

Application Number	Date of Appln	Committee Date	Ward
122025/FO/2018	3rd Dec 2018	17th Jan 2019	Didsbury West Ward

Proposal Change of use from dwellinghouse (Class C3a) to a House in Multiple Occupation (Class C4)

Location 17 Northen Grove, Manchester, M20 2NL

Applicant Mr Kieran O Connor , 8 Homelands Road, Sale, M33 4BE,

Agent

Description

The application site is a 2-storey, 5-bedroom semi-detached, double-fronted Victorian house situated on the eastern side of Northen Grove in the Didsbury West ward. The property has accommodation over 4 floors including 3 large cellar chambers, living room, dining room, kitchen and utility room at ground floor, 3 bedrooms and a bathroom at first floor and 2 bedrooms with a further bathroom at second floor. There are modest sized gardens at the front and rear and a tarmac driveway along the northern side of the property. The property is bounded at the front by its original brick dwarf wall with stone copers and original gate posts, and both brick and timber panel fencing at the rear. Within the rear garden there are both an original brick outhouse and a brick garage.



The application site

Front elevation with driveway



Description of area

The surrounding area is largely characterised by similar 2-3storey, 4-5-bedroom, garden-fronted Victorian houses a large proportion of which are flat conversions. Houses are set within a high density sub-urban estate of narrow roads close to the Burton Road local centre which offers a range of leisure, commercial and retail amenities as well as Cavendish Road primary school and Withington Hospital walk-in centre.

The majority of houses in Northern Grove have modestly sized gardens with off-road parking for one vehicle. Many properties have removed their front boundary walls and front gardens to accommodate one or 2 vehicles off-road.

The site lies within the Albert Park conservation area (designated 1988) which is characterised by large Victorian housing within a mature landscaped setting.

The site is well served by public transport having a regular bus service along nearby Burton Road and Metrolink tram stop at Burton Road and West Didsbury further north-east on Palatine Road.

Description of development

The application proposes the change of use of a dwelling house (Class C3a) to a house in multiple occupation (Class C4). No elevational alterations are proposed; the application is accompanied by a copy of a letting advertisement (which advertises the property as 4-bedroom).

There is no planning history associated with the site but the application states that the house has been in its C4 use since 10/02/2018 and that it is the applicants' intention to only let to 3 occupiers.

The submitted application states that the house was previously let to a family from March 2015 to May 2017, then to a brother and sister plus one partner but that further appeals to let to a family have proved unsuccessful due to a lack of demand.

Consultations & Notification Responses

The application was notified by way of public site notice and neighbour notifications –

13 objections were received which can be summarised as follows:

Residents

1. Parking on street is a constant battle and has led to dangerous situations for emergency vehicles and bin collection vehicles. Any increase in occupancy is likely to substantially increase the number of vehicles needing to park, particularly at or close to the bend in the road. Parking conditions would also likely deteriorate due to tenants' partners visiting [by] car.
2. This section of Northen Grove is occupied mainly by families. An HMO would result in the loss of this amenity in this close knit community.
3. An HMO would make the street less desirable. [An approval] decision will have a major impact on day to day living and the value of [neighbouring houses].
4. The upkeep of the house would suffer [on any grant of approval] because the house will not need to be of such a high standard to attract multiple residents.
5. If approved, there will be no control over the standard of tenants and [the] property may attract undesirable tenants.
6. Since the house has been let to multiple tenants, there has been an increase in the levels of noise late at night with late night parties keeping residents and their children awake at night. This was not a problem when the house was let to a family.
7. The bins are often not taken out with rubbish accumulating at the front of the house.
8. There is a demand for family housing in the area with a recent HMO acquisition returning to a family house (No.23).

Councillor John Leech – Objects to the application. Comments:

The property occupied as an HMO has caused additional parking problems on this stretch of Northen Grove, specifically, due to the proximity of the dog leg in the road which makes parking and traffic flow almost impossible. The likely increase in parking outside this house is not sustainable and the application should be refused.

Highway Services – Concerns with the application. Comments:

The 4no. identified parking spaces raise concerns that the layout is not suitable for unrelated tenants since there is no means of parked vehicles passing each other within this arrangement.

Additionally, there is a very high demand for on-street parking on Northern Grove and Highways consider that this development may contribute to local parking issues.

Environmental Health – No objections to the proposed development.

West Didsbury Residents Association – Object to the application. Comments:

The location where the application is situated, near the corner in Northern Grove there is an existing issue of street parking and congestion on both roads and footpaths. Approval of the change of use would sanction an intensification of occupation at the property, which has an existing five bedrooms over two floors. With a consent for use as HMO there seems nothing to prevent the two front ground floor rooms (presently labelled as lounge and dining room) being utilised as bedrooms.

There is potential for occupation by 10 or more persons. The number of proposed off road parking places is not stated in the application but given the awkward configuration of existing drive and garage, with a need to park in line, it is highly likely that any cars belonging to the increased number of occupants would be left on the street whether or not there was theoretical off road space. This would further exacerbate car and pedestrian access issues at an already frequently obstructed corner.

WDRA therefore oppose the proposed change of use on the grounds that it would infringe the established amenity of near residents and users of road and footpath.

POLICY

The National Planning Policy Framework - March 2012

The NPPF was revised and published on the 21 July 2018 and replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government. The NPPF states that the planning system must contribute to the achievement of sustainable development. These are encapsulated into three categories: economic, social and environmental. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Core Strategy 2012 - 2027 (adopted July 2012)

Manchester Core Strategy - 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.

The Core Strategy includes the provision of a policy specific to Houses in Multiple Occupation, policy H11, which is included alongside others of relevance to this application.

Policy SP1 - Spatial Principles

The Core Development Principles of policy SP1 stipulate 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.

Core Strategy Policy DM1 - Development Management

Policy DM1 provides specific guidance in the Development Management decision making process and provides that:

All development should have regard to the following specific issues relevant to this application:-

- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, 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.
- 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.

Core Strategy 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.

Core Strategy Policy H6 – South Manchester Housing

The priorities for housing in the H6 Core Strategy policy area of South Manchester are to provide housing to meet identified shortfalls; this includes family housing and additions to the stock of larger housing units.

Core Strategy Policy T2 – Accessible Areas of Opportunity and Need

This transport policy states that the Council will actively manage the pattern of development to ensure that new development manages parking with the proviso that all new development should provide appropriate car parking facilities.

Unitary Development Plan Policy DC26.1 – Noise

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 the 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.

Guide to Development SPD (2007)

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance was formally adopted in April 2007; it provides the Local Planning Authority with a development framework to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places, that is; character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability.

Of relevance to this application, the guidance advises that neighbourhoods should contain a mix of housing and that the impact of parking areas should be minimised.

It is considered that the application is contrary to this guidance, the proposed housing offer potentially tipping the balance towards non-family housing which is already under-provided for in the local area, and in failing to provide adequate parking provision.

Manchester Residential Quality Guidance 2016

This adopted guidance 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 and emphasises that the delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester.

Against this guidance document, the proposal would not meet the sustainable growth objectives which are essential to the creation of neighbourhoods of choice.

ISSUES

Principle of Use

The application site is a 5-bedroom property in a residential area of similar housing typology.

Having regard to the existing policy framework, the principle of the development is considered to be unacceptable due to the proposed intensification of use of the property and the problems that this would cause to the amenity of nearby residential occupiers. The proposal would also lead to the loss of a family house which is contrary to Core Strategy policy H6.

It is also believed that any approval of the application would help further imbalance the housing mix in the area and undermine the long term housing objectives of the City Council which focuses on diversity and choice in the housing market with the specific aim of increasing family occupation, and the protection of residential amenity. These issues are considered below.

Loss of Family Housing

Housing policy H6 (South Manchester Housing) within the adopted Manchester Core Strategy, promotes the inclusion of additional family housing within the policy boundary. This acknowledges an identified need which has resulted from the cumulative loss of family housing over the last 10 years and the stagnant delivery of new family housing. This reflects in part the very limited land available within this part of South Manchester (only 5% in the SHLAA 2010) which is likely to permit only a limited number of new family housing units.

The conversion of the application site from a C3a to C4, would contribute to the further erosion of the residential family housing stock in the locality with the attendant problems of a lack of support for local infrastructure, including schools, contrary to the Council's objectives within its planning policies.

An important Council objective is to drive forward the diversity of the housing offer in the City, delivering 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. Within the immediate area, a significant number of houses have historically been converted to flats, which is a key contributor to its identified transient community demographic. Retaining the existing housing stock for the provision of family housing would create a more balanced and sustainable community which contributes to the Councils' objective of creating neighbourhoods of choice.

The use of a former family house as an HMO would conflict with this objective and increase the threat of families being driven out of the area due to not only a shortage of appropriate accommodation, but also to the risk of adverse living conditions created by a loss of residential amenity.

Residential Amenity

The property is a large dwelling providing accommodation over 4 floors. The submitted floor plans show 5 no. bedrooms and 2 no. bathrooms. In addition there are 3 no. cellar chambers in the basement and an average size rear garden. The application states that the property will only be let to 3 tenants as at present and is willing to accept that level of occupancy within a specified planning condition.

However, it should be borne in mind that this would not outweigh the loss of family housing described above which the Council seeks to redress.

Notwithstanding, a dwelling in multiple occupation has the potential to accommodate 3 separate adult households with associated numbers of visiting friends, family and partners which could lead to an over-intensive use of the property with the attendant noise and disturbance for neighbouring occupiers. Some objectors have cited instances of noise nuisance arising from the property, with complaints made by objectors to the occupiers.

A collective group of individuals with different lifestyles and different patterns of behaviour can result in a loss of residential amenity due to frequent comings and goings with associated noise and disturbance, which is qualitatively different from a typical family of 5 (2 adults and 3 children) living together. This in turn can have an adverse impact upon the quality of amenity of other nearby residential occupiers. Saved UDP policy DC26.1 (Noise) requires that the Council has regard to development proposals which could be a generator of noise whilst Core Strategy policies SP1 and DM1 require that developments pay regard to the health and well-being of residents which includes noise considerations. The proposal is considered to be contrary to these policy considerations.

For the reasons outlined above, the Council maintains that approval of this application would unduly affect residential amenity and the character of the area which is contrary to the provisions of policies SP1 and DM1 of the adopted Core Strategy for Manchester and saved UDP policy DC26.1.

Car Parking

The application form states that 4no. car parking spaces are available at the site and that this is set to remain in the proposal. The site plan shows an 8.1metre length x 3.22metre width driveway on the northern side of the property with a detached garage 5metres in length x 2.7metres wide at the end of the driveway. Core Strategy policy T2, The application, including site plan, has not demonstrated how this number of vehicles could be accommodated within the constraints of the site. It is believed that the driveway is of a reasonable length and width to accommodate 1 or 2 vehicles, but could not realistically accommodate the existing (and proposed) 4no. cars, nor allow for the easy manoeuvre of cars on and off the site.

Highway Services have raised a concern about this, also casting doubt on the ability for the projected number of unrelated households with cars to pass each other on the driveway. Highways have also acknowledged the high demand for on-street parking on Northern Grove, something which has been highlighted as a key concern in comments to the Council by all residents.

Car ownership in the local area is relatively high compared to other areas of the city and with higher levels of households owning more than 1 vehicle. The external footprint of the majority of the Victorian houses, combined with the relatively narrow width of the street, the location of the site close to a sharp bend in Northern Grove and very close proximity to the number of restaurants and shops on Burton Road attracting visitor parking, means that this section of the highway is frequently congested. It is not understood what degree of congestion can be attributed solely to

the application site, however, it is clear that the stated number of vehicles cannot realistically be accommodated within the site curtilage which will push additional parking on-street.

It should be noted however that this section of the Northern Grove highway is not managed by double yellow line Traffic Regulation Orders so parking on street is unrestricted to residents and visitors alike and the site is well-served by very good public transport links within a short distance. Notwithstanding this, Core Strategy policies T2, SP1 and DM1 are concerned with protecting amenity, policy T2 especially having the expectation that all new development makes appropriate parking provision. On the basis of the number of households and the limited capacity to park and manoeuvre vehicles on and off the site, the proposal fails to meet this policy consideration.



There is an absence of TRO's in the street.



Parking outside the dwelling on bin collection day



Left: Parking on the western section of Northern Grove, close to Burton Road.

Parking issues also arise from the narrow width of the highway and the increase in size of vehicles squeezed into sites that pre-date the motor vehicle, pushing more parking on street and creating difficult and potentially dangerous conditions for pedestrians.

The site is nonetheless well-served by public transport which lessens the need to make use of or own a private car.

Waste Management

The application does not include a Waste Proforma and bin provision is the same for that of a family living at the site, ie: 4no. waste containers including for recycling. It is

considered that the existing level of provision has not resulted in any concerns, including for Environmental Health, who have not raised any objection to the application.

Visual Amenity

The property does not propose to make any external alterations and externally, is maintained to an acceptable standard; the front and rear gardens and original Victorian boundary wall, stone copers and gate posts are intact and gardens were well-maintained at the time of an unannounced site visit. Some objectors are concerned that should permission be granted, the property would fall into decline resulting in a detrimental loss of visual amenity which in turn would attract undesirable tenants.



Semi's converted to flats on Northen Grove – loss of gardens and boundary walls

There are no reasonable grounds on which to assume that should permission be granted, the property would be any less well-maintained than at present or that tenants renting a property would accept a lower standard of maintenance than owner-occupiers. Standards of preservation are noted to vary widely across all tenures within the neighbourhood.

Recommendation

Refuse on the basis that the proposal conflicts with policies SP1, DM1, H7, T2 and H11 of the adopted Core Strategy and saved UDP policy DC26.1 and there are no material considerations of sufficient weight to indicate otherwise.

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 policies 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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons outlined in this committee report.

Reason for recommendation

- 1) 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 offer. The proposal is therefore contrary to the provisions of policies H6, H11, SP1 and DM1 of the Manchester Core Strategy, the Guide to Development in Manchester SPD and to the Manchester Residential Quality Guidance document.
- 2) The proposed change of use of the property into a House in Multiple Occupation, would lead to an overly intensive use of the site which would be detrimental to the amenities of neighbouring residents leading to increased levels of noise and activity from the general comings and goings which would be detrimental to the amenity of neighbouring occupiers contrary to policies SP1 and DM1 of the Manchester Core Strategy and saved UDP policy DC26.1.
- 3) The proposed change of use does not include sufficient arrangements for the parking of vehicles within the curtilage of the site and it is considered that the potential requirement for car parking generated by the proposed use would result in on-street parking in the locality which would exacerbate existing car parking difficulties and traffic congestion. This in turn would be detrimental to highway safety

and the amenity of nearby residential occupiers, contrary to policies T2, SP1 and 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: 122025/FO/2018 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.

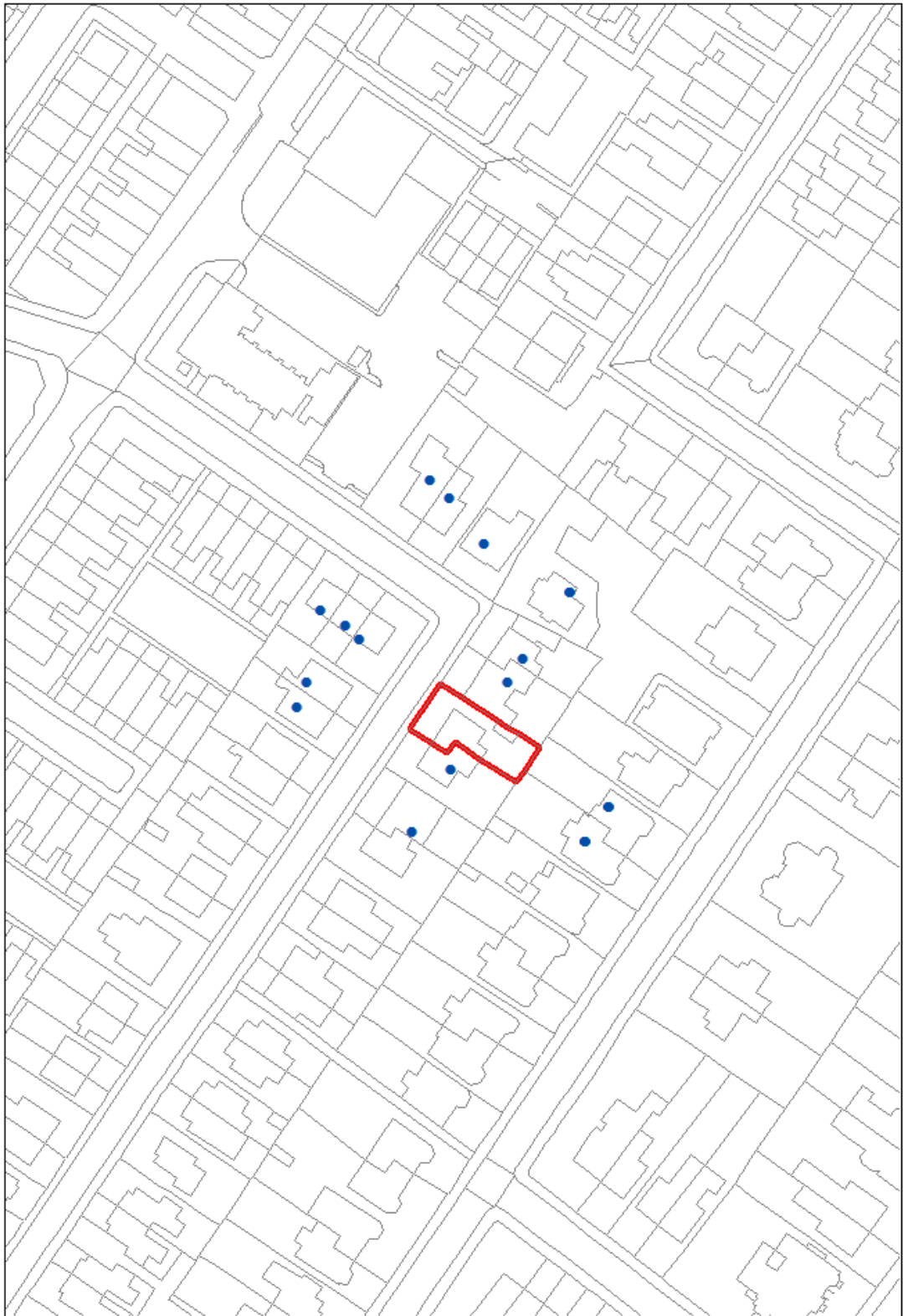
The following residents, businesses and other third parties in the area were consulted/notified on the application:

Environmental Health
West Didsbury Residents Association

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 :	Linda Marciniak
Telephone number :	0161 234 4636
Email :	l.marciniak@manchester.gov.uk



 Application site boundary  Neighbour notification
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