

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134194/FO/2022

Date registered valid: 29 June 2022

Proposal: Retrospective change of use from 4 bedroom Class C3 house to 6 bedroom Class C4 HMO.

Address: 58 Havana Close, Manchester, M11 3JE

Ward(s): Ancoats & Beswick Ward

Applicant: Mr John McAreavey McAreavey Limited 58 Havana Close, Manchester, M11 3JE

Agent (if any):

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 22 August 2022

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit:

Standard consultations:

Printed: 1 July 2022 Expired: 22 July 2022

Neighbour notifications

Printed: 1 July 2022 Expired: 22 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:

Tree Preservation Order:

This application relates to a two storey end terraced property in a mostly residential area. The estate contains houses of different sizes and the application property is largely than the immediately adjoining houses, but is of a comparable size to other nearby properties.

The premises currently comprise of a four bedroom Class C3 family house and it is proposed to convert the property into a Class C4 six bedroom HMO, with an existing ground floor living room being converted into 2 bedrooms, to add to the existing four bedrooms on the first floor. No external changes are proposed.

There is an enclosed area at the front of the property and, on the application forms, the applicant has indicated that 3 car parking spaces would be provided, but the submitted site layout plan shows that this area is only sufficient to allow for 2 vehicles to park.

Consultations & Notification Responses

Local residents - Five objections have been received, to this application, for the following reasons

- if the property is turned into a 6 bedroom HMO, the rooms will only be suitable for single person use. Properties in this area are fairly small and more bedrooms would just be people living in squalor.

- As its right next door to the local primary school, there are also concerns about who might live at the property.
- The introduction of 6 people would impact on parking issues which are already under strain due to close vicinity of Manchester City Football Club, and which are only going to get worse when the new arena opens.
- The whole estate since being built back in 1975 has always held onto family values and has a very strong community feel where especially on this street, the neighbours all look out for each other and check in on the elderly neighbours of which there are quite a few. They are concerned that the new owner is only after making money by renting out 6 rooms. An HMO would alter the character of this property and it would be a shame to convert a decent large family home and deprive a much needed family a great opportunity to become part of a lovely community. Especially when large family homes are so hard to come by nowadays.
- The new owner, of the property, has dumped a huge amount of renovation rubbish on their front lawn and have not cleared it for weeks. This lack of regard for neighbours makes them extremely suspicious that they would not manage a HMO competently; since naturally such a use requires a degree of oversight.

Highway Services - Makes the following comments:

Havana Close sits in the proposed Eastlands Residents Parking Scheme. The proposed scheme will restrict parking within certain areas and give priority to residents and businesses with the use of a permit. The scheme will look to operate every day rather than on events days only. Two restrictions would apply within the scheme including 'Limited Waiting' parking bays (which permit holders are exempt from and 'Permit Holder only past this point' streets. Residents would be able to apply for a residents permit for very vehicle registered at the property (with no limit on the number available for a single address).

In comparison to the former use, the HMO is likely to generate an increase in trip levels. Highways have some concerns on the increase in vehicles associated with the property and the impact this will have on the immediate area.

The site is well accessed by sustainable travel modes.

There is currently one off-street parking space in place at the property. As part of the proposals a second parking space will be installed. This equates to a parking provision (based on per person) of 33%. Therefore, it is likely that a number of residents vehicles will park on-street. Highways has concerns on the impact this will have in the immediate area.

Strategic Area and Citywide Support Manager - It is assumed that the property has the standard 4 bins issued by MCC as it was a family house. The applicants need to show that they can store more bins should they need extras due to the number of people living in the property.

Greater Manchester Police - Recommends a number of measures, to improve security at the property.

Issues

National Planning Policy Framework (July 2021) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

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.

It states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
- b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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.

Policy SP1 identifies the City Council's Core Development Principles and states that 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
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy H1 'Overall Housing Provision' states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors, in particular, the need to diversify housing stock in mono tenure areas by increasing the availability of family housing. High density developments (over 75 units per hectare) are appropriate in both the City Centre and parts of the Regional Centre given the accessible location. 90% of residential development will be on previously developed land. The re-use of vacant housing, including the renewal of areas characterised by poor quality housing, will be prioritised. New developments should take advantage of existing buildings where appropriate through refurbishment or rebuilding works. If this is not possible, development schemes should contribute to renewal of adjacent areas which contain vacant or derelict buildings.

Policy H1 goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. Schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours. .

Policy H4 relates to sites in East Manchester and states that, over the lifetime of the Core Strategy, East Manchester 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:

- 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 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.

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses).

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.

- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

Manchester Residential Quality Guidance 2016 -Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016). The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses. In relation to one bedroom, one person, units the minimum standard of accommodation is set at 37 square metres (where a shower room is proposed).

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 2015.

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 - In the case of this application, the principle of the proposed change of use is not considered acceptable as it is in conflict with the policies and associated guidance indicated above.

It is considered that 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 both 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 use 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 and H11 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Loss of Family Accommodation – The site lies within a residential area of predominantly family housing

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.

To permit the conversion of the property to form 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.

Residential Amenity - 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 level of activity associated with unrelated people living together. It is considered that a collective group of individuals with different lifestyles and different patterns of behaviour, as opposed to traditional family occupancy, can result in more 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 residential amenity.

The principal effects include increased levels of activity, 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 sufficient off-road car parking provision forms a particularly harmful factor and this has been raised as a significant concern by Highway Services. It is accepted that the site is in a fairly good accessible location, but this does not preclude the potential for car ownership for up to 6 separate individuals.

It is therefore considered that the increased occupancy of the property would undoubtedly lead to increased competition for on-street parking spaces, in an area which already experiences on-street parking difficulties, in part caused by its close proximity to major sites that generate significant numbers of visitors.

Whilst the application forms indicate provision for 3 cars, the arrangement of 2 spaces, shown on the submitted site layout plan, indicates that 2 spaces is the maximum that could be achieved on this site, without vehicles being blocked in and reliant on different occupiers moving vehicles to allow access. This arrangement is not practical and not supported by Highways, who have based their comments on the provision of 2 spaces.

As a result, the lack of off-road car parking provision would have a detrimental impact upon highway users and neighbouring occupiers due to likely parking demand and increased on-street parking. It is therefore maintained that the parking provision is unacceptable.

It is considered that the potential introduction of a number of cars associated with the property with an under provision of off-road parking would lead to further parking on-street parking demand and exacerbate parking problems for existing residents to the detriment of their amenity. This is indicative of the over intensive use of the property and is not therefore considered satisfactory.

Applicant comments – The applicant states that the property is adjacent to a passageway that on event days has a significantly high volume of pedestrian traffic to the Etihad stadium and that, on these particular occasions, of which there are at least one every two weeks, the environment is not that conducive to a family setting with passers by sometimes discarding rubbish into gardens. The applicant therefore queries the site's viability as a long-term family dwelling house.

The applicant acknowledges that there isn't a significant abundance of HMOs in the surrounding area, which is predominantly family housing, but feels the site's location, adjacent to this pathway, does not allow for this dwelling to be suitable for a family.

The applicant states that the house is presently in need of major renovation and associated expenditure and to do this for a family house is not viable as there are vacant family houses, in the area, and there is more demand by people wanting to let on a room by room basis, and this is what is needed in the area.

The applicant's comments are noted in relation issues arising in regard to the location of the dwellinghouse in proximity to the Etihad stadium, but it is considered that there is no evidence that the anti-social behaviour goes beyond a large number of people travelling along this pathway to/from the stadium for a short period of time on an event day. There are many nearby houses that are closer to the stadium, but the estate, on which the site is situated, appears to be a well-established area of family housing, where people continue to want to live and it is not considered that close proximity to the stadium renders the property unsuitable for family accommodation. In any event, the use proposed is still of a residential nature and, it is considered that occupiers of an HMO would be entitled to the same levels of residential amenity, as occupiers of a family dwelling, so it is not considered legitimate to take the view that close proximity, to the adjacent passageway, makes the property unsuitable for use as a family dwelling, but suitable for use as an HMO. In relation to the environmental issues that the applicant is experiencing, they have been directed to contact the Council's Environment on Call team.

The site lies on a residential estate of predominantly family housing and the continued use of the property, as a family house, is therefore considered to be much more compatible, than any other use. It is agreed that there isn't an abundance of HMO's in Beswick and, on the estate itself, there is no record of the Council granting any HMO permissions, which is felt to emphasise how incompatible an HMO use would be in this location.

In addition, the site is located within East Manchester where Policy H4 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012 gives priority to family housing and other high value, high quality development. The explanation to this policy refers to the Housing Need and Demand Assessment 2010 (HNDA), which shows that there is a need for 3-4 bedroom family housing in East 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 have attempted to work 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 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, 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 policies H11, DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

1 Havana Close, Manchester, M11 3JE
10 Valley Walk, Manchester, M11 3QB
Grange Community Resource Centre, Pilgrim Drive, Manchester, M11 3TQ
Caretakers Bungalow, C Of E School Of The Resurrection, Pilgrim Drive, Manchester, M11 4TQ
C Of E School Of The Resurrection, Pilgrim Drive, Manchester, M11 3TQ
12 Valley Walk, Manchester, M11 3QB
56 Havana Close, Manchester, M11 3JE
50 Havana Close, Manchester, M11 3JE
46 Havana Close, Manchester, M11 3JE
40 Havana Close, Manchester, M11 3JE
3 Havana Close, Manchester, M11 3JE
8 Valley Walk, Manchester, M11 3QB
6 Valley Walk, Manchester, M11 3QB
4 Valley Walk, Manchester, M11 3QB
1 Burns Close, Manchester, M11 3QA
7 Havana Close, Manchester, M11 3JE
54 Havana Close, Manchester, M11 3JE
52 Havana Close, Manchester, M11 3JE
5 Havana Close, Manchester, M11 3JE
48 Havana Close, Manchester, M11 3JE
44 Havana Close, Manchester, M11 3JE
42 Havana Close, Manchester, M11 3JE
38 Havana Close, Manchester, M11 3JE

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA