

25 Church Road, Teddington TW11 8PF

Notification of Prior Approval- The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 Class MA

**Firstplan Ref:** 22399/MS/ta

**Date:** April 2023

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# Section 1: Introduction

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- 1.1 This Statement has been prepared on behalf of Seventy Four Prop Co in support of an application for prior approval under *The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 Under Part 3, Schedule 2, Class MA* for a change of use of a building and any land within its curtilage from a use falling within E to a use falling within Class C3 at 25 Church Road, Teddington TW11 8PF.
- 1.2 Development under Class MA requires that the developer apply to the local planning authority for determination as to whether the prior approval of the authority will be required in relation to:
- Transport impacts of the development;
  - Contamination risks on the site;
  - Flooding risks on the site;
  - Impacts of noise from commercial premises on the intended occupiers of the development; and
  - The provision of adequate natural light in all habitable rooms of the dwellinghouses;
  - The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for industrial processes; and, where relevant,
  - Fire risks at the site.
- 1.3 In addition, Paragraph W states that in order to determine if prior approval is required a developer must apply to a local authority which should be accompanied by:
- A written description of the proposed development;
  - A plan indicating the site and showing the proposed development; and
  - The developer's contact details and email address
- 1.4 This Statement, and accompanying documents and plans, outlines why prior approval, if indeed required, should be granted. The Statement is set out in the context of the above requirements and as follows:
- **Section 2** describes the application site;
  - **Section 3** sets out the proposed development;
  - **Section 4** appraises the need for prior approval;

- **Section 5** provides the developers contact details; and
- Conclusions are provided in **Section 6**.

## Section 2: Background Information

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### a) Description of Site and Surrounding Area

- 2.1 The property is situated on the western side of Church Road which is a treelined street with on street parking on either side. The majority of the buildings are two/three storey. The application site was last used as a tyre fitters/repair shop with a later two-storey workshop at the rear accessed via an undercroft passage. The upper floors of the premises were used as offices. The premises have been vacant since 2022 and the applicant has been searching for a tenant.
- 2.2 In terms of appearance, the property is brick built with sash windows on the upper floor; the lower floor includes a wooden gated entrance to the undercroft/ rear of the property and a more traditional styled shopfront including a side door and large glazed windows. The front and rear buildings are of varying ages with differing rooflines. Access between the front and rear building is at first floor across through a walkway on the northern side of the property.
- 2.3 Planning permission was granted at the start of the year for various upgrade works to the property. This includes new windows and general making good works – these works have progressed. The applicants attempts to find an operator for the premises has not been successful despite the upgrade works.
- 2.3 The surrounding area is predominantly residential however there are some other commercial uses apparent to the south of the site. The Salvation Army lies on the northern side with a two storey dwelling on the southern and western sides of the site. There are houses around the corner in Walpole Crescent which abuts the site.
- 2.4 The surrounding area has no predominate specific architectural style or material and there are examples of traditional frontages with modern glazing and elements across the street and various rooflights and roof forms.
- 2.5 The building is not listed but does lie within the Church Road Conservation Area.

## **b) Planning History**

2.6 Firstplan have undertaken a search of London Borough of Richmond Upon Thames online planning database for the site. There are a number of historic applications dating from the 1950s to the 1980s which allowed for a covered yard and permission for the upper floor of the building as offices. More recently, permission had been sought for redevelopment to residential uses including:

- Permission Ref: 17/3795/GPD15 - Change of use from Offices (B1) to Residential (C3) (granted in 2017);
- Permission Ref: 17/4422/GPD15 - Change of use of the ground floor and accommodation above the rear workshop from Class B1(C) Light Industrial to Dwelling (Class C3) (granted in 2018); and
- Application Ref: 20/0068/FUL - Change of use to provide 7 dwellings, including the demolition of rear extension and erection of a
- three storey rear extension, plus incorporation of dormer windows in roof (withdrawn in 2021).

2.7 As mentioned, there have been a number of more recent applications to upgrade the unit, including the following:

- Planning permission Ref: 22/3070/FUL - External alterations including new shopfront doors and insertion of rooflights (granted 3 January 2023);
- Planning permission Ref: 22/3200/FUL - External alterations including replacement windows and doors to the rear elevation and rear building, new connecting walkway between the two buildings and replacement roofs to rear buildings as part of general upgrade works (granted 04 January 2023). A non-material amendment was granted on 27 February 2023 (Ref: 22/3200/NMA).

## Section 3: Description of Proposed Development

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- 3.1 The change of use under the General Permitted Development Order will provide a total of 3 no. dwelling.
- 3.2 The dwellings have been designed to a high standard and exceed the national minimum space standards and has a sufficient ceiling height. In terms of layout, the flats are laid out in a typical modern manner with separate bedrooms, bathrooms, and open plan living areas. The proposed schedule of accommodation is provided below:

Flat Number/ Floor Level	Unit Mix	Area (sqm)
Mews 1	1b1p	39
Mews 2	2b3p	75
2b4p	76	76

- 3.3 A dedicated safe and secure bike store for a bike is provided at ground floor level within the building. A refuse and recycling store is provided on the hardstanding to the front of the property. No car parking is proposed.
- 3.4 No external alterations to the building are proposed.



## Section 4: Assessment Under Class MA

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4.1 This application seeks the Council's formal approval that the proposed change of the existing building at 25 Church Road, Teddington TW11 8PF to form 3 no. Class C3 residential dwelling, may be facilitated without the need for planning permission under Class MA of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021.

4.2 The legislation stipulates that development must meet the following criteria of Class MA:

- 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;

The site has been vacant for some in 2022 to date, over 3 months ago.

- 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; sub-paragraph 2 states at part b that on or after the 1<sup>st</sup> September 2020, Class E (commercial, business and service of Schedule 2. It is confirmed that the property is within Class E use and was occupied as tyre fitters/repair shop/office prior to the applicant purchasing the premises. The planning history is well documented on the Councils website to demonstrate this.

- if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

The total floorspace is 249.5sqm.

- 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;

None of the above applies to the application site.

- 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;

None of the above applies to the application site.

- if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not occupied under an agricultural tenancy and therefore complies with this criterion.

- 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.

The proposal complies.

4.3 None of the aforementioned criteria apply to the application site or the proposed development as set out in the preceding *Section 2: Background Information* within this Statement and as set out above. As such, the proposed change of use is considered to be permitted development under Class MA, subject to the other following considerations.

4.4 Class MA states that the development hereby permitted is subject to the condition that prior to beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local authority will be required as to:

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

[This is addressed in detail below.](#)

**(b) contamination risks in relation to the building;**

[This is addressed in detail within the Phase 1 Geo-Environmental Desk Study And Preliminary Risk Assessment prepared by Brown 2 Green.](#)

**(c) flooding risks in relation to the building;**

This is addressed in detail within the Flood Risk Assessment prepared by Lanmor Consulting.

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

This is addressed in detail below.

**(e) where—**

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

**(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;**

This is addressed in detail below.

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

This is addressed in detail within the Daylight/Sunlight prepared by T16.

**(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.

**(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.**

the is not a registered nursery or health centre and, therefore no further consideration has been given to this point.

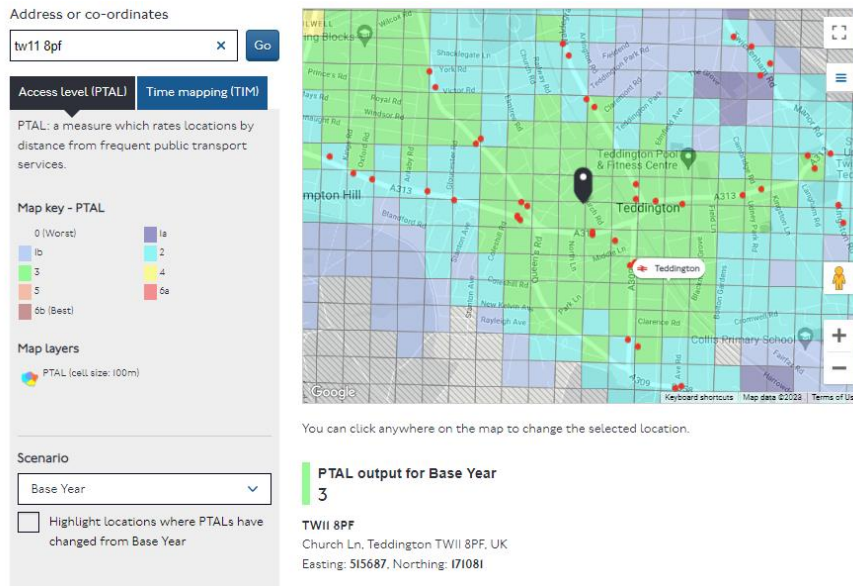
**(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.”**

the site is less than 18m in height, does not contain more than 7 storeys and is for 3 new dwellings. On this basis, the proposal does not meet the fire risk condition and the fire safety impact does not need to be assessed. Despite this, it is confirmed that the proposals have been designed with regard to fire safety concerns and sufficient egress is provided in the case of a fire. Moreover, the dwellings will be built pursuant to building regulation standards. The applicant has confirmed that there will be misting systems throughout the mews and fire lobbies/ corridors are present throughout most of the development.

4.5 These matters are discussed in turn below.

i) Transport and Highways

4.6 It is not considered that the application proposals will result in an adverse impact on the surrounding transport network. This is as the site is in a sustainable location with a good level of public transport available. This is demonstrated on the TfL PTAL Map (see below) which designates the site as laying within an area of PTAL 3. The site does not lie within a CPZ.



**Image 2: PTAL Map**

4.7 No off-street parking is proposed with the application which is considered to comply with Richmond and London Plan policies for car free development. It is confirmed that the applicant is happy for a restriction to this effect be attached to any decision either through a condition of a legal agreement.

4.8 Additionally, It should also be noted that the movements at the site are likely to be less as a residential development, than that of the last commercial use, and therefore there should be no material impact on traffic or road safety.

ii) Contamination

4.9 The proposals include the internal conversion/change of use and do not involve any works or alterations to the surrounding hard landscaping. Nevertheless, a Phase 1 Geo-Environmental Desk Study And Preliminary Risk Assessment prepared by Brown 2 Green has been submitted with the application. The summary from Brown 2 Green states:

**“No active pollution pathways were identified between these sites and the proposed development. Based on the findings of the Phase 1 Desk Study and preliminary risk assessment it is concluded that should the site be converted to residential, no active pollution pathways will be introduced to the identified sources of potential contamination. It is concluded that the level of risk from contamination is considered to be acceptable.”**

iii) Flood Risk

4.10 A detailed Flood Risk Assessment has been submitted with the application prepared by Lanmor Consulting this confirms that:

**“This Flood Risk Assessment has been prepared for the proposed development at 25 Church Road, Teddington, TW11 8PF, involving the conversion of the existing Victorian property from a commercial usage with ancillary storage rooms into 3 self-contained residential flats/mews units. This report has considered all aspects of flooding in the local area and evaluated the flooding risk for the proposed development and any future residents of the property.**

**The development will retain the footprint of the existing property (and its external hardstanding areas). Thus, there will be no increase in the risk of surface water flooding as a result of this development.**

**The EA has confirmed that the site is located in Flood Zone 1, with a probability of flooding less than 0.1% in any year, or 1 in 1000 years, therefore the site is considered to be at low risk of fluvial flooding.**

**Safe access to and from the site can be provided during times of flooding, as the site is located in a low flood risk probability area, Flood Zone 1.**

**This statement clearly demonstrates that the development site is at low risk of fluvial flooding and surface water flooding, although the nearby roads (Church Road, Walpole Road, and Walpole Crescent) are indicated as being at medium risk of surface water flooding. However, the risk of surface water flooding will also be**

**mitigated against through the retention of the existing footprint of the property and its associated hardstandings.”**

4.11 On this basis, the development should be considered acceptable.

iv) Noise Impacts

4.12 It is not considered that there are any adverse impacts of noise from commercial premises on future occupiers. The site lies within a mixed use area which includes a large amount residential dwellings with limited commercial uses. The surrounding commercial uses include the Salvation Army, hairdressers and retail shops/cafes alongside a church; these are all compatible with residential uses. On this basis, the proposed occupiers would not be exposed to unacceptable disturbance from commercial premises.

v) Adequate Natural Light to Habitable Rooms

4.13 The proposed dwelling layout has been designed to ensure all habitable rooms have natural daylight from windows. Planning permission has been granted for a series of alterations to the fenestration which demonstrate this.

4.14 A Daylight/Sunlight analysis has been carried out by T16 who conclude:

**“The assessed rooms meets the recommendations using the DFT test. This means the future occupants will enjoy a well-lit environment, with reduced reliance on artificial lighting. “**

4.15 The proposal should be considered satisfactory on this basis.

vi) Impact Of Introduction of Residential Use

4.16 The site has not been designated by Richmond as an employment area, industrial location nor any special designation. Whilst there is a small number of commercial uses in the surrounding area, the predominate use is residential. The existing commercial properties already co-exist with the residential dwellings that are in the immediate area. Therefore, it is not considered that the introduction of additional residential uses would not significantly alter the mixed residential and commercial nature of the area. The Council have confirmed the site is acceptable for residential dwellings in previous application in 2017 to. As such, it is not considered that there would be an adverse impact on intended occupiers of the residential dwelling from any surrounding use nor vice-versa.

vii) The impact of that change of use on the character or sustainability of the conservation area

4.17 The site lies within a conservation area however the proposed change of use does not involve any material external changes. Separate planning permissions have been granted for additional windows at the site. The immediate area already comprises of a number of residential uses. The proposed use would not detrimentally impact on the mix of uses along this street. In light of this, no objections should be raised in respect to conservation.

## Section 5: Developer Contact Details

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5.1 In accordance with the legislative requirements of the GPDO, the name of the developer is provided below alongside the associated contact details for the prior approval application:

### Developer Contact Details

**Name:** Seventy Four Prop Co

**Contact Address:** BK.323 Brickfields  
37 Cremer Street  
Hoxton  
London  
E2 8HD

**Email:** info@seventyfourproperty.com

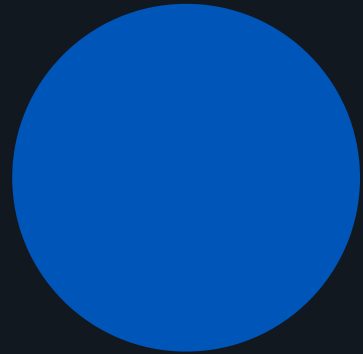
**Telephone:** 02030967000



## Section 6: Conclusions

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- 6.1 This Planning Statement is submitted in support of an application which seeks the council's prior approval, to facilitate the conversion of the existing Class E premises at 25 Church Road, Teddington TW11 8PF to Class C3 Use. This application is in compliance with the permitted development rights allowed under Class MA of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021.
- 6.2 Overall, it is considered that the evidence presented within this Statement, alongside the submitted plans, documents, and forms, confirm that the proposed development meets to the relevant criteria and requirements of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 Under Part 3, Schedule 2, Class MA.
- 6.3 On this basis, the submitted application should be considered acceptable by the Council, and it is respectfully requested that prior approval is granted.



**Firstplan Ltd**  
Broadwall House  
21 Broadwall  
London, SE1 9PL

T: 020 3096 7000  
[www.firstplan.co.uk](http://www.firstplan.co.uk)