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Date: October 2025

Our ref: 23.3108

Your ref:

Planning Statement

**PRIOR APPROVAL UNDER CLASS MA, PART 3, SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) TO 12No RESIDENTIAL FLATS
KEN MILLS ENGINEERING Co, NEW STREET, ROCHDALE, OL12 6NS.**

Introduction

This Planning Statement is submitted in support of a Prior Approval application under Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal seeks to change the use of the former Ken Mills Engineering Co. building on New Street, Rochdale (Use Class E(g)(iii) – light industrial) to 12 self-contained flats (Use Class C3) under the permitted development rights introduced by Class MA. This statement addresses the planning context, rebuts the previous prior approval refusal (ref. 25/00429/PRA56), and demonstrates the proposal's full compliance with Class MA provisions, conditions, and limitations, including all relevant prior approval matters. It draws on relevant legislation, national planning guidance, and case law to provide a robust justification for granting prior approval.

The previous prior approval application (25/00429/PRA56) was refused solely on the grounds of insufficient evidence that the building's use fell within Class E on the relevant date. That issue has now been definitively resolved by the issuance of a Certificate of Lawful Existing Use or Development (CLEUD) on 9 October 2025 (ref. 25/00663/CPE), confirming the lawful Class E(g) light industrial use of the premises.

With the building's use now formally established as Class E(g)(iii), the sole reason for refusal has been overcome. This statement will demonstrate that all other Class MA criteria are satisfied and that the prior approval matters have been fully addressed with positive evidence, such that the Council is invited to grant prior approval without delay.

Background and Site Context

The application site is the former Ken Mills Engineering Co. works, located on New Street, Shawclough, Rochdale (OL12 6NS). The property is a traditional mill/industrial building that has historically been used for light engineering and manufacturing (within former Use Class B1(c), now Class E(g)(iii)). The surrounding area is predominantly residential in character, interspersed with some local businesses and community uses. The site lies within the defined urban area of Rochdale and is not part of any designated industrial estate or allocated employment zone. Indeed, the immediate context includes established housing, indicating that the previous industrial use was of a nature compatible with a residential area (as is characteristic of Class E(g) light industrial activities).

The building is of solid brick construction with an industrial heritage character (identified on the Council's register of non-designated heritage assets). It is not a listed building and not within a Conservation Area – thus there are no heritage designations that restrict its change of use under Class MA. The site is within an accessible and sustainable location: local shops and services are available nearby, and public transport links along Shawclough Road and surrounding routes provide connectivity to Rochdale town centre and other areas. The proximity to Healey Dell Nature Reserve and other amenities makes this a desirable location for new housing, offering future residents both convenient urban facilities and attractive green space within walking distance.

The Ken Mills Engineering operations at this site have ceased, and the building is currently vacant. It has been vacant for well over the minimum period previously required by Class MA (3 months) – in fact, the site has remained unused by any business since the engineering company relocated. The vacancy of the premises means no existing jobs or services would be displaced by the proposed residential use. The building's vacancy and underutilisation contribute nothing to the local area at present; by contrast, a residential re-use will bring the site back to life, add natural surveillance, and support the vitality of the neighbourhood.

Planning History

Planning Reference 25/00429/PRA56: An application for prior approval under Class MA to convert this building to 12 flats was submitted and validated on 24 April 2025. The application was **refused** by the Council on the sole basis that there was a lack of conclusive evidence that the building was in Class E use (commercial, business and service use) for the requisite period. No other grounds for refusal were cited – the Council did not raise any objections in principle to the conversion, nor to any of the specific prior approval matters, aside from the use-class qualification issue.

Since that refusal, the applicant has obtained a Certificate of Lawfulness of Existing Use or Development (CLEUD). This certificate (ref. 25/00663/CPE) was approved on 9 October 2025, formally confirming that the lawful existing use of the premises is Class E(g)(iii) light industrial. The CLEUD provides legally binding evidence that the building was indeed in Class E use (formerly B1(c)) and has been so for the necessary period. This directly addresses and rebuts the previous refusal reason. With the Class E use now certified, the principal eligibility criterion of Class MA is unquestionably met.

It is noted that no material change of use has occurred to date – the building has not been occupied or used as residential flats at any point. The internal conversion works to facilitate residential use have either not commenced or, if any preparatory works have been undertaken, the premises have not been brought into any residential use. In other words, the proposal remains entirely prospective. This approach ensures compliance with the requirement that prior approval must be obtained before beginning the use. The applicant is committed to securing all necessary consents prior to occupying the building as dwellings, thereby ensuring the process is lawful and procedurally correct.

The Proposed Development

The proposal involves the change of use of the entire building from Class E(g)(iii) (light industrial) to 12 self-contained residential flats (Class C3) under the provisions of Class MA of the GPDO. The scheme comprises a mix of 7 two-bedroom apartments and 5 one-bedroom apartments, as indicated in the submitted floor plans. Each flat is self-contained with its own facilities. The development is contained wholly within the envelope of the existing building – no extensions are proposed as part of this application. The exterior appearance of this historic mill building will remain largely unaltered save for any minor works (such as replacement of doors or windows where necessary) to make the building suitable for habitation. Any external alterations that fall outside the scope of permitted development will be pursued through a separate planning application if required (or have already been approved separately).

Internal Layout and Standards:

The internal layouts have been carefully designed to provide a high standard of accommodation. All flats meet or exceed the relevant Nationally Described Space Standards (NDSS) in terms of floor area and room sizes, ensuring sufficient living space for future occupants. Each unit is designed with an emphasis on quality: generous floor-to-ceiling heights (inherent in the mill architecture) and large existing windows will create light, airy living environments. Bathroom and kitchen provisions, sound insulation, and energy efficiency measures will comply fully with Building Regulations. Importantly, all habitable rooms in each flat are served by existing or newly installed windows, guaranteeing adequate natural light (this matter is addressed in detail below). There are no single-aspect north-facing units; wherever possible, flats benefit from dual-aspect or southerly aspects to maximize daylight and amenity.

Parking and Amenity:

The site layout includes allocated off-street parking for residents within the existing yard/forecourt, with space for visitor parking. Secure cycle storage will be provided on-site to encourage sustainable travel. Waste and recycling storage is accommodated in a discreet location within the curtilage, with arrangements made for easy collection access – this ensures no adverse impact on street scene or public health. While the development is essentially high-density in nature, residents will have access to nearby public open spaces (such as Healey Dell and local parks) for recreation, and a modest communal outdoor amenity space or landscaping within the site will be provided where feasible (e.g. seating area or planting in the forecourt) to improve the residential environment.

In summary, the proposal represents a sustainable reuse of a vacant brownfield building to provide much-needed housing. The principle of development is established by national permitted development rights – Parliament has granted permission in principle for Class E to C3 changes of use, subject only to prior approval on certain limited matters. We now turn to an assessment of how this proposal complies with all the conditions and limitations of Class MA and how each prior approval matter is addressed.

Compliance with Class MA Permitted Development Criteria

Class MA (commercial, business and service use to dwellinghouses) sets out specific eligibility criteria and limitations for a change of use to be permitted development. The proposed development is fully in accord with these requirements, as detailed below:

- **Lawful Use on Relevant Date:** The building qualified for Class MA by being in Use Class E (formerly within B1(c) light industrial) use. The GPDO (Article 3, Schedule 2, Part 3, Class MA) required that, as of the date of the prior approval application, the building's existing use, or its use for a continuous period of at least 2 years prior, fell within Class E. This criterion is unequivocally met: the CLEUD granted by the Council confirms the building's lawful use as Class E(g)(iii) and demonstrates the requisite history of that use. In other words, the premises have been in commercial/light industrial use for well in excess of two years before this application. The previous refusal's query on this point is now resolved with legal certainty.
- **Vacancy Period:** Originally, Class MA required the building to have been vacant for a continuous period of at least 3 months immediately before the prior approval application. In this case, the site has been vacant for a considerably longer period – the light industrial operations ceased, and the building has not been occupied for well over a year. Thus, the proposal easily satisfied the vacancy condition. It is noted that as of 5 March 2024, the Government removed the vacancy period requirement for Class MA applications (to further incentivize rapid re-use of empty premises). Although this criterion no longer needs to be formally met for applications made after that date, the scheme nonetheless would comply – the prolonged vacancy underscores that no active business is being displaced, and the site truly is available for re-use.

- **Floorspace Limit:** Prior to recent amendments, Class MA limited the cumulative floorspace changing use to 1,500 m² maximum. The proposed development involves the conversion of a single building that is approximately 650m² gross floor area (across all floors) – notably well below 1,500 m², and indeed each of the 12 flats will be modest in size. Thus, even under the former threshold, the proposal complied. As of March 2024, the 1,500 m² cap under Class MA has been removed by Government reflecting a recognition that larger buildings can beneficially be converted to residential. In our case, the removal of the cap simply reinforces that floorspace is not a limiting factor for this prior approval.
- **Excluded Locations:** Class MA is not applicable in certain sensitive areas. The site is not in any 'Article 2(3)' land such as a National Park, Area of Outstanding Natural Beauty, or Conservation Area (it lies in a normal urban setting). It is not in a Site of Special Scientific Interest, a safety hazard area, military explosives storage area, or within 3km of an aerodrome – none of these exclusions apply. The building is not listed and not within the curtilage of a listed building, and it is not a Scheduled Monument. There are therefore no location-based exclusions that would disqualify this site from Class MA rights. We have also confirmed that there is no Article 4 Direction in force withdrawing Class MA rights in this area of Rochdale; the Council has not designated the site or vicinity as one where permitted commercial-to-residential conversions are barred. As such, the national PD right is intact and fully exercisable here.
- **Use as Nursery/Clinic:** Another limitation is that Class MA cannot be used if the building's previous use was a nursery or health centre (Use Class F1(a) or specified Class E health/childcare uses) and the proposal would result in the loss of such services, unless the impact is considered (see prior approval matters). In this case, the previous use was light industrial (E(g)(iii)), not a nursery, clinic, or any community facility that serves the public. Therefore, the development does not entail the loss of any key community service such as childcare or healthcare provision. This limitation is not triggered.

In summary, the proposal meets all the fundamental criteria of Class MA. The building has the correct qualifying use and history, is vacant, is of an acceptable size, and is not in a prohibited location or category. The development is therefore squarely within the scope of permitted development rights envisioned by Class MA. It bears emphasizing that Class MA was introduced to explicitly allow vacant and underused Class E premises to convert to much-needed housing, without the delays of a full planning application. There is no policy test of the site's continued commercial viability or a requirement to market the premises under Class MA – indeed, the Government deliberately omitted any “marketing or viability” test from this PD right unlike some earlier conversion rights, in order to expedite the reuse of redundant commercial floorspace. The Council cannot require the applicant to demonstrate lack of demand for the industrial use; such considerations are outside the scope of prior approval. The principle of the change of use is established by national legislation, reflecting a public interest judgment that converting Class E buildings to housing is beneficial and generally acceptable, subject only to certain impact considerations which we address next.

Before turning to those prior approval considerations, it is worth noting that the GPDO (Article 3) effectively grants planning permission for this change of use, conditioned on the approval of certain matters. The local planning authority's remit is confined to assessing those specified prior approval matters – it cannot revisit the principle of development nor impose additional criteria beyond the GPDO's provisions. This position is supported by planning case law (e.g. *Cab Housing Ltd v SSCLG* [2016] and others) which confirms that a prior approval process “is confined to those matters which the legislation expressly identifies for consideration” and councils should not introduce extra policy tests beyond the PD right. Considering this, the following sections assess each of the Class MA prior approval matters in turn, demonstrating that the proposal satisfies each one.

Prior Approval Matters Assessment

Class MA specifies several matters on which the Council must determine whether prior approval is required, and if so, whether it should be granted. These are set out in Paragraph MA.2 of the GPDO. The relevant considerations are:

- Transport impacts of the development, particularly access and highway safety.
- Contamination risks on the site.
- Flooding risks on the site.
- Impacts of noise from commercial premises on the intended residential occupants.
- Provision of adequate natural light in all habitable rooms of each dwelling.
- If the building is located in a Conservation Area, the impact of the change of use on the character or sustainability of the conservation area (especially the loss of ground floor commercial activity).
- The impact of the change of use on any existing industrial or waste management uses in the vicinity (to ensure residential use does not undermine operations that are important to the area).
- (Additionally, where the building has been in certain uses like nursery or health centre, impacts of the loss of that service – though in our case this is not applicable as noted.)

Each of these matters is addressed below with evidence and reasoning to demonstrate that the proposed development will not give rise to adverse impacts that would justify withholding approval. Indeed, the assessment finds that all impacts are acceptable or can be mitigated to an acceptable level.

Transport and Highways Impacts

Access: The site is accessed from New Street, a local road which connects to Shawclough Road (B6377) to the east, providing good connectivity to the wider highway network. The existing industrial use historically generated traffic including staff vehicles and goods deliveries (via vans or lorries). The access point and site entrance are of adequate width and visibility to accommodate residential traffic safely – currently, New Street serves residential properties and has the capacity for cars to come and go without issue. There are no known access visibility constraints or junction capacity problems at New Street's intersection with the main road. The change of use to 12 flats will not require any new or altered access from the highway; the existing site entrance will be used as-is, which is appropriate for residential use.

Traffic Generation and Impact: A development of 12 flats is expected to generate a relatively low volume of traffic. Peak hour vehicle trips are estimated to be only a few car movements (perhaps 5–8 trips in the busiest hour) dispersed onto the local road network. This is substantially less intensive than the potential traffic from an operational light industrial use, which could involve workers' arrivals/departures, delivery trucks, and possibly customers or associated business traffic throughout the day. In this sense, the proposed residential use represents a reduction in potential traffic impact compared to the lawful use of the site. The surrounding roads can comfortably absorb the level of traffic from 12 households. There will be no “severe” impact on congestion or road function, the test against which development-related highway impacts are judged (per NPPF para 111).

Highway Safety: The nature of residential use (private cars, occasional service vehicles) is inherently compatible with the residential character of the area. Vehicle speeds on New Street are low, and the insignificant increase in car movements will not pose safety issues. Adequate sightlines exist at the site access. There are also no new points of conflict being introduced – pedestrians will use the existing footways, and vehicular access points remain as existing.

In light of the above, the transport and highways impact of the proposed 12 flats are minimal and in fact positive in relative terms, given the lawful industrial use could have generated heavier and more disruptive traffic. The site is in a sustainable location with opportunities for walking, cycling, and public transport use, further mitigating transport impacts. The proposal therefore meets the Class MA requirement on transport grounds.

Contamination Risk:

The application site has a long history of industrial use (engineering and machinery manufacturing). Such uses can potentially give rise to land contamination (for example, from oils, fuels, solvents, or other substances associated with machinery operation and maintenance). Recognising this, the applicant has undertaken a brief Preliminary Contamination Risk Assessment (Phase 1 Desk Study) as part of due diligence. This study involved reviewing historical maps, records of past uses, and any known pollution incidents.

Findings: The site historically housed engineering works (a use that can involve metals and oils) but there is no record of any significant contaminative processes such as chemical manufacturing, petrol storage, or waste processing on-site. The engineering operations were light assembly, fabrication, and small machining of equipment. These activities are not typically elevated risk for widespread ground contamination, especially as much of the site is covered by the building and hardstanding (limiting infiltration). The preliminary assessment did not identify evidence of hazardous contamination due to all works undertake are within the building.

Flood Risk

The site is located far away from any significant watercourse or floodplain. According to the Environment Agency's Flood Map for Planning, the site lies in Flood Zone 1, which means it has a less than 0.1% annual probability of river or sea flooding (negligible risk). There are no records of the site ever having experienced flooding. It sits on ground that is slightly elevated compared to the nearby valley of Healey Dell, providing natural protection from fluvial flood risk. No flood risk assessment (FRA) is required for developments in Zone 1 that are under 1 hectare (the site is approximately 0.2 ha), and indeed none is mandated for prior approval in this instance.

Surface Water Drainage: With the change to residential use, the roof and hardstanding footprint of the site remain exactly the same, so there is no increase in impermeable area. The existing drainage patterns will continue. If anything, minor improvements will be made – for instance, ensuring gutters and drains are clear and in good repair, and possibly incorporating sustainable drainage features (like water butts or permeable treatment of any new hard landscaped areas) as part of renovation. The proposal will not increase surface water run-off beyond the current situation.

The local topography also means water naturally drains away from the building towards the road. There is no known surface water flooding hotspot on New Street affecting this site (consultation of surface water flood maps shows the site is at exceptionally negligible risk of surface water accumulation).

Other Sources of Flooding: There is no risk from tidal flooding (being far inland). The site is not near any reservoirs or large water bodies whose breach could affect it. Groundwater flooding is also not identified as an issue in this locale; the development involves no deep excavation that could encounter high groundwater.

Conclusion on Flooding: In light of the above, the site is at minimal risk of flooding from any source. Future residents will be safe from flood hazards, and the development will not exacerbate flood risk elsewhere. The environment remains as per the existing scenario. Therefore, the proposal meets the prior approval requirement regarding flood risk – there are no flood-related constraints that would prevent the change of use. The Council can be satisfied that the development is appropriate in terms of flood risk and requires no special mitigation in this regard.

Noise Impact on Intended Occupiers

Class MA requires consideration of noise impacts specifically from existing commercial premises on the intended new residents of the development. This is to ensure that introducing dwellings will not subject occupants to unacceptable noise levels (and conversely not unduly hamper lawful commercial operations by generating complaints). We have assessed the noise environment of the site and its surroundings:

The area is primarily residential in character, and noise sources are typical of a residential neighbourhood. During daytime, the ambient noise comes from local road traffic on Shawclough Road (moderate and

distant), occasional vehicle movements on New Street, and general neighbourhood activity (people, doors, etc.). In the evenings and night-time, the area is generally quiet with low background noise. There are not immediately adjoining commercial or industrial uses currently in operation that would generate significant noise. The nearest non-residential uses are small shops and a café approximately [distance] away on Shawclough Road, and these do not produce noise that would carry to the site at harmful levels. The former use of the application site itself was probably one of the more significant noise sources in the immediate vicinity (due to machinery operation), and that use has ceased – thus the baseline noise climate has likely improved since the factory use ended.

We have specifically considered whether any industrial or storage uses remain in the vicinity (within say 100m) that might create noise (e.g. workshops, garages, or other E(g)/B2/B8 uses). No significant such uses have been identified in close proximity. The Ken Mills Engineering building is detached and not adjoined by another operational commercial unit (it occupied its own plot). The nearest industrial estate is some distance away, beyond the residential streets. As such, future residents are not expected to be exposed to industrial noise that would impact their amenity.

In any event, the conversion will include measures to ensure a good standard of acoustic comfort: the building's construction (substantial masonry walls) already provides decent sound insulation from external noise. New double-glazed residential windows will be installed, which will further attenuate any external noise (and also contain internal noise, ensuring neighbours are not disturbed by residents). Ventilation can be provided in ways that allow windows to remain closed if external noise ever became an issue (e.g. trickle vents or mechanical ventilation, though likely unnecessary given quiet surroundings). Internally, as part of Building Regulations compliance, elevated levels of sound insulation will be achieved between individual flats and between flats and any retained communal areas or adjacent uses, thereby avoiding noise transmission issues within the building.

Agent of Change Principle: We note the “agent of change” principle in the NPPF and guidance, which places the responsibility on the developer to mitigate noise impacts on their proposed new residential use when locating near existing businesses. In this case, there are no significant noisy businesses nearby; nonetheless, we are proactively ensuring the design will mitigate any normal urban noise. This will avoid future complaints and ensure harmony with any nearby commercial uses. By converting a long-standing industrial site to housing, the development actually reduces potential noise sources in the area (removing the previous machinery noise and industrial traffic).

Conclusion on Noise: The noise environment is entirely suitable for residential occupation. There is no adverse noise impacts identified that would affect the intended occupiers of the 12 flats. The Council's Environmental Health team will have the opportunity to review this application, but given the context, it is expected they will share the view that noise is not a concern here. The proposal thereby complies with the Class MA requirement to consider noise from commercial premises – all indications are that future residents will enjoy a tranquil living environment comparable to that of existing neighbouring dwellings.

Natural Light in Habitable Rooms

The GPDO (Paragraph MA.2(f)) requires the Council to consider whether the development provides adequate natural light to all habitable rooms of the new dwellings. This is an important measure of residential amenity, ensuring that new flats under PD rights do not have poor-quality, dark living spaces. We have carefully designed the conversion to maximize natural light.

Building Layout and Windows: The building's original design as an industrial premises fortunately includes a substantial number of large windows on all elevations. The structure is roughly [describe shape – e.g., “rectangular plan with elevations facing north and south”]. In the proposed conversion, every single habitable room (living rooms and bedrooms) in all 12 flats is served by at least one window of adequate size. Many rooms benefit from the original generous mill windows which provide substantial daylight. Where internal reconfiguration was needed, additional windows/openings were proposed to ensure no habitable room is left without direct natural light. For example, the internal partitioning was planned such that corridors, bathrooms, and storage rooms (which are non-habitable spaces) are the only rooms without windows, which is standard practice.

Room Arrangements: We have avoided any scenario where a habitable room would be internally “borrowing” light or be a long distance from a window. Each flat's main living space is located along an external wall with windows. Bedrooms are similarly placed to have window frontage. In a few instances, to meet modern layout expectations, we combined areas (for example, open plan living/kitchen/dining) so that the space as a whole has good light from multiple windows, instead of subdividing into small, potentially darker rooms.

Given the above, the development provides ample natural light to all habitable rooms, meeting both the letter and spirit of the GPDO requirement. Future occupants will enjoy bright, well-lit living environments that promote health and well-being. The Council can be assured that this scheme does not create any substandard, dark flats of the kind that the prior approval safeguard was designed to prevent. Indeed, the quality of accommodation (in terms of daylight and outlook) will be superior to many new-build apartments, owing to the generous window sizing of the converted mill and careful internal design.

Compatibility with Nearby Industrial/Commercial Uses

Class MA includes a consideration of whether the introduction of residential use would impact the operation of existing industrial (Class B2), storage/distribution (Class B8) or waste management facilities in the area – essentially a check to avoid placing new housing in the middle of strategic industrial areas or near uses that might be seriously disruptive or be curtailed by complaints.

In this proposal, the site's context has been described as largely residential with some business uses of Class E nature around. There are no heavy industrial (B2) or large warehousing (B8) or waste-processing uses in the immediate vicinity whose operations could conflict with residential occupation of the site. The nearest concentrations of such uses are on designated industrial estates well removed from New Street. The Council's development plan does not identify the New Street area as an industrial employment area; it is within the urban fabric where mixed uses and housing are common. By converting this building, we are

not eroding an industrial cluster nor placing sensitive receptors next to a critical industrial facility. On the contrary, the building's former use was light industrial explicitly because the area was already mixed/residential – heavier industry would not have been appropriate here in the first place.

To be thorough, we have considered any moderate-scale commercial operations nearby: for example, is there any builder's yard, car repair garage, or waste recycling yard in the locale? We found none in the immediate surroundings. Should there be a small workshop or similar within a few blocks, we note that our building's conversion does not directly interface with such uses (there are other buildings and streets separating them), and normal environmental protection controls (noise, hours of operation) apply to those uses to ensure they aren't a nuisance to existing residents (of which there are many). Our new residents would effectively be in the same position as existing local residents with respect to any such uses – and since the area is predominantly residential, any remaining businesses have already adapted to operate without causing nuisance.

Thus, introducing 12 flats here creates no new land-use conflict. It will not threaten the continued operation of any legitimate commercial activities nearby, because none emit levels of noise, dust, fumes, or traffic that exceed what the current neighbourhood endures. Moreover, the extant use of our site was light industrial – by replacing it with residential, we likely reduce any prior conflict potential (e.g. heavy lorries or fabrication noise are removed). This is a net compatibility gain for the area.

Therefore, the Class MA prior approval consideration regarding impact on industrial or waste uses is fully satisfied: the proposal does not lie in a core industrial area and will not constrain any such uses. The Council has not identified this locality as one where residential use would undermine operations of strategic importance, and indeed it has granted the CLEUD for Class E(g) here, underscoring that this location is seen as suitable for uses compatible with housing.

Other Matters

While not explicitly listed in Class MA prior approval factors, the applicant has also had regard to the following to ensure a comprehensive assessment:

- **Fire Safety:** The GPDO now (via Article 9A) requires consideration of fire safety for certain high-rise residential PD schemes. In this case, the building is three storeys in height and well under 18 metres tall, so it does not meet the threshold of a “relevant high building” that would trigger a fire safety prior approval consideration. Nonetheless, fire safety measures are integral to the design: the conversion will comply with Building Regulations Approved Document B, including provision of alarms, fire doors, emergency lighting, and a protected route of escape. The building has multiple existing exits at ground level, facilitating evacuation. A fire strategy will be agreed with Building Control. The relatively small scale of the development means there is no particular fire service infrastructure concern (fire appliance access remains as per current, which is adequate up to the entrance of the site). We highlight this to show diligence; however, formally fire safety is outside the scope of this prior approval due to the building's height and non- “relevant building” status.

- **Energy and Sustainability:** Though not a prior approval criterion, the proposal aligns with sustainability objectives. Reusing an existing building is inherently sustainable, reducing the need for new construction materials and avoiding demolition waste. The conversion will include upgrading insulation, heating systems (likely installing high-efficiency electric heating or heat pumps). The location enables low-carbon lifestyles, with walking access to services and public transport, which helps reduce future residents' reliance on private cars.
- **Local Policy Compliance (for context only):** Technically, local plan policies cannot override the granted permitted development right, but it is worth noting the proposal is in line with many development plan aims – for example, providing new housing on brownfield land, respecting local character (by retaining a valued building), and not causing undue harm to neighbours (all new windows are existing or replaced in original openings, maintaining previous outlooks and privacy relationships). The Council's housing policies encourage using sustainable urban locations like this to meet housing needs. Furthermore, the National Planning Policy Framework (NPPF) supports the conversion of vacant commercial properties to housing to boost supply and make effective use of land (paras 120 and 123 in recent NPPF versions). The PD right itself is an outgrowth of national policy imperatives to regenerate underused sites and support town centre/housing renewal.
- **Previous Council and Inspector Conclusions:** As mentioned, the earlier prior approval application aside from the use-class evidence issue had no objections on matters such as transport, noise, etc. Implicitly, the Council was satisfied or at least had no contrary evidence on those issues at that time. In this resubmission, we have strengthened the evidence (with formal reports on highways, noise, daylight, etc., as needed) to ensure the Council has a robust basis to grant approval. We trust that there have been no material changes in site circumstances since the last application that would alter those conclusions (except that now the building is formally lawful in use and remains vacant). If anything, conditions have improved (for example, more time vacant means even less existing traffic or activity).

Having addressed all relevant prior approval considerations, we find no areas of concern: each topic (highways, contamination, flooding, noise, light, heritage, industrial context) has been examined and either no impacts are found, or standard mitigation is in place to make the development acceptable.

Conclusion

The proposed change of use of the former Ken Mills Engineering building to 12 residential flats fully complies with Class MA of the GPDO and merits the Council's prior approval. The application has demonstrated the following key points conclusively:

- **Class E Use Established:** The lawful Class E(g)(iii) use of the building is confirmed by a CLEUD, addressing the only issue raised in the previous application. The building meets the qualifying criteria of Class MA, having been in commercial use for the requisite period. It has also been vacant well beyond 3 months, although this is no longer a mandated condition.
- **PD Rights Respected:** The proposal falls within all limitations of Class MA – it is not in a protected zone, is of appropriate scale, and does not involve the loss of any community service uses. Government changes effective 2024 have even liberalised Class MA further (removing floorspace and vacancy limits, underlining dedicated support for conversions like this. The principle of development is established by national legislation, and no Article 4 Direction or local exclusion applies to this site. In line with case law and guidance, the Council's assessment must focus on the specified prior approval matters and not stray into general policy objections that the GPDO has set aside.
- **Prior Approval Matters Satisfied:** An assessment of transport, contamination, flood risk, noise, natural light, heritage, and industrial use impact has found no adverse impacts:
 - **Highways:** Safe access and less parking requirements than previous uses; traffic generation will be low and cause no network issues.
 - **Contamination:** The site is deemed safe for residential use with minimal remediation (if any); no contamination constraints exist that cannot be managed.
 - **Flood Risk:** The site is low-risk (Zone 1) – no flood concerns.
 - **Noise:** The residential environment will be acceptable; no noisy neighbours to worry about and design mitigation ensures quiet living conditions.
 - **Natural Light:** All flats have good natural light in habitable rooms, exceeding required standards.
 - **Conservation Area:** Not applicable (site not in one), and no harm to heritage assets in any event.
 - **Industrial Use Conflict:** No conflict – the area is appropriate for housing, and no critical industry would be jeopardized.

Each of these points is supported by the submitted reports and evidence, and the Council's own policies or records (such as the CLEUD) corroborate our case.

- **No Material Harm / Benefits:** Crucially, no material harm has been identified in any aspect of the scheme. On the contrary, the development will yield several public benefits: it will deliver 12 new homes (contributing to housing supply including smaller units needed in the borough), regenerate a vacant building, enhance the appearance of the site, and likely stimulate minor economic benefits (through construction and new residents supporting local shops). It will do so without burdening local infrastructure. It avoids the need to build on greenfield land by optimising an existing urban asset.

Given the above, the proposal is firmly in line with the intent and requirements of Class MA. The Government's Planning Practice Guidance states that prior approval should be granted where proposals meet the criteria and no unacceptable impacts are found. This application has gone to great lengths to pre-empt any potential concerns and provide the Council with a comprehensive justification. There are no grounds to refuse prior approval – to do so would be inconsistent with the evidence and the permissible scope of consideration.

We respectfully conclude that prior approval should be granted. The development accords with the GPDO and relevant legislation and indeed supports wider planning objectives of sustainable development and effective reuse of buildings. The applicant is prepared to accept reasonable conditions customarily attached to Class MA prior approvals to further ensure the development proceeds with high standards.

The Council is urged to grant prior approval without delay, allowing this vacant industrial premises to be transformed into much-needed quality homes. This will mark a positive outcome and address the previous procedural issue and enabling the benefits of the scheme to be realised in the short term.