

# PLANNING STATEMENT FOR PRIOR APPROVAL APPLICATION FOR CHANGE OF USE OF

4 1 M A R K E T S T R E E T , W A T F O R D , H E R T S , W D 1 8 0 P N

## FROM CLASS E OFFICES/LIGHT INDUSTRIAL WORKSHOP TO CLASS C3 DWELLING, 8 UNITS



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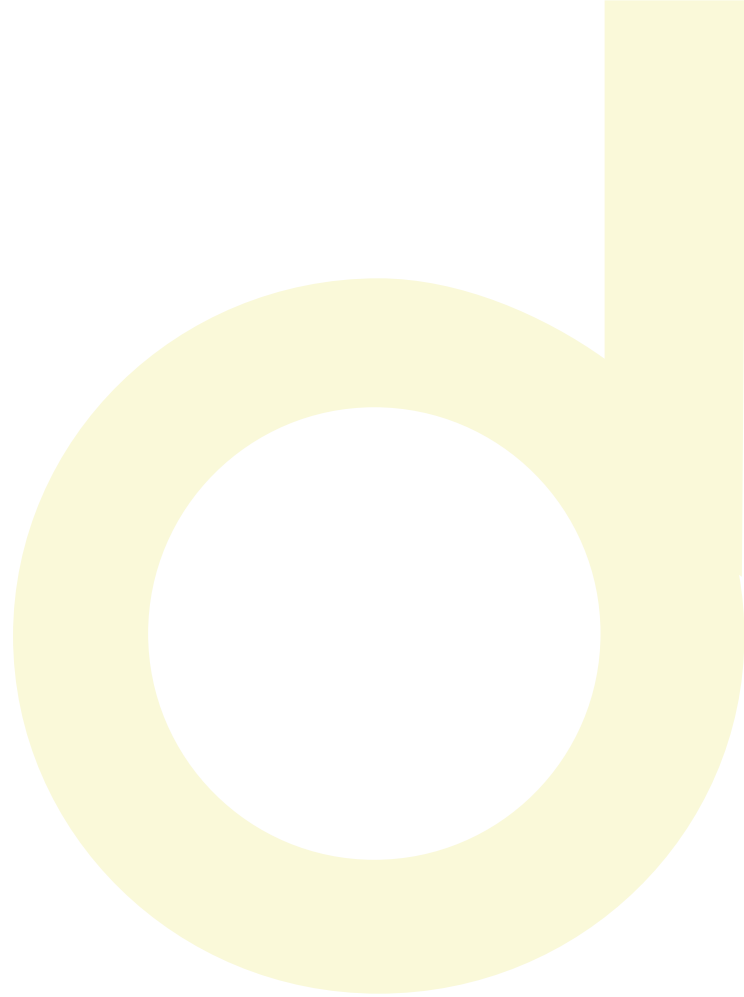
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**Change of use from Class E  
offices/light industrial workshop  
to class C3 8 residential units**

SITE  
ADDRESS

41 MARKET STREET  
WATFORD  
HERTFORDSHIRE  
WD18 0PN





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# 1. Introduction

1.1 This planning statement has been prepared in accordance with The Town and Country Planning (General Permitted Development etc) (England)(Amendment) Order 2021 (GPDO), for Prior Approval application for the change of use of 41 Market Street, Watford, Hertfordshire WD18 0PN from Class E Offices/Light Industrial Workshop to Class C3 dwelling, 8 units.

1.2 This planning application has been prepared for the resubmission of the refused planning applications with references 22/01049/CTR and 23/00126/CTR.

1.3 The application site comprises of a two-storey building adjacent to a warehouse and a detached garage. It is set to the rear of buildings fronting Market Street and Exchange Road.

1.3 The immediate area comprises detached and semi-detached dwellings with a mixture of heights, widths, and architectural features.

1.4 The frontage of the site onto Market Street is identified as secondary retail frontage. The site is a not within a designated Employment Area. The site is also not within a Conservation Area. No buildings on site are listed and there are no Tree Preservation Orders on site.

1.5 The proposed development is to convert the existing building into 8No. residential units. The development will consist of: 5No. Studio apartments and 1No. 1 bed, 2No. 2 bedroom apartment.

1.6 This planning statement sets out a clear justification for the proposal. This statement is also supported with the following documents:

- Completed Application Form;
- Site Location Plan 1:1250;
- Existing/Proposed Block Plans, Floorplans and Elevations;
- Proof of Vacancy letter;
- A Sworn Affidavit from the applicant regarding the length of time the building has been vacant and that the previous use was office and light industrial workshop up until 30th April 2021.
- A Sworn Affidavit by Tony King, the agent, regarding the length of time the building has been vacant and that the previous use was office and light industrial workshop up until 30th April 2021.
- A Sworn Affidavit by the neighbour, Peter Sealey, confirming his knowledge of the vacancy of the building since January 2022.
- Transport Note and Covering Letter in reponse to the previously refused application (22/01049/CTR);
- Acoustic Assessment (updated from application 22/01049/CTR) and Covering Letter in response to the previously refused application (22/01049/CTR);
- Daylight Assessment (updated December 2023);
- Preliminary Risk Assessment
- Flood Note

The collective findings of these reports effectively demonstrates that there are no technical reasons why the change of use cannot be undertaken as Permitted Development.



Image 1 - Site - Google Earth





Image 2 - Existing Site Plan



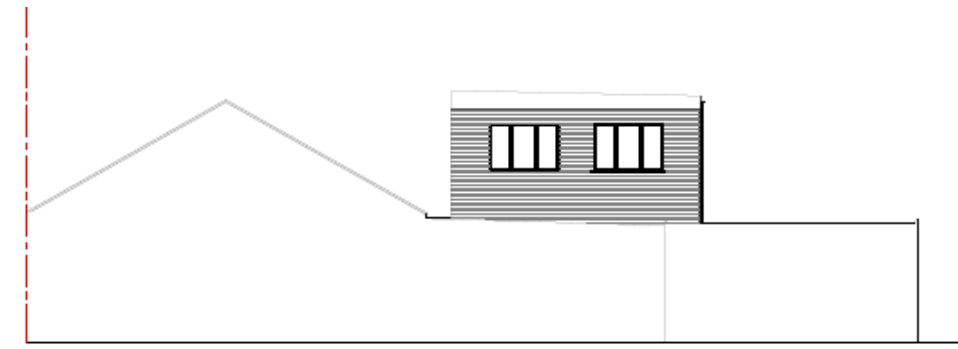
Image 3 - Existing Site Photos - Google map



Image 4 - Existing Site Photos - Google map



1 Existing front elevation



2 Existing side elevation

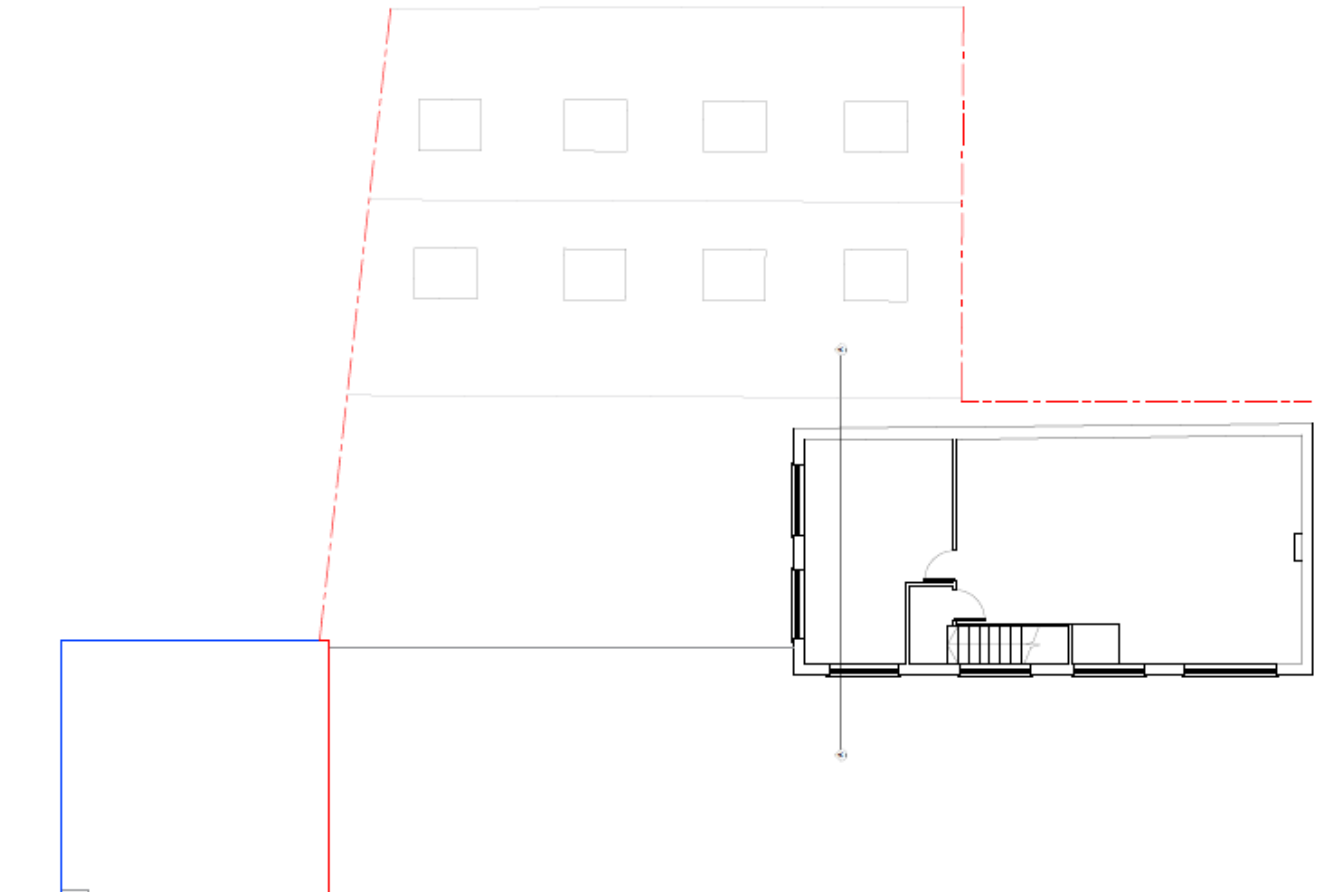
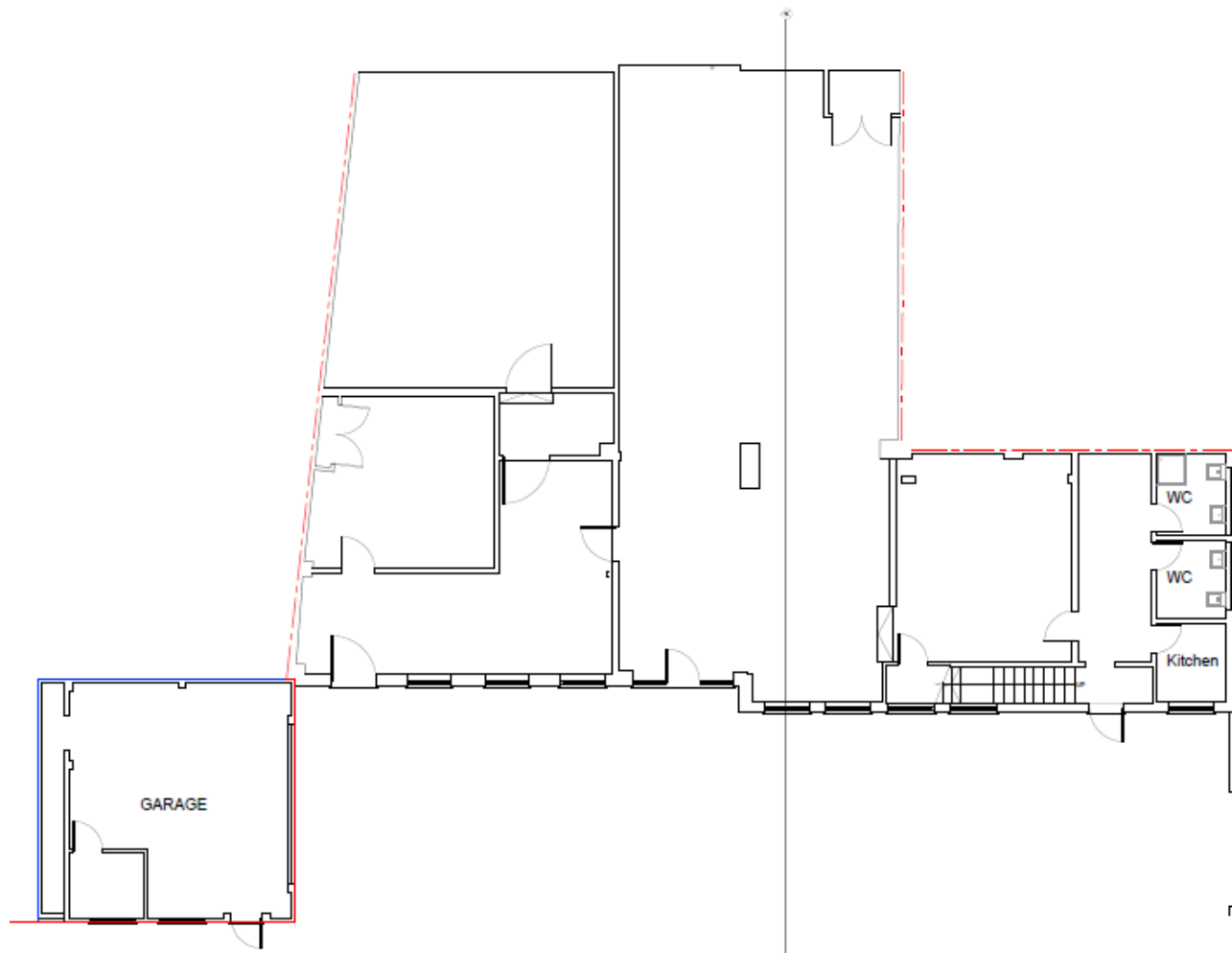
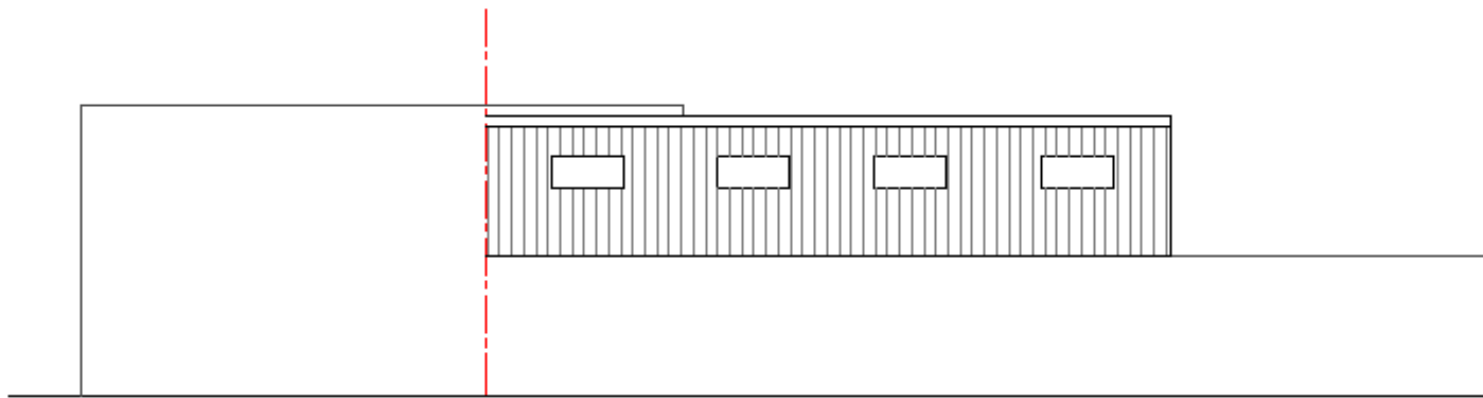
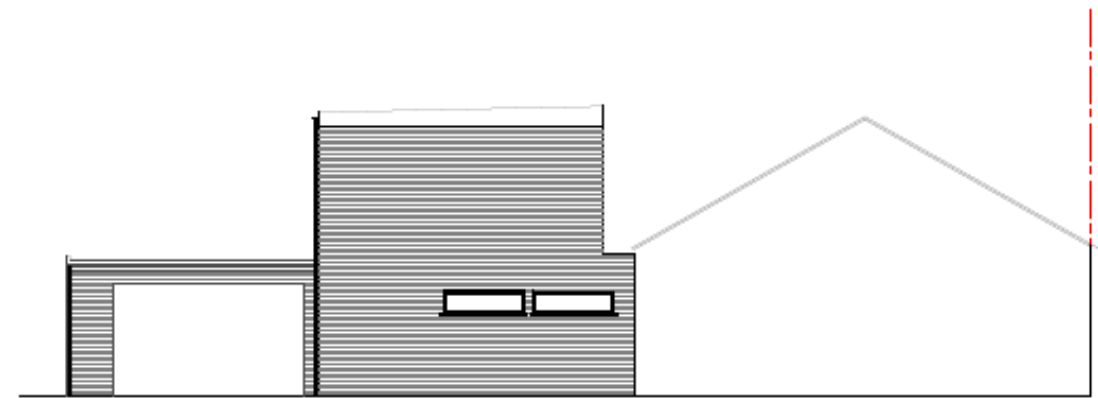


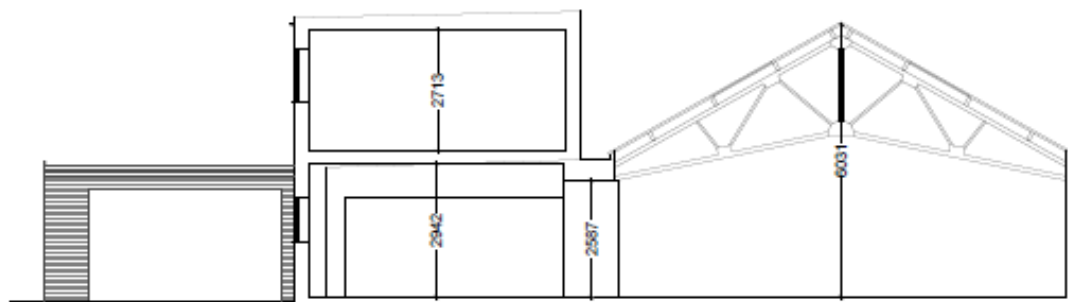
Image 5 - Existing Drawings (not to scale)



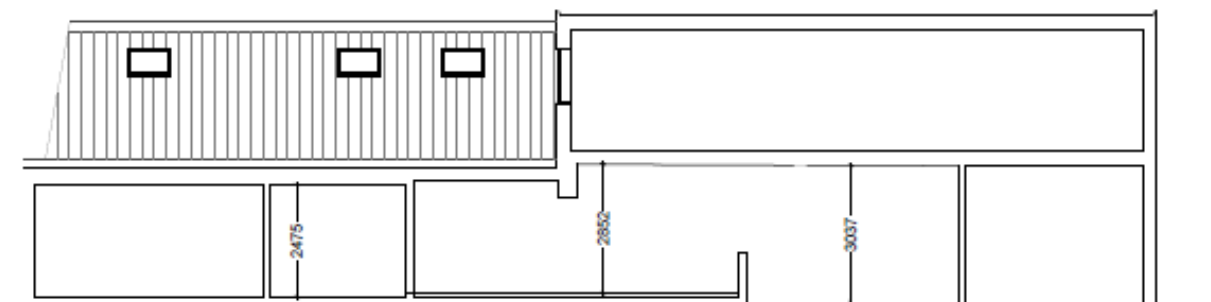
1 Existing rear elevation  
1:100



2 Existing side elevation  
1:100



3 Existing section A  
1:100



4 Existing section B  
1:100

Image 6 - Existing Drawings (not to scale)



## 2. The Proposed Development

2.1 The proposed development is to convert the existing building into 8 No. residential units. The development will consist of: 5 No. Studio apartments; 1 No. 1 bedroom apartment; and 2 No. 2 bedroom apartment.

2.2 The accommodation provided in the development would be:

Unit No.	Floorspace (sqm)	No. of Bedrooms	No. of People
1	42m <sup>2</sup>	1	1
2	43m <sup>2</sup>	1	1
3	71m <sup>2</sup>	2	3
4	39m <sup>2</sup>	1	1
5	39.7m <sup>2</sup>	1	1
6	42m <sup>2</sup>	1	1
7	53m <sup>2</sup>	1	2
8	73m <sup>2</sup>	2	3

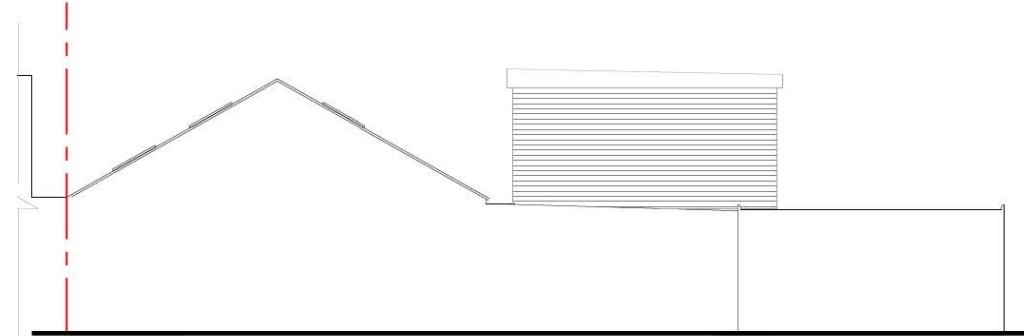


1 Proposed Block Plan

Image 7 - Proposed Block Plan (*not to scale*)



1 Proposed front elevation  
1:100



2 Proposed side elevation  
1:100

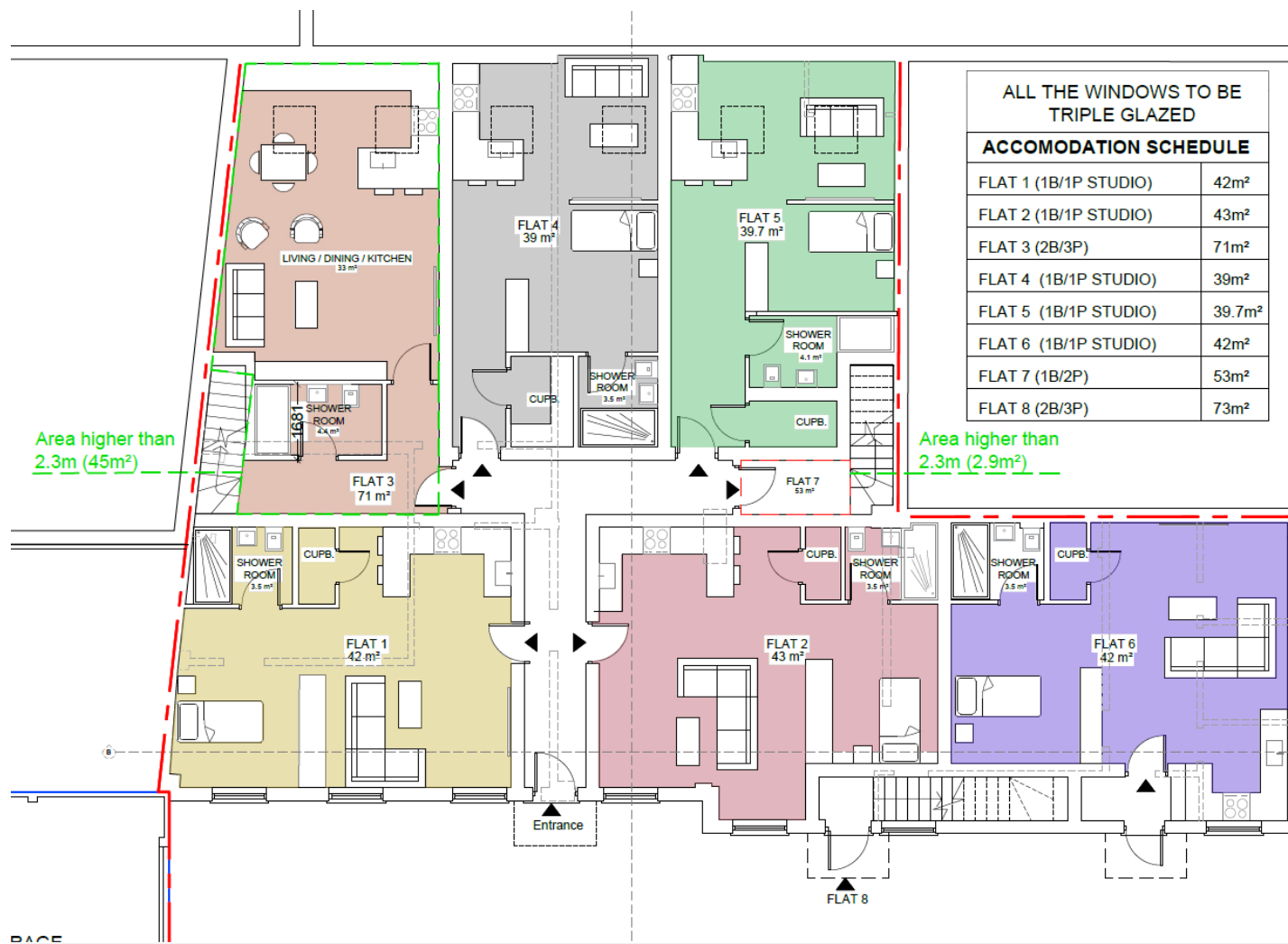
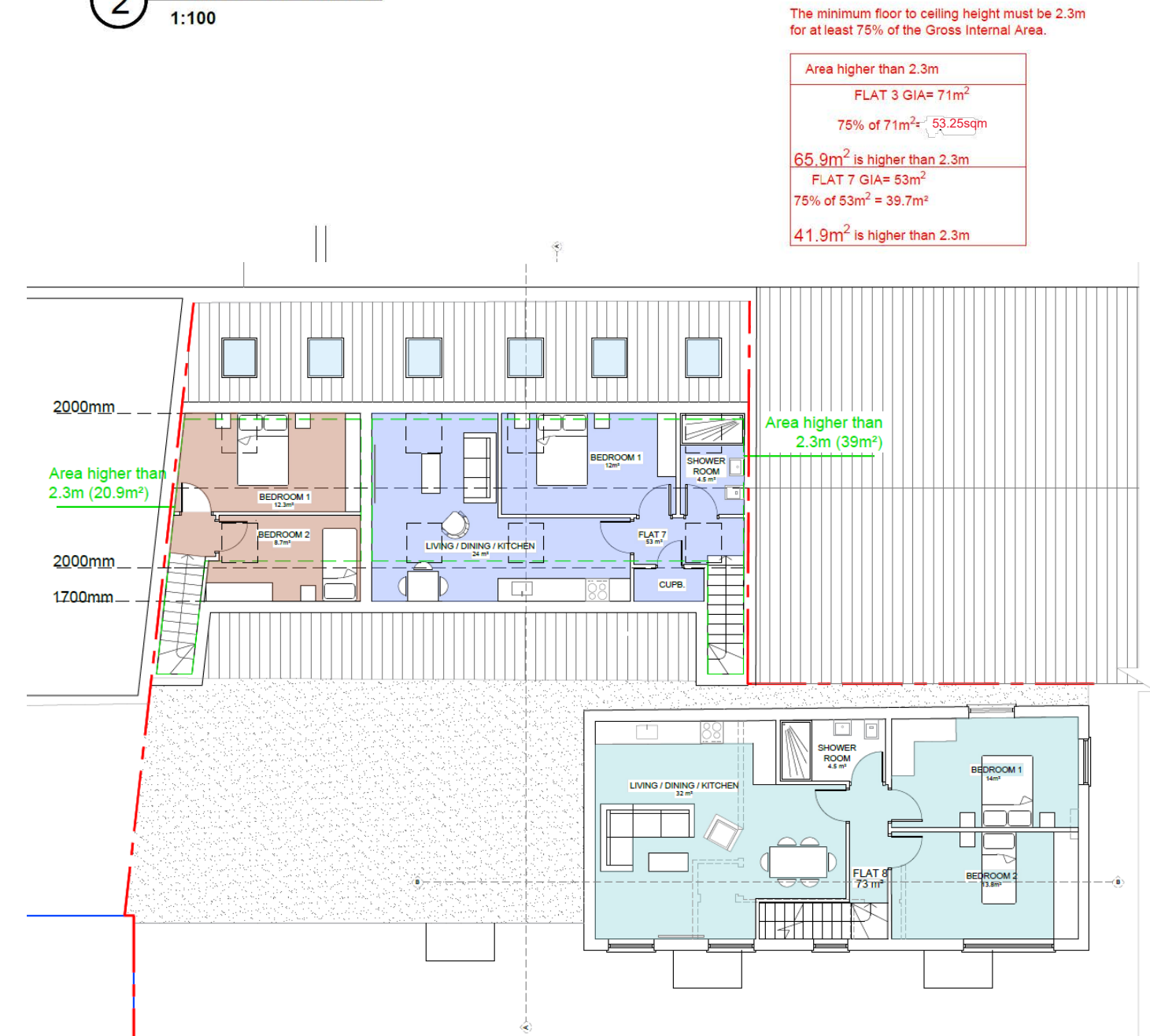


Image 8 - Proposed Drawings (not to scale)



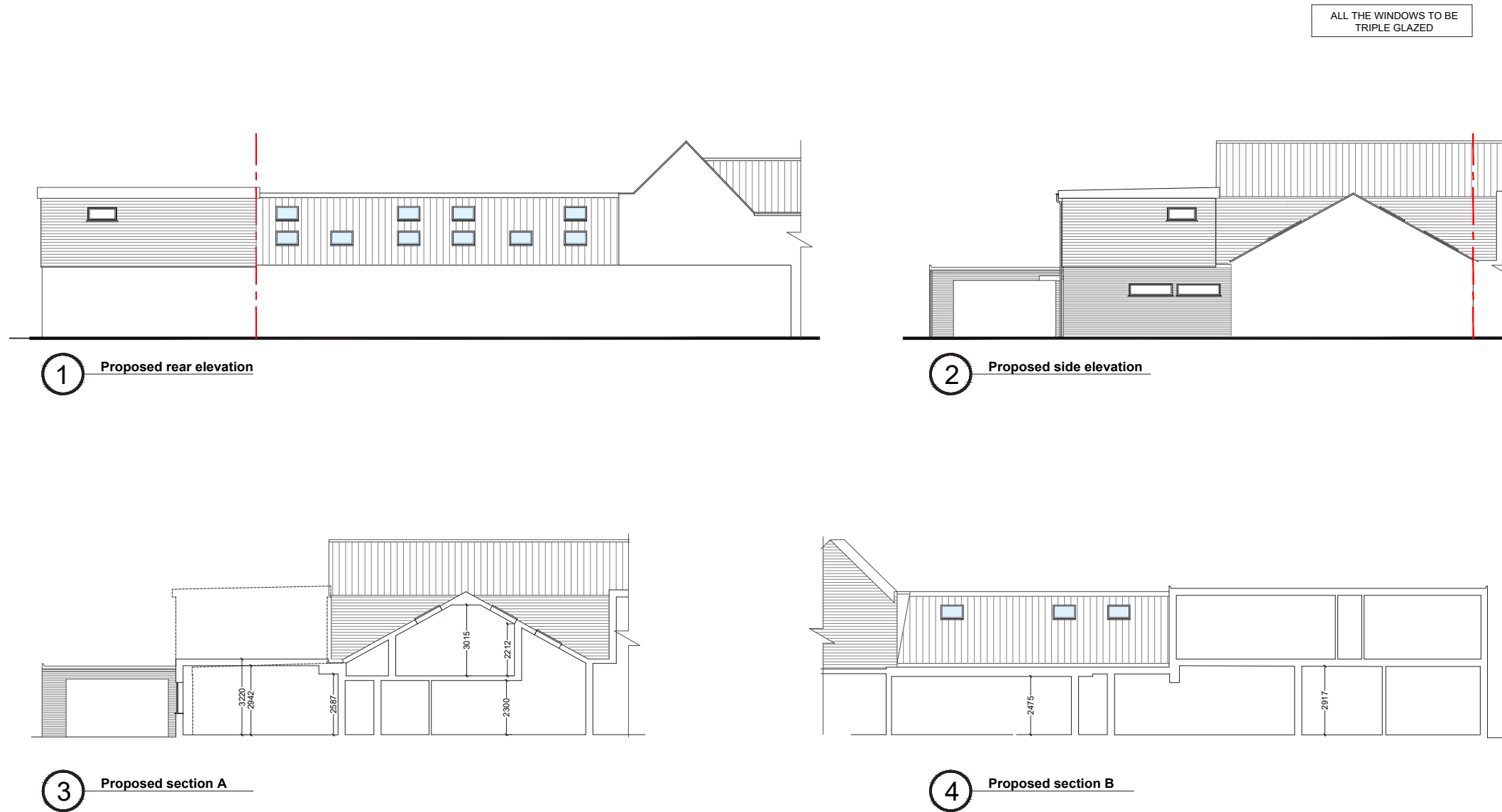


Image 9 - Proposed Front Elevation (*not to scale*)

## 3. The Policy Considerations

3.1 **Assessment of the proposal against The Town and Country Planning (General Permitted Development etc) (England) (Amendment) Order 2021.**

3.2 Schedule 2, Part 3, Class MA of the General Permitted Development Order refers to changes of use permitted under a permission granted on an application for prior approval to the local planning authority.

3.3 Specifically, Class MA relates to;

2.2.1 “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.”

2.2.2 The following lists the various criteria which prevents development from being permitted as Class MA. Each criterion is then followed by a response which demonstrates the proposal’s permissibility.

2.2.3 Schedule 2, Part 3, Class MA of the General Permitted Development Order refers to developments not permitted as:

**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;

**Response:** The building has been vacant since , at the latest, January 2022 a period in excess of 3 months prior to this application. This is documented by the Sworn Affidavits from the applicant, estate agent and neighbour regarding the length of time the building has been vacant.

**(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;

**Response:** The building has only been in Class E office/light industrial workshop use since its construction. The Sworn Affidavits accompanying this application confirm how long the applicant, estate agent and neighbour are aware that the building has been in use.

**(c)** if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

**Response:** The existing floor space is less than 500 square metres and therefore does not exceed 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;

**Response:** The site/land does not fall under any of the above listed criteria (d) (i-v).

**(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(1);
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

**Response:** The building is not within any of the above listed criteria (e) (i-v).

**(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

**Response:** The site has not been occupied under an agricultural tenancy.

**(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.

**Response:** The site has not been/is not restricted by an Article 4 direction.

3.4 The following lists out the conditions which allows development being permitted as Class MA. Each criterion is then followed by a response which demonstrates the proposals permissibility.

**2.3.1 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;

**Response:** A Transport Briefing Note has been prepared as part of this Prior Approval application by Entran Environmental and Transportation consultants. A covering letter has also been prepared; the note provides a responses to the Watfrod Council Planning Authority's previous concerns raised under the refused applications.

**(b)** contamination risks in relation to the building;

**Response:** A Desktop Study and Preliminary Risk Assessment has been undertaken as part of this Prior Approval application by Your Environment Consultants. This study and assessment demonstrate that there are no contamination risks associated with/to the site.

**(c)** flooding risks in relation to the building;

**Response:** A Flood Note has been submitted as part of this the Prior Approval application by The Environment Agency. This note clearly states 'Your selected location is in zone 1, and area with a low probability of flooding.'

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

**Response:** An Acoustic Assessment by Ned Johnson Acoustic Consultants has been carried out and submitted as part of this Prior Approval application. This assessment was summarised as: 'The impact of noise arising from the commercial sources has been assessed. There are no significant sources of commercial noise, in close proximity to the site. The assessment concludes that commercial noise does not negatively impact upon the proposed development.'

The Assessment has been updated in response to the Watfrod Council Planning Authorities decision to refuse application 22/01049/CTR. The detailed technical note addresses each of the concerns raised by the LPA when it considered the previous applications.

3.4

**(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;

**Response:** The building is not located in a Conservation Area.

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

**Response:** A Daylight Assessment by has been prepared and submitted as part of this Prior Approval application by Energy Counsel. The Daylight Assessment has concluded that in respect of the proposed development, the daylight/sunlight amenity to the new dwellings at 41 Market Street are in accordance with the current BRE BR209 guidance.

**(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; and

**Response:** The area is not one that the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. This was also not a concern raised under the previously refused applications

**(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(2),
- the impact on the local provision of the type of services lost.

**Response:** The proposal would not involve the loss of services provided by the above listed services.

**(3)**

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

**Response:** The application has been submitted after 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 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”.

**Response:** Transport Briefing Note has been prepared by Entran Environmental and Transportation consultants and submitted as part of this Prior Approval application. The Transport Note concludes as: “1) The site is in a highly accessible Town Centre location. 2) The development proposal includes for 4No. car parking spaces at a ratio of approximately 0.5 spaces per unit and to be unallocated and EVC ready. 3) A Unilateral Undertaking (UU) to remove parking permit entitlement to the future occupants is possible if the LHA are mindful that this is still required however, it is not considered necessary with the parking provision provided and the application sites location within the Town Centre. 4) Vehicular trips will remain as status quo when compared to the extant site use with 4No. car parking spaces to remain. 5) The existing building has adequate space to accommodate the minimum requirement for cycle parking at a ratio of 1 space per unit (1 cycle space per unit – 8 cycle spaces in total) and is to be secure and covered.”

The NPPF requires transport impacts to be “severe” before planning permission is declined. “*Para 111. 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.*”

The provision of 4 car parking spaces for 8 units, and the offer to submit a Unilateral Undertaking confirming that parking permits would be prohibited for future occupiers does not reach the threshold of “severe”.

**(5)**

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

**Response:** The proposed development of change of use would 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.”

**Response:** Once the proposed development has been permitted for change of use to dwellinghouse it would remain in use as a dwelling house and not be used for any other purpose thereafter.

## 4. Previous Reasons for Refusal and Applicants Response

Reasons for Refusal - application 22/01049/CTR	Reasons for Refusal - application 23/00126/CTR	Applicant's Response through current application
1. Units 7 and 8 fail to provide sufficient gross internal floor areas to comply with nationally described space standards. Regulation 3, paragraph 9A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) does not grant permission for, or authorise any development of, any new dwellinghouse that does not comply with the nationally described space standards.	1. Units 7 and 8 fail to provide sufficient gross internal floor areas to comply with nationally described space standards. Regulation 3, paragraph 9A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) does not grant permission for, or authorise any development of, any new dwellinghouse that does not comply with the nationally described space standards.	All the dwellings meet the Nationally Described Space Standards. Including the requirement for 75% of the floorspace to meet 2.3m floor to ceiling height.  Please see the associated plans filed with this application
2. The applicant has not demonstrated that the building has been vacant for a continuous period of at least 3 months or that the buildings fell within one or more of the use classes specified for a continuous period of at least 2 years. The proposed development would not constitute permitted development as outlined in paragraphs MA.1.(1) (a) and (b) of Part 3, Schedule 2, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).		The accompanying Sworn Affidavits now confirm this to be the case.
	2. The applicant has not demonstrated that the building fell within one or more of the use classes specified for a continuous period of at least 2 years. The proposed development would not constitute permitted development as outlined in paragraphs MA.1.(1) (b) of Part 3, Schedule 2, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).	The building has only been in Class E office/light industrial workshop use since its construction. The Sworn Affidavits accompanying this application confirm how long the applicant, estate agent and neighbour are aware that the building has been in use.
3. The applicant has not demonstrated that the intended occupants of the development would not suffer from impacts of noise from commercial premises. The development would therefore fail to accord with condition MA.2.(2) (d) of Class MA, Part 3, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).		The accompanying updated Acoustic Assessment by Ned Johnson Acoustic Consultants, addresses all the concerns previously raised.
	3. The Daylight Assessment (ref: Z54917) fails to justify adequate natural light in all habitable rooms of the dwellinghouses therefore failing to accord with condition MA.2.(2) (f) of Class MA, Part 3, Schedule 2, of General Permitted Development Order 2015 (as amended).	A revised Daylight Assessment by has been prepared and submitted as part of this Prior Approval application by Energy Counsel. The Daylight Assessment has concluded that in respect of the proposed development, the daylight/sunlight amenity to the new dwellings at 41 Market Street are in accordance with the current BRE BR209 guidance.
4. The development would exacerbate demand for on-street car parking in an area that already experiences parking problems. Without a suitable Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) removing parking permit entitlement for future occupiers, the development would give rise to adverse highways impacts. As such, the development fails to comply with condition MA.2.(2)(a) of Part 3, Schedule 2, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).	4. The development would exacerbate demand for on-street car parking in an area that already experiences parking problems. Without a suitable Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) removing parking permit entitlement for future occupiers, the development would give rise to adverse highways impacts. As such, the development fails to comply with condition MA.2.(2)(a) of Part 3, Schedule 2, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).	The Council is invited to accept a Unilateral Undertaking confirming that future occupiers will be prohibited from a parking permit in the RPZ. The Transport Statement submitted alongside this application also states 'The Applicant has previously confirmed that they will enter into a Unilateral Undertaking (UU agreement with the Council to secure a permit-free development, which would prevent future occupiers from obtaining permits to park in the area. Whilst it is considered unnecessary for this application the applicant is still open to having this in place if the LHA are mindful that it is still necessary. In this regard, it is considered that the proposed residential use would not affect local parking conditions.'



## 5. Conclusion

- 4.1 This planning statement is to accompany a Prior Approval application of Change of Use of 41 Market Street, Watford, Hertfordshire WD18 0PN from Class E Offices/Light Industrial Workshop to Class C3 dwelling, 8 units.
- 4.2 The proposed works are contained within the scope of what is permitted under Class MA of the GDPO. The subject building has no contamination risks, has no flooding risks, has no negative noise or transport impacts reviewed and is not in a Conservation Area.
- 4.3 With regard to the above statements and reasons, it can be concluded that this Prior Approval application adheres to the conditions for The Town and Country Planning (General Permitted Development etc) (England)(Amendment) Order 2021. As such, this planning application benefits from the permitted development rights afforded to it by Class MA of the GDPO.
- 4.4 In relation to all mentioned above, the Local Planning Authority is encouraged to consider this application for Prior Approval favourably.

## 6. Appendices

Appendix 1 - Acoustic Report

Appendix 2 - Acoustic supporting letter

Appendix 3 - Transport Statement

Appendix 4 - Transport supporting letter

Appendix 5 - Daylight Assessment Report (Dec 2023)

Appendix 6 - PRA

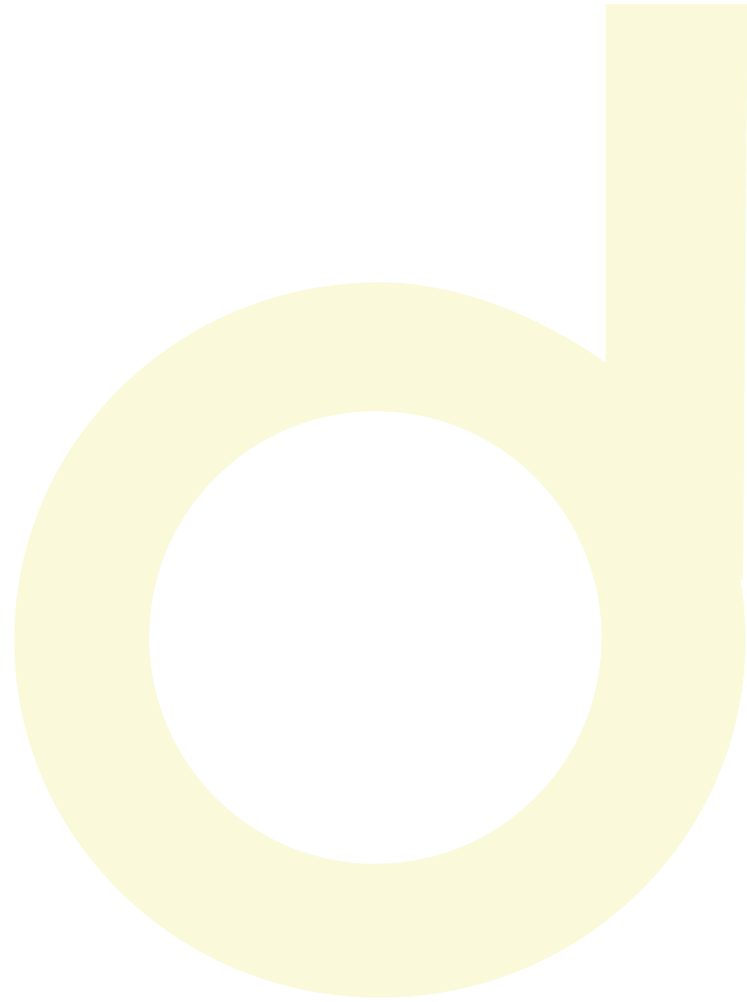
Appendix 7 - Flood Note

Appendix 8 - Proof of Vacancy

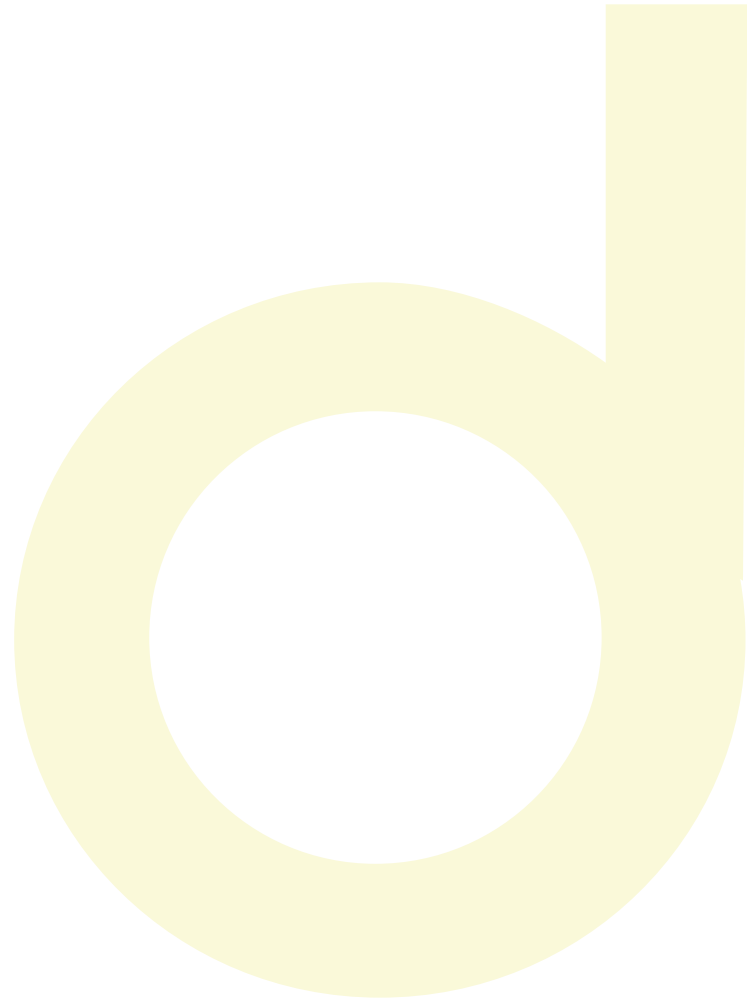
Appendix 9 - Applicant, Shakeel Adli, Sworn Affidavit

Appendix 10 - Agent, Tony King, Sworn Affidavit

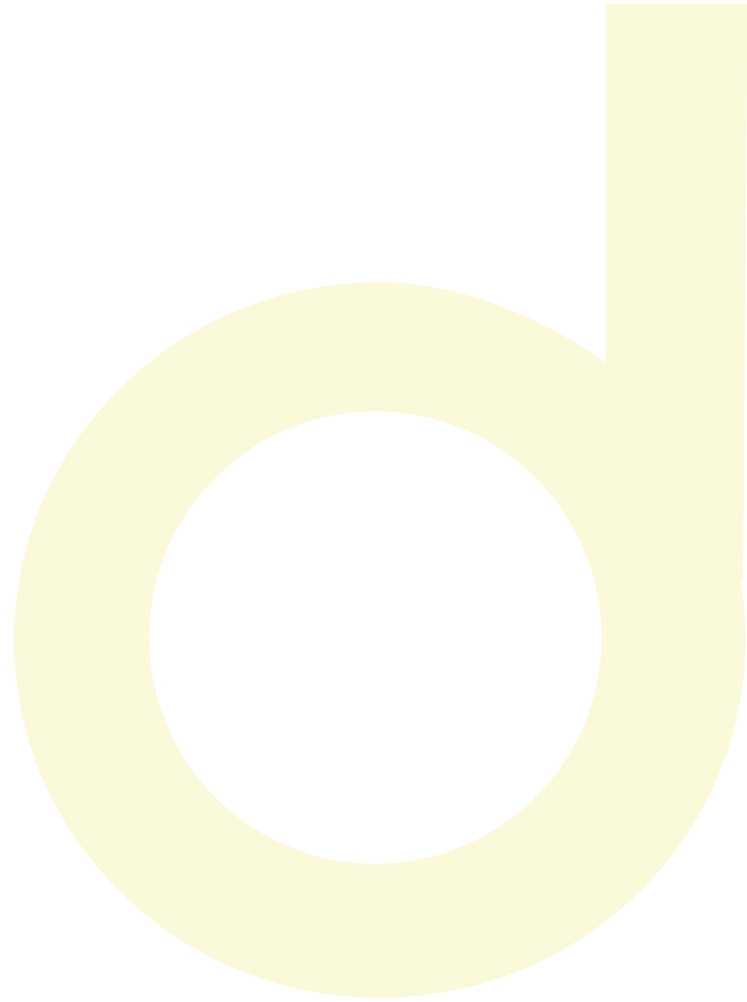
Appendix 11 - Neighbour, Peter Sealey, Sworn Affidavit



# Appendix 1 - Acoustic Report

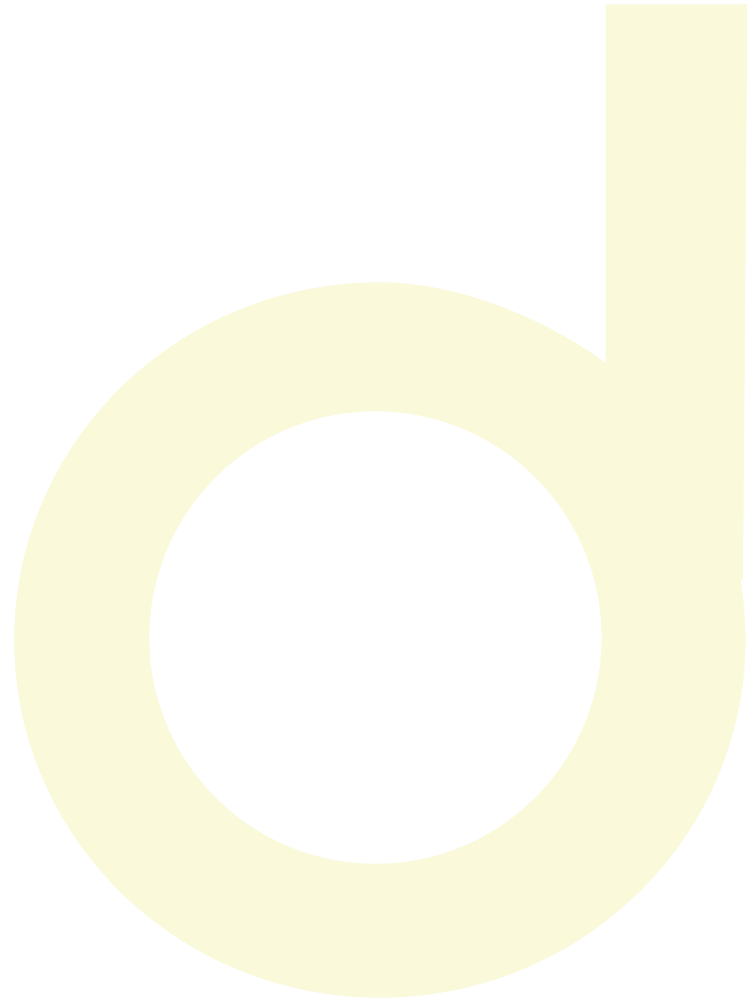


## Appendix 2 - Acoustic supporting letter



# Appendix 3 - Transport Statement

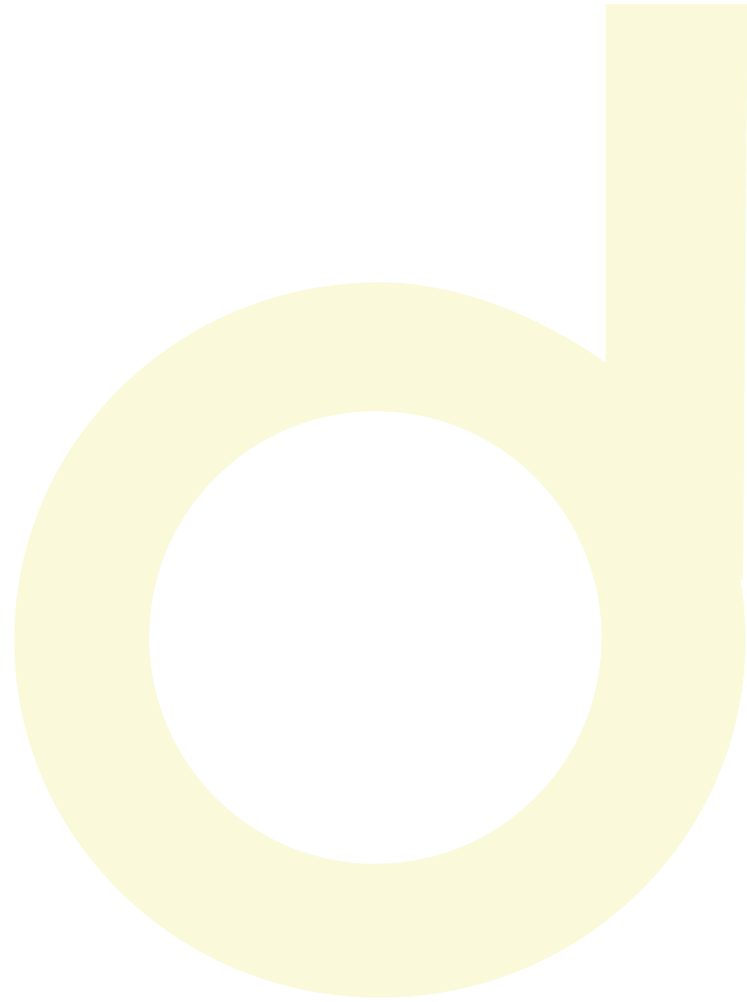




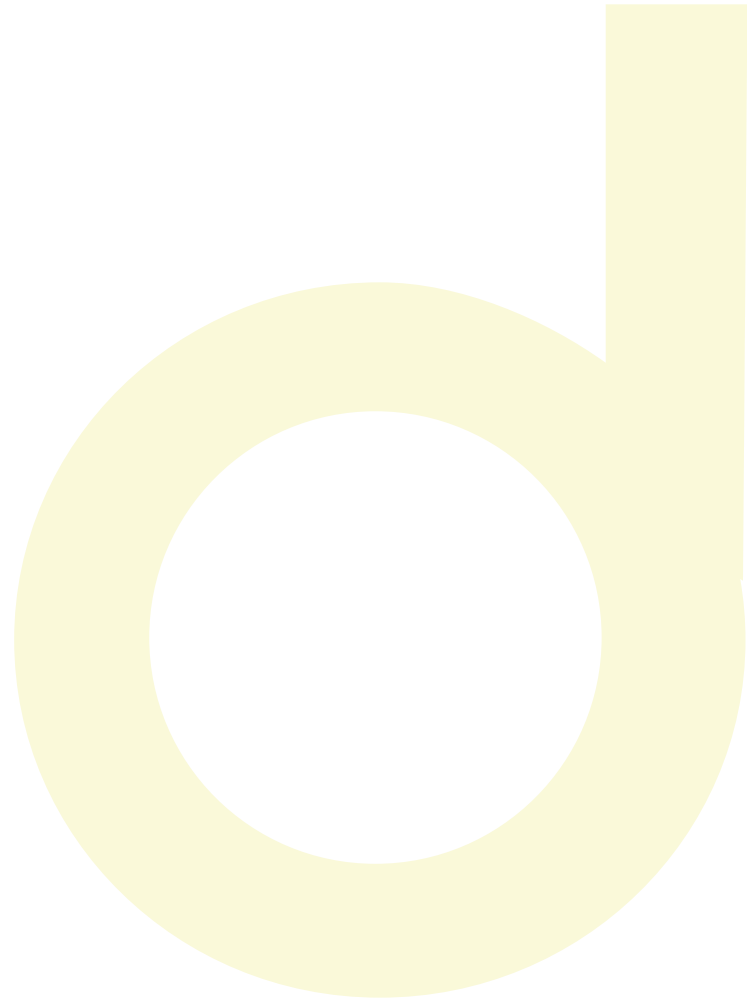
## Appendix 4 - Transport supporting letter

# Appendix 5 - Daylight Assessment Report (Dec 2023)



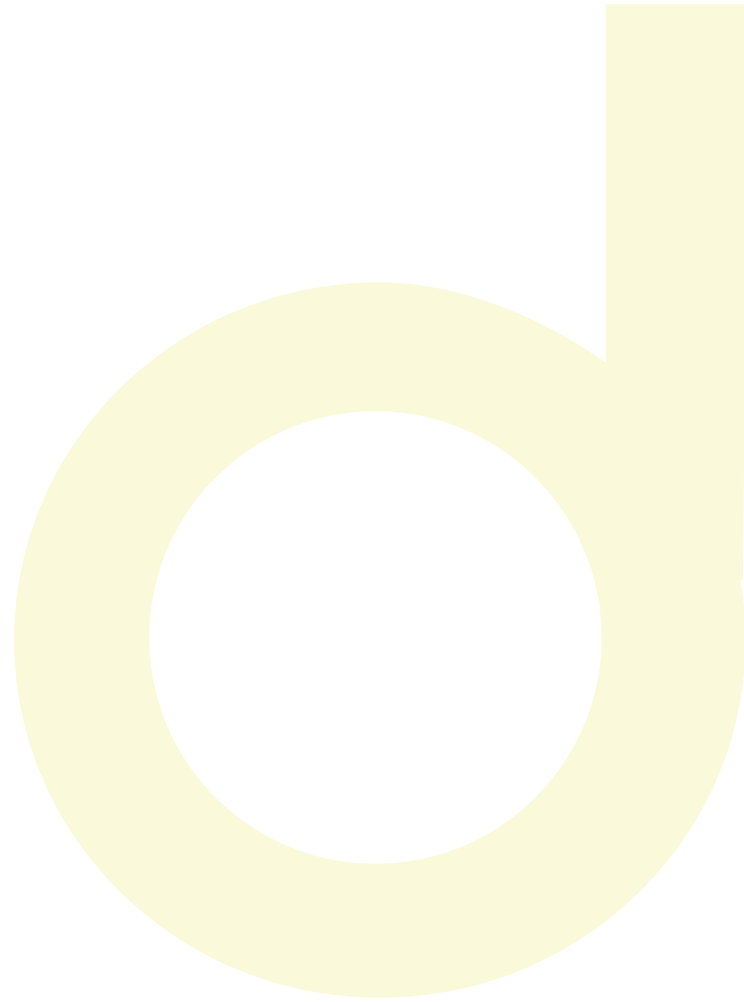


## Appendix 6 - PRA



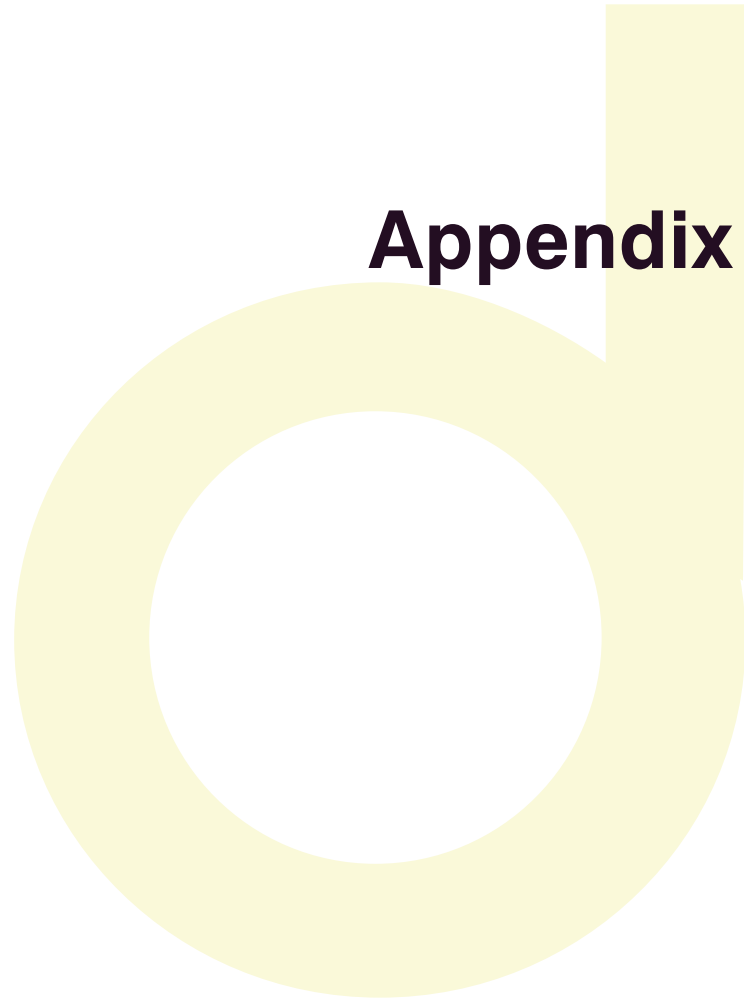
## Appendix 7 - Flood Note

# Appendix 8 - Proof of Vacancy

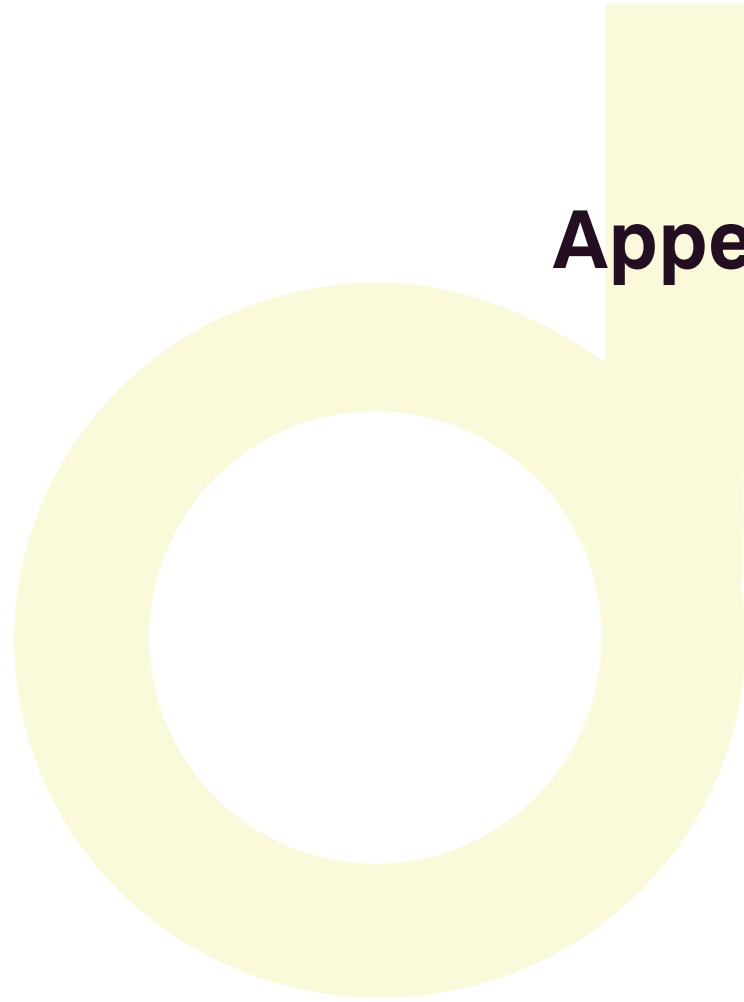




# Appendix 9 - Applicant, Shakeel Adli, Sworn Affidavit



# Appendix 10 - Agent, Tony King, Sworn Affidavit



# Appendix 11 - Neighbour, Peter Sealey, Sworn Affidavit

