

Manchester City Council

Planning Department

March 2024

APPLICATION FOR CERTIFICATE OF LAWFULNESS FOR PROPOSED USE AS CLASS E(D) GYM
Basement, 12-14 Lever Street, Manchester, M1 1LN

This cover letter accompanies an application for a certificate of lawfulness to establish that the proposed use of the above-mentioned property as a Class E(d) Gym is within the current Lawful use.

The existing premises at Basement 12 - 14 Lever Street was historically occupied in commercial use as a Premises for the sale of clothing. Under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, this use would fall under Class E(c)(iii). Commercial, Business and Service.

The applicant wishes to convert the premises into a Gym, which similarly falls under Class E use.

Given the historical occupation of the premises in Class E use, the proposed 'Change of Use' to a Gym should be considered lawful development.

We have provided the following evidence which demonstrates the occupation of the property in Class E(c)(iii) commercial use as a wholesale premises for the sale and distribution of clothing goods. The evidence provided includes the following:

- Site Planning History
- Historical Evidence
- VOA Business Rates Listings

Site Planning History

1. Planning Application (Application Reference: F16830) for the 'Formation of a new entrance to wholesale premises from Lever Street'.

Decision issued: 28 April 1982.

Application was refused by Manchester City Council, however the application description identifies that the premises was occupied as a wholesale premises.

The applicant was a Mr Shad, Address: 'Top Gear' 14 Lever Street, Manchester.

We understand that 'Top Gear' was a clothing wholesaler and distributor.

2. Planning Application (Application Reference: 39256) for the 'Change of use to two self-contained flats'.

Decision issued: 28 November 1991.

Location: 12/14, Lever Street, City, Central

Planning Permission was granted for the Change of Use.

The fact that an application was submitted for the change of use of the premises indicates that the premises would have been in Commercial Use at the time of this application. We note from Google imagery and other historical records that the Ground floor of the premises was occupied in commercial use as shop. We are given to understand that this application would have related to the upper first and second floors of the building. The remainder of the building including the ground floor and basement floor would have remained in commercial use.

Basement 8-10 Lever Street

Planning Application (Application Reference: F15099) for the 'change of use from warehouse to a restaurant.'

Decision Issued: 26 January 1981

Location: Basement 8-10 Lever Street, City

Planning permission was granted for the Change of Use.

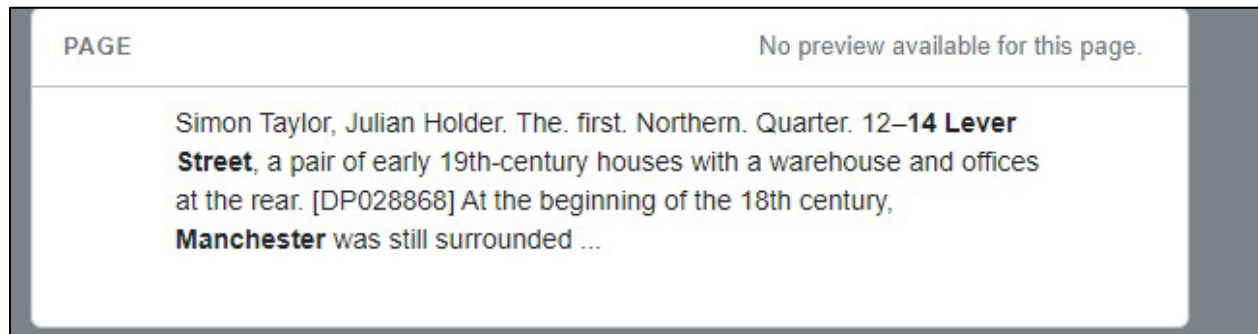
It is clear from this application on the Council's Website that the basement at the neighbouring premises of 8-10 Lever Street was occupied as a fashion wholesale warehouse, before its subsequent change of use to a restaurant. It would thus appear that the established use of the basements along Lever Street was as Wholesale Warehouses.

Historical Evidence

Manchester's Northern Quarter

The application site is referenced in the book titled 'Manchester's Northern Quarter (2015),' by Simon Taylor and Julian Holder, published by Historic England. This book raises awareness of the wide range and the varied character of the historic buildings which make up the Northern Quarter's townscape and the forces and trends which contributed to its appearance.

The book describes 12-14 Lever Street as, 'a pair of early 19th-century houses with a warehouse and offices at the rear.'



Excerpt from Manchester's Northern Quarter (2015)

It is clear from this reference that the premises was originally occupied as residential dwelling houses with commercial premises attached to the dwellings. The property will have been converted to commercial use at some point in the 20th Century and this remains its current use.

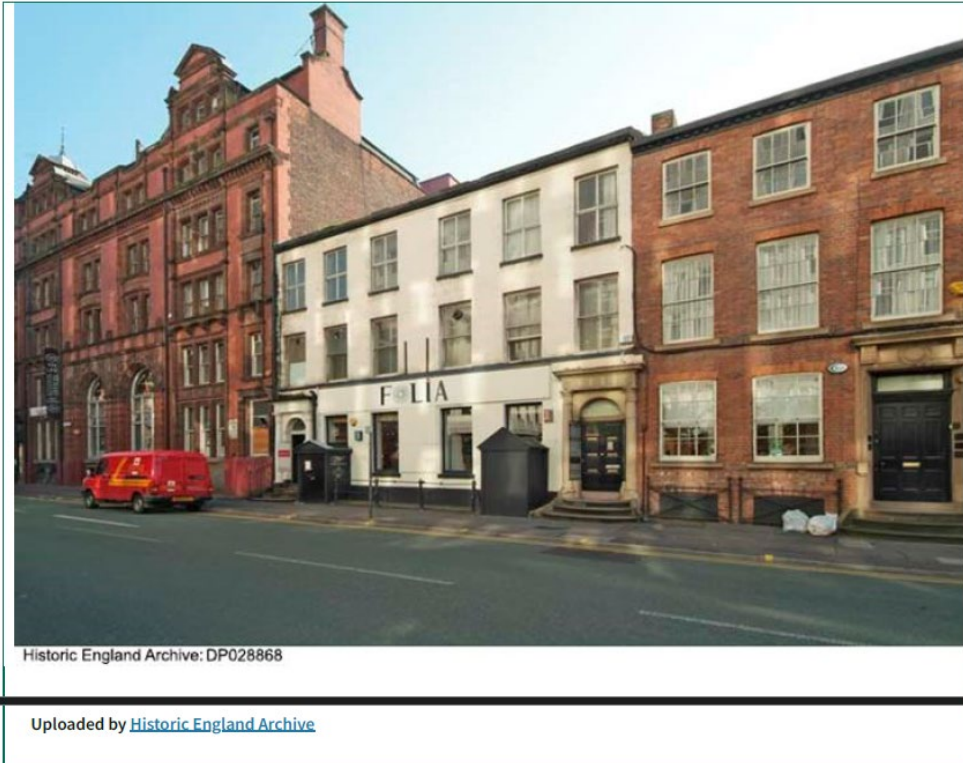
Historic England Records– 2001, Folia

Historic England has a List Entry for 12 - 14 Lever Street Manchester (see listing attached for your reference).

The listing description noted that the premises, originally a pair of town houses, (at the time the listing was made in 2001) was occupied as a shop. The Listing Entry picture shows that the ground floor of the building was occupied by FOLIA. The Manchester Directory identifies Folia as a clothing wholesaler offering a large variety of clothes. Based in Lever Street, Manchester, Folia is a business. We understand that the basement will have been occupied as ancillary storage space for the shop at ground floor level. The use of the premises as a clothing wholesaler reflects the historical planning applications recorded at the site in which the premises was described as a Wholesale Warehouse.

The listing entry is dated 28-May-2001.

<https://historicengland.org.uk/images-books/photos/item/IOE01/03701/15>



Images of England. Archive Image, does not represent current condition of site. Date: 2001-05-28.

Manchester Commercial List

The commercial use of the application site is further referenced in Historic Manchester Commercial Lists. The site is referenced several times as being a clothing wholesalers throughout the 19th Century.

The site is also referenced as being host to the World Distributors (Manchester) Ltd later known as World International Ltd. World Distributors was an English Publishers. The company was known for repackaging American comics and producing comic book annuals based on licensed properties. For a period, the company was the lone distributor of American comics in the UK. Pemberton was owned and operated by the brothers Alfred, John, and Sydney Pemberton, originally based in Manchester.

Please see Appendix 1 for excerpts from the Historic Manchester Commercial Lists.

Google Street View Imagery

Please see Appendix 2 for an excerpt of Google Street View imagery of the site. It is clear from Google Imagery that the site was occupied as Folia from as far back as May 2001. Signage for FOLIA is still present at the front of the building up until March 2017.

The building subsequently underwent a period of refurbishment in 2018.

Following its refurbishment, the upper floors of the building have until recently been occupied as Class E offices for Safety Culture, a cyber security company. Google Imagery shows that the premises were occupied by Safety Culture from July 2019.

VOA Business Rates Listings

It is further noted that the basement is listed on the VOA Business Rates Listings as a 'showroom and premises.' See full VOA listing attached for your reference. This listing further corroborates that commercial use of the basement from 2017.

Basement 12, Lever Street, Manchester, M11LN
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Showroom and premises

Excerpt from VOA Business Rates Listing of the Application Site

It is evident from the information provided that the property has been occupied in Class E commercial use as a Wholesale Premises for more than ten years. Given the historical occupation of the premises in Class E use, the proposed 'Change of Use' to a Gym, also Class E, should be considered lawful development.

The legislation determines that, in order to establish the lawfulness of an existing use, the applicant needs to prove the use on the balance of probability. We believe that the evidence provided, demonstrates that the existing lawful use of the site is as a commercial premises which would fall under Class E - Commercial, Business and Service (c)(iii) 'any other services which it is appropriate to provide in a commercial, business or service locality'.

On this basis we submit that the proposed 'Change of Use' to a Gym, also Class E(d), should be considered lawful development.

If you require any further information, please do not hesitate to contact us at info@eatownplanning.co.uk or 0330 221 0449.

Yours sincerely,



Josh Myers
Town Planning Assistant
EA Town Planning LTD

Appendix 1: Excerpts from Manchester Commercial List, referencing 12-14 Lever Street, Manchester

NOTICE is hereby given, that the Partnership heretofore subsisting between us the undersigned Charles Edwin Ashwell and Robert Poppleton carrying on business as Commission Agents at 14 Lever-street Manchester under the style or firm of Ashwell and Poppleton has been dissolved by mutual consent as and from the 31st day of December 1895. All debts due to and owing by the said late firm will be received and paid by the said Charles Edwin Ashwell.—Dated 13th day of January 1896,
CHARLES EDWIN ASHWELL.
ROBERT POPPLETON.

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13th	20th April 1867	
Co.	Clancey William. —12 Lever-street, fancy dress commissions agent. Composition of 2s 6d in the £. 22nd November 1867.	
2s in	Clarke Richard. —Newton-heath, manufacturer. Composition of 7s 6d in the £. 5th November 1867.	

Hyams Syckerman, butcher, 66 Middlesex street, Aldgate E	E
Hyams Thos. 'Crown & Leek' P.H. Deal st. Mile end New town E	E
Hyatt Arthur & William, successors to George Hyatt, sen. (established 1840), wholesale trimming manufacturers, smoking cap tassels, ottoman, blind & pillow tassels, 6 Hoxton square N; & 12 Lever street, Manchester	E
Hyatt Charles, builder, 18 Goldsmiths' row & 335 Hackney road E	E

Appendix 2: Google Street View Imagery



July 2008 - Signage for Folia is prominent and apparent on the front of the building above the 'shop' windows.



June 2014 - Signage for Folia is apparent on the left side of the left entrance way into the building.



March 2017 – Signage for Folia is apparent on the left side of the left entrance way into the building.



July 2019 - Following Extensive Refurbishment Works



November 2020 – Signage for Safety Culture is apparent on the fanlights above the entrance doors on either side of the building.



April 2021 - Signage for Safety Culture is apparent on the fanlights above the entrance doors on either side of the building.