

16 March 2020
L 200312 MD Indemnity House CLUED Covering Letter



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Dear Sir / Madam

Application for Certificate of Lawfulness of Existing Use or Development (CLUED) for Indemnity House, Chatham Street, Manchester as an Educational Facility (Use Class D1) On Behalf of British Studies Centres

Savills is instructed by British Studies Centres to submit an application for a Certificate of Lawfulness of Existing Use or Development (CLUED) under Section 191 of the Town and Country Planning Act 1990 as amended by Section 10 of The Planning and Compensation Act 1991 with regards to Indemnity House, Chatham Street, Manchester. A site location plan is enclosed with this letter. This application is seeking to confirm the lawful use of the building as educational (Use Class D1) given that it has been in this use for a continuous period of 10 years.

Background

Indemnity House is located on the corner of Chatham Street and Roby Street in the city centre of Manchester.

The building was constructed in 1910 and the original tenant was the Manchester & Salford Boy's & Girl's Refuges and Homes Society. The roof of the building consisted of a playground for the children who resided there. The name Indemnity House comes from Bridge Insurance company who were tenants from 1982 to 2003.

The Planning History of the site shows that the lawful use of the building is offices (B1(a) use class). However, the current use of the site is a training centre for the YMCA (D1 use). There is no record within the available planning history of a planning application pertaining to this change of use.

Use as a YMCA training centre began in April 2004 and continued until they vacated the building in April 2019. The building is currently vacant.

Legislation, Guidance and Evidence

Under The Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991 development become lawful if enforcement action has not taken place against breaches of planning control within 10 years from the date of the breach being committed. This includes change of use of buildings and land.

As the building has been used for 15 years as an educational training facility and therefore meets the time requirements of the legislation.

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Planning Portal Application Guidance states that as part of an application for a CLUED the applicant needs to show proper evidence that the use has been carried on continuously for a period of 10 years. Evidence has been provided which is listed below.

- Signed letter from YMCA dated 5 February 2020 confirming that Indemnity House was used for training purposes from April 2004 to April 2019.
- A study of educational programmes (Undergraduate, BTEC, and Level-3 onwards) in Retail, Logistics and Supply Chain in the Greater Manchester area (listing Indemnity House as used for training by YMCA;
- Indemnity House Floor Plans showing teaching spaces;
- YMCA Training Lease dated 20 April 2004;
- YMCA Training Lease dated 2013
- Level 2 & 3 Physical Activity Course with YMCA Fitness Training Academy, Manchester listing Indemnity House as Venue;
- MCC Citizenship and Inclusion Overview and Scrutiny Committee Report dated 18 July 2008 listing Indemnity House as the venue of training;
- YMCA Log of Student Number between 2003 and 2018;
- YMCA Advertisements for Training at Indemnity House; and
- Photographs of the inside of Indemnity House being used for training purposes.

This evidence demonstrates that the building has been used for education purposes for a period of 15 years. Subsequently its lawful use is now D1.

Summary

Indemnity House has been used for education and training uses for a period of 15 years. Evidence has been produced that clearly demonstrates this.

As such in accordance with Section 191 of the Town and Country Planning Act 1990 as amended by Section 10 of The Planning and Compensation Act 1991 a Certificate of Lawfulness of Existing Use or Development is respectfully requested to formalise this use.

Should you have any questions please do contact me using the details above.

Yours faithfully



Matthew Dawber
Associate Planner

cc.
Sarah Ashton - British Studies Centres