MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	132021/LP/2021
Date registered valid:	25 October 2021
Proposal:	Certificate of Lawful Proposed Development for 4 bed children's home (C3)
Address:	7 Chalford Road, Manchester, M23 2SG
Ward(s):	Baguley Ward
Applicant:	Mr Jason Batty 7 Chalford Road, Manchester, M23 2SG
Agent (if any):	
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	22 December 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: Non required for this type of application

Standard consultations:
Printed: 4 November 2021 Expired: 25 November 2021

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
The property that is the subject of this application is a detached property at the junction of Chalford Road and Milford Avenue in the Baguley ward of the City. It is currently in use as a single family dwellinghouse. The property has garden area to three sides, and has a mix of boundary treatments ranging from established hedging to concrete post and timber panel fencing.
The applicant has stated that between the years 2004 and 2011 the property operated as a care home, reverting back to its use of that of a single family dwellinghouse in 2011.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
The remainder of the area is predominantly residential in nature with a mix of private and social housing developments, and of semi and detached properties.

Description of development

The property is a large 5 bedroomed, detached property, with gardens to the front, side and rear. The applicant is seeking confirmation, in the form of a Lawful Development Certificate, that the use of the property as a children's home for a maximum of four children, with no more than two carers sleeping over (from a pool of three) , is still a Class C3 use and therefore does not require planning permission.

The proposed layout would be as follows:
There is a lounge, a spacious, modern kitchen/dining area, toilet, and office on the ground level. On the second floor, there are 4 young people's bedrooms, 2 of which have en-suite facilities, a

staff sleep in room with en-suite facilities and there is a separate young people's bathroom/toilet. Located within the loft space is a chill out room. The room will also double up for key working sessions, and as a visitor's room. There is also a garage next to the building.

Consultations & Notification Responses

Local Residents are not consulted for this type of application, as the assessment is based on fact and planning law.

Support Needs Monitoring Group- are consulted as a point of information. In this instance the response is one that it would not be supported and is unlikely to gain a license to enable residents from Manchester being placed at the property.
Whilst this is noted, it does not influence the decision with regards to issuing the certificate if it complies with the planning legislation requirements. The issues raised by support needs monitoring group would be addressed through Ofsted and Licensing.

Issues

The applicant seeks confirmation that the use of the property as a residential home for up to 4 children/young people and up to 2 live-in carers (from a pool of 3) on a rota basis(C3b) falls within the same use class as the existing use as a single dwellinghouse (C3a).
The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 split Class C3 (dwellinghouses) into 3 parts and redefined it as:

Use as a dwellinghouse (whether or not as a sole or main residence) by—
(a) a single person or by people to be regarded as forming a single household;
(b) not more than six residents living together as a single household where care is provided for residents; or
(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Notwithstanding these sub-classes, the three types of accommodation all fall within Class C3 and there is no requirement for planning permission for changes of use within the same use class.

The property would be occupied by up to 4 young people and up to 2 members of staff who would sleep at the residence on a rota basis. The function of the development is to allow the young people to lead a regular family life, as a single family unit. The activities carried out and comings and goings will be similar to those normally expected at a residential dwelling.

It is considered that it has been shown that the proposed use of the house falls within class C3b of the Town and Country Planning (Use Classes)(Amendment)(England) Order 2010 and planning permission is not required for the change of use of the existing Class C3a property.

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 polices 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 OR Reasons for recommendation to refuse

1) Approve on the basis that the existing property is a dwellinghouse Class C3(a) as prescribed by the Town and Country Planning (Use Classes) Order 1987 (England) (as amended) and the proposed use, as detailed within the submitted application form and planning statement, received by the City Council as Local Planning Authority on 25th October 2021, would fall into the same use class, as per Class C3(b) of the same order. As such the proposed use constitutes permitted development.

Appendix 1 – List of consultees & neighbours notified

Housing Monitoring Group

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4