

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132630/LP/2022

Date registered valid: 5 January 2022

Proposal: Certificate of Proposed Lawful Development for use of ground floor as a Class E cafe restaurant.

Address: Ground Floor , 183 Dickenson Road, Manchester, M13 0YN

Ward(s): Rusholme Ward

Applicant: Ahmad al-Faraj Ground Floor , 183 Dickenson Road, Manchester, M13 0YN

Agent (if any): Mr V Alyas Architek 916 Stockport Road, Manchester, M19 3AB

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 April 2022

Application details

Type of application: Certificate Lawful Developmmt Proposed

Development type: Certificates of lawfulness

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

This application relates to a two storey mid-terraced property in a row of 14 retail/commercial units, in an established local shopping centre, on Dickenson Road.

It is stated that the premises have previously been used for retail purposes, as follows:

As an appliance retail shop, from 3 February 2006 to 5 February 2020, and subsequently as a bakery for retail sales only, from 5 February 2020 to 25 November 2021.

These uses would have fallen within the former A1 use class, which is now covered by Class E, as indicated in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The applicant is therefore seeking a Proposed Certificate of Lawful Development for Class E uses.

Consultations & Notification Responses

None

Issues

The applicant has submitted the following evidence:

An affidavit, signed by a director of Norwest Insurance Ltd, which confirms the following:

183 Dickenson Road has been previously used as an appliance retail shop, from 3 February 2006 to 5 February 2020, and subsequently as a bakery for retail sales only, from 5 February 2020 to 25 November 2021.

Furthermore, to the best of the Council's knowledge, this local centre has been in existence for much longer than 10 years, and street view, from August 2021, shows the premises as a bakery and mini-market.

Together with the information provided by the applicant, It is accepted that the submitted information demonstrates a continuous 10 year use, as a former Class A1 use, now covered by Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

It is therefore considered that it has been proven that the use has been in place, since February 2006, and that it has been continually used for retail purposes since that date, which now fall within the new Class E, and that the applicant's indicated uses, as a cafe/restaurant, also fall within Class E. On this basis, it is considered appropriate to grant the Certificate of proposed lawful development.

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 policies 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.

Recommendation: Approve

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) Approved on the basis that the ground floor of the existing premises is operating as a Class E retail shop use, as prescribed by the Town and Country Planning (Use Classes) Order 1987 (England) (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the proposed use, as detailed within the submitted application form, stamped as received by the City Council as Local Planning Authority on 5 January 2022, and supporting information, stamped as received by the

City Council as Local Planning Authority on 17 March 2022, would fall within the same use class. As result the proposal does not constitute a material change of use and it therefore does not constitute development under Section 55 of the Town and Country Planning Act 1990 (as amended).

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH2