

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128415/LP/2020

Date registered valid: 29 October 2020

Proposal: Certificate of lawful proposed development for use of unit for cosmetic treatments (Use Class E)

Address: Arndale Centre , Corporation Street, Manchester, M4 3AJ

Ward(s): Piccadilly Ward

Applicant: Manchester Nominee (1) & (2) Ltd C/o Agent

Agent (if any): Miss Ann Daniels Pegasus Group Queens House, Queen Street, Manchester, M2 5HT

Case officer: Christopher Smith
Tel: 0161 234 4529
Email: christopher.smith@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 November 2020

Application details

Type of application: Certificate Lawful Developmnt Proposed

Development type: Certificates of lawfulness

Date of site visit: Not required

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 30 October 2020 Expired: 20 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The property that is the subject of this Certificate of Lawful Proposed Development is a unit with the Manchester Arndale Centre which is the main retail purpose built shopping facility in Manchester City Centre.

In 2001 permission was granted for the partial redevelopment and reconstruction of the northern part of Manchester Arndale for a range of different uses including retail, restaurant, office and ancillary accommodation comprising A1, A2, A3, B1, B2 and D2 uses (059873/OO/CITY1/00).

Unit L40 lawfully operated under this consent, as Use Class A1 use, as "The Entertainer" toy store.

Description of Proposal

The application is for a Certificate of proposed lawful development for the use of a unit for cosmetic treatments (Use Class E).

Representations and Consultation

No publicity is required.

Lawfulness of the Proposal

From 1 September 2020, subject to certain transitional provisions, Class A1 use and Class D1 (in part) has been reclassified as Class E: Commercial, Business and Services under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amendment to The Town and Country Planning (Use Classes) Order 1987.

Under this new Use Class Order regulations Class E (Commercial, Business and Services) allows for use, or part use, for the following purposes:

e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,

Therefore, the proposed use would be considered as Class E and therefore due to the new Use Class Order amendments operating Unit L40 as such would not be classed as development. The certificate of proposed lawful development should therefore be supported based on the information submitted.

Conclusion

The existing and proposed use both fall within Use Class E as prescribed under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amendment to The Town and Country Planning (Use Classes) Order 1987 (as amended). As such, the proposed use constitutes permitted development.

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

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

1) The existing and proposed use both fall within Use Class E as prescribed under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amendment to The Town and Country Planning (Use Classes) Order 1987 (as amended). As such, the proposed use constitutes permitted development.

Appendix 1 – List of consultees & neighbours notified

15A Corporation Street, Manchester, M4 4DU
Chisholme Hunter, 60 Arndale Centre, Corporation Street, Manchester, M4 3AB
Fourteenth Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Thirteenth Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Dome, 94 - 96 Arndale Centre, Corporation Street, Manchester, M4 3AB
Sixteenth Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Fifteenth Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Unit 15, Arndale Centre, Corporation Street, Manchester, M4 4DU
99 - 101 Arndale Centre, Corporation Street, Manchester, M4 3AB
Sixth Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Fifth Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Fourth Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Third Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Second Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Tenth Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Ninth Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Eighth Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Seventh Floor, Arndale House Arndale Centre, Market Street, Manchester, M4 3AQ
Arndale Centre, Corporation Street, Manchester, M4 3AJ
Arndale House, Arndale Centre, Market Street, Manchester, M4 3AQ

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
Area Team Boundary - Name: CITY1