



LONDON BOROUGH OF  
RICHMOND UPON THAMES

ENVIRONMENT DIRECTORATE

PLANNING REPORT

Printed for officer by

Emer Costello on 31 January 2022

## Application reference: 21/4065/GPD26

### HAMPTON WARD

Date application received	Date made valid	Target report date	8 Week date
25.11.2021	13.12.2021	07.02.2022	07.02.2022

**Site:**

3 Mount Mews, Hampton, TW12 2SH,

**Proposal:**

Change of use from commercial office building in to 5 x 1 bedroom flats

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

**APPLICANT NAME**

Mahawish

3 Mount Mews

Hampton

TW12 2SH

**AGENT NAME**

Sam Kamleh

The Powder Rooms

69-71 Broad St

Teddington

TW11 8QZ

**DC Site Notice:** printed on 13.12.2021 and posted on 24.12.2021 and due to expire on 14.01.2022

**Consultations:**

**Internal/External:**

**Consultee**

14D Urban D

**Expiry Date**

27.12.2021

**Neighbours:**

Flat 4,7 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Flat 3,7 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Flat 2,7 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Flat 1,7 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Flat 4,9 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Flat 3,9 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Flat 2,9 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Flat 1,9 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Flat 1,8 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Flat 2,8 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Part First Floor,4 Mount Mews,Hampton,TW12 2SH, - 13.12.2021  
 Ground Floor,4 Mount Mews,Hampton,TW12 2SH, - 13.12.2021



**Recommendation:**

The determination of this application falls within the scope of Officer delegated powers - YES

**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): EC Dated: 31/01/22

**I agree the recommendation: SGS**

Senior Planner

Dated: .....3/2/2022.....

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: .....

<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**

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### **CONDITIONS**

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### **INFORMATIVES**

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**Application Number: 21/4065/GPD26**  
**Address: 3 Mount Mews Hampton TW12 2SH**

#### **Proposal**

Change of use from commercial office building in to 5 x 1 bedroom flats. There are no changes to the external areas of the site as part of the proposed works.

#### **Site Description**

The site comprises 3 Mount Mews which is a purpose built two storey office unit part of the late 1980s business park development. It forms part of a terrace of similar units, some of which have been converted under prior approval to residential use. The site is in Hampton Village in the Village Hampton Ward. The site is subject to the below designations:

- Archaeological Priority (English Heritage)
- Area Proposed for Tree Planting
- Article 4 Direction Basements
- Article 4 Direction E to C3
- Conservation Area CA12 Hampton Village
- Land Use Past Industrial
- Take Away Management Zone
- Village Hampton Village
- Hampton Village Character Area 4 in the Hampton Village Planning Guidance

#### **Planning History (recent/relevant)**

20/2874/FUL Create additional office space within existing loft space, create smaller office units and addition of dormers to front and rear elevations, skylights and windows to rear elevation on the ground floor Granted Permission 27/01/2021

13/3833/P3JPA Change of use from B1 office use to C3 use (1-bed flat and 2-bed flat). Prior Approval Approved 02/01/2014

The below quote from the case officer report 13/3833/P3JPA is noted:

Article 4

Please note that the Council had made a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 as amended ("the GPDO") withdrawing the permitted development rights in Class J of Part 3 of the Second Schedule to the GPDO from 30th November 2014 in respect of certain areas within the Borough that include the property the subject of this prior approval application. Accordingly if the permitted development is not implemented by 30th November 2014 by the commencement of the use of the property as a dwelling it will not be possible to do so after that date without an express grant of planning permission.

Please note that the Direction is subject to reconsideration by the Council in the light of any representations received in respect of it by 13th December 2013. The Council's decision to confirm or not confirm the Direction will be published on its website on the following link: [http://www.richmond.gov.uk/home/environment/planning/article\\_4\\_office\\_to\\_residential.htm](http://www.richmond.gov.uk/home/environment/planning/article_4_office_to_residential.htm).

In 13/3833/P3JPA it was accepted that there were 5 car parking spaces which were allocated to the office.

## Representations

### Neighbours:

1. Flat 4, 7 Mount Mews Hampton TW12 2SH
2. Flat 3, 7 Mount Mews Hampton TW12 2SH
3. Flat 2, 7 Mount Mews Hampton TW12 2SH
4. Flat 1, 7 Mount Mews Hampton TW12 2SH
5. Flat 4, 9 Mount Mews Hampton TW12 2SH
6. Flat 3, 9 Mount Mews Hampton TW12 2SH
7. Flat 2, 9 Mount Mews Hampton TW12 2SH
8. Flat 1, 9 Mount Mews Hampton TW12 2SH
9. Flat 1, 8 Mount Mews Hampton TW12 2SH
10. Flat 2, 8 Mount Mews Hampton TW12 2SH
11. Part First Floor, 4 Mount Mews Hampton TW12 2SH
12. Ground Floor, 4 Mount Mews Hampton TW12 2SH
13. Office 1 First Floor, 4 Mount Mews Hampton TW12 2SH
14. 6 Station Road, Hampton TW12 2BX
15. 2 Mount Mews, Hampton TW12 2SH
16. 4 Station Road, Hampton TW12 2BX
17. 2 Station Road, Hampton TW12 2BX

Neighbour letters were sent out to the above surrounding properties to advertise the application.

One observation has been received. This sets out that:

*The development is directly opposite and within a few feet of my property. As such I would like to request that, if the application is granted, that a caveat is added stipulating that privacy glass must be installed to the bottom half of the windows. It has been very intrusive whilst the works have been going on especially as I have been working at home throughout. This will continue to be a concern once the flats are occupied.*

There are no changes to the external areas of the site as part of the proposed works. The application for a change of use only. Given the scale of works proposed a Construction Management Plan (CMP) would not be required. The Council cannot impose the requirement for privacy glass.

Internal consultations

Transport – No objection subject to a condition on waste and cycle parking condition being applied.

Environmental Health (Contaminated land) – No objection subject to a suitable land contamination being applied.

Urban Design – The site is in a Conservation Area. No objection to this application as external changes are not proposed.

**Amendments**

-31 Jan 2022 REV A PLANS AND ELEVATIONS AS EXISTING 1314 SV01 Rev A  
 -31 Jan 2022 REVC PROPOSED PLANS AND ELEVATIONS 1314 PL01 Rev C  
 The above plans were updated to show cycle space provision and to correct a rear window. These were accepted on 31.01.22.

**Professional Comments**

The application is for a Prior Approval and as such will be assessed under Part 3 – Changes of Use, Class MA ‘Commercial, Business and Service Uses to Dwellinghouses’ contained within the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

**Class MA**

**The scheme is considered to meet the required for prior approval to be granted under Class MA ‘Commercial, Business and Service Uses to Dwellinghouses’.**

MA.1 Development is not permitted by Class MA—	Officer’s Comment:
<p><b>1(a)</b> unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval</p>	<p>Complies. The site was taken out of the VOA Business Rates rating list 8 February 2021. Prior to this date the site is registered as Office and Premises.</p>
<p><b>(b)</b> unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval</p>	<p>Complies. The site operated within a B1 Use Class. The Government VOA business rates data shows the site in as offices/premises from the period of April 2017 –</p>

	October 2021. It was accepted that the site was an office in the last consent 20/2874/FUL dating 2021.
<b>(c)</b> if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;	Complies
<b>(d)</b> 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;	Complies
<b>(e)</b> 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 198155; (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site;	Complies
<b>(f)</b> if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or	N/A
<b>(g)</b> 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.	Does Not Comply. Article 4 Direction (2014) in place restricting the Change of use from Office to Residential.

<p><b>(2)</b> The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—  <b>(a)</b> 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;</p>	<p>Complies (see 1b above)</p>
<p><b>(b)</b> on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.</p>	<p>Complies (see 1b above)</p>

**Article 4 Direction**

Article 4 Direction (2014) Restricting Permitted Development Rights Change of Use from Office to Residential



Figure 1. Article 4 Direction Boundary (2014) [Article 4 Directions - Offices to Residential - London Borough of Richmond upon Thames](#)

**Office Use**

There was a change of use application 13/3833/P3JPA Change of use from B1 office use to C3 use (1-bed flat and 2-bed flat) approved on 02/01/2014. However, this has not been implemented.

The most recent planning consent for the site is 20/2874/FUL to ‘create additional office space within existing loft space, create smaller office units and addition of dormers to front and rear elevations, skylights and windows to rear elevation on the ground floor’ granted permission on 27/01/2021. The existing plans show the last consented use of the site as an office.



The site was taken out of the VOA Business Rates listings on 8 February 2021. Prior to this date the site is registered consistently as 'Office and Premises'.

**MA.2 Development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:**

1.a Transport impacts of the development, particularly to ensure safe site access

*Policy LP45 of the Local Plan (2018) requires new schemes to provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. It advises that developers can only provide fewer parking spaces, including car free schemes, if they can show that there would be no adverse impact on amenity, street scene, road safety or emergency access in the surrounding area and in general it is expected that in PTAL Area of 1-4 the standards should be met.*

The Council's Transport Officer has been consulted. The existing use at the time of this application was residential.

In the application 20/2874/FUL it was confirmed that the office had allocated 5 dedicated parking spaces within the business park. Equally in 13/3833/P3JPA it was accepted that there were 5 car parking spaces which were allocated to the office. This proposal would retain these spaces for use of the 5 x 1 bed units. The London Plan (2021) Table 10.3 Car Parking sets out that for 1 bed units in a PTAL of 2 – 3 up to 0.75 spaces per unit should be provided. As such 5 car parking spaces are considered acceptable here.

The applicant would need to provide storage for 5 bicycles to meet minimum cycle parking standards set out in the London Plan (2021). The plan 1314 PL01 Rev B Proposed Plans and Elevations Were updated on 31.01.22 to show that these spaces could be provided. Were this application to be approved, this is considered acceptable.

No construction management plan is needed because the applicant merely needs to complete a refit of the internal building. No changes are proposed to the external structures.

1.b Contamination risks in relation to the building

The Council's Environmental Health Officer has reviewed the application and recommended a standard Contaminated Land Condition were the application to be approved.

1.c Flooding risks to the building

Policy LP21 covers Flood Risk and states that all development should avoid contributing to all sources of flooding. The policy also states that there are no land use restrictions for development within Flood Zone 1. As such no objections are raised to the proposal on grounds of flooding.

1.d Impacts of noise from commercial premises on the intended occupiers of the development

The area surrounding the application site is predominantly made up of a mix of office and residential uses. Adverse impacts in terms of noise are not anticipated.

1.e The impact of that change of use on the character or sustainability of the conservation area (where the building is located in a conservation area and the development involves a change of use of the whole or part of the ground floor)

The Hampton Village Conservation Statement Area 12 sets out that the conservation area was originally designated to cover the heart of the old village of Hampton, in recognition of its special architectural and historic importance. It was extended to the west to include Station Road as far as Belgrade Road in 1991. The proposed change of use would not involve any external changes. The immediate area is already a mix of commercial and residential uses. The proposed use would not detrimentally impact on the mix of uses along this street. In light of this, no objections are raised in respect to conservation or sustainability.

1.f the provision of adequate natural light in all habitable rooms of the dwellinghouses

The submitted floor plans illustrate that each bedroom and living area benefits from windows of adequate size to ensure the adequate provision of light to the rooms. Given the existing window arrangement and acceptable layout, the proposal is considered to provide adequate natural light in all habitable rooms proposed under this application.

1.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

There is no heavy industry, waste management, storage and distribution, or other such mix of uses in the immediate area.

1.h the impact on the local provision of the type of services loss where the development involves the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 20065

Not relevant.

1.i where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

The proposal meets the fire safety condition in part MA.3. It involves more than 2 units. It is not 18 metres or more in height. It does not contain 7 or more storeys.

**Representation**

One observation was received. It would not be possible to provide privacy glass were the application to be approved. Changes to the external areas of the site are not proposed. A CMP would not be required on an application of this scale were it to be acceptable.

**Conclusion**

In view of the above, the scheme submitted under this prior approval does not meet the criteria set out in Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), it is contrary to MA.1(g). The site is subject to an Article 4 Direction (2014) restricting the conversion of an office use to residential. More information on the Council's Article 4 Directions can be obtained at: [Article 4 Directions - Offices to Residential - London Borough of Richmond upon Thames](#)