

DELEGATED REPORT

Report by Sam Summers	Date of report: 08/10/2024	Ref: 71018/PIAPA
Registration: 13/08/2024	LDfC: 06/09/2024	Expiry Date: 08/10/2024
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 first floor from associated retail (Class E) to 2 no. flats (Class C3)

Location: 429-433 Walmersley Road, Bury, BL9 5EU

Description

Prior approval for proposed change of use from commercial, business and service (Class E) to mixed use including 2 No. Flats (Class C3) under Part 3 Class G of the General Permitted Development Order 2015(as amended). The property is a two storey building in a terraced row on Bolton Street. It is proposed to change the first floor of the property into a flat whilst retaining class E uses at ground floor. There will be no external alterations as part of this application. 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 to neighbouring properties 15/08/2024

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - No Comment

Traffic Section - Recommended condition for a sufficient number of bins to be stored within the curtilage of the site

Environmental Health - Pollution Control - a scheme should be submitted to sound proof the flats from the traffic noise & the ground floor businesses.

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

Development is permitted by Class G subject to the following conditions—

a) Some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

The proposed class E use is entirely below the flat use.

(b) where the development consists of a change of use of any building with a display

window at ground floor level, the ground floor must not be used in whole or in part as a flat;

Ground Floor will not be used as a flat

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

(i) by a single person or by people living together as a family, or

(ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents).;

(d) before beginning development, 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—

(i) contamination risks in relation to the building;

Environmental health contaminated land had no comment on the application

(ii) flooding risks in relation to the building;

The site is not in a flood zone

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

We cannot consider the impact of noise from traffic on the potential occupiers.

Regarding the impact of noise from the commercial premises, the applicant has confirmed that acoustic insulation shall be provided between the ground floor commercial uses and the apartments above, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works shall be completed before the development is brought into use. This has been secured by condition.

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

There is adequate natural light to all habitable rooms.

(v) arrangements required for the storage and management of domestic waste.

Bins will be stored within the rear yard of the property. Whilst traffic have recommended a specific condition for bin storage this is not required as the application is subject to the approved plans which show the proposed bin storage. Also whilst traffic have mentioned both the bin storage for the flats and the commercial uses, this application can only consider the bin storage for domestic waste.

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

Recommendation: Prior Approval Required and Granted

Conditions and Reasons:

- 1 The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations, as stated in the revised planning statement. Such works shall be completed before the development is brought into use.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	08/10/2024	HL -	08/10/2024