

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130741/LP/2021

Date registered valid: 18 August 2021

Proposal: Certificate of Lawful Proposed Development for the replacement of cladding , , Building works include: Installation of various fire protection to the external cladding system which requires the replacement of existing materials as listed in the planning statement.

Address: Left Bank Apartments , Manchester, M3 3AD

Ward(s): Deansgate Ward

Applicant: Andrew Taylor Rendall & Rittner 340 Deansgate, Manchester, Salford, M3 4LY

Agent (if any): Mr Alan Smith Thomasons Deva Centre, 3 Brewery Yard , Trinity Way, Salford, M3 7BB

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

Recommendation: Approve

Date of recommendation: 23 September 2021

Application details

Type of application: Certificate Lawful Development Proposed

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:

Tree Preservation Order:

Description of Site/Area

Left bank Apartments/Commercial Units is located at Spinningfields, Manchester, M3 3AG. The apartment block stands over 30m above ground floor level. There are 4 blocks to this building: Block 2, 6, 12, and 18. The building comprises of a basement car park, commercial units on the ground floor and residential apartments above.

Description of Development

The proposal is to undertake urgent cladding and fire barrier replacement works that are required as a result of recently updated Building Regulations and Government Guidance Notes for Building Owners with respect to Fire, resulting in a requirement for the replacement of 'combustible' cladding materials on residential buildings.

The materials to be replaced are as follows: Aluminium Insulated Panel cladding, Timber cladding, Render, Brick, Stone and Hung Terracotta Tiled walls, Spandrel panels, Occupied Bridge/Walkway (located between Blocks), and Balconies.

Consultations & Notification Responses

No consultations required for this type of application

Issues

The application is for a Certificate of Lawful Proposed use or Development. The application seeks confirmation that the proposed works do not constitute development, do not require planning permission and would thus be lawful.

Town and Country Planning Act (1990) Part 3 Section 55 which defines works constituting development states that:

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

In order to determine if the works constituted development and therefore required planning permission, a certificate of lawful development was submitted to the Local Authority.

The proposed replacement cladding would be "like-for-like" in colour, size, layout and the projection from the existing facade line would be maintained; meaning there would be no visual change to the articulation of the building facade. Photographs of physical samples on the replacement materials in relation to the existing to verify this.

It is therefore considered that that if the works are carried out in accordance with the submitted drawings then the works would not materially affect the external appearance of the building and so would not constitute development and therefore not require planning permission.

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

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

1) Approve on the basis that the proposed works, as detailed in the submitted documents and plans:

- Proposed Elevations Drawings No. 102, 103, 104, 105, 106, 108,109, 111, 112, 115,118, 119, 120
- Specification - Timber Cladding Replacement - Rockpanel, Drawing no. NV355-DRG-SUB-SP001 Rev P1
- Specification - Terracotta Tile Cladding Replacement - Tonality, Drawing no. NV355-DRG-SUB-SP002 Rev P1
- Specification - Hook On Panel Replacement Genius Prime, Drawing no. NV355-DRG-SUB-SP003 Rev P1
- Proposed Materials, Drawing no. 100

would not materially affect the external appearance of the building and therefore would not constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended). The proposed works are therefore lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended).

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

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: CITY1