

Officer Report

Case Reference: NOT/2026/0378
Location: 9A MILKSTONE ROAD, ROCHDALE, OL11 1ED
Proposal: Change of use of first floor from office (Class E) to a one bedroom apartment (Class C3)
Recommendation: Approve with Conditions
Officer: Rosalind Gralton

SITE

The application site relates to the first floor of 9A Milkstone Road, Rochdale. The site is a two-storey end terrace property. The last known use of the first floor is a Class E office space and appears to have been vacant for a considerable period of time.

The application site is sustainably located in a prominent location within the Milkstone Road Local Centre the town centre and the site falls within the Defined Urban Area as designated by the Unitary Development Plan 2006.

PROPOSAL

The applications seeks prior approval for the change of use from first floor offices (Class E) to 1 self-contained apartment (Class C3) under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

The ground floor will remain as existing, but the first floor will be converted into a single 1 bedroom apartment.

The apartment will have access to a separate bin store and bike store behind the property at ground level.

The proposed bedroom and apartment meets the required NDSS.

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. In this instance, no external works are proposed that would require planning permission in their own right. The only external works proposed is the insertion of a timber gate on an existing external alcove to secure the bin store to be accessed via Water Street.

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):

Supplementary Planning Guidance note ‘Guidelines and Standards for Residential Development’ (June 2016).

RELEVANT SITE HISTORY

Internally Illuminated Wall Mounted Sign - Grant 2005-07-08

Change Of Use From Shop To Hot Food Takeaway Including Alterations To Side Elevation And Change Of Use Of First Floor From Flat To Office. - Grant subject to conditions 2003-09-09

CONSULTATION RESPONSES

Environmental Health - Noise/Odours

No comments received.

Highways and Engineering

No objection.

REPRESENTATIONS

Letters were issued to neighbouring premises on the 08/05. No comments were 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 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.

As the development has been determined to comprise permitted development, an assessment of matters outlined in conditions of this class are undertaken below:

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 transports related impacted of 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.

In this instance the proposal purely 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. The site and building has been used for commercial purposes in recent years and is therefore considered to be suitable for 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, but their comments remain outstanding.

Nevertheless, the application is accompanied by a Noise Impact Assessment which states that to ensure that internal living spaces meet the recommended guidance of BS8233:2014, the following design interventions will be implemented:

1. All external windows are to be replaced with high-quality acoustic double glazing (e.g. 4/12/10mm glass) in a well-sealed frame. Glazing specification Airbourne sound insulation RW 32dB.
2. Enhanced background ventilation to bedroom/dining living room
3. Sound insulation for the facade and ceiling elements of the building
4. Acoustic sound insulation in accordance with building regulations

In the absence of comments from Environmental Health, it is clear that the applicant has fully considered and explored acoustic mitigation measures to achieve acceptable internal noise levels for future occupants. Nevertheless, to secure compliance with the relevant policies, a condition will be attached to this permission to ensure the proposed development is adequately mitigated against unacceptable levels of noise.

Accordingly, in this instance the prior approval is required and granted subject to such condition.

Impact on Conservation Areas

The application site is not located within a Conservation Area nor is it located within the setting of any Conservation Areas.

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.

The residential flat as demonstrated on the submitted proposed floor plan drawings, contain adequate outward facing windows 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 flat created would be a one bedroom, one bedspace property. The minimum gross internal floor areas as required by the NDSS is 37sqm. The proposed flat would provide 49sqm of floorspace. The proposed bedroom exceeds the minimum required width and floorspace as detailed within the NDSS.

Officers are therefore satisfied that the proposed floor spaces (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: Approve with Conditions

Condition(s) (1)

- 1 The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within the submitted noise impact assessment Ref: GSS26017 - 9a Milkstone Road - Noise Assessment prepared by Gold Sketch Studios. No part of the development shall be occupied until such time as a verification report has been submitted to and approved in writing by the Local Planning Authority to confirm that the approved ventilation and acoustic measures have been implemented to achieve the required maximum noise levels. The noise attenuation measures shall be retained as installed thereafter.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 1 This permission relates to the following plans and documents:

- Site - Existing & Proposed
- Proposed Plans and Elevations
- Existing Plans and Elevations
- Amazon Eco Two Cycle Locker