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Statement - Application for prior approval to convert an office (Class E) to 3Nr residential dwellings (Class C3) on land to rear of Elm Tree Farm, Fords Green, Bacton, Stowmarket, IP14 4HN

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Executive summary

This statement supports a prior approval application to convert an existing office building into 3Nr self contained residential dwellings under the provisions of Class MA of the Town and Country Planning (General Permitted Development) Order 2015.

The site is located on land to the rear of Elm Tree Farm in Bacton, England and contains a brick and weatherboard clad building that was constructed in 1999 for office use and expanded through an extension in 2017. The building has been vacant for over 3 months.

The proposed development would convert the office building into 1Nr 3B/5P unit and 2Nr 3B/6P units. The units exceed minimum space standards and are designed to provide adequate natural light. The existing access is considered safe and the reduction in required parking spaces compared to office use is deemed positive.

It is demonstrated through assessment against the relevant criteria that the conversion complies with the provisions of Class MA and is therefore considered permitted development, subject to prior approval from the Local Planning Authority (LPA) Supporting information on transport, contamination, noise and flood risks is provided.

Introduction

The purpose of this statement is to demonstrate how the proposed conversion of the former office building to 3Nr residential dwellings is considered to be permitted development in accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.

The statement should be read in conjunction with the following set of plans:

- 2948.01.1 Location Plan
- 2948.02.1 Existing Site
- 2948.03.1 Proposed Site Plan
- 2948.04.2 Existing Floor Plans
- 2948.05.2 Existing/Proposed Elevations
- 2948.06.2 Proposed Floor Plans

The site and surroundings

The application site is located on the western side of Elm Tree Farm House in close proximity to the settlement of Bacton, which is identified as a Key Service Centre by the LPA. Constructed in 1999 as office space and extended in 2017, the brick and weatherboard clad, three-storey building with a part single/two-storey extension is set back from the highway behind existing development and accessed via a shared private driveway. The existing layout and external appearance of the building is identified on the accompanying plans.

In accordance with the LPA's policies maps the site is not within an area of particular importance as identified in the NPPF such as a Conservation Area or Area of Outstanding Natural Beauty.

The site is in Flood Zone 1 according to the Environment Agency's online flood mapping database, which reflects the lowest probability of a flood risk event occurring.

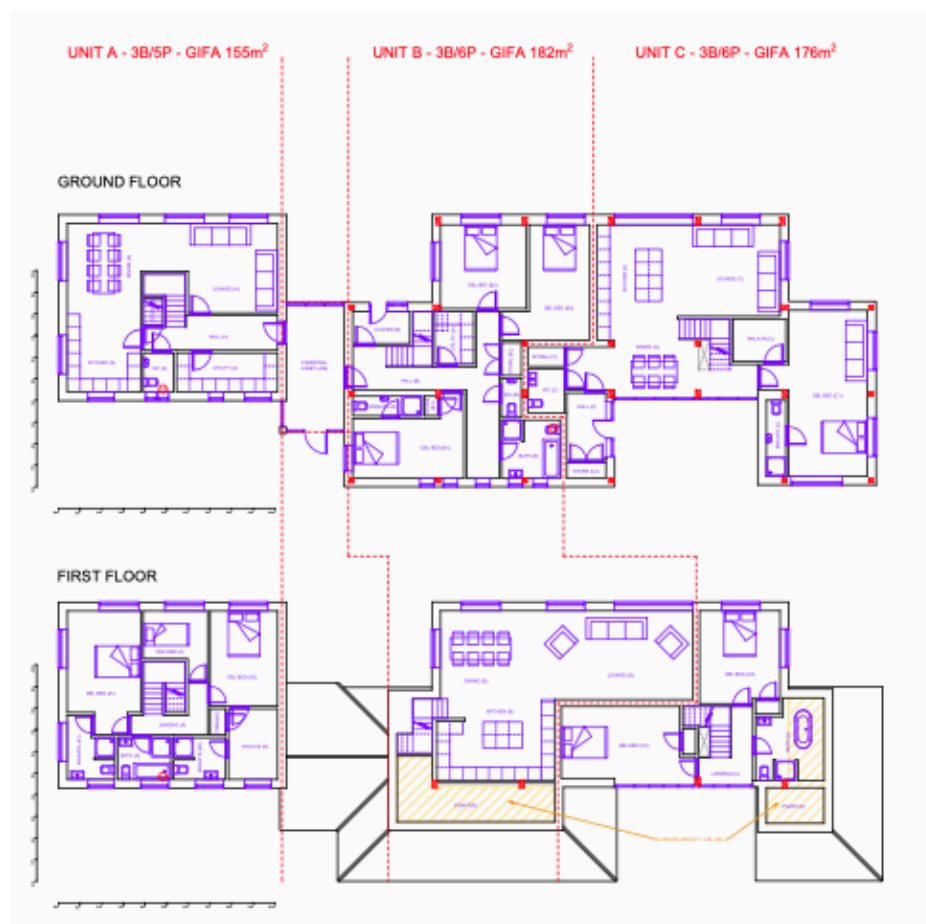
The site is in relative close proximity to three listed buildings according to the Historic England database, referred as Willow Hall, Grade 2 (Listing Entry Number 1352275), Elmtree Farmhouse Grade 2 (Listing Entry Number 1032716) and The Warren Grade 2, (Listing Entry Number 1032715). It is nevertheless clear that the building is not considered to be within the curtilage of any of the aforementioned assets by the LPA, having researched the planning history of the site.

The proposal

The applicants are seeking prior approval from the LPA to convert the existing building from an office to form 3Nr self contained residential dwellings.

It is considered that the conversion is permitted development in accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.

The applicants have submitted a proposed set of plans which are considered to demonstrate that the proposed conversion is achievable within the confines of the existing structure, without the requirement for any external changes or extensions. The building can be easily subdivided in order to deliver 1Nr 3B/5P (Unit A) and 2Nr 3B/6P (Units B and C) dwellings across the ground and first floors in accordance with the layout below.



The Gross Internal Floor Area (GIFA) of the units would significantly exceed the minimum nationally described space standards for two storey 3B/5P and 3B/6P dwellings at 93m² and 102m² respectively. Unit A would achieve a GIFA of 155 m², which equates to 62m² above the minimum requirement for a 3B/5P dwelling. Unit B and Unit C would achieve a GIFA of 182m² and 178m² respectively, which equates to 80m² and 74m² above the minimum requirement for a 3B/6P dwelling.

The internal layout has also been designed in order to demonstrate it would adhere to the latest Building Regulations requirements. The layout would ensure that all habitable rooms benefit from an adequate volume of natural light.

The existing and proposed elevations of the building are identified below.



A Proposed Site Plan has been submitted in order to demonstrate that a workable subdivision of the site between 3Nr dwellings is achievable within the current curtilage. It is intended that the existing access would serve the dwellings, although there is scope to create a second access as identified on the plan.

Planning history

The following planning history of the site has been extracted from the LPA's online public access system.

Reference no.	Description	Decision	Date
DC/23/00775	Change of use from vacant offices to a non-residential education and training centre	Withdrawn	16/02/2023
0206/17	Erection of part single and part two storey side extensions to existing office	Granted	18/01/2017
0166/99	Erection of a two storey building for B1 use with ancillary car parking and associated works.	Granted	04/05/1999
0107/98/OL	Use of land for the erection of building for B1 use, together with ancillary works (demolition of existing B2 use buildings.	Granted	05/01/1999

The erection and lawful use of the building for office accommodation under Class E (formerly B1) was approved by the LPA via application 0166/99 in May 1999. An application proposing to construct a part single / part two storey extension was granted permission in January 2017 and subsequently implemented.

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

The full provisions in relation to Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) are set out below.

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 subparagraph (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

(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;

(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;

(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.

(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 as if 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”.

(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.”

The proposed conversion of the building to 3Nr residential dwellings is considered to comply with the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015, as set out within the next section of the statement.

Compliance

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 subparagraph (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;

The lawful use of the building for office accommodation was approved by the LPA under application 0166/99 in May 1999, and it has not been used for any other purpose since it was constructed. The building has been used for office accommodation for a continuous period far in excess of two years, although it has been vacant for over 3 months prior to the application being submitted.

The cumulative floor space of the existing building is significantly below the threshold. The combined floor space of the conversion would be 513 m² (Unit A = 155 m², Unit B = 182 m² and Unit C = 176 m²).

(d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest;

The site is not within a Site of Special Scientific Interest (SSSI) in accordance with the LPA's policies maps.

(ii) is or forms part of a listed building or land within its curtilage;

The application building is not designated as a listed building in accordance with the Historic England database, as identified at **Appendix A**. Although the site is in relative close proximity to three listed buildings including the Grade II Listed Elm Tree Farm House, it is not considered to be within the curtilage of any of the aforementioned buildings.

The site is not within an enclosed area of land around any of the listed buildings. The site is completely separate from the curtilages by virtue of the physical boundary

treatment that exists between the sites, the different use class of the building in comparison with that of the listed buildings and by degree of separation.

Planning application 0206/17 was approved by the LPA on 08 March 2017 and related to the erection of an extension to the pre-existing building. It was clear from the comments provided by the Heritage Officer in response to the aforementioned application that although the proposed extension would potentially have an impact upon the setting of Elm Tree Farmhouse in particular, it was not identified as being within its curtilage.

(iii) is or forms part of a scheduled monument or land within its curtilage;

There are no scheduled monuments in close proximity to the site.

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

The site does not form part of a safety hazard area.

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

The site does not form part of a military explosives storage area.

(e) if the building is within—

(i) an area of outstanding natural beauty;

The site is not within an AONB in accordance with the LPA's proposals maps.

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

The site is not within an area specified under 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 aforementioned designations.

(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.

The site is not occupied under an agricultural tenancy.

(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 had been used for a continuous period in excess of 2 years as office accommodation, which is considered to be a Class E use (formerly Class B1), and the relevant planning history of the site is available on the public access system.

Conditions

MA.2. provides the following in relation to 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 site already benefits from an existing access which is considered to be safe. In the most recent planning application determined related to the approval of an extension to the building in 2017 under reference 0206/17. As part of its assessment the LPA observed that the existing access arrangement was considered to be sufficient to serve the proposed development and no improvements were identified. The Fourth Edition of SCC's Suffolk Guidance for Parking document (published in October 2023 provides that for office accommodation one parking space is required per 30m² of floor space and 2 cycle spaces per 200m². For residential dwellings 2 car parking spaces and 2 cycle spaces per 3-bedroom dwelling is required.

On the basis that office accommodation would necessitate 17 car parking spaces based on the requirements as set out by SCC in comparison with 6 car parking spaces for 3Nr 3-bedroom residential dwellings, it is clear that the proposed change of use would have a significantly positive impact in terms of highway safety. The proposed use would result in a major reduction in vehicular movements to and from the site to the benefit of neighbouring occupants and the capacity of the road network. Furthermore, there is more than sufficient space within the site to accommodate private gardens for the residential dwellings given that far less parking provision would be required. The Proposed Site Plan provides a potential layout that could be achieved within the site.

It is not considered necessary for the applicants to submit a transport assessment or statement in support of the application.

(b) contamination risks in relation to the building;

It is evident in relation to application 0206/17 that the Senior Environmental Health Officer raised no objections to the proposed extensions in relation to potential land

contamination. The site has not been used for any other purpose other than office accommodation since the building was erected in 1999.

(c) flooding risks in relation to the building;

The site is in Flood Zone 1 according to an extract from the Environment Agency's online flood mapping database at **Appendix B** which represents the lowest probability of a flood risk event occurring. A Flood Scoping Report has been produced by Planning Direct and accompanies the application. The report concludes that there would be no flood risk arising from the proposed development and a FRA is not required.

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

There are no commercial premises being operated on adjacent sites.

(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 site is not within a designated Conservation Area in accordance with the LPA's policies maps.

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

The internal layout of the proposed development has been configured in order to ensure that all habitable rooms benefit from the provision of adequate natural light. The existing openings are considered to provide sufficient light in order to serve the habitable rooms, and no external changes to be building are necessary.

(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 local area is not considered to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. There are no examples of any of the aforementioned activities adjacent or near to the application site.

(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 building has not been occupied by a registered nursery or health centre, and as a consequence the change of use would not result in a loss of these types of services.

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

The proposed development is not considered to require the submission of a fire risk statement, as it does would not contain 7 or more storeys or 18 metres or more in height.

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

This prior approval application has been made after 01 April 2021.

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

It is considered that the change of use would result in a positive impact upon the capacity of the road traffic network, as the intended use would generate significantly fewer vehicular movements than the current lawful use at capacity according to the SCC guidance. Furthermore, the existing access is considered to be safe according to previous planning applications approved by the LPA as recently as 2017.

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

It is noted that the development must be completed within 3 years of 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.”

This condition is noted.

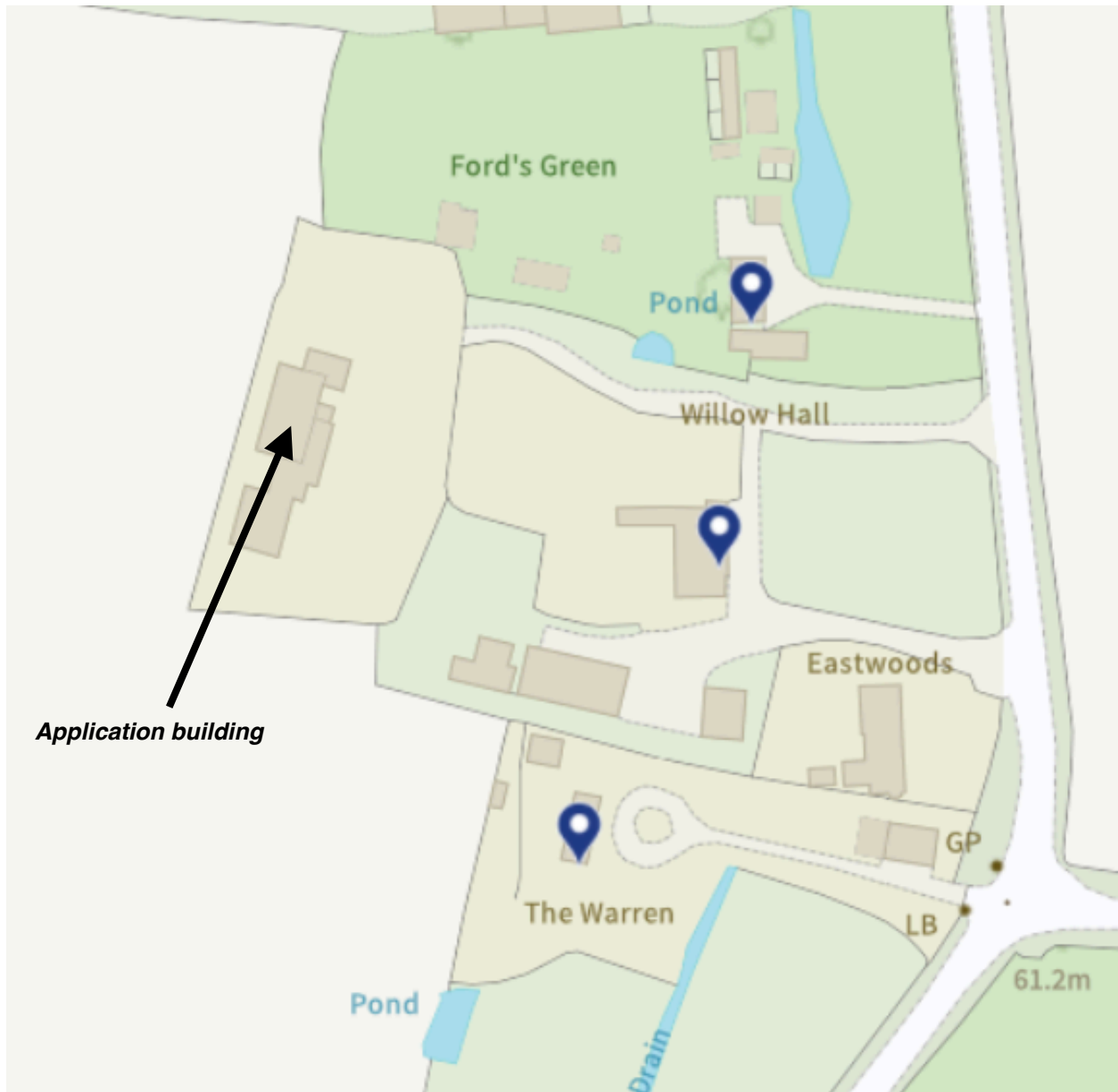
Conclusion

In conclusion, this statement and accompanying plans demonstrate that the proposed conversion of the office building into 3Nr dwellings is fully compliant with Class MA of the GPDO 2015.

The development is considered to be permitted development, subject to receiving the LPA's prior approval. It is therefore respectfully requested that prior approval is granted for this conversion.

The LPA is expected to identify any potential issues or queries with the application at the earliest opportunity in the process, in order that the applicants have sufficient opportunity to submit additional information during the process.

Appendix A - Extract from the Historic England database



Application building

Appendix B - Environment Agency Flood Map

