

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00131/PRA56	Hamish Rigg	20/03/2024

Address: 20 Joy Street, Rochdale, OL12 0BZ

Proposal: Prior approval for change of use from (Class E) to dwellinghouse (Class C)

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

RECOMMENDATION	Prior approval granted
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CHECKED AND SIGNED OFF BY: RK

DATE: 18/04/2024

SITE

The application relates to 20 Joy Street, a two-storey end of terrace property on the junction with Leyton Street. The property was most recently used as a hair salon on the ground floor and associated shop on the ground floor. It contains no garden space. Joy Street is in a predominantly residential area of Rochdale comprising terrace housing of a similar design and material palette.

The applicant property faces west, fronting the pavement and overlooking the highway. Its northern elevation is flanked by Leyton Street and similarly fronts the pavement. It is adjoined by no. 18 to the south, and no. 2 Leyton Street to the east.

PROPOSAL

The application seeks prior approval for change of use of the building from a commercial use (Class E) to a single-bedroom dwellinghouse (Class C3). No external works are proposed and the internal layout remains the same.

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) – July 2021

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Environmental health officer (noise) 04/04/2024:

No objections

Environmental health officer 10/04/2024:

No objections

Drainage officer 12/04/2024:

No objections

GM Fire Service:

The above proposal should meet the requirements for Fire Service access.

The Fire Service requires vehicular access for a fire appliance to within 45m of all points within the dwellings.

The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally, if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required. The maximum length of any cul-de-sac network should be 250 m.

There should be a suitable fire hydrant within 165m of the furthest dwelling.

This proposal appears to meet these requirements.

The Fire Service strongly supports the installation of domestic sprinkler systems as a positive measure to protect persons. At a small cost occupants' can be given the reassurance of a high level of protection. All developers should positively consider the viability of installing domestic sprinkler systems. The access requirements for a dwelling fitted with an approved sprinkler system can deviate from the required standard detailed above, further consultation will be required.

Highways Officer:

No objections

REPRESENTATIONS

Letters of notification were sent to surrounding properties 16/02/2024; no comments were received.

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.

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.

The application form confirms that the building has been vacant for a continuous period of at least 3 months.

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;

The application form states that the property has been in use within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years to the date of the application. The application states the present use of the property is a hair salon, which falls under Use Class E.

A supporting report entitled 'Class MA Approval Checklist' (James Campbell Associates, December 2023) includes an appendix displaying a solicitor's report which confirms that the property was used as a hair salon as of 08/09/2023.

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

The cumulative floor space of the existing building does not exceed 1,500m².

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.

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.—

(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 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.

Given the application is for a 1 bedroom dwellinghouse, the impact in terms of traffic generation and street parking is considered to be minimal. Change of use from commercial premises to dwellinghouse would in fact result in less need for parking spaces and traffic generation without customers and/or staff coming and going. In corroboration, the Highways Officer raised no objection relating to traffic generation

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

Contamination risks

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. It is not proposed to carry out any extensions to the existing 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 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. It does not fall within a Critical Drainage Area.

Notwithstanding, the Council's Drainage Officer was consulted and raised no objections nor recommend any further conditions. 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 Officer was therefore consulted to assess the potential impact of noise from and towards adjacent premises. No objections were raised, and prior approval is therefore not required.

Impact on Conservation Areas

The application site is not located in a conservation area, and therefore does not require prior approval.

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 windows, thus serving all rooms including habitable rooms such as the living room and bedroom. As such, it is considered that the proposed dwelling and its habitable rooms will receive an adequate amount of natural light, and therefore prior approval is 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. Notwithstanding, the Greater Manchester Fire Service were consulted and raised no objections. 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. Table 1 sets out the minimum gross internal floor area requirements for dwellings, and setting out the requirements for dwellings which include a variety of room numbers, bed spaces and storeys.

<u>Number of bedroom</u>	<u>Number of bed spaces (persons)</u>	<u>1 storey dwelling</u>	<u>Built-in storage</u>
1	1	39m2	1.0
1	2	50m2	1.5

The proposed dwelling would have one bedroom and be set over two floors. The plans indicate that an internal gross floor area of 65 m2. As such the proposed flat meets the minimum standards set out under Section 3 (9A), and the NDSS for 1 bedroom single storey dwellings. Prior approval is therefore not required.

RECOMMENDATION

Prior approval granted

Notes for Applicant:

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

- proposed floor plans and elevations: 23..3237.SC3.1A
- location plan
- block plan: 23.3237.2

Informative

The applicant is reminded that this consent does not include consent for any form of operational development beyond the change of use specified under paragraph ‘MA.’ of Class MA of Part 3, Schedule 2 of the GPDO. This includes physical alterations to elevations. The applicant is strongly encouraged to seek planning permission without delay prior to carrying out any works not covered by this consent.