

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131422/LE/2021

Date registered valid: 15 September 2021

Proposal: Certificate of lawful use of the property as a House in Multiple Occupation

Address: 188A Ladybarn Lane, Manchester, M14 6RW

Ward(s): Withington Ward

Applicant: Mr Dermot McKenna, Unit 3, Boundary Court, Crossley Road, Heaton Chapel, Stockport, SK4 5GA

Agent (if any):

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 03.11.2021

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

Standard consultations:

Printed: 22 September 2021 Expired: 13 October 2021

Neighbour notifications

Printed: 22 September 2021 Expired: 13 October 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

This application relates to one of two, two storey semi detached houses granted planning permission in 2004 reference 068621/FU/2003/S1. There were no conditions attached to the permission restricting the use. The property is located at the rear of 188 Ladybarn Lane and appear to share a communal car park and amenity space with the adjoining property and 188 Ladybarn Lane. 188 Ladybarn Lane is a Listed Building.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is a predominantly residential area.

Description of development

It is claimed that the property has been used as a small HMO class C4 for 10 years prior to this application being made.

Consultations & Notification Responses

Local residents

No representations received.
HS2

No objections.

Issues

The following evidence has been supplied in support of the application.

Tenancy Agreements

4 Persons	01.07.2011 to 30. 06.2012
4 Persons	01.07.2012 to 30. 06.2013
4 Persons	01.07.2013 to 30. 06.2014
4 Persons	01.07.2014 to 30. 06.2015
4 Persons	01.07.2015 to 30. 06.2016
4 Persons	01.07.2016 to 30. 06.2017
4 Persons	01.08.2017 to 30. 06.2018
4 Persons	01.07.2018 to 30. 06.2019
4 Persons	01.07.2019 to 30. 06.2020
4 Persons	01.07.2020 to 30.06.2021

There is no relevant planning history.

Conclusion.

Given the evidence provided it is considered that on the balance of probability the use of the premises as a small HMO Class C4 has been carried on for the requisite period of ten years.

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

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) From the evidence available and with reference to the relevant planning legislation, Manchester City Council is satisfied that in relation to the property referred to in the Second Schedule hereto, the use described in the First Schedule, is lawful by reason of the said use having been in existence for a period of 10 years up to the date of this application.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited

List of those notified on Uniform

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

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH