

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128496/LE/2020

Date registered valid: 4 November 2020

Proposal: Certificate of Lawful Development for Existing use as House in Multiple Occupation (C4)

Address: 1 Riga Road, Manchester, M14 6JG

Ward(s): Fallowfield Ward

Applicant: Mr John Geoffrey & Mrs Daphne Jeanne Marsden, 17A Greenacre Road, Hest Bank, Lancaster, LA2 6HD

Agent (if any):

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 30 December 2020

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

Date of site visit: Non required for this type of application

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 5 November 2020 Expired: 26 November 2020

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 that is the subject of this Certificate of Existing Lawful Development application is identified as 1 Riga Road. It is a 2-storey end of terraced brick built property. It sits at the junction of Riga Road and Langley Road. The frontage sits back of pavement on Riga Road, with the side elevations looking over Langley Road with a small wall and railing garden to that aspect, and the other side elevation forming the rear access with a yard area enclosed by a high brick wall. This aspect leads out onto a gated alleyway. The bins are stored within the rear yard of the property.

There are double yellow lines at the junction of the 2 roads, with the remaining highway being available for on street parking.

The property is located in the Fallowfield ward of Manchester.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature and comprises of properties of primarily Victorian and Edwardian eras, with some later additions. The USDAW offices sit opposite the Langley Road elevation. Platt Fields Park is also in the immediate area to the north west. Many of the properties are in use as student accommodation. It is well served by local services in the form of retail provision, recreational provision and bars and restaurants. It is also located on a sustainable transport route in and out of the City.

Description of development

The application relates to a certificate of lawful development for the existing use of the property as a house in multiple occupation (C4).

It is claimed that the property has been in used as a house in multiple occupation for an uninterrupted period of 10 years or more. Notably, since 2010, being occupied by 4 people.

Consultations & Notification Responses

Local Residents were informed- 1 letter supporting the use prior to the Article 4 direction has been received.

Issues

Policy

Core Strategy Development Plan Document Adopted 11th July 2012

Houses in Multiple Occupation

From 1st October 2010 change of use from a Class C3 dwellinghouse to a Class C4 House in Multiple Occupation (HMO) became permitted development, therefore planning permission is no longer needed. The Council made an Article 4 Direction on 7th October 2010 which means that planning permission will be needed for this type of development. The direction was confirmed by the Council in January 2011 and came into force on 8th October 2011. The Council will use the policy below to control further changes of use from a C3 to a C4. The policy also controls change of use to HMOs which are 'sui generis'.

Issues

The supporting information comprises of the following:

11 years of records comprising of Tenancy agreements and detailed invoices for the property from the letting agents Around Town Flats (who have managed and let the property since 2004) together with a letter of support from a resident within the M14 area stating that the property has been in use as a student let since well before 2010.

Conclusion - From the information that has been provided it is considered, that on the balance of probabilities, the rooms comprising the property had been let to individual tenants with access to shared facilities. It is therefore considered that the premises were in use for Class C4 purposes at the time that the Article 4 Direction was introduced, and this use has subsequently continued accommodating 4 people. The use of the premises as an HMO (Class C4) is considered to be the lawful use of the house.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The submitted information has been sufficient to allow the application to be viewed positively.

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 the use is lawful by reason of the said use having been in existence since before 8th October 2011.

From the information that has been provided it is considered that, on the balance of probabilities, the lawful use of the premises was as a House in Multiple Occupation (Class C4) at the time that the Article 4 Direction was introduced and has continued up to the date of submission of the application.

Appendix 1 – List of consultees & neighbours notified

28 Mabfield Road, Manchester, M14 6LP
2 Riga Road, Manchester, M14 6JH
30 Mabfield Road, Manchester, M14 6LW
Oakley, 188 Wilmslow Road, Manchester, M14 6LJ

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 (Fallowfield Central)
Area Team Boundary - Name: SOUTH