

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00642/PRA56	Hamish Rigg	04/09/2025

Address: 132 Yorkshire Street, Rochdale, OL16 1LD

Proposal: Prior approval for change of use first and second floor from offices (Class E) to 2 self-contained apartments (C3)

PUBLICITY	Weekly list expired?	Y	Site notice expired?	n/a
	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/a
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CONDITIONS	Pre-commencement conditions proposed?	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	Prior approval required and refused
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CHECKED AND SIGNED OFF BY: RK

DATE: 10/09/2025

SITE

The application relates to 132 Yorkshire Street: a three-storey, end-of-terrace property in Rochdale town centre. The site is a traditional red brick terrace building with a modern shopfront. The ground floor is occupied by an estate agent, whilst the first and second floor are office spaces (Class E). This application relates specifically to the first and second floors.

Yorkshire Street is a key commercial and retail street within Rochdale town centre, comprising numerous shops and small business. The wider area is typically urban, with a dense built environment of various building types and busy roads.

The site falls within Rochdale Town Head Conservation Area, which includes Grade II listed St Mary's Catholic Church, Grade II listed former 'Government Offices', Grade II listed former Police Station and Grade II listed 1 & 3 Whitehall Street.

132 Yorkshire Street faces north, fronting the pavement and overlooking the public highway. It borders an alleyway to the west and adjoins no. 134 to the east. The rear boundary of the curtilage faces south, bordering the curtilage of the former 'Government Officer

PROPOSAL

Prior approval is sought for the change of use of the first and second floor from former offices (class E) to 2no. residential flats (class C).

The first floor would include 1 bedroom and the second floor 2 bedrooms.

No external works are proposed.

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)

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

Highways

REPRESENTATIONS

Letters of notification were sent to surrounding properties 06/08/2025; no objections were raised.

ANALYSIS

The application is submitted is for determination as to whether prior approval is required for the change of use of the site from commercial premises (Class E) to dwellinghouse (Class C3) as permitted under Schedule 2, Part 3 Class MA of the Town and County Planning (General Permitted Development) (England) Order 2015) as amended.

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

There is an absence of recent planning history for the application site, although it is acknowledged that the ground floor is occupied as an estate agents with primary access taken from the front entrance, on the balance of probabilities, and in the absence of any clear evidence to suggest otherwise, the use does fall within one set out under sub-paragraph 2.

(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;**
- (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 land covered by or within the curtilage of the building does not form any of the designations listed under paragraph d).

(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 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.

The development is not of a description falling within Class O.

Summary

The proposal would fulfil the criteria set out under Class M.A. of Part 3 of Schedule 2 of the General Permitted Development Order (as amended).

Conditions

MA.2.—

(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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; and**
- (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 2006⁵⁶, 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 108 and 109 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.

The Council's Highways Officer has been consulted and raised no objection to the proposal. The Officer cited that the application site is in a sustainable location with good access to public transport and local services, and therefore the lack of on-site parking is not considered to be a problem. Additionally, the proposal includes no new access or amendments to the highway. Overall, there are no highways safety concerns.

In accordance with the NPPF, prior approval is therefore not required.

Contamination

Paragraph 180 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 190 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.

Paragraph 191 of indicates that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

It is noted that the proposal comprises the conversion of the existing premises by virtue of only internal works. The proposal would utilise the existing building and accesses to the building. The site and building has been used for multiple commercial purposes, and is therefore considered to be suitable as residential accommodation in term of satisfactory safeguarding against actual and potential risk of contamination. In accordance with the policies of the NPPF, prior approval is therefore not required.

Drainage and flood risk assessment

Paragraph 165 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.

The application relates to a first-floor change of use and requires no additional hardstanding. Due to the nature of development, and in accordance with the policies of the NPPF, prior approval is therefore not required.

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, including through the provision of acceptable internal noise levels.

There are several potential sources of increased noise levels within the vicinity of the site, including: vehicle traffic on the A58 (approx. 80m north) and John Street (50m east); the nighttime economy in Rochdale town centre; various nearby industrial sites; and heavy pedestrian activity on and around Yorkshire Street.

In the absence of a noise impact assessment, it is not possible to assess whether the internal noise conditions would be suitable, or the necessary extent of any mitigation measures. The development does not demonstrate compliance with Paragraph 191 of the NPPF which states that planning decisions should ensure that new development is appropriate for its location, taking into account living conditions, including reducing to a minimum the potential adverse impacts resulting from noise on health and the quality of life.

Given the existing noise sources in the immediate area, a noise impact assessment will need to be undertaken to ensure the relevant noise levels can be achieved: This would need to be submitted prior to determination of the application. Therefore, prior approval is required and is refused.

Impact on Conservation Areas

The application site falls within Townhead Conservation Area. Class MA requires the applicant to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the impact of the change of use on the character or sustainability of the conservation area.

Class MA may also refer to a change of use at ground floor level, whereby the impacts of the change of use or any external works would have more impact on a conservation area. Given the proposed change of use applies to the upper floor and there are no proposed external changes, the impact on the conservation area would be neutral. In fact, providing a use for the upper floors could help to increase vitality within the conservation area.

In accordance with the policies of the NPPF, prior approval is therefore not required.

Provision of natural light to 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. 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.

The plans indicate the retention of all existing windows and doors, serving all habitable rooms across both dwellinghouses. This is considered to be acceptable across both flats.

There is some moderate concern regarding the provision of natural light to the lounge window on the first floor flat. The window is located on the rear elevation facing south, and is positioned between a two-storey projection on the application property and a similar one on the adjoining property. Whilst the contained position of the window is not ideal, its south facing orientation is optimal for allowing natural light. Furthermore, there is 14m of separation between the window and the directly facing two-storey elevation on the building to the south. This would comply with the required separation distance between an upper floor habitable room window and a two-storey elevation, as outlined in paragraph 4.1 of the Council's Guidelines and Standards for Residential Development SPD.

Overall, all habitable room windows would provide sufficient levels of natural light in accordance with the policies of the NPPF, prior approval is therefore not required.

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, and therefore does not require prior approval.

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) does not 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. Table 1 sets out the minimum requirements for gross internal floor areas and built-in storage, according to the number of bedrooms, bed spaces and storeys.

Table 1. Minimum gross internal floor areas and storage (m²)

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
1b	2p	50	58		1.5
2b	3p	61	70		2.0
2b	4p	70	79		2.0

The proposed first-floor flat would have a gross internal floor area of 56m² and therefore meets the minimum requirement for 1 bedroom and 2 bed spaces. However, the proposed second-floor flat has a gross internal floor area of 47m². Given the proposal is for 2 bedrooms, this fails to meet the minimum required floor area of 61m² for a 2 bedroom dwelling. As such, the second floor flat would fail to provide sufficient indoor amenity space and does not accord with the Nationally Described Space Standards.

In addition to gross internal floor spaces, the Nationally Described Spaces Standards requires a single bedroom to measure 7m² and at least 2.15m wide, and a double bedroom to measure 11.5m² and at least 2.75m wide. On this basis, the double room in the proposed first floor flat complies.

However, both bedrooms in the second-floor flat measure 8.2m² and 2.3m wide. The NDSS requires a 2 bedroom flat to have a minimum of 3 bed spaces, indicating that at least one of the bedrooms would need to be a double bedroom. Given that neither bedroom is large enough to meet the requirements of a double room, the second floor

flat does not comply with the Nationally Described Space Standards, again failing to offer adequate internal amenity space.

Overall, the second floor flat would provide an inadequate level of internal amenity space to support two double bedrooms, contrary to the Nationally Described Space Standards. Therefore, prior approval is required and is refused.

RECOMMENDATION

Refused

1. In the event that prior approval would be required, insufficient information has been provided to enable the Local Planning Authority to assess the impacts of noise from external sources on the intended occupiers of the proposed development. As such the proposed development does not satisfy the requirements of section 2(d) of Paragraph MA.2 and the proposed development is therefore not permitted under Class MA of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The proposed second floor flat fails to accord with the requirements of Article 3 (9A) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in respect of the requirement for development to comply with the relevant Nationally Described Space Standard. Therefore, the proposals do not comprise permitted development.

Notes for Applicant:

For the avoidance of doubt, this decision relates to the following list of plans:

- Location plan
- Existing and proposed floor plans: PLANNING/26158192-C
- Existing and proposed block plans: PLANNING/26158192-D
- Proposed elevations: PLANNING/26158192-B