

DELEGATED REPORT

Report by Mark Kilby	Date of report: 04/04/2023	Ref: 69327/LDCP
Registration: 10/02/2023	LDFC:	Expiry Date: 07/04/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed change of use from bakery to meat shop

Location: 173 Rochdale Road, Pimhole, Bury, BL9 7BB

Description

An application for a lawful development certificate for the proposed use of a ground floor retail shop unit formerly a in use as a cafe and sandwich bar (Commercial Class E) to a shop for the retail sale of meat.

Relevant Planning History

53046 - Alterations to front elevation and ground floor shop to form new entrance to self-contained flat at first floor. - Approve with Conditions 20/10/2010
63734 - Alterations to front elevation and ground floor shop to form new entrance to self-contained flat at first floor - Approve with Conditions 07/03/2019.

Publicity

Not applicable.

Statutory/Non-Statutory Consultations - Not applicable.

Pre-start Conditions - None/Not applicable.

Unitary Development Plan and Policies

Issues and Analysis

The onus in a lawful development certificate application is on the applicant to provide evidence to show that on the balance of probability the use or operation applied for is or would be lawful.

If the local planning authority does not possess or is not aware of evidence that contradicts the evidence submitted or is available or makes any proposed events less likely, then the local planning authority must grant a certificate.

The shop was previously in use as a retail bakers and confectioners (Use Class A1) and latterly as a cafe /sandwich bar with a retail element (Use Class A1/A2), both now falling under Commercial Class E and both uses were interchangeable under the old class A use and had been in those uses in excess of 10 years. As such the existing use is lawful and there is no evidence of any abandonment of use. The proposed use of the unit for the retail sale of meat would also fall under Commercial Class E and as such there would be no material change of use.

DELEGATED REPORT

Therefore the use of the ground floor shop unit for the retail sale of meat would be lawful as it would not constitute development within the meaning of Section 55 of The Town and Country Planning Act 1990.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal, described in the First Schedule, is not deemed to constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended) and therefore would be lawful.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	04/04/23	HL	04/04/23