



Application	2025/0219	Application	Prior Notification (Change of use
Number:		Type:	from Commercial, Business and
			Service (Use Class E) to
			Dwellinghouses (Use Class C3)
Proposal:	Prior Notification (Class MA):	Location:	16 Regent Street
	Convert the first floor into two		Haslingden
	flats for domestic use. The		Rossendale
	only impact externally will be		Lancashire
	the external staircase for use		BB4 5HQ
	as access to the flats and as		
	an emergency escape route.		
	No alteration is proposed to		
	the external elevations		
Report of:	Head of Planning and	Status:	For publication
	Building Control		
Report to:	Development Control	Date:	18/11/2025
	Committee		
Applicant:	Mr Mohammed Sakib	Determination	04/08/2025 (Ext. of time agreed
		Expiry Date:	until 21/11/2025)
Agent:	Mr D Hancock		

Contact Officer:	Storm Grimshaw	
Email:	stormgrimshaw@rossenda	lebc.gov.uk

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In	No
Name of Member:	
Reason for Call-In:	
3 or more objections received	No
Other (please state):	The Planning Agent is an elected Councillor.

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

Grant prior approval subject to conditions.

2. SITE

16 Regent Street is a traditional stone-built end terrace building located on a corner plot where Regent Street intersects with John Street in Haslingden. The building is in use as an Indian Restaurant and Takeaway: the ground floor contains the restaurant and kitchen while the upper floors are used as ancillary storage space. The principal elevation fronts Regent Street and contains a shopfront opening alongside signage. A rear yard is located to the rear, enclosed by a high stone wall.

The site is located within the urban boundary and the Haslingden Conservation Area.

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

The proposal seeks approval for the change of use of the first floor of the building to 2 no. one-bedroom apartments. The first floor is currently used primarily as storage space. The ground floor and second floor of the building would remain as existing and do not form part of the prior approval application.

Access to the apartments would be from John Street and via an existing metal staircase within the rear yard which leads to rear door at first floor level. The living space for both apartments would be spread across the first floor and each apartment would contain a bedroom, bathroom and kitchen/living space, with built-in storage too.

According to the submitted plans, Flat no.1 would have a total floor space of 46sq m, and Flat no. 2 would have 42sq m.

No external alterations are proposed as part of the scheme, with the flats benefiting from existing openings.

5. POLICY CONTEXT

National

National Planning Policy Framework

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Achieving sustainable development Section 2 Section 4 **Decision-making** Section 5 Delivering a sufficient supply of homes Building a strong, competitive economy Section 6 Section 9 Promoting sustainable transport Making effective use of land Section 11 Section 12 Achieving well-designed places Conserving and enhancing the historic environment Section 16

Development Plan Policies

Rossendale Local Plan 2019 to 2036

Strategic Policy SS: Spatial Strategy

Strategic Policy SD2: Urban Boundary and Green Belt

Strategic Policy HS1: Meeting Rossendale's Housing Requirement Strategic Policy ENV1: High Quality Development in the Borough

Strategic Policy ENV2: Historic Environment

Strategic Policy R1: Retail and Other Town Centre Uses

Policy R3: Development and Change of Use in Town, District and Local Centres and

Neighbourhood Parades Policy TR4: Parking

Other Material Planning Considerations

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021

National Planning Practice Guidance

National Design Guide

6. CONSULTATION RESPONSES

Consultee	Summary of Comments received
LCC Highways	No objection.
Land Contamination	No objection.
Consultant	
RBC Environmental Health	No objection.

7. REPRESENTATIONS

The application was advertised in this instance by sending individual letters to the surrounding properties. These were sent on 9th June 2025 giving them 21 days to comment. The publicity period has now expired but no representations have subsequently been received.

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A site notice was also posted on 27th June 2025 with 21 days to comment. No representations have been received.

8. ASSESSMENT

Prior Notification / Approval Procedure

Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits the following:

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.

Development is not permitted if it conflicts with any of the criteria set out in the above Class. These will be assessed individually below (with the case officer's comments in bold text:

- MA.1.—(1) Development is not permitted by Class MA—
- (a) part (a) removed after the limitation was lifted from the legislation by government on 5 March 2024.
- (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;

The Council is satisfied that the upper floors of the building were last in use as offices for longer than 2 years prior to the date of this application.

- (c) part (c) removed after the limitation was lifted from the legislation by government on 5 March 2024.
- (d) if land covered by, or within the curtilage of, the building—
 - (i)is or forms part of a site of special scientific interest; N/A
 - (ii)is or forms part of a listed building or land within its curtilage; N/A
 - (iii)is or forms part of a scheduled monument or land within its curtilage; N/A
 - (iv)is or forms part of a safety hazard area; or N/A
 - (v)is or forms part of a military explosives storage area; N/A
- (e) if the building is within—
 - (i)an area of outstanding natural beauty; N/A
 - (ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; N/A

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(iii)the Broads; - N/A
(iv)a National Park; or - N/A
(v)a World Heritage Site; - N/A

- (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**
- (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 N/A
 - (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

In addition to the above criteria, in order to benefit from the permitted development right under Class MA, the development must also comply with several conditions. These again are assessed below, with the case officer's comments in red:

- 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—
- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (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; (f) the provision of adequate natural light in all habitable rooms of the dwelling houses;
- (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;
- (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

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

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The applicant has duly applied to the local planning authority for a determination as to whether the prior approval of the authority will be required as to all of the above. These will be assessed in full later in this report.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

Complies – application was received after 1st August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph.

The relevant impacts of the development will be assessed in full later in this report.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

This is a condition which the developer would have to comply with.

(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.

This is a condition which the developer would have to comply with.

Assessment of Specified Impacts

A – Transport impacts of the development, particularly to ensure safe site access

The proposed dwelling would be sustainably located within the defined urban boundary, close to good public transport links.

The Local Highway Authority have confirmed it has no objection to the proposal. They also commented:

"The site does not provide any off-highway parking however it is located within a sustainable location with good access to public transport and local amenities. Secure, covered cycle storage should be provided for both flats within the curtilage of the development, to promote sustainable transport."

The proposed flats will benefit from having access to a relatively large rear yard, where secure cycle stores for each flat could be located alongside any required refuse storage areas. A condition has been recommended to secure the provision of secure cycle storage.

B – Contamination risks in relation to the building

The Council's Contaminated Land Consultant has raised no objection. They also advised:

"The applicant is advised the site is potentially in a Radon Class 3 Area according to the UK Radon indicative map. The applicant should clarify this with Building Control together with their requirements if applicable."

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C – Flooding risks in relation to the building

The site is not within a flood risk zone, and there is no reason to suspect that the development will be at any greater risk of flooding than the existing use of the building would.

<u>D – Impacts of noise from commercial premises on the intended occupiers of the development</u>

The ground floor will remain a restaurant and hot food takeaway, and in support of the application the applicant has submitted a Noise Impact Assessment (NIA). The NIA assessed the noise impact on the apartments above from the ground floor food outlet extraction flue at the rear of the building and from the internal transfer of noise from the ground floor commercial use. The NIA recommends mitigation measures in the form of appropriate glazing with trickle ventilation and first floor acoustic enhancements to ensure the noise impact will be reduced to acceptable levels.

Subject to a condition securing the specified mitigation measures, the impact of noise from the commercial premise below would be suitably mitigated for future occupiers of the development.

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 building is located within the Haslingden Town Centre Conservation Area, but the development would not involve a change of use of the whole or part of the ground floor. Therefore the impact of the change of use on the character or sustainability of the conservation area is not necessary.

F – The provision of adequate natural light in all habitable rooms of the dwelling houses

The proposed apartments would be served by windows, utilising the building's existing openings to serve 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

The area in question is not considered to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses – and as such the proposal is acceptable in this regard.

An assessment under point H is not applicable in this case, as the proposal does not involve the loss of services provided by a nursery or health centre.

An assessment under point I is not applicable in this case, as the proposal does not meet the fire risk condition.

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Conclusion

Having regard to all of the above, it is considered that the proposed scheme complies with all of the necessary criteria under Class MA for the development to be permitted by that class, and that the scheme is acceptable when assessed against all of the relevant impacts specified by that Class.

Paragraph 9A of Article 3 states:

Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b)that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

The planning agent has confirmed in writing that the proposed apartments are 1 bedroom, 1 bed space dwellings, and as such the proposed dwellings comply with paragraph 9A above.

As such, prior approval should be granted for the proposed development.

9. SUMMARY REASON FOR APPROVAL

The proposed scheme complies with Paragraph 9A of Article 3 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and all of the necessary criteria under Class MA of Part 3 for the development to be permitted by that Class. Furthermore, the scheme is acceptable when assessed against all of the relevant impacts specified by Class MA.

10. RECOMMENDATION

Grant prior approval subject to the following conditions.

11. CONDITIONS

1. The development hereby approved must be completed within a period of 3 years starting with the date of this prior approval.

<u>Reason</u>: Required by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. Any building permitted to be used as a dwelling house by virtue of Class MA is to remain in use as a dwelling house 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 dwelling house.

<u>Reason</u>: Required by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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- 3. The development shall be carried out in strict accordance with the following unless otherwise required by the conditions below:
 - Application form signed and dated 31/05/2025
 - Location Plan dated 18th January 2025
 - Proposed and Existing Elevations drawing no. 17020.4
 - Previous Layouts drawing no. 17020.1
 - Flat Boundaries drawing no. 17020.3
 - Proposed Layouts drawing no. 17020.2
 - Noise Impact Assessment produced by Noise Assessments Ltd. (Dated 15/10/2025)
 - Email confirming the dwellinghouses will be 1 bed, 1 person apartments

Reason: For the avoidance of doubt, and to ensure the proper development of the site.

4. Prior to first occupation, a secure, covered cycle store for at least 2 bicycles shall be provided and maintained thereafter within the rear yard of the building for the purposes of storing bicycles for future occupants of the development.

Reason: To promote sustainable travel.

5. Prior to first occupation of any of the residential apartments, the mitigation measures set out in the approved Noise Impacted Assessment shall be installed and evidence of their installation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation measures shall be retained for the lifetime of the development,

Reason: To protect the amenity of future occupiers of the residential properties.

12. INFORMATIVES

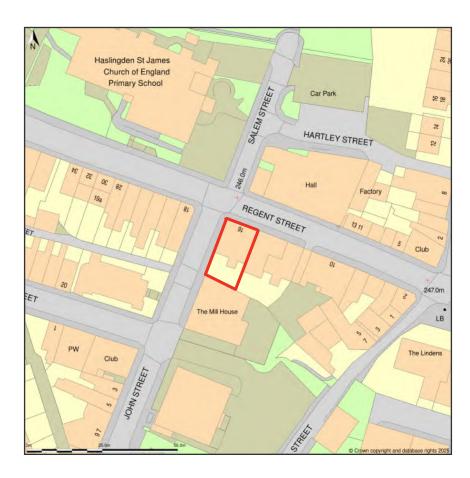
- 1. The proposals comply with the development plan and would improve the economic, social and environmental conditions of the area. They therefore comprise sustainable development and the Local Planning Authority has worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement as set out in Paragraph 38 of the National Planning Policy Framework.
- 2. The applicant is advised the site is potentially in a Radon Class 3 Area according to the UK Radon indicative map. The applicant should clarify this with Building Control together with their requirements if applicable.

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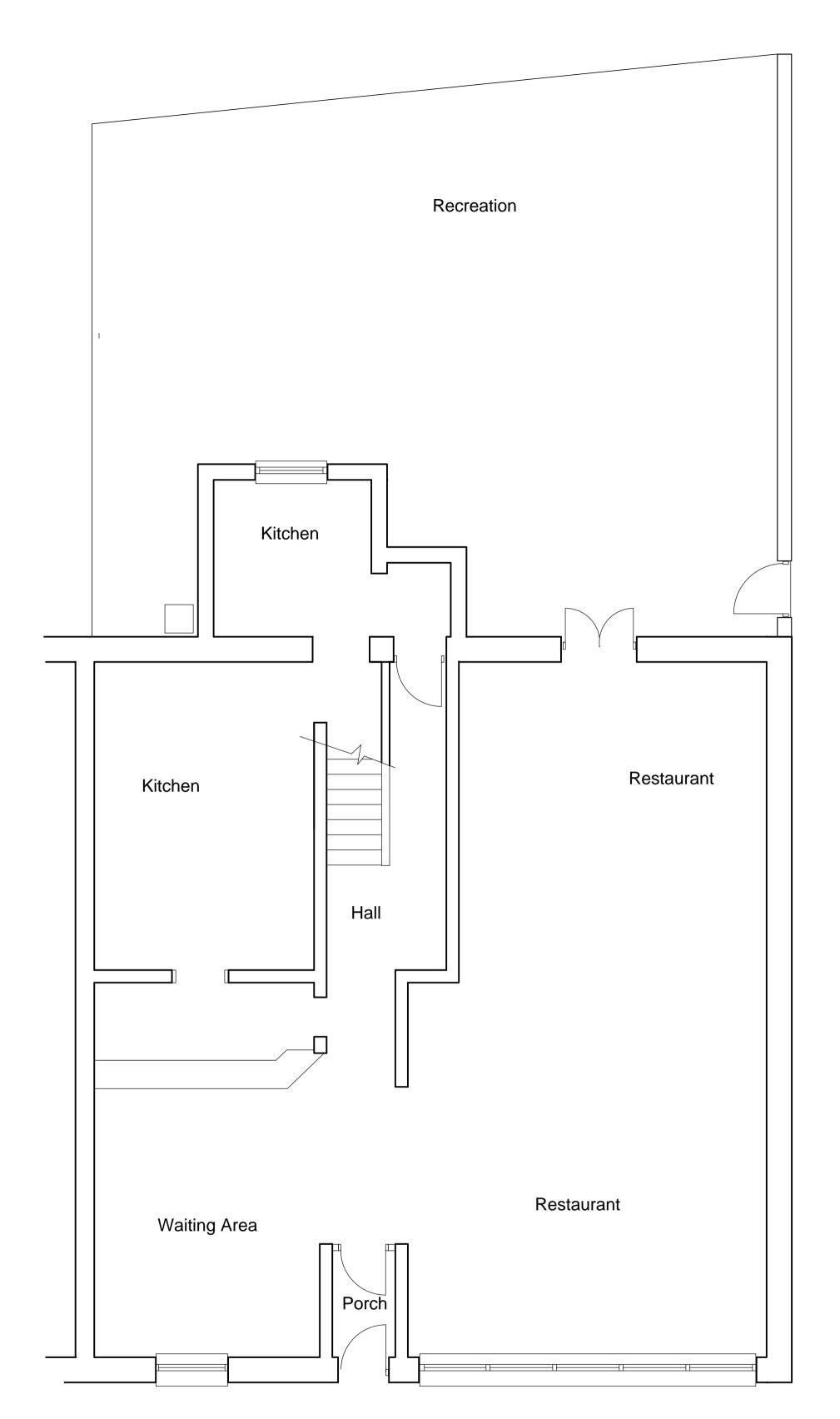
16, Regent Street, Haslingden, Rossendale, Lancashire, BB4 5HQ



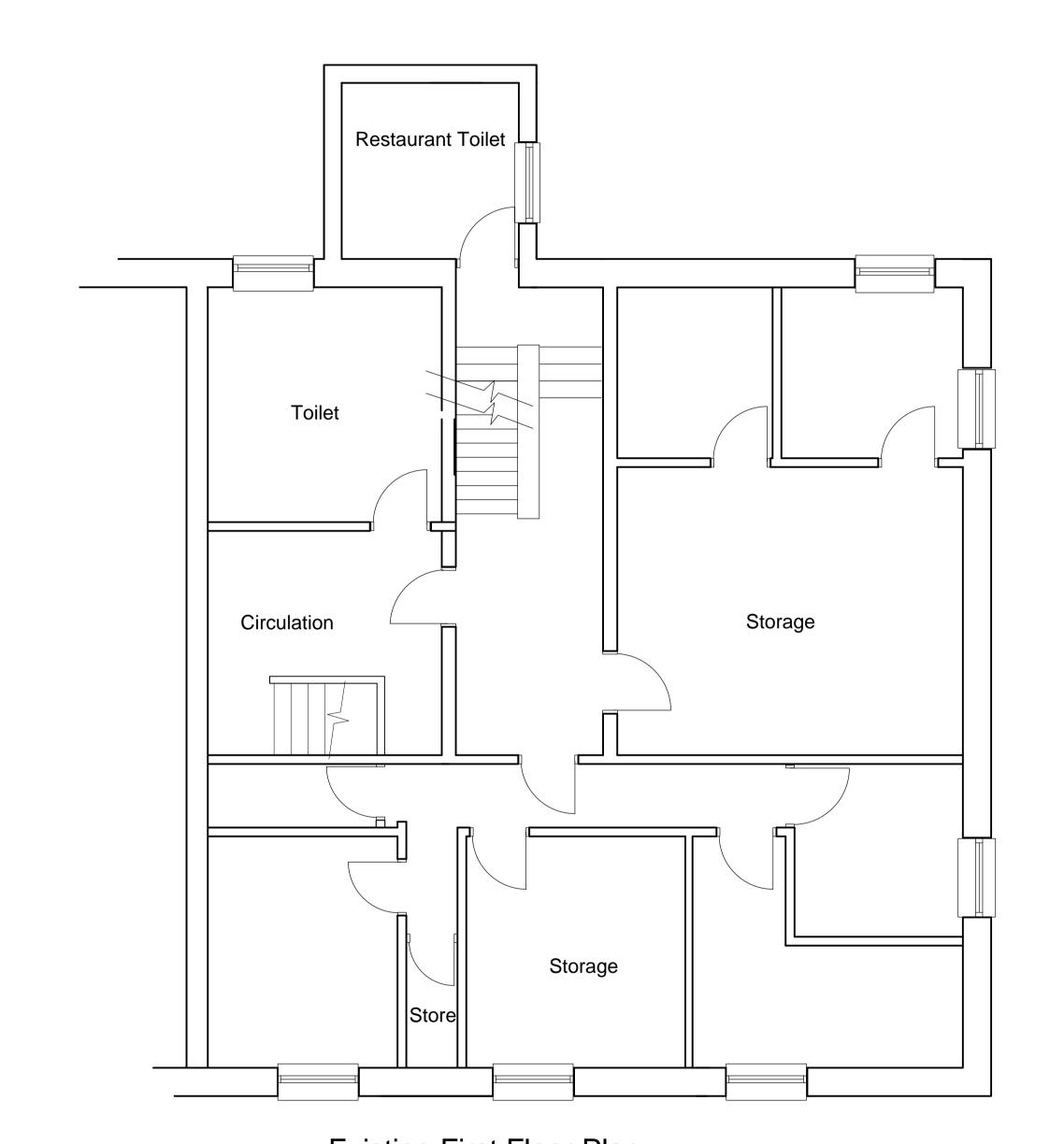
Location Plan shows area bounded by: 378481.18, 423363.33 378622.6, 423504.75 (at a scale of 1:1250), OSGridRef: SD78552343. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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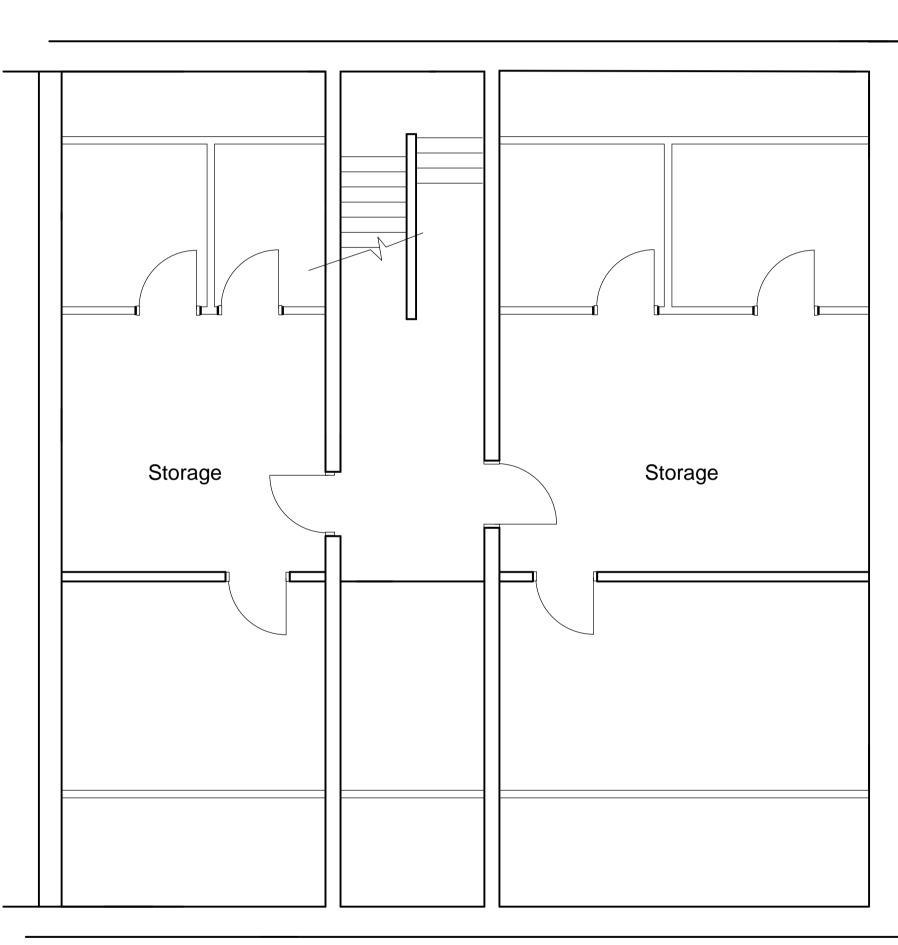
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Existing Ground Floor Plan



Existing First Floor Plan



Existing Second Floor Plan

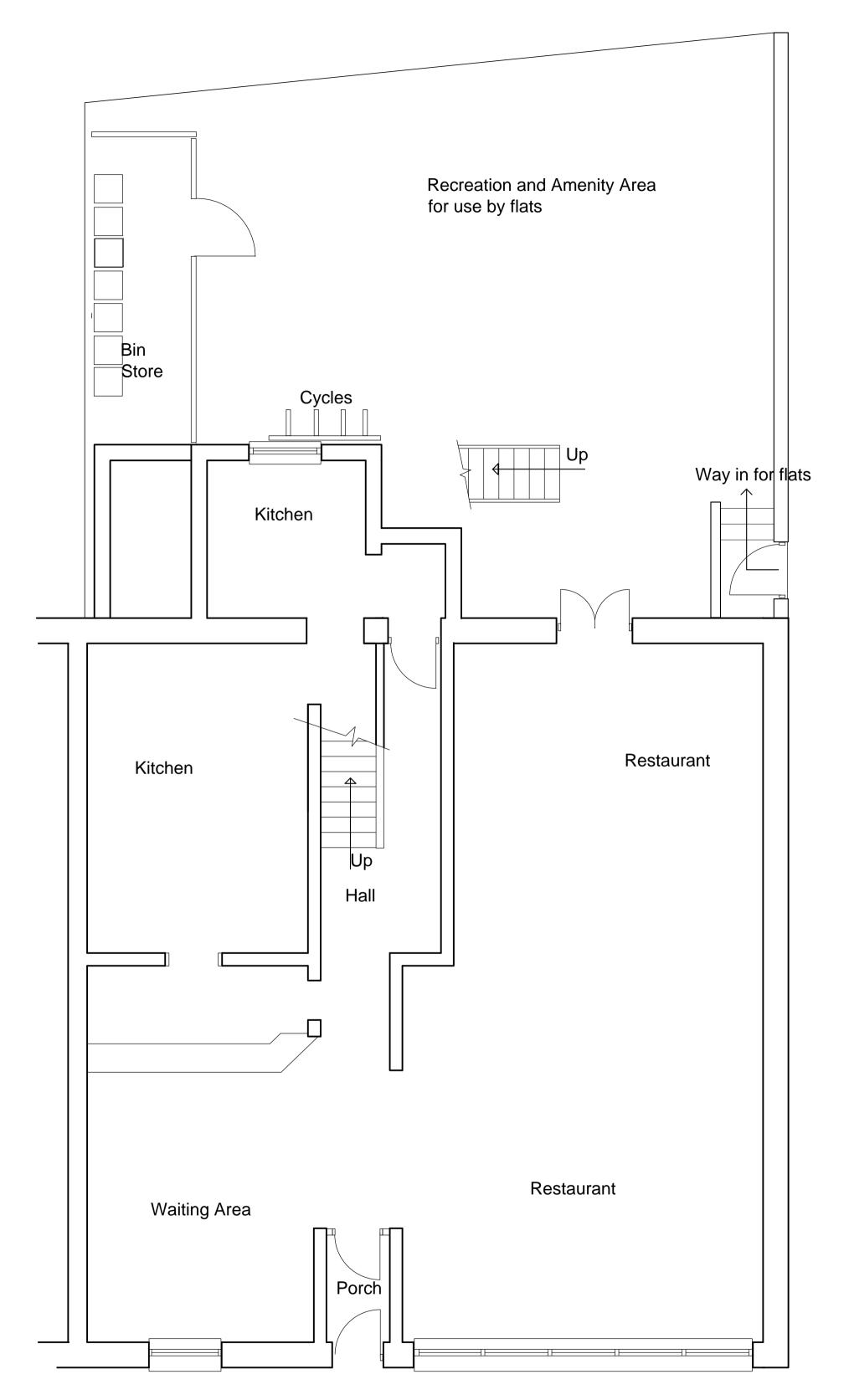
Title
Previous Layouts

Job
16 Regent Street, Hasingden

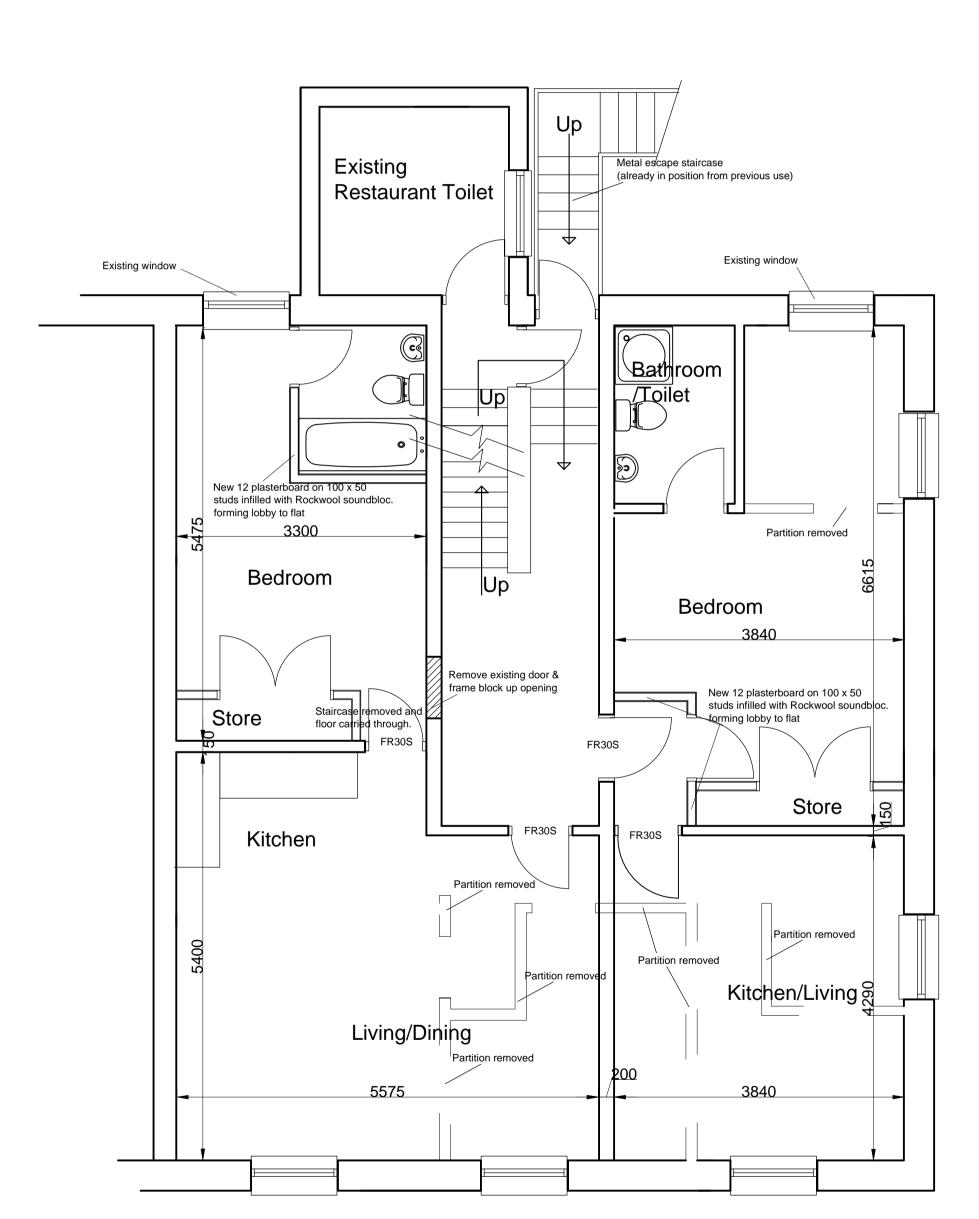
Client

Dwg No
17020.1

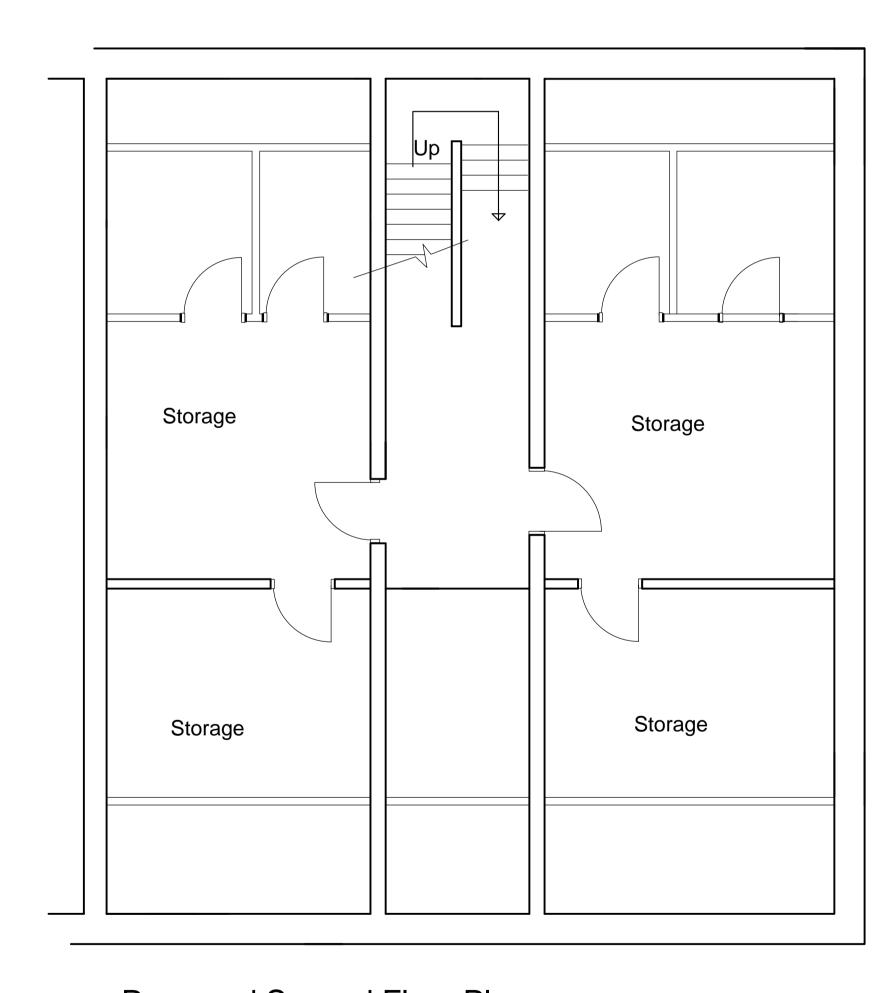
DJ Hancock Design
22 Croft Street
Bacup
Tel 01706 563502
Mob 07599 008 791



Ground Floor Plan Restaurant (as Existing)



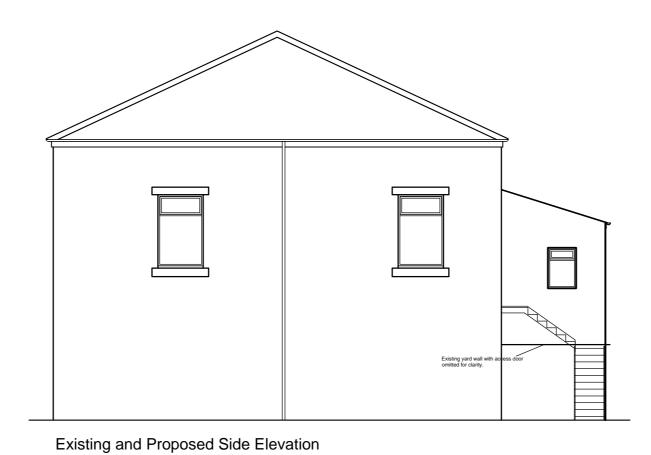
Proposed First Floor Plan

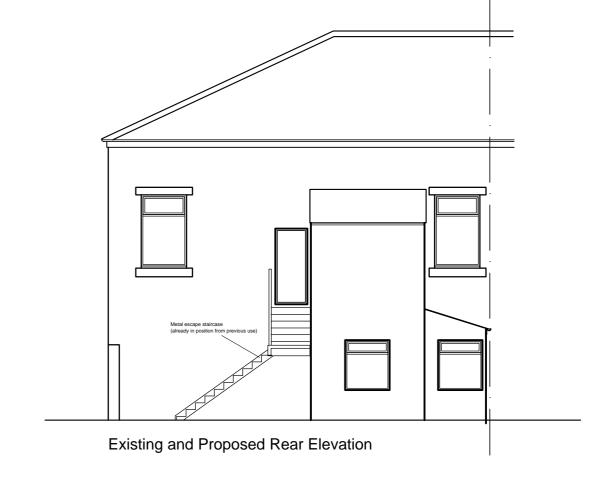


Proposed Second Floor Plan (as existing)









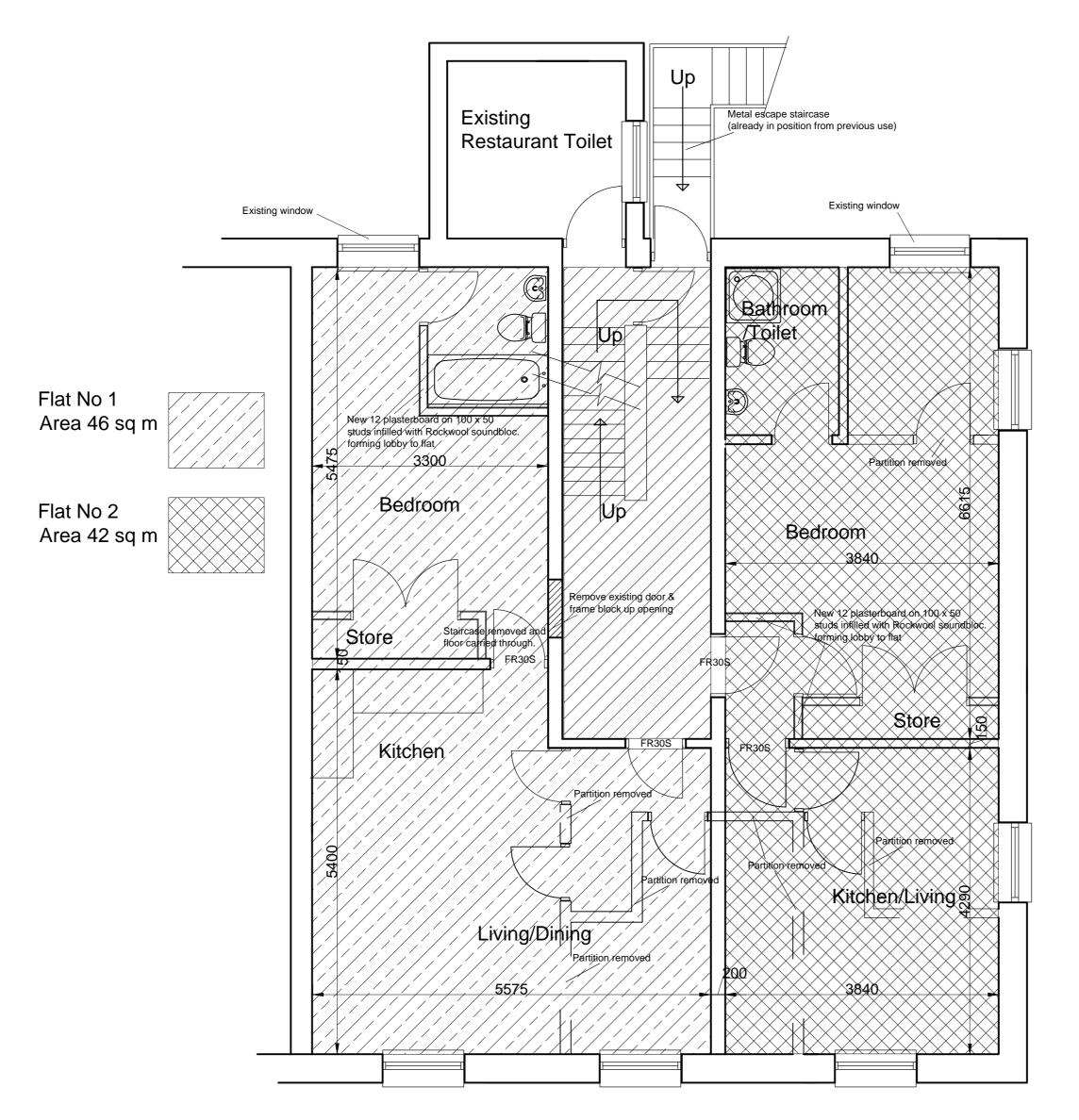
Title
Proposed and Existing
Elevations
Job

16 Regent Street, Hasingden

Client

Dwg No 17020.4 Scale 1.100 @A2

DJ Hancock Design 22 Croft Street Bacup Tel 01706 563502 Mob 07599 008 791



Proposed First Floor Plan

Title Flat Boundaries

Job

16 Regent Street, Hasingden

Client

Dwg No 17020.3

DJ Hancock Design 22 Croft Street

Scale 1.50 @A2

Bacup Tel 01706 563502 Mob 07599 008 791





