

**PRIOR APPROVAL STATEMENT – GDPO PART 3 CLASS MA**



**Address: 63A Maidstone Road Sidcup Kent DA14 5HB**

**Client:** [REDACTED] Webb

**Proposal:** Prior Approval application under Class MA of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended) for the use of Class E business unit as Class C3 residential.

**Prepared by:**



**BARRON EDWARDS**  
PLANNING & ARCHITECTURE

**12 November 2021**

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## 1.0 Introduction

1.1 This Planning, Statement has been prepared on behalf of [REDACTED] Webb in support of this prior approval application for the use of this Class E industrial building as a Class C3 residential unit at 63A Maidstone Road Sidcup Kent DA14 5HB.

1.2 The building was granted permission as a business storage and office use in 2016 and was completed early in 2018. It was initially used for storage on the ground floor and office and storage at first floor level. The car port to the eastern side being used for the parking of the company van. Although the business was initially profitable it was hit hard by the onset of the corona virus and business dropped off significantly. In May 2020 the staff went on furlough and the building became vacant. It has remained vacant to today.

1.3 In addition to the application form, the following documents are submitted:

Application plans:

- Drawing No. 21101-A-001 (Site location)
- Drawing No. 21101-A-002 (Existing Floor Plans & Elevations)
- Drawing No. 21102-A-003 (Proposed Floor Plans & Elevations)
- Planning Statement

## 2.0 Site and Surroundings

2.1 The site is located on the northern side of Maidstone Road approximately 200 m west of its junction with Ruxley Roundabout. The site is a detached building located to the rear of properties along Maidstone Road with access via a shared access road which runs along the rear of the row of the properties fronting Maidstone Road. The area is one of mixed use with retail shops with residential flats over, which use the shared access, with commercial and industrial units to the north and south. The east to the east being predominantly residential.

2.2 Immediately to the north of the site is a parking and amenity for the block of flats on the corner of Maidstone Road and Palm Avenue and to the north of

that is a block of light industrial units within the Arches Business Estate. Whilst to the south is a lockup garage which has a permission for use as a sui generis hot food take away. To the west the site is bounded by a two storey building occupied as a veterinarian practice. The character of the area is one of mixed use with no predominant use class.

### **3.0 Relevant Planning History**

3.1 The site has a relatively new planning history with the building first being granted as a single storey flat roofed garage for business storage and vehicle parking in May 2016 (15/02793). Permission was later granted for the garage to have a pitch roof (16/02456) which was later amended to have a mansard roof.

3.2 An application to convert the upper floor to residential and the use of the building as a live/work unit (20/02583). This was refused by the Council on 10 December 2020 and subsequently dismissed on appeal on 30 September 2021. Since the appeal was lodged the GPDO 2015 was amended to allow various classes of use to be incorporated in a new Class E (Commercial, Business and Service) with a provision to convert to C3 residential use without the need for planning permission in order to provide the housing that the country requires.

### **4.0 Prior Approval (GPDO 2015 – Class MA)**

#### **4.1 Class MA –Permitted development**

*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 (dwelling houses) of Schedule 1 to that Order.*

#### **4.2 Development not permitted**

**MA.1** Development is not permitted by Class MA if—

(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;

(b) unless the use of the building fell within one or 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;

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

(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.

4.3 We are satisfied that the building in question meets all the stated criteria in that it was previously used as an Electrical Contractors office and store and has been vacant for in excess of 3 months due to pandemic related issues.

## 5.0 Development Proposal

The applicant seeks prior approval from a vacant Class E business use to Residential (C3) with associated amenity space, waste storage and parking area subject to compliance with the conditions:

### 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;
  - (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 uses;

(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...**

(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

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

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

(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

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

(6) 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.

## **6.0 Planning Considerations**

### ***Transport & Highways Impacts***

6.1 Although the site only has a short history of industrial use it is a type of use that could generate significant levels of traffic onto this rear access which is otherwise used by the frontage residential units. It is our understanding that the application unit has been used as an office with storage for an electrical contractor which in itself had the potential to generate high levels of vehicular movements of cars and vans. The use of the building was not limited in any way and could have been used by other businesses that could generate significant vehicular movements. The TRICS data base generally accepts that a single residential dwelling would generate 8 vehicular movements a day and would be likely to result in less vehicle movement to the site and onto the access road

### ***Contamination Risks***

6.1 We believe that there has been no activity on the site since the frontage buildings were constructed and consequently we are satisfied that there is not risk of contamination.

6.2 There are a number of recent and modern buildings in the area that have not identified any contaminated land on or near the site. We are satisfied that there is no contaminated land but will keep a watching brief as works commence.

### ***Flood Risk***

6.3 The site is not within an area subject to flood risk and consequently a FRA is not considered necessary.



**Amenity & Natural Light**

6.4 We can confirm that all the habitable rooms have access to adequate natural light and all the rooms meet nationally adopted space standards. Pace is available within the site to provide waste storage facilities.

6.5 The site is not within a general industrial area but is adjacent to a former B1 business estate with uses accepted within a residential area and consequently the proposed residential use would not be subject of excessive industrial noise.

**Vehicle Parking**

6.6 The accommodation provided is for a 3 person dwelling and provision is made within the attached car park for the parking of one vehicle.

**Other Issues**

6.7 The site is not within a Conservation Area and would not result in the loss of a service use.

**7.0 Conclusion**

7.1 The application seeks prior approval for conversion a Class E commercial building to a residential unit (C3) with associated amenity and parking space. The application, as demonstrated in the sections above, meets the conditions set by Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is considered that prior approval should be given.

**James Barron BA(Hons) DipTP MRTPI**