

APPLICATION NUMBER: 24/01220/PRA56

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/01220/PRA56

CASE OFFICER

Nick Brookman

DETERMINATION DATE 06 February 2025 **EXPIRATION DATE** 14 February 2025

Address: 58B Long Street, Middleton, M24 6UQ

Proposal: 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)

PUBLICITY	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: LA

DATE: 13.02.25

SITE

The application site relates to 58B Long Street which is not a designated listed building but it is located within the Middleton Town Centre Conservation Area as an end terraced three storey plot.

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

PROPOSAL

The applications seeks prior approval for the 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).

All habitable rooms have access to a bin store, natural light and ventilation.

The application originally sought the insertion of a new window opening to serve bedroom 1 but the provisions of Class MA of Schedule 2 Part 3 of the Town and Country Planning General Permitted Development Order 2015 do not allow for operational/built development and as such any application under this Class must be determined against the existing window / external works provision.

Accordingly, the proposed window opening was removed and the internal layout 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.

For the avoidance of doubt Class MA states:

“Class MA – commercial, business and service uses to dwellinghouses

Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.”

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):

RELEVANT SITE HISTORY

Application 22/01518/PRA56 – Refused 24th January 2023 for the following reasons:

1. Insufficient information has been provided to enable the Local Planning Authority to assess the impacts of noise from commercial premises on the intended occupiers of the development as required by Condition MA.2.(2d).
2. The proposed development does not provide bin storage facilities within the site therefore it fails to demonstrate that it will not give rise to unacceptable transport impacts particularly in regards to safe site access as required by Condition MA.2.(2a).

CONSULTATION RESPONSES

Environmental Health - Noise/Odours

Environmental Health have no objection in principle to the proposed development subject to condition.

Highways and Engineering

Highways have no objection to the proposed development.

- ☐ This proposal will not generate any significant volume of traffic against background traffic volumes.
- ☐ The existing site access is suitable for a development of this nature
- ☐ The site is at a highly sustainable location and parking is therefore not a concern at this location.
- ☐ No changes are proposed to the existing highways network.
- ☐ No PROW will be obstructed by this proposal.
- ☐ We have no new road safety concerns as a result of this proposal.
- ☐ We have no concerns regarding refuse collection from this location.

Conservation/Heritage

No comments received.

REPRESENTATIONS

No comments 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 by the updated on 5th March 2024.

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.

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;

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.

The development is not of a description falling within Class O and the site is not located with an area where an operation of a direction under article 4(1) would have applied.

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 very 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, prior approval is therefore not required.

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.

Paragraph 196 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.

Owing to the benefit of amended plans it is noted that the proposal purely comprises the conversion of the existing premises by virtue of only internal works. A new door will replace the existing entrance door into the main building but these works do not constitute development as it purely the replacement of an existing door in an existing door opening.

The proposal would utilise the existing building and accesses to the building. The site and building has been used for commercial purposes in recent years, and is therefore considered to be suitable as residential accommodation in terms 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 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, 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. The Council's Environmental Health team were consulted on this application and after assessing the noise assessment, they have no objection subject to condition.

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.

The Council's Conservation Officer has not provided any comments but Planning Officers do not have any objections to the proposed residential use which involve entirely internal works and the replacement of an existing door in an existing door frame that would not impact upon the setting of the Conservation Area.

Accordingly, the proposed development is in accordance with the policies of the NPPF and prior approval is therefore not required.

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.

Each unit, as demonstrated on the submitted proposed floor plan drawings, contains adequate outward facing windows to all habitable rooms within the development and these plans thus clearly 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. 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) 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 tables below set out the minimum gross internal floor area requirements for the proposed dwellings type alongside their actual comparison.

<u>Flat Number</u>	<u>Number of bedroom</u>	<u>Number of bed spaces (persons)</u>	<u>1 storey dwelling</u>
1	1	2	50m ²
2	1	2	50m ²
3	1	2	50m ²
4	1	2	50m ²
5	2	3	60m ²

<u>Flat Number</u>	<u>NDSS Requirement</u>	<u>Proposed Space</u>
1	50m ²	67.92 m ²
2	50m ²	56.15 m ²
3	50m ²	70.24 m ²
4	50m ²	50.8 m ²
5	61m ²	64.6 m ²

Officers have 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. Accordingly, prior approval is therefore not required.

RECOMMENDATION

Prior approval required and granted subject to conditions.

CONDITIONS

1. The development must be completed within a period of 3 years starting with the prior approval date.

Reason: To comply with the requirements of Paragraph MA.2 of Part 5, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. This permission relates to the following plans and documents:

- ☐ Proposed Location Plan and Proposed Block Plan Drawing No 012024/9
- ☐ Proposed Apartments Drawing No 01204/1B
- ☐ Proposed Layout Plan Drawing No 012024/13C
- ☐ Proposed Site Plan Drawing No 012024/11
- ☐ Proposed Front Elevation Drawing No 012024/5
- ☐ Proposed North Side Elevation Drawing No 012024/7
- ☐ Proposed Rear Elevation Drawing No 012024/6
- ☐ Proposed South Side Elevation Drawing No 012024/8A
- ☐ Planning and Design Statement Dated November 2024
- ☐ Noise Impact Assessment Reference 51-414-R1-1 Rev R1-1

and the development shall be carried out in accordance with these details 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.

3. The proposed apartments must be constructed in line with the requirements of the submitted Noise Impact Assessment (Referenced 51-414-R1-1 Rev R1-1) to achieve the following internal and external noise levels:
 - o 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
 - o 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
 - o 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;
 - o 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.
 - o Noise in external amenity areas shall not exceed 55 dB(A).
 - o Noise arising from the mechanical ventilation is quantified and shall not exceed the measured background levels set out in section 7 of the report.

The development shall not be occupied until validation testing results have been submitted to and approved in writing by the Local Planning Authority, demonstrating that the internal, external and ventilation noise levels have been achieved.

Reason: To protect the amenity of future occupiers in accordance with Policy G9 of the Rochdale Core Strategy.

Report Author Nick Brookman