MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	129559/LP/2021
Date registered valid:	2 March 2021
Proposal:	Lawful Development Certificate for Proposed Use as a C3 Children's Home
Address:	226 Errwood Road, Manchester, M19 1HX
Ward(s):	Burnage Ward
Applicant:	Mr Ian Baistow-Davies, 12 Admiral Way, Hyde, SK14 4TU
Agent (if any):	
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	21/4/21

Application details

Type of application: Certificate Lawful Develpment Proposed

Development type: Certificates of lawfulness

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

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/area

226 Errwood Road is a 2 storey semi-detached dwellinghouse located within an established residential neighbourhood. Gardens to the front and rear with off-street parking for one vehicle.

Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

The applicant is seeking confirmation, in the form of a Lawful Development Certificate, that the use of the property as a children's home for two children, with no more than four carers, is still a Class C3 use and therefore does not require planning permission

Consultations & Notification Responses

n/a

Issues

The applicant seeks confirmation that the use of the property as a residential home for up to 2 children/young people and up to 4 live-in carers on a rota basis(C3b) falls within the same use class as the existing use as a single dwellinghouse (C3a).

The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 split Class C3 (dwellinghouses) into 3 parts and redefined it as:

Use as a dwellinghouse (whether or not as a sole or main residence) by—

> (a) a single person or by people to be regarded as forming a single household;
> (b) not more than six residents living together as a single household where care is provided for residents; or
> (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Notwithstanding these sub-classes, the three types of accommodation all fall within Class C3 and there is no requirement for planning permission for changes of use within the same use class.

The property would be occupied by up to 2 young people and up to 4 members of staff who would sleep at the residence on a rota basis. The function of the development is to allow the young people to lead a regular family life, as a single family unit. The activities carried out and comings and goings will be similar to those normally expected at a residential dwelling.

It is considered that it has been shown that the proposed use of the house falls within class C3b of the Town and Country Planning (Use Classes)(Amendment)(England) Order 2010 and planning permission is not required for the change of use of the existing Class C3a property.

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

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

1) Approve on the basis that the existing property is a dwellinghouse Class C3(a) as prescribed by the Town and Country Planning (Use Classes) Order 1987 (England) (as amended) and the proposed use, as detailed within the submitted application form and planning statement, received by the City Council as Local Planning Authority on 2 March 2021, would fall into the same use class, as per Class C3(b) of the same order. As such the proposed use constitutes permitted development.

Appendix 1 – List of consultees & neighbours notified

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