

Officer Report

Case Reference: NOT/2026/0420
Location: 110 Manchester Street, Heywood OL10 1DW
Proposal: Prior approval for the change of use of first floor from Class E (commercial) to 1no' residential unit (Class C3) with retention of ground floor commercial use with no external alterations
Recommendation: Prior Approval Not Required
Officer: Luke Rigby

SITE

The application site consists of a two-storey mid-terrace commercial unit located to the west of Manchester Street in Heywood. The application for Prior Approval relates to the first floor of the building, which is currently in use as offices/Class E, whilst the ground floor is in commercial use.

PROPOSAL

The application seeks prior approval for the conversion of the first floor from commercial (Use Class E) to residential.

RELEVANT PLANNING POLICY

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

RELEVANT SITE HISTORY

None relevant

REPRESENTATIONS

In accordance with the Council's adopted Statement of Community Involvement, notification letters were sent to immediate neighbours.

SUMMARY OF CONSULTATION RESPONSES

None received.

SUMMARY OF THIRD PARTY RESPONSES

None received.

ASSESSMENT

Class MA to Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the conversion of a commercial, business, or service use to residential. Such provision is lawful on the basis that the applicant apply to the Local Planning Authority for confirmation on whether prior approval would be required.

Class MA was amended on March 5th, 2024 and several provisions were revoked and are therefore omitted from the assessment herein.

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.

Development Not Permitted

MA.1 (1) Development is not permitted by Class MA–

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval.

COMPLIES – on the balance of probabilities, and on the evidence before the Local Planning Authority, including historic satellite imagery and Google Maps imagery, the first floor of the building has been in continuous use within the applicable Classes in Para. (2) for in excess of 2 years prior to the date of application.

(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 explosive storage area

COMPLIES – the building does not fall into one of the above categories.

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

COMPLIES – the building does not fall into one of the above categories.

f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and tenant has been obtained; or

COMPLIES – the site is not, as far as can practically be ascertained, and on the balance of probabilities, 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.

COMPLIES – the site is not located in an area where a Article 4(1) Direction would have applied.

Conditions

MA.2 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;

The application site is located in a broadly sustainable location in close proximity to public transport links and local amenities. It is therefore not considered that the proposal would give rise to any unacceptable impacts on the highway network, or in relation to transport. Whilst there does not appear to be any dedicated parking availability, on-street parking is available un-restricted on Hall Street adjacent to the building. The proposal is for 1No. residential unit and is therefore unlikely to give rise to any unacceptable impacts in relation to parking.

b) contamination risks in relation to the building;

The Local Planning Authority does not consider the building at risk of contamination. Notwithstanding, the proposal would consist of internal alterations only to a building which has been in commercial use for an extended period of time within Use Class E and is therefore unlikely to be at risk of contamination.

c) flooding risks in relation to the building;

The application site is indicated to be at very low risk of flooding, both from surface water, and rivers and sea according to the Environment Agencies Flood Risk Map. The Local Planning Authority therefore does not consider the building at risk of flooding; nonetheless the proposed change would be to the first floor, therefore risk of flooding would be marginal in any case.

d) impacts of noise from commercial premises on the intended occupiers of the development;

The application submission includes a Noise Impact Assessment which indicates that double glazing and acoustic plasterboard will be provided to reduce the transference of noise from the ground floor commercial unit in line with Building Regulations. Furthermore, Officers acknowledge that the surrounding area is predominantly mixed use and there are a number of units immediately adjacent to the application site which feature commercial at ground floor and residential at first floor.

Officers therefore consider that there is no evidence that neighbouring commercial uses would detrimentally impact on the amenity of future occupiers, or that these impacts cannot be adequately mitigated. It is therefore considered that the proposed residential unit would provide a sufficient standard of amenity for future occupiers in respect of noise from nearby commercial units.

(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;

NOT APPLICABLE – not located in a Conservation Area and first floor only

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

Each room within the site would be served by a window which would provide sufficient light for future occupiers to enjoy a high standard of natural light; the bedroom would provide 2No. windows. Officer's are therefore satisfied that the proposed dwelling would provide adequate natural light.

(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;

The application site is not located in an area to which the Local Planning 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 service lost

As far as can practically be ascertained, the site, specifically the first floor to which the application relates, is not in use for any of the purposes outlined in (h), therefore such consideration is not applicable.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

NOT APPLICABLE – the development does not meet the fire risk condition.

Nationally Described Space Standards

Article 3 (9A) of the GPDO 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) are technical standards produced by Central Government to ensure internal space within new dwellings is suitable for application across all tenures. The flat created would be a one bedroom, two person property. The minimum gross internal floor areas as required by the NDSS is therefore 50sqm. The proposed flat would provide 53.2sqm 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 size) meets the minimum standards set out under Section 3 (9A), and the NDSS.

CONCLUSION

The application site is not subject to any of the specified exclusions in MA.1 and therefore benefits from Permitted Development Rights under Class MA to Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As set out above, the Local Planning Authority considers the proposed development acceptable in respect of the conditions set forth in MA.2 of the Order.

Subsequently, Prior Approval of the Local Planning Authority is not required.

Recommendation: Prior Approval Not Required

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

1

- Application Form
- Noise Impact Assessment (dated 1st July 2026)
- DWG No. 26.3754.10 (Existing and Proposed Floor Plans)
- Location Plan
- DWG No. 26.3754.11 (Block Plan)