MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138720/FO/2023
Date registered valid:	4 December 2023
Proposal:	Change of use from HMO (Class C4) to 9 bedroom HMO (sui-generis).
Address:	157 Hamilton Road, Manchester, M13 0PL
Ward(s):	Longsight Ward
Applicant:	Mr D Clifton-Burraway
Agent (if any):	
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Refuse

Date of recommendation: 24 January 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 10 January 2024

Standard consultations:
Printed: 7 December 2023 Expired: 28 December 2023

Neighbour notifications
Printed: 2 January 2024 Expired: 23 January 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 site is located in a residential area and is sited on the eastern side of Hamilton Road close it 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.



Fig.1 – Views of the application site viewed from Hamilton Road

The existing property benefits from an implemented change of use to a Class C4 house in multiple occupation (HMO) allowed on appeal on 11 July 2023. The submitted details indicate the use of the property as a six bedroom HMO with the arrangement shown in Fig.2.

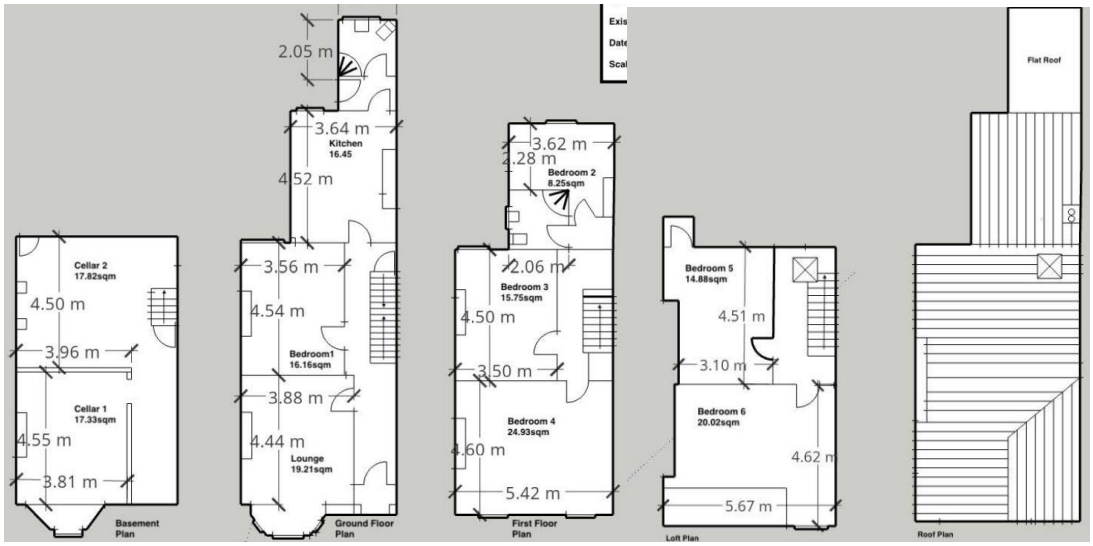


Fig.2 – Existing layout

Description of development

The proposed development would involve the formation of a nine bedroom HMO comprising:

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

Waste and recycling bins would be located in enclosures in the front garden.

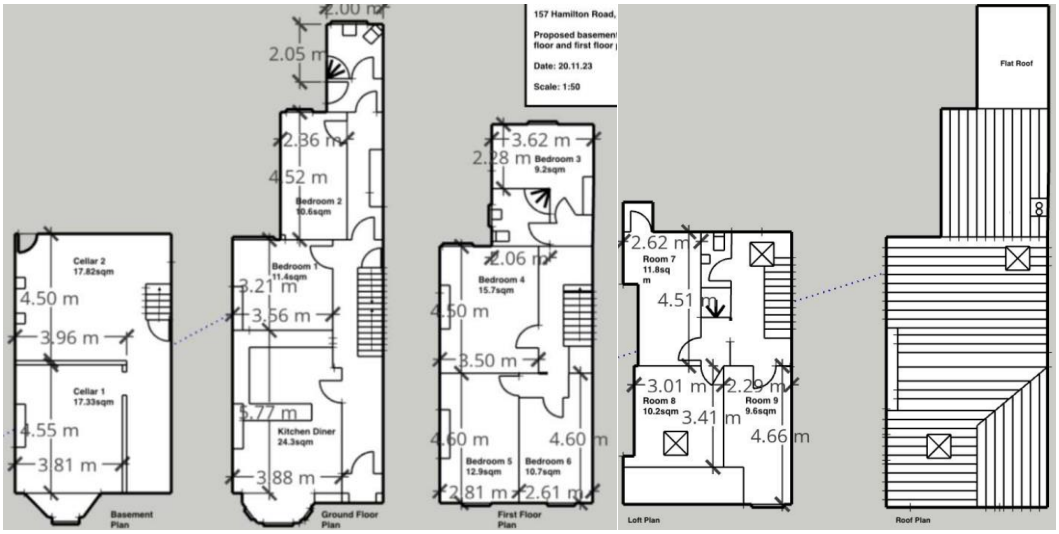


Fig.3 – Proposed layout

Site history

135124/FO/2022 - Refused - 30.11.2022 - Continued Use of Dwellinghouse as House in Multiple Occupation (Use Class C4).
The application was the subject of appeal ref: APP/B4215/W/23/3315981 – Allowed 11 July 2023

Consultations & Notification Responses

Local residents – No comments received.

Environmental Health - It is not apparent that the property has sufficient external space for the storage of adequate numbers of bins for a 9-bedroom dwelling (including the consideration that tenants would need to be able to access and transfer their own bins without moving all or many other bins). There is also concern that the presentation of a significant number of bins at the collection point may cause an obstruction to the highway.

Highway Services – The following comments have been received:

i. The development would not be supported with off-street car parking. The development would contribute to existing levels of on-street car parking. This may be a significant issue as many properties in the locality are not supported with in-curtilage car parking.

ii. The provision of storage for nine cycles in the basement is considered to be appropriate.
iii. Waste management would reflect the existing arrangements.

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 September 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 that impact on the considerations that need to be given to the current application 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'. The purpose of the planning system is to achieve sustainable development and the Framework 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 considered to be relevant.

i. Chapter 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. In this case, the development would increase the intensity of occupation and related noise and disturbance. The harm to amenity attributable to the development would outweigh any increase in residential accommodation. The development would thereby fail to be positively related to chapter 5.

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. In considering this application consideration has been given to the following aspects of the PPG:

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

It is not considered that the development would 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:

i. JP- S1- Sustainable development.

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.'

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 through: the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents and responding to the diverse needs of all members of the community and the protection and enhancement of the built and natural environment;
b. Minimises emissions, ensures efficient use of natural resources and reuses previously developed land wherever possible;
c. Improves access to jobs, services, education and open space whilst reducing the need to travel and securing good access to sustainable transport provision.

For the reasons, set out in this report it is not considered that the development would accord with policy SP1, particularly with regard to the intensity of the use and related excessive noise and activity.

Policy EN19 Waste - Relates to waste management and requires that consideration is given to consideration of the submitted details relating to the applicant's proposals for the provision of a waste management plan to demonstrate how:

i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
ii. How the sustainable waste management needs of the end user will be met.

It has not been demonstrated that the development would be supported with appropriate and adequate arrangements for the storage of waste and recycling bins. Policy EN19 would not

be complied with.

Policy T1 Sustainable Transport - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. The policy states that the Council will support proposals that, amongst other things:

i. Improve choice by developing alternatives to the car.
ii. Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car.
iii. Improve pedestrian routes and the pedestrian environment.
iv. Reduce the negative impacts of road traffic.

The application site is located in an area with notable on-street car parking. The potential for the development to exacerbate on street car parking would be a significant concern.

Policy DM1 Development Management
Discusses a range of issues that all development should have regard to.

Policy DM1 would not be accorded with due to:

i. Adversely impact upon on the residential character of the area;
ii. Harm to the amenities of future and neighbouring residents. This harm would be attributable to additional noise, disturbance and activity associated with the development.
iii. Not achieved an adequate quality of internal space.
iv. Not be supported with appropriate arrangements for waste and recycling storage.
v. Have the potential for additional traffic generation in an area of significant on street car parking.

Unitary Development Plan saved policies - The following policy are considered to be relevant:

DC26 - Development and Noise

Policy DC26.1 - 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 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.

The development has the potential to significantly additional noise, disturbance and activity in and around the application property that would be harmful to residential amenity and contrary to saved policy DC26.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. In this case, officers advised the applicant that the development could not be supported due to identified harm to residential amenity. The applicant submitted additional supporting information and requested that the application be determined. The submitted and supplementary details were sufficient to allow the appropriate determination of the planning application.

Principle of the development – Planning applications involving the formation of houses in multiple occupation have been consistently resisted where it is considered that harm would be caused to the amenity and character of the surrounding locality. The proposed development would potentially produce an intense level of occupation, characterised by unrelated households living together with different lifestyles and patterns of behaviour. The resulting frequency of comings and goings with associated noise and disturbance would be harmful to residential amenity. It is also considered that HMOs tend to attract people who will live in the property for a comparatively short period of time and consequently share the same interest in the local area compared to residents committed to more sustained occupation. There is also concern that the proposed layout would not secure a quality of internal space that would encourage the sustained occupation of the property. It is believed that this cyclical change in occupiers has a negative impact on the character and appearance of the area and undermines efforts to build cohesive communities. As part of the justification of the development, the applicant has referenced a series of appeal decision that allowed the formation of Class C4 uses in the city. It is not considered that these appeal decisions are directly comparable the proposed development, which would generate a higher level of occupation and intensity of occupation.

Residential amenity – It is considered that and increase in the number of residents, from 6 to 9, would represent a material change in the characteristics of the occupation of the application property. The additional bedrooms would be incorporated into the tight constraints of the building. A stated there is concern that the proposed layout (including the limited provision of communal shared spaces) would discourage sustained occupation. It is also likely that that the development would exceed that levels of noise and activity that would usually be attributable to Class C3 residential occupation (which characterises the surrounding area). It is therefore considered that the development would be harmful to residential amenity.

Car and cycle parking – It is considered that the application property has the potential to deliver internal cycle storage thereby encouraging the adoption of a sustainable mode of transport. Notwithstanding the above and given the potential number of occupants, it is likely that there would be some additional generation car parking. This would be particularly significant in a locality with a relatively high occurrence of on-street car parking along a short section of highway. No provision has been made for secured cycle storage. It is therefore considered that the development would thereby exacerbate these circumstances to the detriment of residential amenity.

Waste – It has not been demonstrated that the development would be supported with appropriate and adequate arrangements for the storage of waste and recycling bins. It is considered that the siting of the bin enclosures would be visually obtrusive and cover a substantial part of the front garden. The arrangement of bin storage would thereby be harmful to the visual amenities of the area.

Conclusion - The City Council maintains that the increased intensity of the potential occupation of the property would increase the levels of noise and activity in and around the application property and thereby be harmful to residential amenity and the formation of sustainable communities.

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 polices 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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, officers advised the applicant that the development could not be supported due to identified harm to residential amenity. The applicant submitted additional supporting information and requested that the application be determined. The submitted and supplementary details were sufficient to allow the appropriate determination of the planning application.

Reasons for recommendation to refuse

1) The proposed development would significantly increase the potential occupation of an existing house in multiple occupation and would therefore result in an over intensive use and transient occupation of the property resulting in a consequential increase in the levels of noise and disturbance from associated activity and associated comings and goings, noise levels, waste generation and demand for on street parking. The potential intensity of occupation of the application property as a large scale HMO would also undermine the formation of sustainable communities and detrimentally impact upon the amenity of neighbouring residents. The development would thereby be contrary to policies DM1 and SP1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

2) The proposed development would not be supported appropriate and adequate arrangements for the storage of waste and recycling bins. The siting to the proposed bin enclosures would be visually obtrusive and cover a substantial part of the front garden and thereby be harmful to the residential amenity and the character of the streetscene. The development would thereby be contrary to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

157 Hamilton Road, Manchester, M13 0PL
Basement Flat, 32 Mentor Street, Manchester, M13 0QW
34 Mentor Street, Manchester, M13 0QW
25 Mentor Street, Manchester, M13 0QW
29 Mentor Street, Manchester, M13 0QW
23 Mentor Street, Manchester, M13 0QW
27 Mentor Street, Manchester, M13 0QW
32 Mentor Street, Manchester, M13 0QW
120 Hamilton Road, Manchester, M13 0PN
149 Hamilton Road, Manchester, M13 0PL
159 Hamilton Road, Manchester, M13 0PL
124 Hamilton Road, Manchester, M13 0PN
128 Hamilton Road, Manchester, M13 0PN
126 Hamilton Road, Manchester, M13 0PN
122 Hamilton Road, Manchester, M13 0PN
118 Hamilton Road, Manchester, M13 0PN
31 Hector Road, Manchester, M13 0QN
155 Hamilton Road, Manchester, M13 0PL
153 Hamilton Road, Manchester, M13 0PL
151 Hamilton Road, Manchester, M13 0PL
161 Hamilton Road, Manchester, M13 0PQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
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