

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142201/NMC/2025

Date registered valid: 19 February 2025

Proposal: Non-material amendment to planning permission ref: 138720/FO/2023 to allow the repositioning of a kitchen and bedroom No 1 within the ground floor without external alterations

Address: 157 Hamilton Road, Manchester, M13 0PL

Ward(s): Longsight Ward

Applicant: Mr David Clifton, Burraway

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 3 March 2025

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is in a residential area and is sited on the eastern side of Hamilton Road close to its junction with Mentor Street. The application site comprises of a two storey terraced house with 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. A roof extension spanning the boundary with No 159 is incorporated into the front roof plane. To the rear the elevation incorporates a two storey outrigger projecting into area yard. Changing levels within the yard facilitate a doorway to the basement.

Site History

- i. 138720/FO/2023 – Refused – 29.01.2024 - Change of use from HMO (Class C4) to 9 bedroom HMO (sui-generis)
[The above refusal was the subject of appeal ref: APP/B4215/W/24/3338282 that was allowed 11 October 2024]
- ii. 135124/FO/2022 - Refused - 30.11.2022 - Continued Use of Dwellinghouse as House in Multiple Occupation (Use Class C4).

[The above refusal was the subject of appeal ref: APP/B4215/W/23/3315981 that was allowed 11 July 2023]

Description of development

The referenced appeal decision allowed the formation of a nine bedroom HMO comprising:

- i. Basement – Storage
- ii. Ground floor – Kitchen/ dining room and two bedrooms
- iii. First floor – Four bedrooms and one bathroom
- iv. Loft - Three bedrooms and one WC

The property would continue to be used as a nine bedroom HMO. The limited works relating to the proposed non-material change would involve the transposition of the ground floor kitchen/dining area and bedroom No1 with the related reconfiguration of internal walls (as shown in Fig.1 and Fig.2). No external alterations are proposed.

Fig.1 – Proposed non-material change to ground floor

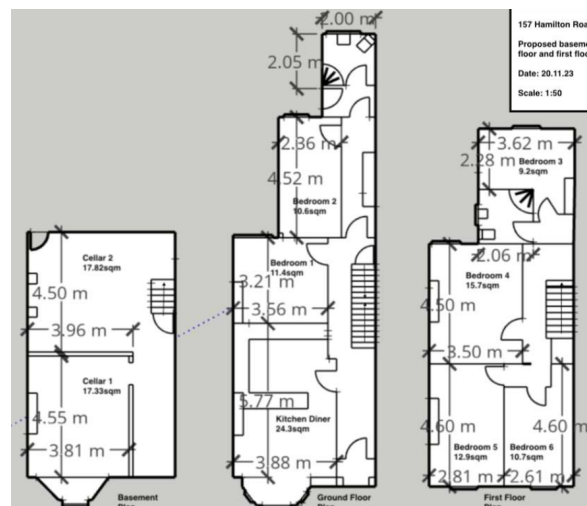


Fig.2 – Layout approved under ref: 138720/FO/2023

Consultations & Notification Responses

None required.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended most recently in December 2024. It represents key up to date national policy and is an important material consideration in determining the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'. The purpose of the planning system is to achieve sustainable development. The NPPF states that, to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy that ensures sufficient and appropriate development and supports growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework were relevant to the assessment of planning application ref: 138720/FO/2023.

- i. Section 5 Delivering a sufficient supply of homes - The proposed non-material change does not affect the relationship of the development to Section 5.

The Places for Everyone Plan is a Joint Development Plan Document - Provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. The Plan and its policies must therefore be given significant weight in the planning balance. The following policies are relevant and, in the light of the appeal decision, would be accorded with:

- i. JP- S1- Sustainable development;
- ii. JP-P6 - Health

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

Reference was made to the following policies as part of the consideration of planning application ref:

Policy SP 1 (Spatial Principles)
Policy EN19 (Waste)
Policy T1 (Sustainable Transport)

Policy DM1 Development Management - Discusses a range of issues that all development should have regard to, including:

- i. Potential adverse impact upon on the residential character of the area;
- ii. Potential harm to the amenities of future and neighbouring residents.
- iii. The delivery of an adequate quality of internal space.
- iv. Provision of appropriate arrangements for waste and recycling storage.
- v. Impact of additional traffic generation in the area.

The appeal decision found that policy DM1 would be accorded with. The non-material change application would not affect compliance with policy DM1.

Principle of amendment – The proposal would improve the layout of the proposed accommodation, including additional light into the repositioned bedroom and the formation of a more centrally positioned kitchen / dining area.

Design – No external changes are proposed.

Residential amenity – The amendment would not affect the relationship of the application property to the surrounding area. As stated, the quality of the proposed accommodation would be improved and would be beneficial.

Conditions – In addition to the conditions usually attached to NMC decisions, the conditions attached to appeal decision ref: APP/B4215/W/23/3315981 have been attached.

Conclusion – The proposed non-material amendment is acceptable.

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

N/A

Condition(s) to be attached to decision for approval

1) The proposed non-material amendment would retain the use of 157 Hamilton Road as a as a nine bedroom house in multiple occupation (HMO – sui generis) but would involve:

- i. The transposition of the ground floor kitchen / dining area and bedroom No1;
- ii. The related reconfiguration of internal walls. No external alterations are proposed.

2) Following an assessment of the details submitted, I can confirm that the proposed amendment is considered to be of a non-material nature and is acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed change will have no material impact upon the character of the development or upon the visual or residential amenity of nearby occupiers.

Therefore, I can confirm that the proposed amendments are hereby approved subject to the following conditions.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents and received by the City Council as local planning authority on: 4 December 2024 and 19 February 2025:

Application forms for a non-material amendment following a grant of planning permission

Location plan attached to planning application 138720/FO/2023

Proposed site plan attached to planning application 138720/FO/2023

Proposed Plans: basement, ground floor and first floor dated 19 February 2025

Proposed Plans: second floor and roof dated 19 February 2025

Detailed Container Storage Information Refuse and Recycling Storage (related to appeal decision ref: APP/B4215/W/23/3315981)

Detailed Container Storage Information Refuse and Recycling Storage (related to appeal decision ref: APP/B4215/W/23/3315981)

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 for the City of Manchester.

4) Before the first use of the development hereby permitted, the refuse and recycling storage shall be provided in accordance with the document titled 'Detailed Container Storage Information Refuse and Recycling Storage' received with the appeal documents and implemented and maintained in situ thereafter.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester and policy JP-P6 of the Sustainable Development Joint Development Plan Document - Places for Everyone.

5) Before the first use of the development hereby permitted the cycle storage arrangements shall be provided in accordance with the document titled 'Detailed Container Storage Information Refuse and Recycling Storage' received with the appeal documents and implemented and maintained in situ thereafter.

Reason - To ensure that adequate provision is made for cycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport and to comply with policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

N/A

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) -
Area Team Boundary - Name: NORTH AREA