

Application Number	Date of Appln	Committee Date	Ward
110867/FO/2015/S2	22nd Dec 2015	2 nd June 2016	Didsbury East Ward

Proposal Change of use from single family dwellinghouse (C3) to House Multiple Occupation (C4)

Location 445 Parris Wood Road, East Didsbury, Manchester, M20 5NE

Applicant Mr J & Mrs S Patel , 445 Parris Wood Road, East Didsbury, Manchester, M20 5NE,

Agent

Background

This application was reported to the Committee on 7 April 2016, at that meeting Members will recall that they were minded to approve the application subject to officers investigating the use of a personal condition which would have the effect of rescinding permission for the change of use should the applicant move from the neighbouring property or sell the property referred to in the application.

Members were minded to approve the application based upon the information submitted by the applicant and his particular circumstances. Members attached additional weight to the applicant living next door to the application property and that he would have a particular interest in ensuring the appropriate management and use of the property given this relationship and the standard of accommodation provided.

Officers have re-examined the application and whilst the use of a personal condition could be attached to any approval, this would have the effect of the use ceasing on the ending of the applicants ownership of the property. However, this personal consent could not have the effect of rescinding permission for the change of use should the applicant move from the neighbouring property as that property is not bound to the current application and such a condition could not be reasonable attached to any approval.

On this basis if Members remain minded to approve the application, they may wish to consider the following conditions to be attached to any permission.

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The permission granted shall be personal to the applicants only and on the cessation of ownership by the applicants, the premises for which the permission is hereby granted shall be discontinued.

Reason - In granting this permission the City Council as local planning authority has had regard to the special circumstances of the applicant, pursuant to policies H11, DM1 and SP1 of the Manchester Core Strategy.

3) Prior to first occupation a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

4) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing No. 1002 stamped as received by the City Council as Local Planning Authority, on the 22.12.2016

Supplementary Submission stamped as received by the City Council as Local Planning Authority, on the 04.03.2016

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Description

The application site is a large semi-detached dwelling house with a front garden that provides space for two vehicles and a large rear garden. The property has been previously extended in the past with a part single, part two storey side and rear extension which was approved in 2010 (application reference: 093276/FH/2010/S2).

There are also two single storey outbuildings within the rear garden which were approved in 2011 (application reference: 095415/FH/2011/S2).

The property is two storeys in height constructed of mainly brick and render incorporating a projecting bay at front which are distinctive feature of the properties within the street scene.



The applicant has provided a history of the property and details of its occupancy from when it was first purchased in May 2010. Although exact dates of occupation have not been provided in the supplementary information it would appear that from 2011 until 2016 that there have been variable numbers of people in occupation which at various times would fit the definition and criteria of a house in multiple occupation. Some of the occupants have included family members of the applicant.

The house is currently occupied by one person and the applicant is seeking planning permission to change the use of the property from a single family dwelling house (Use Class C3) to a House in Multiple Occupation (Use Class C4) on an undefined interim basis until one of his family members uses it as their family home. The proposal will see an additional two bedrooms created downstairs increasing the total number of bedrooms to 6.

Consultations

Local residents/public opinion – No comments, objections or representations in support of the application have been received.

Ward Members – All three East Didsbury Ward Members have commented on the application. A summary of their comments has been provided below.

Councillor Birdie Adams supports the application:

- Lives close to the application site and walks past it daily;
- Councillor has inspected the property, supporting documentation submitted with the application and City Council policy on House in Multiple Occupancy (HMO);
- The property is maintained to a high standard and it does not create the same issues as other HMOs (noise, rubbish or car parking);
- Councillor states that the property is already a HMO for 5 years without concern;

- The applicant/landlord has made it clear that it would only be rented to professionals;
- The landlord also lives next door to the property and would be able to monitor the property on a daily basis;
- HMOs are not over representative of the wards planning applications and should be considered in this context.

Councillor Andrew Simcock supports the application:

- Supports the views of Councillor Adams;
- Property is finished to a high specification and would be rented to professionals and not students;
- The applicant lives next door to the property and family members also live within the application property and would oversee its management;

Councillor James Wilson supports the application:

- Supports the views of Councillor Adams and Simcock;
- The property will provide high quality accommodation for young professionals;
- Similar restrictions to HMOs in the city are to address a particular problem which are not applicable here and sees no reason why it should not be approved.

Network Rail – Network Rail have provided the following comments:

1. All works to be undertaken wholly within the applicant's land ownership footprint.
2. No works to over-sail the Network Rail boundary or encroach upon Network Rail land.
3. Any scaffolding erected should have a 3m failsafe zone.
4. No foul water or surface water to be discharged in the direction of the railway.
5. No soakways within 20m of the railway boundary. All surface water to be directed away from the railway boundary.
6. No structure to be erected less than 2m from the railway boundary.

Policies

National Planning Policy Framework

The central theme to the 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 (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outline a "*presumption in favour of sustainable development*". This means approving development, without delay, where it accords with the development plan and where the development plan is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Section 6 Delivering a wide choice of high quality homes - This guidance refers to the delivery of policies that will result in significant increases to the supply of housing. It specifically states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should, subject to a range of specified criteria, seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

Section 7 Requiring good design - This guidance emphasises the importance of design to the built environment and its contribution to sustainable development and making places better for people and creating attractive, safe and accessible environments.

Development Plan

The Development Plan in Manchester comprises of:

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:

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027, the policy states that all development in 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.

These key principles are applied to all planning applications within the City and the application has been considered in accordance with the policy.

Policy 'EN 1 Design Principles and Strategic Character Areas'

Policy EN 1 states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

Policy H6 'South Manchester'

Policy H6 relates to new housing in south Manchester and states that south Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

The proposal would result in a loss of a family dwellinghouse.

Policy H11 'Houses in Multiple Occupation'

Change 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 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 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. The approach above will also be used for change of use to a HMO which is classified as 'sui generis'.

Notwithstanding the policy requirements set out above, 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.

As outlined in the report below the proposal would be contrary to policy as it would result in the loss of a family dwellinghouse and have a negative impact on residential amenity.

Other material considerations

South Manchester Strategic Regeneration Framework (SRF) – Sets out the broad framework and vision for the regeneration priorities within South Manchester.

South Manchester is identified as an area with a rich and diverse group of neighbourhoods, with a wide range of issues and needs. Some areas are already successful, so the SRF is needed to help continue and build on this success. Other areas, in contrast, have particular issues that the SRF will help to tackle, such as poor housing and high levels of deprivation and worklessness.

In terms of addressing housing issues in South Manchester the SRF identifies the following objectives:

DPN 1 Deliver more home ownership and family housing to support population retention and growth, and to stem the flow of families migrating to outer districts where the availability of suitable housing is greater.

DPN 2 Deliver high-quality sustainable new housing developments that will meet the housing needs of the existing and future population of South Manchester. Where possible, accommodate low-cost home ownership within schemes to meet local need.

DPN 3 Improve the sustainability of social rented stock through investment in the quality of housing and environment and diversification of tenure, where appropriate, to increase home ownership.

DPN 4 Manage the private rented sector more effectively to improve the quality of housing and the environment, and diversification of tenure to increase home ownership.

DPN 5 Address student and related younger persons' (graduates, postgraduates, young professionals, key workers) accommodation in a positive way.

The proposal is contrary to objective DPN 1 and DPN 2 as it would result in the loss of a family house.

Draft Residential Growth Strategy – Is an emerging document which sets out the six priorities to support the city's growth. One of the priorities includes expanding the family housing offer.

The Principle of Use –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. Parrs Wood Road 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 need 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.

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. This shows that the area retains high concentration of family housing and East Didsbury is identified in the Core Strategy document as one of the six high quality neighbourhoods of South Manchester that offer good quality housing.

Loss of a family house –Policy H6 of the Core Strategy identifies that there is a shortfall in available family housing in South Manchester and the strategic objectives outlined by the South Manchester SRF seek to deliver more family housing in South Manchester. If approved the proposal would result in the loss of a family dwelling house.

In the applications supporting statement document it is acknowledged that the applicant has made a case that the property is no longer suitable to be kept as a family house stating that the property is larger than what a typical family in the rental market can afford in the area. Furthermore the applicant believes that by renting to young professionals that this will meet an identified shortfall of affordable accommodation.

The applicant has submitted a letter from a local estate agent to confirm that there is *little to no interest in a 6 bedroom properties from family occupiers on an assured*

shorthold tenancy format. It is not considered that that the submitted information provides overwhelming evidence to state that there is no demand for a larger family houses in the area in order to make such a case as to warrant an approval of planning permission.

Furthermore, it should also be recognised that the applicant has carried out the work to extend the property to its current size, with the refurbishment works referred to in the supporting statement submitted included extending the family dwellinghouse with a part single, part two storey side and rear extension, installation of dormer to side and erection of decking area to rear (planning approval 093276/FH/2010/S2).

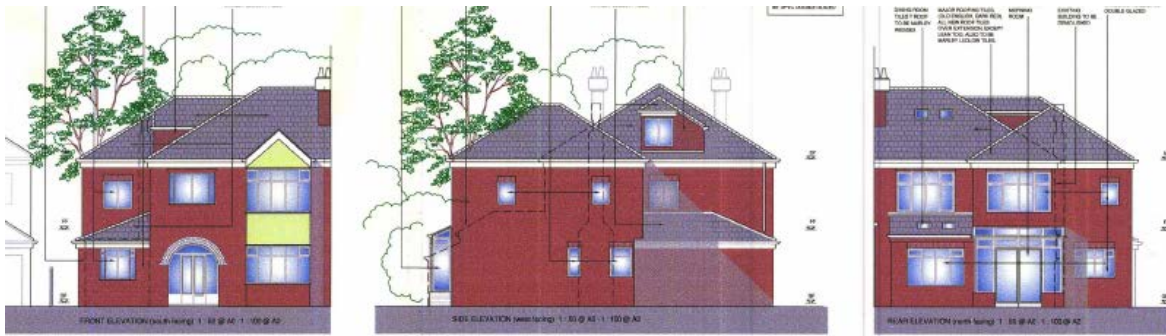


Figure 1: Approved Extension under 093276/FH/2010/S2

Additionally the type of extension at this property is not uncommon in this part of East Didsbury which contains predominantly family households and there are other examples of this type of extension on Parrs Wood Road. Extended semi-detached houses prove to be a popular with families throughout Didsbury.

Lastly the emerging Residential Growth Strategy identifies that there is a demand for large family homes due to an increase in family sizes. Therefore a change of use would be contrary to the provisions of policy H6 and H11 of the adopted Core Strategy Development Plan Document for Manchester.

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.

It is acknowledged that the property has been refurbished to a high standard and this is clearly evidenced in the photographs provided by the applicant. Furthermore it is noted the three ward councillors support the application in particular that the property has operated as a HMO on previous occasions without the problems that can be caused by shared properties and the landlord stating that as he lives next door he would be able to monitor the property. Furthermore the applicant has stated that the property will only be rented to young professional and not students. However, this could change and the City Council as Local Planning Authority could not stop the property from being let to students by a condition should the application be approved.

Also the property could be sold in the future and there is no guarantee that any subsequent landlord would maintain or monitor the property to the same standard.

For the reasons outlined above, the Council maintains that approval of this application would unduly affect residential amenity which is contrary to the provisions of policies SP1 and DM1 of the adopted Core Strategy Development Plan Document for Manchester.

Car Parking – It is recognised that the application site is in walking distance of both a small shopping parade and a supermarket on Wilmslow Road. Furthermore the area is served by rail, tram and bus services, which offer services to not only Manchester City Centre and Manchester Airport but other districts of Greater Manchester. However, the site is also in close proximity to the M60 and M56 Motorways and will be attractive to young professional that own cars due to the good transport and road links.

The applicant has shown that two off road car parking spaces with a small garden area to the front of the property. However if all 6 residents owned a car the site could not accommodate all potential vehicles even if the garden area was removed to provide an additional space. This in turn could lead to further demand for on street car parking in an area which the applicant has also acknowledge is used by workers from Towers Business Park and passengers using East Didsbury Train Station . Furthermore the supporting documentation states that the driveway of 447 Parris Wood Road could also be used as one of the intended occupiers would be a family member which is further indication that car parking is insufficient at this address. Additional car ownership would lead to a negative impact on neighbouring occupiers due to noise and disturbance associated with on street car parking.

Waste and recycling facilities – The supporting documentation indicates that the refuse bins will be located at the side and/or rear of the property hidden behind an existing side gate. The gap at the side is of sufficient width to manoeuvre refuse bins on collection days. However, if the property is occupied by up to 6 people this can result in additional pressure on waste services and has the potential for further detrimental impacts on residential amenity with refuse bins being left on the public highway or at the front of the property.

Conclusion – We acknowledge the case put forward by the applicant as to why he believes the application should be supported. However, 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 the right to a fair hearing and to this end the Committee 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 polices of the Unitary Development Plan, the Head 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 refusal of the application is proportionate to the wider benefits of refusal 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.

Reason for recommendation

1) The conversion of the property into a 5 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.

2) The proposed change of use would lead to the loss of a family dwelling which would undermine the aim of achieving an appropriate balance of housing provision in the locality and the objective of achieving a sustainable and cohesive housing market. The proposal is therefore contrary to the provisions of Policies H11, DM1 of the Manchester Core Strategy.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 110867/FO/2015/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Network Rail

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Relevant Contact Officer :	Robert Tyrer
Telephone number :	0161 234 4068
Email :	r.tyrer@manchester.gov.uk



 Application site boundary  Neighbour notification
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