

**Application reference: 14/3206/P3JPA**  
**TEDDINGTON WARD**

Date application received	Date made valid	Target report date	8 Week date
29.07.2014	29.07.2014	23.09.2014	23.09.2014

**Site:**

16-20 The Causeway, Teddington, TW11 0HE,

**Proposal:**

Internal alterations to change the use from B1 office to C3 residential (8 x 1 and 2 bed flats)

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

**APPLICANT NAME**

C/o Agent

**AGENT NAME**

Mr Gareth Stockbridge  
6 Wrotham Business Park  
Barnet  
Herts  
EN5 4SB  
United Kingdom

**DC Site Notice:** printed on and posted on and due to expire on

**Consultations:**

**Internal/External:**  
**Consultee**

**Expiry Date**

**Neighbours:**

First Floor, 16 - 20 The Causeway, Teddington, TW11 0HE, - 30.07.2014  
Second Floor, 16 - 20 The Causeway, Teddington, TW11 0HE, - 30.07.2014  
Third Floor, 16 - 20 The Causeway, Teddington, TW11 0HE, - 30.07.2014  
14 The Causeway, Teddington, TW11 0HE, - 30.07.2014  
22 The Causeway, Teddington, TW11 0HF, - 30.07.2014  
14B The Causeway, Teddington, TW11 0HE, - 30.07.2014  
14A The Causeway, Teddington, TW11 0HE, - 30.07.2014  
10 Middle Lane, Teddington, TW11 0HQ, - 30.07.2014  
Flat 1, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
Flat 2, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
Flat 3, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
Flat 4, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
Flat 5, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
Flat 6, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
Flat 7, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
Flat 8, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
Flat 9, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
Flat 10, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
Flat 11, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014  
12, Bridge House, 74C Broad Street, Teddington TW11 8QT - 30.07.2014

**History: Development Management, Appeals, Building Control, Enforcements:**

Development Management

Status: REF

Date: 27/04/1990

Application: 90/0473/FUL

Change Of Use Of 3rd Floor From Residential To Office Use.

Development Management  
Status: REF  
Date: 15/10/1999

Application: 99/2086  
Proposed Conversion Of Existing Second Floor Office Into Four Self Contained Flats.

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Development Management  
Status: GTD  
Date: 05/04/2012

Application: 12/0008/COU  
Change of use from A1 (off license) to mixed use A3/D2 (cafe/soft play centre)

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Development Management  
Status: VOID  
Date: 14/02/2012

Application: 12/0410/VOID  
Change of use of Off License (A1) to soft play centre/cafe (D2/A3)

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Development Management  
Status: WNA  
Date: 06/01/2014

Application: 12/1397/FUL  
Conversion of upper two floors to form 8 no self contained flats with alterations to fenestration on front elevation.

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Development Management  
Status: ARPR  
Date: 01/08/2013

Application: 13/1895/P3JPA  
Internal alterations to change the use from B1 office to C3 residential

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Development Management  
Status: WDN  
Date: 29/01/2014

Application: 13/4148/P3JPA  
Internal alterations to change the use from B1 office to C3 residential (8 self contained flats)

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Development Management  
Status: ARPR  
Date: 20/05/2014

Application: 14/0992/P3JPA  
Internal alterations to change the use from B1 office to C3 residential (8 x 2 bed flats)

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Development Management  
Status: ARPR  
Date: 28/07/2014

Application: 14/2283/P3JPA  
Internal alterations to change the use from B1 office to C3 residential (8 x 1 and 2 bed flats)

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Development Management  
Status: PCO  
Date:

Application: 14/3206/P3JPA  
Internal alterations to change the use from B1 office to C3 residential (8 x 1 and 2 bed flats)

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Building Control  
Deposit Date:  
14.02.2001  
Reference:  
01/0284/FP

Interior refurbishment at second floor level

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Building Control  
Deposit Date:  
04.07.1996  
Reference:  
96/0898/FP

Alterations & additions to office partitions

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Building Control  
Deposit Date:  
27.08.1996  
Reference:  
96/0898/1/FP

Alterations and additions to office partitions

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Building Control  
Deposit Date:  
30.07.2012  
Reference:  
12/NIC01769/NICEIC

Replacement consumer unit

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Enforcement  
Opened Date:  
22.12.2011  
Reference:  
11/0745/EN/USN

Enforcement Enquiry

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Enforcement  
Opened Date:  
06.06.2013  
Reference:  
13/0273/EN/USN

Enforcement Enquiry

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**Constraints:**

**Site, history and proposal:**

16-20 The Causeway comprises a large vacant ground floor shop unit with first and second floor offices and a third floor flat.

An application (13/1895/P3JPA) was made in 2013 for prior approval to change the first and second floors to eight flats. No proposed parking was indicated. This was refused on the following grounds:

*Prior approval is required in relation to the transport and highways impacts of the development, specifically the impact of the increase in demand of residential parking. In the absence of evidence to show that there would not be a significant adverse transport and highways impact, the development would be contrary to policy DM TP8 of the London Borough of Richmond upon Thames' Development Management Plan and prior approval is refused.*

A second application was made (13/4148/P3JPA). This included a transport assessment but the Senior Transport Planner did not consider that all the parking concerns were met. The application was withdrawn.

A third application (14/0992/P3JPA) again sought a change of use of the first and second floor offices to eight flats using the prior approval system. Six parking spaces were provided at the rear of the building and a transport statement was included. This application was also refused on the following grounds:

*Under Class J.2 (a) (transport and highways impact of the development) of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2013, prior approval is required and refused. Prior approval is required in relation to the transport and highways impacts of the development, specifically the impact of the increase in demand of residential parking. The scheme which would create a requirement for two additional parking spaces in an area where unrestricted parking is already heavily parked would have an unacceptable impact on on-street parking conditions. It would thereby be contrary to policy, particularly Policy DM TP8 of the adopted Development Management Plan 2011 and the National Planning Policy Framework.*

The fourth application (14/2283/P3JPA) was for the same scheme with some clarification on the transport statement. Whilst this was no longer objected to in principle, a contribution towards transport infrastructure was sought. Because a unilateral undertaking would have involved a mortgagee and the freeholder did not wish to be liable, it was necessary for the money to be paid by the applicant prior to a decision being made. The money was not received in time and the application was refused on the following grounds:

*In the absence of an agreement to secure the appropriate and necessary contributions towards highway and transport infrastructure the proposal would have an unacceptable burden on local infrastructure, contrary to local development plan policies, in particular, CP5 and CP16 of the Core Strategy; Policy DM TP2, DM TP6 and DM TP8 of the Development Management Plan; SPG 'Planning Obligation Strategy', and the National Planning Policy Framework. As a consequence, the proposed development does not benefit from prior approval by Class J of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995 (as amended).*

This new application is for the same development. The money mentioned above was received

on 29<sup>th</sup> July 2014.

**Public and other representations:**

Two objections received from a resident who lives in a flat opposite. The objections relate to loss of privacy, loss of light and a security risk, increased traffic, parking problems and pollution.

Legislation

Class J of the amended GPDO allows a change of use from B1 (a) office use to C3 residential subject to the following:

*Not permitted:*

- (a) the building is on article 1(6A) land;*
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;*
- (c) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;*
- (d) the site is or forms part of a safety hazard area;*
- (e) the site is or forms part of a military explosives storage area;*
- (f) the building is a listed building or a scheduled monument.*

*Conditions*

*J.2 Class J development is permitted subject to the condition that before beginning the development, the developer shall 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 and highways impacts of the development;*
  - (b) contamination risks on the site; and*
  - (c) flooding risks on the site,*
- and the provisions of paragraph N shall apply in relation to any such application.*

**Professional comments:**

The proposal satisfies the 'not permitted' criteria.

In the case of a previous application the Council Scientific Officer had no objection on contamination grounds. The Environment Agency did not object on flooding grounds.



Policy DM TP 8 states that the parking standards will be expected to be met, unless it can be shown that in proposing levels of parking applicants can demonstrate that there would be no adverse impact on the area in terms of street scene or on-street parking. This means that a shortfall would normally only be allowed if it would not result in the vicinity becoming 'heavily parked' (over 90% on-street capacity as defined in the 'Front Garden and Other Off Street Parking Standards' Supplementary Planning Document). In this case the flats would generate a demand for eight parking spaces and only six can be provided.

Having sought further clarification on the parking information supplied, the following conclusions were reached:

The parking survey which suggests that there is reasonable parking availability includes CPZ and restricted parking which would require residents to relocate their cars in the early morning which is not attractive to most. It is less likely people would chose to park in those locations if they could find a space in an unrestricted road.

The roads that are available for unrestricted parking, Church Rd, Church Lane and Park Lane are at capacity with 93% & 96% parking on both of the nights that they were surveyed. even though 2 spaces are said to overspill onto the surrounding streets, the area available for 24 hour unrestricted parking is already at capacity 93% and 96% and allowing 2 additional cars will further impact on existing residents on street parking availability.

Elleray Road CPZ is at capacity one evening with 23 spaces out of 25 (92%) being in use and 22 out of 25 spaces (88%) in use the other evening. In any event the residents cannot access the permit system and it is less likely that they would park there as they would need to move their car by 8.30am every morning Mon-Sat to unrestricted parking which is at capacity and any spaces are quickly taken up by commuters early in morning.

Some spaces appear to be available in the CPZ T area surveyed however, again vehicles would need to be moved to unrestricted spaces prior to the CPZ becoming operational.

The pay and display bays and free parking bays are used for overnight parking. There are 30 bays available and there were 12 cars parked during one survey (40% parking Stress) and 15 during the other survey (50% parking stress). While they could be used overnight vehicles would have to be moved prior to the bays becoming operational to unrestricted roads which are already at capacity.

This is a marginal case and it is acknowledged that there is some leeway on the CPZ roads after the operational hours and in the p+d bays overnight. It is also noted that a number of vehicles use the bays where they will need to be removed when operational hours begin. Bearing in mind the overspill of only two cars it is considered that the application can be accepted but any further applications will be reassessed and likely refused on parking if they do not provide on site parking for the developments needs.

The application cannot be refused on the basis of loss of privacy, loss of light, security risks or pollution. Parking considerations have been carefully considered above. It is not considered that the use as flats would generate a significant amount of additional traffic in comparison with the legal use as offices/light industrial. .

The development generates a Planning Obligations Strategy Transport requirement for £11,976 and this has now been paid and was accompanied by a unilateral undertaking.

Conditions.

The development hereby granted prior approval, shall not be occupied other than as 8 units (four 1-bed flats and four 2-bed flats).

REASON: To accord with the terms of the submission, and ensure the development does not raise unacceptable parking or traffic implications.

Prior to occupation of any of the units hereby approved the 6 car parking spaces shown on drawing 4146 02A shall be ready for use and be for the allocation to and the use of the flats within the building hereby approved.

REASON: To safeguard the amenities of the area and to ensure the scheme does not raise unacceptable highway or traffic impacts.

No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.

REASON: To safeguard the amenities of the area and to ensure the scheme does not raise unacceptable highway or traffic impacts.

#### Informatives

This prior approval permission has a Unilateral Undertaking/Section 106 Agreement which must be read in conjunction with it.

#### Approved Drawings

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers are as follows:-  
4146 01A and 02A received on 29<sup>th</sup> July 2014.

DEM

**Recommendation:**

The determination of this application falls within the scope of Officer delegated powers - YES / ~~NO~~

**I therefore recommend the following:**

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable

YES\*  NO  
(\*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement

YES\*  NO  
(\*If yes, complete Development Condition Monitoring in Uniform)

Case Officer (Initials): ..... *RSJ*

Dated: ..... *1/9 2013/14*

**I agree the recommendation:**

*RSJ*  
Team Leader/Development Control Manager

Dated: ..... *5.9.14*

This application has been subject to representations that are contrary to the officer recommendation. The Development Control Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Development Control Manager: ..... *T.R.A.*

Dated: ..... *08/09/14*

<b>REASONS:</b>
<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>
<b>UDP POLICIES:</b>
<b>OTHER POLICIES:</b>

The following table will populate as a quick check by running the template once items have been entered into Uniform

**SUMMARY OF CONDITIONS AND INFORMATIVES**

**CONDITIONS:**

**INFORMATIVES:**

**ADDITIONAL NOTES CONTINUED FROM ABOVE:**



**Professional Comments:**

**THIS UNILATERAL UNDERTAKING** is made as a Deed the 2<sup>nd</sup> day of August two thousand and fourteen  
**BY**

**SALAMON NOE and ETELKA NOE** of 4 Queensway London NW4 ("the Owner")

**IN FAVOUR OF**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND**

**UPON THAMES** of Civic Centre 44 York Street Twickenham Middlesex TW1 3BZ ("the Council")

### **INTERPRETATION**

IN this Deed the following words and expressions shall have the following meanings:-

"1990 Act"	the Town & Country Planning Act 1990
"Development"	the development described in the Prior Notification Application
"GDPO"	the Town and Country Planning (General Permitted Development) Order 1995 (as amended)
"Indexed"	increased in accordance with the formula whereby the relevant contribution is multiplied by the fraction A divided by B where B represents the value of the Retails Prices Index (All Items) as at 25 July 2014 and A represents the value of the same index as at the date of payment of the relevant contribution to the Council
"LDF"	the adopted policies of the Richmond upon Thames Local Development Framework Core Strategy 2009 and Development Management Plan 2011
"Material Start"	in the case of implementation of the Prior Approval Permission the carrying out in relation to the Development of a material operation as defined in Section 56(4) of the 1990 Act save that such shall not include works of demolition; works of site clearance; ground investigations site survey works; laying of services and service media; construction of temporary accesses; archaeological investigation; landscaping works off the public highway; and noise attenuation works
"Monitoring Fee"	the sum of five hundred and ninety eight pounds and eighty pence (£598.80)

**"Prior Notification Application"**

a prior approval notification submitted by the Owners on 29<sup>th</sup> July 2014 to the Council bearing reference number 14/3206/P3JPA for the change of use from B1 office use to C3 residential use comprising three one-bed flats and five two- bed flats pursuant to the GDPO

**"the Prior Approval Permission"**

the prior approval granted pursuant to the Prior Notification Application

**"Property"**

land known as land and property at 16-20 The Causeway Teddington delineated in red on the plan attached hereto

**"Transport Infrastructure Contribution"**

the sum of eleven thousand nine hundred and seventy six pounds (£11,976.00) Indexed towards the Transport Infrastructure Use

**"Transport Infrastructure Use"**

in relation to the Transport Infrastructure Contribution towards transport infrastructure within the administrative area of the Council

**WHEREAS:**

- (1) the Council is the local planning authority for its administrative area within which the Property is situate for the purposes of the Town and Country Planning Act 1990 and for the purposes of Section 106(9) of the 1990 Act is the local planning authority by whom the planning obligations contained within this Deed are enforceable
- (2) the Owner is registered at the Land Registry with absolute title under title number SGL66053 as the proprietor of the freehold interest in the Property
- (3) the Owner has submitted the Prior Notification Application to benefit from the new permitted development rights pursuant to the Town and Country Planning (Permitted Development) (Amendment) (England) Order 2013 allowing for the change of use of office premises to residential premises subject to the prior approval of the local planning authority
- (4) the Owner has agreed to enter into tis Deed so that it may be taken into account as a material consideration in the determination of the Prior Approval Notification by the Council

**NOW THIS DEED WITNESSETH as follows:-**

1. THIS Deed is made pursuant to Section 106 of the 1990 Act and the obligations contained in this Deed are planning obligations for the purposes of that section insofar as they fall within the terms of Section 106 of the 1990 Act

2. THE Owner hereby UNDERTAKES to the Council:-

- (a) To pay to the Council the Transport Infrastructure Contribution and the Monitoring Fee on the date hereof
- (b) On the date hereof to pay to the Council its reasonable and proper legal costs in the preparation and completion of this Deed in the sum of four hundred pounds (£400.00)

3. GENERAL-

- (a) Nothing contained in this Deed constitutes approval pursuant to the GDPO
- (b) This Deed takes effect on the date hereof but the planning obligations herein are conditional on and shall only have effect on the later of the following:
  - (i) the date six weeks after the date of the Prior Approval Permission in circumstances in which no legal proceedings shall have been issued by any person to challenge the validity of the Prior Approval Permission; and
  - (ii) the date on which the Owner shall implement the Prior Approval Permission by way of a Material Start
- (c) Nothing contained or implied in this Deed shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions as local authority and its rights powers duties and obligations under all public and private statutes bye-laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Deed
- (d) If any provision in this Deed shall be held to be void invalid illegal or unenforceable or if voidable is avoided this shall not affect the operation validity legality and enforceability of any other provision of this Deed provided severance therefrom is possible
- (e) Reference to the masculine feminine and neuter genders shall include the other genders and reference to the singular shall include the plural and vice versa
- (f) A reference to a clause is a reference to a clause contained in this Deed
- (g) The expressions "the Council" and "the Owner" shall include their respective successors in title and assigns

*Local land charge provisions*

- (h) This Deed is a Local Land Charge and shall be registered as such in the Council's Register of Local Land Charges immediately on completion thereof

*Reference to statutes and statutory instruments*

- (i) References in this Deed to any statutes or statutory instruments shall include and refer to any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force

*English Law Applicable*

- (j) The construction validity and performance of this Deed shall be governed by English Law

*Effect of revocation of prior approval notification*

- (k) In the event of the prior approval notification being revoked by the Council or any other authority having powers in relation to planning matters or otherwise withdrawn or modified by any statutory procedure without the consent of the Owner or its successors in title the obligations of the Owner under this Deed shall thereupon cease absolutely

*Liability of subsequent owners and release of former owners*

- (l) The provisions hereof shall be enforceable by the Council against the Owner and all persons who shall have derived title through or under it in respect of the Property (but so that no person shall be liable to the Council for any breach of the provisions committed after such a person has parted with all of its freehold interest in such land)

*Effect of covenant*

- (m) Any covenant contained herein whereby the relevant party is not to do an act or thing shall be construed as if it were a covenant not to do or permit or suffer to be omitted such act or thing and any covenant whereby the relevant party is not to omit to do an act or thing shall be construed as if it were a covenant not to omit or permit or suffer such act or thing to be omitted to be done

*Contracts (Rights of Third Parties) Act 1999*

- (n) The provisions of the Contracts (Rights of Third Parties) Act 1999 shall not apply to this Deed and no person who is not a party to this Deed is to have the benefit of or be capable of enforcing any term in this Deed and no party is to have any rights to enforce this Deed other than those falling within the definitions of the Council the Owners and the Mortgagee

*Release*

- (o) If the Prior Approval Permission is quashed or revoked or otherwise withdrawn or expires before the effluxion of time for the implementation of the Permitted Development or is modified (other than by agreement with or at the request of the Owner) this Deed shall forthwith determine and cease to have effect

*VAT clauses*

- (p) all consideration given in accordance with the terms of this Deed shall be exclusive of any VAT properly payable in respect thereof
- (q) if at any time VAT is or becomes chargeable in respect of any supply made in accordance with the terms of this Deed then to the extent that VAT had not previously been charged in respect of that supply the person making the supply shall have the right to issue a VAT invoice to the person to whom the supply was made and the VAT shall be paid accordingly

*Interest on late payment*

- (r) if any of the Transport Contribution due under Clause 2(b) is not paid to the Council within one (1) year of a Material Start, then interest shall be paid on

such contribution at the rate of 4% above the Bank of England base rate from time to time in force from the date that the contribution became due to the date of actual payment

*Community Infrastructure Levy Regulations 2010*

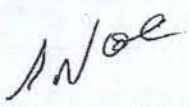
(t) The terms of this deed comply in all respects with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that the obligations contained herein are necessary to make the Development acceptable in planning terms, directly relate to the Development and fairly and reasonably related in scale and kind to the Development

**IN WITNESS** whereof with the intent that these presents should be executed as a deed the parties hereto have duly executed the same the day and year first before written

**EXECUTED AS A DEED BY**

**SALAMON NOE**

in the presence of:



Witness signature



Witness name

M. CYMERMAN

Witness address

CITY HOUSE  
MONKS WAY  
LONDON NW11 0AF

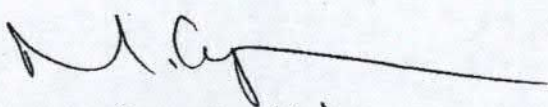
**EXECUTED AS A DEED BY**

**ETELKA NOE**

in the presence of:



Witness signature



Witness name

M. CYMERMAN

Witness address

CITY HOUSE  
MONKS WAY  
LONDON NW11 0AF

Dated 28<sup>th</sup> August 2014

**SALAMON NOE and ETELKA NOE**

to

**The Mayor and Burgesses of the  
London Borough of Richmond Upon  
Thames**

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**DEED OF UNILATERAL UNDERTAKING**

made under Section 106 of the  
Town & Country Planning Act 1990  
relating to land at  
16-20 The Causeway Teddington

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Ref: CS/LEG/RO/217/1195