



MANCHESTER
CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140320/JO/2024

Date registered valid: 20 June 2024

Proposal: Application to remove condition number 7 (occupancy level) from planning approval reference 135953/FO/2023

Address: 3 Wald Avenue, Manchester, M14 6TW

Ward(s): Withington Ward

Applicant: Rebecca Davies VSHF Manchester Ltd

Agent (if any): Mr Darren Ridley The Planning Station

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Approve

Date of recommendation:

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 10/07/2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 1 July 2024 Expired: 22 July 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

Proposal is related to a semidetached dwellinghouse on Wald Avenue. The property features a single storey outrigger, and a single storey rear extension has recently been approved. The property is in use as a 3no bed Class C4 HMO, as confirmed by a lawful use certificate 130234/LE/2021.

Listed building: Not applicable

Conservation area: Not applicable

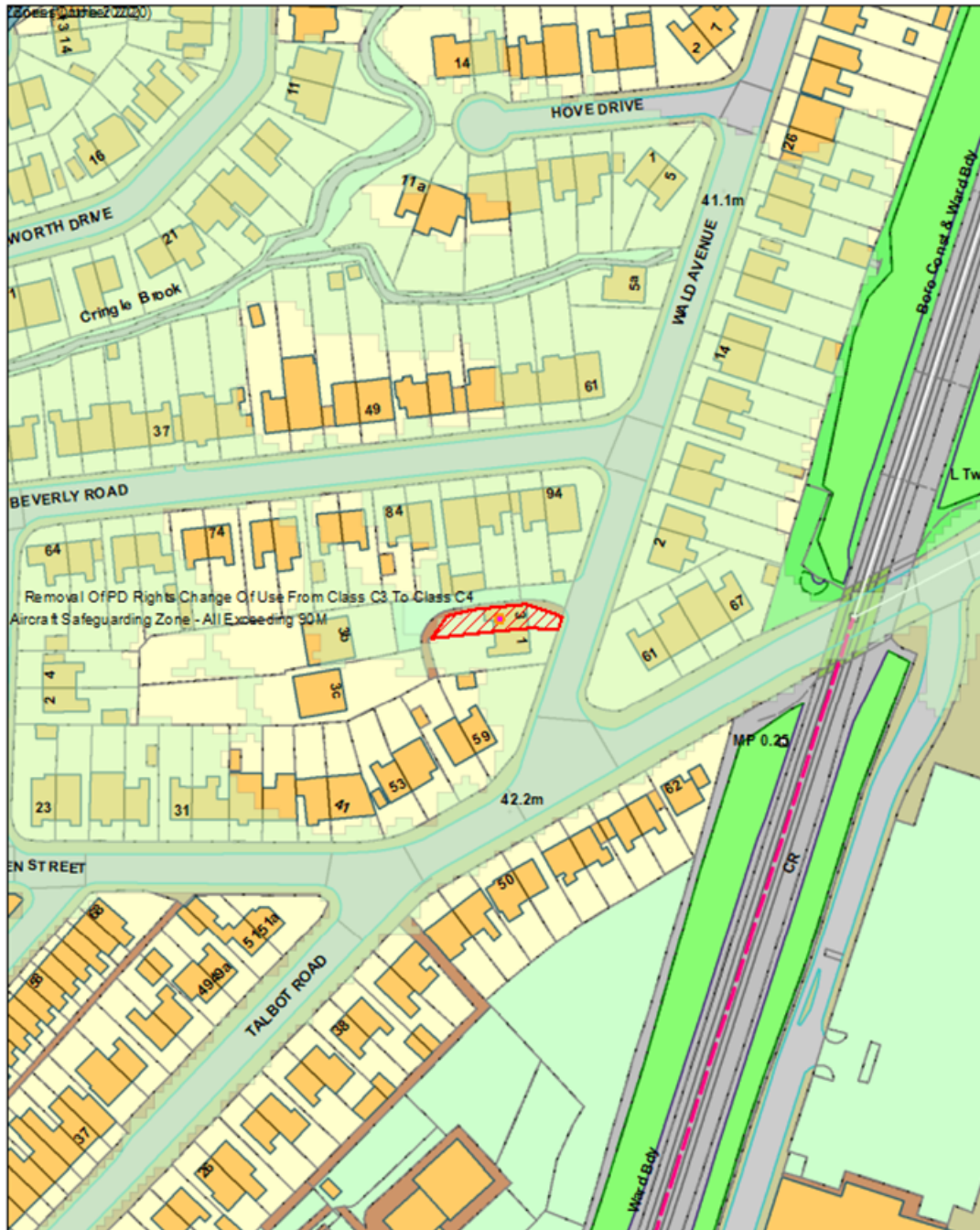
Tree Preservation Order: Not applicable.



Figure 1. Street scene

Description of area

The property is located in a mostly residential part of the Withington ward of Manchester. The site sits within Flood Zone 2.



Description of development

The applicant is proposing to remove condition number 7 (occupancy level) from planning approval reference 135953/FO/2023.

Condition 7 – Class C4 Use

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.

Planning History

135953/FO/2023

Description: Erection of a single storey rear extension to existing C4 House in Multiple Occupation
Decision: Approved 10/05/2023

130234/LE/2021

Description: Certificate of lawful existing use of the property as a C4 use - House in Multiple Occupation
Decision: Lawful use 16/06/2021

Consultation, notification & publicity responses

Consultations

Notifications

Local Residents

As stated in Appendix 1, people who live near the area were told about the proposal.

7no local residents commented in objection to the application with concerns on the residential amenity impacts of the existing HMO.

Residents Associations and Groups

Fallowfield & Withington Community Guardians commented in objection to the application with concerns on the residential amenity impacts of the HMO.

Objection have been assessed against the policies below.

Relevant policies & the principle of development

Summary of relevant policy

Applications for planning permission must be assessed against the local development plan, unless there are important reasons not to, as stated in planning law.

In considering this application, we consider the following policies relevant.

- [The Manchester Core Strategy Development Plan Document 2012-2027](#) The City Council adopted the core strategy on July 11, 2012. It is the key document in the Manchester Local Plan. The plan determines how Manchester will grow and is used to review development applications. Parts of the policies have been superseded by the Places for Everyone Plan. We consider the following Core Strategy Policies relevant to this proposal.
 - Development Management and Planning Obligations
 - DM 1 - Development Management
 - Objective 1 - Spatial Principles
 - SP 1 - Spatial Principles (partially superseded)
 - Objective 3 - Housing
 - H 1 – Overall Housing Provision (partially superseded)
 - H 6 – South Manchester
 - H 11 – Houses in Multiple Occupation
 - Objective 6 Environment
 - EN 1 - Design Principles and Strategic Character Areas
 - EN 14 – Flood Risk (partially superseded)
 - EN 19 - Waste
- [Extant Unitary Development Plan \(UDP\)](#) - The Core Strategy replaced most of the UDP. However, some UDP Development Control policies are still in effect. The following extant policy are still considered relevant to this proposal.
 - DC1 - Residential Extensions
 - DC26 - Development and Noise
- [Places for Everyone Plan Joint Development Plan Document 2022-2039](#)- Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.
 - Strategy
 - JP-Strat9: Southern Areas
 - Sustainable and Resilient Places
 - JP-S1: Sustainable Development
 - JP-S4: Flood Risk and the Water Environment
 - JP-S6: Resource Efficiency
 - Places for People
 - JP-P1 Sustainable Places
- [The National Planning Policy Framework \(The NPPF\)](#) – The NPPF was first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, 20 July 2021, 5 September 2023 and 19 December 2023. It sets out the government’s planning policies for England and how these are expected to be applied. We consider the following sections relevant to this proposal.
 - Section 4 – Decision-making

- Section 12 – Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

Principle of the development

After careful consideration, it is concluded that the proposed development aligns with the Manchester Core Strategy, Extant UDP, Places for Everyone Plan and the NPPF. This conclusion is based on the assessment in the sections that follow.

The Manchester Core Strategy Development Plan (2012-2027)

We have assessed the proposal against the following policies of the Core Strategy.

Development Management and Planning Obligations

DM 1 – Development Management

New developments must adhere to the 'Development Principles' and design guidance in the Supplementary Planning Documents.

We have assessed the proposal against the following issues.

Appropriate siting, layout, scale, form, massing, materials, and detail

The original application (single storey rear extension) was approved with Condition 7 attached as a way of trying to minimise the residential amenity effects of the extension and wider property.

Along with Condition 7, Condition 5 was attached to ensure that the approved extension was used as shared kitchen and living space as denoted on the plans.

The property benefits from a lawful use certificate as a Class C4 HMO (130234/LE/2021). The C4 use class allows small, shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

As the original development did not affect the use class of the property and did not affect the occupancy the lawful use C4 HMO stands with the ability to increase occupancy in line with the use class.

Without the proposed development the applicant would have been able to increase the occupancy without permission and therefore the condition added to the original approval is onerous considering the fallback position.

Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development. Development should have regard to the character of the surrounding area.

The proposed development won't significantly change the area's character with the property being a lawful C4 HMO for over 10 years and accepted occupancy as denoted within the use class.

In general, the proposed development has minimal impact on the surrounding areas.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

Although it is excepted an increase in occupancy of the property would give rise to further comings and goings and related impact to residential amenity, the lawful use of the property has been accepted as a C4 HMO and the occupancy level as denoted within the use class.

The original extension was to increase the size of the shared space and did not affect the occupancy.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

The proposal does not change how people can get in and out of the building.

The proposal is therefore in accordance with this development management principle.

Adequacy of internal accommodation and external amenity space.

Although it is excepted an increase in occupancy of the property would give rise to further imbalance between internal and external amenity space, the lawful use of the property has been accepted as a C4 HMO and the occupancy level as denoted within the use class.

This follows the development management principle.

Refuse storage and collection.

Although it is excepted an increase in occupancy of the property would give rise to further comings and goings and related impact to waste needs, the lawful use of the property has been accepted as a C4 HMO and the occupancy level as denoted within the use class.

The proposal is in accordance with this development management principle.

Vehicular access and car parking

Although it is excepted an increase in occupancy of the property would give rise to further comings and goings and related impact to vehicle access and car parking, the lawful use of the property has been accepted as a C4 HMO and the occupancy level as denoted within the use class.

Effects relating to biodiversity, landscape, archaeological or built heritage

The applicant and consultees did not find any contamination or stability issues at the site.

The proposal does not sit within a Conservation Area or near a designated heritage asset.

The proposal is exempt from biodiversity net gain rules.

On balance the proposal has minimal effect on local biodiversity, landscape, archaeological or built heritage and is therefore in accordance with this development management principle.

Green Infrastructure including open space, both public and private

The proposal has negligible impact on green infrastructure and balances development with existing green space.

The proposal is therefore in accordance with this development management principle.

Flood risk and drainage.

The proposal sits within Flood Zone 2 but does not impact flood risk.

The proposal has a negligible impact on drainage using the existing drainage on site.

The proposal is therefore in accordance with this development management principle.

Objective 1 - Spatial Principles*SP 1 - Spatial Principles*

This policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should 'make a positive contribution to neighbourhoods of choice'.

We consider this proposal to accord with the principles of this policy.

Objective 3 - Housing*H 1 – Overall Housing Provision*

This policy explains how housing will be provided in Manchester and sets targets for development. The goal is to increase high-quality housing in sustainable locations. This will address demographic needs and help economic growth.

We consider this proposal to accord with the principles of this policy.

H 6 – South Manchester

This policy outlines the strategy for housing provision in South Manchester in particular.

We consider this proposal to accord with the principles of this policy.

H 11 – Houses in Multiple Occupation

The policy outlines the principles of development as it relates to Houses in Multiple Occupation.

We consider this proposal to accord with the principles of this policy.

Objective 6 Environment*EN 1 – Design Principles and Strategic Character Areas*

This policy outlines the key design principles for development in Manchester. All development in Manchester will be expected to follow the seven principles of urban design.

This proposal sits within the 'Southern Character Area'.

We consider this proposal to accord with the principles of this policy.

EN 14 – Flood Risk

This policy outlines the key principles around Flood Risk Management in the city.

The proposal sits within Flood Zone 2 but does not impact flood risk.

We consider this proposal to accord with the principles of this policy.

EN 19 – Waste

This policy sets out the key principle of waste management in the city. In a district such as Manchester with a significant existing population and a vision for a growing economy and population a key issue is that of ensuring that this does not automatically lead to a proportionate increase in waste arisings.

We consider this proposal to accord with the principles of this policy.

Extant Unitary Development Plan (UDP)

The Core Strategy replaced most of the UDP, but some UDP policies still apply to this proposal.

DC1 - Residential Extensions

This policy outlines the key issues when considering proposed residential extensions.

We consider this proposal to accord with the principles of this policy.

DC26 - Development and Noise

This policy outlines the key issues to reduce the impact of noise on people living and working in, or visiting, the City.

We consider this proposal to accord with the principles of this policy.

Places for Everyone Plan (2022 – 2039)

We have assessed the proposal against the following policies of the Places for Everyone Plan.

Strategy

JP-Strat9: Southern Areas

This policy outlines the spatial strategy for the Southern Areas of the City Region which includes Southern areas of Manchester.

We consider this proposal to accord with the principles of this policy.

Sustainable and Resilient Places

JP-S1: Sustainable Development

This policy outlines how, to help tackle climate change, development should aim to maximise its economic, social, and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives.

We consider this proposal to accord with the principles of this policy.

JP-S4: Flood Risk and the Water Environment

This policy outlines the measures to protect the quantity and quality of water bodies with reference to the North West River Basin Management Plan and managing flood risk.

We consider this proposal to accord with the principles of this policy.

JP-S6: Resource Efficiency

This policy outlines the measures to meet Greater Manchester's ambition of becoming a leading green city region by 2038.

We consider this proposal to accord with the principles of this policy.

Places for People*JP-P1 Sustainable Places*

This policy outlines how we aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places.

We consider this proposal to accord with the principles of this policy.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework explains the government's planning policies for England. It also explains how to use these policies.

At all stages of the application, we have adhered to and considered the NPPF.

Section 4 - Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 12 - Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 12 outlines how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

We consider this proposal to accord with the principles of the NPPF.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- [Guide to Development in Manchester Supplementary Planning Document and Planning Guidance \(April 2007\)](#)
- [Manchester Residential Quality Guide \(July 2016\) \(MRQG\)](#)
- [Manchester, Salford, and Trafford Strategic Flood Risk Assessment](#)
- [Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems](#)
- [Manchester City Council Planning and Noise Technical Guidance \(2022\)](#)
- [Air Quality & Planning Technical Guidance \(2022\)](#)
- [Planning and Contaminated Land Technical Guidance \(2021\)](#)
- [Greater Manchester Joint Waste Development Plan Document \(GMJWDPD\)](#)
- [Waste Storage and Collection Guidance for New Developments \(2017\)](#)
- [Hot Food Takeaway Supplementary Planning Document \(2017\)](#)
- [Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards \(2020\)](#)
- [Manchester Tree and Woodland Action Plan 2024-2034](#)
- [Manual for Streets \(2007\)](#)
- [National design guide & National Model Design Code \(2021\)](#)
- [Outdoor advertisements and signs: a guide for advertisers \(2007\)](#)

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 policies 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.

Conclusion

As the original development did not affect the use class of the property and did not affect the occupancy level, the lawful use C4 HMO stands with the ability to increase occupancy in line with the use class. Without the proposed development the applicant would have been able to increase the occupancy without permission and therefore the condition added to the original approval is onerous considering the fallback position. Condition 7 of planning approval ref 135963/FO/2023 is removed.

Recommendation: Approve

Article 35 Declaration

The application has been assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan, and other material considerations. In this instance a decision has been issued within statutory timescales.

Condition(s) to be attached to decision for approval

1. 3-year time limit

The development must be begun not later than the expiration of three years beginning with the date of planning permission reference 135953/FO/2023 that date being the 10th May 2023.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. Specified plans

The development hereby approved shall be carried out in accordance with the following drawings and documents:

- a. Drawing: Floor Plans ref. 3WA01B
- b. Drawing: Elevations ref. 3WA02A
- c. Drawing: Site and Local Plan

All stamped as received by the City Council as Local Planning Authority on 11 April 2023 on application 135953/FO/2023

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM 1, SP 1 and EN 1 of the Core Strategy and JP-P1 of Places for Everyone.

3. Specified materials

The materials to be used on the external surfaces hereby permitted shall match those as specified on the application form (as received 11 April 2023 on application 135953/FO/2023) in type, size, colour, and texture.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure. Pursuant to policies DM 1, SP 1 and EN 1 of the Core Strategy and JP-P1 of Places for Everyone.

4. PD on windows and doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved plans.

Reason- In the interest of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policy DM1, SP1.

5. Floor plans

The development hereby approved shall be carried out in accordance with Drawing: Floor Plans ref. 3WA01B stamped as received by the City Council as Local Planning Authority on 11 April 2023 on application 135953/FO/2023, in relation to the intended internal configuration of the extension being an extended kitchen and living room area and shall remain in place thereafter whilst the dwelling remains in use.

Reason- To ensure the configuration of the dwelling is acceptable to the City Council as local planning authority, pursuant to policy H11 of the Manchester Core Strategy.

6. Flood Risk Assessment

No development shall commence until the flood risk assessment has been updated and approved in writing by the local planning authority. This may take the abbreviated form of a desktop-study flood risk statement (FRS). For the avoidance of doubt, as per the government standing advice, the assessment must include the following:

- a. The estimated flood level for your development (the estimated flood level is a river flood level with a 1 in 100 or greater annual probability, plus an allowance for climate change). The estimated flood level may be obtained freely from the Environment Agency.
- b. If you cannot raise FFLs 300 mm above the estimated flood level, you should demonstrate flood resilience and resistance measures in your design. Use the following guidance: <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#extra-flood-resistance-and-resilience-measures> - See <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice> for further guidance on preparing your documents and obtaining the required data.

Reason: To ensure that the development is not at an increased risk of flooding (from various sources) and that the appropriate flood resilience and resistance measures have been implemented on site where required, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG

Appendix 1 – List of consultees & neighbours notified

1 Wald Avenue, Manchester, M14 6TW
2 Wald Avenue, Manchester, M14 6TE
3B Wald Avenue, Manchester, M14 6TW
3C Wald Avenue, Manchester, M14 6TW
57 Talbot Road, Manchester, M14 6TS
59 Talbot Road, Manchester, M14 6TS
61 Talbot Road, Manchester, M14 6TU
84 Beverly Road, Manchester, M14 6TH
86 Beverly Road, Manchester, M14 6TH
88 Beverly Road, Manchester, M14 6TH
90 Beverly Road, Manchester, M14 6TH
92 Beverly Road, Manchester, M14 6TH
94 Beverly Road, Manchester, M14 6TH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA