Planning

Growth & Development

Delegated officer report for planning application

Application no.	143952/LP/2025
Date registered valid:	11 September 2025
Proposal:	Replacement of non-compliant façade materials together with installation of cavity barriers.
Address:	Caminada House, 3 St Lawrence Street, Manchester, M15 4DY
Ward(s):	Hulme Ward
Applicant:	Mr Simon Flemmings St. Lawrence's Management Company (No. 2) Limited
Agent (if any):	Four Architects
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Grant

Date of recommendation: 29 October 2025

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

Application site relates to a part four/part five storey block of flats that form a C shaped building around a courtyard parking area.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

A certificate of lawfulness of proposed use or development to replace non-compliant façade materials together with installation of cavity barriers.

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.

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 applicant’s 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.

Relevant Planning History

There have been one previous planning applications at this site, a summary is detailed below.

068956/OO/2003/S1 – Outline planning permission was granted on the 2 December 2003 for the erection of two blocks of flats and one block of town houses comprising 247 residential units and 2,340 m2 commercial floorspace and the construction of new access roads. Phase 1, Detailed Application for the erection of one mixed use block comprising commercial use on ground floor with flats over and a part 4/part 5 storey block of flats (115) with associated car parking; erection of a new church hall and associated new access roads.

Assessment of proposed works

The proposal seeks a certificate of lawfulness of proposed use or development (CLOPUD) to confirm that the replacement of non-compliant façade materials on the building together with installation of cavity barriers does not constitute development requiring planning permission.

The application form explains that, following a fire risk assessment of the external walls, it was discovered that the masonry brickwork (identified as Wall Type 01 on the submitted drawings), rainscreen cladding (Wall Type 02), and concrete blockwork (Wall Type 04) were non-compliant. These elements contained combustible materials, posed a safety risk, and lacked cavity barriers.

Clarification was sought regarding the new openings below the balconies. A further drawing was provided to illustrate the proposed works; however, although described as “new openings,” the works are simply intended to replace the existing windows and doors on the balconies.

The proposal seeks to remedy the situation by removing the existing non-compliant materials and replacing them with compliant materials that match the originals in colour, type, finish, and arrangement.

Section 55(1) of the Act states:

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.

Section 55(1A) states:

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 55(2)(a) states:

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

a. the carrying out for the maintenance, improvement or other alteration of any building of works which—

   i. affect only the interior of the building, or

   ii. do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

In this case, whilst the proposed works would be considered to be operations normally undertaken by a person carrying on business as a builder, it is considered that the works will not materially affect the external appearance of the building. The external appearance of the replacement materials will not be materially different in appearance to the existing.

The certificate should be granted.

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 proposed works would not amount to operational development as set out in Section 55 of the Town and Country Planning Act 1990 (as amended) and would therefore not require planning permission.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

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
Flood Zones Type 2 (low to medium risk) -
Flood Zone Plus Climate Change -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: SOUTH AREA