
Document Title: Statement in support of an application for a Certificate of Lawful Development

Site: 2-8 Harkness Street, Ardwick, Manchester, M12 6BT

Our Ref: X230801 RevR1 - 23/11/23

INTRODUCTION

This statement has been prepared to support an application for a Certificate of Lawful Development.

The application relates to a property on Harkness Street in the Ardwick area of Manchester which was known as Val's Hotel. The hotel was partially destroyed in a fire in 2018 and this application seeks to confirm operations to reinstatement the building back to its former layout and appearance falls within current planning approvals and therefore no further permission is required; is lawful for planning purposes under section 192 of the Town and Country Planning Act 1990 and would therefore not be subject to enforcement action.

The land to which this application relates is shown on attached Plan 1 (Ref: X230801 01/PL/D1) enclosed in Appendix A. The most recent use of the land prior to the fire is described as:

'Use of premises as a house in multiple occupation (HMO) providing 35 single bedrooms and 26 double/twin bedrooms'

The subsequent sections of this statement set out why the applicant believes a certificate should be issued for the above use on the defined land.

Work to reinstate the building has commenced with foundations and some structural steel work being installed.

CHRONOLOGY OF HISTORIC OWNERSHIP AND USE

A Certificate of Lawful Use or Development was issued by Manchester City Council for an application made on 23rd January 2006. That application and the certificate are enclosed in Appendix B. The certificate confirmed an existing use was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) following such a use being in place for at least 10 years prior to the application being made. The use approved was described as:

'Use of premises as a house in multiple occupation (HMO) providing 35 single bedrooms and 26 twin bedrooms'

The statement provided by the owner at the time attached to the application describes the property as comprising of:

'a total of 61 bedrooms providing 35 single bedrooms and 26 twin bedrooms sharing 24 communal toilets and bathroom facilities, along with a communal dining room and pool room.'

Appendix D encloses the text of a newspaper article published in the Manchester Evening News(MEN) on Sunday 22nd July 2018. The article describes the scenes during the fire the day before on Saturday 21st July 2018 and encloses extracts of an interview with a former owner of the property Mr Chiandra who sold the property in April 2018 confirming he owned the property for 18 months prior to selling it and had made improvements to the "hotel". It is understood the property was vacant at the time Mr Chiandra sold the property (i.e. April 2018) and following the purchase the new owners had intended to "start repairs".

Appendix C encloses a marketing brochure of the HMO which is undated and describes the property as having 58 bedrooms and 22 bathrooms. Prior to the fire, the property has only been sold once in April 2018 and therefore it is reasonable to assume this brochure dates to that time. It is therefore believed the brochure was produced to facilitate the sale of the property by Mr Chiandra just prior to April 2018. The brochure does not describe the property as being sold with vacant possession, a key marketing detail which would have been included if it were the case and also provides a turnover figure of £300k and profit margins of 50%, all suggesting the property was occupied at the time of the brochure being published and having a quantifiable financial position.

In considering the chronology set out in the MEN article(Appendix D) and marketing brochure (Appendix C), it is understood that Mr Chiandra purchased and operated the property from the beginning of 2017 for approximately 18 months during which time he sought to make improvements to the property. Mr Chiandra sold the property in April 2018 when we believe the property was still in use. It is believed the property was vacated by the new owners between April 2018 and July 2018 to undertake renovations, but unfortunately a fire on 21st July 2018 meant the renovation work never commenced.

In summary, the 23rd January 2006 application confirms the existence and description of the HMO from 1996 onwards and it can be reasonably be assumed via the MEN article and marketing brochure the use was in place until April 2018 when it was vacated to undertake renovation work. It is therefore reasonable to say the property has been occupied continuously as a HMO up to April 2018 with no intention to change or abandon the use.

Following the fire in July 2018 the owners at that time-initiated reconstruction of the building to the same design and layout of building as it was prior to the fire. It is understood the work would have fallen within existing planning controls and no planning approvals were required. The building work was supported by a Building Control Application which was approved on 8th January 2020.

Appendix E attaches a marking brochure dated July 2022. The brochure was produced on instruction of liquidators after the previous owners ceased trading. The current owners and the Applicant acquired the site on 24th May 2023 and are now seeking to continue with the construction work to reinstate the building as it existed prior to the fire.

ESTABLISHED LAYOUT AND APPEARANCE

Appendix F encloses an e-mail from the current owners setting out the origins of plans attached to that email. The plans are date August 2017 and therefore it is assumed they were commissioned by Mr Chiandra who owned the property and was seeking to make improvements to the property at that time. The plans show the as-built layout of the building and elevations prior to the fire. Appendix G attaches an undated photograph of the rear elevation of the building prior to the fire.

Appendix H attaches photographs of the property as it currently stands. The photographs show the party wall to the adjoining property (Fenton House, 2 Higher Ardwick), the opposite gable wall to 8 Harkness Street and the front elevation of 2 through to 8 Harkness Street are still in place and arguably a material element of the property is still standing and in planning terms retains its historic use.

SUMMARY

The above considerations show the reinstatement of the building to it's original state as shown on drawings attached in Appendix F and utilising materials as shown on photographs attached in Appendix C and G would not require planning approval.