

Supporting Statement

Re: Prior Approval Change of Use from Class E Office to Residential
at 15A Village Drive, Canvey Island, SS8 0LJ

Introduction

The application put forward to the Castle Point Borough Council is for the 'Change of Use from Class E Office to Residential under prior approval to provide one bedroom / one person residential dwelling house'.

Location/ Site

The application site is located on the west side of Village Drive within an area of predominately residential area but with commercial and shops nearby at Long Road. The site comprises of a detached single storey building which was used as an office space since 2013. The types of businesses ranged from household removals, recreational services and architectural/ construction services.

The office has been registered with Valuation Office Agency (VOA) for business rates since 8th May 2013 and described as a 'Ground floor office'.

The site is not located within a conservation area, nor listed.

The office has been vacant since July 2023 and there are no tenants.

In addition, the site is not located within the following:

- Article 2(3) Land - AONB, SPA, the Broads, National Park, World Heritage Site
- Site of Special Scientific Interest (SSSI)
- Safety Hazard Zone
- Military Explosives Area
- Listed Building
- Scheduled Monument

Please refer to Appendix A for site photos.

Relevant Planning Legislation

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021

“Class MA – commercial, business and service uses to dwellinghouses

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;
 - (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 –
 - (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.”.

MA.3

Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 *[see below]*

Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO 2015)

Fire Statements

9A – (3) The height condition is that—

- (a) the building is 18 metres or more in height; or
- (b) the building contains 7 or more storeys.

.....

(7) For the purpose of paragraph (3)—

- (a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms);
- (b) when determining the number of storeys a building has—
 - (i) any storey which is below ground level is to be ignored; and
 - (ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.

Proposal

The proposal is for the *‘Change of Use from Class E Office to Residential under prior approval to provide one bedroom / one person residential dwelling house’*.

Transport & Highways Impact

The site is located within the vicinity of good public transport. The closest bus stop is situated within a short walking distance of approximately 1 minute serving bus routes 21, 22 and 27. It takes approximately 12 minutes by bus or 6 minutes by car to reach the nearest train station at Benfleet.

In addition, there is provision for cycle parking within the courtyard of the site.

There is adequate parking available in the surrounding area. However, considering the small size of the dwelling and low level of occupancy, it’s unlikely to cause an impact on the highway.

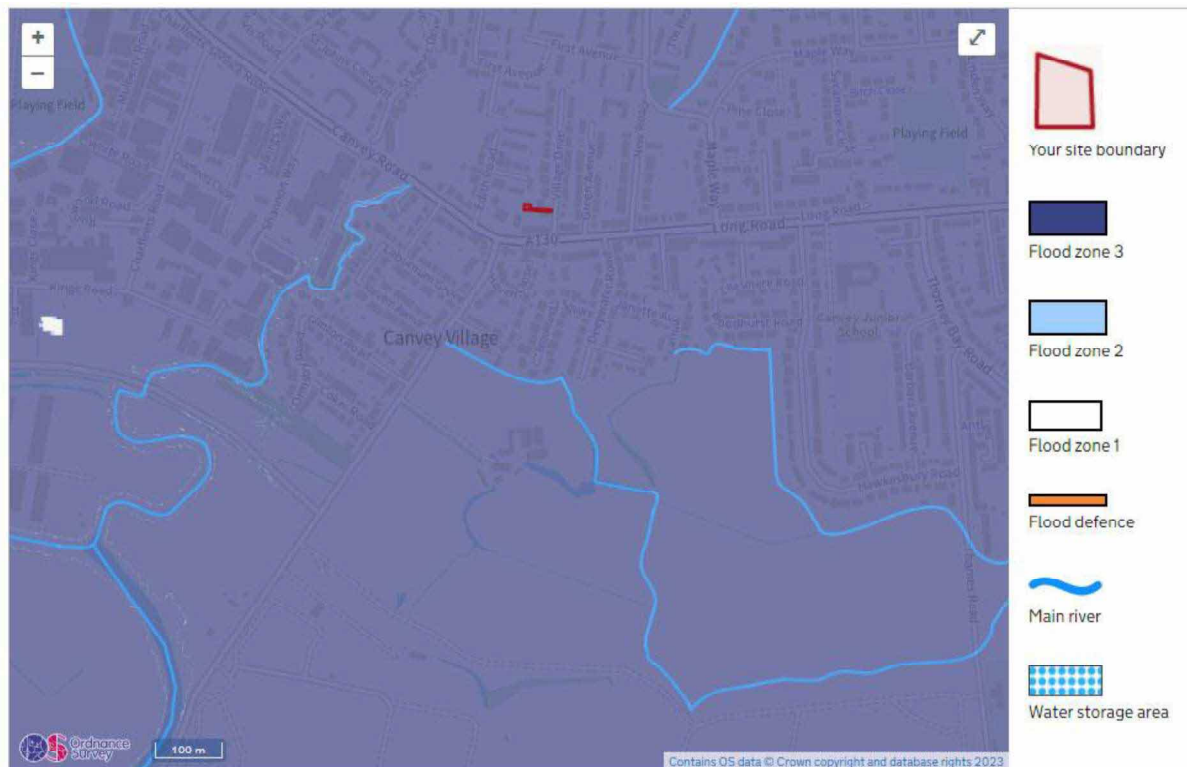
In light of the above, it is considered that the proposed dwelling will not result in any significant increased impact on the highway network.

Noise Impact

The building is of sound construction and completely detached. It is a comfortable distance away from other residential properties. Hence, it is unlikely the proposed use as a residential dwelling with low level of occupancy would have any negative or harmful impact in the area.

Flood Risk

The site is located within flood risk zone 3, which means it has a high probability of flooding from rivers and the sea. However, the site does benefit from effective flood defences. Flood defences have been built to protect against flooding from rivers or the sea.



In addition, the site is not located within a critical drainage problem area. However, to mitigate against the low probability of surface water flooding the following flood resilience features will be applied:

- The proposed conversion will make use of non-return valves and other suitable devices to avoid the risk of backflow from sewers;
- Utility services such as fuse boxes, meters, main cables, gas pipes, phone lines and sockets will be positioned as high as practicable;

- Kitchen units will be made of solid, water resistant materials;
- Airbricks at lower level will have automatic closures to stop water from coming in. Suitable product called Anti-flood Airbrick, which is BSI and PAS certified.
- A chemically injected damp proof course will be inserted at the base of existing external walls to avoid rising damp;
- The internal finish floor level will be higher than the external floor level (the existing internal FFL is already 320mm higher than the natural external FFL);
- The use of MDF carpentry (i.e. skirting, architrave etc.) will be avoided;

Waste / Recycle

Waste and recycle provision is provided within courtyard area of the site. Waste and recycle disposal arrangements will be in accordance with council collection procedures.

Contamination

The land is not known to be contaminated. As such the proposal should not cause concern or issues in relation to this.

Conclusion

It is considered that the proposed change of use accords with the requirements of Class MA of the amended GPDO and prior approval procedure. It is considered that the proposal would not result in any adverse impact.

APPENDIX A - Site Photos









