

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133537/FO/2022

Date registered valid: 20 June 2022

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

Address: 80 Braemar Road, Manchester, M14 6PG

Ward(s): Fallowfield Ward

Applicant: Mr James O Hara 80 Braemar Road, Manchester, M14 6PG

Agent (if any):

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 11 August 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 15 July 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 20 June 2022 Expired: 11 July 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application relates to a back of pavement two storey , pitched roof terrace house that is typically found in this locality. The property comprises red brick elevation with grey slate roofs and rear outriggers. Communal alleyways between yards are gated. The area has a high proportion of houses in multiple occupation. The property is close to a former public house that has been converted into flats and is located at the south-east junction of Braemar Road and Lindleywood Road.



Fig. 1 – Application property at 80 Braemar Road



Fig. 2 – Application property wider context in Braemar Road

Description of development

The applicant seeks to change the use of the existing two bedroom Class C3 dwellinghouse to a Class C4 house in multiple occupation. Comprising :

Ground floor – Living / dining room, kitchen and one bedroom;
First floor – Two bedrooms and bathroom.

Site history

80 Braemar Road has been the subject to the following planning application that was withdrawn on 3 December 2019:

124666/FO/2019 - 80 Braemar Road Manchester M14 6PG
Change of Use of single dwellinghouse (Class C3) to a three bed House in Multiple Occupation (Class C4)

78 Braemar Road was the subject of planning application ref: 126551/FO/2020 - Change of use of dwellinghouse (Class C3) to small house in multiple occupation (Use Class C4). This application was refused on 6 October 2020 but allowed on appeal on 12 April 2021.

Consultations & Notification Responses

Local residents – One objection has been received and is summarised below:

- i. The development would add to an over proliferation of HMO uses in the locality;
- ii. It is considered that the development would undermine the objectives of the Article 4 Direction that seeks to manage the introduction of new HMOs and the maintenance of family housing supply.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through 'which locally-prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless 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. The Framework has been related to the proposed development, with particular emphasis given to the following:

- i. Chapter 2: Achieving sustainable development - Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development by: meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 states that in achieving sustainable development, the planning system has three overarching objectives, namely: economic, social and environmental. Paragraph 9 states that 'these objectives should be delivered through the preparation and

implementation of plans and the application of the policies in this framework; they are not criteria against which every decision can or should be judged. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' Paragraph 10 states that 'sustainable development is pursued in a positive way, the heart of the Framework is a presumption in favour of sustainable development'

The planning application has been assessed with the objectives of chapter 2 in mind. It is not considered that the development would secure a sustainable use due the transitory nature of its occupation. Nor would it respond to housing need. It would not thereby accord with chapter 2.

ii. Chapter 5 Delivering a sufficient supply of homes - States that to support the Government's objective of significantly boosting the supply of homes, it is important that: a sufficient amount and variety of land can come forward where it is needed; the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (paragraph 60). This should be reflected in the consideration of the size, type and tenure of housing needed for different groups in the community (paragraph 62). In this case the development would result in the loss of family accommodation that is required to meet an identified need within the city. The development would not, therefore, accord with chapter 5.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.'

The following policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

It is considered that the proposed development would not contribute positively to the formation of a sustainable community due to the associated loss of family accommodation. The levels of increased activity associated with the intensification of the use would also be detrimental to the health and well-being of neighbouring residents. On this basis, policy SP1 would not be accorded with.

Policy H1 (Overall Housing Provision) - Discusses the need to manage the supply and availability of housing in the city. It also the need to ensure that housing supply contributes to creating mixed communities by providing house types to meet the needs of a diverse and

growing Manchester population. The development would conflict with policy H1 by reducing the supply of much needed family housing in the city.

Policy H 6 (South Manchester) - Discusses the delivery of new residential development in South Manchester, including Fallowfield. It also identifies the need to address the need to meet shortfalls in housing need, including the provision of family housing. For the reasons previously discussed the loss of family housing would be contrary to policy H6.

Policy H 11 Houses in Multiple Occupation - In addition to Manchester's Article 4 Direction that prevents change of use from Class C3 (Dwelling houses) to C4 (small-scale HMOs) reference is also made to policy H11, which states that: changes of use from a C3 to a C4 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:

- i. Exempt from paying Council tax because they are entirely occupied by full time students;
- ii. Recorded on Private Sector Housing's database as a licensed HMO;
- iii. Any other property which can be demonstrated to fall within the C4 or sui generis HMO use class;
- iv. 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;
- v. 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 this case, the application site is located in an area with a high concentration of shared accommodation, including student HMOs. Estate agents websites indicate that there are a significant number of houses available to rent for such purposes in this locality. In the light of the above, it is considered that proposals would be inappropriately related to policy H11 as the development would add to an over proliferation of Class C4 uses in the area.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- i. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- ii. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- iii. Community safety and crime prevention;
- iv. Design for health;
- v. Adequacy of internal accommodation and external amenity space;
- vi. Refuse storage and collection.

Policy DM1 has been related to the assessment of the proposals with regard to its potential impact on residential amenity. It is considered that policy DM1 would not be accorded with due to the potentially harmful impact of the development on residential amenity, including increased noise, disturbance and activity around the property.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application.

In this case, officers advised the applicant, that the development could not be supported as the change of use would involve the loss of accommodation suitable for family occupation. Furthermore, the applicant had not demonstrated that the continued use of the property and Class C3 dwellinghouse was no longer viable. The applicant was advised that the principle of the development was not acceptable and that planning permission would be refused. No further discussion was undertaken.

Principle of the development - The City Council recognises the valuable contribution that well managed HMOs can make to the provision of affordable housing but stresses the importance of careful siting to avoid negative impacts on residential amenity. It is acknowledged that the intensity of use associated with unrelated households living together, different lifestyles and different patterns of behaviour can cause frequent comings and goings with associated noise and disturbance. It is considered that 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. It is believed that this cyclical change in occupiers has a negative impact on the character and appearance of the area.

The development would contribute towards the existing over proliferation of shared residential accommodation in the locality. The proposal would thereby undermine the stated City Council objective of diversifying housing tenure and retaining the provision of accommodation that may be occupied by families. This is particularly significant given the current under supply of family housing.

Residential amenity - The surrounding area has a high proliferation of shared accommodation rented by students and it is likely that student rental would occur in this case. The transient and intensity nature of potential occupation and increased with additional level of concentrated noise activity and disturbance would be greater than the existing two bedroomed family occupied accommodation as it would be related to a Class C4 house in multiple occupation. In addition to the potentially harmful impact neighbouring residents, it is also considered that the development would result in the cramped and overly intensive occupation of the property and quality of accommodation formed within it would not encourage its sustained occupation. Such circumstances would be potentially harmful to the residents of the application property.

Waste management - Segregated waste generated by the development would be capable of being accommodated in the communal storage areas.

Cycle storage - The applicant has not provided details of cycle storage may be delivered as part of the development.

Conclusion – The Council maintains that the development would remove an opportunity to provide a much needed contribution to the supply of family accommodation in the city. Increased intensity of the potential occupation of the property would add to levels of noise and activity in and around the site and thereby be harmful to residential amenity and the formation of sustainable communities. The development would therefore be contrary to policies SP1, H1, H6, H11 and DM1 of the Core Strategy for the City of Manchester.

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 advised the applicant, that the development could not be supported as the change of use would involve the loss of accommodation suitable for family occupation. Furthermore, the applicant had not demonstrated that the continued use of the property as a Class C3 dwellinghouse was no longer viable. The applicant was advised that the principle of the development was not acceptable and that planning permission would be refused. No further discussion was undertaken.

Reasons for recommendation to refuse

1) The proposed development would result in the loss of quality residential accommodation, which would reduce the supply and availability of family housing. The development would thereby fail to positively respond to an identified housing need and thereby undermine the formation of cohesive and sustainable neighbourhoods where people would choose to live. The development would thereby be contrary to policies SP1, H1, H6 and DM1 of the Core Strategy for the City of Manchester.

2) The proposed development would result in an over intensive use of the application dwellinghouse and result in a consequential increase in the levels of noise and disturbance and activity through its occupation as a house in multiple occupation (HMO) with limited usable amenity space. The occupation of the dwellinghouse as an HMO would undermine the formation of sustainable communities, have a detrimental impact upon the amenity of neighbouring residents and thereby be contrary to policies H11, DM1 and SP1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

79 Braemar Road, Manchester, M14 6PQ
85 Brailsford Road, Manchester, M14 6PX
82 Braemar Road, Manchester, M14 6PG
83 Braemar Road, Manchester, M14 6PQ
75 Braemar Road, Manchester, M14 6PQ
84 Braemar Road, Manchester, M14 6PG
78 Braemar Road, Manchester, M14 6PG
74 Braemar Road, Manchester, M14 6PG
76 Braemar Road, Manchester, M14 6PG
79 Brailsford Road, Manchester, M14 6PX
73 Brailsford Road, Manchester, M14 6PX
83 Brailsford Road, Manchester, M14 6PX

81 Brailsford Road, Manchester, M14 6PX
77 Brailsford Road, Manchester, M14 6PX
75 Brailsford Road, Manchester, M14 6PX
81 Braemar Road, Manchester, M14 6PQ
77 Braemar Road, Manchester, M14 6PQ
73 Braemar Road, Manchester, M14 6PQ

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

Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Moseley Road/Ladybarn Lane)

Area Team Boundary - Name: NORTH