

Officer Report

Case Reference: NOT/2026/0132
Location: 58A LONG STREET, MIDDLETON, MANCHESTER, M24 6UQ
Proposal: Prior approval for change of use from first floor offices (Class E) to 5 apartments (Class C3) including alterations to fenestration on side and rear elevations level.
Recommendation: Refuse
Officer: Aimee Bovaird

The application relates to 58A Long Street, this is an end terraced three storey plot. The building is not designated as a listed building, however, is located in Middleton Town Centre Conservation Area.

The application seeks prior approval for change of use from offices (Class E) to 5 apartments (Class C3) under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

RELEVANT PLANNING POLICY

Paragraph W of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that when considering whether a development is permitted under Class MA of the above order, the LPA shall have regard to the National Planning Policy Framework as if it was a planning application, in so far as it relates to the relevant subject matters.

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS)

Unitary Development Plan (UDP)

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

24/01220/PRA56 - Prior approval for change of use from offices (Class E) to 5 apartments (Class C3) under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Approved.

This approval relates to the floor above within the same building as this application.

CONSULTATION RESPONSES

Highways and Engineering - No objection

Environmental Health - No comments received

REPRESENTATIONS

Letters of notification have been sent out to surrounding occupiers, 36 objections have been received and one neutral.

The comments have raised the following concerns. Some comments have been made under the view the proposed development will be an HMO which would not be permitted as part of any Class MA approval.

- Increased safety concerns
- Increase highway and parking issues
- Residential units will conflict with town centre activity
- Harm to the heritage in local area
- Reduce diversity of users within the area
- Insufficient waste storage
- Increase in noise and disturbance
- Concerns over how suitable the building is for the proposed use
- Erosion of commercial floorspace
- Weaken the local high street
- Too many existing HMO's
- Safety concerns
- Erosion of family homes

ANALYSIS

Amendments to the Order came into force on 5th March 2024 and the below assessment takes this into consideration.

Development is not permitted by Class MA—

b) Unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

Based on the information available to Officers, there is no reason to believe that the use of the premises has changed outside of Class E use and therefore on the balance of probabilities, Officers are satisfied that the application site fell within a Class E use for a continuous period of at least 2 years prior to the date of the application for prior approval.

d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest;

(ii) is or forms part of a listed building or land within its curtilage;

(iii) is or forms part of a scheduled monument or land within its curtilage;

(iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area;

The land covered by or within the curtilage of the building does not form any of the designations listed under paragraph d)

e) if the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

The building is not within any of the designations listed under paragraph e)

f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

The site is not occupied under an agricultural tenancy.

g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

This would not apply to the application.

Summary

The proposal does not fall under the above exclusions set out under Class MA of Part 3 of Schedule 2 of the General Permitted Development Order (as amended). Therefore consideration of the following matters is given.

Conditions

MA.2. Development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

(b) contamination risks in relation to the building;

(c) flooding risks in relation to the building;

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor,
the impact of that change of use on the character or sustainability of the conservation area;

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,

the impact on the local provision of the type of services lost; and

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Transport and highways

Paragraphs 115 and 116 of the NPPF require that safe and suitable access to a site can be achieved for all users and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the road network would be severe. As such, The Council's Highways Officer was consulted to assess the potential impact on road safety due to the development.

The application site is sustainably located and the Council's Highways Officer has raised no objection to the proposed development and in accordance with the policies of the NPPF.

Contamination risks

Paragraph 187 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 197 states that where a site is affected by

contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The proposed development comprises of the conversion of the existing premises consisting of only internal works at an upper floor. As such it is not considered that the proposal would present any and potential risk relating to contamination.

Drainage and flood risk assessment

Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The Environment Agency Flood Map for Planning identifies the site as lying within Flood Zone 1, thus has a low probability of flooding from rivers and the sea. It does not fall within a Critical Drainage Area and due to the nature of development, it is accepted that the proposal accords with the policies of the NPPF.

Noise impact

Paragraph 135 of the National Planning Policy Framework requires planning policies and decisions to ensure that new developments create a high standard of amenity for existing and future users. The Council's Environmental Health team were consulted on this application and after assessing the noise assessment, they have not provided comments at the time of writing this report. Given the site context, the review undertaken in relation to the change of use of the floor above these proposals, and the controls through building regulations for cross-floor requirements the proposals are not considered to be constrained by noise.

Impact on Conservation Areas

The application site is located in the Middleton Town Centre Conservation Area. Paragraph 212 notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 follows that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

External changes are very limited and positioned away from the site frontage and as such are not likely to require any further permissions, nor would these be considered to have any impact upon the setting of the Conservation Area.

Accordingly, the proposed development is in accordance with the policies of the NPPF.

Provision of natural light to habitable rooms

Paragraph 131 of the NPPF states that “the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve”. Paragraph 135 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Paragraph 135 of the National Planning Policy Framework requires planning policies and decisions to ensure that new developments create a high standard of amenity for existing and future users. A habitable room is identified as a room used or intended to be used for sleeping or living which is not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.

Flat 5 has one bedroom served by one window, this bedroom is in an ‘L’ shape, and due to this, the main useable floorspace is situated over 3m from the window which is positioned towards the narrow end of the ‘L’. The window for this bedroom is on the rear elevation of the building facing directly east and looks onto the boundary of the site which is raised and lined with trees and vegetation. The combined lounge/kitchen has the same outlook from a single off-centre window. On this basis, the proposals have failed to demonstrate that adequate natural light would be provided in this flat. The applicant has argued that the flat above has a similar arrangement and was deemed to be acceptable under 24/01220/PRA56. However, the flat above benefits from being on a higher level and was also arranged internally to have a regular shaped bedroom with 2 windows and a living space with 2 central windows, which although on the northern elevation would provide an unobstructed open aspect and greater certainty over provision of daylight to these spaces.

Flat 4 has two bedrooms, with one of the bedrooms served by a single window looking out of the rear elevation and close to a perpendicular boundary wall. This shares the outlook of Flat 5 although benefits from a more regular shape. As such it is unclear whether this room would provide adequate natural light for future residents.

The application is not supported by any assessment of daylight and on the basis of the above assessment, it is not considered that the proposals have demonstrated they could achieve adequate natural light provision to all habitable spaces. Therefore, prior approval is required and refused.

The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

The application site is not in an area that is considered to be important for general or heavy industry, waste management, storage or distribution.

The impact on the local provision of a registered nursery or health centre through the loss of either service

The proposal would not result in the loss of a registered nursery or health centre.

Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

The proposed development is less than 18m in height and is less than seven storeys and therefore does not meet the fire risk condition. No fire safety impacts of the development is required.

Space standards

Article 3 (9A) of the GDPO states that ‘Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

- (a) where the gross internal floor area is less than 37 square metres in size; or
- (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

The Nationally Described Space Standards (NDSS) is a technical standards document produced to ensure internal space within new dwellings is suitable for application across all tenures. The application is supported by a table setting out compliance with the relevant standards.

Officers have also measured the submitted floor plan layout and are satisfied that the proposed floor spaces associated with each flat (including the proposed bedroom sizes) meets the minimum standards set out under Section 3 (9A), and the NDSS.

Conclusion

On the basis of the above assessment, the application proposals require prior approval and in this instance is refused on the basis that the proposals would not provide adequate natural light to all habitable spaces.

Recommendation: Refuse

Refusal(s) (1)

- 1 The application proposals require prior approval and in this instance is refused on the basis that the proposals would not provide adequate natural light to all habitable spaces.

2 Prior Approval Required and Refused on the basis of the below submission documents.

- Site Plan
- Proposed Elevations dated 15/01/2026
- Proposed Floor Plans dated 15/01/2026
- Planning and Design Statement
- Noise Impact Assessment 51-414-R1-1