

DELEGATED REPORT

Report by Sam Summers	Date of report: 23/10/2024	Ref: 71104/PIAPA
Registration: 22/08/2024	LDfC: 19/09/2024	Expiry Date: 17/10/2024
Site Visit: 18/10/2024	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 change of use of ground floor room from shop (Class E) to residential (Class C3)

Location: Kungs Mini Market, 167 Radcliffe Road, Bury, BL9 9LN

Description

This is an application for prior approval for proposed change of use of first and second floors from commercial (Use Class E) to 1 no. dwellinghouse (Use Class C3) under Part 3 Class MA of the General Permitted Development Order 2015(as amended). The property is a two storey detached building between a row of shops and a row of houses, located on Radcliffe Road.

It is proposed to change the use of the shop into part of the existing dwelling so that the whole building forms one dwelling house. 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 but would not exceed the limit of 1500 square metres allowed under the permitted development right.

Relevant Planning History

None

Publicity

Letters sent to neighbours 28/08/2024 - No responses received

Statutory/Non-Statutory Consultations

Traffic Section - No objections to principle of the change of use, want to see the boundary fence reduced in height or removed

Environmental Health - Contaminated Land - No comment

Environmental Health - Pollution Control - No comment

Environment Agency - 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 existing timber fence could cause the site access to be unsafe, the applicant has agreed to remove the fence as requested by highways, this has been added as a condition to the application. Highways confirmed outside of the fence they had no objection to the

development.

(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 in a flood zone and the applicant has provided a flood risk assessment. The assessment explains why additional flood defence is not required due to the distance from the river, the new flood protection measures implemented in the area and the levels of the building itself. The majority of the building is also already in domestic use. The environment agency did not make any comments on the application.

(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 a sandwich shop and on the other is a domestic property. 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 required and granted

Recommendation: Prior Approval Required and Granted

Conditions and Reasons:

- 1 Prior to occupation, the existing timber boundary fence shall be removed in accordance with the details on the submitted revised site plan to allow for safe site access.

Reasons

To ensure the intervisibility between users of the driveway and pedestrians on the adopted highway, in the interests of highway safety.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	23/10/2024	DM	23/10/24