

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133061/LE/2022

Date registered valid: 25 February 2022

Proposal: Certificate of Existing Lawful Development for use of the entire floorspace of Unit 11 as a Hairdressers (Class E)

Address: Former 11 Chapel Walks, Manchester, M2 1HN

Ward(s): Deansgate Ward

Applicant: Chancerygate 601 Birchwood One, Dewhurst Road, Warrington, WA3 7GB

Agent (if any): Mrs Beverley Moss Hourigan Connolly WeWork, 1 St. Peters Square, Manchester, M2 3DE

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20 April 2022

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

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

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order:

Description of development

Certificate of Existing Lawful Development for use of the entire floorspace of Unit 11 as a Hairdressers (Class E)

Consultations & Notification Responses

None required for this type of application

Issues

Evidence - The application has been submitted referencing s. 91 of the Town and Country Planning Act 1990 (TCPA 1990), which is relevant to an application for a certificate of existing lawful development and sets out the related assessment criteria.

Planning Policy Guidance (PPG) relating to lawful development certificates references in sections 191-193 of the Town and Country Planning Act 1990 ("the Act") as the key statutory framework for related applications and their determination. Informed by the above the PPG states:

'The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a

local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.'

The submitted evidence takes the form of:

- A lease agreement of the site dated 17 March 1999 between Rockhouse Investments Limited and Andrew Collinge (Holdings) Limited
- The insurance policy shows that it includes hairdressing as a use within the building, - Valuations Office Agency (VOA) information confirming that the property is recorded as a hairdressing salon and premises
- The existing use stated on the on the previously withdrawn planning application reference 128802/FO/2020 was Class E (Hairdressing Salon).

On 21 July 2020, Statutory Instrument 2020 No. 757 was laid before parliament by the Government. It comprises a number of changes to the Town and Country Planning (Use Classes) Order 1987 (the "Use Classes Order"). The changes outlined within the Statutory Instrument became effective on 1 September 2020.

Statutory Instrument 2020 No. 757 introduced amendments to the Use Classes Order which sought to simplify the classification of commercial uses. The effect of the new legislation is to revoke Use Classes A, B1 and D and replace these classes with a new, single classification covering 'Commercial, business and service' uses (Class E).

The existing use of the floorspace at the site has been demonstrated to be used as a hairdressers (formerly Class A1) for at least a 10 year period. The use classification of this operation now falls within Class E of the Use Classes Order. It therefore follows that the existing lawful use of Unit 11 is for any operation within Class E of the Use Classes Order and that the use of all of the floorspace within Unit 11 is now correctly described as being within Class E 'Commercial, business and services'.

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:

Article 35 Declaration

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

1) The Unit 11, Chapel Walks, Manchester falls within Class E (Commercial, Business and Service) as defined by The Town and Country Planning (Use Classes) Order 1987 (as amended). Movement from one primary use to another within the same class E does not require planning permission. The regulations do not override any existing planning conditions or obligations.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Upper King Street (Extension) Conservation Area 1985

Area Team Boundary - Name: CITY1