MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130187/LE/2021
Date registered valid:	5 May 2021
Proposal:	Certificate of Lawful Existing Use of property as a C4 House in Multiple Occupation
Address:	8 Exbury Street, Manchester, M14 6RF
Ward(s):	Withington Ward
Applicant:	Cuthbert DGD Properties Ltd 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:	**24.06.2021**

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: 11 May 2021 Expired: 1 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 modern two storey mid terraced property. There is a hard surfaced forecourt to the front of the property and a two storey outrigger and small yard at the rear.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

This is a predominantly residential area.

Description of development

It is claimed that the premises have been used as a small house in multiple occupation class C4 since before the adoption of the article 4 Direction removing the permitted change from class C3 to class C4 on 8 October 2011.

Consultations & Notification Responses

Local residents

No representations received

Evidence

Landlord Tenant Transaction sheet 16 February 1012 to 23 November 2016 – no address.

Letter from Around Town Plans – Managed property since 2008 when it has been let to 3 students apart from 2014/15 when it was let to another landlord to rehouse three students. Letter not a sworn declaration.

3 Persons 1 July 2011 to 30 June 2012
3 Persons 1 July 2012 to 30 June 2013
E Marks and Co 2 October 2014 to 30 November 2014
3 Persons 1 July 2015 to 30 June 2016
3 Persons 1 July 2016 to 30 June 2017
3 Persons 1 July 2017 to 30 June 2018
3 Persons 1 July 2018 to 30 June 2019
3 Persons 1 July 2019 to 30 June 2020
3 Persons 1 August 2020 to 30 June 2021

Sworn declaration from Around Town Flats covering period 15.08.2010 to 30.06.2021

Issues

The submitted Tenancy Agreements cover the requisite period for a CLU, although there is a gap in 2014-15 when the applicant claims that the property was leased to another landlord to enable him to rehouse the tenants of his own HMO . In support of the TA's is a Sworn Declaration from Around Town Properties who manage the property and indicate that it has been used as a small HMO class C4 since 2010.

On the balance of probability it is considered that the submitted evidence supports the claim.

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

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

96 Derby Road, Manchester, M14 6RE
10 Exbury Street, Manchester, M14 6RF
6 Exbury Street, Manchester, M14 6RF

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) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH