

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Sam Summers    | <b>Date of report:</b> 17/05/2023 | <b>Ref:</b> 69427/PIAPA        |
| <b>Registration:</b> 24/03/2023 | <b>LDfC:</b> 17/04/2023           | <b>Expiry Date:</b> 19/05/2023 |
| <b>Site Visit:</b>              | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 2            | <b>Con Area:</b>                  | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b>              |
|                                 |                                   | <b>Stat Class:</b> NREQ        |

**Proposal:** Prior approval for proposed change of use of existing 2 storey workshop and storage building (Class E) into 1 no. new dwellinghouse (Class C3)

**Location:** Rear of 120 Water Street, Radcliffe, M26 4BE

**Description**

Prior approval for proposed change of use of existing 2 storey workshop and storage building (Class E) into 1 no. new dwellinghouse (Class C3) under Part 3 Class MA of the General Permitted Development Order 2015(as amended). The property is a two storey building at the rear of the terraced row on Water street. It is proposed to change the entire building into 1 new dwellinghouse.

**Relevant Planning History**

None

**Publicity**

Letters sent 27/03/2023 - 2 Objections received:

The first objection concerns issues of ownership

The second objection raises concerns over crowding, parking, emergency access and ownership.

**Statutory/Non-Statutory Consultations**

Traffic Section - Objection - The application and submitted plans contain insufficient information to ensure that adequate surface water drainage and bin storage arrangements can be provided without adversely impacting the adjacent highways.

Environmental Health - Contaminated Land - No comment

Environmental Health - Pollution Control - No comment

**Pre-start Conditions** - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

**Unitary Development Plan and Policies**

H5/1 Area Improvement

**Issues and Analysis**

**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;

(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;

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

(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;
- (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;

(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

(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.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

The applicant has stated that the existing use of the building is a workshop and storage building, they have also made reference to car maintenance. None of these uses would fall under any of the use classes specified in sub paragraph (2) and as such the building is not eligible for this change of use prior approval. The proposal also involves works to the front elevation, this would constitute operational development and as such falls outside the scope of the prior approval.

For the reasons outlined above development is not permitted under Class MA as it does not comply with paragraph MA.1.(b) and involves operational development.

Response to neighbours

Ownership issues are a civil matter and are not assessed as part of this prior approval, Issues of traffic and overcrowding have not been assessed on this application as the property is not eligible for the change of use so an assessment on its impact has not been made.

Response to Traffic

The surface water drainage and bin storage have not been assessed as part of the application as the building is not eligible for the prior approval.

**Recommendation:** Prior approval required and refused

**Conditions and Reasons:**

- 1 The development is not permitted under Class MA as the existing use does not fall under any of the use classes specified in Part 3 Class MA Paragraph MA.1 (2) as such it does not comply with Part 3 Class MA Paragraph MA.1.(1)(b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- 2 The proposal requires operational development which is not permitted under Part 3 Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| SS                  | 17/05/2023  | DM                      | 19/05/23    |