

# Planning Statement – Class MA Prior Approval

## For Conversion of Ground Floor at 27 Whitecross Road Weston Super Mare BS23 1EP

By Nicholas Morley RIBA Chartered Architect

### 1 Introduction

- 1.1 This planning statement has been prepared by Nicholas Morley Architects on behalf of the applicant, Terry Stone who is seeking prior approval Under the General Permitted Development Order (GPDO 2015 as amended) Schedule 2, Part 3 Class MA for the change of use of existing vacant ground floor retail unit (Use Class E) to create one two bedroom dwelling at 27 Whitecross Road, Weston Super Mare, BS23 1EP.
- 1.2 The purpose of this application is to create a two bedroom flat within the ground floor of the property. There is already a two bedroom flat at first floor with its own access. The property is located on the corner of Whitecross Road and Clevedon Road and due to its location it has windows to 3 elevations. The proposed flat will exceed the National Space Standards with an area of 94m<sup>2</sup>. There are no elevational changes proposed and the works to the interior are fairly minimal. All rooms have good levels of daylight and outlook.
- 1.3 The following information is also provided

- Application Form
- PL01 Site Location and Site Plan
- PL02 Existing Floor Plans
- PL03 Existing Elevations
- PL04 Proposed Floor Plans
- PL05 Proposed Elevations
- PL06 Proposed Site Plan
- Application fee

### 2 Class MA Criteria

- 2.1 In terms of the criteria for Class MA, I have set this out below to illustrate that the proposal is permitted development.

MA.1.—(1) Development is not permitted by Class MA. A response to each criteria is set out below:

- (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;**

2.2 This requirement has now been superseded on 5<sup>th</sup> March 2024 where there is no longer any requirement for this to be the case.

**(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;**

2.3 The building (ground floor front) has been in use class E(b) (and its previous incarnation A3) for over two years continuously.

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

2.4 The cumulative floorspace for change of use is under 1,500 sqm. The requirement for this criteria was removed on 5<sup>th</sup> March 2024 and is therefore not relevant. The floorspace is well under 1,500 square meters in any case.

**(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;**

2.5 The site is not covered by or within the curtilage of any of the above designations.

**(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;**

2.6 The site is not within any of the above 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**

2.7 The site is not occupied under an agricultural tenancy.

**(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.**

2.8 This application is being made post 1<sup>st</sup> August and is not of a description falling within Class O.

### **3 Class MA Conditions**

3.1 Development under Class MA.2. is permitted subject to the following conditions. 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;**

3.2 The site is located within a predominantly residential area with some retail located on Whitecross Road on the opposite side of Clevedon Road. The access to the property would remain unchanged. Both these access points are from the pavement so there is a safe access to the site.

3.3 It is considered that the existing lawful use of the site as use class E(b) could facilitate a higher degree of vehicular movements than the proposed one residential unit.

**(b) contamination risks in relation to the building;**

3.4 The site is not known to be contaminated and the proposed development only involves the conversion of the existing ground floor of the building only.

**(c) flooding risks in relation to the building;**

3.5 The site is located in Flood Zones 1 and is therefore an area at the lowest risk of flooding.

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

3.6 Whilst there are a mixed of uses in the local area (mainly on the opposite side of Whitecross Road), the principle of the flats on the ground floor is considered acceptable and it is considered that there are no negative noise impacts from commercial premises given their retail 9-5 nature.

**(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;**

3.7 The site is located in a conservation area. It is understood that Class MA does not permit external works required to facilitate the enlargement of the flats. No external changes are proposed.

3.8 The existing and proposed elevations provide an indication of the external appearance to provide confidence to the LPA that the proposal provides adequate natural light (see below).

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

3.9 The proposed floor plans illustrate that all habitable rooms of the proposed dwelling will have adequate natural light.

**(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;**

3.10 The proposed development does not introduce a residential use in an area of general or heavy industry, waste management, storage and distribution, therefore it is not considered that this criteria is applicable.

**(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.**

3.11 The proposed development does not involve the loss of either a registered nursery or health centre.

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

3.12 The building is not 18 metres or more in height; or contains 7 or more storeys, therefore there is no requirement for a Fire Statement to assess the fire safety impacts or consult with the Health and Safety Executive.

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

3.13 The application has been made after 1<sup>st</sup> August 2021.

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

3.14 The development will be completed within 3 years of approval.

**(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.”.**

3.15 The proposed development is for Class C3 use and the restriction is noted.

3.16 It is considered that the proposal conforms with the criteria and conditions of GPDO 2015 (As amended 2021) Schedule 2, Part 3 Class MA and should therefore be give consent. If you require any further information, please contact the writer.

## Site Photographs



View from Whitecross Road



View from Clevedon Road