

Our ref. AB2161/LPA061021

Planning Department
London Borough of Bexley
Bexleyheath
Kent
DA6 7AT

By email only to : developmentcontrol@bexley.gov.uk

6th October 2021

Dear Sir/Madam,

**PRIOR APPROVAL APPLICATION UNDER CLASS MA OF PART 3 OF SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015 (AS AMENDED)
SAFEGUARD HOUSE, 371-375 BEXLEY ROAD, ERITH, LONDON, DA8 3EZ**

On behalf of our client, Sherwood Park Investments Limited, please find enclosed a prior approval application under Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, relating to part of the existing Class E premises known as Safeguard House at 371-375 Bexley Road, Erith, London, DA8 3EZ.

This prior approval application, which is being submitted to the London Borough of Bexley (the LPA) by email (as the Planning Portal website does not yet facilitate the submission of Class MA prior approval applications) comprises the following documentation ;

- Completed prior approval application form.
- Completed Community Infrastructure Levy (CIL) form.
- This supporting statement prepared by Beamish Planning Consultancy.
- Statutory declaration of Satpal Bharaj, dated 5th October 2021.
- Sheet of historic Google Streetview imagery from October 2008 through to June 2021.
- Parking Analysis Note (dated 30th September 2021) prepared by mode transport planning.
- 1:1250 scale OS plan of application site and surroundings.
- Drawing no. 21937-PL01 – existing plans and elevations prepared by architects plus.
- Drawing no. 21937-PL02 Revision A – proposed plans and elevations prepared by architects plus.

We would be grateful if the LPA would contact us upon receipt of this application so that we can make payment of the statutory Class MA prior approval application fee of £200 (for the two residential units created by the proposed conversion).

Description of application site and surroundings

The application building, Safeguard House, comprises a two-storey detached building located immediately to the east of the roundabout junction of the A2220 (Erith Road/Bexley Road) and Brook Road and Colyers Lane. The specific floorspace which is the subject of this application comprises all of the first floor floorspace, an existing internal staircase core which is accessed by way of an existing door in the south facing elevation of the building, and part of the ground floor floorspace located at the rear of the building which is accessed by a door within the rear elevation of the building.

The lawful use of the entire building falls within Class E, and prior to the September 2020 amendments to the Use Classes Order the lawful use of the building fell within Use Class A2 (financial and professional services). For many years the building was continuously occupied by an insurance company called Safeguard Insurance, but that company vacated the premises prior to April 2020.

From that time until September 2021 the entire building remained vacant, but having acquired the building in March 2021 the applicants recently (September 2021) entered into a lease relating to the floorspace at the front part of the building at ground floor level, i.e. not the floorspace which is the subject of this prior approval application.

The application site falls just within the boundaries of Northumberland Heath District Centre, and also comprises non-core retail frontage. The application building is not located within a Conservation Area, and nor is it either statutorily or locally listed, whilst both the building and its surroundings are located within Flood Zone 1.

There is no off-street parking associated with the building, and nor is any such parking possible, given how the footprint of the building occupies the majority of the site and how it is surrounded by the road network, with a bus stop on Colyers Lane immediately to the south-east of the site.

Relevant planning history relating to the application building

In July 2021 this Practice submitted a prior approval application under Class M of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, with the floorspace which was the subject of that application comprising the same floorspace which is the subject of this further prior approval application.

That prior approval application (ref. 21/02336/PRIOR) was refused by the LPA on 1st September 2021 for the following sole reason ;

'The Highway Authority have stated that it is clear that the surrounding highway network suffers from a degree of on-street parking stress. Given that the development site falls within an area that has very poor public transportation connections and the fact the proposal does not include any on-site parking, it is important to establish whether the surrounding area can accommodate the likely parking overspill that would be generated by the development. The Highway Authority acknowledge that the level of parking provision shortfall is small, however the applicant has failed to provide sufficient details that would allow the assessment of the full impacts of the proposed development. In the absence of the requested overnight car parking survey, it is considered that insufficient information has been provided to enable the Highway Authority to assess this proposal and to be assured that this scheme will not create significant highway safety issues.'

There is no other recent planning history relating to the building which is the subject of this prior approval application. Back in April 2002, the LPA granted planning permission (application ref. 02/00199/FUL) for the provision of a new shopfront, staircase and staircase entrance, including security shutters, to the building. Additionally, in March 2002 the LPA also granted express advertisement consent (application ref. 02/00199/ADV) for proposed internally and externally illuminated signage to the building.

Proposals which are the subject of this prior approval application

This further prior approval application is effectively an identical submission to the previous prior approval application submitted to the LPA in July 2021, albeit now under Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), reflecting how the previous provisions available under Class M elapsed on 31st July 2021 when the transitional arrangements associated with the September 2020 amendments to the Use Classes Order concluded.

The proposals which are the subject of this further prior approval application therefore involve the conversion of all of the existing floorspace at first floor level within the application building, the lawful use of which is for Class E purposes, to create 2 self-contained residential units.

The two residential units to be created by this proposed conversion will be 1 bedroom, 1 person units, with the gross floorspace, bedroom size and floor to ceiling height of those units fully complying with the Nationally Described Space Standards, and with the habitable rooms within both units benefitting from adequate natural light by way of existing fenestration.

Both residential units will be accessed by way of an existing door within the southern elevation of the existing building at ground floor level, which leads to a self-contained internal staircase to first floor level. Additionally, and as detailed on accompanying drawing no. 21937-PL02 Revision A, a small area of self-contained internal floorspace at ground floor level within the rear part of the building, served by an existing door within the rear elevation of the building, will be used for both refuse/recycling and cycle storage.

No external alterations or indeed any associated operational development is either required or proposed to facilitate this change of use of the floorspace which is the subject of this application.

With the exception of the self-contained staircase case serving the first floor, and the area of ground floor floorspace to be used for refuse/recycling and cycle storage, all of the floorspace at ground floor level will remain in commercial use, and the total amount of floorspace which is proposed to be converted to residential use is approximately 108 square metres.

Prior approval assessment

As this application comprises a prior approval application under Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the proposed conversion of 85 square metres of existing floorspace from its most recent/lawful retail (Class E9a) use to create a three-bedroom, four-person residential unit can only be assessed against the criteria set out within Class MA of the GPDO.

This appraisal now proceeds to assess the proposal by way of appraising the proposals against each of the Class MA criteria.

MA. 1. – (1) Development is not permitted by Class MA-

(a) unless the building had been vacant for a continuous period of at least 3 months prior to the date of the application for prior approval

The specific floorspace which is the subject of this prior approval application has been continuously vacant for over 18 months prior to the submission of this application, including for the three-month period immediately prior to this application being submitted.

This is confirmed by way of the statutory declaration of Satpal Bharaj dated 5th October 2021 which forms part of this prior approval application.

(b) unless the use of the building fell within one of more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval

Sub-paragraph (2) relates to any use falling within Class E, which includes both Class E(c)(i) financial services and Class E(c)(ii) professional services. Historic Streetview imagery (which dates back to October 2008) shows that the application building was in continuous use (from at least October 2008) for many years as the offices of an insurance company, including for passing members of the public, i.e. for professional services. It is also clear from the same historic Streetview imagery that this use ceased after May 2018 but prior to June 2021.

This evidence is corroborated by the content of the accompanying statutory declaration provided by Satpal Bharaj dated 5th October 2021, and consequently it has been demonstrated that the specific floorspace which is the subject of this application was used for Class E purposes for a continuous period of at least 2 years prior to the date of this application for prior approval.

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

This prior approval application proposes the conversion of approximately 108 square metres of existing floorspace to create 2 x 1 bedroom, 1 person residential units.

(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;

(iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area;

The building within which the application floorspace is located neither is, nor forms part of, any of the above.

(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;

The building within which the application floorspace is located is not within any of the above.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

Neither the building within which the application floorspace is located nor the specific floorspace itself is occupied under an agricultural tenancy.

(g) before 1st 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 a direction under article 1(4) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

The proposed residential conversion from a previous retail use does not fall within former Class O of the Order, as former Class O related to the conversion of office/business (former Use Class B1(a)) floorspace to residential, and nor is (or ever was) any direction under Article 1(4) of the Order in place.

Conditions

(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;

The previous prior approval application (ref. 21/02336/PRIOR) was solely refused by the LPA on the basis that it failed to provide a rigorous assessment as to whether the surrounding streets could accommodate the potential parking overspill which might be generated by the development, thereby failing to provide the assurance that the development would not create significant highway safety issues.

Accordingly, the applicant has commissioned mode transport parking to address this reason for refusal, and a parking 'beat' survey, adhering to the widely adopted Lambeth Parking Methodology was undertaken in September 2021 (after the end of the school holiday period), the results of which form part of the Parking Analysis Note prepared by mode transport planning which forms part of this new prior approval application.

That survey found that the average parking stress within the immediate locality of the application site is 77%, and, having regard to how the proposed development could generate demand for 1 vehicle to park in the local area, the Parking Analysis Note concludes there is still sufficient on-street capacity to accommodate the potential additional vehicle generated by these proposals, and the proposed development would therefore not have any significant impact upon the operation of the local highway network.

(b) contamination risks in relation to the building

There are no contamination risks in respect of the application building, and nor is any operational development required to facilitate the proposed residential conversion of the floorspace which is the subject of this prior approval application.

It should also be stressed that the previous prior approval application (ref. 21/02336/PRIOR) which was refused by the LPA on 1st September 2020 was solely refused on transport grounds.

(c) flooding risks in relation to the building

The application site and its surroundings fall within Flood Zone 1 and the habitable rooms created by the proposed conversion would be at first floor level.

The proposed residential conversion of the subject floorspace would therefore neither increase the risk of the application building flooding nor increase the risk of flooding elsewhere, and again we would stress that the previous prior approval application (ref. 21/02336/PRIOR) which was refused by the LPA on 1st September 2021 was solely refused on transport grounds.

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

There is no reason why the residential occupiers of the proposed residential units would be unacceptably impacted by noise from nearby commercial premises.

(e) where-

(i) the building is located in a conservation area, and

(ii) the development involves the 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 application building is not located within a conservation area, and therefore this criteria is not applicable to these proposals.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouse(s);

As shown on drawing no. 21937-PL02 Revision A, all proposed habitable rooms will benefit from adequate natural light by way of generously proportioned existing fenestration, and again we would stress that the previous prior approval application (ref. 21/02336/PRIOR) which was refused by the LPA on 1st September 2021 was solely refused on transport grounds.

(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 application building is not located within an area designated for industrial or employment uses, and therefore this criteria is not applicable to this prior approval application.

(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

The proposed residential conversion will not result in the loss of either a registered nursery or a health centre and therefore this criteria is not applicable to this prior approval application.

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

Paragraph MA.3 of the GPDO confirms that the fire risk condition only applies to developments of two or more dwellings which also either relate to a building which is 18 metres or more in height, or contains 7 or more storeys.

The application building is only 2 storeys high and considerably less than 18 metres in height, and therefore this criteria is not applicable to this prior approval application.

Compliance with the Nationally Described Space Standards

The proposed residential conversion would create 2 self-contained residential units, each providing 1 bedroom, 1 person accommodation, with the floor area of each bedroom being at least 7.5 square metres but not being 11.5 square metres or more, i.e. the proposed conversion would create 2 single bedrooms, both of which would be in excess of 2.15 metres wide.

The total gross internal area of the 2 units would be 41.7 square metres and 43 square metres, thereby exceeding the 39 square metre minimum standard for 1 bedroom, 1 person accommodation. Also, the floor to ceiling height within both units will be 2.62 metres, comfortably exceeding the minimum standard of 2.3 metres for at least 75% of the gross internal area of each unit.

Therefore, both of the 1 bedroom, 1 person residential units to be created by this proposed conversion satisfy (and indeed exceed) the minimum requirements set out within the Nationally Described Space Standards.

Conclusions

For the reasons set out in the preceding sections of this supporting letter, prior approval should be granted by the LPA for the residential conversion of 108 square metres of the specific floorspace (lawfully in Class E usage) which is the subject of this prior approval application and which is predominantly located within the first floor of the existing building known as Safeguard House at 371-375 Bexley Road, Erith, London, DA8 3EX.

As comprehensively appraised within this supporting statement, the proposal satisfies all of the criteria set out within Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

We look forward to receiving confirmation that this prior approval application has been validated, and subsequent dialogue (if required) with the Case Officer to whom it is allocated, but in the meantime should any further information or clarification be required please do not hesitate to contact us.

Yours faithfully,



Adam Beamish
BA (Hons), DIP TRP, MRTPI