

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130377/LE/2021

Date registered valid: 13 May 2021

Proposal: Certificate of lawful existing use of the property as a C4 house in multiple occupation

Address: 28 Lombard Grove, Manchester, M14 6AN

Ward(s): Old Moat Ward

Applicant: Ms Claudia Cuthbert 208 Wilmslow Road, Manchester, M14 6LF

Agent (if any): Mr David Busby 208 Wilmslow Road, Manchester, M14 6LF

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

Recommendation: Approve

Date of recommendation: 01.07.2021

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 19 May 2021 Expired: 9 June 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 a large mid terraced two storey dwelling. The property has a basement and there is accommodation in the loft space with a front dormer. There is a single storey outrigger to the rear. The property has gardens to the front and rear.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is a predominantly residential area. There are residential properties to either side and facing the site and the Fallowfield Bowling and Lawn Tennis Club to the rear.

Description of development

It is claimed that the premises have been used as a small HMO since before the adoption of the Article 4 Direction by the Council.

Consultations & Notification Responses

Local residents

No representations received.

Evidence.

Tenancy Agreements

All agreements relate to 28 Lombard Grove.

4 Persons	1 July 2011 to 30 June 2012
5 Person	1 July 2012 to 30 June 2013
5 Person	1 July 2013 to 30 June 2014
5 Person	1 July 2014 to 30 June 2015
5 Person	1 July 2015 to 30 June 2016
5 Person	1 July 2016 to 30 June 2017
5 Person	1 July 2017 to 30 June 2018
5 Persons	1 July 2018 to 30 June 2019
5 Person	1 July 2019 to 30 June 2020
5 Person	28 July 2020 to 30 June 2021
5 Person	27 July 2021 to 30 June 2022

Sworn Declaration by Around Town Flats used by 5 tenants 01.07.2010 to 30.06.2011.

Issues

The applicant has supplied tenancy agreements showing that the property was occupied by 4 persons in 2011/12 and 5 persons from 2012 to June 2022. A Sworn Declaration has been provided by Around Town Flats who manage the property saying that the premises was used as a HMO by 5 tenants July 2010 to June 2011. On balance it is considered that the evidence supports the claim and the certificate should be granted.

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 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 use of the premises as a House in Multiple Occupation within Class C4 of the Town

and Country Planning (Use Classes) Order (as amended), described in the First Schedule, is lawful by reason of the said use having been in existence for since prior to the introduction of the City Council's Article 4 Direction, introduced on 8th October 2011, relating to Houses in Multiple Occupation.

Appendix 1 – List of consultees & neighbours notified

Bridge Club, Sports Club And Premises, 81 Wellington Road, Old Moat, Manchester, M14 6BN
Bowling And Tennis Club, Sports Club And Premises, 81 Wellington Road, Old Moat, Manchester, M14 6BN
26 Lombard Grove, Manchester, M14 6AN
Top Flat, Sports Club And Premises, 81 Wellington Road, Old Moat, Manchester, M14 6BN
Sports Club And Premises, 81 Wellington Road, Old Moat, Manchester, M14 6BN
30 Lombard Grove, Manchester, M14 6AN

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 (Wilmslow Road/Wellington Road)
Area Team Boundary - Name: SOUTH