

DELEGATED REPORT

Report by Sam Summers	Date of report: 10/07/2024	Ref: 70732/PIAPA
Registration: 16/05/2024	LDFC: 12/06/2024	Expiry Date: 11/07/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed change of use of ground floor from commercial, business and service (Use Class E) to a residential dwelling (Use Class C3)

Location: 43 Bolton Road, Bury, BL8 2AB

Description

This is an application for prior approval for proposed change of use of the ground floor from commercial (Use Class E) to 1no. dwellinghouse (Use Class C3) under Part 3 Class MA of the General Permitted Development Order 2015(as amended). The property is a two storey terraced building located on Bolton Road.

It is proposed to change the use of the ground floor to create 1 total dwellinghouse. The roller shutters and signage to be removed from the front elevation which would not constitute development. No changes to the windows or doors openings. There would be adequate natural light to all habitable rooms. The floor space would exceed the 37 square metres required under the national housing standards. The proposal would comply with national space standards.

Relevant Planning History

None

Publicity

Letters sent to neighbours 21/05/2024 - No responses received

Statutory/Non-Statutory Consultations

Traffic Section - the windows on the front elevation on the ground floor cannot open out into the path of passing pedestrians, foundation details are required for the infill panel that will replace the roller shutter & shop front and we need to see sight of bin storage arrangements within the curtilage of the rear yard.

Environmental Health - Pollution Control - No comment

Environmental Health - Contaminated Land - No Comment

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

Development is not permitted by Class MA—

(a) 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;

(b) 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;

(c) 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;

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

(e) 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 proposal would comply with all the limitations and conditions set out above.

Development under Class MA is permitted subject to the following conditions.

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 building is located in the town centre with good public transport links. There is no vehicular access to the site. Highways have commented that the windows on the front elevation on the ground floor cannot open out into the path of passing pedestrians,

foundation details are required for the infill panel that will replace the roller shutter & shop front and we need to see sight of bin storage. An informative has been added to the decision regarding the windows opening onto the path. The other issues are not related to the access so are not something to consider as part of the application.

(b) contamination risks in relation to the building;

Contaminated Land confirmed they have no comments to make

(c) flooding risks in relation to the building;

The site is not in a Flood Risk Zone.

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

Pollution control have confirmed they have no comment to make. On one side of the property is an adult shop, on the other side is a hot food take away. Neither use would be expected to cause an unacceptable level of noise on the proposed occupiers of the dwellinghouse.

(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;

The site is not in a conservation area

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

There is adequate natural light to all habitable rooms.

(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

Is not in an area 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

There would be no loss of such provisions.

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

The development does not consist of two or more dwellings whilst also exceeding seven storeys in height.

As such the Prior Approval of the Local Planning Authority is not required

Recommendation: Prior Approval Not Required

Conditions and Reasons:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	10/07/2024	DM -	15/07/2024