

REPORT OF The Strategic Director for Place

**TO The Planning & Transportation Regulatory Panel
ON 16th March 2023**

TITLE: Planning Appeals

RECOMMENDATIONS: That the report be noted.

EXECUTIVE SUMMARY: To set out details of appeals determined and received.

BACKGROUND DOCUMENTS:

(Available for public inspection) Details of the applications are available on the Council's Public Access Website

<http://publicaccess.salford.gov.uk/publicaccess/default.aspx>

If you would like to access this information in an alternative format, please contact the planning office on 0161-779 6195 or e-mail planning.contact@salford.gov.uk

KEY DECISION: NO

DETAILS: Please refer to the attached schedule.

KEY COUNCIL POLICIES: Performance Management

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS: N/A

ASSESSMENT OF RISK: N/A

LEGAL IMPLICATIONS Supplied by: N/A

FINANCIAL IMPLICATIONS Supplied by: N/A

PROCUREMENT IMPLICATIONS Supplied by: N/A

HR IMPLICATIONS Supplied by: N/A

CLIMATE CHANGE IMPLICATIONS Supplied by: N/A

OTHER DIRECTORATES CONSULTED: N/A

CONTACT OFFICER: Liz Taylor TEL NO: 0161 779 4803

WARDS TO WHICH REPORT RELATES: As specified in the attached schedule.

PLANNING AND TRANSPORTATION REGULATORY PANEL
REPORT OF NEW PLANNING AND ENFORCEMENT APPEALS RECEIVED

APPLICATION No: **22/80668/TEL56**

APPLICATION
DECISION LEVEL: **Delegated to Officer**

OFFICER
RECOMMEND'N: **Refuse**

APPEAL SITE: **Opposite 124 Lancaster Road Salford M6 8ND**

PROPOSAL: **Application to determine if prior approval is required for a proposed: 5G 16m telecommunications installation: H3G street pole and additional equipment cabinets.**

WARD: **Claremont**

APPELLANT: **Mr Cameron Wilson**

DATE RECEIVED: **21 February 2023**

Appeal received against refusal of a planning application.

Reason(s) for refusal are as follows;

1. The proposed 16m mast structure supporting antennae and fibre cable together with associated radio housing cabinets, when viewed and taken cumulatively with the other telecoms equipment and associated cabinets located to the north of the site would be visually discordant, unsympathetic and of a design that would result in excessive clutter in the streetscene, harming visual amenity and spatial character of the location contrary to policy DEV1 of the City of Salford UDP, policies DG1, D1 and D2 of the Emerging Local Plan and the Telecommunications SPD and the NPPF. This harm would not be outweighed by the need for the installation.

APPLICATION No: **22/80262/COU**

APPLICATION
DECISION LEVEL: **Delegated to Officer**

OFFICER
RECOMMEND'N: **Refuse**

APPEAL SITE: **4 Park Bank Liverpool Street Salford M5 5HP**

PROPOSAL: **Change of Use from 3 bed dwelling (C3) to a 6 Bed HMO (Class Sui Generis)**

WARD: **Weaste And Seedley**

APPELLANT: **Mr Mark Bielinski**

DATE RECEIVED: **22 February 2023**

Appeal received against refusal of a planning application.

Reason(s) for refusal are as follows;

1. The proposal would introduce another HMO in an area where there is already a high concentration of HMOs, as well as a high concentration of student dwellings. The proposal would exacerbate this situation. The LPA therefore concludes that the proposal would result in an over concentration of HMOs within the area. As such it would not contribute to a balanced mix of residential properties within the local area. On the contrary, it would erode the existing mix and result in the loss of a C3 dwellinghouse. Furthermore, the LPA consider the resultant imbalance of the mix/range of residential tenures within the area would undermine the aim to maintain community stability and sustainable urban neighbourhoods.

The proposal does not accord with current development plan policies ST1 and H1 of the UDP, emerging policy H10 or paragraph 8 of the NPPF.

PLANNING AND ENFORCEMENT APPEALS DETERMINED

APPLICATION No: **22/79382/FUL**
APPELLANT: **Mr Dara Izadkhah**
APPEAL SITE: **138 Eccles Old Road, Salford, M6 8QQ**
PROPOSAL: **Application for change of Use to 10 bed HMO (sui generis) with bin storage and cycle parking.**
WARD: **Weaste & Seedley**
APPLICATION DECISION LEVEL: **Planning & Transportation Regulatory Panel**
OFFICER RECOMMENDATION: **Approve**
APPEAL DECISION: **Upheld**
DECIDED ON: **3rd March 2023**

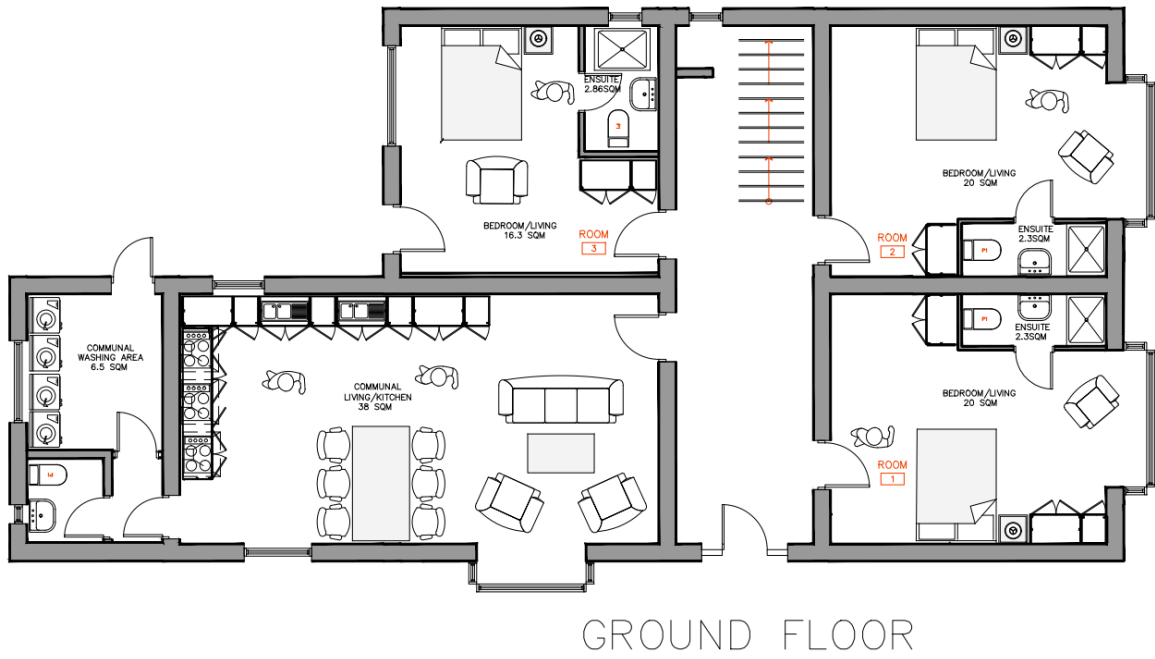
Location and Details of the Proposal

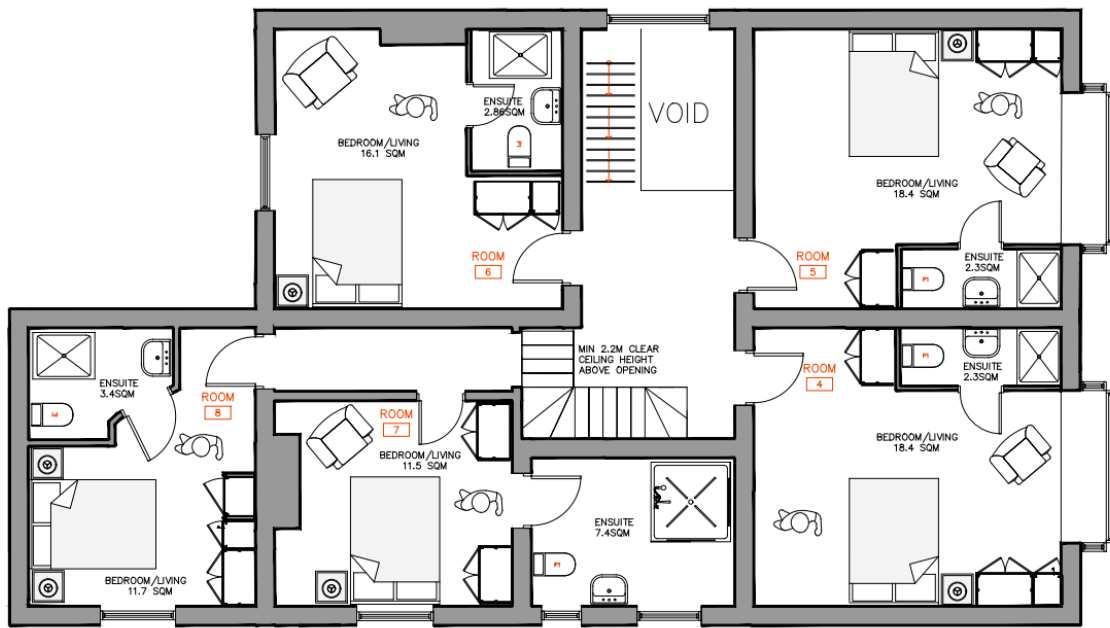


Figure 1 – Location Plan

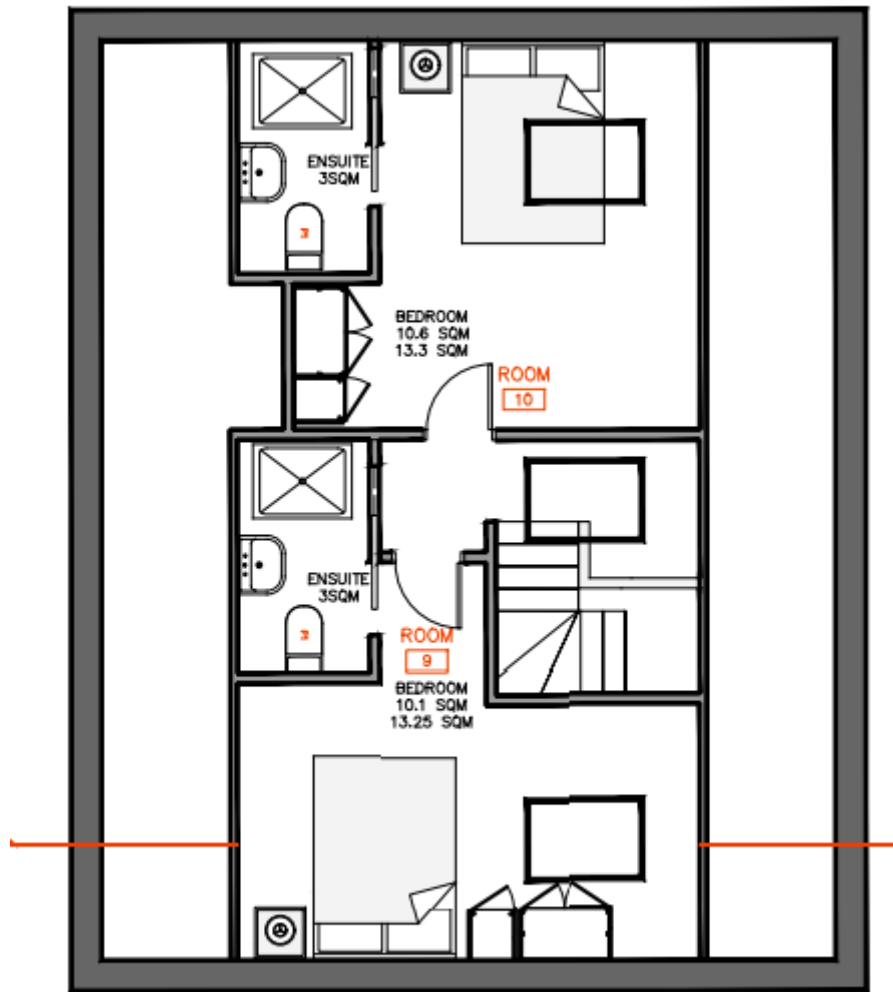


Figure 2 – Building as viewed from Eccles Old Road at junction with Rivington Road





FIRST FLOOR



SECOND FLOOR

Figure 3 – Proposed Floor Layouts

Planning Authority Decision

Refuse planning permission for the following reason:

1. The proposal would materially increase the intensity of activity associated with the existing property, including with respect to noise, disturbance, coming and goings and demands for car parking. It would result in a single dwelling (No.136 Eccles Old Road) being immediately adjacent to a residential institution which houses up to 5 residents together with at least two support staff and a large House in Multiple Occupation for 10 people. Consequently the development would unacceptably impact upon the amenity of that property, contrary to draft Policy H10 of the emerging Publication Salford Local Plan: Development Management Policies and Designations, Policy H5 of the City of Salford Unitary Development Plan and Paragraph 130 of the National Planning Policy Framework.

The appeal was dismissed as detailed in Appendix 1.

Appeal Decision

Site visit made on 21 February 2023 **by Louise Crosby MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/U4230/W/22/3305011 138 Eccles Old Road, Salford, M6 8QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dara Izadkhah against the decision of Salford City Council.
 - The application Ref 22/79382/FUL, dated 24 February 2022, was refused by notice dated 22 July 2022.
 - The development proposed is change of use to 10 bed HMO (sui generis) with bin storage and cycle parking.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to 10 bed HMO (sui generis) with bin storage and cycle parking at 138 Eccles Old Road, Salford, M6 8QQ in accordance with the terms of the application, Ref 22/79382/FUL, dated 24 February 2022, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A1.1, A1.2, A1.3 & A1.4, all dated 21 February 2022.
- 3) The development hereby permitted shall not contain more than 10 bedrooms.
- 4) Prior to first occupation of and notwithstanding any details shown on the drawings hereby approved, full details of a proposed cycle store (to store 10 cycles) shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall be installed and made available for use prior to first occupation of the development in accordance with the approved details and retained thereafter.

Procedural Matter

2. Since the Council determined the planning application they adopted a new local plan, Salford Local Plan: Development Management Policies and Designations (LP) on 18 January 2023. The Council and the appellant have referred to the relevant policies in this plan in their statements. I shall deal with the appeal on the basis of the relevant policies in this most up-to-date plan.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring properties as a result of potential increased noise, disturbance, comings and goings and demands for car parking.

Appeal Decision APP/U4230/W/22/3305011

Reasons

4. No 138 is a large detached Victorian property located on the corner of Eccles Old Road and Rivington Road. The surrounding area is residential in character. The accommodation is spread across 3 floors, with accommodation in the roofspace. Each of the 10 bedrooms would be good sized doubles, all containing en-suite facilities. On the ground floor there would be a large open plan communal living/kitchen area and a separate laundry room. The appellant says that the target market would be young professionals, including those working at the nearby Salford Royal Hospital.
5. The amenity space to the rear of the property is limited but there is a large public park opposite the site. Part of the on-site amenity space would contain a timber cycle shed capable of housing 10 cycles. I saw when I visited the site that it is in an accessible urban location with a bus stop almost in front of No138. There are numerous services within easy reach of the property by foot, cycle or bus. Therefore, future residents would not necessarily need to rely on car. In my view only a small number of residents would be likely to own a car given the location of the property and the 'affordable' nature of the accommodation.
6. There was no evidence when I visited the site of problems with the availability of on street parking in the surrounding site streets. I realise they will be busier in the evening and at weekends, but the Council's highways officer has also raised no objections to the proposal. On this basis I am satisfied that the small number of cars this development would be likely to generate could be accommodated in the nearby streets. Indeed, the number of cars is likely to be comparable with those that a large private house of this size would have.
7. The main entrance to the property is at the side, facing onto Rivington Road. This faces the side elevation of No 140 Eccles Hall Road, another large corner property. This is an urban neighbourhood with a busy main road in front of the property where there will be noise from people coming and going from properties in the area and from traffic all of the time, including this property when in use as a large private dwelling. Since the house is detached, there would be no impact

on neighbours as a result of noise transference through party walls. There is only one other HMO close to the appeal site so the proposal would not result in a concentration of such properties. I also note that the Council is not aware of anti-social behaviour being a problem in this area.

8. I appreciate 2 Rivington Avenue is a house that provides a home to a number of adults who require extra support, but it is occupied as a dwelling house in planning use class terms, as opposed to a residential institution for example. No 2 is separated from No 138 by the garage and is orientated differently to it. I am satisfied from what I have read and from what I saw at my site visit that the living conditions of the residents at No 2 would not be harmed by this proposal.
9. Overall, I conclude that the living conditions of neighbouring properties as a result of potential increased noise, disturbance, comings and goings and demands for car parking would not be materially harmed. As such I am satisfied that the proposal would accord with LP policy H10 which seeks to carefully control HMOs and policy D5 which seeks to deliver a diverse mix of decent and adaptable homes.

Other Matters

10. Whilst the proposal would result in the loss of a large family dwelling, there are a very limited number of HMOs in the area and still a significant number of family sized dwellings. As such, I find that the loss of this dwelling would have a minimal impact on the family sized housing stock in the area. In terms of concerns about anti-social behaviour, as set out above the appellant would be aiming to let the rooms to professional people. Given the size of the rooms and the fact that they are all en-suite I consider this to be plausible and particularly given its proximity to the hospital. This in my view would reduce the likelihood of anti-social behaviour. In terms of littering the submitted plans show an area for sufficient bins in the rear yard, so the proposal is unlikely to result in bags of rubbish being left in the street.
11. In terms of the impact on local services such as GPs and dentists, the demand created by this proposal is unlikely to be materially greater than when the house was in use as a large single dwelling house. Whilst the property may be only partially occupied at certain times of the year, the majority of properties in the area are lived in permanently, thus providing surveillance of the area.

Conditions

12. I have imposed a number of conditions in addition to the standard time condition. It is important that the property is developed in accordance with the submitted plans and so a condition is necessary to ensure this is the case. I have amended the Council's suggested condition which would restrict the number of occupants to 10 since the rooms are doubles and so some may be occupied by couples. Moreover, it would be difficult to enforce the number of occupants. I have therefore revised it to refer to 10 rooms. There is a submitted

plan showing the plans and elevations of the cycle store, but I agree that more details of this are required to ensure it is secure and useable and that it should be available before any of the rooms are let, to encourage the use of cycling and reduce reliance on cars.

Conclusion

13. For the reasons given I conclude that the appeal should succeed.

Louise Crosby

INSPECTOR