

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134433/FO/2022

Date registered valid: 20 July 2022

Proposal: Change of use of dwellinghouse (Class C3) to house in multiple in occupation (Class C4)

Address: 100 North Road, Manchester, M11 4LD

Ward(s): Clayton & Openshaw Ward

Applicant: Mr James Bunn, 100 North Road, Manchester, M11 4LD

Agent (if any): Mr Mike Davies, MPD Built Environment Consultants Ltd, 133 Mill Lane, Newton-Le-Willows, WA12 8BT

Case officer: Steven McCoombe
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Recommendation: Refuse

Date of recommendation: 7 September 2022

Application details

Type of application: Full Application Consent

Development type: Change of use

Standard consultations:

Printed: 28 July 2022 Expired: 18 August 2022

Neighbour notifications

Printed: 28 July 2022 Expired: 18 August 2022

Site notice

No site notice has been produced

Press advert

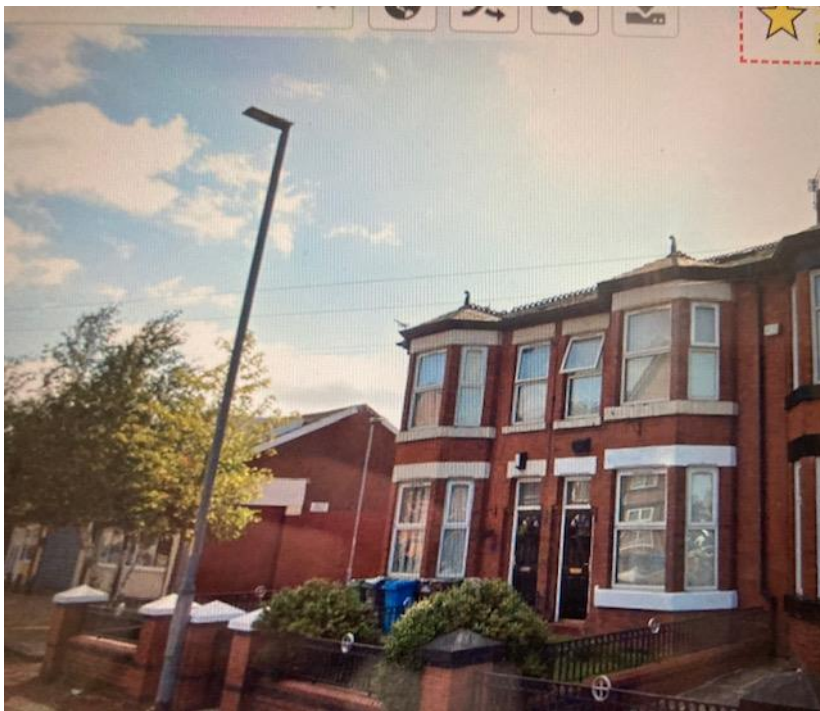
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a two storey, mid terraced, bay fronted, 4 bedroom dwellinghouse (Class C3).



The property includes a two storey outrigger to the rear and small front and rear yard areas. The property doesn't presently incorporate any off-road parking provision.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of a small parade of local shops a short distance to east along North Road, the immediate area is predominantly residential in character, comprising mainly of two and three storey buildings of various architectural styles.

Description of development

Planning permission is sought for the change of use of an existing dwellinghouse (Class C3) to form a 5 bedroom house in multiple occupation (Class C4).

The proposed layout indicates 5 bedrooms. 1 to the ground floor and 4 to the first floor. The drawings show that the front roof slope incorporates a roof-light, but that the loft space is to continue to be used for storage.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Housing and Residential Growth - A response has been provided by the Council's Housing and Residential Growth team with regard to the lack of availability for family sized homes on the Council's social housing register.

Figures have been provided in relation to the number of people on the waiting list.

The basic message is the same: anyone needing a larger social home is going to have to wait a very long time and the vast majority will simply never get one. Demand far outstrips supply. So much so that the council and social landlord partners are having to buy larger homes on the open market in order to house families who have been made homeless and are living in temporary accommodation, including in B&Bs. Those needing a 5, 6 or 7 bed home will, for the most part, never get one.

Highway Services - Whilst the site is accessible, Highways have concerns that the development will lead to an increase in demand for on-street car parking.

In the absence of any waste management details, they are unable to provide any meaningful comments in this regard. Pedestrian access arrangements are acceptable from a highway perspective.

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 H4 (East Manchester) - East Manchester, over the lifetime of the Core Strategy, 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 (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.

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 are no previous, relevant planning application relating to this property.

Issues

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 2020 (as amended).

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

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 whilst the area does not contain a large amount of HMOs, 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 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 number of unrelated occupiers 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, H4, 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 issues are outlined further below.

Loss of Family Accommodation

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 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.

As can be seen from the response from Housing and Residential Growth, there is huge demand across the city for larger homes, demonstrated by the waiting list for social housing, where demand significantly outstrips supply and that the Council are having to purchase houses on the open market in order to house families who have been made homeless and are living in temporary accommodation.

The important need for larger, family homes is therefore underlined by Policy H4 of the Core Strategy which seeks to prioritise family housing where this can be sustained.

To permit the conversion of the property to 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. On this basis, the proposed change of use is 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

The Council have concerns in relation to the over-intensive use of the property as a consequence of up to 6 unrelated people living together.

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 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 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 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, the lack of off-road car parking provision forms a particularly harmful factor, underlined by the consultation response received from Highway Services.

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 along the adjacent highway.

The proposed use could quite feasibly generate demand for 6 car spaces by definition of the C4 use class. This in turn would cause increased competition for on-street parking spaces which would be harmful to the amenity of neighbouring occupiers.

It is therefore maintained that the lack of off-road parking provision coupled with impact to neighbouring amenity as a consequence of increased levels is unacceptable and contrary to the aforementioned policy and guidance.

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 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 proposed use would result in an over intensive use of the property. The consequential increase in the levels of activity, noise, disturbance levels, waste generation and demand for parking, would have a detrimental 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

98 North Road, Clayton, Manchester, M11 4LD
102 North Road, Clayton, Manchester, M11 4LD
229 North Road, Clayton, Manchester, M11 4LB
84 North Road, Clayton, Manchester, M11 4NG
86 North Road, Clayton, Manchester, M11 4NG
7 Viola Street, Manchester, M11 4XB
5 Viola Street, Manchester, M11 4XB
88 North Road, Clayton, Manchester, M11 4NG
104B North Road, Clayton, Manchester, M11 4LD
Flat 2, 299 North Road, Clayton, Manchester, M11 4LB
Flat 4, 299 North Road, Clayton, Manchester, M11 4LB
Flat 3, 299 North Road, Clayton, Manchester, M11 4LB
Flat 1, 299 North Road, Clayton, Manchester, M11 4LB
Flat 1, 297 North Road, Clayton, Manchester, M11 4LB
Flat 2, 297 North Road, Clayton, Manchester, M11 4LB
Flat 4, 297 North Road, Clayton, Manchester, M11 4LB
Flat 3, 297 North Road, Clayton, Manchester, M11 4LB
Flat 2, 295 North Road, Clayton, Manchester, M11 4LB
Flat 3, 295 North Road, Clayton, Manchester, M11 4LB
Flat 4, 295 North Road, Clayton, Manchester, M11 4LB
Flat 1, 295 North Road, Clayton, Manchester, M11 4LB
227 North Road, Clayton, Manchester, M11 4LB
104 North Road, Clayton, Manchester, M11 4LD
96 North Road, Clayton, Manchester, M11 4LD
299 North Road, Clayton, Manchester, M11 4LB
104A North Road, Clayton, Manchester, M11 4LD
297 North Road, Clayton, Manchester, M11 4LB
100 North Road, Manchester, M11 4LD

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
Area Team Boundary - Name: NORTH AREA