

Planning Registration Team
North Somerset Council
Place Directorate
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ



Dear Sir/Madam

99 High Street, Yatton, BS49 4DR - Application to determine if prior approval is required: Proposed change of use of the Lower ground and ground floor offices into 1no. flat ('Class MA' application)

Planning Portal Ref. PP-12685223

On behalf of the applicant, please find enclosed an application proposing to change the use of the property to create a 2-bed dwelling. The application is submitted under Class MA of Part 3: Changes of Use, Schedule 2: Permitted Development Rights of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the Order'). It provides information that demonstrates the proposed use complies with the requirements of the Order.

The Existing Property

No. 99 High Street forms part of an end of terrace three storey Victorian building that fronts the southern side of the High Street and whose side elevation runs along Elborough Avenue. The building is faced in randomly coursed Pennant stone and with painted Bathstone dressings around its window apertures. A projecting double height splayed bay window is a feature on the front elevation and within this is the entrance into the unit that opens from the forecourt.

The building is set back from the frontage behind a small paved forecourt that is enclosed by a low rubblestone boundary wall. There are windows on the front and northern side elevations, as per the photos below.



The premises is registered for Business Rates as 'offices and premises' and as a commercial unit had been continuously occupied by an chartered accountancy firm since the early 1980s following planning permission granted under application ref. 2845/82. They vacated the premises in September 2023 and it has since remained empty.

The lawful use of the premises falls into Class E - commercial, business and service category of the Town & Country Planning (Use Classes) Order 2015, as amended.

The top floor of the building comprises a separate self-contained Use Class C3 flat that is registered as no. 48 Elborough Avenue. This is accessed via a door within the Elborough Avenue elevation.

Proposed Change of Use

The applicant is proposing to change the use of the two storey unit to create a 2-bed (3-person) dwelling. The accommodation will comply with the National Space Standards. The gross Internal floor area is 90m² (26.02m² ground floor / 63.98m² first floor) and there is 2.17m² storage. Bedroom 1 is a double-bedroom of 11.5m² and The narrowest section is 3.29m wide. Bedroom 2 is a single-bed that has 7.7m² and its narrowest dimension is 2.27m wide.

Internally, the layout will be re-planned to provide an efficient plan-form and to comply with Building Regulations means of escape requirements.

Within the front forecourt the residents will be provided with a refuse storage area for general waste and recyclables, as indicated on the lower ground floor plan. The space is large enough to accommodate a wheelie bin for general wastes and recycling boxes etc. On days of collection, the bins will be available adjacent to the pavement for collection by the council's operatives.

Permitted Development Assessment Criteria

Class MA permits '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.'

One of the conditions is that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required, and for such proposals, there are various qualifying criteria and conditions set out in the Order. As such, this application seeks the council's view as to whether their Prior Approval and for this, information to address the following items is provided:

- a. Transport impacts of the development
- b. Contamination risks
- c. Flood risks in relations to the building
- d. Impacts of noise from commercial premises from commercial premises on the intended occupiers
- 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
- f. Provision of natural light in all habitable rooms
- 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.

Review of Permitted Development Assessment Criteria

It should be noted that the site is not located within a conservation area nor is it within an area comprising general or heavy industry, waste management, storage and distribution, or a mix of such uses. Also, the current use is not a registered nursery or health centre. The issue of fire safety impacts in this this case not relevant to the planning process but will be addressed as part of a Building Regulations submission.

Transport Impacts of the Development

The site is located in a highly sustainable location and close to a range of local shops and services, all of which are within easy walking distance. Yatton is also served by the Bristol to Exeter railway line with the station only a few minutes from the application site. There are also bus services with the hourly X5 route connecting Yatton to Clevedon and Weston-Super-Mare. Given that only one dwelling is be created and given the context, there will be no material impact '...in the character of traffic in the vicinity of the site.'

Contamination Risks in Relation to the Building

An Asbestos Management Survey report produced by Acorn Analytical Services Ltd accompanies the application. This details the result of a recent survey which has found there to be material that presents a relatively low risk which can be appropriately managed and disposed of according to statutory requirements and best practice.

Flood Risk in Relation to the Building

According to the Government's Flood Map for Planning, the site is located within Flood Zone 1 where there is a low risk of flooding. It is thus deemed appropriate for the proposed use with no risks to future residential occupiers or mitigation required.

Impacts of Noise from Commercial Premises from Commercial Premises on the Intended Occupiers

The prevailing context around the property is residential in character although on the ground floors of properties in the street, there are a range of commercial uses. The majority of these are service based and operate during the working day. The exceptions to this are The Alma public house and Bristol Raj restaurant which are opening in the evenings and weekends but are sufficiently far away from the site such that customers frequenting these premises would not cause a demonstrable amenity-based impact.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

The nature of the internal layout means all the habitable rooms will receive high levels of natural daylight due to the relatively large windows.

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.

There site location is not in an area for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

Arrangements required for the storage and management of domestic waste

As described above, provision for refuse storage is made with a refuse store to be sited within the frontage forecourt, as illustrated on the proposed site plan drawing.

In addition to the above, section 3 (9A) of the Order headed '*Permitted Development*' states:

'Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse -

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard (NDSS) issued by the Department for Communities and Local Government on 27th March 2015.'

Based on the floor space figures given above, the size of the proposed flat complies with the standards, as well as the other technical aspects that are listed in the nationally described space standard.

Having considered the criteria prescribed in the Order and assessed the proposals against these, it is concluded that the change of use to create the C3 dwelling is fully compliant as permitted development requirements. On this basis, there are no reasons why the council cannot confirm this outcome.

I trust that with the above explanation and accompanying drawn information, the Council will be able to register and assess the submission. In due course, should the case officer wish to visit the property then I would be happy to arrange access. For now, if anything further is required then please do not hesitate to contact me directly.

Yours faithfully,



Colin Pemble

Aspect360 Ltd

Cc: Mr B. Bradshaw – BWB Properties Ltd
Mr L. Lukins – Lukins Technical & Design Limited