

28 May 2021



Head of Planning
Planning
Manchester City Council
PO Box 532
MANCHESTER
M60 2LA

Savills
DL: +44 (0) 161 277 7274
F: +44 (0) 161 228 0544

Submitted via Planning Portal PP-09892176

Belvedere
12 Booth Street
Manchester M2 4AW
T: +44 (0) 161 277 7200
savills.com

Dear Sir or Madam

Metropolitan & City Properties Ltd
Section 192 of The Town And Country Planning Act 1990 (As Amended)
Application to certify that the proposed use of the building as a veterinary practice lawfully falls within Class E
Unit 2, 751-807, Princess Road, Didsbury, Manchester, M20 2ZE

Introduction

We write on behalf of our client, Metropolitan & City Properties Ltd, to apply for a Certificate pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended), to certify that the proposed use of Unit 2 at 751-807, Princess Road, as a veterinary practice lawfully falls within Use Class E (Commercial, Business and Service).

The application comprises this covering letter and the following documents:

1. The completed application forms and certificates
2. Statutory Instrument 2020 No 757
3. Consent Ref: 066327_FO_SOUTH2_02
4. Consent Ref: 069882_JO_2003_S2
5. Site Location Plan
6. Existing Floor Plan

The planning application fee of £231 has been paid electronically via the Planning Portal.

Application Site

The application site is located at Unit 2, 751-807, Princess Road, Didsbury, Manchester, M20 2ZE. The unit comprises a single storey standalone unit on the eastern side of Princess Road and was most recently in a retail use but is currently vacant.

The site is in a prominent location on the A5105 (Princess Road) c.1km south-west of the centre of West Didsbury. The site is accessed by vehicular traffic off the southbound carriageway of the A5105 with a one-way system in operation and a separate exist onto the same road. Pedestrian access is via the pavement on the eastern side of the highway with zebra crossing providing safe access across the parking court which is located between Units 1 and 2 at the site. Unit 1 is currently occupied by Snow and Rock and is not subject to this application.

Lawful Nature of the Existing Development

We have submitted a separate application (reference PP-09866162) under Section 191 of the TCPA, which sets out that consent was granted in 2002 for a retail unit, a use falling within now-revoked Use Class A1. We

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East..

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS. A subsidiary of Savills plc. Registered in England No. 2605138.
Registered office: 33 Margaret Street, London, W1G 0JD



therefore consider the current retail use of the building to fall within Use Class E, in accordance with Statutory Instrument 2020-757. We do not seek to repeat this assertion here so please see submission PP-09866162 for reference.

The Proposal

Section 192(a) of the Act states that an application for a Certificate of Lawfulness of Proposed Use or Development should be submitted if ‘...*any person wishes to ascertain whether...any proposed use of buildings or other land is lawful*’.

The Site is to be occupied by Harrison's Vets who are already operating a number of veterinary practices within England and are let by Tim Harrison who has previously run a number of successful veterinary chains including Vets4Pets, now operated by Pets at Home.

The intent is to create a modern and progressive practice offering a strong service to the local community caring for small animals and domestic pets. The care will be provided within four consulting rooms and it will not be normal for any animals to stay at the practice overnight as this will usually be sub-contracted to another specialist care provider.

It is anticipated that the practice will initially employ 4 members of staff, rising to around 9 once a sustainable client base within the local area has been built.

Parking is to be on site with sufficient space for both staff and clients, with good access off the Princess Road.

Lawful Nature of the Proposed Development

On 21 July 2020, Statutory Instrument 2020 No. 757 was laid before parliament by the Government. It comprises a number of changes to the Town and Country Planning (Use Classes) Order 1987 (the “**Use Classes Order**”). The changes outlined within the Statutory Instrument became effective on 1 September 2020.

The use of the building was established by consent reference 066327_FO_SOUTH2_02 as a retail unit. Condition 1 of the 2002 consent was varied in 2003 under consent reference 069882_JO_2003_S2 however this did not amend the Use Class. This operation was formerly classified within Use Class A1 of the Use Classes Order prior to 1 September 2020.

For reference, both consent reference 066327_FO_SOUTH2_02 and consent reference 069882_JO_2003_S2 are submitted with this application.

Statutory Instrument 2020 No. 757 introduces amendments to the Use Classes Order which seeks to simplify the classification of commercial uses. The effect of the new legislation is to revoke Use Classes A, B1 and D and replace those classes with a new, single classification covering ‘Commercial, business and service’ uses (Class E).

The new Class E also includes a wider provision for general service uses where they are appropriate to a commercial location. Class E(c)(iii) includes provision for:

‘Other appropriate service in a commercial, business or service locality.’

The veterinary practice proposed therefore accords directly with the provisions of Class E(c)(iii).

As the Local Planning Authority will be aware, moving from one operation to another within the same use classification is not development as defined by Section 55(2)(f) of the Town and Country Planning Act 1990 (**'the Principal Act'**). Section 55(2)(f) states:

- (2) *The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land –*
 - (f) *in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.*

It therefore follows that the existing lawful use of Unit 2 is for any operation within Class E of the Use Classes Order and that the use of all of the floorspace within Unit 2 is now correctly described as being within Class E 'Commercial, business and services'.

We are therefore seeking confirmation that the veterinary use described above falls within Use Class E as set out within Statutory Instrument 2020 No. 757. As such there is no requirement for a formal planning application to use the site as described, as it is not considered to be 'development', in accordance with the Town and Country Planning Act 1990.

Proposed Physical Works

It is proposed to undertake a series of minor physical works to create an internal layout appropriate to the use described.

The physical works are all internal and will include the removal of an internal, sub-dividing wall any directly associated elements. They will not alter the external appearance of the building. Such works do not constitute development as defined by Section 55(2)(a) of the Principal Act which states:

- (2) *The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land —*
 - (a) *the carrying out for the maintenance, improvement or other alteration of any building of works which—*
 - i. *affect only the interior of the building, or*
 - ii. *do not materially affect the external appearance of the building,*

Summary and Conclusion

This application seeks to certify that the proposed use of Unit 2 at 751-807, Princess Road, Didsbury as a veterinary practice falls within Use Class E.

The existing use of the floorspace at the Site is for 'retail' (formerly Class A1). The use classification of this operation now falls within Class E of the Use Classes Order.

Section 55(2)(f) of the Principal Act is explicit that moving between operations within the same use classification does not constitute development of land. It follows that such operations do not require planning permission.

In light of the above, we respectfully request that the Council issues a Certificate, under Section 191 of the Act, to confirm that the use of the floorspace as a veterinary practice falls within Use Class E.

If you have any queries regarding the above or require any further information in order to be able to issue the certificate, please do not hesitate to contact Jay Patel or Duncan Wenham at these offices.



Yours faithfully,

A handwritten signature in dark ink, appearing to read "Savills", written in a cursive, flowing style.

Savills (UK) Limited
Planning