

Planning Statement

This Prior Approval application is submitted in regard to the provisions set out in Schedule 2, Part 3, and Class MA of the General Permitted Development Order (2015) (amended 2021).

Site Address: 75a Bridge Road, Uxbridge, UB8 2QW

Current Use: E(g)(iii) Industrial processes

See screenshot of officers delegated report for application ref: 73647/APP/2021/951 (Appendix 1). Officer's confirm the lawful use of the site was then B1(c) – now changed to E(g)(iii).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The applicant asserts that the existing use is sui generis. A site visit, a search of the planning history and relevant business registration checks nevertheless suggest that the site was most recently occupied by "Craftsman Springs Limited", a business which manufactured and fabricated metal products and was dissolved in December 2021. Taking into consideration the nature of the business and its residential location, the sites' use is considered to fall into Use Class B1(c) i.e. "any industrial process that can be carried out in a residential area without causing detriment to the amenity of the area".

In 2020 amendments to the Use Classes Order resulted in Use Class B1 (c) becoming a Class E Use (Commercial, business and services use). Taking into consideration the nature of business, the use of the site and updates in the Use Classes Order - the most

Prior Approval is sought for: Change of use from Class E(g)(iii) to 4 x self-contained flats [Residential Use (Class C3)].

Assessment

“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;

The building has been vacant for a period of longer than 3 months.

Previous applications also confirm the site was vacant.

A site visit would also confirm it is currently vacant, as do the submitted photos.

(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;

The building has been in use as E(g)(iii) Industrial processes for over 10 years.

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

The cumulative floor space of the building changing use is less than 1,500 sq.m.

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

(i) is or forms part of a site of special scientific interest;

The site does not form part of a site of special scientific interest.

(ii) is or forms part of a listed building or land within its curtilage;

The site does not form part of a listed building or land within its curtilage.

(iii) is or forms part of a scheduled monument or land within its curtilage;

The site does not form part of a scheduled monument or land within its curtilage.

(iv) is or forms part of a safety hazard area; or

The site does not form part of a safety hazard area.

(v) is or forms part of a military explosives storage area;

The site does not form part of a military explosives storage area

(e) if the building is within—

(i) an area of outstanding natural beauty;

The building is not in 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(3);

The building is not in 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;

The building is not in the Broads.

(iv) a National Park; or

The building is not in a National Park.

(v) a World Heritage Site;

The building is not 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

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

The proposed development is not of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021.

(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.

The above would not apply 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.

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;

A draft Unilateral Undertaking will be sent to officers once the application has been validated to make sure the development is parking permit free.

(b) contamination risks in relation to the building;

A contamination report has been submitted.

It concludes that conditions could be attached to address any concerns.

(c) flooding risks in relation to the building;

The Environment Agency website shows the site is in Flood Risk Zone 1 - an area with a low probability of flooding.

The PDF of that document has been downloaded from the Environment Agency website and attached as Appendix 2. It also shows a map of the site.

The delegated report for a previous application made some comments with regard to flooding

'The Borough's Flooding Officer has been consulted on the proposed development and has identified that it is only the outer sections of the site which touch the flood zones. As such the building is not at flood risk, nor are its occupants. The proposed development is therefore considered to be acceptable on flooding grounds and the application of the sequential and exceptions test are not considered to be necessary for the proposed development.'

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

The surrounding area is all residential so there would be no noise from commercial premises.

(e) where—

(i) the building is located in a conservation area, and

The building is not located within a conservation area

(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;

A comprehensive daylight assessment has been submitted with this application (appendix 3) which concludes that all habitable rooms benefit from levels of daylight and sunlight which exceed the relevant BRE standards thus providing future occupiers with a good standard of living.

(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

This would not apply in this instance.

(h)where the development involves the loss of services provided by—

(i)a registered nursery, or

There would be no loss of a registered nursery.

(ii)a health centre maintained under section 2 or 3 of the National Health Service Act 2006(4), the impact on the local provision of the type of services lost.

There would be no loss of a healthcare centre.

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

The application is made after that date.

(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 only neighbouring commercial premises are the retail units fronting Queens Parade. The proposed unit is separated from those retail units as it fronts the rear road of Queens Parade Close. Previous permissions have been granted to the neighbouring units for change of uses to residential where no concerns were raised with regard to noise. A search of council tax records also shows that most of the units to the rear of 22 Queens Parade (Queens Parade Close) are currently in use as flats.