

architecture : planning

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PLANNING STATEMENT

**Change of Use of Ground Floor from Commercial
(Class E) to Residential (Class C3) to Create One
Self-Contained Residential Unit**

301 Shenley Road, Borehamwood, WD6 1TH



1. Introduction

- 1.1 UPP Architects + Town Planners have been instructed by the applicant to submit a request for Prior Approval via Class MA of The General Permitted Development Order 2015 (as amended) in relation to the site known as 301 Shenley Road, Borehamwood, WD6 1TH. This statement should be read in conjunction with the accompanying architectural plans.
- 1.2 The proposal presented under this application is for the change of use of the Ground Floor from commercial (Class E) to residential (Use Class C3). The proposed change of use will result in the creation of one self-contained unit.
- 1.3 This document provides details of the proposed scheme and will demonstrate that this proposal is in accordance with planning policy and guidance at national, regional and local levels.

2. The Site and Surroundings

- 2.1 The application site comprises a two storey, semi-detached building which is part commercial and part residential. The site is situated on the western side of Shenley Road. This application only relates to the ground floor retail unit (Class E) of the property.
- 2.2 The site is situated between a residential dwelling at 299 Shenley Road (south) and a Newsagent shop at 303 Shenley Road (north). The rear of the site abuts a car park associated with a Day Nursery to the west.
- 2.3 The surrounding area is characterised by a mixture of uses including residential (Class C3), commercial (Class E) and religious (Class F1), but Shenley Road predominantly comprises two storey semi-detached and terraced residential dwellings.
- 2.4 Immediately outside of the subject site is a Controlled Parking Zone, as shown by the double yellow lines on either side of the road. Despite the parking restriction, there is a significant dependence on cars in the area which is demonstrated by the number of parked vehicles in the vicinity. The access to local services via public transport is relatively limited with the closest train station being a 17 minute walk away, and several bus stops are located sporadically in the surrounding area.
- 2.5 The site is located in Flood Zone 1 which means the site has a low probability of flooding from sea and rivers. In addition, the site has very low risk from surface water and other sources of flooding.

3. Planning History

- 3.1 23/0514/FUL | Single storey rear extension to existing commercial unit. | 301 Shenley Road Borehamwood Hertfordshire WD6 1TH | Approved | June 2023
- 3.2 23/0447/FUL | Conversion of loft to form habitable space including rear dormer and 2 rooflights to front roof slope to enlarge first floor flat. | 301 Shenley Road Borehamwood Hertfordshire WD6 1TH | Approved | May 2023
- 3.3 TP/00/0133 | Retention of existing 2.2m high wall around outside of and parallel to original 2.2m high wall and extension of height of both walls to 2.5m with rota spikes on top. Void between walls to be filled with concrete. | Stag Tool Hire 301 Shenley Road Borehamwood Hertfordshire WD6 1TH | Approved | April 2000
- 3.4 TP/99/0768 | Increase in height of existing wall to 3m in height and erection of 3m high blockwork wall with rota spikes on top. | 301 Shenley Road Borehamwood Herts Refused | October 1999

4. The Proposal

- 4.1 This application seeks Prior Approval, where required, from the Local Authority for a change of use of the ground floor from commercial space (Class E) to provide one self-contained residential dwelling (Class C3). The unit will contain one bedroom, kitchen / living / dining area and one bathroom.

5. Planning Policy

MA. 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.

MA.1.—(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;
- (b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
- (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;
- (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;
- (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 198155;
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site;
- (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
- (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.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

- (a) the following classes of the Schedule as it had effect before 1st September 2020—
- (i) Class A1 (shops);
 - (ii) Class A2 (financial and professional services);
 - (iii) Class A3 (food and drink);
 - (iv) Class B1 (business);
 - (v) Class D1(a) (non-residential institutions – medical or health services);
 - (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
 - (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink; (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

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;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (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 of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (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;
- (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 200656, the impact on the local provision of the type of services lost; and
 - (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

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

(4) The provisions 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 Agency⁵⁷ to be consulted, a site-specific flood risk assessment;
 - (ii) sub-paragraph (6A) requires the Health and Safety Executive⁵⁸ to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development.”;
- (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”;
- (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.”;

(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(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.

Interpretation of Class MA:

MA.3.Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

(a) contain two or more dwellinghouses; and

(b) satisfy 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 201559.

6. Policy Considerations

Eligibility for Class MA

- 6.1 The existing building is in commercial use on the ground floor, which is demonstrated by the business rates shown in ‘image 1’ of this statement.
- 6.2 The existing commercial unit has been vacant for over 3 months prior to the submission of this application. Google Street View demonstrates the termination of the previous tenants, GMAC tool hire who have relocated to new premises, leaving the application site vacant.
- 6.3 Furthermore, the pre-application advice report (ref.no. 23/0058/PA) for the Land Rear of 305-307 Shenley Road states the following; ‘Officers note that No.301 is currently vacant and the documents submitted advise that the storage unit is no longer required’. This statement provides confirmation that the application site is vacant.

- 6.4 Google Maps shows the ground floor unit occupied by Stig Tool Hire Business between 2008 and 2020, and occupied by GMAC Tool Hire between 2020 to 2022. Additionally, the business rates below provide evidence of the commercial use of the site.

Valuation

Current rateable value (1 April 2023 to present)

£12,000

This is the rateable value for the property. It is not what you pay in business rates or rent. Your local council uses the rateable value to calculate the business rates bill.

[Estimate your business rates bill](#)

Valuations for this property

Valuations ?	Effective date ?	Rateable value
CURRENT 1 April 2023 to present	1 April 2023	£12,000
PREVIOUS 1 April 2017 to 31 March 2023	1 April 2017	£8,900

Image 1: Business Rates Valuation

- 6.5 The cumulative floor space of the existing building changing use under Class MA does not exceed 1,500 square metres.
- 6.6 The building is not on article 2(5) land; in a site of special scientific interest; in a safety hazard area; in a military explosives storage area; a listed building; or a scheduled monument. The building is also not within an Area of Outstanding Natural Beauty, a Conservation Area, an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park, or a World Heritage Site.

Transport and Highways

- 6.7 This application is supported by a Transport Assessment prepared by Caneparo to assess the overall transport impacts of the proposed development. This Assessment should be read in conjunction with this statement.
- 6.8 The proposed development includes the provision of one parking space, and the provision of cycle storage and sheltered refuse storage, all of which are positioned at the front of the dwelling. Please refer to the submitted architectural drawings and Transport Assessment for details.
- 6.9 The proposed parking provision is in accordance with the Hertsmere Parking Standards, but it should also be considered that the location of the site benefits from a highly sustainable and accessible location with several bus stops in the vicinity offering access to services in both directions. In addition Elstree & Borehamwood Railway Station is located approximately 1.2km from the site.

Contamination

- 6.10 The former use of the site for commercial purposes does not present a concern or risk from a contamination perspective.
- 6.11 The proposed development will not involve the breaking of any existing hardstanding on site that could present a contamination related concern or risk.

Flood Risk

- 6.12 As identified above in this statement, the application site is situated within Flood Zone 1 and is therefore at low risk from fluvial and surface water flooding. Therefore, a flood risk assessment is not necessary for this application.

Noise

- 6.13 The surrounding area is largely residential with a small number of buildings in commercial use. There are no light industrial uses in the vicinity of the site that would require noise assessment or mitigation. It should also be considered that within the delegated report of application ref.23/0447/FUL, the officer does not include noise as a key consideration.

6.14 It is for the above reasons that impacts of noise will not be of concern to the intended occupiers of the unit.

Adequate Daylight

6.15 This application is supported by an Internal Daylight Assessment prepared by Morgan Light Assessors in order to demonstrate that all habitable space will benefit from adequate access to acceptable levels of daylight.

6.16 The below table provides a summary of the assessment and demonstrates that the units will meet the relevant BRE standards:

Project Name: 301 SHENLEY ROAD, BOREHAMWOOD, WD6 1TH Project No.: 1 Report Title: SDA BS En17037 Analysis - Proposed Scheme Date of Analysis: 05/07/2023										Criteria				Meets Criteria
Floor Ref	Room Ref	Room Attribute	Property Type	Room Use	Room Area m2	Effective Area	Median Lux	Area Meeting Req Lux	% of Area Meeting Req Lux	Req Lux	Req % of Effective Area	Req % of Daylight Hours	Daylight Hours	
B1														
Ground	R1	Flat1	Residential	LKD	23.65	17.47	231	10.95	63%	200	50%	50%	4380	YES
	R2	Flat1	Residential	Bedroom	13.40	9.10	782	9.10	100%	100	50%	50%	4380	YES

Image: Daylight Factor Assessment Conclusions

6.17 The Internal Daylight Assessment concludes that the assessed rooms meet the recommendations using the DFT test. This means the future occupants will enjoy a well-lit environment, with reduced reliance on artificial lighting.

7. Conclusion

7.1 The proposal presented under this application is for the change of use of Ground Floor from commercial (Class E) to residential (Use Class C3). The proposed change of use will result in the creation of one self-contained unit. The change of use is applied for via Schedule 2, Part 3, Class MA of the GPDO.

7.2 This submission demonstrates that the proposed development is acceptable when assessed against the criteria and considerations outlined within Schedule 2, Part 3, Class MA. The Local Authority are therefore kindly requested to grant prior approval.