

APPLICATION NUMBER: 24/01147/PRA56

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/01147/PRA56

CASE OFFICER

Aimee Bovaird

DETERMINATION DATE 10.01.2025 EXT OF TIME

Address: 38 Long Street Middleton M24 6UQ

Proposal: Prior approval for change of use of first and second floor to 6 bed dwelling (Class C) and retention of commercial unit on ground floor.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N
-----	--	---

CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION

Prior Approval Required and Refused

CHECKED AND SIGNED OFF BY: LA

DATE: 08/01/2025

SITE

This site relates to 38 Long Street, Middleton. The building consists of three floors and a basement. The basement consists of a store room, the ground floor is an estate agents, the first and second floor are made up of store rooms. There is no parking associated with the site.

This site is within Middleton Conservation Area, Middleton Town Centre and Flood Zone 1. The site is surrounded by commercial units and fronts Long Street.

PROPOSAL

The application seeks prior approval for the change of use of the first and second floor from store rooms to a 6 bed flat and retention of commercial unit on ground floor. No external alterations are proposed. This is under Part 3, Class G of the GPDO which allows for the change of use of commercial, business and service, or betting office or pay day loan shops to mixed use.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – December 2024

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

Highways and Engineering

No objections

Conservation and Design

No objections

Environmental Health

Require Noise Impact Assessment

REPRESENTATIONS

The application has been publicised with neighbour notification letters and a site notice and no letters of objection or other responses have been received.

ANALYSIS

The application has been submitted under Schedule 2, Part 3, Class G this is development consisting of a change of use from a building from a use within Class E to a mixed use for any purpose within that class and as up to 2 flats.

The site has a commercial unit at ground floor level and store rooms on the first and second floor. The proposed six bed flat will be located within the first and second floor.

The LPA is satisfied the proposed development complies with the conditions (a) – (c) in Schedule 2, Part 3 Class G.

Schedule 2, Part 3 Class G (d) sets out the following conditions,

'before beginning 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—

- (i) contamination risks in relation to the building;
- (ii) flooding risks in relation to the building;
- (iii) impacts of noise from commercial premises on the intended occupiers of the development;
- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (v) arrangements required for the storage and management of domestic waste.'

Contamination Risks

The existing site is currently used as an estate agents on the ground floor, the first and second floors are used for storage. There are no known contamination or land stability issues within the site. Therefore it is considered that the site can be satisfactorily safeguarded from actual and potential risks of contamination. In accordance with the policies of the NPPF, prior approval is therefore not required.

Drainage and Flood Risk Considerations.

The site is located in in flood zone 1 and there is a low probability of flooding. In accordance with the policies of the NPPF, prior approval is therefore not required.

Impacts of noise from adjacent commercial premises.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments promote a high standard of amenity for existing and future users and that development should be compatible with surrounding uses.

The application has not been supported by a Noise Assessment, yet the site is within a busy town centre location. The impact of noise from commercial premises on the intended occupiers of the development cannot be fully assessed in the absence of this. The Council's Environmental Health Officer has been consulted and stated a Noise Impact Assessment would be required in order to assess the impact on occupiers of the proposed living accommodation from the adjacent commercial premises. There is a commercial unit on the ground floor and commercial neighbouring units consisting of an opticians, public house and a takeaway. In the absence of a noise assessment, it is not possible for the LPA to be satisfied that the development is suited to this location in regards to noise nuisance. Therefore prior approval is required and refused for the reason of lack of information.

The provision of adequate natural light in all habitable rooms.

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.

Each habitable room contains adequate outward facing windows. The submitted plans show that it is possible for the development to be provided with an adequate supply of natural light to all habitable rooms within the proposed development.

Arrangements required for storage and management of domestic waste.

Information submitted with the application demonstrated waste is to be stored on the ground floor. The proposed plans show the bins are to be stored internally with stair access to the first floor of the property opposite. This is accessed off the street and is situated at the rear of the development. The external area of the flat is very limited, however it is not clear if the bins could be stored elsewhere. The bin store is small and the Council's Environmental Health Officer has been consulted and recommends a larger bin store area for the proposal. In the absence of a sufficient bin store it is not possible for the LPA to be satisfied the development has adequate arrangements for the storage and management of waste.

Conclusion

In conclusion, the impact of noise from commercial premises on the intended occupiers of the development cannot be fully assessed and the LPA is not satisfied the proposal has a sufficient arrangements for the storage of domestic waste. Under paragraph W (3) the LPA may refuse an application where insufficient information has been provided to establish whether the proposed development complies with conditions set out in G.1. Therefore prior approval is required and refused.

RECOMMENDATION

Prior approval required and refused.

1. Insufficient information has been submitted to enable the Local Planning Authority to establish whether the proposed development complies with the conditions set out in G.1. The application has not been supported by a Noise Impact Assessment and the impact of noise from commercial premises on the intended occupiers cannot be fully assessed. Additionally, the application does not satisfy the LPA that sufficient arrangements for storage and domestic waste have been arranged.

Notes for Applicant:

For the avoidance of doubt this decision relates to the following plans and documents:

Location Plan
Proposed General Arrangement – A139_L(00)002

