CASE OFFICER'S REPORT

Application Reference: PL/2023/06294
Application Type: Prior Approval – Class MA
Consultation ends: 23/08/2023
Case officer: Russell Brown

Site Address: 7 STATION ROAD, WESTBURY, BA13 3JL
Proposal: Conversion of former police station building to one dwellinghouse and three flats.
Recommendation: Prior Approval Not Required

POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended): Part 3 Changes of Use - Class MA

CONSULTATION RESPONSES

Town Council – No objection.

Highways – There is an existing vehicular access to the east of the building with a car park at the rear. The proposed development will need to show a minimum of 6 parking spaces (2.4m by 4.8m) with 6.0m manoeuvring space behind.

There must also be 1 cycle space per bedroom which is secure and covered to comply with Wiltshire Local Transport Plan- Cycling Strategy.

REPRESENTATIONS

No letters have been received from members of the public.

ASSESSMENT

Site and Proposal

The site is the former police offices in Westbury. The building is not listed and is not within the Conservation Area.

The proposal seeks to convert the offices to four residential units – one house and three flats. There is an existing access at the side of the building to a car park at the rear.

This change of use can be done without planning permission under certain circumstances. Class MA of the GPDO: Part 3.

This current application is to ascertain whether prior approval is required or whether the proposal can go ahead under Class MA without the need for further planning permission. Accordingly, the proposal will be assessed against Class MA and its provisions and requirements.

The existing building falls into Use Class E. This has been clarified with the applicant. Police stations with cells, interview rooms etc are a sui generis use and not subject to Class

MA provisions. However, police offices are a Class E use and therefore do fall under Class MA.

GPDO: Part 3 - Class MA

The wording of Class MA is as follows:

"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 subparagraph (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 198155;
(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; and

(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 200656, the impact on the local provision of the type of services lost.

(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 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”.

(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.”

The proposal meets the provisions of Class MA, 1, (1) and (2) and is therefore permitted development subject to the conditions in Class MA, 2.

To confirm that the proposal meets the conditions set out in Class MA, 2, (1) – (6) inclusive, the following is confirmed:

Under MA.2.:

a. There are no highway objections to the proposal and the access is both existing and acceptable. A revised plan showing the required six parking spaces has been submitted and there is ample space on site for cycles.

b. There are no contamination risks on record in relation to the building.

c. There are no flooding risks in relation to the building.

d. The building is within a residential area and therefore would fit in with the surrounding land uses. There would not be any impact on future occupiers due to the are being already residential.

e. The building is not within a Conservation Area.

f. The rooms would all have natural light.

g. The impact on the future occupiers of the flat is acceptable as this is a residential area, not an area of heavy industry etc.

h. There is no loss of the identified services.

CONCLUSION

The scheme meets the terms of Class MA of the GPDO as described above and is therefore permitted development.

RECOMMENDATION

Prior Approval Not Required.