

**APPLICATION NUMBER: 25/00749/CPL**

## **DELEGATED DECISION CHECKLIST AND REPORT**

| <b>APPLICATION NO.</b> | <b>CASE OFFICER</b> | <b>DATE</b>                     |
|------------------------|---------------------|---------------------------------|
| 25/00749/CPL           | Claire Ringwood     | 16 <sup>th</sup> September 2025 |

**Address:** 19A Lakeland Court, Middleton, M24 5QJ

**Proposal:** Certificate of lawfulness for the proposed use of premises as a healthy food kitchen and café (Use Class E(b))

|                  |                                   |     |                              |     |
|------------------|-----------------------------------|-----|------------------------------|-----|
| <b>PUBLICITY</b> | <b>Weekly list expired?</b>       | N/A | <b>Site notice expired?</b>  | N/A |
|                  | <b>Neighbour letters expired?</b> | N/A | <b>Press Notice expired?</b> | N/A |

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

|                 |                                          |   |
|-----------------|------------------------------------------|---|
| <b>COMMENTS</b> | <b>Planning Panel comments received?</b> | N |
|                 | <b>Neighbour comments received?</b>      | N |

|            |                                                         |     |
|------------|---------------------------------------------------------|-----|
| <b>EIA</b> | <b>Screening opinion completed and saved to Onbase?</b> | N/A |
|------------|---------------------------------------------------------|-----|

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

|                       |                |
|-----------------------|----------------|
| <b>RECOMMENDATION</b> | <b>Approve</b> |
|-----------------------|----------------|

**CHECKED AND SIGNED OFF BY: RC**

**DATE: 18/09/2025**

## **SITE**

The application site is located to the south-west of Wood Street and is within a parade of shops that fronts onto a pedestrian only footpath. A further parade of shops is located on the opposite side. The buildings are single storey in nature. The application form states that the unit that relates to the lawful development certificate was previously used as a grocery shop but is now vacant.

The site is within the Defined Urban Area (Policy G/D/1) and a Local Centre and linear commercial area (G/S/1 and S/6) as identified in the Proposals Map of the saved UDP. The unit is not a listed building nor is it in a conservation area.

## **PROPOSAL**

This application seeks to establish whether the premises can be lawfully used as a healthy food kitchen and café under the Macro Mates brand. The submitted application form states this would fall under Use Class E(b) as the primary function of the business would be to prepare and serve fresh, high-protein, calorie-conscious meals for customers to consume on the premises. Takeaway and pre-order collections would also be available, but the emphasis would be on a health-focused, café style experience.

The application form states meals would be prepared on-site using commercial grade kitchen equipment. No external alterations are proposed.

All food and waste will be managed by existing commercial waste collection services and the proposed opening hours are Wednesday to Sunday 16:00 – 21:00. No activities will take place outside of these hours and no amplified music or disruptive equipment will be used.

## **RELEVANT PLANNING POLICY**

Town and Country Planning Act 1990 (as amended)

The Town and Country Planning (Use Classes) Order 1987 (as amended)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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

## **RELEVANT SITE HISTORY**

86/D18894 - Demolition Of Maisonettes Above Shops And Re-Roofing Of Shops. Approved 03/04/1986.

88/D22211 - Single Storey Rear Extension To Offices. Approved 15/09/1988.

89/D22969 - Installation Of Shop Security Roller Shutters. Approved 02/03/1989.

90/D26011 - Change Of Use From Shop To Office. Approved 11/12/1990.

97/D34719 - Change Of Use From Shop To Office. Approved 04/11/1997.

## **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 site is presently vacant, and the application form refers to a previous grocery use. Planning history refers to permission being granted for an office use. It is therefore not clear what premises has been used for however, a grocery shop and an office use would both fall within Use Class E. As such, 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 (either as a shop or an office) and the proposed use as a café fall within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and as such the proposal does not meet the definition of development as set out in Section 55 of the Town and Country Planning Act (1990) and therefore does not require planning permission.

#### **Notes for Applicant:**

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

Application Form  
Location Plan

Location Plan



Report Author Claire Ringwood