

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00938/PRA56

CASE OFFICER

Anna Hayes

DETERMINATION DATE 16.11.2024 **EXT OF TIME** 27.11.2024**Address:** 109 - 111 Yorkshire Street Rochdale OL16 1YJ

Proposal: Prior approval for the proposed change of use from Commercial, Business and Service (Use Class E) to mixed use including two flats at first and second floors (Use Class C3) under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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

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/A
	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 approved Subject to conditions
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CHECKED AND SIGNED OFF BY: RG**DATE:** 27 November 2024

PREAMBLE

Class G of Part 3 of Schedule 2 of the General Permitted Development Order (GPDO) allows for the permitted change of use of a building from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats, 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 —

- (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.

SITE

109 – 111 is a 3-storey, mid-terrace property within the defined town centre of Rochdale. The building is occupied by two Class E units with display windows. The units are internally linked at first floor with the second floor, and are used as ancillary to the commercial uses below.

At the front, the building abuts the back of the footway on Yorkshire Street, located just outside of a defined secondary retail area (UDP Policy S/4). The surrounding uses are predominately commercial which are typical of the site's town centre location.

At the rear of the building there is a private car park with access from East Gate Street. This car parking area is also used for bin storage.

The site falls within Rochdale Town Centre and a Defined Urban Area (Policies G/S/1, S/5 and G/D/1 of the saved Unitary Development Plan 2006).

PROPOSAL

The proposal is to convert the upper floors to 2no. self-contained flats. Both of the flats would take access from an existing external door to the shop front from Yorkshire Street. No external alterations are proposed.

Flat 1 would be occupied over the first floor with 2no bedrooms, bathroom and central kitchen/dining/living space. Bedroom one would be a double size approximately 13.2m² in area, whilst bedroom two would be a single bed space around 7.69m² in size.

Flat 2 would be occupied at second floor level with two larger bedrooms and a separate bathroom and kitchen/diner.

All habitable rooms have access to natural light and ventilation.

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 Schedule 2, Part 3, Class G 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, including:

- (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.

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

No recent relevant planning history.

CONSULTATION RESPONSES

Environmental Control (Landfill Gas)

Confirms no comment to make in regards to contaminated land.

Lead Local Flood Authority/Drainage

No comments received to date

Environmental Health - Noise/Odours

To allow full consideration of the application, a noise impact assessment would be required to be carried out. The assessment will need to consider what a worst-case scenario end user might be within the retained commercial unit, with resultant noise levels modelled accordingly to inform the design and any noise reduction elements of the build.

The assessment will also cover any potential structure borne noise elements.

The findings of the assessment will ensure the following internal noise levels are achieved within the residential units.

35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;

30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;

35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;

40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Upon completion and prior to occupation validation testing is carried out to ensure the internal and external noise levels have been achieved.

Highways and Engineering

No objections to the proposal:

- The proposal is unlikely to generate any significant volume in traffic;
- The application site is located within the town centre area and a short walk from local amenities and public transport links. We have no parking requirement for a development at this location;
- No changes to the highways network are proposed;
- We have no expectation of difficulty in servicing this premises with access to the rear of the property readily available.

REPRESENTATIONS

No comments received.

ANALYSIS

Contamination risks in relation to the building:

No significant sources of contamination are known to be located on site or within the immediate vicinity. No new ground would be broken and the proposals include no garden, or outside amenity, areas. The risk of any contamination is low. The Council's contaminated land officer has confirmed no objection to the proposal and officers have no reason to disagree.

Flooding risks in relation to the building:

The site is not included in a flood risk area and so not considered to be at risk of flooding.

Impact of noise from commercial premises on the intended occupiers of the development:

Noise generated by road traffic is not an aspect for consideration.

However immediate surrounding properties comprise predominately of Class E units and a class E use would be retained at ground floor level. The Council's Environmental Health (EH) Unit have been consulted on the proposal and in the absence of a Noise impact Assessment are unable to support the application in its current position. However the EH Unit have confirmed that details can be submitted as part of a prior to occupation condition, if necessary. Given the context of the site and the consistency of the proposed uses with similar buildings in the vicinity of the application site, officers consider a condition on this basis to be reasonable as any potential mitigation requirements would likely be capable of being implemented through internal works or works which would not constitute development. The condition would require the applicant to submit a noise impact assessment which will consider what a worst-case scenario end user might be within the retained commercial unit, with resultant noise levels modelled accordingly to inform the design and any noise reduction elements of the build. The assessment will also cover any potential structure borne noise elements.

The findings of the assessment will ensure the following internal noise levels are achieved within the residential units.

- 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
- 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Upon completion and prior to occupation validation testing is carried out to ensure the internal and external noise levels have been achieved.

The provision of adequate natural light in all habitable rooms of the dwellinghouses:

Each habitable room in each of the flats created would be provided with a window of a reasonable size and location. In this arrangement it is considered that the proposal would provide adequate natural light to each of the flats.

Arrangements required for the storage and management of domestic waste:

It is stated in the application that waste will be stored in the rear yard, which is indicated on the submitted drawings, and from where there is direct access from East Gate Street. Subject to an appropriate condition for implementation on any

approval, it is accepted that the arrangements for the storage and management of domestic waste are satisfactory.

CONCLUSION

The building complies with the permitted development criterion as set out in Class G, namely paragraphs (a), (c) and (e). Constituting an acceptable development within the context of the provisions of the GPDO, and having regard to national and local planning policies, where applicable, the recommendation is that the prior approval of the authority is required and granted, subject to conditions relates to the subject matter of the prior approval.

RECOMMENDATION

Prior approval required and granted subject to conditions.

CONDITIONS

1. This approval relates to the following plans received 25 September 2024:

Drawing number A100 revision 001 - Proposed site plan dated 24.09.2024;
and,
Drawing number A101.1 revision 001 – Proposed floor plans for prior approval dated 24.09.2024.

And the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2. As indicated on the approved drawing, no. A101.1 revision 001, the refuse bin storage area shall be provided prior to the first occupation of the residential units hereby approved and shall thereafter be kept available for the intended purposes at all times.

Reason: In the interests of visual and residential amenity.

3. Prior to first occupation of the development hereby approved, a Noise Impact Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The Noise Impact Assessment shall ensure the following internal noise levels are achieved:

- i. 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- ii. 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- iii. 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
- iv. 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Upon completion and prior to the first occupation of the residential development hereby approved, an acoustic verification report shall have been first submitted to, and approved in writing by, the Local Planning Authority confirming that the internal noise levels have been achieved. Thereafter, the

development shall not be carried out other than in accordance with the approved scheme.

Reason: In order to safeguard the amenities of future occupiers and to prevent nuisance arising in accordance with Policies DM1 and G9 of the Rochdale Council Core Strategy and the National Planning Policy Framework.