



Planning

Planning Statement

Client:

Kevin Turner

2-4 Northwood Road

Harefield, Uxbridge, UB9 6PW

Prior Approval for the change of use from retail (Class E) to Residential (Class C3) under Schedule 2, Part 3, Class MA of the General Permitted Development Order

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26 January 2022

FAO Chief Planning Officer
Planning Department
London Borough Of Hillingdon Council
High Street
Uxbridge
UB8 1UW

Dear Sir/Madam,

Re: Prior Approval submission for 2-4 Northwood Road, Harefield, Uxbridge, UB9 6PW

I am pleased to enclose a prior approval submission for the change of use of the land at the above address from retail (Class E), to residential (Class C3). This letter will introduce the meaning of 'development' in accordance with the Town and Country Planning Act 1990 and introduce the allowances of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter referred to as the 'GPDO'). This letter shall set out how the development accords with the provisions and conditions as set out within the GPDO to enable determination by the planning officers at the Council. The conclusion reached is that the development is lawful and should be duly granted prior approval.

This application is accompanied by the appropriate planning application forms and plans prepared by Amber Architects.

The relevant application fee will be submitted by the applicant separately.

Relevant Legislation

Section 55(1) of the Town and Country Planning Act 1990 includes 'the carrying out of building, engineering, mining or other operations in, on, over or under land' within its definition of 'Development'. The change of use of the land is considered to fall within this definition.

The GPDO provides commercial premises with permitted development and prior approval rights to change the use of their buildings under Schedule 2, Part 3, Class MA. This permits 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.

Assessment of Proposals

Development not permitted

MA.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 retail use of the building has been vacant for a continuous period of over 3 months.

b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The lawful use of the building is Class E (formerly A1), which is therefore acceptable as a use class falling within sub paragraph (2).

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

The cumulative floor space of the existing building changing use is 105.5 SQM and therefore does not exceed 1,500 square metres, as per the accompanying plans. As such, no conflict occurs with this limitation.

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

- i) Is or forms part of a site of special scientific interest;*
- ii) Is or forms part of a listed building or land within its curtilage;*
- iii) Is or forms part of a scheduled monument or land within its curtilage;*
- iv) Is or forms part of a safety hazard area; or*
- v) Is or forms part of a military explosives storage area;*

The site, and the land within its curtilage does not constitute any of the above, and therefore these criteria do not cause limitation.

e) if the building is within –

- i) 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.*
- iii) The Broads*
- iv) A National Park; or*
- v) A World Heritage Site;*

The building is not within any of the above, and therefore no limitation occurs.

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, and therefore this criteria is not applicable.

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*
- 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 development is not of a description falling within Class O of this Part. The above criteria is therefore not applicable.

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;

The development will not impact transport or traffic implications. The development will allow for a fully residential use of a site, which will not have any higher impact on traffic movements in the area than the existing use. There are 3 proposed parking spaces on the site, which is considered to be sufficient for the proposed use. The site is within a residential area, and would therefore not contribute significantly to increased levels of traffic. The existing space to the front of the building is to remain as the space for the existing flat, whilst two more spaces are proposed in tandem to the side of the building for the proposed flat. Given that these are proposed for the same flat, their siting in tandem is not considered to be an issue.

Notwithstanding the above, the former A1 use of the site is considered to have attracted higher levels of traffic than the proposed residential use. The site is within a sustainable location, in close proximity to the local amenities of Harefield. As such, the need for personal vehicles is reduced.

No impact on transport is therefore considered to occur through this development.

b) contamination risks in relation to the building;

The site was in former use as a flower shop. The first floor of the building is in continued residential use. Therefore, no exacerbation to the existing contamination risks are expected in relation to the building, with particular reference to the notion that a safe residential use is already occurring at the site.

c) Flooding risks in relation to the building;

The site is within Flood Zone 1, whereby there is the lowest possible risk of flooding. This proposal is to change the use of the building, without any additional development. As such, it is not considered that the development would alter or exacerbate the existing flood risk.

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

The site is in a predominantly residential area. As such, it is expected that the intended occupiers would not be impacted by noise from any commercial premises.

e) where –

- i) The building is located in a conservation area, and*
- ii) The development involves a change of use of the whole or part of the ground floor,*

The impact on that change of use on the character or sustainability of the conservation area;

The site is located within a conservation area. However, no external changes are proposed. A residential use will ensure the permanent upkeep and maintenance of the building within the Conservation Area. In addition, there is a large amount of residential use within this Conservation Area, to which this proposal will not cause any detrimental affect.

f) the provisions of adequate natural light in all habitable rooms of the dwellinghouses;

As per the accompanying plans, there are sufficient windows to ensure that adequate natural light can be enjoyed in all habitable rooms of the dwellinghouses.

The building is detached in nature, and would therefore not be subject to any natural light being blocked by adjoining buildings.

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;

The site is not in an area where the authority would consider to be important for heavy industry, waste management, storage and distribution or a mix of such uses. The first floor of the building is already in residential use, as are the majority of buildings surrounding the site.

As such, intended occupiers are not considered to be impacted by the uses of the surrounding area.

h) where the development involves the loss of services provided by-

- i) a registered nursery, or*

- ii) *a health centre maintained under section 2 or 3 of the National Health Service Act 2006.*

The impact on the local provision of the type of services lost;

The development does not involve the loss of the above referenced services. As such, this criteria is not considered applicable.

- i) *where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.*

The proposed development does not meet the fire risk condition criteria.

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

This application is being made after the above date.

- (4) *The provision of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if*

a) for paragraph (e) of sub-paragraph (2) there were substituted –

"(e) where –

- i) *sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;*
- ii) *sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development",*

The proposal does not require the Environment Agency of the Health and Safety Executive to be consulted.

- b) *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";*

The proposal does not raise any highways or site access implications.

c) After sub-paragraph (6) there were inserted –

"(6A) where the application relates to prior approval as to fire safety impacts on receipt of the application, the local planning authority must consult the Health and Safety Executive";

This proposal does not meet criteria to consult the Health and Safety Executive.

- 5) *Development must be completed within a period of 3 years starting with the prior approval date;*

Noted.

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 building will remain in use as a dwellinghouse within the meaning of Class C3.

MA.3

The proposal will result in a building containing 2 dwellings, however it does not satisfy the height condition of Article 9(A) (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Conclusion

There are no other limitations in the GPDO relevant to this application. Thus it is suitably demonstrated that the proposed development complies with the GPDO subject to the prior approval process being undertaken. Furthermore there are no known planning conditions imposed on the site which restrict its permitted development rights.

The site, as existing would not remain viable as a shop, given its location and the recent surges in demand for online shopping. As such, a residential use in this location is not only acceptable, but would make for a far more efficient use of the site.

I trust that this letter, in addition to the accompanying plans, are sufficient for you to make a determination. If you require additional information please do not hesitate to contact me.

Yours faithfully,

Charlie Rollet-Manus BSc (Hons)

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