

**PRIOR APPROVAL APPLICATION STATEMENT ATTACHED TO THE CHANGE OF USE OF THE EXISTING GROUND
FLOOR CLASS E PREMISES, FOR USE AS A 1No. SELF CONTAINED FLAT AT 46 CLAUGHTON STREET,
ST HELENS. WA10 1SN**

STATEMENT PREPARED BY:- MR MIKE CARR MSc MRTPI MAT DESIGN LIMITED

ON BEHALF OF:- MR C O'DEA

DATE: APRIL 2024

1. INTRODUCTION

Use Class MA allows the following uses - Shops, Financial and professional services, restaurants and cafes, offices, light industrial, medical or health services, creches, day nursery, indoor sports etc. or indeed anything in Use Class E, to be converted to a residential use, subject to various limitations and conditions.

This legislation took effect from 1st August 2021 and this application statement considers the change in legislation, to support the consideration of this application.

2. PLANS AND SUPPORTING INFORMATION TO ACCOMPANY THIS PRIOR APPROVAL APPLICATION

The following plans and information are presented to support the consideration of this planning application:

- The site location plan,
- The site block plan,
- The existing and proposed floor plans and site plan and,
- The Prior Approval Assessment Statement.

3. DATE STAMPED

As with many other Prior Approvals there is a date stamp required under Class MA, but for most of these it is all the way back to 2013, which has now been updated and is a rolling two-year period. It must have been in one of the uses mentioned above or Use Class E for at least 2 years.

46 Cloughton Street was used from a period more than 2 years as the Northwest Pilates and Yoga Centre. Google street scene viewing provide the relevant evidence in this case.

4. ARTICLE 4 RESTRICTIONS

There are no Article 4 directions currently in place that restrict this type of development through the prior approval process.

5. ADDITIONAL PLANNING REQUIREMENTS

Under Class MA it is not possible to submit any external changes in the same application.

That said, the ground floor of 46 Claughton Street can function as a self-contained flat without any additional windows, doors, or anything external. However, if there are any additional requirements needed, these will be commissioned through an additional planning application for these changes to take place.

6. PRIOR APPROVAL APPLICABLE LEGISLATION

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.

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 – **Now revoked.**

(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 - **See section 3 above.**

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres – **The submitted plans show that the floor area is 44.1m².**

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

(i) is or forms part of a site of special scientific interest – **Not applicable in this case.**

(ii) is or forms part of a listed building or land within its curtilage - **Not applicable in this case.**

(iii) is or forms part of a scheduled monument or land within its curtilage - **Not applicable in this case.**

(iv) is or forms part of a safety hazard area - **Not applicable in this case;** or

(v) is or forms part of a military explosives storage area - **Not applicable in this case.**

(e) if the building is within—

(i) an area of outstanding natural beauty - **Not applicable in this case.**

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 - **Not applicable in this case.**

(iii) the Broads - **Not applicable in this case.**

(iv) a National Park - **Not applicable in this case;** or

(v) a World Heritage Site - **Not applicable in this case.**

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained - **Not applicable in this case;** 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 - **Not applicable in this case;** 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 - **Not applicable in this case.**

(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 premises falls within Use Class E after 1st September 2020.

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 – **See the assessment below in section 7.**
 - (b) contamination risks in relation to the building - **See the assessment below in section 7.**
 - (c) flooding risks in relation to the building - **See the assessment below in section 7.**
 - (d) impacts of noise from commercial premises on the intended occupiers of the development - **See the assessment below in section 7.**
 - (e) where—
 - (i) the building is 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 - **See the assessment below in section 7.**
 - (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses – **See plan 03 submitted with the application.**
 - (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 - **See the assessment below in section 7.**
 - (h) where the development involves the loss of services provided by—
 - (i) a registered nursery - **See the assessment below in section 7,** 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 - **See the assessment below in section 7.**
 - (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building - **See the assessment below in section 7.**

7. PRIOR APPROVAL ASSESSMENT – JULY 2022

TRANSPORT

The site is in a highly sustainable location with easy access to public transport. 1 car parking space is also available within the curtilage of the site. As such, we do not consider that there are any transport impacts as part of the development in this sustainable location.

CONTAMINATION

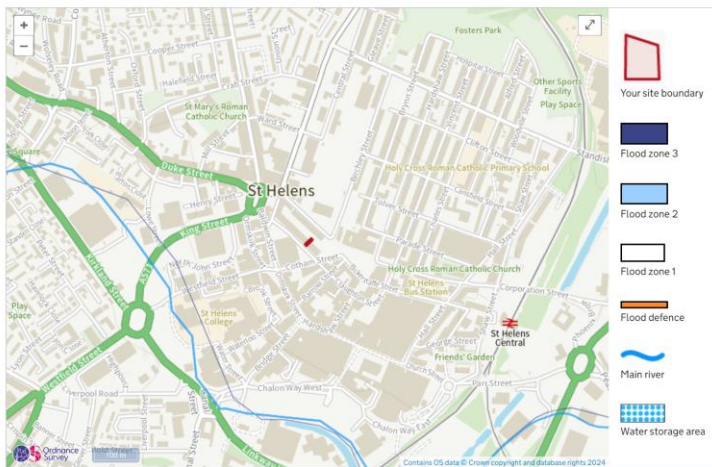
There are no previous industrial uses that would result in contamination within the building or its immediate surrounds, whilst there are no building works that would result in ground disturbance as part of this development, which would result in any harm to the proposed occupier(s).

FLOODING

There are no flood risks in relation to the building or its surrounds.

Flood map showing the flood zone your site is in

The map shows the flood risk to your site and the surrounding area.



EA Flood Risk Mapping Extract for the application site.

NOISE

There would be no noise transfer from the ground floor to the upper floor due to floor/ceiling insulation. Details for any additional sound insulation are shown on the submitted plans.

There are no noisy activities associated with the ground floor use that would disturb the upper floor residential use.

CONSERVATION AREA

The application site is not located in a Conservation Area.

NATURAL LIGHT

All habitable rooms are served by adequate natural light – See the submitted plan 3 that includes all the floor space (m²) requirements and window positions.

FLOOR SPACE REQUIREMENTS

The proposed flat would provide 44.1m² of useable floor space, which would exceed the minimum 37m² standard for this type of development.

GENERAL OR HEAVY INDUSTRY, WASTE MANAGEMENT, STORAGE AND DISTRIBUTION, OR A MIX OF SUCH USES.

There are no heavy industries, waste management, storage and distribution, or a mix of such uses around or near the site.

WASTE STORAGE

Bin storage and waste collection arrangements are as existing and contained within the site – See submitted block and site plans.

LOSS OF SERVICES PROVIDED BY A REGISTERED NURSERY, OR A HEALTH CENTRE FACILITY

The proposed development would not result in the loss of a registered nursery, or a health centre facility.

FIRE STATEMENT

The building is not more than 18 metres in height and the building does not contain 7 or more storeys.

PLANNING ASSESSMENT AND CONCLUSIONS

This prior approval application is made under the provisions of Class MA of the current legislative framework, in that the proposed development falls within the parameters and relevant conditions that are set out in Class MA.

As such, and taking all the relevant information into account, we would ask that the Local Planning Authority approves this prior approval application.