

REVITA LTD

WHITTLES YARD – GARAGES

PLANNING STATEMENT



# PLANNING STATEMENT

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Application for Prior Approval under Part 20 Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Description of development:** Prior approval for demolition of ancillary garages and erection of two storey building comprising of two self-contained flats and parking

This Planning Statement has been prepared by Planning Insight on behalf of Revita Limited (hereafter referred to as 'the Applicant') to accompany an application for Prior Approval to the London Borough of Hillingdon in respect of the proposed development at the site known as Whittles Yard (the 'Application Site').

This Statement forms part of the Prior Approval application submitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), Part 20, Class ZA for the demolition of a building and erection of a block of flats at the application site.

Development under Part 20 Class ZA is permitted subject to the condition that before beginning the development, the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required.

This Supporting Statement will demonstrate that the proposed development is fully compliant with the criteria set out in Class ZA and as such is 'Permitted Development' by virtue of the Order (as amended).

In addition to this Statement, the application comprises:

- Application Form
- CIL Form
- Design Statement
- Internal and External Daylight Assessment

The above is referred to as appropriate within this Statement.

## Background

### *Scope of Application(s)*

The overall development comprises of the demolition of three buildings in Use Class E. Two workshops which are immediately adjacent to the rear gardens along Hallowell Road will be



demolished to make way for two replacement buildings while the garages will also be demolished.

Due to the provisions of Class ZA, which provides for the demolition or a building and replacement, three separate applications are submitted, one for each building. Each workshop will be replaced by a single building of 4 flats while the garages, currently ancillary to the workshop use, will be replaced with a two-storey building with two flats above parking, refuse storage and cycle parking below for all units.

This application relates to the Garages which have been used in connection with the Workshops. Other applications are submitted for Workshops North and South.

While three separate applications are submitted, it is expected they will be considered together, and the applicant is willing to accept conditions on the 'workshop' permissions that the ancillary facilities provided for in the 'garage' application are delivered prior to occupation of the residential units. It is reasonable to condition such matters where they relate to prior approval considerations. In this instance, this would relate to transport and access.

#### *Site and Locality*

The application site is located on the eastern side of Hallowell Road and forms part of the Old Northwood Area of Special Local Character (ALSC). The site is located to the rear of the residential properties at Nos. 12 and 18 and comprises two x two-storey workshop buildings and associated row of garages that have been used in association with the workshop use. There is a private access road between Nos. 14 and 18 which serves the site and a day nursery which lies north of the site.

Hallowell Road is predominately residential in nature, although there are places of worship and community clubs on this road including, St. John's United Reformed Church. The pattern of development is mainly defined by properties following the established front building line with a number of buildings including the application site to the rear of this area of Hallowell Road.

#### *Planning History*

A search of the Council's online planning database for the Application Site identifies the following application which is relevant in the determination of the prior approval.

77095/APP/2022/600 - Conversion of two workshop buildings into 6 no. one-bedroom houses – Refused.

In determining the application, the Council stated in Section 7.6 of the Delegated Report that "it is considered that the use of the site is light industrial". The report acknowledges that this use was B1(c) prior to the amendments the Use Classes Order in 2020.



## Planning and Legislative Context

Under Part 3 of the Town and Country Planning Act 1990 ("the 1990 Act"), it states that planning permission is required for the development of land. The Act states that planning permission may be granted on application to a Local Planning Authority or by a development order made under the 1990 Act. Planning permission granted under the General Permitted Development Order (GPDO) is known as a "permitted development right". The effect is that an application for planning permission does not need to be made to the LPA. However, in some cases permitted development rights require the LPA to approve certain key matters before development can proceed. This is known as "prior approval".

In August 2020, the GPDO was updated and introduced Part 20 to Schedule 2. This Part introduced a permanent permitted development right to allow a variety of buildings to be extended upwards and for the demolition of certain vacant buildings with the replacement as blocks of flats. The introduction of Part 20 was in response to the consultation, *Planning Reform: Supporting the high street and increasing the delivery of new homes (October 2018)*, and were seen as a measure to support economic recovery from the Covid-19 outbreak by encouraging development.

The new Part 20 is subject to obtaining prior approval from the LPA which considers certain matters relating to the proposed construction of additional storeys. As stated in paragraph 026 of the National Planning Practice Guide (NPPG):

*"Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters from prior approval vary depending on the types of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. An LPA cannot consider any other matters when determining a prior approval application."*

Whilst the GPDO is the principal consideration for determining the prior approval, development plan policies can be material considerations where they relate specifically to matters subject to prior approval. Part 20, Class ZA is set out below together with what are considered the relevant development plan policies relating to those matters for approval.

## Compliance with Class ZA

Class ZA states that Development is permitted if it consists of works for the demolition of one or other of:

- (1) Development consisting of works for the demolition of one or other of:
  - (a) Any building comprising a single purpose-built detached block of flats, and
  - (b) Any other single detached building, comprising premises established-
    - (i) For office use falling within Class B1(a) of the Schedule to the 1987 Order,

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- (ii) *For research and development falling within Class B1(b) of the Schedule to the 1987 Order, or*
- (iii) *For an industrial process falling within Class B1(c) of the Schedule to the 1987 Order,*
- Or for any combination of them,*

*Existing on 12 March 2020, together with its replacement by a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3) .*

- (2) *the building in question to comprise one or other of-*
- (a) a purpose-built detached block of flats, or*
  - (b) a purpose-built detached dwellinghouse.*

The subject building are a set of garages that have been in use in connection with the two workshop buildings. Those workshops were used for an industrial process within Class B1(c) which is confirmed within the previous determination on the site. The use of the garages is therefore also considered to fall within Use Class B1(c)

The proposed replacement building will comprise a detached block of flats as per (2)(a).

For the avoidance of doubt, a flat is defined in the 'interpretation' section of the Order as follows:

*"means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;"*

The proposed dwellings are considered to be flats as per this definition.

Operations referred to in ZA(1) in section (3) are:

- (a) operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building;
- (b) works for the removal of plant servicing the old building;
- (c) works for the disconnection of services from the old building;
- (d) works for the removal of any means of access to and egress from the old building;
- (e) works for the removal of storage and waste from the old building;
- (f) works for the installation of plant to service the new building;
- (g) works for the installation of services to be connected to the new building;
- (h) works to enable access to and egress from the new building, including means of escape from fire;



- (i) works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building;
- (j) the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period—
  - (i) starting with their installation no earlier than one month before the beginning of those operations, and
  - (ii) ending with their removal no later than one month after the completion of those operations.

The proposed works for demolition and erection of a new building are considered to fall within the operations set out above.

However, development is not permitted by Class ZA if;

| Development not permitted   | Complies?   |
|---|---|
| (a) if land covered by, or within the curtilage of, the old building— <ul style="list-style-type: none"><li>(i) is occupied in any part under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</li><li>(ii) is or forms part of article 2(3) land;</li><li>(iii) is or forms part of a site of special scientific interest;</li><li>(iv) is or forms part of a listed building or land within its curtilage;</li><li>(v) is or forms part of a scheduled monument or land within its curtilage;</li><li>(vi) is or forms part of a safety hazard area;</li><li>(vii) is or forms part of a military explosives storage area; or</li><li>(viii) is within 3 kilometres of the perimeter of an aerodrome;</li></ul> | Complies – The land and curtilage of the old building does not have any of such designations nor is it within 3km of the perimeter of an aerodrome. |
| (b) If the old building was constructed after 31 December 1989  | Complies, the building is considered to date from the early 20 <sup>th</sup> Century.   |
| (c) If the footprint of the old building exceeds 1,000 square metres  | Complies – the building footprint of 196sqm is below the threshold of 1,000sqm  |
| (d) if the height of the highest part of the roof of the old building above ground level (not including plant, radio masts and  | Complies – the building has a height of approximately 6.15m   |



|   |   |
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| antennae) is greater than 18 metres at any point;   |   |
| (e) unless the old building has been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval;  | Complies – the building was vacated by the former tenant in December 2021 and terminated the lease on 31 <sup>st</sup> January 2022.  |
| (f) if the old building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the old building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support (and for this purpose keeping the old building vacant does not of itself count as action or inaction); | Complies – the building has not been rendered unsafe or otherwise uninhabitable. It was in use until December 2021 and the lease terminated on 31 <sup>st</sup> January 2022. Evidence of lease surrender enclosed. |
| (g) if the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area);   | Complies - The demolition is not “relevant demolition”  |
| (h) if any of the footprint of the new building falls outside the footprint of the old building;  | Complies - The footprint is the same as the old building  |
| (i) if any part of the exterior wall of the new building nearest to a highway is nearer to the highway than the part nearest the highway of the exterior wall nearest the highway of the old building;  | Complies - The footprint is the same as the old building  |
| (j) if the height (not including plant, radio masts and antennae) of the new building would at any point exceed the lower of—<br>(i) 7 metres above the height (not including plant) of old building; or<br>(ii) 18 metres,<br>Above ground level   | Complies - The new building will have a height of 6.15m   |
| (k) if the new building has more than X + 2 storeys, where “X” is the number of storeys in the old building;  | Complies - The old building is single storey. The new building will be two storeys  |
| (l) if the new building has more storeys than the old building and the floor to ceiling height of any additional storey in the new building, measured internally, would at any point be greater than the lower of—  | Complies - The new building has one additional storey than the old building. The internal heights do not exceed the former or 3m.   |



|   |  |
|---|--|
| (i) the floor to ceiling height, measured internally, of any storey in the old building; or<br>(ii) 3 metres; |  |
|---|--|

### Prior Approval

Development under Class ZA is permitted subject to condition (2) that the developer must apply to the local planning authority for prior approval of the authority as to-

- (a) transport and highways impacts of the development;
- (b) contamination risks in relation to the new building;
- (c) flooding risks in relation to the new building;
- (d) the design of the new building
- (e) the external appearance of the building
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses in or comprising the new building;
- (g) impact of the development on the amenity of the new building and of neighbouring premises including overlooking, privacy and light;
- (h) impacts of noise from commercial premises on the intended occupiers of the new dwellinghouses;
- (i) the impact on business and new residents of the developments introduction of, or increase in, residential use in the area in which the development is to take place;
- (j) the impact of the development on heritage and archaeology;
- (k) the method of demolition of the old building;
- (l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and
- (m) any
  - (i) air traffic and defence asset impacts of the development, and
  - (ii) impact that, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(a) issued by the Secretary of State and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

#### *(a) Transport and highways impacts of the development*

The site is located in an area with a PTAL of 3 meaning it has moderate access to public transport provision. Planning policies at London Plan level seek to impose maximum standards in relation to residential developments in such areas. It is noted that there is a conflict in terms of the London Plan policy and the Hillingdon Local Plan Policy.

The proposal will replace existing commercial use with residential. The replacement block will comprise of two self-contained flats together with car parking, refuse storage and cycle parking at ground floor. While the assessment of the transport impacts could be undertaken in terms of





each individual building, the proposal can be assessed in the round together with Workshops North and South. Overall, a total of 8 dwellings are proposed with the replacement garage building providing a total of 8 car parking spaces.

The previous determination on the site for a total of 6 units found that a total of 6 car parking spaces, with 1 space per dwelling would be acceptable. The Class ZA proposal will comprise of 1 space per dwelling. In terms of parking, it will be reasonable to condition that the dwellings approved under Workshop South application shall not be occupied until such time as the parking approved under Garage application is provided and made available. Such a proposed condition would be considered to meet the relevant tests of the NPPF.

It is noted in the previous determination, which retained buildings of the same footprint, that the existing serve road complies with the relevant guidance and sufficient turning space was available on site. The proposal for 6 dwellings of the same footprint with the parking provision of 1 space per dwelling was considered to comply with Policies DMT1, DMT2 and DMT6 of the Hillingdon Local Plan and Policies T6 and T6.1 of the London Plan.

In terms of cycle parking provision, a total of 16 cycle parking spaces will be provided for the entire scheme. In this instance, further details of the cycle parking can be secured through condition.

With regards to servicing, the previous determination made clear that this is a matter which could be secured through condition. In order to be consistent in decision making, the same approach can be taken here. It is, however, likely that a combined servicing and management plan would be provided to cover all three buildings to discharge conditions on each respective permission so that the arrangements are fully co-ordinated.

Based on this, the proposal is not considered to have significant impacts in terms of transport and highways.

#### *(b) Contamination risk on the site*

In the previous determination on site, the Council's Contamination Officer stated that "there are no records of the site held in the land contamination files." Given the historic use however it was recommended that standard conditions be imposed if permission is granted. In order to be consistent with decision making, this approach should be adopted as part of the Class ZA determination which will ensure there is no risk of contamination adversely impacting upon the proposed residential accommodation.

#### *(c) Flooding risks on the site*

The application site lies within Flood Zone 1 of the Environment Agency's Flood Risk Map. This means the site is classified as being at low risk and defined as having less than 1 in 1,000 annual probability of fluvial and tidal flooding. As such, there are no restrictions on development,



including more vulnerable uses such as Use Class C3 (dwellinghouses), in this location, in terms of fluvial and tidal flood risk.

The previous determination acknowledges this although noted it is within a Critical Drainage Area however considered that a sustainable water management scheme could be secured through condition.

Subject to such a condition, the proposed development would not increase the risk of flooding on the site or elsewhere.

*(d) The design of the new building*

The proposed development comprises the demolition of the existing ancillary garages and replacement with new building comprising of 2 self-contained flats and associated facilities. The development has been designed to respond to its context and surroundings.

A combined Design Statement is submitted which covers all three buildings and explains the design approach.

It is the view of the project team, including architects, that the scheme responds positively to its context and is of a high standard of design therefore compliant with relevant planning policies.

*(e) the external appearance of the new building*

As above, the proposed new building is considered to be appropriate in terms of its external appearance as fully set out in the Design. Statement. A simple material palette has been selected that references the material characteristics of the former workshop buildings a contemporary manner to both detailing palette.

*(f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses*

The proposed layout has been designed to provide windows to all habitable rooms, therefore ensuring the provision of adequate natural light. This application is accompanied by a Daylight and Sunlight Assessment which confirms that all habitable rooms will receive adequate natural light.

*(g) Impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light*

The proposed replacement building is sited considerable distance from neighbouring properties and therefore will have no effect on their amenities in terms of overlooking, privacy and light.



*(h) Impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses*

The previous determination did not raise concerns with regards to noise from commercial premises for new dwellinghouses in this location. In applying consistency in decision making, the new dwellings (which will be required to meet the appropriate Building Regulations), will not suffer from external noise.

*(i) the impact on business and new residents of the developments introduction of, or increase in, residential use in the area in which the development is to take place;*

As with the previous determination, the introduction of residential uses in this location is acceptable.

*(j) the impact of the development on heritage and archaeology;*

The site is not located within a designated area nor is it in proximity to any heritage assets. The site is also not located within an archaeological priority area. As such there will be no impact on any heritage or archaeological assets.

*(k) the method of demolition of the old building;*

The method of demolition of the building can be secured through condition if prior approval is granted.

*(l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and*

The proposal does not include landscaping and therefore this consideration is not relevant.

*(m) any*

- i. air traffic and defence asset impacts of the development, and*
- ii. impact that, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(a) issued by the Secretary of State and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.*

The proposed development will not result in any impact on air traffic or defence asset and will not impact on any protected view as identified in the Directions Relating to Protected Vistas dated 15 March 2012(1) issued by the Secretary of State.



### Space Standards

All new residential dwellings permitted by the Order are required to meet the National Described Space Standards. The proposed dwellings will all meet the respective standards as follows:

| Unit | Type | NDSS | SQM  |
|------|------|------|------|
| 9    | 2b4p | 70   | 74.5 |
| 10   | 2b4p | 70   | 74.5 |

### Conclusion

The proposed replacement building under Class ZA is considered to comply with the relevant criteria of the Order. The replacement building for provision of flats is fully compliant with the criteria set out in Class ZA of the Town and Country (General Permitted Development) Order 2015 (as Amended). As such, the proposed development is considered to be 'Permitted Development'

As set out in this statement and the accompanying supporting documents, the proposal is considered acceptable with regards to the relevant prior approval considerations and thus prior approval should be granted.