

26th October 2020

Manchester City Council,
Planning
Manchester City Council
PO Box 532
Manchester
M60 2LA

Submitted via Planning Portal only

Dear Sir or Madam

**UNIT L40 CROMFORD COURT, MANCHESTER ARNDALE, M4 1AZ
CERTIFICATE OF LAWFULNESS FOR PROPOSED USE
PLANNING PORTAL REF: PP-09181599**

Acting on behalf of Manchester Nominee (1) Ltd and Manchester Nominee (2) Ltd, we have the pleasure in submitting an application for a Certificate of Lawfulness for Proposed Use at unit L40, Cromford Court at the Manchester Arndale. This is to confirm the principal use of Unit L40 will be lawful for cosmetic treatments such as Botox and laser treatments. It is considered that Class E covers the proposed use of the unit. On this basis, it is not considered at this stage that a change of use is required to allow the tenant to trade from Unit L40.

As part of this application the following information is submitted:

- Application Form;
- Payment of £231 to Manchester City Council;
- Location Plan

This is a complete and full submission and we expect the application to be validated without unnecessary delay and with consideration given to paragraph 44 of the NPPF which states:

*... Local planning authorities should only request supporting information that is **relevant, necessary and material** to the application in question (our emphasis)*

We also ask that the contents of this letter be considered in the assessment of the application.

The unit is known as Unit L40 Cromford Court, Manchester Arndale, located on the lower level of the centre. The unit has a net internal area of approximately 386sqm (4,157sqft).

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 Class A1 use, as "The Entertainer" toy store.

The new tenant looking to occupy Unit L40 will provide cosmetic treatments such as Botox and laser treatments. This is like the operation of Laser Clinic UK who occupy Unit 88 of Manchester Arndale. Prior to Laser Clinic UK occupying Unit 88 permission was sought and granted for a change of use from a vacant retail unit (Class A1 use) to cosmetic clinic and associated retail (Class D1 and A1 use)

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(124818/FO/2019). That change of use application was made on the basis that part of the unit was to operate as a different use class, Class D1 use, as it was at that time.

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 these new regulations Class E. Commercial, Business and Services allows for use, or part use, for all or any of the following purposes:

- a) *for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
- b) *for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
- c) *for the provision of the following kinds of services principally to visiting members of the public—*
 - i. *financial services,*
 - ii. *professional services (other than health or medical services), or*
 - iii. ***any other services which it is appropriate to provide in a commercial, business or service locality,***
- d) *for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*
- 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,***
- f) *for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*
- g) *for—*
 - i. *an office to carry out any operational or administrative functions,*
 - ii. *the research and development of products or processes, or*
 - iii. *any industrial process,*
 - iv. *being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

Therefore, the proposed use will be Class E and operating Unit L40 as such without the requirement for a change of use is lawful.

The applicants require confirmation that this is lawful, therefore we request that Manchester City Council provide a Certificate of Lawfulness to confirm that the proposed occupation of Unit L40 is lawful under the new Class E provisions.

Yours sincerely



Ann Daniels

Planner

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