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**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)
PRIOR APPROVAL PROCEDURE
CLASS MA – CHANGE OF USE FROM CLASS E (COMMERCIAL) TO CLASS C3
(DWELLINGHOUSE)
CUCKOO HILL WORKSHOP, CUCKOO HILL, BURES ST MARY, CO8 5JH.**

Planning Statement

Ref: 3190
November 2024

Introduction

1. This statement has been produced in support of an application for Permitted Development Prior Approval for the change of use of premises from Class E (commercial) to Class C3 (dwellinghouse) at Cuckoo Hill Workshop, Cuckoo Hill, Bures St Mary.
2. The application comprises this Statement together with the following documents:
 - Application form;
 - Drawing 2876-01 Location Plan/Existing Block Plan;
 - Drawing 2876-02 Existing Site Plan;
 - Drawing 2876-03 Existing Floor Plans and Elevations;
 - Drawing 2876-04A Proposed Floor Plan and Elevations
 - Drawing 2876-05 Proposed Site Plan;
 - Preliminary Ecological Assessment; and,
 - Phase 1 Land Contamination Report.
3. This application is submitted on the basis that a change of use of the premises from Class E (commercial, business and service) to Class 3 (dwellinghouses) can be undertaken as Permitted Development under Class MA of the Town and Country Planning (General Permitted Development) England (Order 2015) as amended.
4. The applicants are Mr & Mrs Dean Manning who own the site which since 1994, has been used for the manufacture, display and sale of garden furniture. This use was approved under application reference B/94/00746. The building proposed for use as a dwelling is a single-storey brick building with a mono pitch roof clad with metal profile sheeting. Mr & Mrs Manning intend to live onsite within the converted building and continued to run the garden furniture business from the site from the remaining buildings.

Planning Considerations

5. The development plan for the area does not apply to Applications for Prior Approval of permitted development .Paragraph MA.2 (2) of the Development Order confirms that the Council's consideration of the Class MA Prior Notification procedure is limited 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 a 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 the whole or part of the groundfloor, 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 of intended occupiers of the development on the introduction of residential use in an area the authority considered to be important for general or heavy industry, waste management, storage and distribution or a mix of uses;
- (h) Where the development involves a loss of services provided by:
 - (i). A registered nursery, or;
 - (ii). A health centre maintained under Section 2 or 3 of the National Service Act 2006, the impact on the local provision of the type of service lost;
- (i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Transport impacts of the development

6. The proposed change of use is likely to result in a reduction in the number of vehicular movements visiting the site and therefore it will have no material adverse impact on highway safety or any other transport considerations. Crashmap.co.uk, commonly used in the industry as a tool to evaluate highway safety, confirms that there have been no road traffic incidents in this section of Cuckoo Hill in the last 24 years.

Contamination risks on the site

7. There is no evidence or history of contamination at the site. The application is accompanied by a Land Contamination Report produced by Goldfinch Environmental Ltd. The reports confirms that the need for a Phase 2 Intrusive Investigation is unwarranted.

Flooding risks on the site

8. The Environment Agency (EA) Flood Map confirms that the site is located on land within Flood Zone 1 (FZ1) which is land which is not at risk of flooding and where all forms of development are acceptable. The site remains in FZ1 when taking into account climate change.
9. The EA Flood Maps also confirm that the site is not at risk of surface water flooding.

Impacts of noise from commercial premises on the intended occupiers of the development

10. The application site is in an area which is predominately residential. There are dwellings to the east, south and west of the site and the Bures St Mary cemetery to the north. Consequently, there are no other commercial uses nearby that would impact on the intended occupiers of the dwelling. Clearly, the Council has already accepted that the use of the site for the manufacture, storage and sale of garden furniture does not impact on the amenity of nearby residents and therefore it would not impact upon the residential use of the application building by the applicant.

Conservation and Heritage

11. The site is located within the Conservation Area for Bures St Mary. None of the buildings on the site are listed buildings and there are no listed buildings adjacent to the site.
12. The site is set back from the road and is not readily visible from the public realm, it occupies a discreet position within the Conservation Area.
13. The scheme of conversion has been carefully and sensitively designed, it utilises the existing structure and does not materially affect the external appearance of the building. Consequently, the proposed change of use of the building would have no material impact on the character or sustainability of the Conservation Area.

Provision of natural light to habitable rooms

14. The development has been carefully designed to take advantage of the existing openings in the building. The open plan kitchen/living/dining room and each of the three bedrooms all have windows providing natural light.

Impact of intended use on the area

15. The application site is not within an area which is important for general or heavy industry, waste management, storage and distribution or a mix of such uses. The site is located within an area where other uses are predominantly residential. Therefore, the residential conversion of the building would not prejudice any other existing commercial operations in the locality.

Loss of service

16. The proposed development does not involve the loss of a registered nursery, health centre facility or any other important community service.

Fire risk

17. The building is below the thresholds for fire statements as described by paragraph 9A of the Order (Interpretation of Class MA).

Other matters

18. Although not a matter for direct consideration under Part MA, it is necessary to consider any potential impacts of the development on wildlife interests, including protected species and habitat. In this case, the accompanying Preliminary Ecological Assessment produced by Hybrid ecology Limited confirms that the application building does not provide habitat for protected species and that wildlife interests will not be harmed by the conversion of the building as proposed.

19. The scheme is exempt from Biodiversity Net Gain (BNG) as the site contains less than 25 square metres of habitat and involves work that is permitted development.

Conclusions

20. The proposed development accords with the relevant criteria of Part MA of the Order and can be considered as Permitted Development. The proposal would not cause any material harm to any interests of acknowledged importance.