Planning Statement

Change of use from Offices to Residential,

At Norgine House, Musgrave House and Chaplin House, Widewater Place

For Khoja Shia Ithnaasheri Muslim Community

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1. Introduction

1.1 Cerda Planning Limited has been instructed by Khoja Shia Ithnaasheri Muslim Community to act on their behalf in respect of submitting three Prior Approval applications to London Borough of Hillingdon Council for the change of use from offices to dwellinghouses, at Norgine House, Musgrave House and Chaplin House, Widewater Place, Harefield.

1.2 The sites are located within the administrative boundary of London Borough of Hillingdon

1.3 This statement provides a description of the site and background, planning history, and the development proposals. The legislative context in which the applications should be determined is set out.

1.4 The statement identifies the main considerations and assesses how the proposal accords with the requirements of the legislation.

1.5 Having assessed the proposal against the legislative context and relevant considerations, conclusions are drawn. The conclusions indicate that Prior Approval should be granted.

1.6 This statement should be read in conjunction with the other documents submitted with the application. The documents include the following:

- Completed Application Forms
- Location Plans
- Site Plans
- Floor Plans
- Flood Risk Assessments
- Site Investigations
- Noise Assessments
- Transport Statements
- Daylight and Sunlight Assessments

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2. Site and Surrounding Context

2.1 Widewater Place is a purpose-built office park located north of Moorhall Road, within the jurisdiction of London Borough of Hillingdon.

2.2 The application sites comprise office buildings, with residential development to north and the Grand Union Canal running along the western boundary of the application site.

2.3 The sites are bound by 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.

2.4 Car parking spaces serve the buildings, and forming part of the curtilages, located to the north, east, south and west of the buildings, respectively.

2.5 Access into the site is via the southern boundary, along Moorhall Road.

2.6 Widewater Place currently occupies 3 separate office buildings, under one management. For the purpose of this planning applications, this Planning Statement relates to all three sites, comprising Norgine House, Musgrave House and Chaplin House.

2.7 The site also occupies a small café, located at the centre of Widewater Place.

2.8 The gross internal area of the office buildings is as follows:

- Norgine House – 5,020sqm
- Musgrave House – 3,428sqm
- Chaplin House – 4,134sqm

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3. Planning History

3.1 The sites have been subject to Prior Approval application previously with applications initially refused, and then subsequent applications approved once the reasons for refusal addressed. The planning history is set out below:

- Refused Applications:
    - 8393/APP/2021/2192 – Change of use from offices to 46 residential flats (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) – Chaplin House – Prior Approval is Required and Refused on 26th July 2021.
    - 47321/APP/2021/2190 – Change of use from Offices to 36 residential flats (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) – Musgrave House – Prior Approval is Required and Refused on 26th July 2021.
    - 8393/APP/2021/2191 – Change of use from Offices to 49 residential flats (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) – Norgine House – Prior Approval is Required and Refused on 26th July 2021.
- Approved Applications
    - 76641/APP/2021/2959 – Change of use from offices to 46 residential flats (Use Class C3) (Application for Prior Approval

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under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) – Chaplin House – Prior Approval is Required and Granted on 22nd September 2021

- 76643/APP/2021/2961 – Change of use from Offices to 36 residential flats (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) – Musgrave House – Prior Approval is Required and Granted on 22nd September 2021

- 76642/APP/2021/2960 – Change of use from Offices to 49 residential flats (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) – Norgine House – Prior Approval is Required and Granted on 22nd September 2021.

- 76643/APP/2024/1497 – Change of use from Offices (Use Class E(g)(i)) to 36 residential flats (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) – Musgrave House – Prior Approval is Required and Granted on 1st August 2024.

- 76641/APP/2024/1498 – Change of use from Offices (Use Class E(g)(i)) to 46 residential flats (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) – Chaplin House – Prior Approval is Required and Granted on 1st August 2024.

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- 76642/APP/2024/1499 – Change of use from Offices (Use Class E(g)(i)) to 49 residential flats (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) – Norgine House – Prior Approval is Required and Granted on 1st August 2024.

4. Details of the Proposal

4.1 In respect of Chaplin House, the Change of use relates to the entirety of the building and seeks Prior Approval for the creation of 46 dwellings comprising:

- 12 x one-bedroom apartments
- 33 x two-bedroom apartments
- 1 x three-bedroom apartments

4.2 The residential units are proposed to be served by 70 car parking spaces plus 10% for visitors, utilising the existing car parking. In addition to the car parking, it is proposed to provide 47 cycles parking spaces. The cycle parking spaces will comprise Sheffield stands located to the east of the building by the north east access.

4.3 In respect of Musgrave House, 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

4.4 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.

4.5 In respect of Norgine House, the change of use relates to the entirety of the building and seeks Prior Approval for the creation of 49 dwellings comprising:

- 11 x one-bedroom apartments

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- 30 x two-bedroom apartments
- 8 x three-bedroom apartments

4.6 The residential units are proposed to be served by 78 car parking spaces plus 10% for visitors, utilising the existing car parking. In addition to the car parking, it is proposed to provide 57 cycles parking spaces. The cycle parking spaces will comprise Sheffield stands located to the east of the building by the north east access.

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5. Legislative Context

5.1 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.

5.2 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.

5.3 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.

5.4 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.

5.5 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.

5.6 Schedule 2 of the GPDO grants permission for classes of development described as "permitted development".

5.7 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).

5.8 The above legislation was subsequently amended through The Town and Country Planning (General Permitted Development) (England) Order 2015 and referred to change of use from B1(a) to C3 under Schedule 2, Part 3, Class O.

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The legislation was then further refined in the refined through The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

5.9 Development permitted by Class O was conditional on the applicant making a Prior Approval application to the Local 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.

5.10 The legislation was again 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.

5.11 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).

5.12 The principle of development is not a consideration as the development is permitted in-principle by the GPDO.

5.13 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.

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5.14 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.

5.15 Further to the above amendments to the legislation, under which the previous Prior Approval applications were made, Class O was revoked at the end of July 2021 by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), to be replaced by Class MA. Inserted by the same Statutory Instrument.

5.16 Initially Class MA was subject to two clauses that placed a limit on the cumulative floor space of the existing building changing use under Class MA and a requirement that a building must be vacant for a continuous period of at least 3 months immediately prior to the date of an application for prior approval. Both of these clauses have now been omitted by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (S.I. 2024/141).

5.17 The Explanatory Memorandum accompanying S.I. 2024/141 re-iterates that:

> *'Permitted development rights have an important role to play in the planning system. They are an important tool to support growth by providing certainty and removing the time and money needed to submit a planning application. Permitted development rights can incentivise certain forms of development and provide flexibilities and planning freedoms to different users, including businesses, local authorities and local communities.*
>
> *There are a number of permitted development rights that allow for the change of use from a variety of existing uses to dwellinghouses. These rights make an important contribution to housing delivery. In the eight years to March 2023, permitted development rights for the change of use have delivered 102,830 new homes to rent or to buy. In the last year*

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9,492 homes were delivered under these rights, representing 4% of overall housing supply.

Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity.

Class MA of Part 3 of Schedule 2 of the General Permitted Development Order permits the change of use of commercial, business and service uses to use as dwellinghouses. To further support housing supply, Article 3 amends the permitted development right to remove the limit on the cumulative floor space of the existing building changing use under Class MA. It also removes the requirement that a building must be vacant for a continuous period of at least 3 months immediately prior to the date of an application for prior approval.

These changes will bring additional premises into scope of the right and deliver more homes to buy or to let than would otherwise have been the case.'

5.18 Following these recent amendments, they facilitate the ability to apply for Prior Approval at the application sites.

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6. Assessment of the Proposals

6.1 Having set out a description of the site and its context, the planning history, the development proposals and the legislative context, the remainder of this statement assesses the proposals against the legislative framework and the Prior Approval considerations.

6.2 The provisions within Class MA 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 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 is permitted.

6.3 The buildings 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 accommodation, falling within Class E (commercial, business and service).

6.4 Development is not permitted where the following limitations as set out in Paragraph MA.1 of Part 3 of Schedule 2 apply, commentary is provided after each:

(a) …

6.5 The above previously related to the cumulative floorspace that could be subject to change of use, but as set out above, this has now been omitted and is no longer applicable

(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;

6.6 The building does fall within the use classes specified within sub-paragraph (2) below, for a continuous period of at least 2 years.

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(c) …

6.7 The above previously related to the building having to be vacant for a period of 3 months prior to an application being made but as set out above, this has now been omitted and is no longer applicable

(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;

6.8 None of the above are applicable to the application sites.

(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;

(iii)the Broads;

(iv)a National Park; or

(v)a World Heritage Site;

6.9 None of the above are applicable to the application sites.

(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

6.10 The sites are not occupied under an agricultural tenancy.

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(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.

6.11 There is no article 4(1) direction.

(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.

6.12 The sites fell within Class B1 prior to 1st September 2020 and Class E after.

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6.13 In addition to the above, Clause 3. Permitted Development, sub-clause (9A) sets out that:

> *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).*

6.14 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.

6.15 Having established that none of the limitations identified in under Paragraph MA.1 apply, development under Class MA is permitted subject to the conditions set out at Paragraph MA.2. These are set out below with commentary provided after each.

(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—

6.16 These applications comply with the above condition for application to the local planning authority.

(a)transport impacts of the development, particularly to ensure safe site access;

6.17 These applications are 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.

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6.18 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 1a, 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.

6.19 Car and cycle parking provision is made in line with local parking standards, as shown on the accompanying plans.

6.20 Pedestrian and cycle access to the development will be from Moorhall Road, as per existing arrangements. Vehicular access will also be retained as existing.

6.21 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.

6.22 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.

6.23 The previous Prior Approval applications included consultation response from the Local Highway Authority who raised no objection to the proposals. The consultation response is summarized as follows:

6.24 In total the car parking space will be provided which meets the standards; a parking allocation plan should be secured by way of condition.

6.25 10% of parking spaces should be disabled compliant. This level is to be provided which conforms to the standard.

6.26 There is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions. This level is proposed which is welcomed.

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6.27 This level of cycle parking provision is proposed to be placed in proximity of the front building entrances in a communal fashion which is considered appropriate and satisfactory.

6.28 Allocated spaces for motorcycle/scooter parking should be provided which can be secured through condition.

6.29 The distance to refuse and recycling from some units exceed a distance of 30m. This aspect requires resolution, potentially by way of revision of waste storage designs or a site management regime. If the latter route is applied, it should be secured via planning condition.

6.30 The likely traffic activity generated by the conversion to a residential use is therefore considered relatively absorbable in generation terms and therefore can be accommodated within the local road network without notable detriment to traffic congestion and road safety.

6.31 A Construction Management Plan should be secured by way of a planning condition

6.32 In accordance with the Town and Country Planning General Permitted Development (GPD) (Amendment) Order 2015 (Class O - Part 3 of Schedule 2) (as amended) there is broadly no specific objection to the conversion from B1(a) to C3 residential use in transport and highways impact terms.

6.33 In light of the previous comments made by the Local Highway Authority, there should be no concern with the current proposals.

6.34 For the avoidance of doubt, the applicant is agreeable to a Waste Management Regime being secured by way of condition, as per the previous approvals.

(b)contamination risks in relation to the building;

6.35 These applications are accompanied by a Desk Study/Preliminary Risk Assessment Report prepared by Jomas Engineering.

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6.36 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).

6.37 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.

6.38 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.

6.39 It is considered that the proposed investigations as documented in the Desk Study/Preliminary Risk Assessment Report prepared by Jomas Engineering should be undertaken prior to development, secured through condition.

6.40 The previous Prior Approval applications included consultation responses from the Environmental Health Officer. The consultation response is summarized as follows:

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6.41 The submitted risk assessment concludes that a Remediation Strategy is required to address concentrations of contaminants which exceed the adopted assessment criteria;

6.42 it is recommended that conditions are imposed to ensure the site is made suitable for the proposed use;

6.43 In light of the previous comments made by the Environmental Health Officer, there should be no concern with the current proposals as an appropriate remediation scheme can be secured by way of a planning condition.

(c)flooding risks in relation to the building;

6.44 These applications are 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.

6.45 The site is located within Flood Zone 1. The design flood event for surface water is the 1 in 100 year event including an allowance for climate change. Interrogation of the maps of modelled flood depth show flooding at the site with depths ranging from below 150mm up to 300mm. Flooding is mainly located within the internal access road and parking areas. The building entrance remains outside the modelled flood extent. It is therefore concluded that there is low risk of internal flooding.

6.46 Mitigation measures detailed in the reports include flood resistant measures such as flood protection covers on all ground floor airbricks and display of a flood warning sign. Access and egress has been demonstrated to be achieved for the general public. It is recommended that residents sign up to Met Office weather warnings. There is to be no increase in building roof area or hardstanding and therefore no amendments to the existing surface water drainage are required.

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6.47 Overall, the building is at low risk of flooding from all sources of flood risk. The proposed development is considered to be suitably and sustainably located and is in line with local and national policies. It is concluded that there are no reasons relating to flood risk as to why permission should not be granted.

6.48 The previous Prior Approval applications included consultation responses from the Lead Local Flood Authority. The consultation responses stated that:

6.49 A Flood Risk Assessment has been provided confirming the site is in Flood Zone 1 and has some surface water risk within the site and access to the site. This is indicated to be away from building and a notice providing some awareness of the risks to the site and occupants will be provided by the applicant. Therefore, there are no objections to the change of use.

6.50 In light of the above, there should be no concerns raised in relation to this matter.

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

6.51 The previous applications were 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.

6.52 The assessment shows that no adverse effects are likely at any of the noise sensitive receptor locations as a result of the operations of Harleyford Aggregates or GRS bagging and the potential impacts are considered to be nil.

6.53 The first Prior Approval applications were refused for the following reason:

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'The proposed development does not constitute permitted development by virtue of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) because insufficient evidence has been provided in relation to the impact of noise from adjacent commercial premises on the intended occupiers of the proposed dwellings. Paragraph W(3)(d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that the Local Planning Authority may refuse an application where, in the opinion of the authority the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part of being applicable to the development in question. As such, the Prior Approval is refused.'

6.54 The applications included a consultation response from the Environmental Health Officer. The consultation response recommended refusal of the application based on a lack of information provided within the Noise Impact Assessment in relation to the following matters:

- The effects of construction noise from HS2 on the amenity of future occupiers
- The effects of operational noise from HS2 on the amenity of future occupiers
- The effects of operational noise from Herleyford Aggregates on the amenity of future occupiers.

6.55 Following the concerns raised that consideration must be given to the effects of noise from the construction and operational phases of HS2, during discussions as part of the application, it was agreed by the Local Planning Authority, in an e-mail dated 23.07.2021, that HS2 does not constitute a

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commercial premises and therefore does not need to be considered as part of an application for Prior Approval.

6.56 The concerns in relation to the effects from Harleyford Aggregates relate to the enjoyment and quality of life as a result of constraints on opening windows. This is a consideration of the amenity of the residents, and the EHO does identify that with non-openable windows and mechanical ventilation, acoustic fencing, or other such mitigation, that the effects of noise cannot be mitigated. It was highlighted in the application that the existing windows of the building are non-openable, which is not proposed to be altered through this application, and therefore the amenity of the occupiers are not affected as a result of windows having to be non-openable as a result of noise.

6.57 Notwithstanding the above, the Noise Impact Assessment was updated to address the matters raised by the EHO. Regard should be had to the revised Noise Impact Assessment for full details.

6.58 Additionally, during the determination of the previous applications, concern was raised with the use of external areas of the building and their ability to achieve noise levels for external amenity. As a result, the plans were amended to include annotation that the external areas will not be used for amenity in perpetuity and the doors will be sealed internally to achieve this.

6.59 In light of the allowances for considerations of noise under the relevant legislation and the revised Noise Impact Assessment, it can only be concluded that the future occupiers would not be adversely impacted by noise from commercial premises.

6.60 Notwithstanding the above, for the purposes of robustness, updated noise impact assessments are being undertaken at present and will be submitted shortly following submission of the applications.

(e)where—

(i)the building is located in a conservation area, and

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(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;

6.61 The application sites are located within the Widewater Lock Conservation Area. And therefore, the impact of the change of use of the ground lfoor of the buildings on the character or sustainability of the conservation area must be considered.

6.62 As indicated by the conservation areas name, the significance of the conservation area is associated with the Grand Union Canal, Lock 86 (Widewater Lock) and the associated moorings to the south of the lock.

6.63 The conservation area does not draw any significance from the inclusion of the office blocks.

6.64 The proposals include change of use of the ground floor of the buildings. At present there is unrestricted use of the office buildings resulting in vehicular and pedestrian movements, as well as the presence of lights from within the offices. It should be noted that the Grand Union canal and lock are separated from the site by a dense row of vegetation and only Chaplin House fronts the canal, with Norgine House and Musgrave House being set back.

6.65 Change of use to residential development would not materially alter the effect on the significance of the heritage asset through its character, or sustainability.

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

6.66 The previous applications were accompanied by a Daylight and Sunlight Assessment prepared by Love Design Studio, which assessed 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.

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6.67 The assessment shows all LKD (Living/Kitchen/Dining) rooms meet or exceed the recommended levels of ADF.

6.68 All bedrooms meet or exceed the recommended levels of ADF.

6.69 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.

6.70 No concerns were raised in relation to achieving adequate natural light to all habitable rooms for the previous Prior Approval applications.

6.71 Notwithstanding the above, updated Daylight and Sunlight Assessments have been prepared and is submitted as part of these applications. The studies assessed the on-site daylight and sunlight provision to rooms deemed habitable, based on relevant, updated, industry guidance.

6.72 At Chaplin House, the illuminance method demonstrates that the Proposed Development achieves a 97% pass rate across all habitable rooms. Furthermore, all dwellings within 90 degrees due south achieve the minimum sunlight requirements.

6.73 At Musgrave House, the illuminance method demonstrates that the Proposed Development achieves a 99% pass rate across all habitable rooms. Furthermore, all dwellings within 90 degrees due south achieve the minimum sunlight requirements.

6.74 At Norgine House, the illuminance method demonstrates that the Proposed Development achieves a 95% pass rate across all habitable rooms. Furthermore, all dwellings within 90 degrees due south achieve the minimum sunlight requirements.

6.75 Therefore, the Proposed Development has been designed to provide sufficient daylight and sunlight access to future occupants. Considering the Proposed Development consists of the refurbishment of an existing building rather than a

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new construction, daylight and sunlight has been maximised and the BRE guidelines have been achieved, where possible.

(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;

6.76 The area is not important for such uses. The only such use is the aggregate site across the canal but this has been considered by the noise impact assessment and it has been demonstrated that the residential occupiers would not be adversely effected by that business.

6.77 Furthermore, it should be noted that the development does not result in the introduction of a residential use into the area as it is already bound by residential uses to the north and east.

(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,the impact on the local provision of the type of services lost; and

6.78 The proposal does not result in the loss of the above services.

(i)where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building]

6.79 MA.3 relates to interpretation of MA which sets out that the Fire Risk Conditions relates to a building which will contain two or more dwellinghouses and satisfy the height condition of Paragraph 3 of Article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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6.80 Paragraph 3 of Article 9A identifies the height condition as being:

(a)the building is 18 metres or more in height; or
(b)the building contains 7 or more storeys.

6.81 Whilst the development would comprise two or more dwellinghouses, the buildings are not 18 metres or more in height and do not condition 7 or more storeys. Therefore, the fire safety impacts on the intended occupiers of the building is not a consideration as part of these applications.

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

6.82 The applications are made after this date.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph [as if—

(e)where—

(i)sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii)sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,";

6.83 Whilst a Flood Risk Assessment has been submitted, the Environment Agency is not required to be consulted and as the Fire Risk Condition is not met, the Health and Safety Executive do not need to be consulted.

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

6.84 This will be complied with and would be a condition applied to the forthcoming approvals.

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(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.]

6.85 This would be complied with.

6.86 Having regards to the above, it is demonstrated that the proposals do not meet any of the limitations of the permitted development and apply with the relevant considerations. Therefore, the proposals are permitted development and should be approved.

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7. Conclusions

7.1 Permitted development rights allow Changes of Use from offices (Class E) to homes (C3) to provide new residential units in existing buildings.

7.2 This supporting statement relates to Prior Approval applications at Chaplin House, Musgrave House and Norgine House at Widewater Place, Denham, UB9 6NS for the Change of Use from offices (commercial, business and service uses) (Class E) to residential (C3) which meets the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.3 Widewater Place is capable of providing a significant level of residential units in accordance with the government's aspirations and boosting housing supply.

7.4 These applications seeks Prior Approval for 131 units comprising:

- 46 dwellings at Chaplin House, comprising:
    - 12 x one-bedroom apartments
    - 33 x two-bedroom apartments
    - 1 x three-bedroom apartments
- 36 dwellings at Musgrave House, comprising:
    - 13 x one-bedroom apartments
    - 20 x two-bedroom apartments
    - 3 x three-bedroom apartments
- 49 dwellings at Norgine House, comprising:
    - 11 x one-bedroom apartments

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- 30 x two-bedroom apartments
- 8 x three-bedroom apartments

7.5 These applications comprise a resubmission following previous Prior Approvals on the site.

7.6 This statement has set out how the proposed development adheres to the limitations and conditions 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 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 from commercial premises;
- the habitable rooms of all dwellinghouses will have adequate natural lighting; and
- the flats comply with the Nationally Described Space Standards.

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

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