

PRIOR APPROVAL - CLASS PA



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Our ref ; JDA/2015/600 March 2020

**Proposed Change of use from B1 (Light Industrial) to C3 (Residential) at Castle Roofing,
Six Score Road, Langtoft, PE6 9QF**

This statement accompanies a Prior Approval application made to South Holland District Council as set out in Class PA, introduced by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. This Order may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 and came into force on 6th April 2016.

This amendment to the allows a change of use from B1(c) (light industrial) to C3 (dwellinghouses) subject to limitations and conditions including the prior approval of the local planning authority in respect of certain matters.

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It is only applicable to applications received on or after 1 October 2017, for which prior approval is granted before 1 October 2020. Development must then be completed within 3 years of the prior approval date.

This document provides evidence regarding B1 Use.

The subject building and yard area has been used solely for a light industrial use prior to 19th March 2014.

The B1 activity has been in continuous use since 1998.

The Legislation - our commentary in red ;

Amendments in relation to change of use of light industrial to dwellinghouses

8. In Part 3 of Schedule 2, after Class P insert—

“Class PA – premises in light industrial use to dwellinghouses

Permitted development

PA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

PA.1. Development is not permitted by Class PA if—

*(a) an application under paragraph PA.2(1) in respect of the development is received by the local planning authority on or before 30th September 2017; **Application is compliant.***

*(b) the building was not used solely for a light industrial use on 19th March 2014 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use; **The subject building was used solely for a light industrial use prior to 19th March 2014.***

*(c) the prior approval date falls on or after 1st October 2020; **Application is compliant.***

*(d) the gross floor space of the existing building exceeds 500 square metres; **Application is compliant - the GIA is less than 500 sq m. The GIA is 75 sq m.***

*(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; **Application is compliant - there are no Agricultural Tenancies.***

(f) less than 1 year before the date the development begins—

(i) an agricultural tenancy over the site has been terminated, and

*(ii) the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes; **Not applicable.***

(g) the site is, or forms part of—

*(i) a site of special scientific interest; **Not applicable.***

*(ii) a safety hazard area; **Not applicable.***

*(iii) a military explosives storage area; **Not applicable.***

*(h) the building is a listed building or is within the curtilage of a listed building; or **Not applicable.***

*(i) the site is, or contains, a scheduled monument. **Not applicable.***

Conditions

PA.2.—(1) Development is permitted by Class PA subject to the condition that before

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beginning the development, the developer must—

*(a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a light industrial use on the date referred to in paragraph PA.1(b); **This Statement confirms - application is compliant.***

(b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

*(i) transport and highways impacts of the development, **Application is compliant - see below.***

*(ii) contamination risks in relation to the building, **Refer to attached Phase One Contamination Survey.***

*(iii) flooding risks in relation to the building, **Application is compliant - see below.***

*(iv) where the authority considers the building to which the development relates is within an area that is important for providing industrial services or storage or distribution services or a mix of those services (which includes, where the development relates to part of a building, services provided from any other part of the building), whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application. **Application is compliant .***

(2) Development under Class PA is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class PA

PA.3. For the purposes of Class PA—

“curtilage” (except in paragraph PA.1(h)) means—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building in light industrial use, closely associated with and serving the purposes of that building, or

*(b) an area of land immediately beside or around the building in light industrial use no larger than the land area occupied by the building, whichever is the lesser; **Application is compliant - see attached drawing.***

*“industrial services” means services provided from premises with a light industrial use or a use falling within Class B2 (general industrial) of the Schedule to the Use Classes Order; **Application is compliant .***

“light industrial use” means a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order;

“storage or distribution services” means services provided from premises with a use falling within Class B8 (storage or distribution) of the Schedule to the Use Classes Order.”

9. In paragraphs A.1(a), B.1(a), C.1(a), D.1(a), E.1(a), F.1, G.1(a) and H.1(a) of Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse), after “P” insert “, PA”.

Transport and Highway Impacts

Given the authorised and historical uses of the site, the existing and improved vehicular access onto the adjacent highway will not result in a material intensification in the use of the track. It is therefore considered acceptable and compliant with current guidance.

Parking provision provided with the properties will comply with the current parking standards, as recommended by the County Council. They will be designed to ensure vehicles can be manoeuvred into and out of parking bays and can leave the site in forward

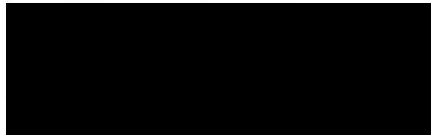
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gear.

In summary, the development caters for the traffic generated by the scheme. Sufficient turning provision will be provided to ensure vehicles are able to exit the site in forward gear. Parking for all properties will be provided to meet current authority standards, and will eliminate the need to park on the highway. In terms of highway safety, access and parking the scheme is considered in full compliance with Local Plan policies.

Summary and Conclusion

The long standing B1 Use of this property is, in our view, indisputable. Given the requirements of Class PA and the nature, scale and historical use of the subject building, it is evident that this Prior Approval application is fully compliant with the requirements as set out in Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 and can, therefore, be approved by the LPA.



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