

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131005/LE/2021

Date registered valid: 8 July 2021

Proposal: Certificate of Lawful Existing Development for single-storey side and rear extension

Address: 128 Mauldeth Road, Manchester, M14 6SQ

Ward(s): Withington Ward

Applicant: A Brooks St Anns Hospice 66-68 Castle Street, SK3 9AE

Agent (if any): Mr Edward Landor Landor Planning Consultants Ltd PO Box 1983 , Liverpool , L69 3FZ

Case officer: Melanie Tann
Tel: 0161 234 4538
Email: melanie.tann@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1st September 2021

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 15 July 2021 Expired: 5 August 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

The property is an end terrace shop

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The application property is sited on the corner of a commercial parade with residential properties to the rear

Description of development

Certificate of Lawful Existing Development for single-storey side and rear extension

Consultations & Notification Responses

None required

Policy

The erection of a single-storey side and rear extension would not be permitted development due to the application property being a commercial premises and not in residential use. Therefore, the property does not benefit from permitted development rights for extensions or other such structures.

As a result the applicant has provided evidence in the form of photographs from Google Street View and a sworn affidavit from the Head of Trading Company for St Ann's Hospice stating that the extensions have been in situ for more than 4 years and would therefore, be immune from any enforcement action. This correspondence is backed up by floor plans relating to a previous planning application at the property showing the extensions in situ in 2015. On the balance of probability the extensions have been in situ for more than 4 years and are therefore now lawful.

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:

Article 35 Declaration

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

1) 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 Second Schedule hereto, the works described in the First Schedule, is lawful by reason of the said structures having been in existence for a period of at least 4 years up to the date of this application.

Appendix 1 – List of consultees & neighbours notified

20 Weld Road, Manchester, M20 4WE
14 Weld Road, Manchester, M20 4WE
11 Weld Road, Manchester, M20 4WE
125 Mauldeth Road, Manchester, M14 6SR
119 Mauldeth Road, Manchester, M14 6SR
117 Mauldeth Road, Manchester, M14 6SR
130 Mauldeth Road, Manchester, M14 6SQ
123 Mauldeth Road, Manchester, M14 6SR
16 Weld Road, Manchester, M20 4WE
128A Mauldeth Road, Manchester, M14 6SQ
126A Mauldeth Road, Manchester, M14 6SQ
129 Mauldeth Road, Manchester, M14 6SR
127 Mauldeth Road, Manchester, M14 6SR
121 Mauldeth Road, Manchester, M14 6SR
126 Mauldeth Road, Manchester, M14 6SQ
18 Weld Road, Manchester, M20 4WE

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: SOUTH