

Local Planning Authority
Hillingdon Council
Civic Centre
High Street
Uxbridge
UB8 1UW

Our ref: 1322259.2.BM

26th May 2022

Dear Planning,

The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 (as amended)

SCHEDULE 2, PART 3, CLASS MA PRIOR APPROVAL FOR THE CONVERSION OF COMMERCIAL (Class E) SPACE TO NO. 5 RESIDENTIAL UNITS COMPRISING 4 ONE-BED UNITS AND 1 TWO-BED UNIT (CLASS C3)

Unit 28, Hawthorne Court, Ryefield Crescent, Northwood HA6 1LJ

1 Introduction

1.1 We write on behalf of Bankway Properties Ltd ("the applicants") and confirm submission of the above planning application for prior approval under Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (amended), to Hillingdon Council ("The Council").

1.2 The submission is supported by the following drawings:

- Site Location Plan, drawing no. 101-173/(P)009A
- Existing Layout Plan, drawing no. 101-173/(P)010A
- Existing and Proposed Elevations, drawing no. 101-173/(P)008B
- Proposed Layout Plan, drawing no. 101-173/(P)006D

1.3 The submission is also supported by the following technical documents:

- Noise Assessment, prepared by Tetrattech, dated 05/04/22
- Contaminated Land Report Phase 1, prepared by Castledine Environmental, dated 18/03/22
- Contaminated Land Report Phase 2, prepared by Castledine Environmental, dated 09/05/22
- Daylight Assessment, prepared by CHP Surveyors, dated 18/03/22

- 1.4 Arrangements will be made for the applicant to pay the associated application fee of £500.00, which is the correct fee for an application of this type and the number of units proposed, directly to the Council.

2 Background and Site Description

- 2.1 The application site is located in Northwood, a suburb of North West London. The unit is located on the ground floor of a 3-storey mixed use building (Hawthorne Court) with residential units on the upper 2 floors. The ground floor is used currently for a mix of commercial purposes.
- 2.2 Unit 28 ("the application site") is a 220 sqm commercial unit with the most recent use identified as 'Service Charitable Offices' (Use Class E).
- 2.3 The site is located within a primarily residential area and is surrounded by existing built-form on all aspects. Adjoining Hawthorn Court to the south are semi-detached residential units to the south, and to the west there is a small high-street, with commercial high-street uses backing on to the site and Hawthorn Court more generally. There is reasonable separation distances between these nearby buildings and Hawthorn Court. To the north of the site lies a railway line servicing Northwood Hills Station.
- 2.4 Hawthorne Court is accessed from Ryefield Crescent, a cul-de-sac with minimal through traffic and limited parking on the street. The site is located within an area identified by the Local Development Plan as a 'Minor Town Centre' of Northwood Hills.
- 2.5 The site is within a sustainable location with, public transport links in close proximity to the site. Northwood Hills Underground Station is less than a 3 minute walk, providing access to the Metropolitan Line with links to Watford and Baker Street. In addition there are convenient bus links to Harrow, Southall and Ruislip.
- 2.6 The site is also conveniently located for easy access to greenspace and playing fields, including Northwood recreation ground.
- 2.7 The site falls within Flood Zone 1 where there is a low probability of flooding and there are no Listed Buildings or other Heritage Assets in close proximity to the application site. There are no trees or vegetation of any kind on the application site, nor immediately adjoining the site. There is therefore nothing of significant ecological value.
- 2.8 Overall, Unit 28 ("the application site") is an underutilised commercial space (class E) within a residential building, including residential units located directly above on the upper floors, within a sustainable location in North West London.

3. The Proposal

- 3.1 Prior approval is sought for the conversion of a ground floor commercial unit to 5 no. residential units, comprising of 4 one-bed units and 1 two-bed unit (Class C3).
- 3.2 The proposed floor space to be converted (Unit 28) to residential use is 220 sqm. The details of the proposed units are outlined in Section 4 of this letter and the submitted plans.



(figure 1: Extract from Proposed Layout, drawing ref. 101-173/(P)006C)

- 3.3 The proposed units meet the National Space Standard requirements as discussed in Section 4 & 5 of this letter. The units are served by large existing windows, which ensure that all habitable rooms receive adequate natural light. This is confirmed within the accompanying Daylight and Sunlight Assessment, prepared by Tetra Tech.
- 3.4 No external alterations to the building are required to facilitate the change of use. Accordingly, the development is submitted as a prior notification application under Schedule 2, Part 3, Class MA of the General Permitted Development Order.

4. Class MA Assessment

4.1 Having regard to Class MA of the Order, permitted development consists of:

“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”.

4.2 Section MA.1 Assessment

4.3 It is considered that the development, which aims to convert the ‘Service Charitable Offices’ (Class E) space to residential use, forms Class MA development, and the Council is asked to give a determination as to whether prior approval is required, having regard to the following factors:

- a. The building has been vacant for a period of over 3 months, in accordance with section 1(a).
- b. The building has a lawful use as Service Charitable Offices (Class E- commercial, business and service). The proposals are therefore in accordance with sections 1(b) and 2.
- c. The floor space of the existing building changing use under Class MA is 220 sq.m, in accordance with section 1(c).
- d. The application site is not article 2(3) land, nor is it a site of special scientific interest, a safety hazard area, a military explosives storage area, a scheduled monument or a listed building, in accordance with sections 1(d)
- e. The application site is not within an area of outstanding natural beauty, an area specified by the SoS for the purposed of section 41(3) of the Wildlife and Countryside Act 1981, within the Broads, a National Park or a World Heritage Site in accordance with sections 1(e)
- f. The application site is not occupied under an agricultural tenancy, so sections 1(f) are not of relevance.
- g. Whilst Hillingdon Council does have an Article 4 in place removing development permitted rights previously provided under Class O, the Article 4 only covers allocated employment areas and does not cover the application site. Accordingly there is no conflict with section 1(g).

4.4 Section MA.2 Assessment

- 4.5 Schedule 2, Part 3, Class MA of the GPDO requires that developers apply to the LPA for prior approval with regards to certain criteria, listed at paragraph MA.2 of the legislation. It is considered that the proposed development demonstrably meets the criteria for the following reasons:

a) Transport impacts of the development

- 4.6 Section 9 of the Framework (2021) states that decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be effectively mitigated to an acceptable degree. Paragraph 111 of the Framework states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.7 The location of the development, within Northwood Hills Town Centre, entails that there are an abundance of public transport options available to future residents in very close proximity. In addition, all essential day-to-day facilities and services are within walking distance. Whilst it is recognised there is no allocated off street parking provision for the proposed dwellings; the absence of any provision and excellent nearby public transport links, should assist with discouraging residents from owning a car, and instead encourage residents to utilise more sustainable modes of transport, such as walking, cycling or public transport. The site is in an extremely sustainable location with Northwood Hills Underground Station less than a 3 minute walk from the application site, providing access to the Metropolitan Line with links to Watford and Baker Street. In addition there are convenient bus links extremely close by.
- 4.8 It should be noted that the existing commercial use also offers no designated off street parking spaces. It is also considered, due to the existing unrestricted commercial use (Class E), the proposed development would result in a net reduction in trips across all modes of transport, and will consequently result in a betterment to highway capacity, as well as the reduction in demand on nearby sustainable travel infrastructure. There is also no evidence to suggest that there is an existing road safety problem which requires mitigation. The conversion of this ground floor unit (Unit 28) to residential use can therefore come forward with no highway safety implications, due to the sustainability of the location where future residents would have a legible access route to the heart of the Town Centre, and convenient access to extremely nearby public transport links.
- 4.9 Accordingly, the proposed scheme would not prejudice the safe or efficient use of the public highway and there are no issues with the existing access, which would warrant the refusal of this prior notification, in accordance with criterion 2(a) of this section.

b) Contamination risks on site

- 4.10 Paragraph 120 (c) of the Framework (2021) states that planning decisions should give substantial weight to the value of using suitable brownfield land for homes, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land
- 4.11 The accompanying phase 1 Contaminated Land report identified prior to the occupation of the unit as a Service Charitable Offices (Class E- commercial, business and service), the site historically had an industrial usages. Accordingly site works and sampling has been carried out and a Phase 2 Contaminated Land Report has also been completed. The phase 2 investigation has shown the risks from potential ground vapours as low. Based on the information contained in the accompanying reports, it is the opinion of Castledine Environmental that the site represents a low level of risk with respect to the proposed development and no further works or investigation are required.
- 4.12 Overall, the conversion of Unit 28 can come forward safely and residential units can be occupied as the site would be rendered free from risks to human health, in accordance with criterion 2(b) of this section.

c) Flooding risks on the site

- 4.13 Section 14 of the Framework (2021) seeks to ensure that new development is not at risk from flooding, nor does it increase flood risk elsewhere. The application site falls within Flood Zone 1, as per the Environment Agency Flood Map for Planning, where there is a less than 1 in 1000 annual probability of flooding.
- 4.14 Overall, the development is not considered to incur unacceptable flood risk impacts due to the nature of the proposals as a conversion scheme. The proposals are therefore in accordance with criterion 2(c) of this section.

d) Impacts of noise from commercial premises

- 4.15 The Framework (2021), paragraph 185 states that new development must be appropriate for its location, and should avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 4.16 The report confirms that future residents will not be exposed to unacceptable noise pollution from the outside environment, from surrounding land uses. Notwithstanding this, within the context of the GPDO, the proposals only fall to be considered against the impacts of noise from commercial premises on the intended occupiers of the development. The accompanying Noise Assessment at Section 5 states that “As such, no existing businesses are expected to be restricted by the proposed change of use of Unit 28”. The proposed development therefore meets criterion 2(d) of this section.

- 4.17 In accordance with Class MA, the relevant policies from the Development Plan and the Framework, the report confirms that future residents will not be exposed to unacceptable level of noise from the outside environment or surrounding land uses. Accordingly, the proposed development therefore meets criterion 2(d) of this section.

e) Impact on Conservation Area

- 4.18 The application site is not located within Conservation Area and therefore criterion 2(e) is not of relevance.

f) Adequate natural light in habitable rooms

- 4.19 The scheme has been designed to offer a quality living environment for future residents. Each flat has been designed to accord with, and exceed, the National Space Standards, and therefore has sufficient habitable space as evidenced on the Proposed Layout (Drawing ref. 101-173/(P)006C) Submitted in support of this application.
- 4.20 Every habitable room is served by a primary window offering outlook and maximising natural light into the space. This is confirmed within the accompanying Daylight and Sunlight Assessment. Prepared by CHP Surveyors, which confirms all habitable rooms would comply with the relevant ADF levels and receive adequate daylight.
- 4.21 The proposed development therefore meets criterion e) of paragraph MA.2 of Class MA of the GPDO.

g) Introduction of residential use

- 4.22 The development will create a safe place for future occupiers to reside as it is located in proximity to other residential accommodation (residential accommodation on first and second floor of Hawthorn Court, immediately above Unit 28) and along a busy pedestrian route with links to public transport and Town Centre services and facilities. Notwithstanding this, the site is not located within an area “*important for general or heavy industry, waste management, storage and distribution*” and accordingly, criterion 2(g) of this section is not of relevance to this application.

h) Loss of services

- 4.23 The site is not a registered nursery or health centre, and therefore criterion 2(h) is not of relevance.

i) Fire Safety

- 4.24 The planning unit (unit 28) proposed to be converted under this prior notification, is ground floor only. However it is part of a larger building which is 3 storeys in height. Therefore, the development meets the fire risk condition referred to in paragraph MA.2 (2) (i) as it does not exceed the height condition in paragraph (3), read with paragraph (7), of article 9A (fire

statements) of the Town and Country Planning (Development Management Procedure) (England) Order.

5. Article 3, Paragraphs 9A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (amended).

- 5.1 The scheme has been designed to offer a quality living environment for future residents. Each flat has been designed to be in excess of 37m² and accord with, the National Space Standards, and therefore has sufficient habitable space as evidenced on the Proposed Layout (drawing ref. 101-173/(P)006C), submitted in support of this application. Accordingly the submitted prior notification accords with Article 3, Paragraphs 9A (a) and (b).

6. National Planning Policy Framework (2021)

- 6.1 The acceptability of the principle of development for the proposed conversion is also enshrined within paragraph 120 of the updated National Planning Policy Framework (2021). It states that planning policies and decisions should promote and support the development of under-utilised land and buildings.
- 6.2 The proposal is considered to be demonstrably compliant with paragraph 120 of the Framework (2021) as the development will re-use the lower ground floor of a currently redundant unit. In light of this, and the current primacy of paragraph 120 of the Framework, it is considered evident that the proposal is acceptable in principle.

7. Conclusions

- 7.1 The proposals will repurpose redundant commercial space, in line with national Government policy. Furthermore, the development would directly result in more people residing in the Town Centre where services and facilities are easily accessible through an abundance of sustainable transport modes.
- 7.2 For the change of use to proceed, there are no external alterations required to the building and nor are there any changes to any fixed surface structures within the site. In light of the foregoing, it is considered that the proposals accord with Class MA of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 ("the Order") and that prior approval should be granted without delay.
- 7.3 If you require any clarification or additional information, please do not hesitate to contact Jacqueline Jackson or Brian Mullin using the details below.

Yours sincerely

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