

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141612/FO/2024

Date registered valid: 27 November 2024

Proposal: Retention of 7-bedroom House in Multiple Occupation (sui generis use)

Address: 153 Hamilton Road, Manchester, M13 0PL

Ward(s): Longsight Ward

Applicant: Mr John Blaylock

Agent (if any):

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 31 January 2025

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 21 January 2025

Standard consultations:

Printed: 6 December 2024 Expired: 29 December 2024

Neighbour notifications

Printed: 6 December 2024 Expired: 29 December 2024

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/area

The application site is located in a predominantly residential area and is sited on the eastern side of Hamilton Road. The application site comprises of a two storey mid-terraced house with additional accommodation in the roof space as well as the cellar. The application property affords a ground floor front bay projecting into a front garden separated from the back of pavement by a low wall. The elevations are composed in red brick with a slate roof. An original pitched gable element spanning the boundary with No. 155 is incorporated into the front roof plane, in addition to a later pitched uPVC dormer window. To the rear the elevation incorporates both a two-storey and single-storey outriggers projecting into a rear yard. Changing levels within the yard facilitate a doorway to the basement.

On-street parking is available on Hamilton Road as well as on the surrounding streets.

The surrounding area is characterised by two storey, semi-detached and terraced properties. Longsight Community Primary School and Nursery are located within close proximity to the application site due north-west.



Figure 1. The application site, 153 Hamilton Road.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant seeks permission for the continued Use of Dwellinghouse as a 7-bedroom large House in Multiple Occupation (Use Class Sui Generis).

Consultations & Notification Responses

Local responses

None

Consultee responses

Environmental Health – With the exception of the brief statement on the application form; "Recycling bins provided by Manchester City Council like any other house", no plans or proforma of the existing waste management scheme have been provided. It is not clear that there is sufficient external storage space within the curtilage of the property for required bins as per MCC's guidance - relevant extract included below:

A property let to 5 or more people, forming 2 or more households, sharing amenities such as kitchen and bathrooms is a House in Multiple Occupation (HMO). Where the property will be used as an HMO, more space must be provided at a rate of one of each bin for every group of

1-5 people (for example 5 people would need space for 4 x 240 litre bins, 6-10 people would need space for 8 x 240 litre bins and so on).

The required space should be demonstrated. – A waste management scheme will be imposed as a planning condition.

Relevant Planning History

At the application site –
None

At no.157 Hamilton Road –

138720/FO/2023 – Change of use from HMO (Class C4) to 9-bedroom HMO (sui-generis). Refused 21.01.2024. Allowed at Appeal, ref: **APP/B4215/W/24/3338282**

135124/FO/2022 – Continued Use of Dwellinghouse as House in Multiple Occupation (Use Class C4). Refused 30.11.2022. Allowed at Appeal, ref: **APP/B4215/W/23/3315981.**

HMO Licensing

A House of Multiple Occupation License does not grant any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. Notwithstanding this, House of Multiple Occupation licensing information illustrates an up-to-date review of practicing HMO's in the locality of a specific area, which should be considered as part of any planning permission to evidence concentration.

As such, a review of the Council's Landlord licence public register found only 2 HMO licences in the immediate area (no.'s 153 and 157 Hamilton Road).



*Figure 2. HMO Licenced properties within immediate area to application site and including
(Source – MCC Landlord licence public register)*

History of negotiations

Additional information was requested from the applicant regarding parking provision, waste management, cycle storage and evidence no reasonable demand for the existing use. The applicant submitted these details 27/01/25.

Local Planning Policies

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The PfE Plan and its policies are now a material planning consideration in the determination of planning applications. The PfE Plan and its policies must therefore be given full weight in the planning balance.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone 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 **Places for Everyone** policies for this application are as follows:

JP-S1 – Sustainable Development
JP-P1 – Sustainable Places

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

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
H 1 – Overall Housing Provision (partially superseded by PfE)
H 5 – Central Manchester
H 11 – Houses in Multiple Occupation
EN 19 – Waste

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

DC26 – Development and Noise

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD
- Waste Storage and Collection Guidance for New Developments (2017)

A relevant material consideration is also:

- Manchester Residential Quality Guidance March 2017 (Manchester's Emerging Space Standards)

National Planning Policy Framework

The NPPF (December 2024) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places

Paragraph 135 (f) - Planning policies and decisions should ensure that developments:

- *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 users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Issues

Principle of development:

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

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

In terms of the threshold figure referred to in policy H11 of the Core Strategy Development Plan Document, the application site lies within an area where the 10% threshold for HMO's would not be exceeded by any approval of this application, as shown by review of the MCC Landlord licence public register (see figure 2). Where the threshold is under the 10% figure policy H11 advises that there will be a presumption against change of use where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place. Changes to alternative uses, including C4 and HMOs with more than six occupants, will only be acceptable where it can be demonstrated that there is no reasonable demand for the existing use.

Two of the Core Strategy Spatial Objectives for housing and economy seek to achieve balanced sustainable communities and to provide high quality housing. This includes avoiding over concentrations of accommodation types which could have a detrimental impact on the amenity of residents.

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

This objective does, however, 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.

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

Mix and Supply of Housing:

Policy SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012 (CS) sets out the spatial principles which will guide the strategic development of Manchester and requires development to make a positive contribution to neighbourhoods. CS Policy H5 requires new residential development within Central Manchester, to give priority to family housing and other high value, high quality development. The supporting text to this policy states, amongst other things, that the emphasis will be on increasing the availability of family housing and diversifying housing stock in mono-tenure areas, preserving and improving the quality of the existing housing stock and the management of areas where HMOs predominate.

CS Policy H5 seeks to increase the supply of family homes and prevent further shortages of this tenure. However, although the loss of a family home would undermine these efforts, it is only by a single dwelling and in an area where there is not a predominance of HMOs. In this instance, the effect of the loss of a single, family home on the overall mix and balance of housing in the area is considered to be limited. In this respect, there is no clear conflict with CS Policy H5, which does not prevent the loss of family housing, but rather seeks to prioritise them.

Changes of use from Class C3 to Class C4 and Sui Generis are controlled by CS Policy H11. This policy seeks to restrict the change of use from Class C3 to Class C4 and Sui Generis in areas where there is a high concentration of HMOs or student housing. This policy goes on to state that in areas where the concentration of such properties is significant but less high, the Council will examine the property type and residential mix in more detail.

The continued use of No. 153 as a large HMO does not increase the number of HMOs in the area to a level that would exceed the 10% threshold (see figure 2).

A further section of CS Policy H11 seeks to restrict the change of use of family housing to HMOs in areas that do not have a high concentration of HMOs or student housing. This only applies in areas 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.

Whilst it is recognised that there is high demand, in particular, for three-bedroom properties for families. It is acknowledged that No.153 has in excess of three bedrooms and is therefore a larger family property. The demand for such a large family home, is notably lower than properties with fewer bedrooms. In order to demonstrate evidence of no reasonable demand for the existing use, the applicant has stated that No 157 (two doors down) was advertised for sale as a family home from January 2021 to March 2022. During that period, the LPA understand that there were no viewings by, or offers from, families.

For the reasons given above, it is considered on balance that this specific development does not harm the mix and balance of housing in the area, with particular regard to the supply of family housing. This housing balance position, with regards to no.157 within the immediate terrace, was set by the planning inspector under appeal reference; APP/B4215/W/23/3315981. The development therefore is considered compliant with CS Policies SP1, H5, H11 and DM1 and the requirements in the National Planning Policy Framework (the Framework).

Impact on residential amenity:

No. 153 has a small front garden and enclosed rear yard, with no off-street parking provision. Immediately to the rear of No. 153 is an alleyway that runs between Hector Road and Mentor Street.

The application form states that the use of the property as a large HMO commenced in 2020. The occupants of the large HMO are likely to be unrelated and, therefore, likely to create greater levels of comings and goings and differing patterns of behaviour than those associated with a single-family unit. No.153 is occupied by 7 tenants, which is the maximum occupancy level sought by the applicant through this application. Considering the spacious layout of the application property and the maximum number of tenants, which has similarities to that of a single family, albeit larger. Thus, it is not considered that No. 153 is intensively occupied.

It is acknowledged that No.155 would be inadvertently sandwiched between two existing HMO uses (no.s 153 and 157), if this change of use was permitted. As viewed on the site visit (January 2025), No.155 afforded 6 lockboxes within the recessed porch. This feature is not typical of a family home and indicates that this dwelling may be occupied by multiple unrelated occupants, however no planning history could be found for this unauthorised arrangement. Therefore, whilst this sandwiching impact could give rise to residential amenity concerns for the middle property, in this case No.155, given the suspected unauthorised use, the retention of No.153 as a large HMO is not considered to cause undue impact upon the amenity of these occupants.

In addition, when considering the length of time that No. 153 has been in use as a large HMO, no representations have been received during the course of publicity and limited evidence that demonstrates neighbouring properties are experiencing unacceptable levels of noise and disturbance as a result of the use of the property as a large HMO. As set out above, there is not an existing concentration of HMOs in the area. As a result, the scheme is not considered harmful to the living conditions of neighbouring occupiers. This amenity position, with regards to no.157 within the immediate terrace, was set by the planning inspector under appeal reference; APP/B4215/W/23/3315981.

For the reasons given above, it is considered that this specific development does not pose harm the living conditions of neighbouring occupiers, with regard to noise and disturbance, compliant with CS Policies SP1, H11 and DM1 and the requirements of the Framework.

Impact on visual amenity and the streetscene:

CS Policy H11 also requires that proposals for changes of use of existing properties to HMOs would only be permitted where they would provide accommodation of a high standard and would not materially harm the character of the area. This is also a requirement within CS Policies SP1 and DM1, amongst other things.

The change of use to Class Sui Generis has been accommodated within the confines of the existing property, without external alterations or extensions. The internal layout of the property is such that the tenants are afforded large bedrooms, with a sizable reception room and kitchen. As such this specific development is not considered to materially harm the character of the area.

Impact on Highway Safety:

The applicant submitted a parking survey of the immediate area, which demonstrates that there is existing on street parking provision retained within the local area. As such, the proposed retention of this specific HMO (no.153) is considered to interfere with the existing parking provision on street, as such is considered acceptable in this regard.

No details of secure and lockable cycle storage have been provided by the applicant, notwithstanding this, full details of proposed cycle storage for 7 bicycles shall be submitted for review and approval, which will be conditioned. In order to encourage and provide provision for sustainable transport opportunities to current and future occupiers, pursuant to policies T1, T2 and SP1 and DM1 of the Manchester Core Strategy.

Waste:

The applicant has submitted existing details of waste storage management. The site photographs and supporting document show that refuse bins are stored in the front garden despite there being access to the rear garden via an alleyway at the rear of the property accessed from both Mentor Street and Meller Road.

Notwithstanding the details submitted, Environmental Health require additional waste management information to be submitted for review and approval, which will be conditioned, in the interests of amenity and public health, pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan, Place for Everyone and other material considerations. In this instance additional information was requested regarding parking provision, waste management, cycle storage and evidence no reasonable demand for the existing use, which was received 27/01/2025, the application has been determined with the attachment of appropriate conditions.

Condition(s) to be attached to decision for approval

1) Specified drawings

The development hereby approved shall be carried out in accordance with the documents labelled:

- 'Existing Floor Plans', stamped as received by the City Council as Local Planning Authority on the 27/11/2024.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

2) Waste management

Notwithstanding the refuse details submitted (27/01/25), within 3 months of the date of the decision notice of this permission, a waste management scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. For the avoidance of doubt, where the application property will be used as a large HMO (Sui Generis use class), space must be provided at a rate of one of each refuse bin for every group of 1-5 people (for example 6-10 people would need space for 8 x 240 litre bins).

Reason - In the interests of amenity and public health, pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

3) Cycle parking

- (a) Within 3 months of the date of the decision notice of this permission, full details of the specifications, elevations, siting and appearance of the secured cycle storage for 7 bicycles shall be submitted to and approved in writing by the City Council as local planning authority.
- (b) The agreed details shall be fully implemented and made available for use within an additional 3 months. This agreed provision shall be retained and maintained thereafter.

Reason - In the interest of residential amenity and to promote sustainable transportation modes pursuant to policies SP1, T1, T2 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

32 Mentor Street, Manchester, M13 0QW
120 Hamilton Road, Manchester, M13 0PN
118 Hamilton Road, Manchester, M13 0PN
31 Hector Road, Manchester, M13 0QN
155 Hamilton Road, Manchester, M13 0PL
151 Hamilton Road, Manchester, M13 0PL

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA