

APPLICATION NUMBER: 22/01343/CPL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01343/CPL	Aimee Bovaird	3 January 2023

Address: 36 Tweedale Street Rochdale OL11 1HH

Proposal: Certificate of lawfulness for a proposed change of use from shop to cafe at ground floor

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N/A	Contrary to national policy?	N/A
	Applicant a Council Member or officer?	N/A	Contrary to previous decision?	N/A
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N/A

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	
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CHECKED AND SIGNED OFF BY: LA

DATE: 06/01/23

SITE

This site relates to a ground floor shop at no. 36 Tweeddale Street. The site has been most recently used as a shop. This is not a listed building or in a conservation area

PROPOSAL

This application seeks to establish whether the application can be lawfully used as a café.

RELEVANT PLANNING POLICY

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ("the UCO Amendment Regulations").

RELEVANT SITE HISTORY

- 04/D43648 – First Floor Rear Extension to shop/living accommodation, granted

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

In accordance with the Council's Code of Publicity, this application has not been publicised.

ANALYSIS

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ("the UCO Amendment Regulations"), amending the Town and Country Planning (Use Classes) Order 1987 ("the UCO"), came into force on 1 September 2020. This introduced a new Commercial, Business and Service Use Class E which, as the Explanatory Memorandum to the UCO Amendment Regulations notes, is intended to better reflect the diversity of uses found on high streets and in town centres, to provide flexibility for businesses to adapt and diversify to meet changing demands, and to support the viability of these areas now and in the future.

The effect of the UCO Amendment Regulations is that a shop / retail use now falls within Class E, and a change to another Class E use would not be an act of development requiring planning permission. The uses contained within Class E are as follows:

Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

- (a) Display or retail sale of goods, other than hot food*
- (b) food and drink which is mostly consumed on the premises*
- (c) for the provision of the following kinds of services principally to visiting members of the public:*
 - (i) financial services*
- (d) indoor sport and recreation*
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*

The existing use falls under part (a) and the proposed use would fall under part (b).

Therefore a change of use to a café would not comprise an act of development that would require planning permission.

RECOMMENDATION

GRANT UNCONDITIONALLY

Reason

Both the existing use as a shop and the proposed use as a café fall within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and as such no material change of use would arise.

Notes for Applicant:

In the avoidance of doubt, this certificate relates to the following:

Application Form

Location Plan

Existing Floor Plan, Elevations and Site Plan – 1955/1

Proposed Floor Plan, Elevations and Site Plan – 1955/2

Report Author Aimee Bovaird