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L241114 LDC Covering Letter



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SUBMITTED VIA PLANNING PORTAL: PP-13561337

Dear Sir or Madam

**SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION TO CERTIFY THAT THE PROPOSED USE OF PART OF THE PREMISES FOR AN
ANCILLARY PET CARE AND TREATMENT FACILITY IS LAWFUL
UNIT 3, MANCHESTER FORT SHOPPING PARK, CHEETHAM HILL, MANCHESTER, M8 8EP
PETS AT HOME LIMITED**

Introduction

We write on behalf of our client, Pets at Home Limited (the '**Applicant**'), 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 part of the premises for an ancillary pet care and treatment facility at Unit 3, Manchester Fort Shopping Park, Cheetham Hill, is lawful.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, the application comprises the following:

- This covering letter;
- The completed application form;
- Appeal Decision: APP/N5090/A/09/2100884;
- Drawing Ref: 6982/20 – 'Site Location Plan';
- Drawing Ref: 6982/24 – 'Proposed Layout Plan'; and
- Example Lawful Development Certificates.

The application has been submitted and the application fee (£289.00) paid electronically via the Planning Portal website (Ref: **PP-13561337**).

The Application Site

The application site comprises Unit 3, Manchester Fort Shopping Park, Cheetham Hill (the '**Site**'). The unit is currently vacant and was previously occupied by Sports Direct.

The wider Retail Park comprises a number of retail units, featuring national multiple brands such as Next, Argos, Boots and B&Q. The site is off Cheetham Hill Road, which links to the City Centre and the A6010.

The full extent of the Site is outlined in red on the 'Site Location Plan' (Ref: 6982/20).



Relevant Planning History

On 16 March 2007, planning permission was granted for the '*Erection of 5 no. retail units (Classes A1, A3 and A5 – total 748 sq. m.)*' (LPA Ref: 081686/FO/2006/N1) (the '**2007 Permission**').

The 2007 Permission was granted pursuant to a number of conditions. Condition 3 states:

(3) The Use Class A1 units hereby approved shall only be used for non-food purposes and for no other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to a class in any statutory instrument revoking or re-enacting that order.

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...or any operations proposed to be carried out in, on, over or under is lawful*'.

The floorspace at the Site will be occupied by Pets at Home as a pet supply retailer.

Pets at Home is the UK's largest retailer of pets and pet products, which includes a wide range of pet care goods operating over 450 stores. Given that Pets at Home is the principal retailer it defines the nature of the large format, pet retailing market within the UK, which can be described as a retail use for the sale of pets and pet goods with complementary pet care facilities.

This application seeks to confirm that the proposed use of part of the premises (up to a maximum of 15% of the total floor area) for a 'pet care and treatment' facility ancillary to the primary retail use of the floorspace for the sale of pets and pet related products is lawful.

Lawful Nature of the Proposal

The lawful nature of the proposed use, physical works and operation are set out below.

Proposed Land Use

As set out above, the proposed primary use of the premises will be for the retail sale and display of pets and pet related products within Class E(a).

The primary use accords with the established and lawful use of the floorspace within the Site as a retail unit used for non-food purposes as required by Condition 3 of the 2007 Permission.

Pet care, treatment and grooming facilities for pets forms an integral part of the overall product range and services offered by Pets at Home in its larger format stores.

The facility will include consulting rooms where general pet care advice is given, animals receive basic preventative medicine and treatments (such as worming or flea treatments), and small scale procedures such as spaying and X-raying. Grooming and other 'day to day' care and treatment will also be provided.

The core hours of the pet care and treatment facility will be aligned with the primary retail use of the premises. All planned care and treatment will take place within the standard opening hours of the primary retail use. Any out of hour access would be minimal and be limited to emergencies only.

The pet care and treatment facility will measure approximately 129 sq. m and will account for no more than 15% of the total area of the premises and therefore the use is physically and functionally ancillary to the primary retail use.

As set out above, Pets at Home is the leading, large format pet retailer in the UK. It's business model and operating characteristics define the sector and therefore it is 'ordinarily incidental' for pet care and treatment to form part of the overall offer of a large format pet shop.

To support our interpretation that a proposed pet care and treatment facility is ancillary to the primary retail use, we enclose copies of certificates which have been issued by Councils in relation to proposed facilities at the Pets at Home stores in: Northampton, Lancaster and Cambridge.

Summary and Conclusion

This application seeks to certify that the proposed use of part of the premises for an ancillary pet care and treatment facility is lawful.

The application has been submitted to obtain certification that the business model of Pets at Home accords with the established planning controls.

This covering letter has demonstrated that the proposed use of part of the premises for a 'pet care and treatment' facility ancillary to the primary retail use (within Class E(a)) is lawful.

In light of the above, we request that the Council approves this application and issues a Certificate, under Section 192 of the Act, to confirm that the proposed use is lawful.

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 Sophie Moore or Katie Parfett-Bass.

Yours faithfully,

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

Savills (UK) Limited
Planning