

WDC PLANNING
Ref
Officer
28 JUN 2022
SCANNED
CC OR PD MA
PRE GEN DIS



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PLANNING STATEMENT



RTPI

Chartered Town Planner

OUR REF	PPL.COXB946EU
DATE	15/06/2022
SITE ADDRESS	The Chapel, Chapel Lane Lapworth B94 6EU
PROPOSAL	Change of use of B1 (New Class E) Office to a C3 Dwelling under the provisions of Schedule 2, Part 3. Class MA of the GPDO.



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1. INTRODUCTION

We have been instructed to prepare a Planning Statement to accompany the Prior Approval application for the conversion of The Chapel, Chapel Lane Lapworth B94 6EU from a B1 Office (New Class E) to a C3 dwelling under the Permitted Development Change of Use Regulations set out by Schedule 2, Part 3. Class MA of the GPDO.

The Use Classes Order was amended on 01 September 2020.

The revision to the Use Classes Order has amalgamated a number of uses (A1, A2, A3, B1, D1 & D2) into a new Class E commercial use class. The rationale behind the change is to allow more flexibility between uses, particularly in a town centre environment.

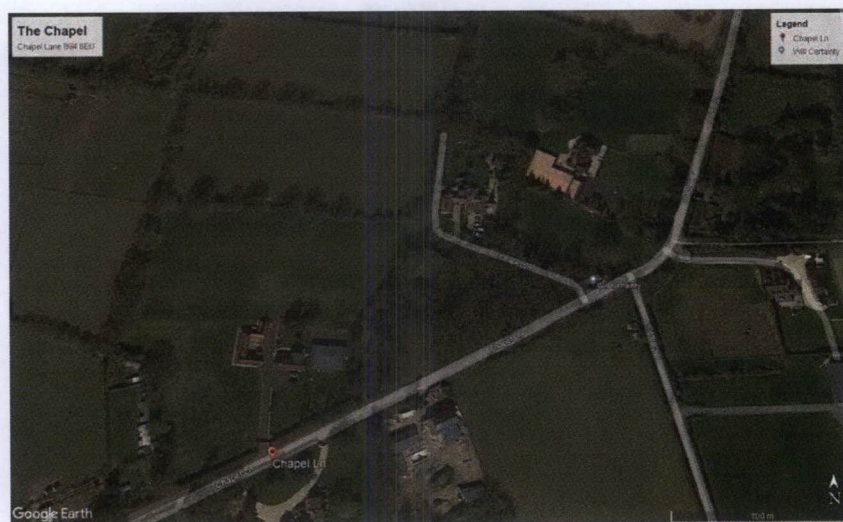
The GPDO allows B1 uses to be converted to a dwelling as Permitted Development (PD). The relevant part of the GPDO (Schedule 2, Part 3. Class MA) sets out the criteria that must be complied with in order for the Prior Approval for the change of use to residential to be granted.

It is also necessary to submit an application to the Council to demonstrate that the relevant PD criteria is met.

This application includes relevant supporting information to confirm that the B1 Office (New Class E) use can be converted into a dwelling in accordance with the criteria set out in the GPDO.

2. SITE AND SURROUNDINGS

The application site is a detached building brick-built building fronting Chapel Lane. The aerial view of the site is set out below.



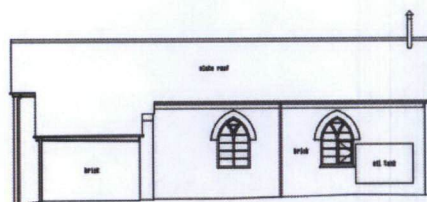
The building retains the appearance of a chapel. The existing elevations of the building are set out below.



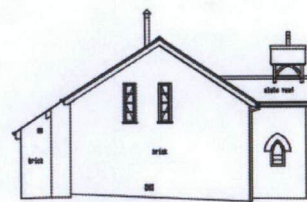
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



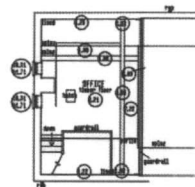
EXISTING REAR ELEVATION



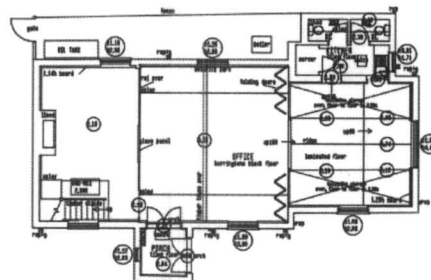
EXISTING SIDE ELEVATION

The interior of the building is divided into office and ancillary space. This includes a first-floor mezzanine area.

The existing floor plans are set out below.



EXISTING MEZZANINE PLAN



EXISTING GROUND FLOOR PLAN

The site has existing access from Chapel Lane and a hard surfaced parking area to the front.

The site is within the Green Belt.

3. PROPOSED DEVELOPMENT

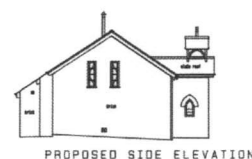
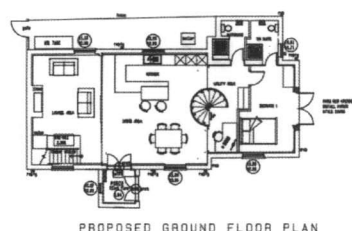
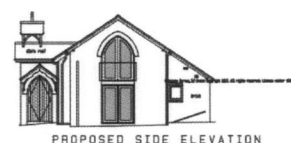
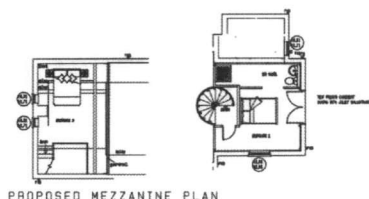
It is proposed to convert the existing building to a single dwelling house (C3).

The change of use of the building can be achieved with minimal alterations to the exterior of the building and the reconfiguration of the internal space. This includes the insertion of a second area of first floor mezzanine flooring to create a new bedroom area.

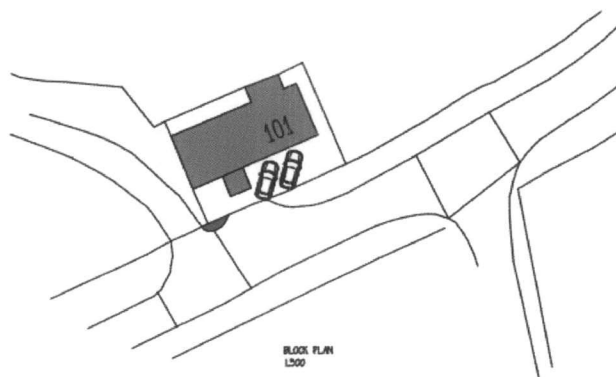
There are no extensions to the building and there are no structural works required to convert the building to a dwelling.

Car parking will be provided to the front of the building within the site curtilage.

The proposed plans are set out below.



The proposed site plan shows parking for two vehicles.



4. RELEVANT PLANNING POLICY

The application seeks Prior Approval for the conversion of the building from B1 (New Class E) to a C3 dwelling.

The works will be carried out under the change of use allowances that are set out in the GPDO. There is no need to consider other policies such as the NPPF and adopted Local Plan.

The criteria for the conversion of the existing building to a dwelling is set out in Schedule 2, Part 3. Class MA of the GPDO.

Permitted development

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.*

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;
- (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.

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—

- (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 dwellinghouses;
- (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 **F3**, and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building **F4**

(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 **F4** as 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 (6A)".

(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 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.]

5. RELEVANT PLANNING HISTORY

The Council's Planning History shows one application at the site.

Address **Planning History (1)**

Planning Applications (1)

- Change of use from workshop to office B1
Ref. No. W/08/0001 | Status: Decided

Application W/08/0001 allows the change of use of the building to a B1 Office.

There are no conditions withdrawing PD Rights from the building.

6. PRINCIPAL ISSUES

The application brings forward the following issue,

- *Whether the proposed change of use of the building complies with the criteria set out in Schedule 2, Part 3. Class MA of the GPDO.*

7. AMPLIFICATION OF PRINCIPAL ISSUES

The Permitted Use of the Building.

The last use of the building was as an office as approved under application reference W/08/0001.

The development complies with the Class MA criteria for the following reasons.

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;

The office use ceased sometime ago. The building has been vacant with no further use for over 3 months prior to this application.

- (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;

The last use of the building was as a B1 Office (New Use Class E). This falls within the sub-paragraph (2) criteria.

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

The total floor area of the building is 140 square metres. This is well within the permitted floor area.



(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 site does not fall within any of the areas set out by indent (d) of the criteria.

(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 site is not within any of the excluded areas set out in indent (e)

(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

The building was in B1 Office Use. Indent (f) is not relevant.

(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.

The proposal complies with indent (g).

(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.

The building has Class B1 (business use).

It is also necessary for the development to comply with a number of conditions.

The proposed development is assessed against the relevant conditions in the following paragraphs.

Transport and Highways

The development will not bring forward unacceptable highway and transport issues.

The lawful use of the building is an office.

The current use of the building allows the comings and goings of people connected to the lawful use of the building.

The proposed conversion to a single dwelling will reduce the number of visits to and from the site. Moreover, all traffic will be domestic rather than commercial.

The site has existing access from Chapel Lane. There is existing car parking available in the site curtilage that will easily cater for the parking requirements of the proposed C3 use of the site.

Contamination Risks

The site has been in office use for a long period of time.

No activities that could be the source of contamination have been undertaken from the site.

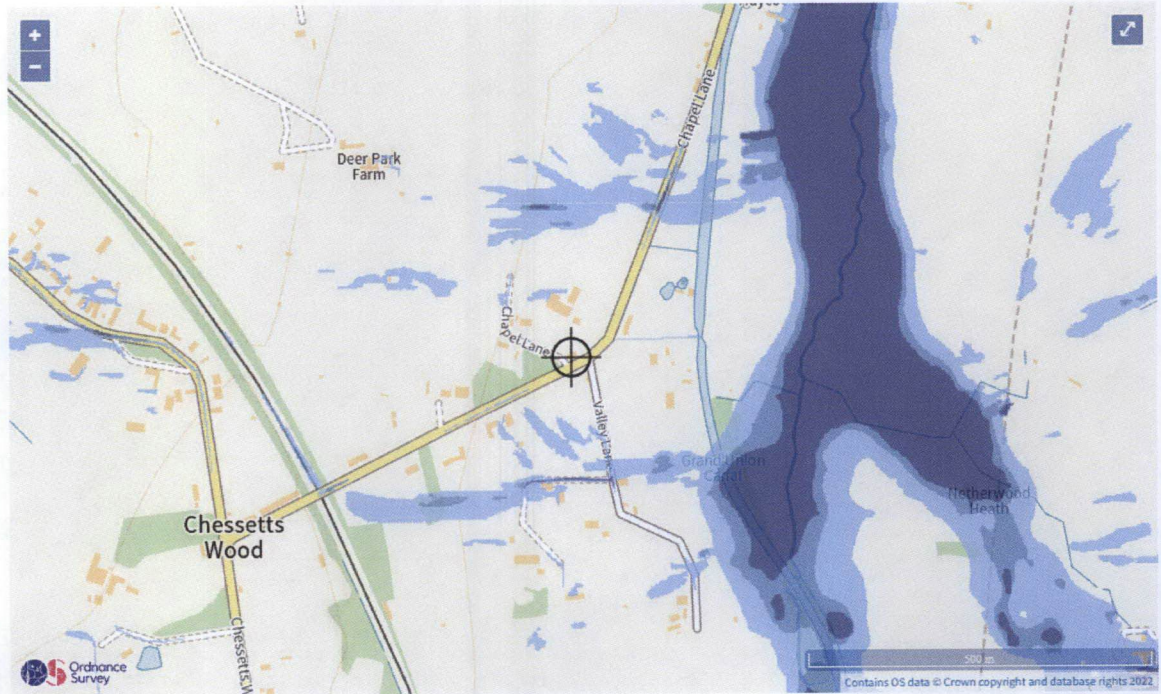
The development therefore brings forward no contamination risk.

Flood Risk

The site is not within a Flood Risk area. The relevant extract from the Flood Risk map is set out on the next page.

The Flood Risk Map confirms that the site is an area that is not at risk of flooding.

The annotation to the plan confirms that the risk level is very low.



Extent of flooding from surface water

● High ● Medium ● Low ○ Very low ⊕ Location you selected

Whether it is undesirable for the building to change use to a C3 dwelling.

The conditions attached to Class MA refer to the impact that noise could have on the residents of a converted building and the impact that a dwelling could have on the existing commercial activities in the area.

The building is located in the Green Belt. The area is of a rural character with domestic properties fronting Chapel Lane.

There are no existing uses that will harm the amenities of the proposed dwelling and, the location and character of the site ensures that the conversion of the building to a dwelling will not impact on the operation of any existing business premises.

Design

The design and external appearance of the building will be largely unchanged.

There will be some minor changes to the interior and exterior of the building to facilitate the change of use to a self-contained dwelling.

This includes the insertion of one area of mezzanine floor to create a bedroom and associated internal alterations.

New glass doors will be introduced to the east elevation of the building to open access to the living space.

The building as stands has existing windows that allow natural light into all habitable parts of the building.

There will be no structural alterations or extensions to the building.

The proposed development therefore retains and respects the character of the existing building.

The development therefore satisfies the design criteria of Class MA.

8. SUMMARY AND CONCLUSION

The application proposes the change of use of a building from B1 (New Class E) to a C3 dwelling. This is Permitted Development under the provisions of Schedule 2, Part 3. Class M of the GPDO.

The B1 (New Class E) use of the building is confirmed by the planning history of the site.



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The proposed development has been assessed against the criteria set out in Class MA of the GPDO.

It complies with the relevant criteria and can therefore be supported.

We trust that Prior Approval for the conversion of the building to a C3 dwelling can therefore be granted.