

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135124/FO/2022

Date registered valid: 5 October 2022

Proposal: Continued Use of Dwellinghouse as House in Multiple Occupation (Use Class C4).

Address: 157 Hamilton Road, Manchester, M13 0PL

Ward(s): Longsight Ward

Applicant: Mr John Blaylock 157 Hamilton Road, Manchester, M13 0PL

Agent (if any):

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: REFUSE

Date of recommendation: 30 November 2022

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 31 October 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 18 October 2022 Expired: 8 November 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 mid-terraced two storey with accommodation in the roofspace brick built dwellinghouse with a slate tiled roof. The property has a front garden, with no off-road car parking. At the rear is a rear alleyway which can be accessed from both Mentor Street and Meller Road, this alleyway provide access to a rear yard.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The surrounding area is predominantly residential comprising of terraced and semi-detached properties, Longsight Community Primary and Children's Centre is located close to the application site.

Description of development

Continued Use of Dwellinghouse as House in Multiple Occupation (Use Class C4).

Consultations & Notification Responses

Local residents/public opinion – Notification letters were sent to the properties listed in appendix 1. No objections, comments or representations in support of the application have been received.

Issues

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

T2 - 'Accessible area of opportunity and need'

H5 – Central Manchester

H11 – Houses in Multiple Occupation

The relevant **UDP** policies for this application are:

DC26 - Development and Noise

The Guide to Development in Manchester SPD

National Policy

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles
DM1 – Development Management 1
H7 – Wythenshawe
H11 -

The relevant **UDP** policies for this application are:

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

The Principle of Use – The Council made an Article 4 Direction on 7th October 2010 which means that planning permission will be needed for a change of use from a use falling within Class C3 (dwellinghouse) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 to a use falling within Class 4 (house in multiple occupation). The Direction was confirmed by the Council in January 2011 and came into force on 8th October 2011.

The Council will use Core Strategy Policy H11 to control further changes of use from a C3 to a C4 and 'sui generis' HMOs.

In terms of the threshold figure referred to in policy H11 of the Core Strategy Development Plan Document, the application site lies within an area where the 10% threshold for HMO's would not be exceeded by any approval of this application. Where the threshold is under the 10% figure policy H11 advises that there will be a presumption against change of use 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. 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.

Two of the Core Strategy Spatial Objectives for housing and economy seek to achieve balanced sustainable communities and to provide high quality housing. This includes avoiding over

concentrations of accommodation types which could have a detrimental impact on the amenity of residents.

The surrounding area does not accommodate a high concentration of HMO's and any approval of this application would therefore not be detrimental to the balance of tenure in the area.

This objective does, however, needs to be weighed against other policy considerations including the HMO threshold, loss of a family house, residential amenity, car parking, the provision of waste and recycling facilities and the character of the area.

The application form states that the property has been in use as an HMO since the 1st January 2020 accommodating 6 young professional tenants.

HMO Threshold - As already stated in terms of the threshold figure referred to in policy H11, the application site lies within an area where the 10% threshold for HMO's would not be exceeded by any approval of this application. The application therefore meets the criteria for being under the 10% threshold and is acceptable in terms of this policy consideration.

Loss of a family house — Core Strategy policy H5 states that:

Central Manchester, over the lifetime of the Core Strategy, will accommodate around 14% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

In the accompanying text further explanation states that;

The emphasis will be on increasing the availability of family housing and diversifying housing stock in mono-tenure areas, preserving and improving the quality of the existing housing stock and the management of areas where HMOs predominate.

During the course of the application, the applicant provide information to suggest that there was a high demand for rental property in this area and a low demand for housing based on their experiences.

Manchester Move (manchestermove.co.uk) advertises ready-to-rent homes for around 18 not-for-profit landlords, including Manchester City Council, local housing associations, housing trusts, and management organisations. Applicants bid for them (it's called 'bidding' but there's no money involved; it's how applicants register an interest for a home) the landlord then decides who gets them based on their allocations policy. Most landlords use the re-housing rules of Manchester City Council to decide who gets the homes they advertise on Manchester Move.

Rehousing Area	Bidders for Three Bedroom House	Total Not-for profit hosing availability
Longsight	575	2000
Rusholme East	328	980
Rusholme West	216	730
Levenshulme	271	1100

Data as of 21 January 2020

It is obvious that demand for three bedroom family style housing massively exceeds supply, bids can only be made once a property becomes available; the City wide average for the same period is 330 bids for a three bedroom property. Given the close proximity to Longsight Community Primary and Children's Centre (image 1) this property would appeal to a large family.

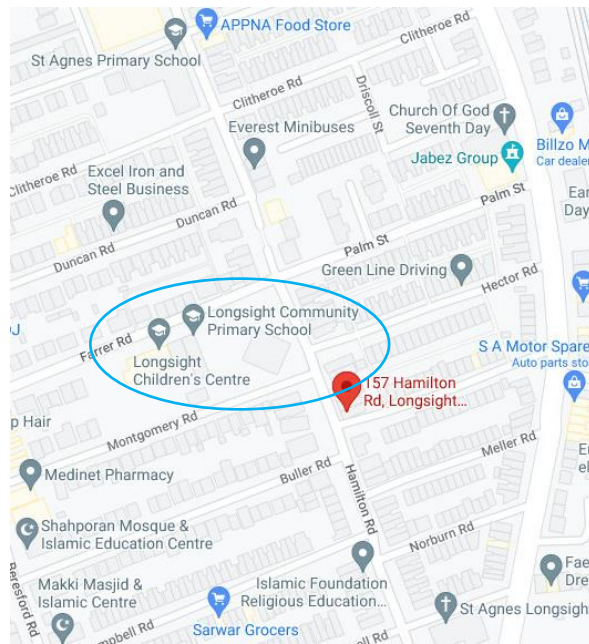


Image 1 Map showing proximity of Longsight Community Primary School and Children's Centre (Blue Circle) and application property. Source www.google.com/maps accessed 30.11.2022

Therefore, there is still a demand for family housing and the principal of losing a single family house is one that is not supported.

Residential Amenity – The use as a single dwelling house would accommodate one household whose family could be expected to share a lifestyle. The level of activity resulting from a group of up to 6 unconnected people is likely to result in more frequent comings and goings with associated noise and disturbance and differing patterns of behaviour. This in turn can have a detrimental impact upon the amenity of other nearby residential occupiers particularly where the residential profile differs markedly.

Car Parking – There is no off-road parking available at the address, therefore it is likely that the occupiers would appeal to young professional who may also have access to a car and would likely want to park close to the site, this in turn will add to existing the problem as identified as residents.

Waste– No details have been provided of the waste, however the site photographs show that they are stored in the front garden despite there being access to the rear garden via an alleyway at the rear of the property accessed from both Mentor Street and Meller Road

Conclusion – Considering all the issues in detail it is considered that the conversion of a property for use as a house in multiple occupation would result in the loss of a family house in an area where there is insufficient parking available for the number of unrelated occupants who can be accommodated in the property and potential disturbance to residential amenity from general comings and goings associated with an intensely populated property, would have a detrimental impact on the amenity and character of the area.

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.

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

1) The proposed change of use of the property into a house in multiple occupation would result in the loss of family type accommodation thereby reducing the availability and choice of housing and undermine the formation of sustainable communities. The proposal would therefore be contrary to policies SP1, H5, H11 and DM1 of the Manchester Core Strategy Development Plan Document

2) The conversion of the property into a 6 bedroom House in Multiple Occupation would lead to an over-intensive use of the site which would be detrimental to the amenity of neighbouring residents due to the increased levels of noise and activity, general comings and goings, waste generation and vehicle movements. As such, the development would be contrary to the National Planning Policy Frameworks and policies SP1, H11 and DM1 of the Core Strategy

Appendix 1 – List of consultees & neighbours notified

30 Mentor Street, Manchester, M13 0QW
31 Hector Road, Manchester, M13 0QN
29 Hector Road, Manchester, M13 0QN
120 Hamilton Road, Manchester, M13 0PN
124 Hamilton Road, Manchester, M13 0PN
155 Hamilton Road, Manchester, M13 0PL
153 Hamilton Road, Manchester, M13 0PL
151 Hamilton Road, Manchester, M13 0PL
Basement Flat, 32 Mentor Street, Manchester, M13 0QW
34 Mentor Street, Manchester, M13 0QW
32 Mentor Street, Manchester, M13 0QW
159 Hamilton Road, Manchester, M13 0PL
149 Hamilton Road, Manchester, M13 0PL
118 Hamilton Road, Manchester, M13 0PN
128 Hamilton Road, Manchester, M13 0PN
126 Hamilton Road, Manchester, M13 0PN
122 Hamilton Road, Manchester, M13 0PN
409 Wilbraham Road, Manchester, M21 0UT
407 Wilbraham Road, Manchester, M21 0UT
Whalley Range Afc, Kings Road, Manchester, M21 0XX
320 Wilbraham Road, Manchester, M21 0UX
318 Wilbraham Road, Manchester, M21 0UU
316 Wilbraham Road, Manchester, M21 0UU
411 Wilbraham Road, Manchester, M21 0UT

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA