

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131989/LP/2021

Date registered valid: 4 November 2021

Proposal: Certificate of proposed lawful development for use of the property for up to 6 residents living together with care provided (Class C3b)

Address: 74 Monica Grove, Manchester, M19 2BW

Ward(s): Burnage Ward

Applicant: Mr Daniel Parker Flat 2 , 5 Lancaster Road, Manchester, M20 2TY

Agent (if any):

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 21 December 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: N/A

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

This application relates to a 2-storey terraced house in a residential area. The property has no planning application history and appears to have been continuously occupied as a Class 3 dwellinghouse.

Description of development

The application seeks to demonstrate that the proposed occupation of the property by three children / young people between the ages of 11 and 17 would be a permitted change of use from Class C3 to Class C3(b).

The internal layout would comprise 3 residents' bedrooms and two overnight staff bedrooms. Two of the rooms would be accommodated in the loft would alteration or extension to the existing roof. Administration work would be undertaken off-site and, where necessary, within the staff bedrooms.



Fig. 1 – Existing and proposed internal layout

Consultations & Notification Responses

None required.

Issues

This certificate application has been assessed with reference to section 192 of the Town and Country Planning Act 1990, which states that:

- 1) If any person wishes to ascertain whether—
 - (a) any proposed use of buildings or other land; or
 - (b) any operations proposed to be carried out in, on, over or under land, would be lawful, they may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.
- (2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Evidence

The applicant has indicated that a maximum of three residents would live together as a single household with support for any non-medical behavioural issues that may be presented. By a team of five staff support by and on-site / off-site care manager. Two staff would provide daytime and overnight care over 36-hour shifts (Start Day 1 at 10 am and finish Day 2 at 10 pm). It is indicated the child would be typically in residence between 6 and 12 months and would be registered at local schools. The applicant has confirmed that the referenced team of 5

staff includes a registered manager who would predominantly work away from the property during the COVID period.

It is considered the described level of care and support would be consistent with Class C3(b) occupation. The number of people to be accommodated and level of 'resident' support staff would also be consistent with Class C3 (b) occupation. The local planning authority has no evidence to contest the established Class C3 use at 74 Monica Grove.

On the basis of the submitted information, it is considered that the proposed use of the property would be consistent with a Class C3 (b) use for occupation by up to six people living together as a single household and receiving care as defined by Town and Country Planning (Use Classes) Order 1987 (as amended).

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.

Recommendation: Approve

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval

1) Approved on the basis that the proposed occupation 74 Monica Grove, Manchester, M19 2BW as detailed on the submitted document and drawings stamped as received by the City Council on 21 October 2021, 4 November 2021 and 20 December 2021 and referenced:

- i. Forms relating to an application for a Lawful Development Certificate
- ii. Location plan with a red edge;
- iii. Existing ground and first floor plans Option 2 Drg. No 02 P3 and Proposed second floor plan attached to email from Parkwood Care dated 20 December 2021;
- iv. Document : Quality and Purpose of Care by Parkwood Care;

constitutes a Class C3 (b) use for occupation by up to six people living together as a single household and receiving care as defined by Town and Country Planning (Use Classes) Order 1987 (as amended).

Appendix 1 – List of consultees & neighbours notified

N/A

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: NORTH2