

Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA

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If you require any further clarification, please contact the Local Planning Authority directly.

Find contact details for Local Planning Authorities: <https://www.planningportal.co.uk/lpasearch>

If printed, please complete using block capitals and black ink.

1. Applicant Name and Address

Title:	Ms	First name:	Joanna
Last name:	Whittaker		
Company (optional):			
Unit:		Number:	136
		Suffix:	
Building name:			
Address 1:	London Road		
Address 2:	Dunton Green		
Address 3:			
Town:	Sevenoaks		
County:	Kent		
Country:	England		
Postcode:	TN13 2UR		

2. Agent Name and Address

Title:	Mr	First name:	Ed
Last name:	Powell		
Company (optional):	My Planning Drawings		
Unit:		Number:	18
		Suffix:	
Building name:			
Address 1:	Porter Avenue		
Address 2:			
Address 3:			
Town:	Kings Hill		
County:	Kent		
Country:	England		
Postcode:	ME19 4QN		

3. Site Address Details

Please provide the full postal address of the application site.

Unit:	<input type="text"/>	Number:	<input type="text" value="136"/>	Suffix:	<input type="text"/>
Building name:	<input type="text"/>				
Address 1:	<input type="text" value="London Road"/>				
Address 2:	<input type="text" value="Dunton Green"/>				
Address 3:	<input type="text" value="Sevenoaks"/>				
Address 4:	<input type="text" value="Kent"/>				
Postcode:	<input type="text" value="TN13 2UR"/>				

4a. Eligibility - The current building and site

Has the building been vacant for a continuous period of at least 3 months immediately prior to the date of this application?

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Has the use of the building, for a continuous period of at least 2 years immediately prior to the date of this application, been any of the following:

- For periods prior to 1 September 2020 -
 - Shops (Use Class A1);
 - Financial and professional services (Use Class A2);
 - Food and drink (Use Class A3)
 - Business (Use Class B1);
 - Medical or health services - Non-residential institutions (Use Class D1(a));
 - Crèche, day nursery or day centre - Non-residential institutions (Use Class D1(b));
 - Indoor and outdoor sports - Assembly and leisure (Use Class D2(e)), other than as an indoor swimming pool or skating rink;
- For periods from 1 September 2020 - Commercial, Business and Service (Use Class E)

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Does the cumulative floor space of the existing building exceed 1,500 square metres?

☐ Yes ☒ No

If you have answered Yes above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Is any land covered by, or within the curtilage of, the building:

- in a site of special scientific interest;
- a listed building or land within its curtilage;
- a scheduled monument or land within its curtilage;
- a safety hazard area;
- a military explosives storage area;

Or, is the building:

- in an area of outstanding natural beauty;
- in an area specified by the Secretary of State for the purposes of enhancement and protection of the natural beauty and amenity of the countryside;
- in the Broads;
- in a National Park;
- in a World Heritage Site

☐ Yes ☒ No

If you have answered Yes above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

4b. Eligibility - The proposed change of use

For applications, submitted before 1 August 2022, proposing a change of use to Dwellinghouses (Use Class C3) from Offices (Use Class E(g)(i), previously Use Class B1(a)).

Is/Was there an Article 4 direction in place that has removed these specific permitted development rights?

☐ Yes ☒ No / Not relevant

If you have answered Yes above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Will all the proposed new dwellinghouses have gross internal floor areas of at least 37 square metres, and comply with the nationally described space standard?

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Following the changes of use, will every dwellinghouse in the building remain in use within Use Class C3 and for no other purpose, unless that purpose is ancillary to the primary use as a dwellinghouse?

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

5. Agricultural Tenants

Is any part of the land covered by or within the curtilage of the building occupied under any agricultural tenancy agreements?

☐ Yes ☒ No

If yes, have all the parties to any agricultural tenancy agreements consented to the change of use?

☐ Yes ☐ No

If occupied under any agricultural tenancy agreements and:

- all parties have consented to the change of use

You will need to include copies of the written confirmations from all relevant parties, stating their consent, when this application is submitted.

- not all parties have consented to the change of use

Your proposals will not be eligible for permitted development based on the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

6. Description of Proposed Works, Impacts and Risks

Please describe the proposed development including details of any dwellinghouses and other works proposed:

The application site is comprised of a vacant commercial unit with a shop front at ground floor level. The premises were previously occupied between 2009-2019 by a company known as 'SPV' which sold solar energy panels. The unit fronts on to London Road, within the urban confines of Dunton Green village. Description of proposal Prior notification for a change of use from Office Use (Class E) to dwellings houses (Class C3). This application is made under Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (previously Class O).

5. Description of Proposed Works, Impacts and Risks (continued)

Please provide details on the provision of adequate natural light in all habitable rooms of the dwellinghouses:

All the habitable rooms which are shown on the enclosed plans are served by windows of sufficient size to allow enough daylight to the rooms. On this basis, the proposed layout of the scheme is considered to provide an acceptable standard of amenity for future occupiers.

What will be the net increase in dwellinghouses:

2

Note that this figure should be the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses in the existing building.

Please provide details of any transport impacts and how these will be mitigated, particularly to ensure safe site access:

The large storage unit to the rear of the site is to be converted into a private car park and refuse and recycling storage bin facility with covered secure cycle storage area. This will provide a private car parking space per dwellinghouse as required under O.2.(1)(a) of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The ground up to and inside the storage unit is flat tarmac and level to the road. The proposal doesn't require a dropped kerb. The road is a single track no through road without on street parking so access to the newly formed car park will not deny any current natural car parking provision on the road. As the road will only be used to access the 2 private car parking spaces by the residents of the dwellinghouses the traffic impact will be negligible and arguably less than when the premises was being used as offices by multiple staff coming and going. KCC Highways and Rights of Way have been consulted in connection with the enclosed parking plan.

Please provide details of any contamination risks and how these will be mitigated:

The applicant confirms that the existing unit is to be converted at ground and first floor. No significant excavation works are proposed and there is no intention to create a basement level. As a consequence of this and when considering the former use of the building, it is considered that there is no risk of contamination on the site. Sevenoaks Council consulted with the Environmental Health Team in January 2021 ref 20/03568/PAC, who raised no objection to the proposed change of use from a land contamination perspective.

6. Description of Proposed Works, Impacts and Risks (continued)

Please provide details of any flooding risks and how these will be mitigated.

A flood risk assessment should accompany the application where the site:

- is in Flood Zones 2 or 3 (Check online: <https://flood-map-for-planning.service.gov.uk/>); or

- is in an area with critical drainage problems (Check with the Local Planning Authority, it will have been notified of such areas by the Environment Agency).

In Jan 2021 Sevenoaks Council concluded (ref 20/03568/PAC) - The application site is not located within either flood zones 2 or 3 and it is located within an area which is at low risk from surface water flooding. Owing to the low risk of flooding to the properties in this location, the proposal is unlikely to have a significant or negative impact in this respect.

Please provide details of the impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses and how these will be mitigated:

In Jan 2021 Sevenoaks Council concluded (ref 20/03568/PAC) - "I have consulted with the Environmental Health Team, who have confirmed that they are satisfied with the conclusions set out in the assessment and they have raised no objection to the proposed change of use from the perspective of noise pollution. Although concerns have been raised in the representations received as to the potential for noise pollution to the surrounding residential units from the proposed flats, the legislation does not allow for this type of assessment as there is only a requirement to consider the impact of noise from existing commercial units on the future occupiers of the flats."

If the proposed development would result in a building that contains more than one dwellinghouse, and is either 18 metres (or more) in height or contains 7 (or more) storeys.

Please provide details of the fire safety impacts on the intended occupants of the building.

For such proposals, a 'Fire statement' that covers the fire safety design principles, concepts and standards that have been applied to the development should also accompany the application.

N/A

6. Description of Proposed Works, Impacts and Risks (continued)

If the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor. Please provide details of the impacts that the change of use will have on the character or sustainability of the conservation area and how these will be mitigated:

N/A

If the building is located in an area currently in use for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

Please provide details of the impacts on intended occupiers of the development of the introduction of residential use in the area and how these will be mitigated:

N/A

If the proposal involves the loss of services provided by a registered nursery, or a health centre. Please provide details of the impacts on the local provision of the type of services lost and how these will be mitigated:

N/A

7. Checklist

Please read the following checklist to make sure you provide all the required information in support of your proposal. The information provided should include all the details necessary for the Local Planning Authority to determine if the proposal complies with permitted development legislation, and if its prior approval is required or should be granted. If sufficient information is not provided the Local Authority can either request it, or refuse the application.

All sections of this application completed in full, dated and signed.



The confirmations in regard to agricultural tenancies (if required by the answers provided to question 5)



The correct fee



A site specific flood risk assessment (if required as per the flood risk details of question 6)



A plan indicating the site and showing the proposed development.



A 'Fire statement' that covers the fire safety design principles, concepts and standards that have been applied to the development



Floor plans indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses



(if required as per the fire safety details of question 6)

All plans should be drawn to an identified scale and show the direction of North.

Plans can be bought from one of the Planning Portal's accredited suppliers:

<https://www.planningportal.co.uk/buyaplanningmap>

8. Declaration

I/we hereby apply for a determination as to whether prior approval will be required as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

(date cannot be pre-application)

9. Applicant Contact Details

Telephone numbers

Country code: National number: Extension:

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Country code: Mobile number (optional):

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Country code: Fax number (optional):

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Email address:

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10. Agent Contact Details

Telephone numbers

Country code: National number: Extension:

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Country code: Mobile number (optional):

	0771 484 6270
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Country code: Fax number (optional):

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Email address:

e.powelle@myplanningdrawings.co.uk
