

Planning Statement – Class MA Prior Approval

Job Number: 3M-419

Date: 9th April 2024

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1 Introduction

- 1.1 This planning statement has been prepared by Three Magnets Planning on behalf of the applicant, Jo Knight 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 commercial building (Use Class E) to create one residential dwelling at the rear of 364 Town Mile Hill Road, St George, Bristol, BS15 1AH.
- 1.2 The purpose of this application is to create one new flat that meet National Space Standards. A parallel application for the external alteration to the building will be made separately. Accordingly, please find enclosed:
- Application forms (duly completed);
 - Planning Statement;
 - Site Location;
 - Existing and Proposed Floorplans;
 - Existing and Proposed Elevations; and
 - The application fee payable to Bristol City Council.

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 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;**
- 2.2 The whole building has been in use class E for over two years continuously.
- (b) 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;**
- 2.3 The site is not covered by or within the curtilage of any of the above designations.

(c) 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;**

2.4 The site is not within any of the above designations.

(d) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

2.5 The site is not occupied under an agricultural tenancy.

(e) 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.**

2.6 This application is being made post 1st August and the Class O restriction would not have been applicable

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 in close proximity of a defined Local Centre (Kingswood), in close proximity to numerous frequent bus routes therefore the site is considered relatively sustainable. The existing site has no off-street parking and this is reflected in the proposal, which will effectively be car free.

(b) contamination risks in relation to the building;

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

(c) flooding risks in relation to the building;

- 3.4 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;

- 3.5 The surrounding area is predominately residential, therefore the principle of the residential use is compatible with existing neighbouring uses and it is considered that there are no negative noise impacts from commercial premises.

(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;**

- 3.6 The site is not located in a conservation area. It is understood that Class MA does not permit external works required to facilitate the conversion of the property, so this application will be accompanied by a separate application for the external changes.

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

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

- 3.8 The proposed floor plans and elevations illustrate that all habitable rooms of the new 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;

- 3.9 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 criterion 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.**

- 3.10 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.

3.11 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.

3.12 The application has been made after 1st August 2021.

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

3.13 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.”.

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

Conclusion

3.15 It is considered that the proposal conforms with the criteria and conditions of GPDO 2015 (As amended 2024) Schedule 2, Part 3 Class MA and should therefore be given consent. If you require any further information, please let me know.