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31st May 2022

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

Dear Sir/Madam

Certificate of Lawfulness for proposed cladding remediation works at The Boatmans, City Road East, Manchester, M15 4QF

This Covering Letter has been prepared by Ridge and Partners LLP on behalf of Boatmans Management Company (C/O Rendall and Rittner Limited) to support an application for a Certificate of Lawfulness for proposed works at The Boatmans Apartments in accordance with Section 192 (1) of the Town and Country Planning Act 1990 (as amended).

The purpose of this application for a Certificate of Lawfulness is to confirm that the proposed replacement cladding remediation works would not result in a material change to the appearance of the building and therefore planning consent is not required, as the works are lawful.

The Site

The site is located to the south-west of Manchester City Centre and to the north of the A57(M) road. It is situated on the corner of City Road East and River Place. The site is surrounded by residential uses to the east and commercial uses to the west.

The proposed cladding remediation works would not change the use and would improve the building principally from a safety perspective. The works would also bring forth improvements regarding sustainability and design.

Planning History

Application reference. 059543/FO/CITY3/00 for 'Residential development comprising 29no. flats with associated car parking' was granted 4th January 2001. The conditions were subsequently discharged.

Subsequent application reference. 063349/FO/CITY3/01 for the 'construction of an additional 30th apartment to development of 29 apartments approved under Application No. 059543/FO/CITY3/00' was granted 13th December 2001 but not implemented.

There is no other relevant planning history for the site.

The Proposal

The applicant wishes to obtain a Certificate of Lawfulness for the proposed cladding remediation works at Boatmans Yard. The majority of those works essentially consist of replacing the existing timber cladding with cedar weatherboard lap, in a dark oak colour. Alongside replacing the existing balcony decking with a Gripsure shera product in a brown wenge colour in order to comply with the current Department of Levelling Up, Housing and Communities Guidance.

Further details of the proposed materials are shown in the accompanying Photo schedule and elevations, which show the areas where the works will be implemented. Please note no remediation works are proposed on the eastern elevation and the elevation will remain entirely in situ.

All elements of the north, south and west boundaries will remain in situ, with the addition of the proposed cladding remediation works as shown on the accompanying elevations.

It should be noted that there is a clear importance to remediate the building as soon as possible both from a resident's safety perspective and the timescales required from the Building Safety Fund (BSF). Further details of the proposal can be found within the accompanying photo schedule.

Planning Considerations

Section 55 and Section 192 of the Town and Country Planning Act 1990

Section 55 of the Town and Country planning Act 1990 sets out the meaning of 'development' and 'new development'. Section 55(1) sets out the following:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

F1 [(1A) For the purposes of this Act " building operations " includes—

- (a)demolition of buildings;*
- (b)rebuilding;*
- (c)structural alterations of or additions to buildings; and*
- (d)other operations normally undertaken by a person carrying on business as a builder.*

Section 192 (1) (b) of the Town and Country Planning Act 1990 (as amended) sets out that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, he or she may make an application for that purpose to the local planning authority specifying the land and describing the use or operations in question.

Section 192 (2) adds that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

The most pertinent factor of this application for a Certificate of Lawfulness, is that the proposed changes will not result in a material change of use. Therefore, planning permission is not required as the cladding will be replaced like for like as detailed within the accompanying photo schedule. This in turn will increase safety though complying with the current MHCLG Guidance alongside maintaining the well-kept aesthetic of the building.

To strengthen the argument for the acceptability of this application for a Certificate of Lawfulness, I would like to draw on application ref. 132929/LP/2022 for proposed replacement cladding remediation works, and balcony replacement works at Great Northern Tower, Watson Street, Manchester, M3 4EE, which was approved 14th February 2022. Please find attached the Decision Notice which states the following:

'The Manchester City Council hereby certify that on 14 February 2022 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and more particularly identified on the plan attached to this certificate, was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

Approve on the basis that the proposed works, as detailed in the submitted documents and proposed elevations:

A1621 4330 P1

A1621 4332 P1

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would not materially affect the external appearance of the building and therefore would not constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended). The proposed works are therefore lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended).'

The approved application ref. 132929/LP/2022 is located very close to the application site and the nature of the works in relation to the proposed cladding remediation are almost identical.

Conclusion

This letter sets out that a Certificate of Lawfulness is sought for the proposed recladding remediation works at The Boatmans, City Road East, Manchester, M15 4QF, whereby the existing cladding will be replaced using similar materials in order to comply with safety standards. As the work will be funded by the Building Safety Fund provided by the Ministry of Housing, Communities and Local Government (MHCLG). There is a need obtain the Certificate of Lawfulness as soon as possible to comply with the timescales. The works to be undertaken will not result in a material change and therefore planning permission is not required. It is therefore considered that this Certificate of Lawfulness application offers adequate support for the proposed works and should be approved.

I trust that the enclosed information is adequate for prompt validation of this application. However, please do not hesitate to contact me if you require any further information.

Yours faithfully,



Emma Rawson (MSc, Hons)
Assistant Planner
For Ridge and Partners LLP

Enc:

Site Location Plan

Life Safety Fire Risk Assessment Certificate of Conformity – The Boatmans

FireCon-Version2

Elevations

Photo Schedule

Boatmans External Wall Review

EWS1_External_Wall_Fire_Review_Boatmans, 42 City Road East, Manchester M15 4QF

Facade Survey Assessment Report and EWS1 Determination_The_Boatmans_FINAL