

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131825/LE/2021

Date registered valid: 4 October 2021

Proposal: Certificate of lawful existing use of the property as a House in Multiple Occupation (C4 use) for over 10 years

Address: 57 Cawdor Road, Manchester, M14 6LS

Ward(s): Fallowfield Ward

Applicant: Mr Manoj Aggarwal, Harry Lord House, 120 Humphrey Road, Old Trafford, Manchester, M16 9DF

Agent (if any): N/a

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 December 2021

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

Date of site visit: Not required

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 11 October 2021 Expired: 1 November 2021

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: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two storey mid-terrace dwellinghouse of red brick and slate, with an original part single part two storey outrigger. The property features modest front and rear gardens bound by red brick walls

Description of area

The property is located on Cawdor Road within the Fallowfield Brow, an area densely populated by students and therefore a high number of Houses in Multiple Occupation. The area is well serviced by buses and lies in close proximity to the district centre.

Description of development

The applicant is seeking a Certificate of Lawful Existing Use for this property which they say has been in use as a 4-bed C4 HMO continuously for over 10 years.

Consultations & Notification Responses

Local residents, as per appendix 1 – No comments received.

Assessment

Class C4 small HMO's covers properties with between three and six residents. To qualify for a certificate of Lawful use the applicant needs to demonstrate that the use commenced before the Council adopted the Article 4 Direction which removed the permitted change from Class C3 to Class C4, and that the use has been carried on continuously since that date. In support of the application evidence has been provided for at least three of the four bedrooms, in the form of tenancy agreements, licensing agreements and account statements, dating from July 2010 to November 2021. Having assessed the information it is considered that on the balance of probability the use as a Small HMO Class C4 commenced pre-8th October 2011 and has been carried on continuously to the date of application.

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

Condition(s) to be attached to decision for approval

From the evidence available and the planning law applicable to the property, Manchester City Council is satisfied that in relation to the property referred to in the application, namely 57 Cawdor Road, the use of the premises as a small house in multiple occupation Class C4 as described in the First Schedule, is lawful by reason of the said use beginning prior to 8 October 2011 and has been in no other use in accordance with the evidence and information provided in the submitted supporting information, as received on 4th October 2021 and 29th November 2021 by the City Council as the Local Planning Authority.

Appendix 1 – List of consultees & neighbours notified

58 Furness Road, Manchester, M14 6LX
54 Cawdor Road, Manchester, M14 6LR
52 Cawdor Road, Manchester, M14 6LR
48 Cawdor Road, Manchester, M14 6LR
52 Furness Road, Manchester, M14 6LX
61 Cawdor Road, Manchester, M14 6LS

59 Cawdor Road, Manchester, M14 6LS
Flat 2, 56 Cawdor Road, Manchester, M14 6LR
56 Cawdor Road, Manchester, M14 6LR
Flat 1, 56 Cawdor Road, Manchester, M14 6LR
56 Furness Road, Manchester, M14 6LX
50 Cawdor Road, Manchester, M14 6LR
54 Furness Road, Manchester, M14 6LX
55 Cawdor Road, Manchester, M14 6LS
53 Cawdor Road, Manchester, M14 6LS

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
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Fallowfield Central)
Area Team Boundary - Name: SOUTH