

**Planning**

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Manchester M60 2LA

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	3
Suffix	
Property Name	
Address Line 1	Wald Avenue
Address Line 2	
Address Line 3	Manchester
Town/city	Manchester
Postcode	M14 6TW

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
386227	393302

Description

Applicant Details

Name/Company

Title

First name

Surname

Rebecca Davies

Company Name

VSHF Manchester Ltd

Address

Address line 1

Industrious 70 St Mary Axe

Address line 2

Address line 3

Town/City

London

County

Country

Postcode

EC3A 8BE

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

Mr

First name

Darren

Surname

Ridley

Company Name

The Planning Station

Address

Address line 1

3 The Hazelmeres

Address line 2

Hazel Drive

Address line 3

Walton

Town/City

Chesterfield

County

Country

United Kingdom

Postcode

S40 3FE

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Erection of a single storey rear extension to existing C4 House in Multiple Occupation.

Reference number

135953/FO/2023

Date of decision (date must be pre-application submission)

10/05/2023

Please state the condition number(s) to which this application relates

Condition number(s)

7) The property shall not exceed 3 bedrooms in multiple occupation class C4 occupied by no more than 3 residents and no rooms shall be converted or sub divided to form additional bedrooms or be used in conjunction with any increase in the number of bedrooms in the property or any increase in the number of occupants of the property. Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to core Strategy policy H11.

Has the development already started?

☐ Yes

☒ No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

The applicant would like the opportunity to let the property to more than 3 persons within the building envelope approved under planning permission reference 135953/FO/2023.

Class C4, small HMO use, would allow up to six people to occupy the property. Restricting occupancy to three is considered unreasonable, provided that the resultant residential amenity of end users is acceptable.

The Planning Inspectorate readily supports assertions that the impacts of Class C4 small HMO use are no different than those of a larger family home.

The reason for Condition 7 is to ensure that the development is carried out in accordance with the approved plans pursuant to CS Policy 11. However, accordance with the approved plans, so far as it relates to the approved development, namely the rear extension, is fulfilled through compliance with condition 2:

2) The development hereby approved shall be carried out in accordance with the following drawings and documents: Local Plan and drawings numbers:

Drawing: Floor Plans ref. 3WA01B

Drawing: Elevations ref. 3WA02A

Drawing: Site and Local Plan

All stamped as received by the City Council as Local Planning Authority on 11 April 2023

Reason- To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

So, the applicant considers this also to be unnecessary.

Notwithstanding, the applicant has a genuine fallback position to accommodate more people within the property (within Use Class C4) that does not require the express planning permission of the Council as the Local Planning Authority.

If they chose not to implement this planning permission, they could exercise permitted development rights to create single-storey extensions to the rear of the property that would afford the floor space to accommodate more people and still comply with the amenity standards for HMOs primarily governed by the HMO Licensing Regime.

However, to satisfy the conditions and limitations of the General Permitted Development Order, this would result in a piecemeal form of development less sympathetic to the property than that approved by this planning permission.

In removing this condition, the applicant would reconfigure the layout of the original building (internal alterations only) but still use the extension per the approved plan pursuant to Condition 2.

The applicant would hope that the Council agrees that this proposal would lead to a better outcome overall.

Before submitting this proposal, the applicant's agent discussed it with Senior Development Compliance Officer Matthew Kilsby and Rob Griffin, Principal Planner.

The fallback position was considered in detail, and it was agreed that securing the needed floor space through permitted development rights would be achievable, thereby creating a genuine fallback position.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

Not Applicable

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes

☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

-

Date (must be pre-application submission)

10/06/2024

Details of the pre-application advice received

Per explanation and

"In respect of condition 2, this limits itself to the development approved i.e the single storey rear extension, whilst the drawing pack grouped all the plans together on one drawing sheet, the view we would take is that the approved plans are only relevant in respect of the development approved and that was subject of the application. As such condition 2 would not need to be amended as part of your proposed application to remove condition 7. "

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of “agricultural tenant” in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- ☒ The Applicant
- ☐ The Agent

Title

First Name

Surname

Gun-Why

Declaration Date

12/06/2024

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Darren Ridley

Date

20/06/2024

Amendments Summary

Name change for the applicant within the same company, VSHF Manchester Ltd.

