Planning

Growth & Development

Delegated officer report for planning application

Application no.	144786/LP/2025
Date registered valid:	5 January 2026
Proposal:	Use of part of the ground floor and basement mezzanine as a juice bar/cafe (Use Class E).
Address:	Sunlight House, Quay Street, Manchester, M3 3JZ
Ward(s):	Deansgate Ward
Applicant:	JOE & THE JUICE
Agent (if any):	Mr Max Shadforth Hybrid Planning & Development Limited
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Grant

Date of recommendation: 10 February 2026

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: Not Required

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to part of the ground floor and basement mezzanine of Sunlight House.

Sunlight House is located on the corner of Quay Street and Little Quay Street in the city centre of Manchester. The part of the building which relates to this certificate fronts Quay Street and incorporates part of the ground floor, basement and sub-basement.

Listed building: Grade II

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: Not Applicable

Description of development

The applicant is seeking a Lawful Development Certificate to confirm the use of part of the ground floor and basement mezzanine as a juice bar/cafe (Use Class E).

Consultations & Notification Responses

No Consultation Required - There is no statutory requirement to consult third parties, including neighbours. Any views expressed by third parties regarding the planning merits of the case or concerning the applicant's private rights to carry out the proposed operation, use, or activity, are irrelevant when determining the application.

Relevant Planning History – There have been a large number of planning applications at this address, those of relevance to the use of the site are as follows:

144012/LO/2025 – Listed Building Consent was **granted** on the **12 November 2025** to allow for the creation of a slab opening and staircase connecting ground floor and basement mezzanine level.

136161/LO/2023 – Listed Building Consent was **granted** on **24 July 2023** to allow for the refurbishment of the office areas including ground floor reception area together with elevational alterations.

135529/LE/2022 – An Existing Lawful Development Certificate was **granted** on the **11 January 2023** for the use of part of the ground floor, basement and sub-basement of Sunlight House as Class E (a-g).

Legislative Issues

Sections 191 and 192 of the Town and Country Planning Act 1990 provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

> (1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or
>
> (2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land.

The onus of proof in regard to (1) is firmly on the applicant and the issue of a certificate will depend on the on factual evidence provided about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The relevant test of the evidence in this matter is “the balance of probability” and the applicants own evidence does not need to be corroborated by independent evidence. If the LPA have no evidence to contradict the applicants version of events or make them less then probable, there is no good reason to refuse the issue of a certificate.

In regard to (2), this provides that, if the LPA are supplied 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.

In short, the purpose section 192 is to enable any person who wishes to find out whether any proposed use or operations would be lawful to apply to the LPA for that purpose

The application needs to describe the proposal with sufficient clarity and precision to enable the LPA to understand (from a written description and plans) exactly what is involved in the proposal; and to submit whatever supporting information or legal submission that are to be relied upon in order to satisfy the LPA that a certificate should be granted for the proposal.

In making their decision on an application under section 192, the LPA ask themselves the hypothetical question - *"If this proposed change of use had already occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"* In doing so, the LPA will not only consider whether the proposal would involve "development" requiring an application for planning permission, but whether it would involve a breach of any existing condition or limitation imposed on a grant of planning permission which has been acted upon, and which therefore constrains what can be done on the land. The LPA will

not make a proposal fit a scenario; the only question is whether the proposal made by the applicant is lawful at the time of submission.

The Application

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use of buildings or other land (s192(1)(a) or operations proposed to be carried out in, on, over or under land, (s192(1)(b) would be lawful for planning purposes.

The applicant states that the existing use falls under: "*E(a) - Display/Sale of goods other than hot food" and that the proposed use is "E(a) - Display/Sale of goods other than hot food".*

Section 192(2), makes it clear that for an application submitted under section 192, *"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 Proposal

The applicant seeks to confirm that the use of part of the ground floor and basement mezzanine falls within use class E(a) as a juice bar/café.

The Government published the Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020 in July 2020 which came into force on the 1st of September 2020. The changes included revisions of the classification of uses of property. Former Classes A, B1 and D, applicable to retail, office and non-residential institutions and assembly and leisure uses were removed and a new use class introduced in their place.

The new Class E includes commercial, business and service and brings together the former A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (business) as well as parts of classes D1 (non-residential institutions) and D2 (assembly and leisure) into one single use class to allow for changes of use without the need of planning permission.

The Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) defines the classes of use for the purposes of section 55(2)(f) of the 1990 Act. Class E(a) in Schedule 2 Part A is defined as:

> **"(*a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public."***

Section 55(1) of the Town and Country Planning Act 1990 defines the term 'development' which includes the change of use of a building. Section 55(2)(f) explains that in the case of buildings used for a purpose of any class specified in an order made by the Secretary of State, the use of that building for any purpose within the same class shall not be taken, for the purpose of the Act, as amounting to 'development'.

In a case of this type, the onus is on the appellant to substantiate his or her case, on the balance of probability.

The applicant states that the planning history of the site demonstrates that the building has been used for commercial uses, including the reception/café area, ancillary to the upper for offices and there is no evidence to suggest the building has been used for any other purposes, other than offices/cafes and ancillary uses.

Reference is also made to Valuation Office Agency Business Rates records which are said to show that the ground floor rates as a Shop and Premises.

The last evidence stated is Google street view images and google searches.

The proposal is split over two floors, the ground floor and basement mezzanine, in respect of the basement mezzanine this part of the proposal falls within Class E (a-g) as confirmed by an existing lawful development certificate reference 135529/LE/2022 which granted the use of part of the ground floor, basement and sub-basement of Sunlight House as Class E (a-g).

In terms of the ground floor, the applicant references, the officers report for application reference 144012/LO/2025 which granted listed building consent to allow for the creation of a slab opening and staircase connecting ground floor and basement mezzanine level:

"*The ground floor area is known as the café unit as it was an aspiration to have this type of use on the corner unit following the approval of application 136161/LO/2023."*

The 2023 application granted listed building consent to allow for the refurbishment of the office areas including ground floor reception area together with elevational alterations. Part of the proposal did include the redesign of the ground floor reception area, which included the introduction of a double-winged staircase and a new café within this space. However, it is unclear if the café this was ever implemented.

Whilst neither the Valuation Office Agency Business Rates records or Google Streetview/searches have been provided to indicate the commencement of use, the planning history of the site does on the balance of probability demonstrate that the building use would fall within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Therefore, the current/previous use of the of the property would now meet the definition of Class E(a), E(c) and E(g) and that the proposed use would meet the definition of Class E(a), based on the information provided. This would not constitute a change of use and therefore would be excluded from the definition of development, and no planning permission would be required, the Certificate should be granted.

Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states:

"(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order."

As the use described above does not constitute development by the Use Classes Order and that the change of use is not reliant on the GPDO to change, article 3(4) does not apply here. Therefore, no conditions apply from previous planning applications are a change of used allowed by the GPDO.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a

legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Grant

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

The applicant has demonstrated that the proposed use of part of the ground floor and basement mezzanine, as shown on drawing numbers 7063-C01 and 7063-C02, both dated 27 November 2025, as a juice bar/cafe, falls within Class E - Commercial, Business and Service and more particularly Class E(a). The proposed use is therefore within the same use class as the existing Class E use; therefore, such a change is excluded from the definition of development and would be lawful.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Deansgate Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL