

DELEGATED REPORT

Report by Mark Kilby	Date of report: 16/11/2022	Ref: 68685/P3JPA
Registration: 22/07/2022	LDFC: 13/08/2022	Expiry Date: 15/09/2022
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 existing offices (Class E) to 7 no. flats (Class C3)

Location: Unit 2, Mossfield House, Chesham Fold Road, Bury, BL9 6JZ

Description

The application is for the prior approval of the Council for the conversion of a two storey office building into 7 flats under Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application site is currently in use as offices. The offices were previously ancillary to the Mossfield Mill factory site of the which the office building was part of. The offices were part of the wider Mossfield Mills factory site up to 2019.

Relevant Planning History

64059 - External Alterations - Mossfield Mill
C/27236/92 - Cladding of existing offices and factory - Mossfield Mill
C/04328/77 - Office entrance - Mossfield Mill

Publicity - Letter to nearby addresses 22/7/22. No objections or comments received.

Statutory/Non-Statutory Consultations

Traffic Section - No formal final comments received.
Environmental Health - Pollution Control - No comments received.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

Issues and Analysis

The deadline by which Council must make a determination as to whether or not to grant its prior approval has expired. However this does not confer deemed consent for the proposal on non-determination unless the building at the time the application was made benefited from the permitted development right under Part 3, Class MA to convert the offices to a residential use.

Part 3, Class A states:

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.

and

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 subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval

One of the uses in sub section (2)(a)(iv) is Class B1(business) which would include office use. The building was originally in ancillary office use to the factory site up to 2019. The building does not benefit from a planning permission change of use to offices nor has it been in office use for the requisite period of 10 years. As such the building is not in a lawful office use and therefore does not benefit from the permitted development right to convert it to flats. As such the Council is not in a position to either grant or refuse prior approval and the building does not benefit from deemed consent as the permitted development right to convert the building into flats in this instance does not exist.

Recommendation: Prior Approval Required and Refused

Conditions and Reasons:

- 1 The building is not in a lawful office use and therefore does not benefit from the permitted development right to convert it into flats.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	16/11/2022		