ROK Planning Ltd
51-52 St. John's Square
London
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REF: R01233/MR/NB
SUBMITTED VIA PLANNING PORTAL

Planning Department,
Manchester City Council,
Manchester,
M60 2LA

1st May 2026

Dear Sir / Madam,

CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT (CLOPUD) APPLICATION TO CONFIRM THAT THE PROPOSED FAÇADE WORKS OF THE BUILDING IS CONSIDERED LAWFUL DEVELOPMENT
RIVER STREET TOWER, 2 RIVER STREET, MANCHESTER, M15 5GQ

I write on behalf of the Applicant, Riverstreet Limited Partnership (UK), to submit an application for a Certificate of Lawfulness for the Proposed Development (CLOPUD) for the façade works at River Street Tower, 2 River Street, Manchester, M15 5GQ.

Background to Certificate Application

Full planning permission was granted under LPA ref. 118683/FO/2017 on 12th March 2018 for:

"Demolition of the existing structure and construction of a part 32, part 10 and part 5 storey building comprising 807 student bed spaces (sui generis), amenity space, landscaping, cycle provision and associated highways works."

In terms of the proposed works which form part of the CLOPUD application, these are annotated on the proposed elevation drawings prepared by GUA Limited. The works comprise the removal and replacement of the existing glass cladding system on the external walls. This comprises, the 5mm Proteus glass rainscreen cladding system to be replaced with 3mm Proteus aluminium cladding system with an 85% gloss finish, significantly improving fire safety and thermal performance. All new materials will match the existing colour scheme to maintain the building's original appearance and architectural character. Additionally, all panel sizes will match the existing glass cladding installation.

An Acoustic Assessment has been submitted as part of this application which includes calculations of the sound insulation provided by the current glass rainscreen cladding and proposed aluminium cladding systems. The report concludes that there would be negligible change in the acoustic performance from

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one system to the other and therefore would suggest that there would be negligible change in the acoustic impact upon the existing residential units within the building.

A Fire Statement has also been completed by a suitably qualified engineer and submitted in support of this application.

It is not proposed to replace the existing Cor-ten Rainscreen Cladding (steel) or brickwork elements of the external wall façade.

It is considered that these works do not materially affect the overall external visual appearance of the building and therefore planning permission is not required. On the basis that a planning application is not required, a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) to secure the Council's formal "judgement" is being submitted.

Relevant Legislation Section 55 of the Town and Country Planning Act 1990 seeks out the meaning of "development" and "new development". Paragraph 1 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."

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.

Paragraph 2 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;*
    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;*
b) The carrying out on land within the boundaries of a road by a... highway authority of any works required for the maintenance or improvement of the road [but, in the case of any such works which

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are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];

c) *The carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;*
d) *The use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;*
e) *The use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;*
f) *In the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class; and*
g) *The demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority".*

Analysis of Proposed Works Against Relevant Legislation and Case Law

As mentioned above the following case law is relevant to application Burroughs Day v Bristol City Council [1996] 1PLR 78; [1996] 1EGLR 167; [1996] 19EG 126: [1996]. This case law clearly sets out the meaning of works which 'do not materially affect the external appearance of the building' (55(2)(a)(ii) of the 1990 Act). Therefore, the following must be taken into consideration:

1. The external appearance must be 'materially' affected, and this depends in part on the degree of visibility. The external appearance will not be materially affected;
2. Materiality must in every case take into account the nature of the particular building which it is proposed to alter, such as to whether it is listed. The building in which this application relates to is not a listed building, nor located within a conservation area.
3. The effect on the external appearance must be judged for its materiality in relation to the building as a whole, and not by reference to a part of the building taken in isolation. The appearance of the whole building will not be affected; and
4. Evidence of facts will almost always be relevant when applying section 55(2)(a). The evidence should include the proposed alterations to the building with plans, photographs and written, and if necessary, oral evidence and evidence as to the extent to which the altered external appearance of the building would/would not be visible. Plans and written evidence have been provided alongside this application.

The proposed works at the buildings at River Street Tower are justified under Section 55(2)(a)(ii) of the Town and Country Planning Act 1990, as they constitute maintenance and fire safety improvement works that do not materially affect the external appearance of the building. All materials have been designed to match the existing colour scheme to maintain the building's original appearance and architectural

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character. In line with Burroughs Day v Bristol City Council [1996], the degree of visibility and the materiality of change must be assessed in the context of the building as a whole. The minor nature of the works, combined with the fact that the building is neither listed, nor located within a conservation area further supports the position that the development does not constitute "development" under the Act. As such, planning permission is not required for these works.

Contents of Application Submission

The following supporting documents have been submitted via planning portal in support of this application:

- The completed application form;
- This covering letter produced by ROK Planning;
- The relevant planning application fee;
- Design and Access Statement prepared by GUA Limited;
- Fire Statement prepared by BB Seven;
- Material Schedule (April 2026);
- Acoustic Assessment prepared by PDA Acoustic Consultants;
- Site Location Plan prepared by GUA Limited (Drawing No. 668-GUA-RS-ZZ-A-10.001-A);
- Existing and Proposed Architectural drawings prepared by GUA Limited:
    - Site Plan Existing and Proposed (drawing no.668-GUA-RS-01-A-10.002-A)
    - Existing Elevation – South-East (drawing no. 668-GUA-RS-ZZ-A-10.003-C)
    - Existing Elevation – North-East (drawing no. 668-GUA-RS-ZZ-A-10.004-C)
    - Existing Elevation – South-West (drawing no. 668-GUA-RS-ZZ-A-10.005-C)
    - Existing Elevation – North-West (drawing no. 668-GUA-RS-ZZ-A-10.006-B)
    - Existing Section – SW Elevation (drawing no. 668-GUA-RS-ZZ-A-10.007-C)
    - Existing Section – NE Elevation (drawing no. 668-GUA-RS-ZZ-A-10.008-C)
    - Proposed Elevation – South-East (drawing no. 668-GUA-RS-ZZ-A-10.009-C)
    - Proposed Elevation – North-East (drawing no. 668-GUA-RS-ZZ-A-10.010-C)
    - Proposed Elevation – South-West (drawing no. 668-GUA-RS-ZZ-A-10.011-C)
    - Proposed Elevation – North-West (drawing no. 668-GUA-RS-ZZ-A-10.012-B)
    - Proposed Section – NE Elevation (drawing no. 668-GUA-RS-ZZ-A-10.013-C)
    - Proposed Section – SW Elevation (drawing no. 668-GUA-RS-ZZ-A-10.014-C)

I trust that you have all the information you require to validate this application. If, in the interim, you have any queries please do not hesitate to contact either Naomi Baker (naomi.baker@rokplanning.co.uk) or myself at this office. I look forward to your formal acknowledgement of the application.

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Yours faithfully,



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ROK Planning

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