number of specific issues, the most relevant of which in this instance are:

- o Appropriate siting, layout, scale, form, massing, materials and detail.
- o 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.
- o Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- o Adequacy of internal accommodation and external amenity space.
- o Refuse storage and collection.
- o Vehicular access and car parking.

Policy H 11, Houses in Multiple Occupation - This policy states that 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:

- o Exempt from paying Council tax because they are entirely occupied by full time students.
- o Recorded on Private Sector Housing's database as a licensed HMO.
- o 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.

Issues

Principle of the Proposal - Given that the property is in longstanding use as an HMO having gained an established use certificate in 2022, the principle of increasing the bedrooms from 7 to 8 without any physical intervention other than the reconfiguration of the existing floorspace and the introduction of the tilt and turn glazed doors to the front and rear to serve the basement is considered acceptable. Notwithstanding this, consideration must be given to the potential impact of the intensification of the site upon existing levels of residential and visual amenity enjoyed within the vicinity of the site.

The applicant has confirmed that the property has been in use as an HMO for a significant period of time this is corroborated by the granting of the Certificate of lawful use previously issued, and as the property is not a dwellinghouse nor has been for a long period of time, no loss of family accommodation would take place. The proposal will improve the amenity space for the existing residents, and whilst there is an increase in the number of bedrooms by 1 it is not considered that this would result in a detrimental impact on the neighbourhood or over intensification of the use. The increase is to be created within the existing footprint of the building by utilising the existing fabric of the basement, thereby improving the existing situation without extending the building. As such in this instance it is considered that the additional bedroom within an existing HMO is acceptable.

Design - The changes to the accommodation are internal apart from the external introduction of the two doors, making better use of the existing basement and as such, the appearance of the property is not impacted by the creation of the additional bedroom.

Residential Amenity - It is not considered that the proposed change of use would generate such significant additional comings and goings to the property so as to prove detrimental to existing levels of residential amenity.

The application site currently has the garden laid out to the rear as an attractive decked area which is used by the residents of the property. There would be sufficient external amenity space retained for existing and future occupants. The internal changes improve the amount of amenity space by re-locating the lounge area to within the basement, which would therefore provide a larger lounge. The additional bedroom is then created in the old lounge area.

Visual Amenity - The proposal would have no impact upon the visual amenity of the property itself or the area within which it is located given that the proposed changes all take place within the inside of the property.

Car / Cycle Parking - The parking is and will be reliant upon on street parking which is the case of the other properties within the terrace. Sufficient parking at the front of the property would be available. There is a cycle rack proposed within the front garden which is considered acceptable.

Waste Management.- The bin store will sit within the front garden, and a condition would be attached to any consent granted with regards to the materials and design of the bin store.

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: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to dealing with the planning application. The application has been determined in accordance with both local and national policies

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

SAS 002 REV3 Existing and Proposed Elevations

SAS 003 REV3 Existing and Proposed Elevations

received 20th March 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The development shall be carried out in accordance with the submitted flood risk assessment SAS001FRA, dated 15/3/2023 and the mitigation measures detailed within it. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed, shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG

4) The Details of the Bin storage (including design and materials) shown on drawing ref: SAS 003 Rev 3 shall be submitted to and approved in writing by the City Council as local planning authority once approved the bin store shall be made ready for use prior to the first occupation of the development hereby approved. The approved space and facilities shall then be retained and permanently reserved for bin storage.

Reason - To ensure that adequate provision is made for bin storage pursuant to policy and DM1 and EN19 of the Core Strategy.

5) The Details of the secure cycle storage shown on drawing ref: SAS 003 Rev 3 shall be submitted to and approved in writing by the City Council as local planning authority once approved the cycle rack shall be made ready for use prior to the first occupation of the development hereby approved. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved plans.

Reason- In the interest of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policy DM1, SP1.

7) The materials used to construct the external elevations of the extensions hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

Informatives

1) The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

Appendix 1 – List of consultees & neighbours notified

Highway Services
MCC Flood Risk Management
Environment Agency

38 Ripplingham Road, Manchester, M20 3EX
23 Lausanne Road, Manchester, M20 3EU
21 Lausanne Road, Manchester, M20 3EU
18 Lausanne Road, Manchester, M20 3EU
16 Lausanne Road, Manchester, M20 3EU
36 Ripplingham Road, Manchester, M20 3EX
38A Ripplingham Road, Manchester, M20 3EX
25B Lausanne Road, Manchester, M20 3EU
25A Lausanne Road, Manchester, M20 3EU

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
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Yew Tree Road/Mauldeth Road West)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA