

11th February 2022

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Dear Sir/Madam

Certificate of Lawfulness for proposed cladding remediation and balcony replacement works at Great Northern Tower, Watson St, Manchester M3 4EE.

This Covering Letter has been prepared by Ridge and Partners LLP on behalf of Great Northern Tower Management company (c/o Zenith Management) to support an application for a Certificate of Lawfulness for proposed works at Great Northern Tower in accordance with Section 192 (1) of the Town and Country Planning Act 1990 (as amended).

The purpose of this application for a Certificate of Lawfulness is to confirm that the proposed replacement cladding remediation works, and balcony replacement works would not result in a material change to the appearance of the building and therefore planning consent is not required, as the works are lawful.

The Site

The site is located on Watson Street, in the Deansgate area of Manchester City Centre. The apartment block itself is surrounded by mixed-use commercial and residential uses. The proposed cladding remediation works would not change the use of the building and would improve the building principally from a safety perspective. The works would also bring forth improvements regarding sustainability and design.

Planning History

Application ref. 059571/FO/CITY3/00 for '*Mixed use development comprising 237 residential units with A1/A3/D2 uses on ground and mezzanine levels with basement and sub-basement parking*' was approved with conditions 28th September 2000. The conditions were subsequently discharged.

There is no other relevant planning history, associated with the proposed development.

The Proposal

The Applicant wishes to obtain a Certificate of Lawfulness for the proposed cladding remediation works and balcony replacement at Great Northern Tower. The main element of the cladding remediation regards the aluminium channels on block C (shown in the accompanying Photo Schedule). The works to these channels include, removing the existing channel, removing the foil backed expanded form and replace this with mineral wool insulation and install new 3mm PPC aluminium cassette units fabricated to suit the existing profile. The balconies are proposed to be replaced with a shera gripsure fibre cement decking board. Please see accompanying Photo Schedule for additional information.

It should be noted that there is a clear importance to remediate the building as soon as possible both from a resident's safety perspective and the timescales required from the Building Safety Fund (BSF).

Planning Considerations

Section 55 and Section 192 of the Town and Country Planning Act 1990

Section 55 of the Town and Country planning Act 1990 sets out the meaning of 'development' and 'new development'. Section 55(1) sets out the following:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

F1 [(1A) For the purposes of this Act " building operations " includes—

- (a)demolition of buildings;*
- (b)rebuilding;*
- (c)structural alterations of or additions to buildings; and*
- (d)other operations normally undertaken by a person carrying on business as a builder.*

Section 192 (1) (b) of the Town and Country Planning Act 1990 (as amended) sets out that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, he or she may make an application for that purpose to the local planning authority specifying the land and describing the use or operations in question.

Section 192 (2) adds that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

The most pertinent factor of this application for a Certificate of Lawfulness, is that the proposed changes will not result in a material change of use or change in appearance. Therefore, planning permission is not required as the cladding and balconies will be replaced like for like as detailed within the accompanying photo schedule. This in turn will increase safety though complying with the current MHCLG Guidance alongside maintaining the well-kept aesthetic of the building.

To strengthen the argument for the acceptability of this application for a Certificate of Lawfulness, I would like to draw on application ref. 2021/05222/PA for cladding remediation works at Jupiter 2, Galileo Building, 26-30 Ryland Street, Ladywood, Birmingham, B16 8BS, which was approved 7th October. Please find attached the Decision Notice which states the following:

The proposed cladding remediation works as described in the First Schedule does not amount to 'development' as defined in section 55 of the Town and Country Planning Act 1990'.

The nature of the proposed works is almost identical to approved application ref. 2021/05222/PA, in that they are required in order to remediate the building and ensure residents safety.

Conclusion

This letter sets out that a Certificate of Lawfulness is sought for the proposed recladding remediation works at Great Northern Tower whereby the existing cladding will be replaced using similar materials in order to comply with safety standards. As the work will be funded by the Building Safety Fund provided by the Ministry

of Housing, Communities and Local Government (MHCLG), there is a need obtain the Certificate of Lawfulness as soon as possible to comply with the timescales. The works to be undertaken will not result in a material change and therefore planning permission is not required. It is therefore considered that this Certificate of Lawfulness application offers adequate support for the proposed works and should be approved.

I trust that the enclosed information is adequate for prompt validation of this application. However, please do not hesitate to contact me if you require any further information.

Yours faithfully,



Emma Rawson (MSc, Hons)
Assistant Planner
For Ridge and Partners LLP

Enc:

Plans and elevations
Site Location Plan
Elevation Access Strategy
Photo schedule