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7 July 2021

Planning Department
Manchester City Council
Town Hall
Albert Square
Manchester
M60 2LA

Dear Sir or Madam

Town and Country Planning Act 1990 Section 191
Application for Certificate of Existing Lawful Development for single storey extension
at side and rear of existing retail unit at 128 Mauldeth Road, Ladybarn, M14 6SQ

I herewith submit an application for a Certificate of Existing Lawful Development in accordance with Section 191 of the Town and Country Planning Act 1990.

The application is submitted on behalf of St Ann's Hospice for a single storey side and rear extension at 128 Mauldeth Road Ladybarn. No 128 is the end unit in a parade of shops on Mauldeth Road. The ground floor of the premises operates as a charity shop and is occupied by St Ann's Hospice, the applicant.

The side and rear extension constructed in circa 2014 constitutes operational development for which an application for a Certificate of Existing Lawful Development is sought.

The applicant can provide clear evidence that the extension has been in situ for more than 4 years and submits the following information in support of this application

1. Location Plan – edged red;
2. Block Plan – edged red;
3. Existing Floor Plan – Drawing No 001;
4. Witness Statement signed by Amanda Brooks, Head of Trading Company;
5. Photographs, courtesy of Google Streetview dated August 2014, March 2017, July 2019 and photographs supplied by the applicant taken on 6 July 2021;
6. Elevation details submitted in support of a planning application under reference application 109898/FO/2015/S1 approved on 11 December 2015.

Witness Statement – Exhibit 1

A signed witness statement is provided signed by Amanda Brooks. Amanda Brooks has been employed by St Ann's Hospice in a senior capacity since 8 October 2014. Her statement testifies that the side and rear extension for which a Certificate of Lawful Development is made has been in situ since circa 2014 and that the external appearance, apart from painting and display of non-illuminated signage has not changed since that date. Her statement is supported by photographs of the extension dated from 2014 to the present.

Photographs – Exhibit 2

Photographs of the side and rear extension dated August 2014, March 2017, July 2019 are submitted in evidence courtesy of Google streetview. Photographs showing the side and rear extension in July 2021 are provided by the applicant.

Planning application 109898/FO/2015/S1- Exhibit 3

On 28 September 2015 a planning application in respect 128 Mauldeth Road was received by, Manchester City Council with the description, 'change of use from shop (Class A1) to restaurant (Class A3) and elevational alterations including improvements to canopy'. The application was approved on 11 December 2015.

The City Council's online Planning Register includes details of existing floor plans and elevations. These are included as evidence to demonstrate that the side and rear extension of the building for which a Certificate Lawful Development is sought was in situ in 2015, over 6 years ago. The relevant plans and decision notice are included as Exhibit 3:

- Drawing No. 15-284 (22) 001 PLO – Existing and Proposed Floor Plans (dated 10.08.15);
- Drawing No. 15-284 (15) 001 PLO – Existing GA Elevations (dated 10.08.15);

The above drawings provide irrefutable evidence that the side and rear extension was complete in August 2015 (6 years ago) and the materials of construction evident from the photograph in 2021, polycarbonate roof, timber clad elevations and timber doors have not changed during the intervening period.

Onus of Proof

When determining an application for a Certificate of Lawful Development, the burden of proof rests with the applicant. The applicant, in this case has been able to provide demonstrable and indisputable evidence that a single storey side and rear extension at 128 Mauldeth Road was constructed and completed circa 2014 (7 years ago) and that the external appearance of the building is the same as when erected.

On the basis of the evidence provided it is respectfully requested that Manchester City Council issues a Certificate of Lawful Existing Development without delay.

Yours faithfully

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