**APPLICATION NUMBER: 24/00826/PRA56**

# DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER |
|---|---|
| 24/00826/PRA56 | Aimee Bovaird |

**DETERMINATION DATE** 16.11.2024 **EXT OF TIME**

**Address:** 65 Long Street Middleton M24 6UN

**Proposal:** Prior approval for change of use from (Class E) to a 3 bedroom flat (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?** | N |

| | | |
|---|---|---|
| **EIA** | **Screening opinion completed and saved to Onbase?** | N |

| | | |
|---|---|---|
| **CONDITIONS** | **Pre-commencement conditions proposed?** | N/A |
| | **Pre-commencement conditions agreed (or notification period expired)?** | N/A |

| | |
|---|---|
| **RECOMMENDATION** | **Prior Approval Required and Refused** |

**CHECKED AND SIGNED OFF BY: LA** **DATE: 14.11.24**

## SITE

This site relates to 65 Long Street, Middleton. The building consists of three floors and a basement. The ground floor is currently a school uniform shop, the basement, first and second floor are store rooms. There is no parking associate with the dwelling.

This site is within Middleton Conservation Area and Middleton Town Centre. The site is surrounded by commercial units and fronts Long Street.

## PROPOSAL

The application seeks prior approval for change of use of the building from a retail use (Class E) to a three bedroom flat (Class C3).

No external alterations are proposed.

## RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

## RELEVANT SITE HISTORY

N/A

## CONSULTATION RESPONSES

Conservation And Design

No comments received to date

Environmental Health

Require Noise Impact Assessment

## REPRESENTATIONS

The application has been publicised with neighbour notification letters and a site notice and no letters of objection or other responses have been received.

## ANALYSIS

The application has been submitted under Schedule 2, Part 3, Class G this is development consisting of a change of use from a building from a use within Class E to a mixed use for any purpose within that class and as up to 2 flats.

This sits has a commercial unit at ground level and store rooms on the first and second floor. The proposed three bedroom flat will be located over the second and third floor.

Schedule 2, Part 3 Class G (d) sets out the following conditions,

'before beginning 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.'

Contamination Risks and Implications.

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 189 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.

The development does not proposed any external alterations. The site is currently used as a school uniform shop. There are no known contamination or land stability issues within the site. Therefore it is considered that the site can be satisfactorily safeguarded from actual and potential risks of contamination. In accordance with the policies of the NPPF, prior approval is therefore not required.

Drainage and Flood Risk Considerations.

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 site is located in in flood zone 1 and there is a low probability of flooding. In accordance with the policies of the NPPF, prior approval is therefore not required.

Impacts of noise from adjacent commercial premises.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments promote a high standard of amenity for existing and future users and that development should be compatible with surrounding uses.

The application has not been supported by a Noise Assessment, yet the site is within a busy town centre location. The impact of noise from commercial premises on the intended occupiers of the development cannot be fully assessed. There is a commercial unit on the ground floor and commercial neighbouring units consisting of a takeaway, clothes shop and a pub opposite. In the absence of a noise assessment, it is not possible for the LPA to be satisfied that the development is suited to this location in regards to noise nuisance. Therefore prior approval is required and refused for the reason of lack of information.

The provision of adequate natural light in all 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.

Each habitable room contains adequate outward facing windows. The submitted plans 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.

Arrangements required for storage and management of domestic waste.

Paragraph 135 of the National Planning Policy Framework requires developments to have good layouts.

Information submitted with the application demonstrates waste is to be stored in the rear yard, this can be accessed off the highway. In accordance with the policies of the NPPF, prior approval is therefore not required.

Conclusion

In conclusion, the impact of noise from commercial premises on the intended occupiers of the development cannot be fully assessed. Under paragraph W (3) the LPA may refuse an application where insufficient information has been provided to establish whether the proposed development complies with conditions set out in G.1. Therefore prior approval is required and refused.

## RECOMMENDATION

Prior approval required and refused.

1. Insufficient information has been submitted to enable the Local Planning Authority to establish whether the proposed development complies with the conditions set out in G.1. The application has not been supported by a Noise Impact Assessment and the impact of noise from commercial premises on the intended occupiers cannot be fully assessed.

## Notes for Applicant:

For the avoidance of doubt this decision relates to the following plans and documents:

Location Plan -XX-ZZ-DR-A-00001 Rev P01
Existing GA Plans -XX-ZZ-DR-A-00010 Rev P01
Proposed GA Plans -XX-ZZ-DR-A-20200 Rev P02
Heritage Statement

Report Author Aimee Bovaird