MANCHESTER CITY COUNCIL

Planning

Delegated Officer Report

Summary of application details

Application reference:	PLA-2026-000073
Application type:	Lawful development: Proposed use
Proposal:	Replacement cladding to external walls
Site address:	1 Boston Street Manchester M15 5AY
Ward(s):	Hulme
Date application valid:	27 April 2026
Applicant name:	Mr Joel Walker
Agent (if any):	Mr Joseph O'Brien
Case officer:	Robert Tyrer
Recommendation:	Grant
Date of recommendation:	18/06/2026

Description of site, building and/or area

Application site relates to a four storey circular residential building, located within Hulme District Centre.

Description of development

The applicant is seeking a certificate of lawfulness for the proposed replacement cladding to external walls.

Consultations

None Required - There is no statutory requirement to consult third parties including neighbours; views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

Assessment

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use or operations would be lawful for planning purposes.

In support of the application has been submitted drawings that detail the extent of the existing cladding that is to be replaced. The drawings detail the proposed new cladding

and demonstrate that it is to be the same/similar to the existing in terms of colour and appearance.

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 cladding will not be materially different in appearance to the existing.

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.

Conclusion

The certificate should be granted based on the outcome of this assessment.

Recommendation: **Grant**

Reasons for approval

1 The proposed works would not materially affect the external appearance and as such, they do not involve development of the land as set out in Section 55(2) of the Town and Country Planning Act 1990 (as amended), and would therefore not require planning permission.