

DELEGATED REPORT

Report by Sam Summers	Date of report: 08/02/2024	Ref: 69796/P3JPA
Registration: 07/07/2023	LDFC: 01/08/2023	Expiry Date: 01/09/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: BURY	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed change of use from from commercial, business and service (Class E) to mixed use including 2 No. Flats (Class C3)

Location: 12 Bolton Street, Bury, BL9 0LQ

Description

Prior approval for proposed change of use from 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 an office use 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

70390 - Change of use of ground floor from shop (Class E) to sports bar and restaurant with first floor offices (Class E/Sui Generis); Replacement shop front - Ongoing application

Publicity

Letters to neighbouring properties 10/07/2023

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land
Environmental Health - Pollution Control

Pre-start Conditions - None

Unitary 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 confirmed risk of contamination is low and therefore no desktop survey required

(ii) flooding risks in relation to the building:

Not in a flood zone

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

Properties to the east of the building are all in use as class E with the closest building being used as an art gallery, there no noise impact is expected from that side. On the western side of the property is a late opening night club. This use is in the basement of the adjacent building. Following comments from pollution control a noise report was requested. The noise report demonstrated that with the proposed noise mitigation the noise levels could be significantly reduced including the use of the ventilation system recommended in the report. Any person moving into the flat would do so with the full knowledge of the adjacent uses and given its town centre location an expectation of some level of noise which may occur. Given the significant mitigation and the town centre location there would not be an unacceptable impact of noise on the occupiers for this application.

(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 stored internally in existing extension at rear

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

Recommendation: Prior Approval Required and Granted

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Conditions and Reasons:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	08/02/2024	HL	08/02/24