

205 Stockport Road,
Altrincham,
Manchester,
WA15 7SW

Development Management,
Rossendale Borough Council,
Rooms 120 to 121,
The Business Centre,
Bacup,
OL13 0BB

Sent via the Planning Portal only

15th March 2024

Dear Sir / Madam,

Orchard Works, Pilling Street, Waterfoot, Rossendale, BB4 7AU

Hayley Knight Planning Limited, on behalf of Winworth Construction Limited, hereby apply to Rossendale Borough Council for prior approval for the change of use of Orchard Works, Pilling Street, Waterfoot from a light industrial use to a future residential use.

In accordance with statutory requirements the application, as submitted on the planning portal (reference PP-12493999), comprises of the following:

- Application form;
- Site Location Plan, reference 21001-C4P-AV-XX-DR-A-0101 revision P3;
- Site Plan as Existing, reference 21001-C4P-AV-XX-DR-A-0110 revision P2;
- GA Plans as Existing (Floor Plans), reference 21001-C4P-B1-XX-DR-A-1010 revision P2;
- Elevations as Existing, reference 21001-C4P-B1-XX-DR-A-1102 revision P2;
- Site Plan as Proposed, reference 21001-C4P-AV-XX-DR-A-0510 revision P2;
- Basement and Ground Floor as Proposed, reference 2010-C4P-B1-XX-DR-A-2010 revision P2;
- Level 1 as Proposed, reference 2011-C4P-B1-XX-DR-A-2011 revision P2;
- Elevations as Proposed, reference 21001-C4P-B1-XX-DR-A-2110 revision P2;
- Indicative Site Sections as Proposed, reference 21001-C4P-AV-XX-DR-A-0710 revision P2; and
- Cycle Shelter and Bin Store Details, reference 21001-C4P-AV-XX-DR-A-0520 revision P2.



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The requisite application fee of £750.00 has been paid to the Planning Portal directly.

The Site

The Site comprises of a two and a half storey building, constructed of traditional stone materials prevalent in the local area. The building was last in use as a workshop. It is assumed that this building was originally designed for workshop purposes given the design features of the building which include a larger entrance for deliveries on Millar Barn Lane which benefits from a decorative stone surround; large open spaces within the building; and the levels of the building which includes a half basement that benefits from large windows along the Pilling Street at sub-ground level. The ground floor of the building is therefore elevated from the street level. The building is located in the centre of Waterfoot at the junction of Millar Barn Lane and Pilling Street.

The Site has recently been subject to planning application which sought permission for '*demolition of existing former mill building (Orchard Works) and erection of a three-storey building to accommodate 7 no. apartments with associated car parking and hard landscaping*' application reference 2022/0306. This application was refused on 17th November 2022.

The Proposals

The proposed development comprises of the change of use of the existing Orchard Works building from the existing employment use, to a future residential use.

The conversion of the existing building lends itself to providing 6 no. apartments, as shown on the submitted plans. The proposed development therefore comprises of:

- 4 no. one bedroom apartments; and
- 2 no. two bedroom apartments.

Inside the building a large lobby area is provided which contains mailboxes for the apartments. An internal communal bicycle store is located at basement level.

Wider Proposals

Externally a car parking area is proposed at the rear of the building, off Pilling Street. This accommodates 7 no. cars together with a bin store area and external bicycle parking facility. In addition minor external alterations are proposed to the building to accommodate the change of use notably the replacement of the timber garage doors on the front elevation to glazing, and the introduction of one window into apartment 2 at sub-ground level. These external works are not covered by permitted development rights, and therefore require planning permission. These minor external alterations are therefore subject of a separate planning application which has been submitted alongside this application for permitted development for the change of use of the building.

Considerations

The proposals have been designed to be in accordance with the conditions and limitations set out in the Schedule



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2, Part 3, Class MA (commercial, business and service uses to dwellinghouses) of the General Permitted Development (England) Order 2015 (as amended). This section of the letter considers the proposals against the relevant classes of the Permitted Development Order to demonstrate this, and should be read alongside the submitted plans.

Class MA - Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Permitted Development Right Condition/Limitation	Comply? Y/N	Notes
Permitted Development MA. <i>Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.</i>		
Development not permitted MA.1. – (1) Development is not permitted by Class MA -		
(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;	Yes	The building has been vacant for more than 3 months prior to the date of this application.
(b) 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;	Yes	The building was last in use for a motor repairs garage (Use Class E), Colin Brennan Motor Services prior to its closure.
(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;	Yes	The floorspace is 522.7 sq.m, see the GA Plans as Existing plan: - Basement- 159.9 m ² - Ground Floor- 181.4 m ² - First Floor- 181.4 m ²
(d) 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;	N/A	None of these apply to the Site



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Permitted Development Right Condition/Limitation	Comply? Y/N	Notes
(iv) is or forms part of a safety hazard area; or (v) is or forms part of a military explosives storage area;		
(e) 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;	N/A	None of these apply to the Site
(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or	N/A	The Site is not subject to an agricultural tenancy
(g) 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.	N/A	The primary use of the building has never been for offices
(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);		Noted- see above response to (1)(b)



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(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.		Noted- see above response to (1)(b)
Conditions		
MA.2.—(1) Development under Class MA is permitted subject to the following conditions.		
(2) 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—	Yes	This application is seeking to satisfy this condition
(a) transport impacts of the development, particularly to ensure safe site access;	Yes	The Site is located in the Village of Waterfoot, and therefore within close walking distance of day-to-day services and amenities. The scale of the proposal is modest, providing only 6 no. apartments, each of which will have their own dedicated car and bicycle parking spaces on Site. Access to the external parking area will be directly off Pilling Street, with sufficient manoeuvring space provided on site for vehicles as shown on the submitted Site Plan.



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(b) contamination risks in relation to the building;	Yes	<p>The existing building will be renovated thoroughly to ensure that the accommodation is suitable for occupation and be of no risk to the future occupants.</p> <p>The rear yard comprises of hardstanding for vehicular and bicycle parking, and bin storage. As such the ground will be capped with hardstanding such that it is not anticipated that there would be any risk of contamination.</p> <p>If further details are needed in respect of contamination risk the Applicant Team are happy to discuss with the Council as the application progresses.</p>
(c) flooding risks in relation to the building;	N/A	The Site is wholly within Flood Zone 1 and therefore not considered to be at risk of flooding.
(d) impacts of noise from commercial premises on the intended occupiers of the development;	Yes	The Site is the last remaining property in this part of Waterfoot that provides workshop type employment floorspace. The immediate neighbours of the Site comprise of residential properties and a self storage unit to the western side, across Pilling Street. Therefore any future residents of the scheme will not be at risk of an unsuitable environment due to noise caused by adjacent uses, which are compatible with the proposed change of use.
(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,	N/A	The Site is not located within a Conservation Area.



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the impact of that change of use on the character or sustainability of the conservation area;		
(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;	Yes	As shown on the proposed floor plans all apartments, and habitable rooms, benefit from natural light.
(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; ^{F2} ...	Yes	The majority of the surrounding buildings are already in a residential use, and therefore compatible with the proposed change of use. The only commercial use adjacent to the Site is self storage (to the west across Pilling Street) which by its nature is quiet. It appears to be operating well with its existing residential neighbours. Therefore self storage is not a use that would be impacted negatively by the introduction of a further residential use nearby.
(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 [^{F3} ; and	N/A	The change of use would not involve the loss of a nursery or health centre.
(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building]	N/A	The building is less than 7 storeys and will not exceed 18 metres in height.
(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.	Yes	This application is being made after 1 st August 2021.
(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph [^{F4} as if—	Noted	



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(a) for paragraph (e) of sub-paragraph (2) there were substituted— “(e) where— (i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment; (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development.”;		
(b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;		
(c) after sub-paragraph (6) there were inserted— “(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;		
(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;		
(5) Development must be completed within a period of 3 years starting with the prior approval date.	Yes	The Applicant would implement any consent within the conditioned timescales.
(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.]	Yes	The Applicant understands that the use would be restricted to dwellings as defined by Class C3 of Schedule 1 to the Use Classes Order.
[^{F5} Interpretation of Class MA	Yes	Whilst the proposals will comprises of more than two dwellings, the building



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MA.3. Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will— (a) contain two or more dwellinghouses; and (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.]		will not be more than 18 metres in height, or seven storeys.

This letter sets out how the proposed change of use of the Orchard Works, Pilling Street in Waterfoot to a future residential use complies with permitted development rights. It is therefore respectfully requested that the Council issue prior approval for the change of use to enable the retention and future of use of the building.

I trust the information submitted with the application is appropriate and can be registered and validated expeditiously. However, if there are any immediate queries then please do not hesitate to contact me.

Yours sincerely,

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