

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141351/FO/2024

Date registered valid: 4 November 2024

Proposal: Change of use from a dwellinghouse (Class C3) to a 5 bed House in Multiple Occupation (Class C4); installation of rooflights to the front and rear.

Address: 47 Marshall Road, Manchester, M19 2EG

Ward(s): Burnage Ward

Applicant: Mr Chris Underwood CRU Estates Ltd

Agent (if any):

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

Recommendation: Refuse

Date of recommendation: 11 December 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 14 November 2024

Standard consultations:

Printed: 7 November 2024 Expired: 28 November 2024

Neighbour notifications

Printed: 8 November 2024 Expired: 29 November 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application property forms part of a four unit terrace of houses that presents two storeys to Marshall Road and is typical of housing in this residential area. It is in location on the east side of Marshall Road close to its southern junction with Alma Road. The house comprises red brick elevation with pitched slate roofs. The has a small front garden demarcate by a low wall and pedestrian gate. The application property is not supported with off-street car parking. To the rear the property that incorporates an outrigger that rises to three storeys through the incorporation of roof space accommodation. A single storey lean-to rear extension adjoins the outrigger. The property has a long but narrow rear garden, and its eastern boundary terminates adjacent to a railway embankment.



Fig.1 – Views of the front and rear of 47 Marshall Road

Description of development

The proposed development involves the reconfiguration of internal space to form:

- i. Basement – Retained for storage.
- ii. Ground floor – Shared entrance from the principal elevation with a corridor leading to lounge, dining room and kitchen.
- iii. First floor – Formation of three bedrooms and shared bathroom.
- iv. Second floor (Roof space) – Two bedrooms (one with en suite bathroom).

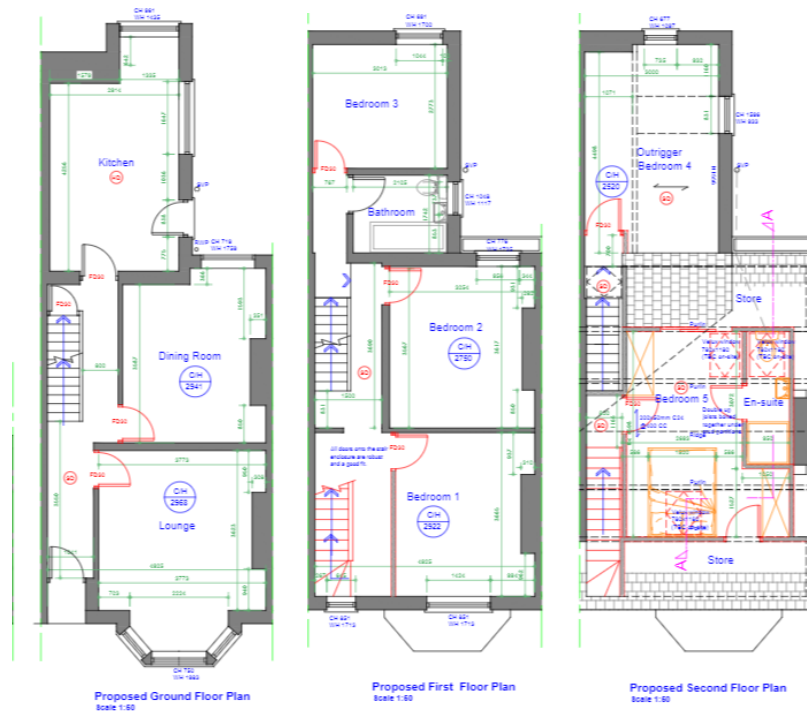


Fig.2 – Proposed internal layout

External alterations would be limited to the formation of:

- i. A single window to the principal roof plane;
- ii. A pair of windows to the main part of the rear roof plane.



Fig.3 – Proposed elevations

Site history

No previous planning applications.

Consultations & Notification Responses

Local residents – Four emails of objection have been received:

- i. Any increase in traffic generation associated with development would exacerbate already high demand on-street car parking and lead to additional congestion that would be harmful to

pedestrian and highway safety. Additional congestion would potentially adversely affect the operation of the bus service along Marshall Road.

- ii. Activity, noise and disturbance associated with existing HMO uses in the area is reported to have caused harm to local amenity. There is concern that the development would presents similar issues and thereby be harmful to the character of the area.
- iii. There is concern that the development would not incorporate appropriate bin storage and waste management arrangements. The potential dispersal of bins in the locality would be harmful to the amenities of the area and appearance of the streetscene.
- iv. The property should be maintained as a house suitable for family occupation. This would be an appropriate response to the shortage of such accommodation in the local area.
- v. The transient occupation of the property as an HMO would undermine efforts to form a safe and sustainable community.

Highway Services - The following comments have been received:

- i. It is not anticipated that the generated number of vehicular trips would differ from the existing circumstances.
- ii. The site has access to sustainable transport modes thereby reducing the need for private car usage.
- iii. There is no on-site car parking associated with the development. Related increases in car parking demand would contribute existing and significant in-street parking on Marshall Road.
- iv. The development should have secure and sheltered cycle parking provision within the site.
- vi. Refuse storage area within the front garden of the site and kerbside collection from Marshall Road would be appropriate.
- vii. Requirements for licensing, hoarding / scaffolding and associated temporary traffic management arrangements should be agreed with the Council as local highways authority.

Environmental Health – The following comments have been received:

- i. Construction works related to the development should be related to agreed hours.
- ii. The residential accommodation should be related to scheme of acoustic insulation against disturbance from the adjacent railway line and any other identified noise source.

Network Rail (NR) – Have commented and given regard to the proximity of the proposed development to the adjacent railway line. Whilst the development is not objected to have advised that, should planning permission be granted, arrangement for the implementation of the development should be agreed with NR prior to commencement of related works. A detailed informative has been provided advising of developer responsibilities when working in relative close proximity to a railway line.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in December 2023. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF are relevant to the consideration of the current application and are identified below. 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' (paragraph 7). The purpose of the planning system is to achieve sustainable

development. Paragraph 8 of 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 and ensuring the sufficient amount of and right type of development to support 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 are relevant.

Section 5 Delivering a sufficient supply of homes - States that to support the Government's objective of significantly boosting the supply of homes, it is important that: a sufficient amount and variety of land can come forward where it is needed; the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This should be reflected in the consideration of the size, type and tenure of housing needed for different groups in the community. The development would result in the loss of house capable of family occupation. As such accommodation is required in response to an identified need within the city and its loss would be contrary to Section 5.

Section 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion. In this case, the development would potentially produce a high intensity of transient occupation leading to increased noise, activity and disturbance. The development would thereby be harmful to the amenity and well-being of neighbouring residents. The development would thereby fail to accord with Section 8.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. The following aspects of PPG have been considered:

- i. Consultation and pre-decision matters;
- ii. Health and well-being;
- iii. Noise.

The development would not accord with points (ii) and (iii) for the reasons set out in this report.

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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the

Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The following policies are relevant:

Policy JP-P6 (Health) - States that development should maximise its positive contribution to health and wellbeing, whilst avoiding any potential negative impacts of new development. It is considered that the development would result in an overly intensive use of the site. It would generate levels of activity, noise and disturbance that would be harmful to the character and amenities of the area. Policy JP-P6 would not be accorded with.

JP-S1 (Sustainable development) – In this case, the development would utilise an existing building without further extensions and limited external alterations, thereby minimising the environmental impact. However, potentially adverse social impacts would be related to attributable to the operation of the proposed HMO use. This includes excessive activity, noise and disturbance attributable to the development and the associated harm caused to the character of the area through the transient occupation of the application property. Policy JP-S1 would not be accorded with.

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.'

The following policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

The proposed development would not contribute positively to the formation of a sustainable community due to the associated loss of family accommodation. The levels of increased activity associated with the intensification of the use would also be detrimental to the health and well-being of neighbouring residents. On this basis, policy SP1 would not be accorded with.

Policy H1 (Overall Housing Provision) - Discusses the need to manage the supply and availability of housing in the city. It also the need to ensure that housing supply contributes to creating mixed communities by providing house types to meet the needs of a diverse and

growing Manchester population. The development would conflict with policy H1 by reducing the supply of family housing in the city.

Policy H 6 (South Manchester) - Discusses the delivery of new residential development in South Manchester, including Fallowfield. It also identifies the need to address the need to meet shortfalls in housing need, including the provision of family housing. As the proposed development would result in the loss of house with the potential for family occupation, its conversion to a Class C4 house in multiple occupation (HMO) would be contrary to the objectives of policy H6.

Policy H 11 Houses in Multiple Occupation - In addition to Manchester's Article 4 Direction that prevents change of use from Class C3 (Dwelling houses) to C4 (small-scale HMOs) reference is also made to policy H11. It states that in parts of Manchester which do not have a high concentration of HMO / student housing but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling which is suitable for a family. Changes to Class C4 uses will only be acceptable where it can be demonstrated that there is no reasonable demand for the existing use. In this case, the application has not been accompanied with evidence to demonstrate that the existing Class C3 use is no longer viable. In these circumstances, the development would result in the justified loss of a family house, which would be contrary to policy H11.

Policy T 1 (Sustainable Transport) – Seeks, amongst other things, to encourage modal shift away from car travel to public transport, cycling and walking. Would reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties. In this case, it is acknowledged that the site is in a sustainable location with regard to access to public transport and local services. The site also has the capacity to accommodate cycle storage. However, the development would lead to the occupation of the property by up to five individuals with potential access to private cars. The resulting level of car ownership would potentially exceed that of a family home. Given the prevalence of on-street car parking it is considered that the introduction of additional vehicles would be detrimental to pedestrian and highways safety. The development would thereby be contrary to policy T1.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- i. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- ii. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- iii. Community safety and crime prevention;
- iv. Design for health;
- v. Adequacy of internal accommodation and external amenity space;
- vi. Refuse storage and collection.

In this case, potential harm would be related to the discussed additional levels of noise, activity and disturbance associated with the shared occupation of the property. There would also be potential for additional traffic generation in an area with significant on street car parking. The provision of cycle storage has not been identified. Given these concerns, it is not considered that policy DM1 would be accorded with.

Policy DM1 has been related to the assessment of the proposals regarding its potential impact on residential amenity. It is considered that policy DM1 would not be accorded with due to the potentially harmful impact of the development on residential amenity, including increased noise, disturbance and activity in and around the property. It is considered that the proposed insertion of roof lights would be acceptable.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires the local planning authority demonstrates how it has engaged with the applicant prior to the determination of the planning application. In this case, the application has been determined within the statutory timescale. In this instance the principle of the application proposals is contrary to the adopted development plan and would not improve the social or environmental conditions of the area. It is not considered, in this instance, that amendments could be made that would make the development acceptable. The applicant's agent was informed of these concerns prior to the determination of the application.

Principle of the development – The City Council recognises the valuable contribution that well managed HMOs can make to the provision of affordable housing but stresses the importance of careful siting to avoid negative impacts on residential amenity. It is acknowledged that the intensity of use associated with unrelated households living together, different lifestyles and different patterns of behaviour can cause frequent comings and goings with associated noise and disturbance. It is considered that HMOs tend to attract people who will live in the property for a comparatively short period of time and consequently they do not have the same interest in the well-being of an area as those who are less transient. It is believed that this cyclical change in occupation has a negative impact on the character and appearance of the area.

The applicant has not provided a supporting statement to justify the proposed change of use, i.e., evidence has not been submitted to demonstrate that the continued use as Class C3 house is no longer viable due to the condition of the property or a lack of demand for such accommodation in the local area. A review of local agent agency websites indicates that house process in Levenshulme have increase over the last 12 months and there is significant demand for terraced houses in the local area. The continued use of the property as a Class C3 house would be appropriate due to its contribution to the local housing market

The proposed change of use is therefore considered to be unacceptable.

Residential amenity – The neighbouring area predominantly comprises Class C3 housing with characteristic levels of activity, including traffic generation. As discussed, the development would increase the intensity of occupation and the potential to generated additional noise, activity and disturbance that may be harmful to residential amenity. Such circumstances may have an adverse impact on the character of the area and undermine its attractiveness as a location for families to establish homes and links to the local community. The potential resulting harm to residential amenity and the character of the area would be unacceptable.

Highways issues – The configuration of houses and related gardens on Marshall Road prevents the provision of in curtilage car parking. Consequently, Marshall Road and neighbouring streets, are affected by significant on street car parking. This is particularly significant as Marshall Road is an operational bus route that has the potential to be affected by on-street car parking. Local street can also be affected by additional traffic movement during 'drop off' and 'collection' periods relating to nearby schools. There is concern that the occupation of the application site by five individuals with potential access to private cars and related demand for on-street car parking. The resulting level of car ownership would also potentially exceed that of a family home. These circumstances would potentially lead to the unacceptable exacerbation of localised traffic congestion to the detriment of pedestrian and highway safety and the amenities of the area.

Cycle storage – It is considered the site is capable of accommodating cycle storage.

Waste management – It is anticipated that waste and recycling generation would be comparable to occupation by a large family. It is not anticipated additional bin storage would be required. The arrangement of bins in the front garden would be reflective of the existing arrangements within the site and neighbouring properties. The proposed provision of a suitably designed bin store would reduce the prominence of bins and potentially make a positive contribution to the streetscene.

Cycle storage - The applicant has not demonstrated that cycle storage would be delivered as part of the development.

Elevational alterations – Relate to the insertion of windows to the front and rear roof planes. These additions would be permitted by the GDPO (2015 as amended).

Conclusion – The Council maintains that the development would remove an opportunity to provide a much needed contribution to the supply of family accommodation in the city. Increased intensity of the potential occupation of the property would add to levels of noise and activity in and around the site and thereby be harmful to residential amenity and the formation of sustainable communities. The development would therefore be contrary to policies SP1, H1, H6, H11 and DM1 of the Core Strategy for the City of Manchester, policies JP-P6 and JP-S1 contained within Sustainable Development Joint Development Plan Document - Places for Everyone and the guidance with the National Planning Policy Framework.

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: Refuse

Article 35 Declaration

The application has been determined within the statutory timescale. In this instance the principle of the application proposals is contrary to the adopted development plan and would not improve the social or environmental conditions of the area. It is not considered, in this instance, that amendments could be made that would make the development acceptable. The applicant's agent was informed of these concerns prior to the determination of the application.

Reasons for recommendation to refuse

1) The proposed development would result in the loss of quality residential accommodation, which would reduce the supply and availability of family housing within the local area. The development would thereby fail to positively respond to an identified housing need and thereby undermine the formation of cohesive and sustainable neighbourhoods where people would choose to live. The development would thereby be contrary to policies DM1, H1, H6 and SP1 of the Core Strategy for the City of Manchester, policies JP-P6 and JP-S1 contained within Sustainable Development Joint Development Plan Document - Places for Everyone and the guidance with the National Planning Policy Framework.

2) The proposed development and its operation as a house in multiple occupation (HMO (Class C4)) would result in the overly intensive use and potentially transient occupation of the application property. It would also result in a consequential increase in the levels of activity, noise and disturbance and potentially generate additional traffic and demand for on-street car parking. The proposed use as an HMO would have a detrimental impact upon the amenity of neighbouring residents, character of the area and the delivery of a sustainable community, which would be contrary to policies DM1, H11, SP1 and T1 of the Core Strategy for the City of Manchester, and policies JP-P6 and JP-S1 contained within Sustainable Development Joint Development Plan Document - Places for Everyone and the guidance with the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Network Rail

44 Marshall Road, Manchester, M19 2FQ
Flat 4, 51 Marshall Road, Manchester, M19 2EG
Flat 3, 51 Marshall Road, Manchester, M19 2EG
Flat 2, 51 Marshall Road, Manchester, M19 2EG
Flat 1, 51 Marshall Road, Manchester, M19 2EG
43 Marshall Road, Manchester, M19 2EG
50 Marshall Road, Manchester, M19 2FQ
51 Marshall Road, Manchester, M19 2EG
52 Marshall Road, Manchester, M19 2FQ
48 Marshall Road, Manchester, M19 2FQ
46 Marshall Road, Manchester, M19 2FQ
41 Marshall Road, Manchester, M19 2EG

49 Marshall Road, Manchester, M19 2EG

45 Marshall Road, Manchester, M19 2EG

47 Marshall Road, Manchester, M19 2EG

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA