MANCHESTER CITY COUNCIL

Planning

Delegated Officer Report

Summary of application details

Application reference:	PLA-2026-000170
Application type:	Lawful development: Proposed use
Proposal:	Removal and replacement of the existing glass cladding system on the external walls.
Site address:	River Street Tower 2 River Street Manchester M15 5GQ
Ward(s):	Deansgate
Date application valid:	01 May 2026
Applicant name:	Riverstreet Limited Partnership
Agent (if any):	Naomi Baker
Case officer:	Robert Tyrer
Recommendation:	Refuse
Date of recommendation:	07/07/2026

Description of site, building and/or area

The application site comprises of a 5-storey building front River Street, a 10-storey building fronting Garwood Street, a 32-storey tower and a single storey infill courtyard building.

Description of development

The applicant is seeking a certificate of lawfulness for the removal and replacement of the existing glass cladding system on the external walls.

Relevant planning history

118683/FO/2017
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
Decision: Approve, Date: 12/03/2018

119604/NMC/2018
Non-Material Amendment to approved planning application 118683/FO/2017 to allow the replacement of 2 x 4 bed apartments on each floor with a 6 bed cluster and the replacement of a plant
Decision: Approve, Date: 08/05/2018

room on level 15 with a 2 bed apartment, resulting in an overall provision of 791 student bed spaces.

122211/NMC/2018
Non Material Amendment to planning permission 118683/FO/2017 to allow the removal of the Level 04 plant room and addition of 1 no. Studio Bedroom in its place, resulting in an overall provision of 792 student bed spaces.
Decision: Approve, Date: 06/02/2019

Consultation, notification and publicity

None 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 whether the applicant has 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 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.

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, covering letter, design and access statement, a photograph and a fire statement. The proposal seeks to remove and replace the existing glass cladding system on the external walls with an aluminium cladding system.

The documents provided detail that the existing glass cladding system is a 5mm Proteus Glass Rainscreen and that they seek to replace with a 3mm Proteus Aluminium Cladding System which will have an 85% Gloss Finish, covering approximately 3,100m^2 of the façade. The cladding would have the same RAL number 5004 Dark Blue as the existing.

The existing Cor-ten Rainscreen Cladding (steel) and the brickwork elements of external façade are not part of the proposed works and will therefore remain in situ.

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, the proposed works would be considered to be operations normally undertaken by a person carrying on business as a builder, and whilst the cladding would have the same RAL number as the existing cladding, the proposed Gloss Aluminium Cladding would differ in appearance to the glass, in so far as the aluminium would be more opaque and metallic in appearance compared to the glass which has a more transparent and luminous appearance.

Therefore, the applicant has failed to demonstrate on the balance of probabilities that the proposed works do not materially affect the external appearance of the building and would in the opinion of the local planning authority, result in a substantial change to the appearance of the building and therefore amount to development within the meaning of Section 55 of the 1990 Act; planning permission would therefore be required.

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 refused based on the outcome of this assessment.

Recommendation: Refuse

Reasons for approval

1 The resulting, substantial change to the appearance of the external cladding would be sufficient in itself to materially affect the external appearance of the building. The proposed alterations would therefore constitute development within the meaning of Section 55 of the 1990 Act; planning permission would therefore be required.