

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00691/CPL	Rosalind Gralton	15 August 2023

Address: 29 - 31 Milkstone Road Rochdale OL11 1ED

Proposal: Application for a certificate of lawfulness for proposed change of use from shop to dessert bar and cafe

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

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

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

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	GRANT
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CHECKED AND SIGNED OFF BY: RG

DATE: 8 September 2023

SITE

The site relates to a pair of two storey mid terrace building on Milkstone Road, Rochdale. The buildings last lawful use appears to show a retail shop with roller shutters to the frontage. The buildings have recently been rendered to the frontage with new windows to the front elevation.

PROPOSAL

This application seeks to establish whether the application property can lawfully be used as a dessert bar and café.

RELEVANT PLANNING POLICY

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

RELEVANT SITE HISTORY

82/D13621 – New Shop Front – Grant subject to conditions 29/03/1982

CONSULTATION RESPONSES

N/A

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 unit formerly within an A1 use class 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 include:

Class E. Commercial, Business and Service

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

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*

As per part (a), the lawful use of the site is considered to be within a retail use within Use Class E.

The proposed use would also fall within Class E. Accordingly, a change of use to a dessert bar and food, where the sale of food and drink principally to visiting members of the public, would not comprise an act that requires planning permission.

RECOMMENDATION

GRANT UNCONDITIONALLY

REASON

Both the existing use as retail and the proposed use as a dessert bar/cafe are within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and as such no change of use would arise.

Notes for Applicant:

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

Location Plan - received 26/06/2023

Existing Plans – 2030/1 – received 26/06/2023

Proposed Plans – 2030/2 – received 26/06/2023