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Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number: 103

Suffix:

Property Name:

Address Line 1: High Street

Address Line 2:

Address Line 3: Derbyshire

Town/city: Alfreton

Postcode: DE55 7DP

Description of site location must be completed if postcode is not known:

Easting (x): 441178

Northing (y): 355792

Description

Applicant Details

Name/Company

Title

Mr.

First name

Axel

Surname

Gossart

Company Name

Address

Address line 1

9 Charles Avenue, Chilwell

Address line 2

Beeston

Address line 3

Town/City

Nottingham

County

Country

GB

Postcode

NG9 5EE

Are you an agent acting on behalf of the applicant?

- [x] Yes
- [ ] No

Applicant Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Charis

Surname

Anderson

Company Name

Address

Address line 1

8 Herbert Road

Address line 2

Address line 3

Town/City

London

County

Country

United Kingdom

Postcode

SW19 3SH

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Eligibility

Permitted development rights are subject to conditions set by legislation to ensure that only appropriate proposals are eligible.

The need to apply to the Local Planning Authority to see if prior approval is required is one such condition.

The questions below will help determine if the proposals are eligible for this permitted development right.

The current building and site

Please note: Eligibility questions relating to the current building being vacant for 3 months, and it's floorspace not exceeding 1,500 square metres were removed after these limitations were lifted by government on 5 March 2024.

Has the use of the building, for a continuous period of at least 2 years immediately prior to the date of this application, been any of the following:
• For periods prior to 1 September 2020
- Shops (Use Class A1);
- Financial and professional services (Use Class A2);
- Food and drink (Use Class A3)
- Business (Use Class B1);
- Medical or health services
- Non-residential institutions (Use Class D1(a));
- Crèche, day nursery or day centre
- Non-residential institutions (Use Class D1(b));
- Indoor and outdoor sports
- Assembly and leisure (Use Class D2(e)), other than an indoor swimming pool or skating rink;
• For periods from 1 September 2020
- Commercial, Business and Service (Use Class E)

☑ Yes
○ No

Is any land covered by, or within the curtilage of, the building:
• in a site of special scientific interest;
• a listed building or land within its curtilage;
• a scheduled monument or land within its curtilage;
• a safety hazard area;
• a military explosives storage area;
Or, is the building:
• in an area of outstanding natural beauty;
• in an area specified by the Secretary of State for the purposes of enhancement and protection of the natural beauty and amenity of the countryside;
• in the Broads;
• in a National Park;
• in a World Heritage Site

◯ Yes
⊘ No

The proposed change of use

For applications, submitted before 1 August 2022, proposing a change of use to Dwellinghouses from Offices (Use Class B1(a)/E(g)(i)).
Is/Was there an Article 4 direction in place that has removed these specific permitted development rights?

◯ Yes
⊘ No / Not relevant

Will all the proposed new dwellinghouses have gross internal floor areas of at least 37 square metres, and comply with the nationally described space standard?

⊘ Yes
◯ No

Following the development, will every dwellinghouse in the building remain in use within Use Class C3 and for no other purpose, unless that purpose is ancillary to the primary use as a dwellinghouse?

⊘ Yes
◯ No

Agricultural tenants

To be eligible for this permitted development right, all parties to any agricultural tenacy agreements that are currently in place need to provide consent.

This is to help ensure that agricultural tenants are not displaced to allow a change of use to be carried out.

Is any part of the land covered by or within the curtilage of the building to be demolished occupied under any agricultural tenancy agreements?

◯ Yes
⊘ No

Fire Safety

Where the building (as proposed) exceeds certain limits, legislation has been put in place to ensure the adequate consideration of fire safety by the Local Authority (including its decision to grant prior approval) and other relevant parties.

Would the proposed development result in a building that contains two or more dwellinghouses, and is:
• 18 metres or more in height (as measured from ground level to the top floor surface of the top storey of the building); or
• contains 7 or more stories.

◯ Yes
⊘ No

NOTE: More details on how to measure height and stories are available in paragraph (7) of Article 9A of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the related government guidance.

Description of Proposed Works, Impacts and Risks

Proposed works

Please describe the proposed development including details of any dwellinghouses and other works proposed

Change of use of part of the existing three-storey mid-terrace building from Class E to Class C3, provision of 2 self-contained residential units (1 × 1-bedroom flat at first floor rear, and 1 × 2-bedroom duplex flat at first floor front and second floor)

Please provide details on the provision of adequate natural light in all habitable rooms of the dwellinghouses

All habitable rooms within the two proposed dwellings benefit from adequate natural daylight, achieved through the utilisation of existing window provisions. This is demonstrated on the accompanying proposed floor plans, which show the strategic arrangement of internal layouts to maximise light provision in accordance with the existing apertures.
The application building occupies a deep, narrow burgage plot with external windows present at the front and rear of the ground floor (kept for use by the retained Class E commercial unit), at the front and rear of the first floor (the existing fenestration serving Flat 1 and the lower storey of Flat 2), and at the second floor (the existing aperture serving the upper storey of Flat 2). The central section of the building, between the front and rear apertures, has minimal external windows by virtue of the burgage plot context. The proposed layout responds to this fenestration pattern by prioritising each unit's habitable rooms to be located at the lit ends and portions of the plot and confining non-habitable functions, including bathrooms, circulation and storage, to the central windowless zone. Each habitable room within each of the dwellings is therefore directly served by an external window providing daylight from the external environment.
The proposed approach is consistent with the Council's recent approvals of comparable layouts in deep-plan town centre buildings on the High Street, including 8 flats on the upper floors of 59, 61 and 63 High Street, granted 25 July 2024(Ref:AVA/2024/0326) and 4 flats from upper floors of 59-63 High Street, granted 24 March 2025 (Ref: AVA/2025/0050), in each of which the Council accepted that the relevant fenestration pattern provided adequate natural light to all habitable rooms. Accordingly, the proposal fully satisfies the requirements of Class MA in respect of natural light and this matter cannot reasonably justify the withholding of prior approval.

What will be the net increase in dwellinghouses?

2

This figure should be the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses in the existing building prior to the development.

Impacts and risks

Please provide details of any transport and highways impacts and how these will be mitigated, particularly to ensure safe site access

The proposed development delivers a reduction in trip generation and parking demand compared to the existing lawful Class E use. Class E is a highly flexible designation permitting potentially intensive uses including retail, food and drink, and professional offices, all of which could operate without further planning permission. The historic single-tenant solicitors' office generated daily client visits, fee-earner movements and ancillary deliveries. The proposed change of use will introduce two small-format residential dwellings alongside a retained ground floor commercial unit, generating a transport profile materially below that of the previous occupation.

There is a fundamental distinction in how parking is approached between commercial and residential uses. Commercial Class E uses are typically assessed against operational parking requirements reflecting staff and visitor trips, whereas residential development in a town centre location is assessed against an expectation of low car ownership and minimal off-street parking. The proposal therefore represents a positive optimisation of the site in transport terms, aligning with a policy framework that promotes sustainable travel.

The site's location within Alfreton town centre further supports a car-free or low-car development. It benefits from walking distance access to Alfreton railway station, frequent bus services with stops within 50 metres of the building, and immediate proximity to the daily and weekly amenities available on the High Street. Future occupiers can therefore meet their essential needs locally without reliance on private vehicles. The self-contained dwellings are most likely to accommodate single individuals, couples or other small households, groups that typically exhibit low rates of private car ownership in town centre locations. No off-street parking is proposed, consistent with the Council's policy framework and approach to comparable schemes in Alfreton.

This conclusion is reinforced by the Council's own recent treatment of comparable applications. In particular, 59, 61 and 63 High Street, granted 25 July 2024 (Ref:AVA/2024/0326) delivered eight self-contained residential flats on the upper floors of a High Street terrace without the provision of any on-site parking, and was approved with reference to policies TP1 (Impact on the Transport Network) and TP6 (Parking) of the Adopted Amber Valley Borough Local Plan 2006, as they then applied. The proposed scheme at 103 High Street, being of smaller scale at a comparable High Street location, raises no greater transport or parking impact than the scheme the Council found acceptable in that case, and reinforces the conclusion that safe and appropriate access can be achieved without on-site parking.

Accordingly, the proposal satisfies the requirements of Class MA in respect of transport impacts, and this matter cannot reasonably justify the withholding of prior approval.

Please provide details of any contamination risks and how these will be mitigated

Based on the site's planning history, the building has been in continuous Class E use throughout recent decades, with the most recent occupiers being Britannia Building Society and QualitySolicitors Chapman & Chubb. Neither use involved the storage, processing, or disposal of contaminating substances, and there is no recorded history of industrial, chemical, automotive, or fuel-related use. The Council's "My Property" planning constraints lookup confirms that the site is not subject to any Section 78 contaminated land designation, is not within an active or historic landfill area, and is not within the 250 metre buffer of any historic landfill.

The proposed development is limited to the change of use of identified parts of the building and does not involve intrusive works, excavation, basement formation, or disturbance of the underlying land. There is therefore no credible pathway for the mobilisation of any potential contaminant. In line with relevant planning guidance, where a site's historic use indicates a low risk of contamination and no groundworks are proposed, a formal land contamination assessment would be unnecessary and disproportionate for this Class MA prior approval application.

A Coal Mining Risk Assessment (CMRA) is not required. The Coal Authority's published guidance, "Planning applications and Coal Mining Risk Assessments" (updated 27 February 2025), provides two independent exemptions that directly apply. First, as a Class MA prior approval application, it falls within the application types expressly exempt from CMRA requirements. Second, the guidance exempts "pure changes of use", specifically citing "office to residential" as the benchmark example. Either exemption alone is sufficient.

It is acknowledged that there is a discrepancy between spatial datasets regarding the site's specific coal mining designation. While the Coal Authority's Interactive Map Viewer indicates the site falls within a Development High Risk Area, Amber Valley Borough Council's own property records (UPRN: 100032237966) classify the site solely as a Coal Referral Area and expressly not a High Risk Area. Notwithstanding this discrepancy, the risk profile remains exceptionally low. Unlike comparable local approvals, such as the Atlas Building (Ref: AVA/2024/0382), which required a Phase 1 study due to proposed extensions and external works, the current proposal is a pure internal conversion. With no external development, excavation, or ground-breaking activity proposed, there is no physical mechanism to disturb potential legacy coal features. Accordingly, the statutory exemptions apply, and the proposal satisfies Class MA requirements in respect of contamination and land stability. This matter cannot reasonably justify withholding prior approval.

Please provide details of any flooding risks and how these will be mitigated.

The site is located within Flood Risk Zone 1, which the National Planning Policy Framework identifies as having a low probability of flooding and where residential development is fully appropriate in principle. The Planning Practice Guidance on Flood Risk and Coastal Change confirms that in such locations neither the Sequential Test nor the Exception Test is required, and therefore no policy based barrier arises in respect of flood risk.
The proposed development is limited to a change of use under Class MA and does not involve any alteration to ground levels, excavation, basement development, or changes to the building footprint or impermeable surface area. There is no credible pathway by which the proposal could increase flood risk when compared to the existing situation.
This position is directly supported by the Council's own consistent treatment of comparable Alfreton town centre conversions. Multiple recent decisions on the High Street, including 59–63 High Street Alfreton (Ref:AVA/2024/0326) and BARCLAYS 59 High Street (Ref:AVA/2025/0621), have been approved without any flood risk objection or condition, confirming that the Council's settled position is that change of use applications of this kind in Flood Zone 1 raise no flood risk matter capable of justifying refusal.
Having regard to both national policy and the Council's established approach in comparable cases, it is unequivocal that flood risk does not present any constraint to the proposed development. Accordingly, this matter should carry no weight in the assessment of the application and cannot reasonably justify the withholding of prior approval.

A flood risk assessment should accompany the application where the site:
• is in Flood Zones 2 or 3; or
• is in an area with critical drainage problems (such areas will have been notified to the Local Planning Authority by the Environment Agency).
Check if your site location is in Flood Zone 2 or 3 online
Check with your Local Planning Authority to see if your site is in an area with critical drainage problems.

Please provide details of the impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses and how these will be mitigated

The application site is located within Alfreton's town centre, in an established mixed-use environment where residential accommodation has been routinely placed, both historically and through recent planning permissions, alongside commercial premises. Use Class E encompasses commercial uses of inherently low to moderate noise generation, including retail, professional services and financial services, and excludes high noise uses falling within Class B2, Class B8 beyond a small ancillary scale, or sui generis. The interface between Class E commercial use and residential use within a single town centre building is therefore within the range of acoustic conditions that residential design and Building Regulations sound insulation are designed to address.

The site is located within a well established mixed-use town centre where a degree of background commercial activity is an inherent and accepted characteristic. Future occupiers would reasonably expect this context, and the relationship between residential and commercial uses is typical and long standing. In this regard, no concerns arise in respect of reverse sensitivity.

Two distinct noise considerations arise in respect of this application. The first is noise from external commercial premises in the surrounding High Street environment, affecting both proposed dwellings. The proposed dwellings will be situated within the same High Street environment that has accommodated residential use for many decades, in a building that has itself operated within that environment throughout its commercial occupation. The principal habitable spaces of each dwelling are located to take advantage of, rather than be over-exposed to, the building's existing fenestration, and the existing front and rear glazing provides established acoustic attenuation.

This position is reinforced by the Council's recent assessment of directly comparable applications. In particular, Barclays, 59 High Street, DE55 7DP, granted 22 December 2025 (Ref: AVA/2025/0621), approved a change of use from a former bank to one ground floor flat together with two retained ground floor commercial units, placing a residential unit directly alongside retained commercial use on the same floor and street as the application site. The Council's grant of permission expressly accepted this arrangement subject only to standard conditions.

Having regard to the established character of the area, the inherent acoustic profile of Class E uses, the Building Regulations sound insulation to be specified between the retained ground-floor Class E unit and residential accommodation above, and the Council's approach in directly comparable circumstances, the proposal is considered compatible with the prevailing acoustic environment and capable of providing an appropriate standard of residential amenity. Accordingly, the proposal satisfies the requirements of Class MA in respect of noise and this matter cannot reasonably justify withholding prior approval.

If the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor. Please provide details of the impacts that the change of use will have on the character or sustainability of the conservation area and how these will be mitigated

This consideration is not engaged, as the site lies outside any designated Conservation Area. The Council's "My Property" planning constraints lookup confirms a negative result for the Conservation Areas designation. For completeness, the closest designated heritage asset is Alfreton House (Grade II listed), located across Rodgers Lane to the east of the application site, which lies beyond the 10 metre buffer applied by the Council to listed buildings. The proposal is confined to the change of use of identified parts of an unlisted commercial building, retaining the existing fenestration and external appearance, and raises no matter affecting the setting of Alfreton House.

If the building is located in an area currently in use for general or heavy industry, waste management, storage and distribution, or a mix of such uses.
Please provide details of the impacts on intended occupiers of the development of the introduction of residential use in the area and how these will be mitigated

Not applicable, as the application site is not identified as being in use for general or heavy industry, waste management, storage and distribution, or any combination of such uses. The site is situated within Alfreton's town centre commercial frontage, where surrounding uses comprise retail, financial and professional services, food and beverage uses, residential accommodation on upper floors, and town centre civic uses.

If the proposal involves the loss of services provided by a registered nursery, or a health centre. Please provide details of the impacts on the local provision of the type of services lost and how these will be mitigated

Not applicable, as the application site is neither a registered nursery nor a health centre maintained under the National Health Service. The previous and most recent uses of the building have been a building society and a solicitors' office.

List of flats and other premises in the existing building

Please provide a list of all addresses of any flats and any other premises within the existing building

House name:

Number:
103

Suffix:

Address line 1:
High Street

Address Line 2:

Town/City:
Derbyshire

Postcode:
DE55 7DP

Declaration

I/We hereby apply for Prior Approval: Change of use – commercial/business/service to dwellinghouses as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

Charis Anderson

Date

24/08/2026