

APPLICATION NUMBER: 23/00040/CPL

## DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER  | DATE            |
|-----------------|---------------|-----------------|
| 23/00040/CPL    | Aimee Bovaird | 8 February 2023 |

**Address:** 104 Hereford Way Middleton M24 2NL

**Proposal:** Application for a certificate of lawfulness for proposed change of use from dog fertility clinic (Class E) to veterinary clinic (Class E)

|           |                            |     |                       |     |
|-----------|----------------------------|-----|-----------------------|-----|
| 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 |
|-----|--------------------------------------------------|-----|

|            |                                                                      |     |
|------------|----------------------------------------------------------------------|-----|
| CONDITIONS | Pre-commencement conditions proposed?                                | N/A |
|            | Pre-commencement conditions agreed (or notification period expired)? |     |

|                |         |
|----------------|---------|
| RECOMMENDATION | Approve |
|----------------|---------|

CHECKED AND SIGNED OFF BY: LA

DATE: 10.03.23

SITE

This site relates to a shop at 104 Hereford Way. This site is most recently used as a dog fertility clinic. This is not a listed building or in a conservation area.

### **PROPOSAL**

This application seeks to establish whether the property can be lawfully used as a veterinary clinic.

### **RELEVANT PLANNING POLICY**

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

### **RELEVANT SITE HISTORY**

- 00/D38034 -Change Of Use From Shop To Solarium – Grant
- 79/D09772 – Four attached single storey shops – Grant
- 83/D1498 – Four New shopfronts- Grant
- 11/A5910 - Installation Of Non-Illuminated Sign To North Facing Side Elevation Of Building (Retrospective) – Refuse
- 11/D54802-Change Of Use Of Premises From Shop (Use Class A1) To Offices (Use Class A2) (Retrospective) – Grant
- 78/D06165 - Four shops with two flats above – Grant

### **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)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,*

*(c)for the provision of the following kinds of services principally to visiting members of the public—*

*(i)financial services,*

*(ii)professional services (other than health or medical services), or*

*(iii) any other services which it is appropriate to provide in a commercial, business or service locality,*

*(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*

*(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*

*(f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*

*(g) for—*

*(i) an office to carry out any operational or administrative functions,*

*(ii) the research and development of products or processes, or*

*(iii) any industrial process,*

*being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

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

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

## **RECOMMENDATION**

### **GRANT UNCONDITIONALLY**

#### **Reason**

Both the existing use as a dog fertility clinic and the proposed use as a veterinary clinic 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

Report Author Aimee Bovaird