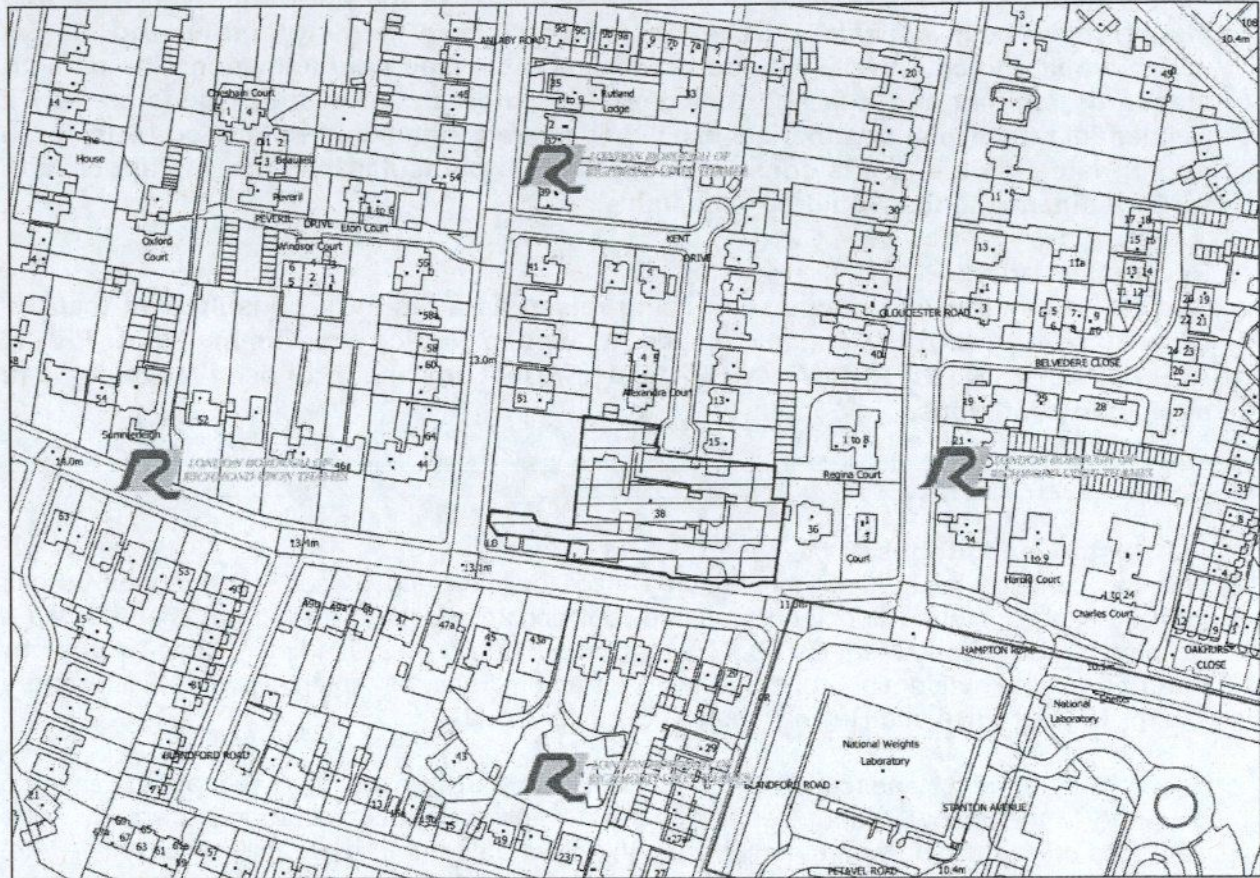


15/1397/P3JPA  
38 – 42 HAMPTON ROAD  
TEDDINGTON

FULWELL AND HAMPTON HILL WARD

Contact Officer:  
S Graham-Smith

[http://www2.richmond.gov.uk/PlanData2/Planning\\_CaseNo.aspx?strCASENO=15/1397/P3JPA](http://www2.richmond.gov.uk/PlanData2/Planning_CaseNo.aspx?strCASENO=15/1397/P3JPA)



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**Proposal:** Change of use from B1 office use to C3 residential use (17 x 1 bed units (2 person), 10 x 2 bed units (3 person), 8 x 2 bed units (4 person) units (totaling 35 residential units)

**Applicant:** Indigo Planning for The Byrne Group

**Application received:** 1<sup>st</sup> April 2015

**Main development plan policies:**

National Planning Policy Framework 2012 (NPPF)

Core Strategy 2009: CP3, CP5 and CP16

Development Management Plan 2011: DM SD6, DM TP1, DM TP2, DM TP6, DM TP7 and DM TP8

**Present use:** Offices

**SUMMARY OF APPLICATION:**

Under Schedule 2 Part 3 Class O of the GPDO and application for a change of use of a building and any land within its curtilage to a use falling within Class C3 (residential)

of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule, the Council can only assess an application against a) Transport and highways impacts; b) Contamination risks; and c) Flooding risks.

In considering these impacts the Council can have regard to the NPPF and the Local Plan Policies, so far as relevant to the subject matter of the prior approval. The three matters have been considered. The site is not liable to flooding and has no history which would indicate the likelihood of unacceptable land contamination. The parking standards are met and it is not considered that the amount of traffic generated by a residential rather than commercial use would make a significant difference. Subject to appropriate conditions it is considered that in this particular instance the application for 35 residential units would be acceptable.

**Recommendation:**

Subject to any relevant new issues being raised as a result of consultation, that the Development Control Manager issues a written notice confirming that **PRIOR APPROVAL IS REQUIRED AND HEREBY ISSUED** for the proposed development, subject to conditions.

**Site, history and proposal:**

- 1 The site contains the original three storey office building and a four storey annex (with a partially sunken ground floor and mansard roof accommodation). This is designated as a Building of Townscape Merit (BTM). There are boundaries on to Hampton Road and Anlaby Road as well as residential properties at 36 Hampton Road, 51 Anlaby Road, 1/2 Alexandra Court, 15 Kent Drive and Regina Court, Gloucester Road.
- 2 There is a formerly landscaped area between the side elevation of the annex and the boundary with Anlaby Road. Permission was granted in 2008 following an appeal for a detached office building with a semi basement, ground floor and mezzanine floor above (Ref 07/1172/FUL). Parking for three cars was to be provided in the basement of the approved building.
- 3 The permission expired in 2011 without the new office building being built, however the applicant claims to have commenced the development within the three year period (which would mean that the permission still exists and the building can be built).
- 4 It would appear that the land in question has been partly concreted over and is being used for parking (although planning permission has not been granted for this). Given that the permission involved a basement it is debatable whether this would constitute the commencement of the approved development. The applicant has been asked to comment but had not done so at the time of writing this report.



- 5 This application seeks prior approval for a change of the existing office building to 35 flats. The consultation period expires on 18<sup>th</sup> May, however a decision must be issued before the close of business on the 27<sup>th</sup> May (the date of the next committee) otherwise automatic conditionless approval will apply.

**Public and other representations:**

- 6 It was necessary to write the report prior to the conclusion of the consultation period due to time constraints imposed by this type of application.
- 7 Councillor Elloy has requested that the application be considered by committee due to concern locally that this development will result in significant over parking and raise issues of safety for pedestrians and road users.

- Objections have been received from four nearby properties:
- Noise and disturbance
- Increase in parking demand and traffic
- Highway safety
- Lack of overflow parking

- 8 The Metropolitan Police have suggested, due to the size of development, that the developer consider the benefits of Secured by Design

**Professional comments:**

- The applicant has submitted an application under Schedule 2 Part 3 Class J of the
- GPDO (since the application has been made this has become Schedule 2, Part 3 Class O) for a change of use of a building and any land within its curtilage to a use falling
- within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use
- falling within Class B1(a) (offices) of that Schedule. The following criteria must be satisfied and it has been confirmed that:

- (a) the building is not on article 2(5) land;
- (b) the building was used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order on 29th May 2013,
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule is intended to begin before 30th May 2016;
- (d) the site does not form part of a safety hazard area;
- (e) the site is not, a military explosives storage area;
- (f) the building is not a listed building or is within the curtilage of a listed building; and

(g) the site does not contain, a scheduled monument.

In order to determine the need for Prior Approval, it is necessary for developments falling under Class O to be assessed against only the following criteria:

- Transport and highways impact of the development;
- Contamination risks on the site; and
- Flooding risks on the site

#### Land Contamination

- 9 A desktop study and evidence of some on-site investigation was submitted with the application. There is no evidence of land contamination and there is no history of a previous use which would have resulted in land contamination.

#### Flood Risk

- 10 A flood risk assessment has been submitted with the application and it is not disputed that the site is not in an area which is likely to flood.

#### Transport and Highways

- 11 Policy DM TP2 states that the impact of new development on the transport network will be assessed against other plan policies and transport standards. The policy indicates that it is necessary to consider the impact of any new development on the existing wider and local transport network for all modes, how it links to the network, impacts on highway safety, the impact of parking and servicing, and with larger developments what provision has been made for the movement and parking of vehicles.
- 12 Policy DM TP8 seeks to ensure that developments provide an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 13 Policy DM TP7 states that new developments should provide appropriate cycle access and sufficient and secure cycle parking facilities.
- 14 It was noted during a recent site visit that there were 51 cars and a van belonging to the applicants parked on the site. The 2008 permission required the submission of a travel plan. Although this was submitted to the Council and approved in 2010, the condition imposed by the Inspector also required an annual monitoring report to be submitted to the Council. Since 2010 no monitoring report has been submitted (although it is not clear that the permission has been implemented, and if not, the condition does not require compliance). The existing office building has a floorspace of 2500 sq m and the normal parking standard requirement for this amount of office floorspace would be 25 parking spaces.
- 15 There are two potential scenarios. If the new office building is not shown to have been commenced in 2011, planning permission no longer exists for it. As this application proposes providing one parking space for each of the 35 flats, it meets the parking standards specified by the Council. It is not considered that the amount of traffic generated by a residential rather than commercial use would make a significant difference to traffic numbers on the nearby roads. In those circumstances, it is not considered that an argument could be made for refusal on transport grounds.
- 16 The alternative scenario is that if it can be demonstrated that work on the new building begun within the three year limited period and this constituted a material start. In which case the new office building still has planning permission and may be built. Three parking spaces are provided in the basement and these met the parking requirements at the time. In the case of the application now being considered the land for the new building is specifically shown outside the application site on the site plan. Also specifically omitted is a parking area which

could provide an additional 8 or 9 spaces, giving a total of 11 or 12 which could be used by the new office building. Based on the current parking standards (which relate to floorspace), if such a building were to be granted today the Council would be seeking the provision of a maximum of seven spaces. Regardless of this, the flats proposed by this application still meet the parking standards by having one parking space per unit. Adequate cycle parking is also provided and therefore the proposed development meets the Council's off-street car and cycle parking standards, with no shortfall of spaces.

**Conclusion:**

17 Under Schedule 2 Part 3 Class O of the GPDO and application for a change of use of a building and any land within its curtilage to a use falling within Class C3 (residential) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule, the Council can only assess an application against a) Transport and highways impacts; b) Contamination risks; and c) Flooding risks. In considering these impacts the Council can have regard to the NPPF and the Local Plan Policies, so far as relevant to the subject matter of the prior approval. The three matters have been considered. The site is not liable to flooding and has no history which would indicate the likelihood of unacceptable land contamination. The parking standards are met and it is not considered that the amount of traffic generated by a residential rather than commercial use would make a significant difference. Subject to appropriate conditions it is considered that in this particular instance the application for 35 residential units would be acceptable.

**Recommendation:**

**Subject to any relevant new issues being raised as a result of consultation, that the Development Control Manager issues a written notice confirming that PRIOR APPROVAL IS REQUIRED AND HEREBY ISSUED for the proposed development, subject to the following conditions and informatives:**

**Standard conditions:**

- DV18A - Refuse arrangements
- DV30 - Refuse Storage
- PK06A - Cycle Parking

**Non Standard conditions:**

- NS01 - The development hereby granted prior approval, shall not be occupied other than as 17 1-bed units and 18 2-bed units as shown in drawing numbers HRA-04 and 05. REASON: To accord with the terms of the submission, and ensure the development does not raise unacceptable parking or traffic implications
- NS02 - As part of the development hereby approved each flat shall be allocated one of the parking spaces indicated on drawing HRA-07. Each space shall thereafter be used only in associated with the individual flat it is allocated to, and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority. REASON: To ensure the development does not prejudice the free flow of traffic and highway and pedestrian safety.
- NS03 - The only vehicular entrance to the site shall be off Hampton Road and the only vehicular exit from the site shall be on to Anlaby Road. Prior to the first occupation of the building details of the signage relating to the movement of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and shall thereafter be retained. REASON: To ensure the development does not prejudice the free flow of traffic and highway and pedestrian safety
- NS04 - Prior to occupation of the dwellings hereby approved, details of Electrical Charging Points and bays for electrically propelled vehicles shall be submitted to and approved in writing by the local planning authority and the Electrical Charging Points shall be constructed in accordance with the approved

details. A minimum of 20% of bays shall have active provision, with 20% passive provision. REASON: To protect the amenities of local residents, road users and nature conservation interests

**Standard Informatives**

IL05 - Drawing Numbers – HRA-01 to 07 and WVH 120 received on 1<sup>st</sup> April 2015  
Composite Informative

**Non Standard informative:**

NI01 - The Metropolitan Police advise that due to its scale it would be appropriate for the developer to consider the benefits of Secured by Design and are invited to contact the Designing Out Crime Officer

**Background papers:**

Application forms and drawings

Neighbour letters of objection

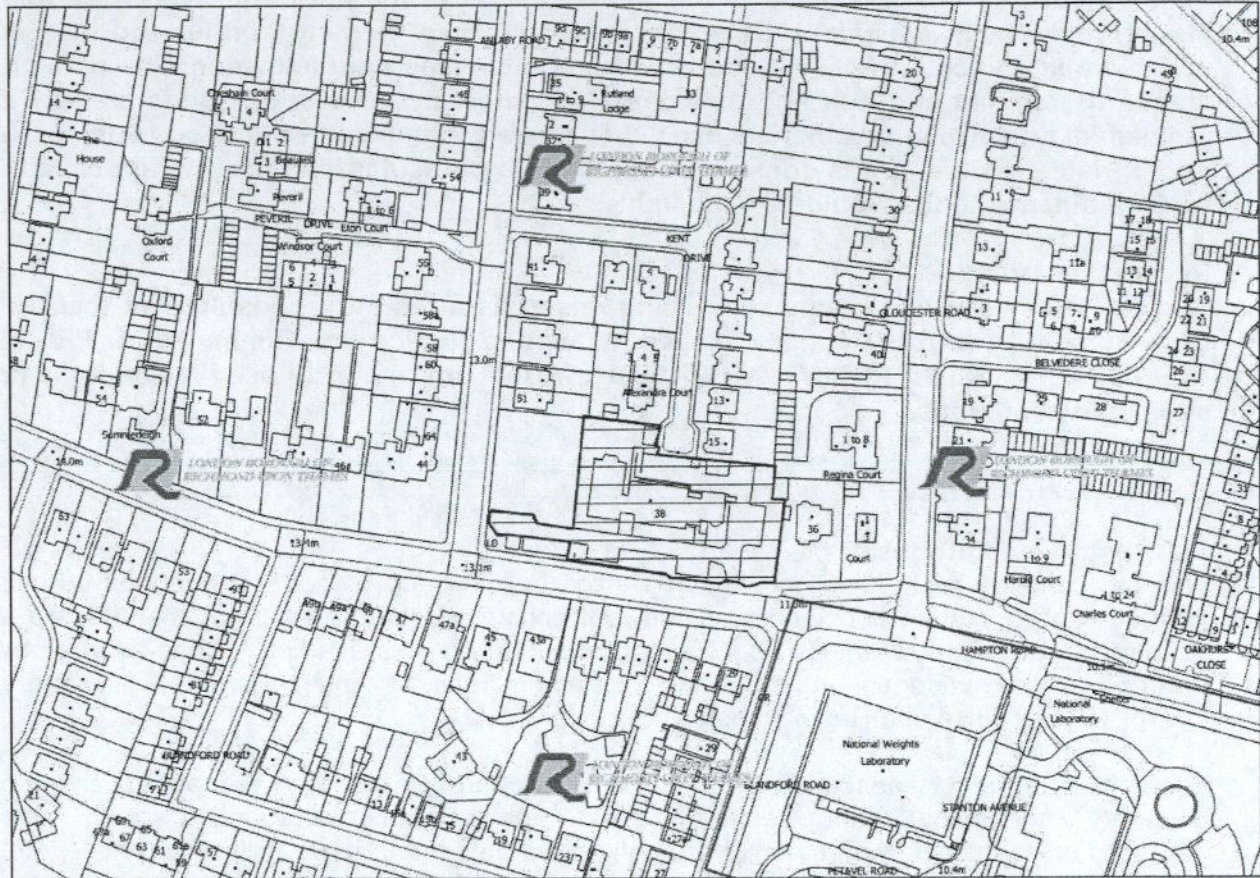
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**Standard Informatives**

IL05 - Drawing Numbers – HRA-01 to 07 and WVH 120 received on 1<sup>st</sup> April 2015  
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**Background papers:**

Application forms and drawings

Neighbour letters of objection

Previous applications – Ref 07/1172/FUL