

DELEGATED REPORT

Report by Sam Summers	Date of report: 23/01/2025	Ref: 71393/P3JPA
Registration: 27/11/2024	LDfC: 23/12/2024	Expiry Date: 22/01/2025
Site Visit: 17/01/2025	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for Change of use from Launderette (sui generis) to 2 no. Dwellinghouses (Use Class C3)

Location: 5 Porter Street, Bury, BL9 5DZ

Description

This is an application for prior approval for proposed change of use of first and second floors from Launderette (sui generis) to 2 no. dwellinghouses (Use Class C3) under Part 3 Class M of the General Permitted Development Order 2015(as amended). The property is a two storey building at the end of a terraced row of shops with residential above located on Porter Street.

Relevant Planning History

70536 - Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations- Refused 12/04/2024

70830 - Lawful development certificate for proposed change of use from 4 no. flats (Class C3) to 4no. HMO's (C4) - Lawful Development 30/07/2024

71023 - Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations - Refused 07/10/2024

Publicity

Letter sent 29/11/2024 - 3 Objections received - Object to HMOs, too many HMOs, parking issues, work has progressed without permission, issues with rubbish and drainage system.

Statutory/Non-Statutory Consultations

Traffic Section - No Comment

Environmental Health - Contaminated Land - No Comment

Environmental Health - Pollution Control - No comment

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

Development is not permitted by Class M if—

- (a) the building was not used for one of the uses referred to in Class M(a)—
 - (i) on 20th March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;
- (d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;
- (e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or
- (g) the building is—
 - (i) on article 2(3) land;
 - (ii) in a site of special scientific interest;
 - (iii) in a safety hazard area;
 - (iv) in a military explosives storage area;
 - (v) a listed building; or
 - (vi) a scheduled monument.

The proposal would comply with all the limitations and conditions set out above.

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

Before beginning development under Class M, 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 and highways impacts of the development,

The highways department has not commented on the application. Given the current use of laundrette and the proposed use being 2no. flats there would not appear to be any significant increase in the number of cars generated by the use of the building as two flats when compared to the number of vehicles that could visit the building if it was brought back into use or if the building was converted into another commercial use.

- (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 zone

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(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (laundrette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services,

The building has not been in use as a laundrette for some time. Given that the owner of the building does not want to re-open the laundrette and has made multiple applications to change its use it is unlikely the building will be used to provide such services.

(e) the design or external appearance of the building

There are no works to change the external appearance of the building as part of this application

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

There is adequate natural light to all habitable rooms.

Response to neighbours - This is not an application for an HMO. Traffic issues have been addressed in the main body of the report. Rubbish issues and issues with the drainage network are not covered by this prior approval. Site visit confirmed the building still remains a laundrette and no works were seen to be ongoing.

As such the Prior Approval of the Local Planning Authority is required and granted

Recommendation: Prior Approval Required and Granted

Conditions and Reasons:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	23/01/2025	DM	23/01/25