

Application reference: 20/2697/FUL HAMPTON WARD

Date application received	Date made valid	Target report date	8 Week date
28.09.2020	30.10.2020	25.12.2020	25.12.2020

Site:

123 Station Road, Hampton, TW12 2AL,

Proposal:

Change of use from clothes ironing service to one bedroom flat

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

APPLICANT NAME

Mr B Williams
Suite 45
4 Spring Bridge Road
London
W5 2AA

AGENT NAME

Mr Martin Gaine
Suite 45, 4
Spring Bridge Road
London
W5 2AA

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

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

14D Urban D
LBRUT Transport
14D POL

Expiry Date

17.11.2020
17.11.2020
17.11.2020

Neighbours:

14 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
12 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
10 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
8 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
6 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
4 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
2 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
18 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
17 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
15 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
13 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
11 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
9 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
7 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
5 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
3 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
1 Rushbury Court,125 Station Road,Hampton,TW12 2DD, - 03.11.2020
2A Oldfield Road,Hampton,TW12 2AE, - 03.11.2020
2B Oldfield Road,Hampton,TW12 2AE, - 03.11.2020
2 Oldfield Road,Hampton,TW12 2AE, - 03.11.2020
121 Station Road,Hampton,TW12 2AL, - 03.11.2020
Flat,121 Station Road,Hampton,TW12 2AL, - 03.11.2020
123B Station Road,Hampton,TW12 2AL, - 03.11.2020
4 Oldfield Road,Hampton,TW12 2AE, - 03.11.2020

Old Stable Yard, 123A Station Road, Hampton, TW12 2AL, - 03.11.2020
 First Floor Front, Old Stable Yard, 123A Station Road, Hampton, TW12 2AL, - 03.11.2020
 First Floor Rear, Old Stable Yard, 123A Station Road, Hampton, TW12 2AL, - 03.11.2020
 Orbix International, 123A Station Road, Hampton, Hanworth, TW12 2AL, - 03.11.2020
 The Conference Room Ground Floor Rear, Old Stable Yard, 123A Station Road, Hampton, TW12 2AL, -
 03.11.2020
 19 Rushbury Court, 125 Station Road, Hampton, TW12 2DD, - 03.11.2020
 16 Rushbury Court, 125 Station Road, Hampton, TW12 2DD, - 03.11.2020

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

Development Management

Status: GTD Application: 99/2847/DD01
 Date: 12/11/2001 Details Pursuant To Condition Bd12 (materials) Of Planning Permission
 99/2847/ful.

Development Management

Status: GTD Application: 99/2847
 Date: 03/04/2000 Demolition Of Single Storey Rear Stores. Formation Of New Two Storey
 Offices, Including Refurbishment Of Existing Two Storey Stable To Form
 Office.

Development Management

Status: ARPR Application: 16/4198/GPD15
 Date: 28/12/2016 Prior approval for the change of use of the rear offices at 123 Station Road
 from office use (class B1a) to residential (class C3) to provide 4 new
 residential units (2 x one bedroom flats, 2 x studio flats).

Development Management

Status: AAPR Application: 16/4837/GPD15
 Date: 01/02/2017 Change of use of the rear offices at 123 Station Road from office use (class
 B1a) to residential (class C3) to provide 1 no. 4 bed dwellinghouse

Development Management

Status: ARPR Application: 17/0487/GPD15
 Date: 31/03/2017 Change of use of the rear offices at 123 Station Road from office use (class
 B1a) to residential (class C3) to provide 1 x 2 bed and 1 x 1 bed flats.

Development Management

Status: REF Application: 17/1484/FUL
 Date: 06/07/2017 Alterations to western side elevation and loss of existing B1(a) office use to
 facilitate the creation of an undercroft parking area.

Development Management

Status: ARPR Application: 17/1504/GPD15
 Date: 04/07/2017 Change of use from B1a (office use) to C3 (residential use) - 2 x 2 bed flats

Development Management

Status: GTD Application: 17/3019/FUL
 Date: 22/09/2017 External alterations to front and side elevations to provide new doors and
 windows.

Development Management

Status: AAPR Application: 17/3045/GPD15
 Date: 27/09/2017 Change of use from B1a (office use) to C3 (dwellinghouse) (4 x 1 bed flats)

Development Management

Status: PCO Application: 20/2697/FUL
 Date: Change of use from clothes ironing service to one bedroom flat

Appeal

Validation Date: 20.03.2017 Prior approval for the change of use of the rear offices at 123 Station Road
 from office use (class B1a) to residential (class C3) to provide 4 new
 residential units (2 x one bedroom flats, 2 x studio flats).

Reference: 17/0065/AP/REF **Appeal Allowed**

Appeal

Validation Date: 14.07.2017 Change of use of the rear offices at 123 Station Road from office use (class
 B1a) to residential (class C3) to provide 1 x 2 bed and 1 x 1 bed flats.

Reference: 17/0125/AP/REF **Appeal Allowed**

Appeal

Validation Date: 09.04.2018 Change of use from B1a (office use) to C3 (dwellinghouse) (4 x 1 bed flats)
 Reference: 18/0041/AP/CON **Appeal Allowed**

Building Control

Deposit Date: 24.12.2001

Extension & refurbishment of stables to form office accommodation

Reference: 00/2124/1/FP

Building Control

Deposit Date: 31.01.2002

Extension & refurbishment of stables to form office accommodation

Reference: 00/2124/2/FP

Building Control

Deposit Date: 24.12.2005

FENSA Notification of Replacement Glazing comprising 1 Windows and 0 Doors. Installed by Perfect-View.co.uk. FENSA Member No 24172. Installation ID 3371701. Invoice No 2239

Reference: 05/7340/FENSA

Building Control

Deposit Date: 27.09.2017

Conversion of commercial unit into 4 x 1 bedroom flats. The work excludes any gas work subject to the Gas Safety (Installation and Use) Regulations 1998 and electrical work notifiable under the Building Regulation 12(6A) (now known as 123A,123C,123D and 123E Station Road, Hampton TW12 2AL)

Reference: 17/1949/IN

Enforcement

Opened Date: 24.09.2012

Enforcement Enquiry

Reference: 12/0496/EN/UBW

APPLICATION: 20/2697/FUL

SITE ADDRESS: 123 Station Road Hampton TW12 2AL

SITE AND SURROUNDINGS

The application site comprises a ground floor retail unit at 123 Station Road located on the south side of Station Road, Hampton Ward. Above the unit is residential and there are residential units converted from offices to the rear. It is located within an Area of Mixed Use (Oldfield Road) and a Take Away Management Zone. The site is located within Conservation Area (CA12 Hampton Village).

PROPOSAL

The application seeks planning permission for the change of use from clothes ironing service to a one bedroom flat.

RELEVANT RECENT PLANNING HISTORY

A full summary of the site's planning history can be found on the first page of this report.

PUBLIC REPRESENTATIONS

No representations were received.

Internal Consultation summarised below:

- LBRUT Policy – Objection: This proposal is contrary to Policy LP 26 and as no marketing evidence has been submitted in line with Appendix 5, it should not be supported. In addition, affordable housing contribution should be secured in line with Policy LP 36.
- LBRUT Urban Design – Comments: No objections to the principle of the proposals although it would be helpful to understand if any works are needed to the glazing of the shopfront to allow for privacy of the proposed interior residential spaces. It is assumed that some form of window film will be added to the glazing. Further details of this would be welcomed.
- LBRUT Transport – Comments: The applicant has submitted a parking survey which assesses the parking stress in the vicinity at a combined score of 82.9% Given the nature of the conversion I would have no objection to the issuance of parking permits in this instance. In accordance with the ITP London Plan 2019 Policy T5 requirements the applicant must provide a minimum of one secure, covered cycle space as part of the redevelopment. Conditions are required to secure details of the cycle parking and refuse arrangements.

PLANNING POLICIES AND GUIDANCE

The proposal has been considered having regard to the aims and objectives of the National Planning Policy Framework (NPPF), and the following policies and planning guidance:

London Plan (2021)

Local Plan (2018)

- Policy LP 1 Local Character and Design Quality
- Policy LP 3 Designated Heritage Assets
- Policy LP 8 Residential Amenity and Living Conditions
- Policy LP 10 Local Environmental Impacts, Pollution and Land Contamination
- Policy LP 15 Biodiversity
- Policy LP 16 Trees, Woodlands and Landscape
- Policy LP 20 Climate Change Adaptation
- Policy LP 22 Sustainable Design and Construction
- Policy LP 25 Development in Centres
- Policy LP 26 Retail Frontages
- Policy LP 34 New Housing
- Policy LP 35 Housing Mix and Standards
- Policy LP 36 Affordable Housing
- Policy LP 40 Employment and Local Economy
- Policy LP 44 Sustainable Travel Choices
- Policy LP 45 Parking Standards and Servicing
- Appendix 5 Marketing Requirements

Supplementary Planning Documents/Guidance

- Transport (2020)
- Design Quality (2006)

- Affordable Housing (2014)
- Residential Development Standards (2010)
- National Described Space Standards
- Shopfronts (2010)
- Refuse and Recycling Storage Requirements (2015)
- Manual for Streets (2007)
- Sustainable Construction Checklist (2016)
- Hampton Village

PROFESSIONAL COMMENTS

The proposal has been assessed with consideration of the following issues:

- Principle of development
- Affordable housing
- Character and design
- Neighbour amenity
- Transport
- Sustainability
- Land Contamination

Principle of development

Loss of retail unit

The site is located within an Area of Mixed Use. Policy LP 25 (Development in Centres) of the Local Plan This policy outlines the appropriateness of proposals in terms of scale, location and impact. The Council will be supportive of development that is located within the defined main centre boundary/ Area of Mixed Use (AMU boundary) (A.2.b) which does not adversely impact on the vitality and viability of the centre in which the development is proposed, or another centre (A3). Development will be supported if it “optimises the potential of sites by contributing towards a suitable mix of uses that enhance the vitality and viability of the centre” (A.4).

Policy LP 26 (Retail Frontages) of the Local Plan. This policy builds on the approach set out in the Spatial Strategy of maintaining, reinforcing and strengthening the borough's centres and parades. It assists in consolidating the borough's centres and helps define their function in the borough's hierarchy of centres and parades.

The proposal seeks to convert an existing retail unit (new Use Class E, previously A1) into a one bedroom flat (C3 use). The unit is 'Impressed' and refers to dry cleaning, ironing and laundry. The applicant has stated in the cover letter that the site is sui generis. The agent was contacted for further details and clarity on the use and outlined that it was concluded it was a sui generis use was because of the mix of uses and because of the 'ironing service'.

However, from observations it appears to fall under Use Class E (previously A1 use). Whilst the unit does not have a website to confirm how it operates, from the information displayed on the shopfront, layout of the unit and relatively recent (5 months ago) reviews of the business, it appears that it would meet the A1 criteria/ the new Use Class E.

Hampton Village is easily the most dispersed of the local centres, with blocks of commercial uses and designated frontages in a number of locations. Unlike a more common linear centre focussed on a thoroughfare where it is easier to define a boundary, Hampton Village does not have one common boundary.

The site is located in one of the Areas of Mixed Use (Oldfield Road), which comprise the local centre within which there is no designated shopping frontage. This proposal is somewhat supported by LP 25 as the Oldfield Road Mixed Use Area while small, has all street facing units in a commercial type use and the upper floors in residential use. The loss of one retail frontage in a row of seven would not adversely impact the vitality and function of this area. As such, the proposal is considered to be passable against Policy LP 25.

Furthermore, Policy LP 25 does acknowledge in paragraph 7.1.23 that residential uses can contribute to the overall vitality of a centre, housing on the ground floor contributes less to vitality than most commercial or community uses. Therefore, commercial or community uses will be expected to front the street.

The proposal, however, is contrary to LP 26. The site is located in one of the Areas of Mixed Use which comprise the local centre. It is considered appropriate to apply LP 26E which relates to parts of centres which are not covered by designated shopping frontages which is the case for this site. It seeks to encourage a commercial or a community use which is compatible with the function of the centre. Such units
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can provide good opportunities for business start-ups and small community uses as set out in the supporting text.

Policy LP 27, by contrast would only be appropriate if the site was serving a local need and outside of a centre, which in this case, the Local Centre delineated by the Area of Mixed Use. As such, Policy LP 27 is not considered to apply in this instance.

To consider the change of a use which is not supported by policy (LP26E) it is therefore necessary to comply with Policy LP26F. Policy LP 26F sets out that where a proposal involves a change of use not supported by policy, the Council will require satisfactory evidence of full and proper marketing of the site. The applicant will be expected to undertake marketing in line with the requirements set out in Appendix 5.

The applicant has not submitted any evidence of the vacancy of the property or whether it has been fully marketed in line with Appendix 5.

The proposal would result in a loss of a commercial unit, and in the absence of robust marketing evidence that demonstrates there is no demand at the site and in the locality, there is an objection to the proposal, as it fails to meet the relevant aims and objectives of Policy LP26 of the Local Plan (2018), which seeks to retain premises in commercial and community use in order to maintain and support centres, protect their vitality and to meet the need for additional retail floorspace.

Residential use

In principle, additional residential can bring a net gain (of one unit) in residential, which is in accordance with Policy LP 34, which can bring vitality and viability, providing the introduction of residential does not have any negative impact on commercial space (in terms of access, servicing, or any conflict such as hours of operation, noise), and provides an appropriate balance of uses, to accord with Policy LP1 (A.6).

Any residential use in this Area of Mixed Use would be expected to include a high proportion of small (studio or 1 bed) units in accordance with Policy LP35 (A). The proposal is for a one bed unit which addresses this requirement.

Quality of accommodation

Policy LP 35 (B) requires new housing to comply with the Nationally Described Space Standards (NDSS).

The proposed unit measures 46sqm according to the Supporting Planning Statement, which also states the bedroom is not big enough to accommodate a double bed or two individuals and it is suitable only as a single person unit.

The NDSS sets a minimum gross internal floor area for a 1 bed 1 person one storey dwelling of 39sqm, or 37sqm where a one person unit has a shower room rather than a bathroom. As such, the proposal is compliant.

The requirements of Policy LP 35 (C and D) and the Residential Development Standards SPD apply to external amenity space. A minimum of 5 sqm of private outdoor space for 1-2 person dwellings plus an extra 1 sqm should be provided for each additional occupant.

There is no private amenity space afforded to the proposed unit, however, the constraints of the site are recognised, and private amenity space may not be expected by future occupiers of a small unit in a mixed use area. There is a small an informal communal area to the rear outside of the proposed living room doors. Furthermore, Hampton Village green is located a short walking distance to the east of the site. As such, no objections are raised in this regard.

Inclusive access

Policy LP 35 (E) requires all new build housing is required to meet Building Regulation Requirement M4 (2) 'accessible and adaptable dwellings'. Regulation M4(2) cannot be applied to conversions and change of use proposals, therefore it would not be applicable. The mandatory M4(1) would be applicable, which is the default.

Affordable housing

Policy LP 36 requires contributions to affordable housing from all small sites, further details are set out in the Affordable Housing SPD. The financial contribution that would be sought would be discounted to represent 4% affordable housing, given the proposal is for one new unit created through conversion.

There is a commuted sum spreadsheet submitted with the application which suggests a contribution of £11,199. However, this is incorrectly on the basis of a 15% contribution, and does not reflect the Council's benchmark rent per week for 2020/21 (reflecting the adopted 2019 Tenancy Strategy) of £159.32 for an affordable rented 1 bed unit.

The Council's Planning Viability Advisor has reviewed the open market value (see also further details and agrees the open market value for use in the pro-forma on the basis of comparables. On this basis, at 4% and using the Council's benchmark rent per week, a contribution of £3,886 is suggested. This amount should be secured via a legal agreement (note that monitoring and legal fees relevant to this application are likely to be added to this sum when the legal agreement is finalised).

Had the application been otherwise acceptable, the amount would be secured by a S106 legal agreement on the basis that the applicant accepted this figure. In the absence of a binding legal agreement securing the necessary contribution to the affordable housing fund, the proposed scheme would not comply with the outcomes sought by Policy LP 36 of the Local Plan and the Affordable Housing SPD.

Character and design

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. There is a statutory presumption and a strong one, against granting planning permission for any development which would fail to preserve the setting of a listed building or character and appearance of a conservation area.

Paragraph 193 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy LP 1 of the Local Plan states that new development must be of a high architectural quality based on sustainable design principles. Development must respect local character and contribute positively to its surrounding based on a thorough understanding of the site and its context.

Policy LP 3 outlines that the Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. The significance (including the settings) of the borough's designated heritage assets, encompassing Conservation Areas.

The application site is situated within the Hampton Village Conservation Area and makes a positive contribution to this special character and appearance. It forms part of the commercial core of the village and is formed of an early 20th century building with traditional ground floor shopfront and carriage arch directly adjacent which leads to a small rear courtyard that serves a modern rear extension.

The LBRUT Conservation Officer has commented that the proposals to change the ground floor retail use of the building to a flat are regrettable however it is noted that the proposals will not involve any changes to the important historic shopfront or any element of the principal elevation. As such, there are no objections to the principle of the proposals although it would be helpful to understand if any works are needed to the glazing of the shopfront to allow for privacy of the proposed interior residential spaces. It is assumed that some form of window film will be added to the glazing, however details have not been specified. Had the application been acceptable details could be secured by planning condition.

The proposals will involve the replacement of what appears to be a modern door at ground floor level to the rear elevation. There are no objections the principal of this proposed change although it is recommended that a condition is included requesting details of the design of the door to ensure that it is in keeping with the character of the property and the wider conservation area.

Overall, subject to conditions of glazing design on the frontage and details of the door, the proposals are not considered to cause harm to the Hampton Village Conservation Area and thus are in accordance with the statutory duty, the NPPF and local policies LP1 and LP3.

Residential amenity

No external changes are proposed other than replacement doors to the rear. As such it is not considered that the proposal would result in an impact on the amenity of neighbouring occupiers in regard to privacy,

light or visual intrusion. The proposed change of use to residential is not considered to generate a detrimental impact in relation to noise and disturbance to neighbouring properties and vice versa to the proposed unit and its occupiers. The proposal is compliant with Policy LP 8 of the Local Plan and relevant SPD.

Transport

Policy LP 45 Parking Standards and Servicing states that the Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development, while minimising the impact of car-based travel including on the operation of the road network and local environment, and ensuring making the best use of land.

The site has a PTAL score of 3 which is 'moderate', and there is no CPZ in operation. The site benefits from an existing vehicle crossover and space for on-site parking for one vehicle, in line with the Parking Standards for the scale of development. There is a side access to the rear garden to enable the storage of cycles which have been indicated on the proposed ground floor plan. As such, the proposal is compliant with LP 45 of the Local Plan and Transport SPD

A parking survey has been submitted which assesses the parking stress in the vicinity at a combined score of 82.9%. LBRUT Transport Officer has set out that given the nature of the conversion, there is no objection to the issuance of parking permits in this instance.

In accordance with the London Plan 2021 Policy T6 requirements the applicant must provide a minimum of one secure, covered cycle space as part of the redevelopment. No details have been provided. Had the application been acceptable, details could be secured by planning condition.

Refuse and recycling

A storage area is shown in the rear courtyard next to the underpass and adjacent to the unit on drawing DWL 02 Rev A. According to site photographs, there appears to be an informal placement and arrangement within this rear courtyard for the existing shop. Further details should be submitted to clarify this and this would have been secured by planning condition had the application been acceptable.

Sustainability

Policy LP 22 Sustainable Design and Construction states that developments will be required to achieve the highest standards of sustainable design and construction in order to mitigate against climate change. Proposals for change of use to residential will be required to meet BREEAM Domestic Refurbishment 'Excellent' standard (where feasible) and will be required to incorporate water conservation measures to achieve maximum water consumption of 110 litres per person per day for homes (including an allowance of 5 litres or less per person per day for external water consumption).

The application is accompanied by a BREEAM pre-assessment report which confirms an 'excellent' level would be achieved in line with Policy LP 22. The Sustainable Construction Checklist and National Water Standards Statement confirms compliance with water efficiency measures which demonstrate that 110 litres of water or lower would be consumed per person per day, as required by Policy LP 22. Had the application been acceptable, this would be secured by condition.

Community Infrastructure Levy

Had this development received planning permission, the applicant is notified that it would be liable for a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended).

Conclusion

In the absence of robust marketing evidence that demonstrates there is no demand at the site and in the locality for the continued use of the retail unit, the proposal fails to meet criteria of Policy LP26 and Appendix 5 of the Local Plan (2018).

In the absence of a binding legal agreement to secure an appropriate contribution towards off-site affordable housing, the development fails to address the recognised housing need within the borough and would be prejudicial to meeting the Council's affordable housing objectives. The development is thereby contrary to the aims and objectives of the NPPF and Local Plan, particularly Policy LP 36 of the Local Plan (2018) and the Supplementary Planning Document on Affordable Housing (2014).

Recommendation: Refusal.

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)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials):LUH..... Dated:12/03/2021.....

I agree the recommendation: WT

~~Team Leader/~~Head of Development Management/Principal Planner

Dated:22/3/2021.....

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

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

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
