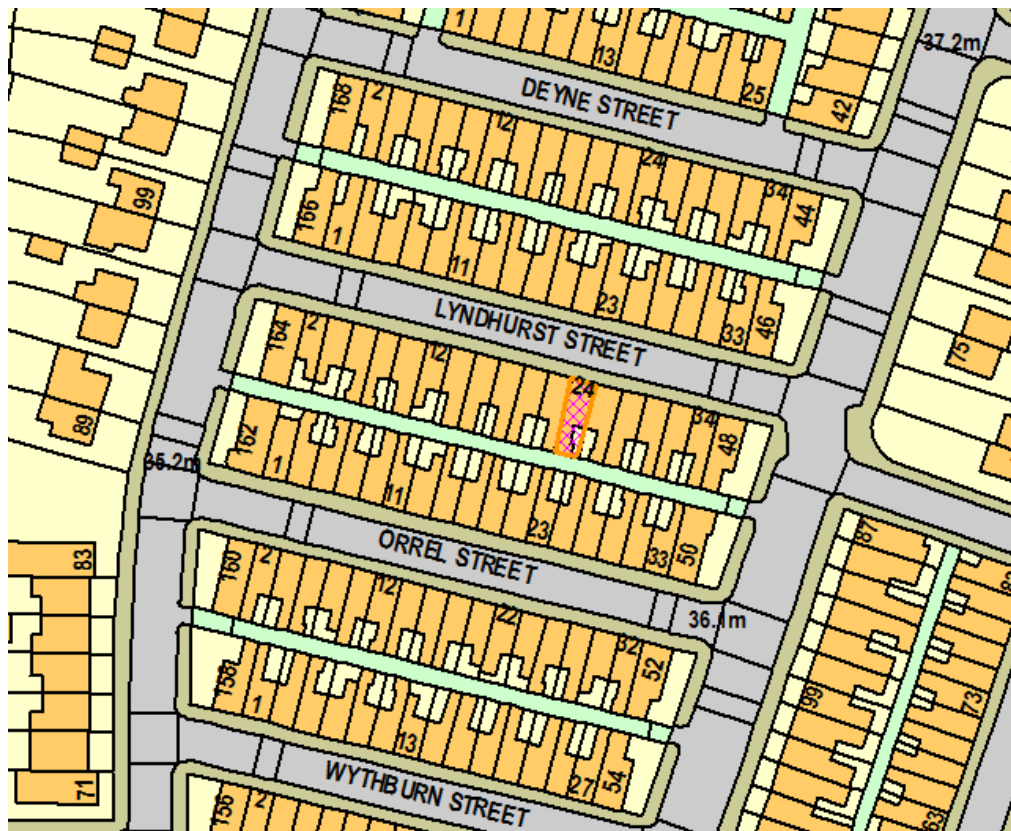


APPLICATION No: 19/74559/FUL
APPLICANT: Mr Harry Lewis
LOCATION: 24 Lyndhurst Street, Salford, M6 5YB
PROPOSAL: Change of use from C3 dwelling to C4 4 Person HMO, together with demolition of existing extension and outbuilding and erection of a single storey rear extension
WARD: Langworthy



Site and surroundings

This application relates to a mid-terraced property located on the southern side of Lyndhurst Street. At the time of a site visit on the 8th January the property was vacant, with the submitted plans showing that it was formerly used as a 2 bed dwelling.

The application property does not have any on site car parking, however there is on street parking available to the front of the property on Lyndhurst Street and in the neighbouring residential streets.

The application site is located within a residential area being bounded on all sides by terraced residential properties.

Proposal

Planning permission is sought to use the property as a small HMO, with 4 beds, a communal kitchen diner and a shared shower room with WC (Class C4). Such a use would ordinarily be permitted by Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, however, the application site is located within the Langworthy ward where an article 4 direction is in

force meaning that planning permission is now required for the change of use of dwelling houses to small HMOs.

In order to facilitate the use of the property as a C4 HMO it is proposed to demolish the existing single storey outrigger and an adjoining store and rebuild a flat roofed single storey extension in their place. The proposed extension would project 5.2m from the main rear wall of the property, infilling the area between the main wall and the rear boundary, being 2.7m wide and 2.8m in height with a flat roof. The extension would be constructed using red brick to match that of the original dwelling and the rear boundary wall, having a rubber single ply roof and white UPVC windows.

Relevant Site History

No relevant site history.

Publicity

Site Notice: Non HH Article 15

Reason: Wider Publicity

Press Advert: N/A

Neighbour notification

6 neighbouring properties have been notified of the application by letter.

Representations

14 letters of representation have been received in response to this application, from 12 different households. The following issues have been raised –

- The proposal will result in the devaluation of property
- No consideration has been given for the elderly and those neighbours with ill health who will find it difficult to cope with the noise and unsettlement caused if the application is successful. Similarly no consideration has been given to the local home owners who have lived in the area for many years – the proposal is driven by greed
- The time of day when workmen start is unacceptable, with many workmen failing to tidy up after themselves and creating dust that will affect the health of neighbouring residents
- In order to undertake the work proposed it will be necessary to use the gated alleyway running between Orrel Street and Lyndhurst Street. Residents of these streets maintain the alleyway in a clean and tidy condition, having rules on how it should be used to ensure that the thoroughfare is maintained, and people do not want building materials and demolished elements spilling into the alleyway.
- There are already high concentrations of HMOs in the area and the proposal will result in the loss of a much needed family dwelling – a nursery, infants and primary school have recently been established in the nearby area and if the conversion of family dwellings to HMOs continues the nearby schools will have insufficient pupils
- The proposal will result in neighbouring residents experiencing a loss of privacy
- The proposal will result in neighbouring residents being exposed to increased levels of noise and disturbance
- The introduction of a 4 bed HMO will demand additional recycling bins which will no doubt need to be stored in the already overcrowded alleyway, with residents of the HMO being unlikely to use the recycling facilities in the correct way
- There is already limited parking available on Lyndhurst Street and in the wider area, many of which were built before cars existed, and the proposal will exacerbate the existing parking issues
- During the construction period the pressures placed on the car parking in the area would be increased further as workmen utilise the limited on street parking that is available in the area
- The security provided by the alley gates will diminish

Devaluation of property is not a material planning consideration. The other issues raised by objectors will be addressed within the appraisal section of this report.

Consultations

Highways - Note that the site is located on Lyndhurst Street, within a residential neighbourhood with local amenities. Confirm that there are bus stops located within 300m walk of the site on Lower Seedley Road and Liverpool Street which provide regular connections to Clifton, Media City and Manchester City Centre. Additionally they state that the Weaste tram stop is located within 600m walk, which provides regular connections to Eccles, Media City and Manchester City Centre. In light of this they advise that the development is considered to be located in a sustainable area.

Note that no details of parking provision are provided within this planning application and therefore, it is anticipated that parking associated with the property is likely to take place on the surrounding streets as per all dwellings on Lyndhurst Street, where there is limited parking spaces.

State that although the development may attract additional on-street parking, due to the minor scale of the development, and in accordance with the NPPF, they advise that it would not be considered to have an unacceptable or "severe" impact on the local highway network. In light of this they conclude that the Local Highway Authority raises no objections to the proposal.

Senior Drainage Engineer - Advise that they have no objections to the application.

Air Quality, Noise, Contaminated Land - Confirm that the site is not located within the Greater Manchester Air Quality Management Area, with the scale and nature of the development being such that it is not likely to have a significant impact on traffic, before advising that there are no significant noise or land contamination issues with the proposal. Conclude that they therefore have no objections to the proposal subject to the attachment of an informative in respect of ground contamination.

Planning Policy

Development Plan Policy

Unitary Development Plan H1 - Provision of New Housing Development

This policy states that all new housing will contribute toward the provision of a balanced housing mix; be built of an appropriate density; provide a high quality residential environment; make adequate provision for open space; where necessary make a contribution to local infrastructure and facilities required to support the development; and be consistent with other policies of the UDP.

Unitary Development Plan H5 - Residential Accommodation in Existing Buildings

This policy states that the subdivision of dwellings or conversion of non-residential properties to residential use will only be permitted when the proposal would not have an unacceptable impact on the amenity of neighbouring properties or the character of the area by reason of noise and disturbance: loss of privacy; design and appearance; cumulative effects of concentration and parking and service arrangements.

Unitary Development Plan DES1 - Respecting Context

This policy states that development will be required to respond to its physical context and respect the positive character of the local area in which it is situated and contribute towards a local identity and distinctiveness.

Unitary Development Plan DES8 - Alterations and Extensions

This policy states that planning permission will only be granted for alterations or extensions to existing buildings that respect the general scale, character, rhythm, proportions, details and materials of the original structure and complement the general character of the surrounding area.

Unitary Development Plan DES7 - Amenity of Users and Neighbours

This policy states that all new development, alterations and extensions to existing buildings will be required to provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development will not be permitted where it would have an unacceptable impact on the amenity of occupiers or users of other development.

Unitary Development Plan EN17 - Pollution Control

This policy states that in areas where existing levels of pollution exceed local or national standards, planning permission will only be granted where the development incorporates adequate measures to ensure that there is

no unacceptable risk or nuisance to occupiers, and that they are provided with an appropriate and satisfactory level of amenity.

Unitary Development Plan A8 - Impact of Development on Highway Network

This policy states that development will not be permitted where it would i) have an unacceptable impact upon highway safety ii) cause an unacceptable restriction to the movement of heavy goods vehicles along Abnormal Load Routes.

Unitary Development Plan A10 - Provision of Car, Cycle, Motorcycle Parking in New Development

This policy states that there should be adequate provision for disabled drivers, cyclists and motorcyclists, in accordance with the Council's minimum standards; maximum car parking standards should not be exceeded; and parking facilities should be provided consistent with the provision and maintenance of adequate standards of safety and security.

Other Material Planning Considerations

National Planning Policy

National Planning Policy Framework

Local Planning Policy

It is not considered that there are any local finance considerations that are material to the application

The Greater Manchester Spatial Framework Draft 2019 ("GMSF") and the Revised Draft Local Plan 2019 were subject to public consultation until 18th March and 22nd March 2019 respectively. They will go through a number of further stages, including examination at a public inquiry, before they are adopted. Adoption is expected to take place towards the end of 2020 or early 2021.

Now the GMSF and Local Plan are published documents decisions, including those by the Council and ultimately by inspectors on appeal, are able to start to afford them some weight as emerging policies. However, as the weight given depends on the stage of the plan; unresolved objections; and consistency with the Government's policies, the weight currently to be attached to the GMSF and Local Plan is only limited. The weight moving forward will be reviewed and is likely to depend on the extent to which there are unresolved objections emerging from the consultation process.

In addition, following the publication of the National Planning Policy Framework (NPPF) it is necessary to consider the weight which can be afforded to the policies of the Council's adopted Unitary Development Plan (paragraph 213 NPPF February 2019).

In terms of this application it is considered that the relevant policies of the UDP can be afforded due weight for the purposes of decision making as the relevant criteria within the UDP policies applicable to the proposed development are consistent with the policies contained in the NPPF.

Principle

The application site is located within 450m of the western boundary of the Langworthy Road neighbourhood centre, which affords occupiers easy access to a range of goods and services. The site is also located within 300m of bus stops on Lower Seedley Road and Liverpool Street which provide regular connections to Clifton, Media City and Manchester City Centre and within 600m of the Weaste tram stop which provides regular connection to Eccles, Media City and Manchester City Centre. The proposal therefore offers an opportunity to re-develop an existing building which is located within an accessible and sustainable location.

It is acknowledged that the proposal will result in the loss of a family dwelling; however it is considered that the loss of one unit would not have an adverse impact upon the overall mix of dwellings in the area or the supply of family housing in the vicinity of the site.

In respect of the introduction of an HMO at the site, given that by definition a House in Multiple Occupation provides tenanted living accommodation that is occupied by persons as their only or main residence, who are not related, and who share one or more basic amenities e.g. bathroom, kitchen etc, it is considered that the

HMO and the surrounding residential properties will share common characteristics by virtue of the fact that they are providing living accommodation.

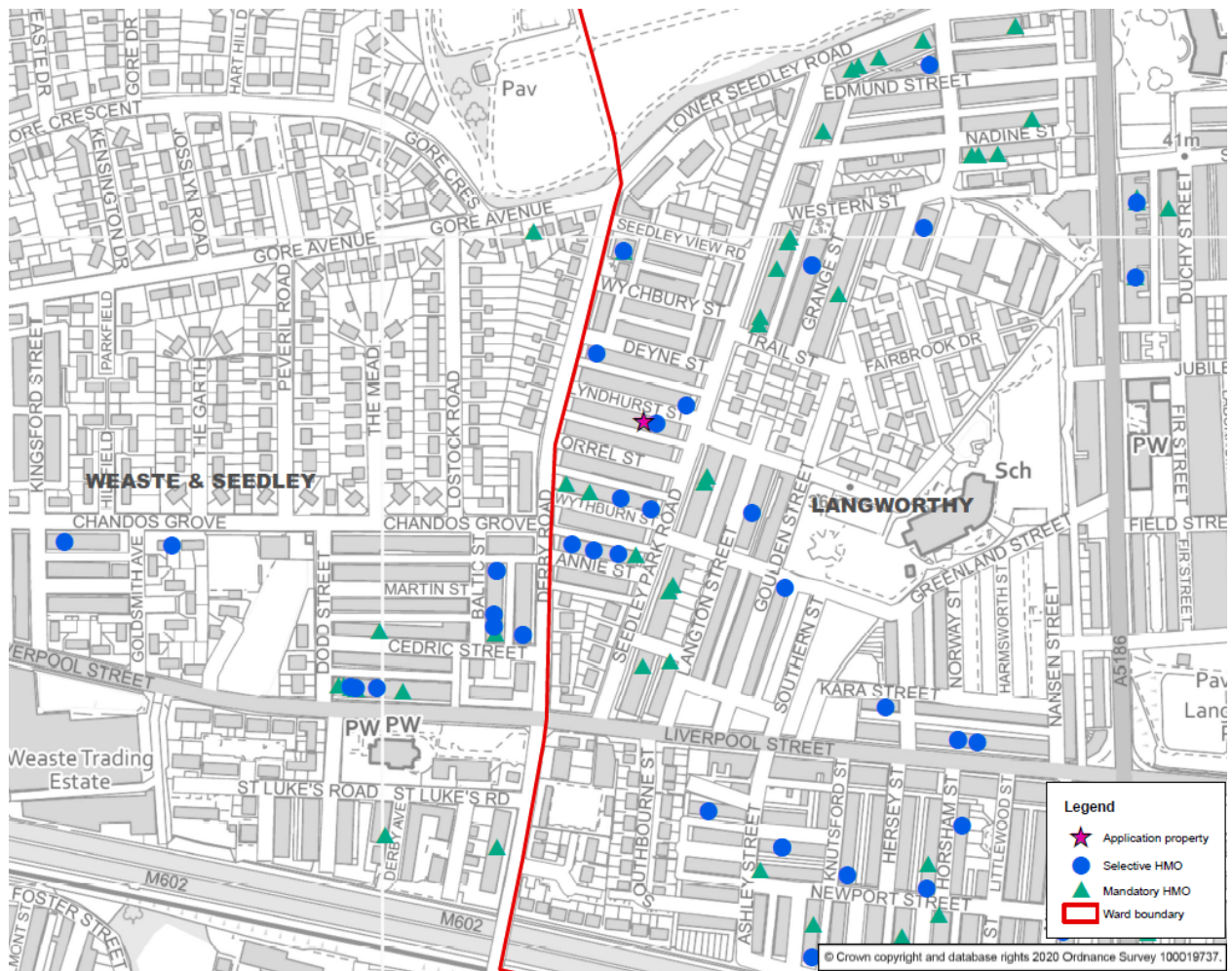
The site is located within an area where an Article 4 Direction has been introduced due to the concentration of HMOs in the area.

The map below shows the current number of HMOs within the immediate vicinity of the application site, with the red line to the left showing the boundary between the Langworthy ward and the Weaste and Seedley ward.



It shows that while there are currently a number of HMOs in the vicinity of the site, including one at 28 Lyndhurst Street and another at 46 Seedley Park Road, the area in the vicinity of the site comprises a variety of dwellings in terms of the tenure and type.

The map below shows that this is true across the wider area, with the HMOs that exist being interspersed with family dwellings. The Council's records show that there are currently 127 registered HMOs in Langworthy, with this accounting for just under 2% of the 7211 registered addresses in Langworthy as of October 2019.



It is therefore considered that the provision of a HMO at the application site will not lead to an over concentration of HMOs in the area.

In reaching this conclusion regard has been had to the Inspector's decision on APP/U4230/W/18/3198737, which related to the refusal of an application seeking consent to use the property at 97 Seedley Park Road as a 7 bed HMO in early 2018, with 97 Seedley Park Road being located within the same ward as the application site, but set just 80m away. Of particular note in this decision are paragraphs 6, 7 and 10 where the Inspector noted that neither the presence of 10 registered HMO's on Seedley Park Road itself, nor the presence of 107 HMO's within the Langworthy ward, would result in a situation where the proportion of HMOs within a short distance of the appeal site would be so high as to have a demonstrable adverse effect on the supply of family housing in the area or result in an overconcentration of HMOs which would have significant adverse implications on the provision of a balance and mix of dwellings in the wider area. It is acknowledged that there has been an increase of 20 registered HMOs in the Langworthy ward since this appeal was decided. However, it is considered that this increase does not warrant a different view being taken as the number of HMOs within Langworthy account for less than 2% of the total number of registered dwellings within the ward.

For these reasons, and given that the proposed HMO would make a positive contribution towards meeting the housing needs of those requiring lower cost accommodation, with Salford's anti-poverty strategy recognising that HMOs meet specific housing needs of those people requiring lower cost accommodation that would not necessarily be met by smaller terraced houses or apartments given the difference in rental values, the principle of re-developing the site to provide a 4 bed HMO is considered to be acceptable and in accordance with UDP polices H1 and H5, subject to the proposal being acceptable in terms of its visual impact, its relationship to neighbouring residents; its impact upon the highway network and in all other regards.

Visual Amenity

In order to facilitate the use of the property as a C4 HMO it is proposed to demolish the existing single storey outrigger and an adjoining store and rebuild a flat roofed single storey extension in their place. The proposed

extension would project 5.2m from the main rear wall of the property, infilling the area between the main rear wall of the property and the rear boundary, being 2.7m wide and 2.8m in height with a flat roof.

The proposed extension is a simple, functional structure that would be constructed using red brick to match that of the original dwelling and the rear boundary wall, having a rubber single ply flat roof and white UPVC windows. The extension would have limited visibility from public vantage points due to its location at the rear, with the alleyway running between the site and the properties on Orrel Street being gated to prevent public access. Consequently it is considered that a flat roof extension is acceptable in this instance.

For these reasons, subject to the attachment of a condition that requires the extension to be constructed using the materials detailed in the application, it is not considered that the introduction of the extension and the conversion of the property to a 4 bed HMO would adversely affect the character and appearance of the application property or the visual amenities of the wider area.

The proposal is therefore considered to be in accordance with policies DES1 and DES8 of the City of Salford UDP and the design policies in the National Planning Policy Framework.

Residential Amenity

The application site is located within a residential area being bounded on all sides by terraced residential properties.

The proposed rear extension would run along the entire length of the common boundary with the property at 22 Lyndhurst Street; however this property also has a rear element running the full length of the common boundary, with the proposed extension abutting and being largely screened by this.

The proposed extension, which would contain a bedroom window in the side elevation, would be set 1.6m from the common boundary with the property at 26 Lyndhurst Street, which is marked by a 1.5m high (approx.) boundary wall. The extension would be located the same distance from the common boundary as the existing store, being set 0.4m closer than the existing outrigger. The introduction of the extension would not introduce windows into an elevation where they did not exist previously as the existing outrigger at 24 Lyndhurst Street contains a kitchen window facing onto the common boundary with 26 Lyndhurst Street.

The properties at the rear, on Orrel Street, are separated from the application site by a gated alleyway, with the properties on Orrel Street having a high boundary wall that runs along the alleyway. The blank rear wall of the proposed extension would run along part of the rear boundary, with the existing wall being retained on the other portion of the rear boundary.

Having regard to the relationship between the proposed extension and the neighbouring properties, with the presence of outriggers containing windows facing onto the common boundary of neighbouring properties being commonplace in the terrace at 2-34 Lyndhurst Street, it is not considered that the proposal would result in neighbouring residents experiencing a loss of amenity by virtue of them experiencing an unacceptable loss of light, privacy and/or any overbearing impact.

Given that occupants of the proposed HMO will be active there will be a level of noise and disturbance created by occupants as they go about their daily business, moving to and from the site as they use the building and outdoor space. However, given the small scale of the HMO, with the Council's Environmental Consultant not raising any concerns in respect of the noise generated from the proposed use, it is not considered that the use of the property as a 4 bed HMO would result in neighbouring residents experiencing a reduction in the level of amenity they can reasonably expect to enjoy by virtue of them being exposed to an unacceptable increase in the levels of noise and disturbance they experience.

It is accepted that neighbouring residents could be exposed to some noise, disturbance and general disruption during the construction phase, however, this is deemed to be short lived and an acceptable consequence of the development, with any contractors being responsible for behaving in a responsible manner and tidying up after themselves.

With regard to the level of residential amenity future occupants of the proposed HMO would enjoy, all habitable rooms within the HMO would be provided with full windows to provide adequate light and outlook, with a small rear yard providing some outdoor space. The bedrooms would all be over 10sqm, with the property also having

an 11.7sqm kitchen diner. This is in line with the council's HMO standards for a 4 person HMO and consequently it is considered that appropriate accommodation would be provided.

For these reasons, and given that the Council's Environmental Consultants have raised no issues in respect of air quality, noise or contamination, it is considered that future occupants of the proposed HMO would be provided with satisfactory living conditions.

The proposal is therefore considered to be in accordance with policies DES7 and EN17 of the UDP and the thrust of the NPPF as it would not adversely affect the level of residential amenity neighbouring residents can reasonably expect to enjoy and the development would provide future occupants with a satisfactory standard of living.

Parking and highway safety

Future occupants of the proposed HMO would not be provided with any on site car parking, however there is on street parking available on Lyndhurst Street and the neighbouring streets which could be utilised.

The site is located within a sustainable location, being well served by public transport with the property being located within 300m of bus stops on Lower Seedley Road and Liverpool Street which provide regular connections to Clifton, Media City and Manchester City Centre, with the Weaste Road Tram Stop also being located within 600m of the site, with trams from this stop going to Eccles, Media City and Manchester City Centre and beyond with connections.

For these reasons, while acknowledging that the proposal could result in additional on street parking, the highways officer has confirmed that any impact that does occur as a consequence of the proposal would not be unacceptable or severe, with them therefore confirming that they have no objections to the proposal on highway grounds.

Having regard to the comments of the highway officer it is not considered that the proposal would have an unacceptable adverse impact upon highway safety, it would not result in a significant increase traffic flow or demand for parking in the locality. The proposal is therefore considered to be in accordance with policies A8 and A10 of the adopted UDP.

Other issues

Those who are objecting to the application have objected on the basis that the application is driven by greed, with the applicant having no consideration for the elderly, those neighbours with ill health or local residents. In response to this point it is not for the planning department to consider the reasons why an application is submitted, it is the local planning authority's role to review the application as submitted and determine whether it is acceptable having regard to relevant local and national planning policy.

In respect of the questions raised by objectors regarding bin storage, the scheme includes an area for the storage of the bins that will be required for the disposal of refuse and recycling in the rear yard. It is therefore considered that appropriate on site facilities will be provided for future occupants – bins will not need to be stored in the alleyway as suggested by objectors.

Those objecting have also stated that they consider that the proposal will result in the security provided by the alley gates being diminished. The proposal will not affect the gating of the alleyway or permit additional access to it and consequently it is not considered that the proposal should fail on this basis.

Recommendation

Approve subject to the following conditions –

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan and site plan - drawing 24LS/200/BR
Proposed floorplans - drawing 24LS/202/BR
Proposed elevation and section - drawing 24LS/203/BR

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The external materials used in the development hereby approved shall be as detailed on approved drawing 24LS/203/BR and in section 7 of the application form.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies DES1 and DES8 of the City of Salford Unitary Development Plan and the requirements of the National Planning Policy Framework.

4. The bin storage area shown on approved drawings 24LS/200/BR and 24LS/202/BR shall be implemented and made available for its intended use prior to the occupation of the development hereby approved and shall be retained thereafter.

Reason: To ensure appropriate bin storage areas are provided in accordance with policy DES1 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

Notes to Applicant

- The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
- The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2019 until 31st December 2020
