

PLANNING & TRANSPORTATION REGULATORY PANEL
PART I
SECTION 1: APPLICATIONS FOR PLANNING PERMISSION

APPLICATION No: 21/77885/COU
APPLICANT: MRS SHAZNA MIAH
LOCATION: 48 Cecil Road, Eccles, M30 0FZ
PROPOSAL: Change of use from C3 (dwelling) to a C4 HMO (5 residents) Re-submission of 21/77431/COU
WARD: Barton and Winton



Site and surroundings

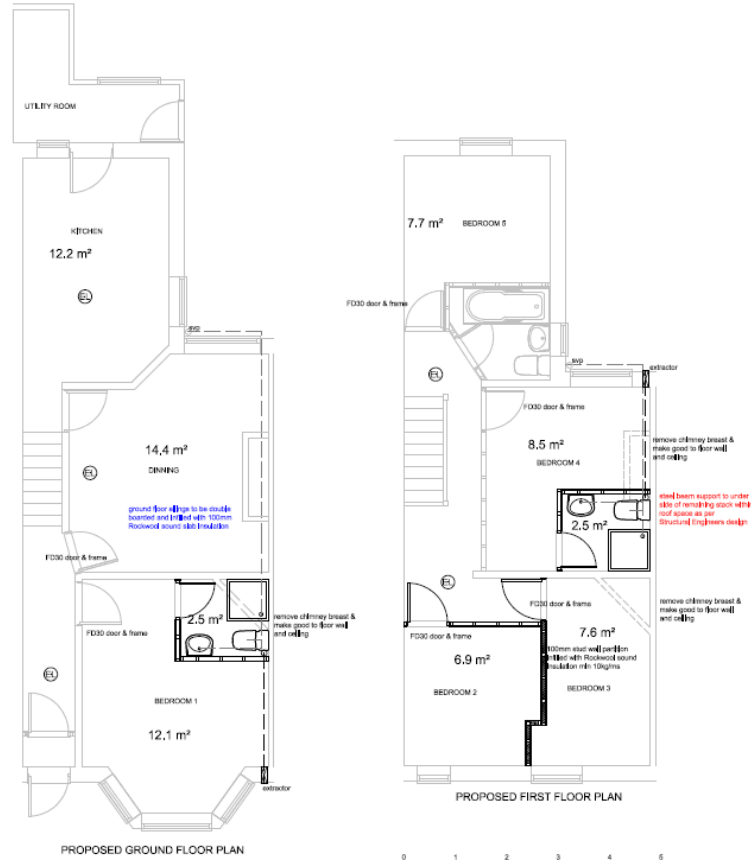
This application relates to a mid-terraced property located on the western side of Cecil Road in Eccles.

The property is not provided with any on-site car parking, however there is parking available to the front of the property on Cecil Road and in the surrounding streets.

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

Proposal

Planning permission is sought to use the property as a small HMO, with 5 beds (Class C4), which would be laid out as shown in the image below –



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 Barton and Winton ward where an article 4 direction is in force meaning that planning permission is now required for the change of use of dwellinghouses to small HMOs.

No external alterations are proposed in order to facilitate the proposed change of use.

Relevant Site History

21/77431/COU - Change of use from C3 (dwelling) to a C4 HMO (6 residents) – Withdrawn 17.05.2021

Publicity

Site Notice: N/A

Press Advert: N/A

Neighbour notification

39 neighbouring properties have been notified of the application by letter

Representations

Clr Mullen has objected to the application for the following reasons –

- 1) Lack of parking - this road has current and significant parking problems and road safety issues caused by volume of traffic. No spaces for number of proposed residents or vehicles. One space per house on road and that is often taken. HMO would exacerbate this.
- 2) Loss of a family dwelling house
- 3) Concentration of HMOs in the area
- 4) Size of 3 bed property for number of residents proposed.
- 5) Management of waste and recycling.
- 6) Fire safety

In addition, 23 letters of objection have been received from 20 different addresses. The following issues have been raised -

- The proposal is driven by profit
- The character of the owner is questioned
- There are already enough HMOs in this area including 2 other HMOs on Cecil Road and more on Barton Lane and Trafford Road, with Forviva building over 100 social housing apartments in the area – another one is not needed
- The property should be retained as a family home
- The house is not designed for multiple occupancy – the rooms in the proposed HMO will be cramped, with no regard having been had to the amenity of future occupants
- The residents of the other HMOs in the area are creating issues for neighbours – residents come and go at all times of the day and night and there have been instances of anti-social behaviour, with levels of crime having increased in the area as numbers of HMOs have increased; another HMO on Cecil Road was raided by Police recently.
- The proposal will result in neighbouring residents being exposed to increased noise from internal noise transfer
- The introduction of an HMO will have a negative impact upon community spirit, with those temporarily renting rooms in HMOs not becoming part of the community – the street is family orientated with neighbours all looking out for one another
- Many HMOs are neglected, becoming eyesores as tenants and owners fail to take care of their property - landlords do not care about the neighbouring residents or the upkeep of their properties
- The presence of so many HMOs in the area is putting pressure on local services
- The proposal will result in significant parking problems and add to traffic in the area – there is significant new development taking place in the area and there are existing parking problems on Cecil Road and in the surrounding streets, with all the parked cars causing access issues for larger vehicles such as emergency service vehicles and resulting in residents having to park far away from their homes with this creating tension between residents. The double parking of cars is also causing a danger to children, so is rat running, with views for drivers pulling out to Barton Lane being restricted. Some cars park partly on the pavement blocking the pavement and causing problems for those with prams and wheelchair users to get past.
- It is possible that 10 people could occupy the proposed 5 bed HMO
- The introduction of an HMO at the site will devalue neighbouring properties

Devaluation of property is not a material planning consideration.

Those objecting have also stated that the property already appears to be being used as an HMO without the necessary consents or licences.

Consultations

HMO Team –

Advise that the proposal meets Salford's HMO standards for a 5 person HMO

Highways –

Advise that they have undertaken a review of 2011 car ownership Census data by tenure for this area with the data showing that properties that are either owned or in shared ownership have a car ownership of approx. 80%, with private rented properties having approx. 47% car ownership and social rented properties having approx. 30% car ownership.

They state that an HMO will be similar to a private rented or social rented dwelling, in so far as it provides rented accommodation and as such the proposed HMO could, based on the census data, have 2.4 cars associated with it. However given that the accommodation HMOs provide is lower cost accommodation they advise that occupants of such accommodation typically have lower levels of car ownership than those who rent a whole house and consequently, they consider that the proposed HMO will likely have 1 or 2 cars associated with it. As this level of car ownership is in line with the vehicle ownership rates for owner occupied properties within this area, they advise that while the development may attract additional on-street parking due to the minor scale of the development they advise that the proposal would not have an unacceptable or "severe" impact on the local highway network.

Advise that in order to improve the sustainability of the site cycle parking for a minimum of 3no cycles should be provided within the rear yard area. They advise that this should be provided within a secure cycle locker with locking points. They state that the cycle parking should be provided within a horizontal position to make it easier for users to store their cycles, with sufficient widths being provided for cycles to be stored and removed individually.

Conclude that they have no objections to the proposal.

Air Quality, Noise, Contaminated Land –

State that there are no objections to the application on the grounds of air quality or land contamination.

In respect of noise, they advise that there are no significant noise issues with respect to the development, however as the area is predominantly residential, they recommend a condition to restrict the hours of noise generative construction work to between 8am and 6pm Monday to Friday and 9am and 2pm on Saturdays, with no noise generative works taking place on Sundays or Public Holidays. They also advise that an informative should be attached to draw the applicant's attention to Building Regulations Approved Document E (Resistance to the Passage of Sound) and the fact that internal floor/ceilings and party walls designed for a single household will require additional sound insulation to be added to ensure future occupants have satisfactory accommodation.

Planning Policy

Development Plan Policy

Unitary Development Plan - Policy H1 Provision of New Housing Development
Unitary Development Plan - Policy DES1 Respecting Context
Unitary Development Plan - Policy DES8 Alterations and Extensions
Unitary Development Plan - Policy DES7 Amenity of Users and Neighbours
Unitary Development Plan - Policy EN17 Pollution Control
Unitary Development Plan - Policy A8 Impact of Development on Highway Network
Unitary Development Plan - Policy A10 Provision of Car, Cycle and Motorcycle Parking in New Developments
Unitary Development Plan - Policy EN19 Flood Risk and Surface Water

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 National Planning Policy Framework (NPPF) paragraph 48 establishes that local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) The degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given). There are currently two emerging plans to consider.

First, Places for Everyone Publication Plan 2021, the joint Development Plan Document for nine districts in Greater Manchester, which was published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 on 9 August 2021. Representations are currently being invited until 3 October 2021. The emerging policies which are relevant to this application are discussed where applicable in this report with appropriate weight being afforded in accordance with NPPF paragraph 48.

Second, the Publication Salford Local Plan: Development Management Policies and Designations (SLP:DMP), which was published on 27 January 2020 and comments were invited until 20 March 2020. An Addendum was published on 5 February 2021 and comments were invited on this until 19 March 2021. The Publication SLP:DMP and the Addendum were submitted to the Secretary of State for examination on 30 June 2021 and the examination hearings are expected to take place in November 2021. The Publication SLP:DMP policies as modified through the Addendum is the version of the plan that the city council would like to adopt. The plan has been subject to a significant amount of public consultation in previous stages of its production and the city council has considered the comments made to determine the extent to which there are unresolved objections to its policies. Those policies (i.e. the Publication SLP:DMP policies as modified through the Addendum) which are relevant to this application are discussed where appropriate in this report with appropriate weight being afforded in accordance with NPPF paragraph 48.

In addition, NPPF paragraph 219 establishes that existing policies (such as Salford's UDP) are not out-of-date simply because they were adopted or made prior to the publication of NPPF. Due weight should be given to them, according to their degree of consistency with the NPPF, and the closer the policies in the UDP to the policies in the NPPF, the greater the weight that may be given. 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.

Appraisal

Principle

The application property is located within 550m/a 7-minute walk of Eccles Town Centre which affords occupiers easy access to the goods and services they would need on a day to day basis. The site is also located within 150m of bus stops on Barton Lane and Trafford Road, which provide regular connections to Eccles, Pendleton and Cheetham Hill, The Trafford Centre, Cadishead and Prestwich. The Eccles Tram Stop provides regular connections to The Trafford Centre, Media City, Weaste and Manchester City Centre and is located within 850m of the site. 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 Article 4 Direction was required in order to positively manage amenity and character impacts associated with HMOs and their concentrations, as well as to ensure that balanced communities are maintained within the City.

The City Council does not have a 'threshold limit' on the number of HMO within an area, however, policy H1 is clear that regard has to be had to maintaining a balanced mix of dwellings within the area. Policy H10 of the Publication Salford Local Plan sets out how conversions and changes of use from existing dwellings to HMOs and other uses will be controlled in order to ensure that a good supply of houses is maintained within Salford and

the positive character of neighbourhoods protected. Specifically, it advises that conversions to HMOs will not be permitted where they would result in any house that is in use as a single-family dwelling being immediately adjacent to more than one property that is in use as one of the following – apartments, student housing, HMOs, hotels and guesthouses, residential institutions, a hostel or children's home and similar uses and/or non-residential uses such as offices.

The Council's HMO team have advised that there are currently two HMOs on Cecil Road. The proposed change of use to the application property would raise this number to three. They have also confirmed that there are no HMOs at 31 to 51 (odd) Ashbourne Road. Having regard to this, and the information gathered at a site visit, it is therefore evident that, in accordance with Policy H10 of the Publication Salford Local Plan, the proposed use will not result in a single family dwelling being immediately adjacent to more than one property that is in use as one of the following – apartments, student housing, HMOs, hotels and guesthouses, residential institutions, a hostel or children's home and similar uses and/or non-residential uses such as offices. As such it is not considered that the introduction of an HMO at the application site will lead to an over concentration of HMOs in the area or compromise the character of the surrounding area, which will still be comprised predominantly of family homes. Officers are continuing to liaise with the HMO team in order to fully understand the position with respect to numbers of HMOs in the wider area and further details will be provided, if available, in the additional information report.

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, the principle of re-developing the site to provide a 5 bed HMO is considered to be acceptable and in accordance with policy, 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

No external alterations are proposed in order to facilitate the use of the property as a 5 bed HMO. The proposal would not therefore have any adverse impact upon the character and appearance of the application property or the visual amenities of the surrounding area and consequently the application is considered to be in accordance with policies DES1 and DES8 of the adopted UDP and the design policies of the NPPF.

Residential Amenity

No external alterations are proposed in order to facilitate the use of the property as a 5 bed HMO, with the proposal not introducing windows into elevations where they do not current exist. Consequently, it is not considered that the proposal would result in neighbouring residents experiencing a loss of amenity by virtue of them experiencing any unacceptable loss of light, privacy and/or any overbearing impact.

There will be a level of noise and disturbance created by occupants of the proposed HMO as they go about their daily business, moving to and from the site and as they use the building and the outdoor space. However, it is not considered that the use of the property as a 5 bed HMO would result in neighbouring residents experiencing an unacceptable reduction in the level of amenity they can reasonably expect to enjoy by virtue of noise and disturbance.

The Council's environmental consultant recommends restricting the hours of noise generative construction to between 8am and 6pm Monday to Friday and 9am and 2pm on Saturdays, with no noise generative works taking place on Sundays or Public Holidays. However, given that no external alterations are proposed and the fact that matters of noise from construction are dealt with under the Environmental Protection Act and Control of Pollution Act, it is not considered reasonable, or necessary, to attach this condition to make the development acceptable – it would not therefore meet the 'six tests' set out under paragraph 55 of the NPPF. An informative will however be attached to advise the developer of the suggested hours of working.

In respect of the issue the objectors raise regarding internal noise transfer, the proposal constitutes a material change of use under the building regulations, with sound insulation between the proposed units and the existing neighbouring dwelling being considered and upgraded as required as part of the Building Regulations application. An informative will be attached to draw the applicant's attention to Building Regulations Approved Document E (Resistance to the Passage of Sound) and the fact that internal floor/ceilings and party walls designed for a single household will require additional sound insulation to be added to ensure future occupants have satisfactory accommodation.

With regard to the level of residential amenity future occupants would enjoy, all habitable rooms within the HMO would be provided with full windows to provide adequate light and outlook, with a small yard area providing some outdoor space. The yard is of a comparable size to that provided for the other dwellings and HMOs in the vicinity. The site is located within 300m of Eccles Recreation Ground, which would provide future occupants with easy access to space for recreation.

The Council's licensing team have reviewed the submission and advised that the proposed HMO complies with the Council's HMO standards with appropriate accommodation being provided. All the bedrooms are laid out such that they can accommodate a single or double bed and the necessary furniture for the storage of personal possessions, with the unit also having a communal kitchen (12.2sqm), dining/living room (14.4sqm) and a utility room.

For these reasons 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 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 Cecil Road and the surrounding streets which could be utilised.

The site is located within a sustainable location, close to the Eccles Town Centre, and well served by public transport with the property being located within 150m of bus stops on Barton Lane and Trafford Road which provide regular connections to Eccles, Pendleton and Cheetham Hill, The Trafford Centre, Cadishead and Prestwich. The Eccles Tram Stop provides regular connections to The Trafford Centre, Media city, Weaste and Manchester City Centre is located within 850m of the site.

Given the accessible location, and having regard to car ownership statistics in this area, the highways officer has confirmed that the proposal is unlikely to generate any additional demand for parking than that which is associated with existing 3 bed dwelling, with any highways impact that does occur as a consequence of the proposal not being unacceptable or severe.

Having regard to the comments of the highways 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 in traffic flow in the locality or demand for car parking. The proposal is therefore considered to be in accordance with policies A8 and A10 of the adopted UDP.

To enhance sustainability in line with the highway officer's recommendations, a condition will be attached that requires the provision of cycle parking for 3 bikes.

Other matters

In terms of bin storage, the waste team have advised that the proposed HMO would need to be provided with 4, x240litre bins for the disposal of waste and recycling, with the management company being able to enter into a contract for additional bins and/or collections as deemed necessary thereby ensuring that waste accumulation does not become an issue either in respect of visual amenity or pest control. The property has rear yard that can be used to store the necessary bins as per the existing situation. Consequently, it is considered that appropriate facilities for the disposal of waste and recycling can be provided.

Neighbours have stated that the proposal is driven by profit with the applicant having questionable character and no regard to the lives of those living nearby or those who will reside in the HMO. It is not the role of the planning system to consider why a particular application has been submitted, or to question the character of an applicant. The Local Planning Authority has to consider the proposal before them and come to a decision on it having regard

to the planning policy framework and all material planning considerations. In this case, for the reasons set out above, the proposal is deemed to be acceptable and in accordance with policy.

Objectors have also stated that the application site is located in a family orientated area and therefore the introduction of an HMO in this area is not appropriate, as there is potential for residents to experience issues with noise and disturbance, anti-social behaviour and criminal activity as they have with other HMOs in the area. Objectors also state that the proposal will have a negative impact on the community spirit in the area, as occupants will not integrate into the community. In response to this point it is advised that the LPA cannot control who the residents of the proposed HMO will be, with there being no reason to consider that occupants of the proposed HMO will be any more or less likely than any other individuals to engage in antisocial behaviour and be bad neighbours or to become active members of the local community. It is not therefore considered that the proposal should fail on the basis of who the future occupants could be.

Objectors have raised concerns that there is a possibility that each room will be occupied by more than 1 person, with the property being capable of accommodating 10 residents, 2 per room. In response to this point a condition can be attached that limits the number of occupants to 5, as this is as per the applicant's intentions and in line with how the proposal has been assessed.

Objectors are also concerned that the introduction of an HMO will put additional pressure on local services. As set out above the HMO will be occupied by a maximum of 5 people, with the number of occupants therefore not differing greatly from that which could occupy the existing 3 bed dwelling. As such it is not considered that the proposal will result in unacceptable additional strain on local services such as doctors and/or dentists etc.

Those who are objecting to the application have done so on the basis that landlords do not keep a check on the houses e.g. cleaning windows, undertaking repairs etc. and given that these units are occupied by multiple people nobody takes charge, with properties in use as HMOs therefore falling into a poor state of repair. In response to this point it is advised that there is no reason to expect that the owner or occupants of the property will be any more or less likely than any other individuals to keep the property in a reasonable state of repair and consequently it is not considered that the application should fail on this basis.

In respect of the point that objectors make regarding the property already being in use as an HMO, the fact that the conversion may have already taken place does not influence the assessment of the application or the outcome – the application is assessed on its merits and determined having regard to relevant local and national planning policy and all material planning considerations. If the application was not deemed to be acceptable the LPA could pursue enforcement action.

Objectors have raised concerns in respect of fire safety. The matter of fire safety and means of escape is not for consideration under planning, with acceptability in these regards being considered at Building Regulations stage.

Recommendation

That planning permission be granted subject to the following planning 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: Site location plan, existing and proposed floor plans and elevations – drawing SM11321 Rev A 23.05.2021
Reason: For the avoidance of doubt and in the interest of proper planning
3. Prior to the commencement of development details of secure cycle parking for at least 3 cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented and made available for its intended use prior to the first occupation of the HMO hereby approved and shall be retained thereafter.
Reason: In the interests of visual amenity and to encourage more sustainable modes of travel in accordance with policies DES1, ST14, A2 and A10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure that there is suitable provision for the secure parking of cycles prior to the HMO becoming occupied

4 The HMO hereby permitted shall not be occupied by more than five residents.

Reason: For the avoidance of doubt and in line with the applicant's intentions.

Notes to Applicant

- 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

Standing Advice valid from 1st January 2021 until 31st December 2022

- 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 developer's attention is drawn to the recommendations of the LPA's Environmental Consultant - All noise generative construction works should be restricted to the following hours: 0800-1800 Monday to Friday and 0900-1400 on Saturdays. No noise generative construction works should take place on Sundays and Public Holidays. Quieter activities such as internal decorations, electrical work or plumbing may be carried on outside the above hours.
 - The applicant's attention is drawn to Building Regulations Approved Document E (Resistance to the Passage of Sound). Internal floor/ceilings and party walls designed for a single household will require additional sound insulation to be added to ensure future occupants have satisfactory accommodation.
-