

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130593/LP/2021
Date registered valid: 1 June 2021
Proposal: Certificate of Lawful Proposed Use - use of the premises as a veterinary surgery (Class E - Commercial, Business and Service)
Address: Unit 2, 749-807 Princess Road, Manchester, M20 2ZE
Ward(s): Didsbury West Ward

Applicant: Metropolitan & City Properties Ltd PO Box 16, 19-21 Crawford Street, London, W1H 1PJ
Agent (if any): Mr Jay Patel Savills UK Ltd 12 Booth Street, Manchester, M2 4AW
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 7/7/21

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

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/area

Unit 2 is a detached retail unit located at 749-807 Princess Road, access and egress being solely from that road. To the south and east there are dwellinghouses, while to the north there is a car parking/servicing area and beyond that stands Unit 1. To the west, on the opposite side of Princess Road, stands a primary school.

Listed building: no

Conservation area: no

Tree Preservation Order: no

Description of development

The applicant is applying for a Certificate of Lawful Proposed Use in order to use the premises as a veterinary surgery (Class E - Commercial, Business and Service)

Consultations & Notification Responses

n/a

Issues

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.

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.

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

As the use of the premises as a veterinary practice falls within Use Class E 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).

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

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

1) Approve on the basis that the existing premises is operating as a Class E retail shop, as prescribed by the Town and Country Planning (Use Classes) Order 1987 (England) (as amended) and the proposed use, as detailed within the submitted application form and planning statement, received by the City Council as Local Planning Authority on 1 June 2021, 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
Area Team Boundary - Name: SOUTH