

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00429/PRA56	Claire Ringwood	11 th June 2025

Address: Ken Mills Engineering Co, New Street, Rochdale, OL12 6NS

Proposal: Prior approval for change of use from commercial, business and service (Class E) to 12 residential flats (Class C)

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?	Y

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	REFUSE
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CHECKED AND SIGNED OFF BY: LA **DATE:** 12.06.25

SITE

The application site is a large industrial building on the corner of New Street, Sweet Briar Lane and Sweet Briar Close. The building is attached to 13 New Street which was used as a loading bay entrance but has recently been granted planning permission for the conversion to a dwelling. The site has had a significant industrial presence since at least 1851 when it was first depicted on the first edition OS map. It comprises of a number of different structures joined together with the main two storey front elevation facing onto New Street. The flank elevation of the single storey structure runs along Sweet Briars Lane. The buildings within the terrace appear to be constructed of brick with stone facings. To the rear of the terrace was a large steel framed building and an arched steel shed along the Sweet Briars Lane boundary which have now been demolished. There are mature trees to the rear separating properties on Glenden Foot and Hawley Green. The surrounding area is predominantly residential and the building is attached to the end of a row of terrace properties.

The site is bound by a narrow footway and there is a registered cycleway along New Street and Sweet Briar Close. There is access at the rear on Sweet Briar Close with a pedestrian alleyway directly next to it leading to Bentley Street.

The site falls within a Defined Urban Area as defined in Rochdale Borough Council's saved Unitary Development Plan (UDP) Proposals Map and an SSSI Impact Risk Zone.

PROPOSAL

Prior approval for the change of use from commercial, business and service (Class E) to 12 residential flats comprising 6 x 1 bedroom and 6 x 2 bedroom (Class C).

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

13/00991/FUL - Demolition of part of building and change of use and conversion of remainder of building to one dwelling and 8 apartments. Approved 15/01/2015.

24/00398/FUL - Change of use of part general industrial building (use class B2) to 1 x 5 bedroom residential dwelling (Use Class C3) installation of new windows and doors and application of render and external façade to front and rear elevations. Approved 14/11/2024.

24/01199/DOC - Discharge of conditions 3 (contamination), 4 (tree survey and protection), 5 (materials), 6 (boundary treatment), 11 (landscaping) and 13 (biodiversity enhancements) of planning permission 24/00398/FUL. Request completed 14/02/2025.

25/00023/FUL - Alterations to fenestration including new openings for windows, doors, and skylights. Approved 24/03/2025.

[Officer Note: Condition 3 related to full product specifications for windows, external doors and detailed designs of the windows, roof light and door reveals. At the time of writing, this conditions has not been discharged).

CONSULTATION RESPONSES

Highways

No objection. The site has a large yard which is adequate to accommodate any vehicles associated with the development.

Environmental Health (Noise)

No comments at the time of writing.

Environmental Protection (Land)

Generally disagree with the conclusions of the Phase 1 Desk Study Report and a contamination condition is required.

Greater Manchester Ecology Unit

Bats - No bat report has been provided. However, a bat assessment was provided for the adjacent part of the mill 24/00398/FUL for the entire building, assessing this part of the mill has moderate risk for bats. This report is still valid. Prior to approval two dusk surveys will need to be carried out by a suitably experienced bat consultant.

Nesting Birds - House sparrow were recorded as nesting on the mill as part of the previous application. A condition is therefore requested restricting no works in close proximity to the eaves and roof between the 1st March and 31st August in any year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.

Officer Note: Officers are not able to consider ecological matters as part of this type of application however, as bats are protected species and covered by other legislation, an informative is considered adequate in this matter.

Conservation Officer

No comments at the time of writing.

REPRESENTATIONS

Neighbour letters were sent to neighbouring properties and a site notice was displayed at the front of the site. No letters of representation have been received.

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—

a) Unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval.

This has now been omitted from Schedule 2 Part 3.

(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;

Sub-paragraph (2) states:

The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- i) Class A1 (shops);
- ii) Class A2 (financial and professional services)
- iii) Class A3 (food and drink)
- iv) Class B1 (business)
- v) Class D1(a) (non-residential institutions – medical or health services)
- vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre)
- vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

There is ambiguity with the lawful use of the site as the application form and the Heritage Statement submitted with a previous application (24/00398/FUL) both refer to a B2 – General Industrial use which does not have permitted development rights as noted above. However, a following application (25/00023/FUL) then refers to the use as Class E (g) (iii) (commercial, business and service) without there being any changes to the occupancy/use. The applicant's agent was advised of this matter in an email dated 23rd May 2025 and responded on 9th June 2025 stating there was some confusion on the Local Planning Authority's side with the description of development in application 24/00398/FUL however, the B2 use was specifically referenced in the application form and the Heritage Statement.

As such, it has not been clearly demonstrated what the lawful use of the premises is and Officers do not feel this can be determined through the prior approval. The Council's Business Rates team have advised that the premises is split into 3 separate properties all described as workshop and premises and Google StreetView shows Ken Mills Engineering Signage in 2015 although the premises is boarded up. By 2021 there is signage for Lancashire Specialist Coatings whose signage was still there in August 2024 which is the last view on StreetView. Officers advised that a Lawful Development Certificate is required to determine the lawful use.

c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

This has now been omitted from Schedule 2 Part 3.

(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).

(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**
- (iii) the Broads;**
- (iv) a National Park; or**
- (v) a World Heritage Site;**

The building(s) does not fall 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 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 not be considered Permitted Development under Class MA of Part 3 of Schedule 2 of the General Permitted Development Order (as amended) as it has not been sufficiently demonstrated that the lawful use falls with Use Class E as required in (b) above.

It is also noted that the building is on RightMove for £1,395,000 as Ken Mills Apartments. The agent has been advised that all works should stop as the change of use to residential has not been approved and enforcement action may be taken: 19 bedroom block of apartments for sale in KEN MILLS APARTMENTS, New Street, Shawclough, Rochdale OL12 6NS, OL12

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.

As it is not considered that the proposal constitutes permitted development, the local authority is not required to determine if prior approval is required.

RECOMMENDATION

PRIOR APPROVAL REQUIRED AND REFUSED

The application has failed to demonstrate that the lawful use of the premises falls within Use Class E as required and as such, the proposal is not permitted under Class MA, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Notes for Applicant:

1. For the avoidance of doubt, this decision is based on the following plans:

Site Location Plan

Drawing No: 23.3108.50 – Proposed Ground Floor Plan 1

Drawing No: 23.3108.51 – Proposed Ground Floor Plan 2

Drawing No: 23.3108.52 – Proposed First Floor Plan

Drawing No: 23.3108.53 – Proposed Second Floor Plan

Drawing No: 23.3108.54 – Proposed Elevations

Drawing No: 23.3108.55 – Existing & Proposed Block Plan

Drawing No: 23.3108.56 – Existing Floor Plans

Drawing No: 23.3108.58 – Existing Elevations

Planning Statement

Phase 1 Desk Study Report by James Campbell Associates Ltd, Ref: 23.3108,

Date: April 2025

Noise Impact Assessment by ANC, Date: 23rd January 2025

Received 24th April 2025