

1 October 2024

Planning Department
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

F.A.O Jennifer Atkinson

Dear Jennifer,

Great Marlborough Street Car Park, Manchester – Application for a Certificate of Lawful Existing Use or Development to Planning Permission for 121252/FO/2018

On behalf of our client, GMS (Parking) Limited (the 'Applicant'), we hereby apply under Section 191 of the Town and Country Planning Act 1990 (as amended) to seek a Certificate of Lawful Existing Use or Development to confirm that Planning Permission 121252/FO/2018, amended by 138799/NMC/2023 and subsequently 139489/NMC/2024 has been lawfully implemented.

This letter and the accompanying documentation seeks to secure formal confirmation from Manchester City Council (MCC) that works carried out at Great Marlborough Street Car Park, Great Marlborough Street, Manchester M1 5NJ are sufficient to lawfully implement the planning permission.

Lawful Implementation

Lawful implementation occurs when:

- a) A "material operation" is carried out which is authorised by the permission; and
- b) Any conditions on the permission are complied with which require satisfaction prior to implementation.

Established case law demonstrates that even limited works can satisfy the 'material operation' test, provided they are more than de minimis.

Background

On 23 July 2021 planning permission was granted for development at the site of the Great Marlborough Street Car Park in Manchester City Centre. The description of development approved under application ref: 121252/FO/2018 ("The Permission") is as follows:

“Partial reconfiguration of existing Multi-Storey Car Park (MSCP), including temporary access off Great Marlborough Street, construction of 5 storey external ramps, closure of vehicular access to top level; and construction of new facade; and partial demolition of the surplus part of existing MSCP and erection of a part 55, part 11 storey, part 4 storey mixed-use building comprising 853 Purpose Built Student Accommodation units (sui generis), ancillary amenity space and support facilities, and 786sqm (GIA) SME incubator workspace (Use Class B1), including public realm improvements and other associated work”

This permission was amended by two applications for non material amendments that were approved in December 2023 and March 2024 which can be summarised as follows:

- 138799/NMC/2023 – Reconfigurations to internal layout, introduction of Early Works construction stage and amendments to condition triggers – Approved 2 January 2024
- 139489/NMC/2024 – Amendment to vary the wording of condition 12 (materials) – Approved 21 March 2024

The non material amendments allowed the introduction of the Early Works construction stage. A condition discharge application was subsequently approved on 4 March 2024 which discharged the conditions that were required to be discharged prior to commencement of the Early Works construction stage:

- CDN/24/0026 – Discharge of Conditions 5, 11a, 43 and 44a – Approved 4 March 2024

Commencement of Works

Prior to the commencement of the Early Works a nesting bird and bat survey was undertaken by TEP on 28 May in accordance with the requirements of Condition 5 and 43.

The Early Works were carried out between 13 June 2024 and 28 June 2024. Evidence of the works being carried out and the completed works in accordance with the approved plans is provided in the document titled Early Works Report prepared by Tier.

The developer has also provided a Statutory Declaration dated 9 July 2024 which is submitted with this application to confirm that the development has been carried out in accordance with the approved information with a view to implementing the Permission.

Application Submission

This application comprises this Covering Letter and the following documentation:

- Application Form;
- Early Works Report;
- Letter prepared by TEP dated 17 June 2024; and
- Statutory Declaration signed by GMS.

Regarding the application fee, we understand that the relevant legislation is the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. Specifically, Regulation 11(3)(a) dictates that the fee payable for a CLEUD application should be equivalent to that for a planning permission application for the same works. As the Early Works involved

the partial demolition of a stair core with a gross floor space less than 40m², the appropriate fee category is Number 2 in Part 2 of Schedule 1, resulting in a fee of £293. To avoid any confusion, the red line on the submitted site location plan specifically delineates the stair core area where the Early Works have been undertaken.

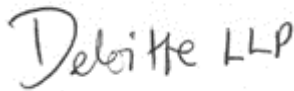
Summary and Conclusion

The Early Works carried out constitute a “material operation” in accordance with Section 56(4) of the Town and Country Planning Act 1990 sufficient to lawfully implement the permission.

The application is submitted through Planning Portal, reference PP-13438931. Payment has been sent via Planning Portal for the sum of £363, comprising a £293.00 application fee and a £70.00 service charge.

We would be grateful if you could notify us of validation of the Application and please do not hesitate to contact my colleagues Ed Britton (edbritton@deloitte.co.uk / 0161 455 6169 or Ellen Sanderson-Clark (esandersonclark@deloitte.co.uk / 0113 292 1119).

Yours sincerely

A handwritten signature in dark ink that reads "Deloitte LLP". The signature is written in a cursive, slightly stylized font.

Deloitte LLP