

DELEGATED REPORT

Report by Sam Summers	Date of report: 12/05/2025	Ref: 71218/P3JPA
Registration: 08/10/2024	LDFC: 30/10/2024	Expiry Date: 03/12/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for change of use of ground floor office (Class E) to 1no. dwellinghouse (Class C3)

Location: Cadworks UK Ltd, Unit 1, Woodhill Street, Bury, BL8 1AT

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 application is to change a part of the overall building into 1 no. dwellinghouse.

Relevant Planning History

55025 - Erection of 1.8 metre high fencing and double gates (retrospective) - Approve with Conditions 24/05/2012

58151 - Change of use from residential flat (Class C3) to offices/light industrial (B1 (c)) - Approve with Conditions 07/01/2015

Publicity

Letters to neighbours sent - 09/10/2024 - No comments submitted

Statutory/Non-Statutory Consultations

Traffic Section - conditions requested, added to application as condition and informative to applicant

Environmental Health - Contaminated Land - No conditions requires after submission of environmental report

Environmental Health - Pollution Control - 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;

Transport have requested two conditions for the development, the first consent the car parking and turning facilities, this has been added as a condition, the second concerns bin storage and has been added as an informative.

(b) contamination risks in relation to the building;

Contaminated Land stated that having considered the submitted report, Subadra Consulting Ltd, reference IN25118 CL 001, dated April 2025, I can advise that this fully addresses the potential contamination risk and am in agreement with the conclusion that no further assessment or any remedial actions are warranted. As such no conditions are recommended should the application be approved.

Please Note: The Environment Section has used all reasonable endeavours to determine the risk from contaminated land and ground gas based upon the information available to it. However, the comments made should not be taken to imply that the land is safe or otherwise suitable for this or any other development. The ultimate responsibility for safe implementation of the development scheme resides entirely with the landowner and/or Planning Applicant.

(c) flooding risks in relation to the building;

The site is not in a flood 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. The surrounding area is heavily residential with the only noise nearby to be generated by the attached building of which this application is a part.

(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 The car parking and turning facilities indicated on the approved plans shall be provided before the use hereby approved is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
 Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	12/05/2025	DM	12/05/2025