

Planning Statement

**Submission of an application for the removal of condition
7 of approval ref: 145042/JO/2026**

492-494 Claremont Road, Manchester M14 5WA

Note: The previous address for the original planning permission was: 492-494 Claremont Road, Manchester M14 5WA

The properties are now known as: 7, 9, 11 & 13 Victory Street, Manchester M14 5AE and 490, 492 & 494 Claremont Road, Manchester M14 5WA

March 2026

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I. INTRODUCTION

- I.1 Plande has been appointed to submit an application for the removal of condition 7 of approval ref: 145042/JO/2026 at 492-494 Claremont Road, Manchester M14 5WA (now 7, 9, 11 & 13 Victory Street, Manchester M14 5AE and 490, 492 & 494 Claremont Road, Manchester M14 5WA).



Figure 1: Location Plan

- I.2 This statement, which should be read in conjunction with the supporting information submitted with the planning application, aims to give an appraisal of the planning issues and merits in context with planning and other policies, guidance, and material considerations.
- I.3 This planning statement seeks to provide an overall summary of the existing site and surroundings; the relevant planning history of the site, and to provide justification for the proposed works, in the context of the local surroundings, in order to support Manchester City Council in the determination of this proposal and demonstrate that the proposed works comply with the policies of relevance within the Development Plan. The report is structured in the following format:
- Section 2: Site & Surroundings
 - Section 3: Planning History
 - Section 4: The Proposal
 - Section 5: Planning Policy Framework
 - Section 6: Scheme Assessment
 - Section 7: Conclusion
- I.4 This statement has been prepared for the exclusive use of the applicant as part of their planning application and in accordance with the agreed scope of the project. The document may not be reproduced in whole or in part, without the prior written consent of Plande. The copyright in this document (including its electronic form) shall remain vested in Plande. Plande will not be liable for the contents or use of this document by any person for any purpose. The content herein, including but not limited to any assessments and conclusions, represents the author's opinions, not factual assertions, except where explicitly stated and independently verified.

2. SITE & SURROUNDINGS

- 2.1 The application site consists of a development of 7no recently constructed dwellings approved under application 145042/JO/2026. At the time of the application, the address was 492-494 Claremont Road, Manchester M14 5WA, the properties are now named 7, 9, 11 & 13 Victory Street, Manchester M14 5AE and 490, 492 & 494 Claremont Road, Manchester M14 5WA.
- 2.2 The properties are located in a predominantly residential area close to Rusholme district centre. To the north of the development is a terrace of two storey houses.
- 2.3 Adjoining the site to the east are former local authority houses and an area of incidental open space.
- 2.4 To the south of the site is Stenbury Close, beyond which are more residential properties.
- 2.5 To the west of the site across Victory Street are newly constructed residential dwellings, beyond which is a recreation ground.
- 2.6 The flood map illustrates that the application site is in Zone 1, an area with a low probability of flooding. The site is not within the Green Belt. Additionally, the site is not within a Conservation Area, and the building is not a Listed Building, nor is it in proximity to any Listed Building. Furthermore, the site has no specific local plan designation.

3. PLANNING HISTORY

- 3.1 A planning history search illustrates the following relevant planning applications for the site:

Reference: 120891/FO/2018
 Address: 492-494 Claremont Road, Manchester M14 5WA
 Proposal: Erection of 7 two storey houses (Class C3) with rear dormers with associated car parking and landscaping.
 Status: Approved
 Date: 21 November 2018

Reference: 130987/FO/2021
 Address: 492-494 Claremont Road, Manchester M14 5WA
 Proposal: Revised application for the erection of 7 two storey dwellings with dormers and associated car parking and landscaping.
 Status: Approved
 Date: 27 September 2023

Reference: CDN/25/0068
 Address: 492 Claremont Road, Manchester, M14 5WA
 Proposal: Discharge of Conditions 1 (Timescale), 2 (Specified Plans), 3 (Noise), 4 (Remediation), 5 (Boundary Treatment), 6 (Secure By Design), 7 (Waste), 8 (Car Parking), 9 (PD Extensions), 10 (PD Hardstanding), 11 (C3A restriction), 12 (Footpaths), 13 (Landscaping) and 14 (Cycle Store) attached to planning permission 130987/FO/2021.
 Status: Approved and Refused
 Date: 10 March 2025

Reference: CDN/25/0326
 Address: 492 Claremont Road, Manchester, M14 5WA
 Proposal: Discharge of conditions 3 (noise), 5 (boundary treatment), 7 (waste), 12 (footpaths) and 14 (cycle store) attached to planning permission 130987/FO/2021
 Status: Refused
 Date: 16 May 2025

Reference: I45042/JO/2026

Address: 492-494 Claremont Road, Manchester M14 5WA

Proposal: Variation of Condition 2 (Specified Plans) attached to Planning Permission I30987/FO/2021 to allow changes to the bin and bike store

Status: Approved

Date: 27 March 2026

4. THE PROPOSAL

- 4.1 A number of planning conditions were attached to decision I45042/JO/2026. This application relates to Condition 7, as follows:

7) 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) none of the residential units hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

- 4.2 The applicant believes that this condition is unnecessary and unreasonable, and requests that the whole condition is removed, for all properties, as set out below.

5. PLANNING POLICY FRAMEWORK

NATIONAL PLANNING POLICY FRAMEWORK

- 5.1 The National Planning Policy Framework (NPPF) was published in 2012 and last revised in December 2024. The aim of the NPPF is to ensure there is a presumption in favour of sustainable development and that positive planning solutions are found to ensure development is brought forward. The NPPF is a material consideration in planning decisions as outlined in Paragraph 2 of the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.2 The NPPF sets out Government planning policies for England and how these are expected to be applied.
- 5.3 Paragraph 56 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.
- 5.4 Paragraph 57 states that Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. There are referred to herein as the six tests and it is suggested that each of them needs to be satisfied for every condition which a local planning authority intends to impose.
- 5.5 In addition, paragraph 55 states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
- 5.6 The National Planning Policy Guidance (PPG) Use of Planning Conditions, begins in Paragraph 1 by stating that:

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

5.7 Paragraph 17 of the PPG continues:

Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable them to withdraw permitted development rights across a defined area”.

5.8 Paragraph 10 of the now withdrawn Circular 11/95 but still highly relevant in the views it expressed, stated with respect to reasons for conditions:

Reasons such as "to comply with the policies of the Council", "to secure the proper planning of the area" or "to maintain control over the development" are vague, and can suggest that the condition in question has no proper justification.

MANCHESTER'S CORE STRATEGY DEVELOPMENT PLAN DOCUMENT (ADOPTED 11 JULY 2012)

5.9 Manchester's Core Strategy Development Plan Document (2012-2027) replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have now been superseded by the Places for Everyone joint development plan for nine Greater Manchester districts, which was adopted on 21 March 2024.

5.10 **Policy DM 1 Development Management** mandates that all developments consider specific siting, layout, scale, and design factors, ensuring compatibility with surrounding areas. Emphasis is placed on minimising adverse impacts on local amenity, promoting accessibility, and enhancing community safety. Developments must also facilitate adequate internal and external space, merging well with environmental qualities while supporting health and well-being objectives.

5.11 **Policy H 11 Houses in Multiple Occupancy** seeks to manage the distribution and impact of Houses in Multiple Occupation by resisting changes of use from Class C3 to C4, or to sui generis HMOs, where there is a high or significant concentration of such properties. The policy also restricts extensions that increase occupancy, protects family housing in regeneration areas, and requires all HMO proposals to provide high-quality accommodation without harming local character, in accordance with Policy DM1.

USE CLASSES ORDER

5.12 The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories. Those relevant to this application are detailed below.

C3 Dwellinghouses - This class is formed of three parts

C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems

C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger

C4 Houses in multiple occupation - 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.

GENERAL PERMITTED DEVELOPMENT ORDER

- 5.13 Changes of use within a class do not require an application for planning permission. In addition, there are also separate provisions that allow changes of use between certain classes in the Order without the need for planning permission. These are set out in separate legislation – The Town and Country Planning (General Permitted Development) Order 1995 (as amended) – and are known as permitted development rights.

- 5.14 Part L of The Town and Country Planning (General Permitted Development) (England) Order 2015 states:

Permitted Development

Development consisting of a change of use of a building—

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

6. SCHEME ASSESSMENT

- 6.1 The following section provides an analysis of the need for the condition, and other planning considerations.

PROVISION OF FAMILY HOUSING

- 6.2 Condition 7 restricts the use of the property to that of Use Class C3(a), essentially for use by a single person or a family.
- 6.3 Use Class C3 contains three parts; C3(a) covers use by a single person or a family, C3(b) covers up to six people living as a single household and receiving care, and C3(c) allows for groups of people living together as a single household, for example a homeowner living with a lodger.
- 6.4 It is suggested that the restriction of the use to C3(a) is unnecessarily prescriptive given that under each part of use class C3, the residents would still be living as a single household. It is further suggested that there is no evidence to suggest that use of the property within Use Class C3(b) or (c) would affect sustainability, or cause harm to the amenity of the area.
- 6.5 The reason for the condition also highlights the need to provide family housing in the local community.
- 6.6 Manchester City Council's Five-year Housing Land Supply Statement (Base date 1 April 2025) concludes that *"the five-year land supply position in Manchester over the period 1 April 2025 to 31 March 2030 has been assessed as **7.5 years**."* This indicates that there is not a shortage of family housing in the area, and therefore there is no significant need to specifically restrict the use of the property to Use Class C3(a).

REASON FOR THE CONDITION.

- 6.7 The reason given for inclusion of Condition 7 is:
"In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework."
- 6.8 Policy H11 of the Core Strategy for Manchester relates to Houses in Multiple Occupation, therefore it is suggested that the condition was imposed to prevent permitted development changes of use from a Use Class C3 dwellinghouse to a C4 House of Multiple Occupation.
- 6.9 As with most types of permitted development rights, local authorities are able to use existing powers, in the form of article 4 directions, to remove these rights and require planning applications for such changes of use in defined areas.
- 6.10 Manchester City Council made an Article 4 (1) Direction on 7 October 2010, which came into force on 8 October 2011. The Direction relates to development comprising change of use from a use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation) of that Order, and removes permitted development rights for this type of development. Planning permission is therefore required for changes of use from Class C3 to Class C4. The Article 4 Direction applies to the whole of the Manchester City Council area.
- 6.11 Given that a planning application is required to change the use of a property from Use Class C3 to Use Class C4, Policy H11 of the Core Strategy for Manchester clearly states that a change of use from C3 to C4 will not be permitted where there is a high concentration of properties occupied by students, licensed HMOs or other properties falling within the C4 use class.
- 6.12 It is suggested that there are other planning mechanisms to prevent the change of use from a dwellinghouse to an HMO which can, and have been implemented by Manchester City Council, and therefore the condition is unnecessary.

IS THE CONDITION NECESSARY?

- 6.13 The NPPF makes it clear in paragraph 56 that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. In paragraph 57 it goes on to clarify that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respect.
- 6.14 It is suggested that the restriction of the Use to Class C3(a) would not make an otherwise unacceptable development acceptable.
- 6.15 It is suggested that the condition does not satisfy the 6 tests required by paragraph 57, including but not limited to the restriction of the use to family housing is not necessary, as the LPA already has a 7.5 year housing land supply, and there are alternative planning controls and policies in place to prevent changes of use to HMOs.

PRECEDENTS

- 6.16 A number of recent planning appeals have considered similarly worded conditions, and have concluded that the condition is not necessary and should not be imposed.
- 6.17 In granting planning permission at 8 Deerpark Road, Manchester M16 8FR, (Appeal Ref: APP/B4215/W/24/3336488) the Inspector considered a list of suggested planning conditions. The following is of relevance to this application:

“The Council have suggested a condition that would restrict the use of the development to Class C3(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended), namely use by a single person or people living together as a family. The reason given for this is a proliferation of HMOs or short term lets restricting housing choice and adversely affecting sustainability. I have, however, been provided with no evidence regarding the level of HMOs in the area and the restriction suggested would not, in itself, preclude short term letting of the apartments. I am also not persuaded, nor do I have evidence before me, that those uses within Use Class C3(b) and (c) would affect sustainability, or cause harm to the amenity of the area. In the absence of clear justification as to the necessity of this condition, it has not been imposed.”

- 6.18 Similarly in Appeal Ref: APP/B4215/W/22/3298650 at Land Adjacent to 10 Spring Bridge Road, Manchester M16 8PL, the Inspector stated:

“I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) (PPG Paragraph: 003 Reference ID: 21a-003-20190723; revision date: 23 07 2019) in terms of the use of planning conditions. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity.”

It goes on to say:

“I have given careful consideration to use of a restrictive conditions, having regard to the PPG’s advice on the inclusion of such conditions. I find the Council’s suggested condition restricting use of the property as a private dwelling and for no other use within Use Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) unnecessary. Whilst policies of the CS and the Framework are referred to, I have concluded that the proposal complies with relevant policies in so far as they relate to the main issues. Having regard to the scale of the proposed dwelling and advice within the PPG, I have been presented with no evidence to suggest the restriction of occupation is necessary. The Council have other means of restricting occupancy within specific locations of the Borough if considered necessary.”

- 6.19 Appeal Ref: APP/B4215/W/21/3271078 in relation to 31 Berry Brow, Clayton Bridge, Manchester M40 IGR considered the same issues. In this appeal the Inspector stated:
“No clear justification or substantive evidence has been put forward as to why the proposed dwelling should be restricted to a C3(a) use in the circumstances of the appeal case and therefore I conclude that such a condition would also not meet the tests”.

7. CONCLUSION

- 7.1 This application seeks permission for the removal of condition 7 of approval ref: 145042/JO/2026 at 492-494 Claremont Road, Manchester M14 5WA (now 7, 9, 11 & 13 Victory Street, Manchester M14 5AE and 490, 492 & 494 Claremont Road, Manchester M14 5WA).
- 7.2 The reasons given for imposing the condition are to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families.
- 7.3 It is suggested that there is no shortage of family accommodation in Manchester, and that restricting the use to Use Class C3(a) is overly prescriptive.
- 7.4 In addition, there alternative means of preventing the change of use to an HMO, namely an Article 4 Direction, which has been in place in Manchester since 2011, and Policy H11 of the Core Strategy for Manchester which prevents the change of use from a C3 dwellinghouse to a C4 HMO where there is a high concentration of similar properties.
- 7.5 Appeal precedents have been identified highlighting that similarly worded conditions restricting the use of a property to Use Class C3(a) are not necessary
- 7.6 It is therefore respectfully requested that the planning application is approved. In the event that Manchester City Council do not agree with this view, the applicant would seek to engage with the authority to secure a solution, in line with the NPPF.