

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136410/FO/2023
Date registered valid: 6 March 2023
Proposal: Conversion of dwellinghouse into 2 self contained flats (Class C3)
Address: 35 Kingscliffe Street, Manchester, M9 4WJ
Ward(s): Harpurhey Ward

Applicant: Mr Ilyas Chaudhary
Agent (if any): Mr Nadir Khan, NK Architects
Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 25 April 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 30 March 2023

Standard consultations:

Printed: 21 March 2023 Expired: 11 April 2023

Neighbour notifications

Printed: 21 March 2023 Expired: 11 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 site relates to a two storey, mid terraced dwellinghouse situated on the northern side of Kingscliffe Street.



View of application property (centre property)

The property comprises communal living accommodation on the ground floor and three bedrooms and a bathroom to the first floor.

The property incorporates small front and rear yard areas, the rear of which is accessed via a gated alleyway. No off-road parking is provided.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is situated within a predominantly residential area, mainly comprising two storey dwellinghouses.

Description of development

Planning permission is sought to convert the existing dwellinghouse (Class C3) to create two self-contained flats, comprising a two bedroom flat to each floor.

To the rear yard, two separate bin storage areas are proposed, consisting of a total of 8 bins. The ground floor flat would have direct access to the rear yards, whilst the first floor flat would need to access the yard via the gated alleyway to the rear.

Due to the size constraints of the property, no off-road parking is proposed.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highway Services - Whilst no on-site car parking is provided, it is considered that any increase in the demand for parking can be accommodated on adjacent streets.

It is recommended that some provision is made for secure, on-site cycle parking.

Waste management arrangements are acceptable from a highway perspective.

Pedestrian access arrangements are acceptable to Highways.

Environmental Health – Waste containers should ideally be located within 10 metres of an external door. As the proposed first floor flat would need to access the rear yard via an alleyway from Fram Street (approx. 52 metres), the route significantly exceeds City Council waste guidance.

Housing and Residential Growth – Letting data is provided with figures that are presenting to the Council's Housing Access Board.

The figures show the demand for social housing and the number of applicants on the register awaiting family sized accommodation.

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.

Core Strategy policies

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 H3 (North Manchester) - North Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

UDP policies

Saved policy DC5 (Flat Conversions) – In determining applications for conversions of properties to flats, the Council will have regard to standard of accommodation, effects on adjoining houses in terms of noise transfer, the adequacy of car parking, general effects on the character of the neighbourhood, adequacy of private outdoor amenity space, access for all and the satisfactory provision of refuse storage/collection arrangements.

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.

Planning History

There have been no previous planning applications at this property

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 conversion is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the proposed conversion of the property to two, smaller self-contained flats would result in the loss of family sized accommodation, in an area where it is desirable to retain such properties, in order contribute to the Council's housing supply.

It is further maintained that the proposed 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 saved policy DC5 of the UDP, policies DM1, SP1, H3 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise.

The principal issues are outlined further below.

Loss of Family Accommodation

Policy H3 of the Core Strategy sets out requirements for new housing development in north Manchester, giving priority to family housing and other high value, high quality development. This reflects the findings of the Housing Need and Demand Assessment 2010, which identifies a need for 3-4 bed family housing in the area.

It is apparent from recent figures obtained from the Council's Housing and Residential Growth section highlighted within their consultation response, that there are currently very significant shortfalls in the availability of family sized homes across the city based on current demand. Whilst these figures are based on the supply of social housing, there is inevitably a relationship between the availability of family homes for sale or rent in the private sector, and the demand for social 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 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. 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.

To permit the conversion of the property to smaller sized units, with the consequential loss of family sized accommodation, 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.

On this basis, the proposed conversion is considered unacceptable.

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. Saved policy DC5 of the UDP which specially relates to flat conversions, requires consideration be given the effect on neighbouring occupiers, as well as the adequacy of amenity space, parking, access and waste management arrangements

Paragraph 130(f) of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

In this case, it is believed that the conversion of a relatively small terraced dwellinghouse into two smaller units, would lead to the over-intensive use of the property.

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 creation of certain types of accommodation.

The creation of multiple households within a terraced property originally intended for a single household, would create a greater propensity for independent activity as opposed to family occupancy. The use by multiple, unrelated occupiers with different lifestyles and different patterns of behaviours is likely to create greater levels of comings and goings, with increased noise and disturbance to neighbouring occupiers. This would include that associated with visitors to those individuals. Flat accommodation of the type proposed is also usually limited to adults, whereupon the regularity of activity extending later into the evenings is also likely to be greater than that of a family dwelling.

Waste generation and management would also be different to that of a single household.

In this case, two separate bin storage areas are proposed to the rear yard and would culminate in the provision of 8 separate bins.

It is considered that not only would the bins dominate the small, rear yard area at the expense of usable amenity space, but would also lead to increased disturbance due to increased visits to the bins by occupiers, and on collection day when bins are moved. This in turn would have an adverse impact upon the living conditions of neighbouring residential occupiers, to the detriment of their amenity.

On balance, whilst the addition of a further household is likely to be modest, the host property is a small terraced dwellinghouse adjoined on by households on both sides. Any increase in levels of activity and associated noise and disturbance is therefore likely to be unduly felt, undermining the living conditions of neighbouring occupiers. On this basis, the proposal would result in the over intensive use of the application property.

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 conversion of the host property into two separate flats 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 H3, DM1 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 proposed conversion of the host property into two separate flats, would result in an over intensive use of the property, with a consequential increase in the levels of activity, noise and disturbance levels, waste generation and demand for parking. This in turn would have a detrimental impact upon the amenity of neighbouring residential occupiers, contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 –List of consultees & neighbours notified

Highway Services
Environmental Health

1 Fram Street, Manchester, M9 4JP
Next Steps, 32 Kingscliffe Street, Manchester, M9 4PG
30 Kingscliffe Street, Manchester, M9 4PG
26 Kingscliffe Street, Manchester, M9 4PG
24 Kingscliffe Street, Manchester, M9 4PG
2 Cicero Street, Manchester, M9 4GT
39 Kingscliffe Street, Manchester, M9 4WJ
37 Kingscliffe Street, Manchester, M9 4WJ
33 Kingscliffe Street, Manchester, M9 4WJ
31 Kingscliffe Street, Manchester, M9 4WJ
28 Kingscliffe Street, Manchester, M9 4PG
29 Kingscliffe Street, Manchester, M9 4WJ

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 - Not Affected
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