



Planning Statement

Musgrave House
Widewater Place,
Denham,
UB9 6NS

Fprop Offices General Partner Ltd

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Document Reference:

21.194

Version 1

Date of Issue:

May 2021

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Introduction

1. Permitted development rights allow Change of Use from offices B1(a) to homes (C3) to provide new residential units in existing buildings.
2. This supporting statement relates to a Prior Approval application of **Musgrave House** at Widewater Place, Denham, UB9 6NS for the Change of Use from offices (B1 (a)) to residential (C3) which meets the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3. Widewater Place is capable of providing a significant level of residential units in accordance with the government's aspirations and boosting housing supply. This application seeks Prior Approval for 36 units comprising:
 - 13 x one-bedroom dwellings
 - 20 x two-bedroom dwellings
 - 3 x three-bedroom dwellings
4. This statement provides information on, and is accompanied by supporting reports, in relation to the following matters for consideration:
 - contamination risks on the site;
 - flood risks on the site;
 - transport and highway matters; and
 - impacts of noise from commercial premises on the intended occupiers.
 - provision of adequate natural light in all habitable rooms of the dwellinghouses.
5. This Planning Statement should be read in conjunction with the following documents forming part of the application:
 - Application form;
 - Transport Note
 - Flood Risk Assessment
 - Noise Impact Assessment
 - Daylight Assessment
 - Contamination Assessment

Introduction

6. This Planning Statement, together with the supporting information demonstrate that there are no matters relating to the site that would prevent the Council from granting approval, subject to conditions where required.

Background

7. It is recognised by the Government that there is an urgent need to increase the rate of house building in England and make housing supply more responsive to changes and demand.
8. As part of a range of measures and reforms designed to address the lack of supply of housing allowing the Change of Use from offices to residential to take place more easily provides a timely opportunity to contribute to meeting housing pressing need.
9. This approach provides the joint benefits of encouraging and supporting the increase in housing supply and, encouraging the re-generation of offices which will in turn ultimately reduce pressure on green field sites.
10. Removing the requirement to submit a planning application for a Change of Use – and the associated costs and delays – is intended to encourage developers to bring forward land and buildings for residential use.

LEGISLATIVE FRAMEWORK

11. The Town and Country Planning General Permitted Order (GPDO) provides a grant of planning permission in-principle by giving deemed consent for specific developments, without the operator having to make a full application to the Local Planning Authority for planning permission.
12. Schedule 2 of the GPDO grants permission for classes of development described as “permitted development”.
13. On 30th May 2013 the GPDO was amended and Part 3 of Schedule 2 included Class J, which relates to the Change of Use to a Use falling with Class C3 from a Use falling within Class B1(a).
14. The above legislation has been subsequently amended through The Town and Country Planning (General Permitted Development) (England) Order 2015 and now refers to change of use from B1(a) to C3 under Schedule 2, Part 3, Class O. The legislation was then further refined in the refined through The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.
15. Development permitted by Class O is conditional on the applicant making a Prior Approval application to the Local

Background

Authority prior to commencement of development. In determining the application, the Local Planning Authority can consider only the transport and highway impacts of the development, contamination risks on the site, flooding risks on the site and impacts of noise from commercial premises on the intended occupiers of the development.

16. The legislation has now been amended through the Coronavirus Bill 2020 to also include adequate lighting in habitable rooms as a consideration, in addition to those listed above. These measures have been introduced following concerns regarding the quality of homes delivered under permitted development rights by the minority of developers. The Local Planning Authority must only consider adequate lighting in *habitable* rooms, which is defined in Regulation 19 as any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.
17. In relation to development proposed under Classes M, N, O, P, PA and Q of Part 3 of the GPDO 2015 (as amended), a statement specifying the net increase in dwelling-houses proposed by the development (a net increase in dwelling-houses is the number of dwelling-houses proposed by the development that is additional to the number of dwelling-houses on the site immediately prior to the development).
18. The principle of development is not a consideration as the development is permitted in-principle by the GPDO.
19. The Local Planning Authority has 56 days from the date of receipt to advise the applicant as to whether Prior Approval is required, or whether the application for Prior Approval has been granted or refused.
20. Where the application relates to Prior Approval as to transport and highways impacts of the development, the local planning authority should only consult the relevant highway authority where the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site,
21. Where the application relates to Prior Approval as to the flooding risks on the site, the local planning authority should only consult the Environment Agency where the development is in an area within Flood Zone 2 or Flood Zone 3; or in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the

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Environment Agency.

- 22. In relation to the contamination risks on the site the local planning authority must determine whether as a result of the proposed change of use, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(4), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(5).
- 23. In relation to noise impacts on future occupiers, commercial premises are defined as any premises normally used for the purpose of commercial or industrial undertaking which existed on the date of application and includes any premises licensed under the Licensing Act 2003(1).
- 24. In relation to natural light of the dwellinghouses, the Local Planning Authority must determine whether the proposals result in adequate natural light in all habitable rooms. Regulation 19 of the GPDO (as amended) defines 'habitable rooms' as 'any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms'. As such, the Local Planning Authority must only consider adequate lighting in accordance to the above definition.
- 25. If Prior Approval is not required the applicant can proceed once the applicant receives written notice to this effect, or once the 56-day period has expired. The local planning authority may grant Prior Approval unconditionally or subject to conditions reasonably related to the subject matter of the Prior Approval.
- 26. Schedule 2 of Part 2 of the GPDO has also been updated, which requires all Prior Approval applications to meet the Nationally Described Space Standards, as set out by the Department for Communities and Local Government.
- 27. Section 7 of Part 3 of Schedule 2 of the GPDO states development must be completed within a period of 3 years starting with the prior approval date; and the developer must apply for a determination on or before 31st July 2021.

Site Description

- 28. Widewater Place is a purpose-built office park located north of Moorhall Road, within the jurisdiction of London Borough of Hillingdon.
- 29. The application site comprises an office building, with residential development to north and the Grand Union Canal running along the western boundary of the application site.
- 30. The site occupies a dense tree belt along the western and northern boundary of the site. There is also tree planting along Moorhall Road, screening the visibility of the buildings from the surrounding area.
- 31. The car parking spaces serving the building, and forming part of the curtilage, are located to the south, east and north of the building.
- 32. Access into the site is via the southern boundary, along Moorhall Road.
- 33. Widewater Place currently occupies 3 separate office buildings, under one management. For the purpose of this planning application, this Planning Statement relates to **Musgrave House** located east, which is currently occupied by Booker Retail Partners.
- 34. The site also occupies a small café, located at the centre of Widewater Place.
- 35. The gross internal area of the office building is 3,428sqm.

Proposals

36. This Prior Approval application seeks change of use of **Musgrave House** at Widewater Place, and its associated car parking, considered to be within the building's curtilage, from a use falling within Class B1(a) (offices) to a use falling within Class C3 (dwelling houses) of that Schedule.
37. The Change of use relates to the entirety of the building and seeks Prior Approval for the creation of 36 dwellings comprising:
- 13 x one-bedroom apartments
 - 20 x two-bedroom apartments
 - 3 x three-bedroom apartments
38. The residential units are proposed to be served by 56 car parking spaces plus 10% for visitors, utilising the existing car parking. In addition to the car parking, it is proposed to provide 39 cycles parking spaces. The cycle parking spaces will comprise Sheffield stands located to the east of the building by the north east access.

Compliance with Legislation

39. The provisions set out within Class O of Part 3 of the second Schedule of the GPDO set out that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwelling houses) of that Schedule is permitted.
40. The building subject to the Prior Approval provides purpose-built office accommodation arranged over three floors. Since the building was constructed it has only been, and continues to be, used for office (B1(a)) accommodation.
41. Development is not permitted where the following limitations as set out in Paragraph O.1 of Part 3 of Schedule 2 apply, commentary is provided after each:
- a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;"*
42. The building is not located on article 2(5) land as detailed in Part 3 of Schedule 1.
- b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order -*
- (i) on 29th May 2013, or*
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;*
43. The building was in use as an office (B1(a)) on 29th May 2013.
- c) the site is, or forms part of, a safety hazard area;*
44. The site does not form part of a safety hazard area.
- d) the site is, or forms part of, a military explosives storage area;*
45. The site does not form part of a military explosives storage area.
- e) the building is a listed building or is within the curtilage of a listed building; or*
46. The building is neither listed nor within the curtilage of a listed building.

Compliance with Legislation

f) the site is, or contains, a scheduled monument.

47. The site is not, and does not contain, a scheduled ancient monument.

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(2).

48. The gross internal floor area of all units exceeds the minimum standards and does comply with the Nationally Described Space Standards, as shown on the submitted plans.

49. Having established that none of the limitations identified in under Paragraph O.1 apply, development under Class O is permitted subject to the condition that before beginning the development, 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 the following:

- transport and highway impacts of the development;
- contamination risks on the site;
- flooding risks on the site;
- impacts of noise from commercial premises on the intended occupiers of the development; and,
- The provision of adequate natural light in all habitable rooms of the dwellinghouses.

50. This submission constitutes an application to the local planning authority in accordance with Paragraph W of Part 3 of Schedule 2 for a determination as to whether Prior Approval is required. As such, the conditions of the legislation have been met. Consideration of the Prior Approval matters are considered in the following section.

Supporting Information

51. This section seeks to provide information in relation to the Prior Approval matters and is considered to be reasonable and commensurate to the scale and nature of the proposed development.

TRANSPORT AND HIGHWAY IMPACTS.

Government Advice

52. The Government recognises that the external impacts of residential development are likely to be equal to or less than those associated with office use and in some cases may result in an increase in amenity. The Government acknowledge that there is risk that the new permitted development provisions may be perceived by some as a loss of control for local authorities, and their ability to consider the wider external costs and benefits of development in coming to a decision.
53. However, in the DCLG publication entitled “Relaxation of Planning Rules for Changes of Use from Offices to Residential – Impact Assessment May 2013”, states that it is likely that such impacts will be similar to housing developments; particularly in terms of footfall, traffic and parking. Furthermore, the report states that if the impacts are broadly similar it is unlikely to have any potential costs in terms of additional infrastructure requirements.

Site Assessment

54. This application is accompanied by a Transport Note prepared by EAS. This section summarises the transport impact and provision of car and cycle parking; but should be read in conjunction with the submitted report.
55. The site is located within a sustainable area, with access to nearby convenience shops, bus services and a train station, linked by good quality footways. It is acknowledged that the PTAL is level 1, but by virtue of the site being within 400m of 6 buses per hour, 1500m of a rail station, having local shops within 200m and a national cycle route passing the frontage, clearly the location is sustainably located.
56. Appendix C of the Local Plan sets the maximum standard for

Supporting Information

car parking at flats as 0.5 spaces per unit for studio flats, 1 to 1.5 spaces per unit for one- and two-bedroom flats and two spaces per unit for flats with three or more bedrooms. Proposals must also accommodate visitor's car parking on-site in addition to the above but no standard is specified. Car parks must be allocated to dwellings but it is not clear whether this means that individual spaces must be allocated to specific flats, especially where the standard is fractional.

- 57. The Appendix sets a standard of one long-term cycle parking space per studio, one- or two-bedroom flats and two cycle spaces per flat with three- or more bedrooms. B1 units should also provide 1 cycle parking space per 250sqm of floorspace. The table heading describes these as maximum standards but this may be a misprint for minimum, as paragraph 8.26 of the same document also states that this standard should be met. The standard of provision is below the minimum standards in the London Plan requirements.
- 58. Car and cycle parking provision will be made in line with local parking standards. At least 41 cycle parking spaces are provided as part of the scheme, in line with LBH policy. Based upon the existing number of spaces available on the site, the full provision of 56 car parking spaces is to be allocated to the residential units on the site plus 10% for visitors.
- 59. Pedestrian and cycle access to the development will be from Moorhall Road, as per existing arrangements. Vehicular access will also be retained as existing.
- 60. Servicing of the site will retain the existing patterns, with the servicing vehicle accessing the site off Moorhall Road, and routing around the bin stores on site for servicing.
- 61. Comparing the trip generation by the existing office and proposed residential units shows that the proposed conversion of the offices into residential will lead to a significant reduction in vehicular trips being generated to and from the site.
- 62. In actual terms, the reduction in trips in the AM peak hour is expected to be lowered from 117 trips down to 13 vehicular trips. In the PM peak hour, the vehicular trips are expected to drop from 67 to 12 trips.
- 63. Overall predicted traffic flows from the development during the peak hours are not high, with 13 movements in the AM peak hour and 12 movements in the PM peak hour. This level of traffic generation is likely to be imperceptible on the local highway network.

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64. The overall number of trips to and from the site are predicted to be significantly lower within the residential development, than the existing office development, by around 620 trips daily. The reduction in vehicular trips in the AM peak hour is expected to be lowered from 117 trips down to 13 vehicular trips. In the PM peak hour, the vehicular trips are expected to drop from 67 to 12 just trips.

CONTAMINATION RISKS OF THE SITE

65. This application is accompanied by a Desk Study/Preliminary Risk Assessment Report prepared by Jomas Engineering.
66. This risk assessment was undertaken to determine the nature and where possible the extent of contaminants potentially present at the site; and to establish the potential presence of significant contaminant linkages; and, to assess whether the site is safe and suitable for the purpose for which it is intended (or can be made so by remedial action).
67. The site proposal indicates that the majority of the site will remain covered by a combination of the proposed building footprint and hard surfacing. Where this is the case, no formal remedial measures are considered necessary in terms of human health, as the building and hard surfacing are expected to provide a barrier to potential receptors. Further monitoring visits are considered necessary to provide confidence that worst case conditions would not result in a CS2 classification, for which ground gas protection measures would be required. It is recommended that a further five monitoring visits are undertake over a five month period.
68. As set out at Schedule 2, Part 3, paragraph W (13) The Town and Country Planning (General Permitted Development) (England) Order 2015, the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. Paragraph: 001 Reference ID: 21a-001-20140306 of the Planning Practice Guidance makes clear that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.
69. It is considered that the proposed investigations as documented in the Desk Study/Preliminary Risk Assessment

Supporting Information

Report prepared by Jomas Engineering should be undertaken prior to development, secured through condition.

FLOODING RISKS OF THE SITE

70. This application is accompanied by a Flood Risk Assessment (FRA) prepared by EAS which considers the sources of flood risk. This section summarises the flood risk on-site but should be read in conjunction with the submitted Flood Risk Assessment which provides full details.
71. The assessment considers the following potential sources of flooding:
- **Fluvial** – the site is wholly located within Flood Zone 1, therefore the risk from fluvial flooding is very low.
 - **Surface Water** – the FRA concludes the risk of surface water flooding is low.
 - **Groundwater** – the risk of groundwater flooding to the site is considered to be low.
 - **Artificial** – the site is not at risk of flooding from artificial sources, therefore the risk is low.
 - **Sewer Flooding** – there have been no instances of sewer flooding at this location, therefore the risk from sewer flooding is low.
72. Overall, the site is at low risk of flooding from all sources of flooding.

NOISE IMPACT FROM COMMERCIAL PREMISES

73. This application is accompanied by an Environmental Noise Impact Assessment prepared by Air & Acoustics Consultants assessing the existing background noise levels and determines the impact of commercial premises on the internal noise environment within the proposed residential dwellings. This section summarises the impacts of noise on the intended occupiers of the development but should be read in conjunction with the submitted Environmental Noise Impact Assessment which provides full details.
74. The assessment shows that no adverse effects are likely at any of the noise sensitive receptor locations as a result of the

Supporting Information

operations of Harleyford Aggregates or GRS bagging and the potential impacts are considered to be nil.

ADEQUATE LIGHTING IN ALL HABITABLE ROOMS

- 75. This application is accompanied by a Daylight Assessment prepared by Love Design Studio, which assesses the on-site daylight and sunlight ingress to rooms deemed habitable. This section summarises the daylight assessment but should be read in conjunction with the submitted Daylight and Sunlight Study which provides full details.
- 76. The assessment shows all LKD (Living/Kitchen/Dining) rooms meet or exceed the recommended levels of ADF.
- 77. All bedrooms meet or exceed the recommended levels of ADF.
- 78. It is therefore considered that the proposed development design is in line with the objectives of the National, Regional and Local policy context and the guidelines on daylight and sunlight set by BRE.

Conclusion

79. Permitted development rights allow Changes of Use from offices B1(a) to homes (C3) to provide new residential units in existing buildings.
80. This supporting statement relates to a Prior Approval application of **Musgrave House** at Widewater Place, Denham, UB9 6NS for the Change of Use from offices (B1 (a)) to residential (C3) which meets the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
81. Widewater Place is capable of providing a significant level of residential units in accordance with the government's aspirations and boosting housing supply. This application seeks Prior Approval for 36 units comprising:
- 13 x one-bedroom dwellings
 - 20 x two-bedroom dwellings
 - 3 x three-bedroom dwellings
82. This statement has set out how the proposed development adheres to the conditions and exclusions set out within the legislation and has provided supporting information, where necessary, to demonstrate that Prior Approval should be given in relation to contamination, flood risks, transport and highway matters, impacts of noise from commercial premises and adequate natural lighting in all habitable rooms:
- there are no significant sources of contamination on the site and the risk of impact to future occupiers that can be mitigated; further survey work and mitigation, as necessary, can be secured through condition;
 - there is a low risk to the site from flooding;
 - the proposal utilises the existing access will reduce trip generation and will provide parking in accordance with the Council's standards;
 - the future occupiers will not be subject to any unacceptable noise levels;
 - the habitable rooms of all dwellinghouses will have adequate natural lighting; and
 - the flats comply with the Nationally Described Space Standards.

Conclusion

83. In light of the above, it is respectfully requested that Prior Approval is given for the proposed development.