

Planning

Manchester City Council
Town Hall Extension
Albert Square
Manchester
M60 2LA

Submitted via Planning Portal (ref. PP-13887524)

31 March 2025

Dear Sir / Madam,

Number One Lord Street, Manchester - Application for a Certificate of Lawful Existing Use Development to Planning Permission 113914/FO/2016

On behalf of our client Delph Properties One Lord Street Limited ('the Applicant'), please find enclosed an application for a Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act (as amended) at Number One Lord Street, Manchester ('the Site').

The application has been submitted via the Planning Portal (PP ref. PP-13887524) and comprises the following documents:

- Completed Application Form
- This Covering Letter
- Copy of the Section 81 Notice from Manchester City Council granting consent for demolition (dated 14 February 2019)
- Two photographs: one showing the commencement of demolition (dated 25 July 2019) and one showing completion of demolition (dated 02 October 2019)
- Letter from Building Control Partnership confirming the commencement of the drainage connection following the 'Initial Notice' (dated 28 June 2019)
- Letter from WFW to MCC, with attachments (dated 03 October 2019)

This letter, and the accompanying documentation seeks to secure formal confirmation from Manchester City Council (MCC) that works carried out at Number One Lord Street, Manchester are sufficient to lawfully implement the planning permission. This follows recent discussions with Jennifer Atkinson in the Planning Department.

In accordance with Regulation 11(3)(a) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, the requisite application fee (including service charge) has been paid electronically.

Lawful Development

A planning permission is lawfully implemented when:

- A. A material operation authorised by the permission is carried out, as defined under Section 56(4) of the Town and Country Planning Act 1990. This may include excavation for foundations, laying drainage infrastructure, road construction, placing building materials on-site, or demolition.
- B. Any pre-commencement conditions have been fully discharged before works begin.

Established case law confirms that even limited works can satisfy the material operation test, provided they are more than de minimis – meaning they must be of sufficient substance to indicate a genuine commencement of development. Once lawfully commenced, the planning permission remains valid indefinitely, even if construction is paused.

This application for a Certificate of Lawful Existing Use or Development (CLEUD) seeks formal confirmation from the local planning authority that operational development pursuant to the 2016 planning permission constitutes a lawful material start under Section 191 of the Town and Country Planning Act 1990. The enclosed documentation provides clear evidence that the works undertaken go beyond a de minimis threshold and therefore meet the material operation test.

Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies the contents of a CLEUD application and how it must be submitted. The application needs to describe precisely what is being applied for and the land to which the application relates, with the applicant being responsible for providing sufficient information to support an application. The local planning authority then needs to consider whether, on the facts of the case and relevant planning law, the specific matter is lawful.

Background to this Application

On 21 November 2016, planning permission was granted for development on land bounded by Cheetham Hill Road, Lord Street & Fernie Street Manchester M4 4EX. The description of development approved under application ref. 113914/FO/2016 ('the Permission') is as follows:

Erection of a 16 storey building to form 192 residential apartments (Use Class C3a) together with ground floor commercial unit (172 sqm) (Use Class A1, A2, A3 or B1) with associated vehicular access from Fernie Street, car parking and hard and soft landscaping following demolition of existing buildings.

Commencement of Works

The implementation period for the Permission was set out in Condition 1, requiring commencement by 21 November 2019. All pre-commencement conditions were discharged within this period, as follows:

- CDN/19/0536 (Decision Date: 25 July 2019) – Formal discharge of Condition 3 (Drainage) and confirmation of pre-commencement compliance with Condition 6 (Local Labour).
- CDN/19/0418 (Decision Date: 28 August 2019) – Formal discharge of Condition 4(A) (Ground Condition).
- CDN/19/0182 (Decision Date: 28 August 2019) – Formal discharge of Condition 5 (Construction Management Plan) and partial discharge of Condition 6 (Local Labour).

Additionally, two amendments to the Permission were approved:

- 124193/JO/2019 (Decision Date: 28 August 2019) – Variation of Condition 10 (Replacement Environmental Standards) attached to planning permission 113914/FO/2016.

- 138553/NMC/2023 (Decision Date: 29 December 2023) – Non material amendment to planning permission 124193/JO/2019 to amend condition 2 (Approved drawings) to insert an additional internal staircase and AOV, amend number of car parking spaces, remove sub-basement and change the commercial space to residents amenity space.

The demolition work has been successfully completed, with all buildings on-site demolished to ground floor level. Asbestos removal and demolition works took place between 28 March 2019 and 30 September 2019. Enclosed are photographic records documenting both the demolition process (dated 25 July 2019) and the final cleared site (dated 02 October 2019), in full compliance with the approved plans. Additionally, the main drainage connection from the road to the site has been completed. The supporting documentation (as per above) from Beaumont Morgan and Building Control Partnership Ltd (dated 28 June 2019) is attached, confirming the commencement of development, along with recent photographs of the cleared site. The Applicant has also provided a copy of the Section 81 notice from MCC (dated 14 February 2019), granting consent for the demolition, as well as a letter from Building Control Partnership confirming the commencement of the drainage connection following the issuance of the 'Initial Notice.'

Conclusion

In conclusion, this letter provides the necessary evidence to allow MCC to confirm that the Permission at Number One Lord Street, Manchester, has lawfully been implemented and the Permission remains extant. The letter from WFW to MCC provides legal opinion that a material operation, as defined under Section 56(4) of the Town and Country Planning Act 1990, has been carried out through the demolition of existing buildings and the completion of the main drainage connection. These works are clearly more than de minimis, satisfying the legal threshold for a material operation.

All pre-commencement conditions were approved prior to the expiry of consent on 21 November 2019. Furthermore, a Local Authority cannot positively determine a non-material amendment to a Permission if they consider that the Permission has expired. MCC approved a non-material amendment in December 2023 (138553/NMC/2023), which further substantiates lawful commencement and that the Permission is extant.

I trust this submission provides sufficient evidence for MCC to confirm that the planning permission has been lawfully implemented and I look forward to receiving confirmation that the application has been validated. Should you require any additional information in order to progress the application, please contact me.

Yours sincerely,



Neil Lucas
Director



AshtonHale Ltd